

# Export Control Update

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# AGENDA

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- Export Control Overview
- Sanctioned Countries –Cuba and Iran
- Huawei Moratorium

# ANNOUNCEMENT!

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# QUICK REVIEW

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## EXPORT CONTROLS

The **federal laws and regulations** that have been established by the U.S. government to control:

- The export of sensitive equipment, software, and technology
- Trade and financial transactions

These controls are in place to promote national security interests and foreign policy objectives.

# REGULATING AGENCIES

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# OFAC

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## U.S. Department of the Treasury Office of Foreign Assets Control (OFAC)

- Enforces trade embargoes and economic sanctions
- Sanctions Programs and Country Information
- Specially Designated Nationals

# COMPREHENSIVE SANCTIONS

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**Cuba**

**Iran**

**North Korea**

**Sudan**

**Syria**

Contact RPC to discuss proposed transactions:

Collaborations, Conference, Research, Shipments, Travel

# CUBA

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## 12 CATEGORIES OF AUTHORIZED TRAVEL

1. Family visits;
2. Official business of the U.S. government, foreign governments, and certain intergovernmental organizations;
3. Journalistic activity;
4. **PROFESSIONAL RESEARCH AND PROFESSIONAL MEETINGS;**
5. **EDUCATIONAL ACTIVITIES;**
6. Religious activities;
7. Public performances, clinics, workshops, athletic and other competitions, and exhibitions;
8. Support for the Cuban people;
9. Humanitarian projects;
10. Activities of private foundations or research or educational institutes;
11. Exportation, importation, or transmission of information or informational materials;
12. Certain export transactions that may be considered for authorization under existing Department of Commerce regulations and guidelines with respect to Cuba or engaged in by U.S.-owned or -controlled foreign firms.



# CUBA GENERAL LICENSES

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## **PROFESSIONAL RESEARCH AND PROFESSIONAL MEETINGS**

- Authorizes attendance at professional meetings or conferences related to traveler's profession, professional background, or area of expertise.
- NO free time or recreation allowed

## **EDUCATIONAL ACTIVITIES**

- Authorizes faculty, staff, and students at U.S. academic institutions to engage in study abroad programs, academic exchanges, and joint non-commercial academic research
- Traveler: Retain receipts and records demonstrating a full-time schedule of authorized activities.

# IRAN

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## IRANIAN TRANSACTIONS and SANCTIONS REGULATIONS

- Almost all direct or indirect commercial, financial, or trade transactions with Iran by U.S. persons or within the United States are prohibited
- Transactions require written authorization (license) from OFAC
- OFAC license takes more than 6 months

# HUAWEI: The Company

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## **Huawei Technologies Co., Ltd.**

- Headquarters: Shenzhen, China
- Operates in 170+ countries
- Global provider of information and communications technology infrastructure and smart devices
- 70+ subsidiaries/affiliates, including **Futurewei Technologies**

# HUAWEI: The Issues

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## **January 2019** - U.S. Department of Justice

- Two business practice indictments against Huawei
- Theft of trade secrets, wire fraud, obstruction of justice, money laundering, conspiracy to defraud the U.S., and sanction violations

## **May 2019** - U.S. Department of Commerce

- Put Huawei and 68 of its non-U.S. affiliates on the Bureau of Industry and Security's Entity List
- Imposed controls on exports to Huawei

# HUAWEI: The UC Moratorium

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## July 18, 2019 : UC Office of the President

*University of California's Systemwide Restrictions on Engagements with Huawei*

- UC will not accept new engagements or renew existing engagements with Huawei
- Prohibits:
  - Equipment or device purchases
  - Research grants or contracts
  - Gifts or membership agreements
  - MOUs
  - Technology transfers or licensing of UC IP
  - Exchanges of any technical information

# HUAWEI: The UC Moratorium

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## **August 22, 2019 : UCLA Vice Chancellor for Research**

*Deans, Directors, Department Chairs, Administrative Officers, and Faculty Memo*

- Comply with UC Systemwide moratorium
- OVCR will review each new engagement proposal with Futurewei and other Huawei subsidiaries on a case-by-case basis

# CONCLUSIONS

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- Contact RPC prior to activities with Cuba and Iran (and North Korea, Sudan, and Syria)
- Comply with UC Huawei Moratorium

# CONTACT

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