



David R. Hanke

PARTNER

Dave represents clients at the intersection of business and national security on matters involving foreign investment screening (CFIUS), strategic technology policy, supply chains, US-China competition, and government relations.



Industries

Agricultural Technology
National Security
Venture Capital & Emerging Businesses

Practices

Export Controls & Economic Sanctions
Government Contracts
Government Relations
International Trade & Investment

International

China

Education

Indiana University Robert H. McKinney School of Law JD, 2003
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Dave is a leading national security and public policy lawyer for domestic and foreign companies, especially those navigating the Committee on Foreign Investment in the United States (CFIUS) and its expanded authority under the Foreign Investment Risk Review Modernization Act (FIRRMA). While working on Capitol Hill, he was the staff architect of FIRRMA and the chief strategist behind its 2018 enactment. Beyond CFIUS, he also advises companies on US Government policy regarding supply chain and strategic technology issues, such as 5G telecommunications infrastructure and domestic semiconductor manufacturing, and helps clients interface effectively with federal agencies and Congress. Companies that end up tangled in the growing strategic competition between the US and China regularly seek his advice, and he is frequently invited to speak at industry, think tank, and academic conferences and quoted in major national news stories.

Client Work – Regulatory Matters

Dave is well-positioned to represent both domestic and foreign entities before CFIUS and advise them on how the regulations apply. He is well-known to the key players at the Treasury Department, Department of Defense, Department of Justice, Commerce Department, and other CFIUS member agencies as a result of his close collaboration with many of them during the development of FIRRMA. He is viewed as highly credible on national security matters, and he has a firm understanding of CFIUS's behind-the-scenes processes and analyses. This stems in part from his past work with the US Intelligence Community and his familiarity with its National Security Threat Assessments, which are written to inform each CFIUS review.

On CFIUS, Dave advises and represents both investors and target companies on transactions involving critical technology, sensitive personal data, high-profile real estate, and critical infrastructure, including mergers and acquisitions, venture capital investments, and private equity transactions. He has assisted venture capital investors, technology and aerospace companies of various sizes and stages, and large multinational corporations on various CFIUS issues, ranging from advising on the regulatory implications of various transactions to preparing filings and helping clients navigate the byzantine and opaque CFIUS review process. Dave has also advised clients raising funds from foreign sources on sound strategies for structuring transactions for lawful avoidance of CFIUS. In addition, he helps US companies prepare informal submissions to CFIUS to identify problematic foreign investments in their domestic competitors that may raise US national

security concerns.

As part of his CFIUS work, he advises clients on the new export controls on emerging and foundational technologies, as mandated by the Export Control Reform Act of 2018 and incorporated into the CFIUS definition of critical technologies.

Separately, he advises companies seeking to do business with the Defense Department or US intelligence agencies on issues of foreign ownership, control, or influence (FOCI) in accordance with the government's National Industrial Security Program Operating Manual (NISPOM).

Client Work – Policy Matters

Dave also helps clients formulate and carry out effective strategies to impact a range of national security and trade policy issues, often focusing on supply chain and strategic technology policy matters. He has represented both corporate and nonprofit clients before Congress and executive branch agencies, and he has a proven ability to build bipartisan bridges to get things done. On Capitol Hill, his work has included assisting a top American manufacturing company and a major transportation association on issues ranging from federal procurement limitations to Section 301 tariff exclusions. He regularly assists firm clients by tracking and analyzing high-impact legislative developments in priority areas.

Previous Work

Congressional Experience

Prior to joining Arent Fox, Dave spent over 12 years on Capitol Hill, serving in a variety of senior national security staff positions, including as a Professional Staff Member on the Senate Select Committee on Intelligence (SSCI), Counsel for National Security Affairs to Senator John Cornyn (R-TX, then-Senate Majority Whip), and staffing Senator Cornyn for four years on the Senate Armed Services Committee as his Military Legislative Assistant. All told, he has experience staffing seven different committees in the Senate and House of Representatives.

