

EXHIBIT 34

Archived: Friday, October 16, 2020 1:24:17 PM
 From: [Keppel, Mel J. EOP/USTR](#)
 Mail received time: Tue, 8 Oct 2019 15:41:54
 Sent: Tue, 8 Oct 2019 20:41:38
 To: [Roberts, Tessa J.G.](#)
 Cc: [Hartz, Lauren J.](#); [Johnson, Katherine B.](#); FN-USTR-FOIA
 Subject: RE: USTR response to your FOIA Request FY19-92
 Sensitivity: Normal

External Email – Exercise Caution

Tessa,

We have received your fee payment. Your understanding of the results of my searches, as recorded below, is correct. I did not withhold any documents in full.

Mel Keppel
 USTR FOIA Office

From: Roberts, Tessa J.G. <TRoberts@jenner.com>
 Sent: Wednesday, September 25, 2019 1:16 PM
 To: Keppel, Mel J. EOP/USTR <melissa_j_keppel1@ustr.eop.gov>
 Cc: Hartz, Lauren J. <LHartz@jenner.com>; Johnson, Katherine B. <KBJohnson@jenner.com>; FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>
 Subject: [EXTERNAL] RE: USTR response to your FOIA Request FY19-92

Ms. Keppel:

Thanks very much for your response and for the accompanying documents. We have remitted a check to USTR for the amount specified below.

I've included the chart of search terms we provided with an additional column on the right in which I've recorded our understanding of the results of your search. Would you please confirm that our understanding is correct? Second, would you please confirm that no responsive documents were withheld in their entirety? I am also happy to discuss over the phone if that is more convenient. I can be reached at (212) 303-2539.

Best regards,
 Tessa

Terms	Timeframe(s) – on or between the following dates	Results of the Searches [Please confirm]
Terms to narrow the universe covered by the request for “All materials and communications pertaining to the United States’ investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the present.”		<i>USTR located 11 pages of documents responsive to the two search strings below, which we have received with redactions.</i>
(Huawei or FutureWei or HiSilicon) & (indictment or investigation or prosecution) & (“usdoj.gov” or EDNY or “Eastern District of New York”)	January 1, 2017 and the present	
Meng & (Wanzhou or Sabrina or Cathy) & (indictment or investigation or prosecution) & (“usdoj.gov” or EDNY or “Eastern District of New York”)	January 1, 2017 and the present	
Same narrowing set as above, but with narrower date range, if the results are still high-volume.		<i>This search was presumably not performed, as it seems the results from the searches above were not high-volume.</i>
(Huawei or FutureWei or HiSilicon) & (indictment or investigation or prosecution) & (“usdoj.gov” or EDNY or “Eastern District of New York”)	January 1, 2018 and the present	
Meng & (Wanzhou or Sabrina or Cathy) & (indictment or investigation or prosecution) & (“usdoj.gov” or EDNY or “Eastern District of New York”)	January 1, 2018 and the present	
Terms to broaden the searches for the remainder of the requests, as the initial search attempts returned no documents.		<i>These searches were performed, but no responsive documents were found.</i>
(Huawei or FutureWei or HiSilicon) & “@who.eop.gov”	January 1, 2017 and the present	
Meng & (Wanzhou or Sabrina or Cathy) & “@who.eop.gov”	January 1, 2017 and the present	
(Huawei or FutureWei or HiSilicon) & (“Tom Cotton” or “Senator Cotton” or “cotton.senate.gov” or “Marco Rubio” or “Senator Rubio” or “rubio.senate.gov” or “Michael Conaway” or “Congressman Conaway” or “conaway.house.gov” or James Risch” or “Senator Risch” or “risch.senate.gov”)	January 1, 2017 and the present	
Meng & (Wanzhou or Sabrina or Cathy) & (“Tom Cotton” or “Senator Cotton” or “cotton.senate.gov” or “Marco Rubio” or “Senator Rubio” or “rubio.senate.gov” or “Michael Conaway” or “Congressman Conaway” or “conaway.house.gov” or James Risch” or “Senator Risch” or “risch.senate.gov”)	January 1, 2017 and the present	
(Huawei or FutureWei or HiSilicon) & (Ericsson or Nokia)	August 1, 2012 and February 28, 2013; January 1, 2017 and the present	
Meng & (Wanzhou or Sabrina or Cathy) & (Ericsson or Nokia)	August 1, 2012 and February 28, 2013; January 1, 2017 and the present	
5G & (Ericsson or Nokia)	January 1, 2017 and the present	
(Huawei or FutureWei or HiSilicon) & (Cisco or Motorola or Nortel or T-Mobile or Quintel or InterDigital or Lemko or Akhan or Qualcomm or AT&T or HSBC)	January 1, 2017 and the present	
Meng & (Wanzhou or Sabrina or Cathy) & (Cisco or Motorola or Nortel or T-Mobile or Quintel or InterDigital or Lemko or Akhan or Qualcomm or AT&T or HSBC)	January 1, 2017 and the present	
5G & (Cisco or Motorola or Nortel or T-Mobile or Quintel or InterDigital or Lemko or Akhan or Qualcomm or AT&T or HSBC)	January 1, 2017 and the present	

