Emerging National Security Issues in the Tech Industry

2020 Technology Law Conference
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BAKER BOTTS

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Overview

- National Security Threats to U.S. Tech Companies
- Overview of U.S. Export Controls
- Overview of Emerging/Foundational Technologies
- Restrictions On Chinese, Russian, and Venezuelan Military Efforts
- Huawei and U.S. National Security
- Information and Communications Technology and Services Reviews
- Measures to Navigate the Fast-Changing Landscape

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National Security Threats to Tech Companies Generally

National Security Threats to U.S. Tech Companies

- Per the U.S. Government, foreign adversaries are increasingly creating and exploiting vulnerabilities in information and communications technology and services ("ICTS") in order to commit malicious cyber-enabled actions.

- Unrestricted acquisition or use in the U.S. of ICTS designed, developed, manufactured, or supplied by persons owned or controlled by foreign adversaries augments the ability of foreign adversaries to create and exploit vulnerabilities in ICTS, with potentially catastrophic effects, thereby posing a national security threat.

- To deal with this threat, the U.S. has taken a number of steps to protect the security, integrity, and reliability ICTS provided and used in the U.S.

Export Controls

The Export Administration Regulations

- The Export Administration Regulations ("EAR") (15 C.F.R. Part 730 *et seq*.) govern the export, reexport or transfer in country of most U.S. dual-use commodities, software and technology ("items").

- The EAR are administered by the Department of Commerce's Bureau of Industry and Security ("BIS").

- Note: The International Traffic in Arms Regulations ("ITAR") regulate the export of defense articles, including technical data, and defense services. The ITAR are administered by the State Department's Directorate of Defense Trade Controls.

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