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# GLOBAL TRADE ISSUES: US TECHNOLOGY EXPORT CONTROLS, ECONOMIC SANCTIONS & FOREIGN INVESTMENT

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## TOPICS

- The export control and economic sanctions regime
  - Export activities
    - Commercial, dual use and munitions list items and technology
    - Export Control Act (ECA)
  - Economic sanctions and prohibitions on business activities
- Mergers & acquisitions involving technology and foreign interests
  - Diligence
  - Foreign investment
    - Committee on Foreign Investment in the United States (CFIUS)
    - Foreign Investment Risk Review Modernization Act (FIRRMA)


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## THE US EXPORT CONTROL & ECONOMIC SANCTIONS REGIME

### Commercial & Dual Use Exports

- Export Control Act (ECA)
- Export Administration Regulations (EAR) 15 C.F.R. Part 740 et seq.
- US Department of Commerce, Bureau of Industry and Security (BIS)

### Munitions Exports

- Arms Export Control Act (AECA)
- International Traffic in Arms Regulations (ITAR) (22 C.F.R. Part 120 et seq.)
- US Department of State, Directorate of Defense Trade Controls (DDTC)

### Economic Sanctions

- Trading with the Enemy Act (TWEA)
- International Emergency Economic Powers Act (IEEPA)
- Executive Orders & various sections of 31 C.F.R.
- US Department of Treasury, Office of Foreign Assets Control (OFAC)



## US PERSONS AND FOREIGN PERSONS

### US Person

- US citizen
- Lawful permanent resident (Green Card holder)
- Protected individual (asylee, refugee)
- Entity incorporated to do business in the US
- US governmental entity (federal, state, local)

### Foreign Person

- Individual who is not a “US Person”
- Foreign corporation, partnership, or other entity not incorporated or organized to do business in the US
- International organization, foreign government, or diplomatic missions
- H1B Visa holder

# Export Controls—
# The EAR and The ITAR

## WHO MUST COMPLY WITH US EXPORT LAWS & REGULATIONS?

- All individuals in the US
- US citizens and lawful permanent residents
- Companies organized under US laws conducting export activities
- US offices of non-US companies
- Non-US companies and persons who receive US products and technology

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