While in the Senate, Dave worked on some of the most complex and multifaceted national security issues and technology-related challenges of the day. His most consequential effort was working on Sen. Cornyn's FIRRMA legislation, which represented the most sweeping overhaul of CFIUS in its 44-year history and is considered by many to have been the most significant bipartisan legislative accomplishment of the 115th Congress. Dave was also the original staff architect of Senator Cornyn's "secure 5G" legislation (a version of which was later enacted as the Secure 5G and Beyond Act of 2019) and drafted two pieces of legislation to address the growing problem of intellectual property theft by foreign actors.

In addition, while working for Senator Cornyn, Dave was the staff architect of several other pieces of legislation that became law, including a provision of the Tax Cuts and Jobs Act of 2017 that granted special tax benefits to US military service members who performed hazardous duty in the Sinai Peninsula of Egypt; a provision of the 2015 National Defense Authorization Act that authorized victims of the 2009 terrorist attack on Fort Hood, Texas, to be awarded Purple Heart Medals; two provisions of the 2010 National Defense Authorization Act that helped safeguard the voting rights of US military service members at home and abroad; and another provision of the 2010 National Defense Authorization Act that required the Department of Defense to adopt safety standards to minimize the risk of electrical and other accidents for US military service members in combat zones.

From 2007 through 2016, Dave served as the lead Republican staffer on the US Senate India Caucus, a bipartisan coalition of senators that promotes relations between the US and India across a broad spectrum of economic and security interests. He also previously held various staff positions in the US House of Representatives, including at the House International Relations Committee, the House Ways and Means Committee, and the Committee on House Administration.

Military Service

After the terrorist attacks of September 11, 2001, Dave resumed public service and joined the US Army, serving on active duty for three years as a JAG officer in the storied 101st Airborne Division

(Air Assault). As a Captain, he deployed to Iraq for 11 months in support of Operation Iraqi Freedom, during which he served as the Brigade Judge Advocate and the Brigade Trial Counsel for the 101st Combat Aviation Brigade, providing legal services to the Army's premier aviation brigade. In this role, he was the lead prosecutor and principal attorney for commanders at various levels. He also served as a Civil and Administrative Law Attorney and a Legal Assistance Attorney at the Division headquarters. His military awards include the Bronze Star Medal and the Iraq Campaign Medal.

Out of respect and appreciation for the firm's support for veterans, Dave co-founded AFVets. The main goal of AFVets is to create and foster awareness and community for Arent Fox's current and former military and uniformed service employees by concentrating on issues specific to those who are or have been in service, while also applying that experience to serving clients with similar military backgrounds. Key focus areas of AFVets include working on benefits and providing mentoring specific to veterans at the firm, as well as the recruitment of veterans to the firm. In addition, Dave has served as a mentor for veterans outside of Arent Fox who are transitioning back to civilian life after active duty military service.

Publications, Presentations & Recognitions

Dave has presented at a number of national security and international trade-related events including:

- Panelist, "**CFIUS 3.0: Identifying Foreign Direct Investment Risks**" Kharon, October 26, 2021
- Co-Chair and Panelist, "A 360 Degree View of Today's CFIUS Landscape 1 Year Post-FIRRMA Implementation," 7th National Conference on CFIUS, April 20, 2021
- Panelist, "Trade, National Security and the Future of US-China Economic Relations," 2021 NFTC Foundation Virtual Conference and Awards Ceremony, National Foreign Trade Council, January 12, 2021
- Panelist, "GCR Interactive: Foreign Investment & Protectionism," Global Competition Review, December 2, 2020
- Instructor, "Global Trends in Cyber Policy – Cybersecurity Risk and the Global Supply Chain" (virtual seminar), Freeman Spogli Institute for International Studies, Stanford University, October 28, 2020
- Panel, "CFIUS Modernization - Where Are We Today?," Center for Strategic and International Studies Virtual Panel Event, October 2, 2020
- Panelist, "IP Rights and Forced Technology Transfer in China: The Trade War Involving Intangibles," 2020 Intellectual Property Institute (virtual conference), University of Southern California Gould School of Law, September 23, 2020
- Panelist, "CFIUS's New Reach Over Real Estate Transactions," 6th National Conference on CFIUS, July 16, 2020
- Lecturer, "Bankrupting Our National Security: Stopping Technology Theft Through Our Courts," Judicial Training Program, The National Security Institute (at George Mason University's Antonin Scalia Law School), Foundation for Defense of Democracies, and the Law and Economics Center (at George Mason University's Antonin Scalia Law School), New York City, NY, February 20, 2020
- Panelist, "Controlling US Tech Exports to China: How to Get It Right," The Information Technology & Innovation Foundation (ITIF) Panel Discussion, Washington, DC, February 18, 2020
- Panelist, "FIRRMA Implementation: Managing Threats from Foreign Investment," 2020 National Security Legal Outlook, The Intelligence and National Security Alliance (INSA), January 16, 2020
- Featured Presenter, "Overview of New FIRRMA Regulations and Implications for Foreign Investors," monthly conference call of the American Bar Association, Section of International Law, International M&A Joint Venture Committee, November 5, 2019
- Speaker, "Managing the Risk of Tech Transfer to China," Center for Strategic and International Studies Panel Event, October 29, 2019
- Speaker, "FIRRMA & ECRA? Making Sense of Alphabet Soup on Foreign Investment Screening and Emerging Technology Controls," National Defense Industrial Association (NDIA) Webinar, September 25, 2019

- Guest, “Foreign Investment and National Security in the Digital Age” podcast, Center for Strategic and International Studies (CSIS), September 4, 2019
- Speaker, “Update on Foreign Investment, Related Regulatory Policy and Developments in Business Ethics,” National Defense Industrial Association’s UK-US-Canada-Australia Quadrilateral Conference, London, England, September 9, 2019
 - Speaker, “The Alphabet Soup of FIRRMA, CFIUS & M&A, and Its Impact to You,” American Association of Exporters and Importers Annual Conference, Washington, DC, June 27, 2019
 - Speaker, “Chinese Misappropriation of US Technology: Assessing the US Response,” Federalist Society Teleforum, June 13, 2019
 - Speaker, “CFIUS: Soup to Nuts,” National Security Institute and Morgan Lewis Symposium, Washington, DC, May 15, 2019
 - Speaker, “The Committee on Foreign Investment in the United States (‘CFIUS’) and the impacts of Foreign Investment Risk Review Modernization Act (‘FIRRMA’) and the Export Control Reform Act,” the Society for International Affairs’ 2019 Spring International Trade Export Licensing & Compliance Conference, Atlanta, Georgia, May 6, 2019
 - Speaker, “CFIUS, FIRRMA & ECRA? Making sense of the regulatory alphabet soup surrounding foreign investment screening and emerging technology controls,” Lexology webinar, May 2, 2019
 - Featured Speaker, “CFIUS 2.0: Foreign Investment Screening After the Enactment of FIRRMA,” roundtable with Defense Innovation Unit headquarters staff (Department of Defense), April 8, 2019
 - Featured Speaker, “Understanding FIRRMA and ECRA: New Rules On Foreign Direct Investment and Technology Control,” Cowen Group investors roundtable, New York, March 20, 2019
 - Co-Moderator, “BIS and Emerging Technologies Controls: What’s Next?,” American Bar Association, Washington, DC, March 11, 2019
 - Speaker, “CFIUS, FIRRMA, and Export Controls: The Intersection of National Security and Business,” National Council on International Trade Development monthly meeting, February 13, 2019
 - Featured Speaker, “Investing, Trading and Doing Deals in a Dynamic World 2019,” Practising Law Institute, January 15, 2019
 - Speaker, “Panel Discussion on CFIUS,” The Federalist Society, October 29, 2018
 - Speaker, “CFIUS Reform: Expanded Oversight on Foreign Investment,” Council on Foreign Relations (CFR) corporate roundtable, October 22, 2018
 - Panelist, Legal Affairs Roundtable Event on CFIUS modernization, The Intelligence and National Security Alliance, May 11, 2018
 - Speaker, “CFIUS Update Impacts on US Industry,” National Defense Industrial Association corporate roundtable, February 2, 2018
 - Speaker, “CFIUS in 2018: Is It Time to Reform the CFIUS Process?” Trade Policy Forum roundtable, January 24, 2018

In The News

Dave has been frequently quoted by major national news outlets and agencies, including *The Wall Street Journal*, *The Washington Post*, *The Associated Press*, *Bloomberg*, *Reuters*, *Marketplace*, *The National Law Journal*, *Law360*, *Inside U.S. Trade*, and *Corporate Counsel*.

