



The TID Advanced Virtual Forum on CFIUS & Foreign Investment

A high-level interactive deep dive into the recent updates to the Foreign Investment Risk Review Modernization Act (FIRRMA) and evolving CFIUS policies regarding foreign investment
August 11 – 12, 2020 | Virtual Event

Chairpeople Include:

Randy Cook | Senior managing Director | **Ankura Consulting Group**
Vinitha Varadarajan | Director, Information Security | **Rubrik, Inc.**

Confirmed Speakers Include:

Jesse Sucher | Deputy Director, Office of Investment Security | **Department of Treasury**
Stephan Eberle | General Counsel & Head of Limited Partner Relationship | **Scale Venture Partnerships**
Shaila Manyam | SVP, Client Lead & Senior Director, Public Affairs & Crisis | **BCW Global**
Vinitha Varadarajan | Director, Information Security | **Rubrik, Inc.**
Doreen Edelman | Partner & Chair, Global Trade & Policy | **Lowenstein Sandler**
Christian Contardo | Associate | **Lowenstein Sandler**
Jennifer Maki | Director, Global Trade Compliance | **Micron Technology**
Randy Cook | Senior managing Director | **Ankura Consulting Group**
Waqas Shahid | Senior Managing Director | **Ankura Consulting Group**
Samuel Jacobs | Associate Managing Director | **Kroll, a Division of Duff & Phelps**
John Lash | Principal, Leader, CFIUS Control Group for the Americas | **Control Risks**
Christian Davis | Partner | **Akin Gump Straus Hauer & Feld LLP**
J. Scott Maberry | Partner | **Sheppard Mullin**
Monica C. Thurman | Chief Compliance Officer (Texas) | **XPO Logistics**
Karen Plonty | Security Officer & Director–US National Security Compliance | **HCL Technologies Ltd.**
Scott Jansen | **US Department of Defense**

AGENDA

Day One – Tuesday, August 11, 2020	
9:30 am	Virtual Coffee Talk! Come visit our virtual lobby and connect with fellow attendees. You can chat, video and even make a list of the people you want to meet and knowledge you're looking to gain through our bespoke 1:1 meeting match-making services.
9:50 am (10 min)	Introduction to the Virtual Event Platform Amelia Garza Director, Content & Experience Momentum Events

	<p>Chairperson’s Opening Remarks Randy Cook Senior managing Director Ankura Consulting Group Vinitha Varadarajan Director, Information Security Rubrik, Inc.</p>
<p>10:00 am (40 min)</p>	<p>Understanding CFIUS Monitoring and Enforcement Post-FIRRMA A deep-dive into the tightened regulations on investment practices aimed towards TID businesses to inform, update, and advise companies on what they can do to not miss out on valuable investment opportunities. Takeaways: <ul style="list-style-type: none"> • Providing thorough analysis of new CFIUS rules and updates to FIRRMA • Discussing steps to take to ensure your business remains compliant • Determining how new enforcements will affect your business Jesse Sucher Deputy Director, Office of Investment Security Department of Treasury</p>
<p>10:40 am (30 min)</p>	<p>CFIUS in the Context of the Tech Wars The United States is conducting international trade warfare at an unprecedented level. In those trade wars, technology is being considered a strategic national asset. How does this affect the ability of technology companies and their investors to conduct international business, now and in the future? This session will illuminate the broad themes that will help you understand the current regulations and anticipate future developments. Takeaways: <ul style="list-style-type: none"> • How the law is specifically targeting technology companies and technology investments • CFIUS in the broader context of U.S. technology controls • How to thrive in a dynamic regulatory environment • How to plan and execute a successful investment strategy J. Scott Maberry Partner Sheppard Mullin</p>
<p>11:10 am (30min)</p>	<p>Networking Break</p>
<p>11:40 am (30 min)</p>	<p>It’s Critical! Determining What Constitutes Critical Technology to Better Prepare for Potential CFIUS Enforcements Get informed on the expanded number of companies and expanded technologies that now fall under CFIUS ruling and what you can do to stay on top. Takeaways: <ul style="list-style-type: none"> • Reviewing the types of information the government is looking to control/protect • Deciphering what companies play the biggest role in these fields and how they will be affected • Brainstorming strategies that protect controlled technology, but also allows companies to grow and flourish outside their borders Christian Davis Partner Akin Gump Straus Hauer & Feld LLP</p>
<p>12:10 am (40 min)</p>	<p>Location is Everything: Understanding Critical Infrastructure and “Covered Real Estate” as Defined by Regulations</p>

