

Industrial Security

Our National Security team is well positioned to assist companies in the aerospace, defense, energy, life sciences, technology and telecommunications industries navigate the complex and sensitive national security requirements that affect their business.

With growing cybersecurity threats, expanding scrutiny on foreign investment, and evolving security-related trade and economic sanctions requirements, national security issues are front and center across industry sectors. We offer our clients a multidisciplinary, integrated team of lawyers and professionals with extensive experience in virtually every facet of national security law, as well as in-depth knowledge of the industries that comprise our nation's critical infrastructure. Many of our lawyers and professionals have served in the U.S. government and understand the legal and policy environment in which national security decisions are made.

Government agencies only grant access to classified national security information on a need-to-know basis. Contractors performing critical work for national security and intelligence agencies are often required to obtain and maintain facility clearances and to process personnel clearances for their employees.

The National Security team has guided numerous companies through the clearance process and advised on the regulatory requirements set out in the National Industrial Security Program Operating Manual (NISPO) and the policies of the Defense Counterintelligence and Security Agency (DCSA) as well as other security agencies. Our National Security team can help you navigate federal classified and Controlled Unclassified Information (CUI) safeguarding requirements, and the vetting processes for both.

We also advise clients considering investments in, or acquisitions of, cleared companies on the national security-related regulatory implications of a transaction including Foreign Ownership, Control, or Influence (FOCI) mitigation strategies.

We provide strategic counselling for critical and emerging technology companies on establishing new subsidiaries to pursue classified government programs and creating the industrial security compliance program for such companies.



Examples of our experience

- Assisting companies with the unique processes for obtaining security clearances from agencies other than DCSA such as the Department of Energy (DOE) and the Intelligence Community (IC).
- Advising foreign owned companies on the acquisition of cleared U.S. entities, including assisting with implementation of FOCI mitigation measures such as Special Security Agreements and Proxy Agreements.
- Advising cleared U.S. companies on taking in foreign investment and FOCI disclosure / mitigation measures with DCSA and other agencies.
- Advising multiple universities, research institutions, and technology companies on the process for challenging government agency classification of research / newly created IP (including advising on patent secrecy orders under the Invention Secrecy Act).
- Handling internal re-organizations to allow companies to limit their security clearance-related requirements to a cleared subsidiary entity.
- Advising cleared entities on obtaining agency authorizations for classified information systems and ongoing compliance with the heightened security controls for classified IT systems.
- Supporting investigations regarding the loss, compromise, suspected compromise, and other security incidents regarding classified information handling and preparing disclosures to government agencies.
- Advising cleared contractors on navigating unique U.S. classified information safeguarding requirements, including sensitive compartmented information and DoD special access programs, as well as for handling sensitive data types for U.S. allies (such as NATO classified information).



Recognized for excellence

Ranked

Nationally Ranked 16 years in a row in *Chambers USA* – Government Contracts

Tier 1

Trade Remedies and Trade Policy - *Legal 500 US*, 2024



Clients say ...

"Many of the partners were formerly in-house in government agencies and have inside knowledge of the thinking behind the rules we are required to follow." -
Government Contracts, *Legal500 US*, 2024

"Hogan Lovells does really complex transactional and international work." -
Government Contracts: The Elite, *Chambers USA*, 2024



Global Regulatory Contacts



Michael (Mike) Scheimer

Partner | Washington DC
T +1 (202) 6376584
Michael.scheimer@hoganlovells.com



Michael (Mike) Mason

Partner | Washington DC
T +1 (202) 637 5499
Mike.Mason@hoganlovells.com



Stacy Hadeka

Partner | Washington DC
T +1 (202) 637 3678
Stacy.Hadeka@hoganlovells.com

More information:

<https://www.hoganlovells.com/en/service/government-contracts>