



# INDUSTRIAL SECURITY AND SECURITY CLEARANCE

Federal government contractors trust our industrial security lawyers to regulate, investigate, and litigate national security and contracting issues. Led by a former U.S. military infantry officer, the Armstrong Teasdale Industrial Security practice area is deeply experienced in facility clearance (FCL) regulation, government contracting, internal contractor investigations and personnel security clearance (PCL) law.

Our lawyers, former government agents and retired industry professionals work as a team to anticipate and address issues. For instance, our former government agents who have expertise in Foreign Ownership, Control or Influence (FOCI) are some of the best in the country. They understand the current mission of the Defense Counterintelligence and Security Agency (DCSA) and its focus. Similarly, our former, U.S. government adjudicators who have expertise in the 13 Adjudicative Guidelines have decades of expertise in pre-screening individuals for individual security clearances. This perspective enables us to consider the U.S. government's current priorities and address issues for clients in the most cost-effective, proactive manner.

## INDUSTRIAL SECURITY LEADERSHIP

Founded and led by [Brian Kaveney](#), an experienced litigator and former U.S. Marine Corps infantry captain, our Industrial Security practice area aims to reduce compliance risk and prevent litigation problems. Brian has a national reputation in industrial security law and is frequently asked to counsel senior business leaders and large organizations across the country.

## SECURITY CLEARANCE LAW

Experienced security managers and Facility Security Officers (FSOs) know that many security clearance denials can be avoided by prudent, proper and honest disclosures on an SF 86 (e-QIP). Our security clearance lawyers and industrial security professionals strongly advocate for meaningful and cost-effective SF 86 review and counseling to maximize the likelihood of timely, favorable adjudication.

When a trustworthy employee or Key Management Personnel (KMP) is facing an initial security clearance denial or an existing security clearance revocation, our security clearance lawyers defend against the Statement of Reasons (SOR), Notice of Determination (NOD), Revocation Decision Statement, Interrogatories, and other due process actions. Our security clearance lawyers defend trustworthy cleared personnel against security clearance denials during security clearance hearings and personal appearances at the Defense Office of Hearings and Appeals (DOHA) and other government agencies.

To learn more about our Personnel Security Clearance Law services, [please click here](#).

## FACILITY CLEARANCE REGULATION AND INSIDER THREAT PROGRAMS

Federal contractors trust the Armstrong Teasdale Industrial Security practice area to obtain, maintain, and protect facility clearances (FCLs). Well-versed in the National Industrial Security Program Operating Manual (NISPOM), our facility clearance lawyers and professionals work alongside Facility Security Officers (FSOs), Key Management Personnel (KMP), and



Insider Threat Program Senior Officials (ITPSOs) to build, maintain, and defend industrial security programs and facility clearances. Our facility clearance professionals routinely prepare facilities for successful Defense Counterintelligence and Security Agency (formerly DSS) Security Vulnerability Assessments and other Cognizant Security Agency (CSA) inspections, in line with the NISPOM and facility clearance best-practices.

Our facility clearance lawyers have significant experience assisting Government Security Committees (GSCs), Outside Directors (ODs), and Facility Security Officers (FSOs) of facilities with existing, new, or potential Foreign Ownership, Control or Influence (FOCI). Armstrong Teasdale's facility clearance lawyers help Insider Threat Program Senior Officials (ITPSOs), Insider Threat Program managers, insider threat analysts, Facility Security Officers (FSOs), and in-house counsel legally navigate Insider Threat Program requirements and minimize legal risk when submitting incident reports and self-certifications.

## **NATIONAL SECURITY AND GOVERNMENT CONTRACTING**

National security and government contracting present special legal and regulatory challenges, and Armstrong Teasdale's Industrial Security practice area is well-equipped to help federal contractors with government contract management, novation, subcontracting and security issues. Our industrial security lawyers assist federal contractors with Federal Acquisition Regulation (FAR and DFARS) compliance, prime contract novation, and subcontract administration, as well as the management of security requirements mandated by DD 254s and other security classification specifications.

Our lawyers and retired U.S. government personnel work closely with companies to anticipate, identify and analyze concerns for corporate transactions reviewable by the Committee on Foreign Investment in the United States (CFIUS). In our experience, it is most efficient to present the U.S. government with CFIUS solutions that have been approved in the past. We also strive to educate companies about the costs and obstacles of agreeing to certain mitigation measures with the U.S. government.

## **SECURITY CLEARANCE**

Armstrong Teasdale's security clearance lawyers help trustworthy individuals when their security clearances are denied, revoked or at risk. To learn more about how our security clearance lawyers can help you defend your security clearance, please read below and contact our practice area leader [Brian Kaveney](#).