(Huawei or FutureWei or HiSilicon) & "Babak Dehghanpisheh" or "Dehghanpisheh, Babak" or "Karen Freifeld" or "Freifeld, Karen" or "Marcus George" or "George, Marcus" or "Julie Gordon" or "Gordon, Julie" or "Grace Li" or "Li, Grace" or "James Pomfret" or "Pomfret, James" or "Steve Stecklow" or "Stecklow, Steve" or "Chyen Yee Lee" or "Lee, Chyen"	August 1, 2012 and February 28, 2013; October 1, 2018 and the present	
Meng & (Wanzhou or Sabrina or Cathy) & "Babak Dehghanpisheh" or "Dehghanpisheh, Babak" or "Karen Freifeld" or "Freifeld, Karen" or "Marcus George" or "George, Marcus" or "Julie Gordon" or "Gordon, Julie" or "Grace Li" or "Li, Grace" or "James Pomfret" or "Pomfret, James" or "Steve Stecklow" or "Stecklow, Steve" or "Chyen Yee Lee" or "Lee, Chyen"	August 1, 2012 and February 28, 2013; October 1, 2018 and the present	
(Huawei or FutureWei or HiSilicon or Ren or Zhengfei) & Ruppertsberger or "Devin Nunes" or "Congressman Nunes" or "Michele Bachmann" or "Congresswoman Bachmann" or "Adam Schiff" or "Congressman Schiff"	February 1, 2012 and July 1, 2012	

From: Keppel, Mel J. EOP/USTR [mailto:melissa_j_keppel1@ustr.eop.gov]
Sent: Tuesday, September 17, 2019 4:27 PM
To: Roberts, Tessa J.G. <TRoberts@jenner.com>
Cc: Hartz, Lauren J. <LHartz@jenner.com>; Johnson, Katherine B. <KBJohnson@jenner.com>; FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>
Subject: USTR response to your FOIA Request FY19-92

External Email – Exercise Caution

Tessa,

This email is the second and final response of USTR to FOIA No. FY19-92 your office submitted on May 2, 2019. On May 30, 2019, my colleague, Monique Ricker responded to all but the following portion of your request: "records related to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations against Huawei and Ms. Meng in the indictment issued in United States v. Huawei Technologies Co., Ltd., et al., 18-CR-457 (S-2) (AMD) in the Eastern District of New York (the "EDNY Indictment"), dated on or between January 1, 2017 and the present." The history of USTR's processing of this request is included below in this email chain. I personally conducted searches using the criteria your colleague Ms. Smith provided this office on June 24, 2019. I located eleven pages of records responsive to this "catchall" portion of your request. We are releasing these pages in part as described below.

First, we redacted portions of the records pursuant to FOIA Exemption 5 because we reasonably foresee that disclosure would harm an interest exemption (b)(5) protects. Specifically, the redacted information is protected from disclosure under the deliberative process privilege which protects information that is both pre-decisional and deliberative. This privilege covers records that reflect the give-and-take of the consultative process and in this instance includes internal government discussions and recommendations regarding Huawei and Meng Wanzhou. These redactions contain the personal opinions of the writers rather than a decision or policy of the agency. Second, we redacted non-public contact information such as email addresses and cell phone numbers pursuant to FOIA Exemption 6, which protects personal information, the release of which would not shed light on the performance of the agency's statutory duties.

As commercial-use requester, you are receiving an invoice here in the amount of \$874.00 for the expenses USTR incurred to respond your request. We have provided details regarding the various charges and appreciate your prompt payment of these fees.

