

National Security

The legal and regulatory frameworks governing national security in the United States have expanded significantly in recent years, as have the government's enforcement priorities. Miller & Chevalier assists individuals and companies, whether in the U.S. or abroad, in navigating the complexities of even the most challenging national security legal matter. Our group includes a former national security prosecutor and Counsel to the Assistant Attorney General for National Security at DOJ who brings unique experience and perspective to these matters based on his government service.

Our practice focuses on advising U.S. and non-U.S. companies regarding the Committee on Foreign Investment in the United States (CFIUS) process, as well as other forms of foreign direct investment. We also advise clients on registration and enforcement matters relating to the Foreign Agents Registration Act (FARA). Additionally, the firm concentrates on compliance, investigations, and litigation relating to cybersecurity, classified information, and the Foreign Intelligence Surveillance Act (FISA).

Lawyers in our national security practice group provide services in the following areas:

- **Foreign Direct Investment.** Scrutiny of foreign direct investment in the U.S. on national security grounds has never been more rigorous or fraught with potential challenges. We can assist companies in assessing their obligations under the regulatory regimes below and help manage interactions with the relevant government agencies to achieve a successful outcome.
- **CFIUS.** We assist companies in analyzing pre-transaction CFIUS risks, preparing voluntary and mandatory filings, and managing mitigation agreements.
- **Team Telecom.** We can assist telecommunications companies in negotiating or modifying security agreements with the Team Telecom agencies, or complying with existing agreements, in connection with Federal Communications Commission (FCC) licenses.
- **FOCI Mitigation.** We can assist companies working with Defense Security Service (DSS) and other responsible agencies to obtain or maintain a facility security clearance.
- **FARA.** We assist clients by analyzing potential FARA registration obligations, liaising with DOJ's FARA Unit in seeking guidance, responding to DOJ requests for information, or registering under FARA. We can also represent clients in grand jury or other FARA enforcement proceedings.
- **Cybersecurity.** We can assist companies in preparing risk assessments, reviewing relevant policies and procedures, as well as managing post-breach investigations, law enforcement interactions, and related litigation.
- **Classified Information.** We assist individuals, companies, and media organizations in managing risks associated with DOJ or other government investigations of classified information mishandling, including media leaks.
- **FISA.** We assist clients in complying with classified orders issued by the FISA Court (FISC). We can also assist with FISA-related litigation whether before a federal court or the FISC.

REPRESENTATIVE ENGAGEMENTS

In Private Practice

- Successfully represented U.S. critical infrastructure client before CFIUS.
- Successfully represented U.S. healthcare company before CFIUS and continue to manage mitigation agreement.
- Advised media company on FARA issues.
- Advised media companies on DOJ media leak investigations.

- Advised multinational company on compliance with FISA Court order.

In Government

- Managed DOJ's review of all CFIUS matters, including those in the following industries: aerospace, agricultural products, biometric technology, digital marketing, oil and gas, real estate, renewable energy, semiconductors, and telecommunications.
- Participated in the preliminary drafting process for the Foreign Investment Risk Review Modernization Act (FIRRMA).
- Participated in the review of various Team Telecom matters.
- Investigated cyber intrusions resulting in the theft of proprietary and ITAR-controlled data from defense contractors.
- Participated in the review of various sensitive FARA registration matters.
- Investigated a former member of the U.S. military for illegally retaining and transmitting classified information.
- Investigated a former U.S. government employee for espionage.
- Investigated and prosecuted an individual for acting in the U.S. as an unregistered agent of a foreign government.
- Investigated individuals for unauthorized disclosures of classified information, including leaks to the news media.
- Investigated and prosecuted individuals and companies for theft of trade secrets and economic espionage.

GOVERNMENT EXPERIENCE

- General Counsel, U.S. Department of Commerce
- Counselor to the Secretary, U.S. Department of Commerce
- Deputy General Counsel, U.S. Department of Commerce
- Chief, Special Litigation Division, Public Defender Service for the District of Columbia
- Special Advisor, U.S. Trade Representative
- Assistant U.S. Trade Representative for Congressional Affairs, Executive Office of the President
- Deputy Assistant U.S. Trade Representative for Congressional Affairs, Executive Office of the President
- Assistant Federal Public Defender, Las Vegas, Nevada
- Appellate Deputy Public Defender, Nevada State Public Defender's Office
- Trial Attorney, Counterintelligence and Export Controls Section, National Security Division, U.S. Department of Justice
- Counsel, Assistant Attorney General for National Security, U.S. Department of Justice
- Attorney-Advisor, Office of International Trade - Regulations & Rulings, U.S. Customs and Border Protection
- Staff Attorney, Appellate Division, Public Defender Service for the District of Columbia
- Senior Advisor and Special Assistant to the Assistant Secretary for Near Eastern and South Asian Affairs, U.S. Department of State

RANKINGS AND RECOGNITION

- *Global Investigations Review*: GIR 30 Top Global Investigations Practice, 2015 - 2020
- *Global Investigations Review*: Boutique or Regional Practice of the Year, 2016

- *Just Anti-Corruption/Global Investigations Review*: "Elite" in Washington, DC's FCPA Bar, 2016
- *Latinvex*: Top 10 Latin American FCPA & Fraud Firm, 2015 - 2021
- *Chambers USA*: FCPA (Nationwide), 2014 - 2020
- *Chambers USA*: Corporate Crime & Investigations (Nationwide), 2015 - 2020
- *Chambers Latin America*: Corporate Crime & Investigations (Latin America-wide), 2015 - 2021
- *Chambers Global*: Corporate Crime & Investigations (USA), 2016 - 2021
- *Chambers Global*: Corporate Investigations/Anti-Corruption (Global-wide), 2017 - 2021
- *Chambers Global*: Corporate Investigations (Latin America-wide), 2015 - 2021
- *Chambers Global*: FCPA (United States), 2015 - 2021
- *Chambers Global*: Investigations & Enforcement (International & Cross-Border) (USA), 2020 - 2021
- *Chambers Global*: International Trade (United States), 2005 - 2015
- *Chambers USA*: International Trade (Nationwide), 2005 - 2014
- *Legal 500*: Dispute Resolution: International Trade (U.S.), 2011, 2013 - 2020
- *Legal 500 Latin America*: International Firms: Compliance and Investigations, 2021
- *U.S. News - Best Lawyers*® "Best Law Firms": International Trade and Finance Law (National), 2011 - 2021
- *U.S. News - Best Lawyers*® "Best Law Firms": International Trade and Finance Law (District of Columbia), 2011 - 2021
- *Latin Lawyer* Anti-Corruption Survey, Top Law Firm, 2013
- *Main Justice* Best FCPA Lawyers Client Service Award, Distinguished Service Award: Compliance Champions, 2013
- *The Best Lawyers in America*®: International Trade and Finance Law, first among Washington, DC law firms for number of lawyers ranked, 2010