	<p>Learn why the government is adamant about protecting important infrastructures such as airports, data hubs, and military bases and see how it affects property rights.</p> <p>Takeaways:</p> <ul style="list-style-type: none"> ● Exploring real estate transactions to establish which companies will be subject to CFIUS review ● Highlighting the reasoning and importance of protecting specific US locations ● Strategizing how to make a seamless transaction from a restricted environment to a non-restricted environment <p>Samuel Jacobs Associate Managing Director Kroll, a Division of Duff & Phelps</p>
1:30 pm	Morning Session Ends & Virtual Lobby Opens
2:30 pm	Afternoon Sessions Begin
2:30 pm (40 min)	<p>Evaluating CFIUS Risks In a Potential Opportunity and Positioning Your Company For an Easy CFIUS Process</p> <p>Learn how to navigate deal risks and get your deal questions answered from a practitioner.</p> <p>Takeaways:</p> <ul style="list-style-type: none"> ● Deciding which CFIUS filing you have to make and how long it will take ● Exploring what happens if you don't get approval ● Addressing what happens if you're just an investor in the target, or when in an auction or in bankruptcy ● What if you want more foreign investment, have not classified your technology, or already have foreign ownership? <p>Doreen Edelman Partner & Chair, Global Trade & Policy Lowenstein Sandler Christian Contardo Associate Lowenstein Sandler</p>
3:10 pm (45 min)	<p>Discussing CFIUS Rules from the Eyes of Foreign Companies Working in the US</p> <p>Are you a non-US company with relations in the US? Learn how new investment practices will impact your business and what you can do to prepare and manage your employees.</p> <p>Takeaways:</p> <ul style="list-style-type: none"> ● Exploring how regulations will affect current business relations and future acquisitions ● Weighing the pros and cons that come from sharper regulations to better navigate the new regulatory environment ● Benchmarking strategies that will allow a foreign company to still obtain success in the US ● Mitigating leaks, negative feedback and press so that contingency planning is in place ahead of any issues with stakeholders and key audiences <p>Jennifer Maki Director, Global Trade Compliance Micron Technology Shaila Manyam SVP, Client Lead & Senior Director, Public Affairs & Crisis BCW Global Karen Plonty Security Officer & Director—US National Security Compliance HCL Technologies Ltd. Monica C. Thurman Chief Compliance Officer (Texas) XPO Logistics</p>
3:55 pm	Chairperson's Closing Remarks

(5/10 min)	Randy Cook Senior managing Director Ankura Consulting Group Vinitha Varadarajan Director, Information Security Rubrik, Inc.
4:00 pm	Day One Afternoon Sessions End & Virtual Lobby Opens

Day Two – Wednesday, August 12, 2020	
9:30 am	Virtual Coffee Talk! Come visit our virtual lobby and connect with fellow attendees. You can chat, video and even make a list of the people you want to meet and knowledge you're looking to gain through our bespoke 1:1 meeting match-making services.
10:00 am (15 min)	(Re)Introduction to the Virtual Event Platform Amelia Garza Director, Content & Experience Momentum Events Chairperson's Opening Remarks Randy Cook Senior managing Director Ankura Consulting Group Vinitha Varadarajan Director, Information Security Rubrik, Inc.
10:15 am (45 min)	Managing Through CFIUS Approval–Tactics, and Tips for Weathering the Storm of New Regulations Learn from an executive who has participated in the CFIUS process for over a decade, and about how to prepare for approvals while keeping your company's strategy on course. Takeaways: <ul style="list-style-type: none"> • Some insight into the aspects of FIRRMA that won't be clear from simply reading the regulations • How to work with your CFIUS Case Manager effectively • The whys of rejected deals and/or conditional approvals
11:00 am (30 min)	Performing the Proper Due Diligence When Hiring Foreign Workers Learn exactly what measures one must take when it comes to employing foreign workers and/or contractors to ensure a job is done diligently. Takeaways: <ul style="list-style-type: none"> • Addressing whether or not foreign workers are allowed to work with certain products and/or equipment a company develops • Ensuring foreign hires go through proper training and documentation procedures prior to their start date • Figuring out how a company can still do business with foreign workers while still complying to strict regulations Monica C. Thurman Chief Compliance Officer (Texas) XPO Logistics
11:30 am (15 min)	Networking Break
11:45 am (45 min)	What Investors Should Look for When Evaluating Their Portfolio Companies