This constitutes a complete response to your request. You may contact me or my colleague Monique Ricker by email at FOIA@ustr.eop.gov or 202-395-3419 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may also administratively appeal by writing to: FOIA Office, GSD/RDF; ATTN: Janice Kaye, Anacostia Naval Annex, Bldg. 410/Door 123, 250 Murray Lane, S.W., Washington, D.C. 20509.

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. Both the letter and the envelope should be clearly marked: "Freedom of Information Act Appeal" and should include a reference to the FOIA Case File number listed above. Heightened security in force may delay mail delivery; therefore we suggest that you also email any such appeal to foia@ustr.eop.gov.

In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, where we searched for the records you requested.

Melissa Keppel
 Attorney Advisor
mkeppel@ustr.eop.gov

EXECUTIVE OFFICE OF THE PRESIDENT
 OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
 WASHINGTON DC 20508

From: Smith, Corinne M.
Sent: Monday, June 24, 2019 11:27 AM
To: 'Ricker, Monique T. EOP/USTR' <Monique_T_Ricker@ustr.eop.gov>; FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>
Cc: Hartz, Lauren J. <LHartz@jenner.com>; Johnson, Katherine B. <KBJohnson@jenner.com>; Roberts, Tessa J.G. <TRoberts@jenner.com>
Subject: RE: FOIA Request

Hi Ms. Ricker,

Thanks again for speaking with me a couple of weeks ago. As we discussed, I've prepared some proposed search terms (below) to try to get at the documents we're seeking. I've divided the sets of terms into categories: first, terms to narrow the universe of 7800 or so documents you go when you ran searches for our "catchall" request; second, those same terms with a narrower date range in case the volume is still high; and third, some terms to try to broaden your initial searches for other requests that didn't return any documents.

I've copied my colleagues Katie Johnson and Tessa Roberts, who will be taking over communications regarding this request as I begin parental leave this week. Please reach out to them with any questions and/or to discuss these terms if that would be helpful.

Thanks very much,

Corey

Terms	Timeframe(s) – on or between the following dates
Terms to narrow the universe covered by the request for "All materials and communications pertaining to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the present."	
(Huawei or FutureWei or HiSilicon) & (indictment or investigation or prosecution) & ("usdoj.gov" or EDNY or "Eastern District of New York")	January 1, 2017 and the present
Meng & (Wanzhou or Sabrina or Cathy) & (indictment or investigation or prosecution) & ("usdoj.gov" or EDNY or "Eastern District of New York")	January 1, 2017 and the present
Same narrowing set as above, but with narrower date range, if the results are still high-volume.	
(Huawei or FutureWei or HiSilicon) &	

