

Learning to Thrive in an Era of Fragmented Globalization

May 1, 2023

Paul Brest Hall, Stanford University

All Times are PST

8:15 am – 9:00 am: Registration and breakfast

9:00 am – 9:05 am: Welcome remarks (Paul Brest Hall East)

MORNING PROGRAM: NAVIGATING COMPLIANCE WITH U.S. LAWS & POLICIES THAT SUPPORT DECOUPLING

9:05 am – 9:30 am: Presentation by Assistant Attorney General for National Security, Matt Olsen, Technological Decoupling: An Overview of the Current Threat Landscape and National Security Risks Stemming from Technological Interdependence with China and Russia, as Well as Tools and Strategies the U.S. Government Can Deploy in Response (Paul Brest Hall East)

9:30 am – 10:30 am: Breakout I

- **Option 1:** CFIUS and Reverse CFIUS (Paul Brest Hall East)

This session will explore the pain points and challenges of complying with CFIUS and FIRRMA, as well as the possible parameters of a new outbound investment regime. This session also will consider how related entity risks and beneficial ownership risks should be treated in a CFIUS context, as well as the heightened risk of monetary penalties for noncompliance. To the extent it is of interest to participants, this session may also consider some of the challenges of FOCI clearance and mitigation.

- **Option 2:** Trade Controls (Paul Brest Hall West)

This session will explore the pain points and challenges of complying with trade controls that support decoupling, including new additions to the Entity List, export licensing requirements, new Foreign Direct Product Rules, the use of export controls to address human rights violations, and import restrictions on products from China and Russia. This session also may consider inconsistencies between various trade and investment controls and sanctions regimes, as well as ways in which compliance with U.S. policies could trigger possible countermeasures by foreign jurisdictions.

10:30 am – 10:40 am: Break

10:40 am – 11:20 am: Breakout II

- Option 1: Winning the Race for Tech Talent (Paul Brest Hall East)

This session will explore how decoupling policies impact talent acquisition and management, and how U.S. companies can attract foreign talent to the U.S. while navigating concerns around IP theft and other national security risks. This session also will consider whether U.S. policies erode U.S. companies' competitive advantage in attracting foreign talent, and how the government can better ensure that U.S. companies can compete successfully in the global talent market.

- Option 2: Economic Sanctions (Paul Brest Hall West)

This session will explore the pain points and challenges of complying with U.S. economic sanctions, particularly for companies that are dealing with Russian investors, doing business in Russia, doing business with Russian entities, and/or managing Russian employees. This session also may consider inconsistencies between the sanctions regime and trade and investment controls, use of third-party intermediaries to evade sanctions, and whether Russian sanctions are - or should be - a playbook for China.

11:20 am – 11:30 am: Break

11:30 am – 12:15 pm: National Security- Related Enforcement & Policy Trends (Paul Brest Hall East)

This session will consider the possible surge in national security-related compliance enforcement and the implications of ICTS review, and explore ways that U.S. companies can navigate enhanced compliance and due diligence scrutiny. This session also will consider the broader implications of such a surge for the U.S. tech industry, as well as ways that regulators and policymakers can avoid giving a competitive advantage to foreign businesses that are not subject to the same stringent regulations as U.S. companies. Finally, this session will explore the foreign policy agenda of the Biden Administration and Congress, and consider how other countries are reacting to the push for economic decoupling.

12:15 pm – 12:45 pm: Public-Private Dialogue as a Tool for Strengthening Compliance (Paul Brest Hall East)

This session will consider whether the government's preferred approach to compliance-related engagement with the private sector actually makes sense for the private sector. This session also will consider how the public and private sectors can better share information about compliance risks, challenges, and potential solutions, as well as private sector concerns that might hinder this information exchange or make it less palatable.

12:45 pm – 2:15 pm: Lunch

AFTERNOON PROGRAM: OPPORTUNITIES FOR JOINT INNOVATION (ALL SESSIONS ARE IN PAUL BREST HALL EAST)

2:15 pm – 2:55 pm: Identifying and Overcoming Challenges to Joint Public-Private Sector Investment

This session will explore whether and how different approaches to due diligence, risk tolerance, and expected returns may impact public-private co-investment opportunities, and ways to bridge those differences moving forward.

2:55 pm – 3:35 pm: Government Funding for Innovation

This session will explore the myriad ways the U.S. government can help to fund domestic innovation through, by way of example, government VC, government funding through DoD and USIC, and co-investment opportunities.

3:35 pm – 4:00 pm: Break

4:00 pm – 4:30 pm: Using the Government as a Guide to Help Simplify the Process of Securing a Government Contract

This session will consider ways in which the government can act as a guide to help U.S. tech companies navigate the complex and time-consuming process of qualifying for a government contract.

4:30 pm – 5:00 pm: Enhancing Public-Private Dialogue to Support Joint Innovation

This session will explore opportunities for more and better information sharing between the public and private sectors to support domestic innovation, including through the use of councils or other mechanisms for timely exchanging information about government needs and sources of capital and private sector capabilities.