

CFIUS Capabilities

When foreign investors and U.S. businesses need to navigate the national security requirements related to transactions and investments in the U.S., obtain the required approvals, and meet regulatory requirements, they need guidance from a team of lawyers that focuses on the niche yet evolving area of law involving the Committee on Foreign Investment in the United States (CFIUS).

This interagency committee plays a pivotal role in examining and scrutinizing transactions involving foreign investment in the United States—by businesses and persons—to ascertain if they pose a threat to U.S. national security.

At Loeb & Loeb, we provide comprehensive legal advice to both foreign investors and U.S. businesses regarding regulatory requirements, deal structuring and potential risks presented in connection with CFIUS. Our integrated team of experienced attorneys represents clients in connection with CFIUS throughout the due diligence, assessment, structuring, pre-filing consultation, filing, negotiation, mitigation, and post-deal responses and restructuring life cycle.

With lawyers on our team who have worked extensively with national security issues and agencies, we are a step ahead in scanning the evolving national security landscape and responding to new and emerging threats and vulnerabilities in the context of foreign investment.

Our cross-functional counsel teams recognize the client's unique business and strategic goals and tailor our approach to best serve each client. We bring a wealth of knowledge and insights to our investor clients, spanning a wide mix of industries, including technology, telecommunications, media, energy, infrastructure and more. Our rich industry experience matches our real-time understanding of current developments in what triggers a CFIUS review, the recently expanded scope of CFIUS' jurisdiction, and mandatory filing requirements.



With large and interdisciplinary teams of corporate, capital markets, technology, real estate, tax, private wealth, and privacy and data security lawyers, Loeb is ready to tackle any CFIUS-related issue and overcome the obstacles faced while investing in the U.S.

Related Experience *

- Representation of a foreign-semiconductor-focused fund in connection with CFIUS matters involving its acquisition of U.S. semiconductor businesses and global businesses with operations in the U.S.
- Representation of a Chinese State-Owned Enterprise (SOE) in its acquisition of telecommunication assets after clearing CFIUS.
- Representation of a top general trading company in its acquisition of the assets and business of a U.S. agricultural business after clearing CFIUS.
- Representation of a mapping and navigation tech firm based in the U.S. in its billion-dollar sale to one of China's largest e-commerce companies after clearing CFIUS.

* This list includes a mix of matters handled at Loeb and prior firms.

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CFIUS CAPABILITIES

- Representation of various Chinese-funds-backed private equity and venture capital investors in connection with the acquisition of U.S. portfolio companies in a variety of industries involving CFIUS issues.
- Representation of a China-based biotech giant in its global acquisitions involving U.S. assets and businesses.
- Assessment of whether a transaction is subject to mandatory filing under the reformed CFIUS regulations.
- Preparation of a CFIUS technology notice for a foreign investor acquiring a cryptocurrency mining business.
- Preparation of a CFIUS real estate notice for a foreign investor acquiring land within 1 mile of a listed military facility.
- CFIUS due diligence for multiple companies with U.S. businesses in potential acquisitions by foreign investors.
- Internal investigation of a U.S. company based on irregularities in its dealing with China.

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