(indictment or investigation or prosecution) & ("usdoj.gov" or EDNY or "Eastern District of New York")	January 1, 2018 and the present
Meng & (Wanzhou or Sabrina or Cathy) & (indictment or investigation or prosecution) & ("usdoj.gov" or EDNY or "Eastern District of New York")	January 1, 2018 and the present
Terms to broaden the searches for the remainder of the requests, as the initial search attempts returned no documents.	
(Huawei or FutureWei or HiSilicon) & "@who.eop.gov"	January 1, 2017 and the present
Meng & (Wanzhou or Sabrina or Cathy) & "@who.eop.gov"	January 1, 2017 and the present
(Huawei or FutureWei or HiSilicon) & ("Tom Cotton" or "Senator Cotton" or "cotton.senate.gov" or "Marco Rubio" or "Senator Rubio" or "rubio.senate.gov" or "Michael Conaway" or "Congressman Conaway" or "conaway.house.gov" or James Risch" or "Senator Risch" or "risch.senate.gov")	January 1, 2017 and the present
Meng & (Wanzhou or Sabrina or Cathy) & ("Tom Cotton" or "Senator Cotton" or "cotton.senate.gov" or "Marco Rubio" or "Senator Rubio" or "rubio.senate.gov" or "Michael Conaway" or "Congressman Conaway" or "conaway.house.gov" or James Risch" or "Senator Risch" or "risch.senate.gov")	January 1, 2017 and the present
(Huawei or FutureWei or HiSilicon) & (Ericsson or Nokia)	August 1, 2012 and February 28, 2013; January 1, 2017 and the present
Meng & (Wanzhou or Sabrina or Cathy) & (Ericsson or Nokia)	August 1, 2012 and February 28, 2013; January 1, 2017 and the present
5G & (Ericsson or Nokia)	January 1, 2017 and the present
(Huawei or FutureWei or HiSilicon) & (Cisco or Motorola or Nortel or T-Mobile or Quintel or InterDigital or Lemko or Akhan or Qualcomm or AT&T or HSBC)	January 1, 2017 and the present
Meng & (Wanzhou or Sabrina or Cathy) & (Cisco or Motorola or Nortel or T-Mobile or Quintel or InterDigital or Lemko or Akhan or Qualcomm or AT&T or HSBC)	January 1, 2017 and the present
5G & (Cisco or Motorola or Nortel or T-Mobile or Quintel or InterDigital or Lemko or Akhan or Qualcomm or AT&T or HSBC)	January 1, 2017 and the present
(Huawei or FutureWei or HiSilicon) & "Babak Dehghanpisheh" or "Dehghanpisheh, Babak" or "Karen Freifeld" or "Freifeld, Karen" or "Marcus George" or "George, Marcus" or "Julie Gordon" or "Gordon, Julie" or "Grace Li" or "Li, Grace" or "James Pomfret" or "Pomfret, James" or "Steve Stecklow" or "Stecklow, Steve" or "Chyen Yee Lee" or "Lee, Chyen"	August 1, 2012 and February 28, 2013; October 1, 2018 and the present
Meng & (Wanzhou or Sabrina or Cathy) & "Babak Dehghanpisheh" or "Dehghanpisheh, Babak" or "Karen Freifeld" or "Freifeld, Karen" or "Marcus George" or "George, Marcus" or "Julie Gordon" or "Gordon, Julie" or "Grace Li" or "Li, Grace" or "James Pomfret" or "Pomfret, James" or "Steve Stecklow" or "Stecklow, Steve" or "Chyen Yee Lee" or "Lee, Chyen"	August 1, 2012 and February 28, 2013; October 1, 2018 and the present
(Huawei or FutureWei or HiSilicon or Ren or Zhengfei) & Ruppertsberger or "Devin Nunes" or "Congressman Nunes" or "Michele Bachmann" or "Congresswoman Bachmann" or "Adam Schiff" or "Congressman Schiff"	February 1, 2012 and July 1, 2012

From: Ricker, Monique T. EOP/USTR [mailto:Monique_T_Ricker@ustr.eop.gov]

Sent: Wednesday, June 05, 2019 2:34 PM

To: Smith, Corinne M. <CSmith@jenner.com>; FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>

Cc: Hartz, Lauren J. <LHartz@jenner.com>; Johnson, Katherine B. <KBJohnson@jenner.com>

Subject: RE: FOIA Request

External Email – Exercise Caution

Hi Corey,

Per our conversation, we searched all USTR employee files for references to the words Huawei or "Meng Wanzhou" within the same document as indictment, investigation, prosecution, allegation, "5G technology," HSBC, "Michael Cherkasky, or "Ren Zhenfei." The timeframe of our search was January 20, 2017 to May 2, 2019. We then "searched within the search results" for each email domain associated with the White House, Congress, the companies and their subsidiaries, and the publications you named in the request. We also conducted key word "searches within the search results" for materials related to the specific Reuters journalists and Congressional meetings.

As we discussed, USTR's FOIA office is small. We are staffed by three attorneys who are responsible for all administrative legal issues, not only FOIA. We process FOIA requests on a multi-track, "first-in, first-out" basis. There are currently 8 complex requests in the queue, and our average processing time in fiscal year 2018 for complex requests was 107 business days. Providing us with additional email domain names, e.g., @usdoj.gov, replacing general search terms, e.g., investigation, and narrowing the timeframe of the search are all ways we can more efficiently search the remaining search results. Also identifying USTR offices and the types of records would help.

I look forward to working with you.

Thank you for your time today,
Monique

Monique T. Ricker
Attorney Advisor
(o) 202-395-4990
mricker@ustr.eop.gov

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON DC 20508

From: Smith, Corinne M. <CSmith@jenner.com>
Sent: Friday, May 31, 2019 11:16 AM
To: FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>; Ricker, Monique T. EOP/USTR <Monique_T_Ricker@ustr.eop.gov>
Cc: Hartz, Lauren J. <LHartz@jenner.com>; Johnson, Katherine B. <KBJohnson@jenner.com>
Subject: [EXTERNAL] FW: FOIA Request

Hi Ms. Ricker,

I'm a colleague of Lauren Hartz's and am writing to follow up on the partial response to our FOIA Request FY19-92 that you sent Ms. Hartz yesterday – below. I would appreciate a chance to discuss the determination below as well as ways to identify documents responsive to the request you highlight at the end of your email. I just left you a message at the number below. Please let me know if there is a convenient time for us to talk, either today or early next week. I can be reached here or at 202-637-6395.