- “*Biden Builds on Trump’s Use of Investment Review Panel to Take On China*,” *The Wall Street Journal*, July 7, 2021
- “*U.S. ramps up scrutiny of Chinese companies buying American tech firms*,” *Marketplace*, May 6, 2021
- “*Cubic Backs Veritas, Evergreen’s New \$3B Take-Private Bid*,” *Law360*, March 31, 2021
- Guest, “*Bloomberg Markets – The Close*” (topic: CFIUS), *Bloomberg TV*, September 18, 2020
- “*What’s CFIUS and what does it have to do with TikTok?*” *Marketplace*, August 5, 2020

- “Should Chinese tech like Huawei, WeChat and Tik Tok be banned?” Arirang News, July 15, 2020*
- *“A Quiet Panic Is Growing in U.S. Boardrooms Over Huawei Ban,” Bloomberg, June 10, 2020*
 - *“US Senators Push Investment Scrutiny of Allies Using Huawei,” Bloomberg, March 4, 2020*
 - *“Barr’s call for U.S. control of 5G providers quickly rebuked,” Associated Press, February 7, 2020*
 - *“Inbound US Real Estate Investments To Face New Oversight,” Law360, January 28, 2020*
 - *“Pentagon nixes proposal to toughen limits on U.S. sales to Huawei,” The Washington Post, January 24, 2020*
 - *“Foreign Deals With Data-Heavy U.S. Firms to Face New Scrutiny,” Bloomberg Law, January 16, 2020*
 - *“Even as the U.S. and China agree to trade truce, they are edging toward partial economic divorce,” The Washington Post, December 27, 2019*
 - *“New Law Will Tighten Controls on Tech Exports—Once Government Sorts Out the Fine Print,” Wall Street Journal, November 8, 2019*
 - *“U.S. government investigating TikTok over national security concerns,” The Washington Post, November 1, 2019*
 - *“China Investors Keep Making Deals in Silicon Valley Amid Washington Pushback,” Wall Street Journal, October 28, 2019*
 - *“TikTok’s Musical.ly deal needs U.S. national security review: senator,” Reuters, October 9, 2019*
 - *“Draft CFIUS Rules on ‘Sensitive Personal Data’ Mean More Deal Worries for Insurers, Big Data Companies,” Corporate Counsel, October 7, 2019*
 - *“More Real Estate Deals Could Be Swept Up Under Proposed New Regulations for CFIUS Reviews,” Corporate Counsel, September 25, 2019*
 - *“New Draft CFIUS Rules Just Released: Key Takeaways for Lawyers and Companies,” Corporate Counsel, September 19, 2019*
 - *“Senate Confirms U.S. Treasury Official in Charge of National Security Reviews,” The Wall Street Journal, September 12, 2019*
 - *“LSE board poised to decide fate of Hong Kong exchange’s \$39 billion offer,” Reuters, September 11, 2019*
 - *“CFIUS Rules for Critical Infrastructure Are Coming, and They’re Not What You Think,” The National Law Journal, July 31, 2019*
 - *“How the U.S.-China trade war became a conflict over the future of tech,” The Washington Post, May 22, 2019*

Professional Activities

Dave has been a guest lecturer on CFIUS and national security law at NYU School of Law and George Mason University’s Antonin Scalia Law School. He is a member of the Intelligence and National Security Alliance, the Society for International Affairs, and the Federalist Society for Law and Public Policy Studies. He is also a member of the ABA and is active in its Section of International Law, where he serves as a Vice Chair of the National Security Committee.

In addition, he is a Visiting Fellow at the National Security Institute at George Mason University’s Antonin Scalia Law School.

Bar Admissions

District of Columbia