	<p>Learn how CFIUS will impact future investments and what you should be looking at from a security and data risk perspective when reviewing potential opportunities.</p> <p>Takeaways:</p> <ul style="list-style-type: none"> • Understanding what CFIUS issues to be aware of within the portfolio of companies • Anticipating how CFIUS could and will impact portfolio companies • Discussing what a venture capital/private equity firm should do with respect to non-US investors <p>Stephan Eberle General Counsel & Head of Limited Partner Relationship Scale Venture Partnerships Vinitha Varadarajan Director, Information Security Rubrik, Inc.</p>
12:30 pm	Morning Session Ends & Virtual Lobby Opens
1:30 pm	Afternoon Sessions Begin
1:30 pm (40 min)	<p>Benchmarking Strategies in Order to Not Miss Out on Important Investment Opportunities</p> <p>Compliance is one thing, but the real question is how can TID businesses expect to grow in the wake of new regulations? Learn key solutions in combating CFIUS and FIRRMA regulations and seeking appropriate investments.</p> <p>Takeaways:</p> <ul style="list-style-type: none"> • Constructing solid relationships and communication with current and future investors, whether local or foreign, to discuss what requirements must be met on either end • Performing due diligence on the front-end to adhere to the needs of regulators • Safeguarding data to mitigate risk and ensure information is protected <p>John Lash Principal, Leader, CFIUS Control Group for the Americas Control Risks</p>
2:10 pm (40 min)	<p>So, You've Received a Mitigation Agreement...Now What? How to Properly Go About Mitigation Conditions</p> <p>Learn how to work through mitigation agreements in order to gain approval through CFIUS and not lose out on opportunities</p> <p>Takeaways:</p> <ul style="list-style-type: none"> • Reviewing CFIUS and FIRRMA rules to understand what needs must be met • Forming strong relationships with potential partners and/or investors to make sure the agreement is form understanding of what needs must be met • Understanding each company's roles, responsibilities, and restrictions to better draft contracts <p>Waqas Shahid Senior Managing Director Ankura Consulting Group Senior Official US Department of Defense Vince Jesaitis Arm</p>
2:50 pm (40 min)	<p>Proactive Actions to Take to Reduce Risk of CFIUS Review</p> <p>Learn how your company's work with future and/or current partners will be impacted in the wake of tightened regulations and what measures can be made to best prepare for a CFIUS filing and anticipate potential national security concerns.</p> <p>Takeaways:</p>

	<ul style="list-style-type: none"> ● Assessing the CFIUS review process to understand what national security considerations your transaction may raise ● Performing proper due diligence when constructing deals to meet CFIUS protocol ● Ensuring your CFIUS filing meets criteria in order to achieve clearance <p>Senior Official US Department of Defense</p>
3:30 pm (10 min)	<p>Chairperson’s Closing Remarks Randy Cook Senior managing Director Ankura Consulting Group Vinitha Varadarajan Director, Information Security Rubrik, Inc.</p>
3:40 pm	Event Concludes & Virtual Lobby Opens
<i>* Content & Times Are Subject To Change *</i>	

Other potential topics:

Implications of Recent Export Control Reform Affecting Foundational and Emerging Technologies

Learn what new ways the Export Control Reform Act of 2018 (ECRA) grant the President authority to regulate and enforce export controls and how the Commerce Department will implement its new authorities. We will also examine the enhanced intersection of CFIUS and export control authorities are causing the Department of Homeland Security to take a fresh look at its emerging technology equities.

Takeaways:

- Understanding the review process for domestic technology transfers
- Learning how to identify “foundational and emerging technologies” that are essential to national security but not deemed “critical technologies” subject to CFIUS review
- Determining the implications all of this will have for exporters operating in sectors that are identified as involving foundational or emerging technologies