



FOREIGN INVESTMENT AND NATIONAL SECURITY

FAR AND WIDE

Barnes & Thornburg regularly advises clients on U.S. foreign ownership restrictions, creating strategies to mitigate national security risks and to address political and public relations issues on the national and local level. In particular, we often provide representation regarding the clearance of proposed business combinations that potentially affect national security - the review process conducted by the interagency Committee on Foreign Investment in the United States, or CFIUS. Our clients in these matters have included merger partners, foreign purchasers, acquired entities, and interested third parties.

We not only interact with the CFIUS staff and participate in the formal review process, but also provide guidance on structuring transactions so as to avoid foreign control for CFIUS jurisdictional purposes; assess the national security implications of a transaction; provide advice on determining whether or not to file with CFIUS; formulate regulatory and political strategies; engage with stakeholder agencies before and after filing; negotiate Special Security Agreements and National Security Agreements in obtaining clearance from the Defense Security Service (DSS); and coordinate 60-day prior notifications to the Directorate of Defense Trade Controls for ITAR-registered companies.

A 2018 Law360 International Trade Practice Group of the Year

International trade was the big news story of 2018. We were all in, assisting companies on everything from tariffs to export controls and dumping duties to foreign investment in the U.S. Our role in a number of high-profile matters, significant achievements and general excellence garnered selection as a 2018 Law360 Practice Group of the Year.

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