

Webcast: FARA and CFIUS Enforcement

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This webinar discusses recent developments in two key national security topics. We focus on the Department of Justice's increased enforcement of the Foreign Agents Registration Act (FARA) and the more muscular approach the Committee on Foreign Investment in the United States (CFIUS) recently has taken. The FARA discussion covers:

- The Department of Justice's increased use of FARA as an enforcement tool
- The current status and implications of *Attorney General vs. Wynn* (D.C. Cir. 2024)
- Recent FARA prosecutions, such as the indictment of former N.Y. state official Linda Sun
- Recent congressional legislative proposals to amend FARA
- The outlook for potential state-level FARA regimes

The CFIUS and Outbound Investment discussion addresses:

- Enforcement trends for CFIUS filings and mitigation monitoring and compliance
- The evolution of CFIUS's use of civil monetary penalties and recent examples
- CFIUS's expanded authority to use subpoena power in reviews
- CFIUS's evolving approach to identifying and reviewing non-notified transactions
- The contours of the new Outbound Investment Security Program
- What financial investors and strategic companies are doing now to prepare for compliance with outbound investment restrictions

Related People

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PANELISTS: **David P. Burns** is a litigation partner in Gibson Dunn's Washington, D.C., office where he is the co-chair of the firm's National Security Practice Group, and a member of the White Collar and Investigations and Crisis Management practice groups. His practice focuses on white-collar criminal defense, internal investigations, national security, and regulatory enforcement matters. Prior to re-joining the firm, David served in senior positions in both the Criminal Division and National Security Division of the U.S. Department of Justice. Most recently, he served as Acting Assistant Attorney General of the Criminal Division, where he led more than 600 federal prosecutors who conducted investigations and prosecutions involving securities fraud, health care fraud, Foreign Corrupt Practices Act violations, public corruption, cybercrime, intellectual property theft, money laundering, Bank Secrecy Act violations, child exploitation, international narcotics trafficking, human rights violations, organized and transnational crime, gang violence, and other crimes, as well as matters involving international affairs and sensitive law enforcement techniques. Prior to joining the Criminal Division, David served as the Principal Deputy Assistant Attorney General of the National Security Division from September 2018 to December 2020. In that role, he supervised the Division's investigations and prosecutions, including counterterrorism, counterintelligence, economic espionage, cyber hacking, FARA, disclosure of classified information, and sanctions and export controls matters. David is admitted to practice in the District of Columbia.

Stephenie Gosnell Handler is a partner in Gibson Dunn's Washington, D.C. office, where she is a member of the International Trade and Privacy, Cybersecurity, and Data Innovation practices. She advises clients on complex legal, regulatory, and compliance issues relating to international trade, cybersecurity, and technology matters. Stephenie's

legal advice is deeply informed by her operational cybersecurity and in-house legal experience at McKinsey & Company, and also by her active duty service in the U.S. Marine Corps. Stephenie returned to Gibson Dunn after serving as Director of Cybersecurity Strategy and Digital Acceleration at McKinsey & Company. In this role, she led development of the firm's cybersecurity strategy and advised senior leadership on public policy and geopolitical trends relating to cybersecurity, technology, and data. Stephenie frequently advised at the intersection of cybersecurity, technology, and data and export control and sanctions requirements. Previously, Stephenie was a senior associate at a leading international law firm, where she focused her practice on international trade matters including CFIUS, export controls, and sanctions, and cybersecurity matters across the cybersecurity risk management and incident lifecycle, including assessments, incident response preparedness, incident response, regulatory compliance, transactional due diligence, and regulatory enforcement actions. She is admitted to practice in the District of Columbia and the States of Maine and New York.

Amanda H. Neely is of counsel in Gibson Dunn's Washington, D.C. office, and is a member of the Public Policy, Congressional Investigations, White Collar, and National Security practice groups. Amanda has extensive experience working on Capitol Hill. She leverages that expertise to advise clients regarding their interactions with Congress and the executive branch. Over the course of ten years, Amanda held several senior staff positions in Congress. She served as Director of Governmental Affairs for the Senate Homeland Security and Governmental Affairs and General Counsel to Senator Rob Portman. Under Senator Portman's chairmanship, she also served as Deputy Chief Counsel for the Permanent Subcommittee on Investigations. In those roles, she managed Senator Portman's regulatory reform agenda and led oversight of federal government agencies and investigations into private entities. She previously served in several other Capitol Hill offices including as Oversight Counsel for the House of Representatives Committee on Ways and Means. Amanda also has participated in a variety of litigation matters before state and federal trial and appellate courts, including several class action defense and False Claims Act cases. She is admitted to practice law in the District of Columbia and before the United States Courts of Appeals for the District of Columbia Circuit. **Michelle Weinbaum** is of counsel in Gibson Dunn's Washington, D.C. office, where she is a member of the firm's National Security and International Trade practices. Michelle advises clients on cross-border transactions and national security compliance matters including reviews before the Committee on Foreign Investment in the United States (CFIUS), the Defense Counterintelligence and Security Agency (DCSA), and Team Telecom, as well as export controls (ITAR/EAR), sanctions, foreign direct investment, and government contracts matters. In addition to leading national security reviews of hundreds of transactions, she has significant experience negotiating complex national security agreements with CFIUS and DCSA (including Proxy Board arrangements, Special Security Agreements, Security Control Agreements, and specialized board resolutions). Previously, Michelle was a partner in the international trade group at a global law firm where she focused her practice on CFIUS, DCSA and international trade matters. She is admitted to practice in the District of Columbia and in New York.

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