



## **DANIEL C. SCHWARTZ**

**Senior Counsel**

**Washington**

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## **BIOGRAPHY**

Dan Schwartz's over thirty-years of practice has involved representing clients in a wide array of matters involving Federal Government regulation and enforcement. He has focused particularly on national security, corporate compliance; and white collar criminal defense including conducting internal investigations and audits, replying to grand jury and other investigative subpoenas, negotiating resolutions of government investigations and allegations and designing and implementing corporate compliance programs. He also has substantial experience with issues involving regulation of foreign investment in the United States by, among others, the Committee on Foreign Investment in the United States (CFIUS); antitrust and trade regulation including unfair and deceptive practices; compliance with government regulatory requirements; regulation by the Commodity Futures Trading Commission (CFTC); compliance with U.S. Postal Service (USPS) regulations; Foreign Corrupt Practices Act (FCPA) and export controls; and national security matters including classified contracting, security clearances including proceedings before the Defense

Office of Hearings and Appeals (DOHA), handling of classified materials, facility clearances including foreign ownership and control of and influence (FOCI) issues. He also assists clients involved in consumer and vehicle product recalls and regulations before the Consumer Product Safety Commission (CPSC) and the National Highway Traffic Safety Administration (NHTSA). Prior to joining the firm, he served in a number of government positions, including at the Federal Trade Commission as a Deputy Director in the Bureau of Competition and at National Security Agency as its general counsel.

## CIVIC INVOLVEMENT & HONORS

- *The Best Lawyers in America*, 2009-2017, 2020

## PROFESSIONAL AFFILIATIONS

- D.C. Bar Association
- American Bar Association

## COMMITTEE CONTENT

- Pro Bono Coordinators (Washington)

## ADMISSIONS

- District of Columbia, 1969
- United States Supreme Court

United States Court of Federal Claims

United States Courts of Appeals for the Fifth, Seventh District of Columbia and Federal Circuits

United States District Court for the District of Columbia

## EDUCATION

The George Washington University, J.D., with highest honors, 1969

Stanford University, A.B., 1965

## RELATED PRACTICE AREAS

- White Collar
- Outdoor Industry
- Financial Services Corporate & Regulatory Team
- Workouts & Financial Restructuring
- Wealth Management
- Subchapter S
- Going Private
- Community Banking Litigation
- De Novo Banking
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Retail & Consumer Products
- Corporate
- Investigations
- Securities Litigation & Enforcement
- Aviation, Aerospace & Defense
- Government Contracts & Public Procurement
- National Security

## EXPERIENCE

Mr. Schwartz has represented:

- Numerous companies in preparing notices to the Committee on Foreign Investment in the United States (CFIUS) including responding to inquiries, and negotiating mitigation in connection with acquisitions of U.S. assets by foreign entities
- A company board audit committee in connection with an internal investigation into the adequacy of computer services operations and controls
- Companies under criminal investigation for alleged price fixing and other competition-related matters
- A company, on whose behalf he conducted an internal investigations resulting in termination of employment of certain employees; he then went on to represent the company against numerous state attorney general investigations

- A company, on whose behalf he worked with a team of lawyers defending the client against an indictment for conspiracy to avoid export control requirements in which the indictment was ultimately dismissed by the government
- A company, for which he led a team of lawyers in conducting an internal investigation of compliance with certain export control practices, and prepared a detailed report to a government agency regarding the company's compliance efforts and reforms
- A parent company, on whose behalf he conducted an internal investigation of allegations of false claims and false statements by a subsidiary company engaged in defense-related government contracting; also represented the parent company, along with counsel for the subsidiary, in settlement negotiations with the Department of Defense and the Department of Justice
- A company subject to a criminal and civil investigation of alleged violations of government contracting requirements, other areas of federal government regulations and related federal statutes; negotiated consent resolutions
- Companies in connection with criminal investigations of alleged violations of postal regulations
- Companies and individuals in connection with investigations of alleged violations of federal antitrust statutes
- A company under investigation by the Commodity Futures Trading Commission (CFTC) for price manipulation
- Various entities and individuals in litigation before the Court of Federal Claims
- Companies engaged in the direct mail business in state attorneys general and federal grand jury and U.S. Postal Service (USPS) investigations of mailing practices and negotiated civil resolutions
- Numerous companies involved in investigations of alleged product defects and, in some instances, product recalls in cooperation with the Consumer Product Safety Commission (CPSC) and the National Highway Transportation Safety Administration (NHTSA)
- A company in conducting internal investigations of possible violations of law relating to foreign sales and contracts with foreign entities, and assisted to resolve matters internally within the company
- A company in a multi-site investigation of corporate practices in the handling of classified materials, including the institution of safeguards to ensure proper handling of such materials

- Various individuals in connection with criminal and administrative investigations of the handling, storage, protection, and disclosure of classified information, including negotiating criminal or civil resolutions and, in selected instances, enabling the retention of security clearances under certain circumstances in adjudications before the Defense Office of Hearings and Appeals (DOHA) and Intelligence Agency and Department of Energy proceedings
- Individuals and companies before grand juries, criminal enforcement personnel and congressional investigators and hearings
- Counseled clients on how to avoid criminal liability in their actions

## RESOURCES

### PUBLICATIONS

- Co-author, "The Role of CFIUS in International Business Transactions," *International Business Law Journal*, June 2017
- Co-author, "[New Insider Threat Regulations to Hit Contractors Hard](#)," *National Defense Magazine*, Nov. 18, 2016
- Schwartz, Daniel, Clif Burns, Jennifer Mammen, and Kristin Robinson. "New Department Of Defense Cyber Security Regulations: Is The Cure Worse Than The Disease?" *Government Contracting Law Report* 1.8 (2015): 261-66
- Client Alert: "Automobile Lenders: Federal and State Law Enforcement Agencies' New Target," February 2, 2015; co-authored with John ReVeal and Mark Srere
- Client Alert: "The D.C. Circuit Imposes Due Process in the CFIUS Review Procedures But the Impact May be Limited and, in any case, Short-Lived," July 18, 2014
- Client Alert: "Good News for In-House Counsel: The D.C. Circuit Court Restores Attorney-Client Privilege for Internal Investigations," July 2, 2014
- Schwartz, Daniel, and Jennifer Mammen. "Navigating the National Security Challenges Posed by Foreign Investment in US Businesses." *Recent Trends in National Security Law: Leading Lawyers on Balancing US National Security Concerns and the Rights of Citizens*. Aspatore, 2015

## RELATED INSIGHTS

Blog Post

Sep 25, 2023

## **CPSC Publishes Mandatory Safety Rule for Consumer Products That Use Button Cell, Coin Batteries**

Blog Post

May 10, 2023

## **CPSC Publishes New Mandatory Standard for Clothing Storage Units**

News

Apr 26, 2021

## **Dan Schwartz in 'Global Competition Review' on US Supreme Court Decision in 'AMG v FTC'**

Awards

Aug 20, 2020

## **The Best Lawyers in America© 2021**

Insights

Jan 24, 2020

## **Reflections on the Final CFIUS Regulations: Expansions, Exemptions, and Issues to be Resolved**

Awards

Aug 15, 2019

## **The Best Lawyers in America© 2020**

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Aug 15, 2018

## **The Best Lawyers in America© 2019**

Insights

Mar 17, 2014

## **The Evisceration of Attorney-Client Privilege for In-House Investigations? District Court Rules that Internal Investigations Conducted Pursuant to Regulatory Law and Corporate Policy are Not Protected by Attorney-Client Privilege or the Work-Product Doctrine**