

IEEE Statement on Participation of Members/Volunteers on BIS Entity List

On Thursday, May 16, 2019, the U.S. government took action against Huawei and over 60 of its affiliates. Specifically, the U.S. Department of Commerce's Bureau of Industry and Security ("BIS"), which administers and enforces the U.S. Export Administration Regulations ("EAR") added Huawei and 68 of its affiliates to the BIS "Entity List" found in Supplement No. 4 to EAR Part 744. The BIS Entity List is a list of certain foreign entities, including businesses, research institutions, government and private organizations, and individuals ("Listed Persons"), that are subject to specific license requirements for the export, re-export, and in-country transfer of certain items subject to the EAR.

IEEE offers a wide range of activities and benefits for its members and volunteers (such as sponsoring more than 1,800 annual conferences and events worldwide and providing access to over 4.8 million publications on IEEE Xplore). In providing these services, IEEE (as a corporation organized in New York State) must comply with its legal obligations under the laws of the United States and other jurisdictions. The EAR's restrictions on Listed Persons apply to all IEEE activities, whether based in the U.S. or another country. Specifically, the EAR covers physical goods, software and technical information that is transferred to a restricted entity and such transfers can occur in the form of an exported product, an in-person transfer that occurs in the U.S. or another country, or even an email exchange or a conversation. Violations of the EAR can be prosecuted either civilly or criminally, and the penalties include significant fines or prison sentences.

IEEE has prepared this statement to provide guidance to IEEE volunteers, members, and staff on interacting with a Listed Person or an employee of a Listed Person (or other person directly paid or otherwise sponsored by a Listed Person) who seeks to participate in IEEE activities.¹

Guidance. The EAR prohibits the export, re-export, or in-country transfer of any item that is subject to the EAR where the intended end-user is an individual or entity that is named on the Entity List (collectively, "Listed Persons"). The EAR also provides several exemptions relevant to IEEE activities. To ensure its own compliance with applicable law, IEEE provides the following guidance to members and volunteers:

1. *Membership and Participation.* Generally, a Listed Person may continue to be an IEEE member in good standing and continue to be eligible for membership-grade elevation. A Listed Person may not place orders for IEEE products (such as an IEEE hat, sweatshirt, coffee mug, or other non-publication tangible item) that would be shipped from the United States.
2. *Subscriptions and Delivery of Publications.* A Listed Person may continue to order and receive subscriptions and make other purchases of IEEE publications, as well as access materials publicly available on IEEE Xplore.
3. *Conferences and Technical Meetings.* A Listed Person may attend IEEE-sponsored conferences (whether inside or outside of the United States) that are open to interested members of the public. A Listed Person may speak or make presentations at such conferences and may submit materials for inclusion in such conference proceedings or for publication in post-conference written proceedings (to the extent otherwise permitted under the conference rules). The public accessibility of conferences and other technical meetings within the EAR exemptions permit (a) "unlimited

¹ A separate statement has already been prepared for standards development activities. Volunteers involved in that aspect of IEEE activities should consult that statement or IEEE SA staff.

distribution” of information at a “conference, meeting, [or] seminar...generally accessible to the interested public” and (b) distribution of a wide range of written materials or “representations of knowledge” to “organizers of open conferences or other open gatherings.”

4. *Conference/Publication Planning Meetings.* A Listed Person may participate in business, logistics, and other meetings relating to conference planning or evaluation. A Listed Person shall not participate in nonpublic meetings or communications that involve technical discussions. For participation in standards development activities, see IEEE-SA’s Statement on Participation of BIS Entity List Entity or Individual.

5. *Leadership Meetings of Societies and Other Bodies.* A Listed Person may participate in meetings of a leadership group such as executive committees, administrative committees, or similar bodies (or subcommittees of such bodies) for purposes of discussing or voting on business, logistics, nominations, elections, or other aspects of organizational governance (although rules governing conflicts of interest will still apply). However, a Listed Person may not participate in nonpublic meetings or communications that involve technical discussions.

6. *Submissions for Publication.* A Listed Person may continue to submit articles and other materials for consideration for publication. IEEE staff and volunteers may continue to provide normal copy editing support (e.g., correction of grammatical or spelling errors, repositioning graphic images, conforming to IEEE’s standard style manual) and (after the material has been accepted for publication) substantive technical comments.

7. *Participation in Peer Review.* A Listed Person may not receive or access materials submitted by other persons for publication until after IEEE has accepted the material for publication in accordance with IEEE’s normal publication process. Once material has been accepted for publication, a Listed Person may act as editor or peer reviewer for that material.

8. *Use of Email Accounts and Reflectors.* A Listed Person may continue to join or use an email reflector for nontechnical discussions or (where the reflector can be accessed through a publically available archive) for technical discussions. A Listed Person may continue to use an @ieee.org email account, but IEEE members are cautioned that their own communications of technical information to such addresses (or to any other email addresses of a Listed Person) may be subject to the EAR.

9. *Sponsorships and Donations.* A Listed Person may provide funds for conference sponsorships, scholarships, or awards (to the extent otherwise permitted under, and in compliance with, IEEE rules).

10. *Private or Personal Discussions.* Any private or personal communications outside the scope of open and public sessions between a Listed Person and any other participants are beyond the scope of this IEEE statement. Entities and individuals should consult their company or individual legal counsel for guidance about such discussions.

Reminder. This statement merely provides IEEE guidance for membership, publications, conference/event attendance and participation in IEEE activities, and does not constitute legal advice. IEEE members and volunteers should contact their company or personal legal counsel for legal advice. IEEE staff members who have questions should contact the IEEE Legal and Compliance Department.

Issued: 22 May 2019