### **I JUST RECEIVED A SEALED ENVELOPE OR A SECURE EMAIL CONTAINING A GOVERNMENT LETTER ABOUT DENYING MY SECURITY CLEARANCE. WHAT SHOULD I DO FIRST?**

No matter which government agency or office sent you the letter, there are three important first steps you should take:

1. Read the entire letter carefully, paying special attention to the allegations against you. Note any allegation that is false, misleading or out of date. Highlight any deadlines or due dates in the letter and mark your calendar.
2. Write down the date you received the letter. If you signed a receipt for the letter, keep a copy of the receipt.
3. Contact a security clearance lawyer to help defend your security clearance and demonstrate your trustworthiness to the government. The experienced security clearance lawyers at Armstrong Teasdale can help you complete an initial assessment of your case free of charge. Call or email our practice area leader [Brian Kaveney](#) (1.800.243.5070 ext. 7685, [bkaveney@atllp.com](mailto:bkaveney@atllp.com)).

## **WHAT IS A STATEMENT OF REASONS?**

A Statement of Reasons will include factual allegations against you, and you will be asked to specifically admit or deny each one. A Statement of Reasons is a list of the government's reasons for denying or revoking your security clearance. A Statement of Reasons issued by the Department of Defense Consolidated Adjudications Facility (DoD CAF) will usually list less than five factual allegations against you, although some can include many more. You should closely examine these factual allegations and note any that are false, misleading or out of date.

A Statement of Reasons is frequently referred to as an SOR, and other agencies and offices use a similar document called a Notice of Determination, Summary of Security Concerns, Revocation Decision Statement, or other title.

## **SHOULD I RESPOND TO THE STATEMENT OF REASONS BY MYSELF?**

If you received a Statement of Reasons from the Department of Defense Consolidated Adjudications Facility (DoD CAF), it was likely approved by a government lawyer. In defending against the Statement of Reasons, you will be facing an office of government lawyers, with one lawyer specifically assigned to supply evidence and arguments against your clearance. This office is the Defense Office of Hearings and Appeals, or DOHA.

Some people choose to face the government lawyers alone. Others enlist Armstrong Teasdale's experienced security clearance lawyers to stand alongside them. When we join your team, we will help you oppose the allegations against you and mitigate the security concerns raised by the government. We will handle all the arguments and communications with the government lawyers. We will keep you informed throughout the entire process, watching the deadlines for you.

## **WHAT IS AN ADMINISTRATIVE HEARING AND WHY SHOULD I REQUEST ONE?**

If you received a Statement of Reasons from the Department of Defense Consolidated Adjudications Facility (DoD CAF), an administrative hearing is the only official opportunity you have to meet face to face (sometimes by video teleconference) with the administrative judge and government lawyer who could deny your clearance. The hearing will be held by the administrative judge who will enforce rules and procedures to receive evidence about your clearance and your life. The hearing is run somewhat like a courtroom trial—there are opportunities for opening statements and closing arguments, witnesses can testify and be cross-examined, and evidence can be put into the official case record. After the hearing, the administrative judge will determine whether your clearance will be denied or granted by issuing a decision.

## **MY LETTER CAME FROM A GOVERNMENT AGENCY OTHER THAN THE DEPARTMENT OF DEFENSE. WHAT DOES THAT MEAN?**

The security clearance lawyers at Armstrong Teasdale assist security clearance holders who receive clearance or special access denial letters from the CIA, NSA, DHS, DOE and other government agencies and departments. The letters will contain many of the elements described above. However, different deadlines, timelines and procedures will apply. Contact us today to discuss these specific requirements.

## **EXPERIENCE**

**Mitigation of FOCI Concerns for Facility Clearance Company**



Successfully mitigated Foreign Ownership, Control or Influence (FOCI) concerns for facility clearance-eligible companies related to specific country in Europe. Involved negotiations abroad as well as issues with Defense Counterintelligence and Security Agency (DCSA), the U.S. Government agency that regulates companies that handle classified information.

**Favorable Outcome for Executive for one of the Top Six Defense Contractors in the World**

Successfully convinced the Defense Office of Hearings and Appeals (DOHA) to find in favor of an executive facing the revocation of his clearance due to inaccurate information provided by a medical provider.

**Defeated Bid Protest of \$320 Million Contract Award**

Successfully defeated bid protest of a national intelligence agency contract award worth more than \$320 million over 10 years. When an unsuccessful bidder brought a U.S. Small Business Administration (SBA) protest against our client's receipt of a valuable government contract, we rapidly delivered persuasive and detailed arguments and evidence to the SBA, defeating the protest completely.

**Mitigation of FOCI Concerns for Facility Clearance Eligible Companies**

Successfully mitigated Foreign Ownership, Control or Influence (FOCI) concerns for facility clearance eligible companies related to Sweden, Germany, Canada, Japan, Norway, Finland, India, Slovakia and the United Kingdom.

**Resolved Significant Regulatory Issue After Entity Invalidated by DSS**

Resolved a significant regulatory issue for a large publicly traded company after the newly acquired entity was invalidated by the U.S. Government (Defense Security Service).

**Withdrawal of Statement of Reasons Related to First-Time Security Clearance Applicant**

Convinced the Defense Office of Hearings and Appeals to withdraw a Statement of Reasons issued to a first-time security clearance applicant alleging concern under Adjudicative Guidelines B and C related to India.