

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

May 24, 2019

David R. Johnson  
Partner

## 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)

## 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

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Global Trade Issues: US Technology Export Controls, Economic Sanctions & Foreign Investment

Also available as part of the eCourse

[2019 Technology Law eConference](#)

First appeared as part of the conference materials for the  
32<sup>nd</sup> Annual Technology Law Conference session  
"Global Trade Issues"