Thank you,

Corey Smith

From: Ricker, Monique T. EOP/USTR [mailto:Monique_T_Ricker@ustr.eop.gov]
Sent: Thursday, May 30, 2019 11:33 AM
To: Hartz, Lauren J. <LHartz@jenner.com>
Cc: FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>
Subject: RE: FOIA Request

External Email – Exercise Caution

Ms. Hartz,

This email is a partial response from the Office of the United States Trade Representative (USTR) to the Freedom of Information Act (FOIA) request FY19-92 submitted on May 2, 2019 requesting records related to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations against Huawei and Ms. Meng in the indictment issued in United States v. Huawei Technologies Co., Ltd., et al., 18-CR-457 (S-2) (AMD) in the Eastern District of New York (the "EDNY Indictment"), dated on or between January 1, 2017 and the present.

After a search of our files utilizing eDiscovery software, we did not locate records responsive the following portions of your request:

- All communications with the White House—including the President and any White House officials—pertaining to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations against Huawei and Ms. Meng in the indictment issued in United States v. Huawei Technologies Co., Ltd., et al., 18-CR-457 (S-2) (AMD) in the Eastern District of New York (the "EDNY Indictment"), dated on or between January 1, 2017 and the present.
- All communications with any Member(s) of Congress or their staff, including but not limited to Senator Tom Cotton, Senator Marco Rubio, Congressman Michael Conaway, or Senator James Risch, pertaining to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the present.
- All communications with representatives or employees of telecommunications company Ericsson, or any of its subsidiaries or affiliates, or telecommunications company Nokia Corporation, or any of its subsidiaries or affiliates, pertaining to Huawei or Meng Wanzhou, the United States' investigation or prosecution of Huawei or Ms. Meng, the allegations in the EDNY Indictment, or any United States policy pertaining to 5G technology, dated on or between August 1, 2012 and February 28, 2013, or on or between January 1, 2017 and the present.
- All communications with representatives or employees of Cisco Systems, Inc.; Motorola Solutions, Inc.; Motorola Mobility LLC; Nortel Networks Corp.; T-Mobile, Inc.; Quintel Technology Ltd.; InterDigital, Inc.; Lemko Corp.; Akhan Semiconductor Inc.; Qualcomm Incorporated; AT&T Inc.; HSBC Bank USA, N.A.; HSBC Holdings PLC; or any of their subsidiaries or affiliates, pertaining to Huawei or Meng Wanzhou, the United States' investigation or prosecution of Huawei or Ms. Meng, the allegations in the EDNY Indictment, or any United States policy pertaining to 5G technology, dated on or between January 1, 2017 and the present.
- All materials and communications with and/or regarding Reuters journalists including Babak Dehghanpisheh, Karen Freifeld, Marcus George, Julie Gordon, Grace Li, James Pomfret, Steve Stecklow, or Chyen Yee Lee, pertaining to Huawei or Meng Wanzhou, including how any disclosures from HSBC or its federally appointed Corporate Compliance Monitor, Michael Cherkasky, contributed to the case against Huawei or Ms. Meng, dated on or between August 1, 2012 and February 28, 2013, or on or between October 1, 2018 and the present.
- All materials and communications pertaining to the meeting(s) reportedly held between Members of Congress—including Dutch Ruppersberger, Congressman Devin Nunes, Congresswoman Michele Bachmann, and Congressman Adam Schiff—and senior officials of Huawei, including Ren Zhengfei, in or around Hong Kong in May 2012. See House Permanent Select Comm. Intelligence, Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE 9 (Oct. 8, 2012), >>>https://www.hsdl.org/?abstract&did=722516<<<.

With respect to your request for, "all materials and communications pertaining to the United States' investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the present," we will need you to provide us with more specific information to describe the records sought so that they can be located with a reasonable amount of effort (15 CFR 2004.3(b)). Please identify what types of materials you seek, the USTR officials of interest, and the individuals or entities with whom they were communicating. Please provide contact information, preferably email address.

We cannot proceed further with your request until we receive additional written clarification from you. If we do not hear from you within 30 calendar days from the date of this email, we will assume that you are no longer interested in pursuing your request, and we will close our files on the request.

If you have any questions or would like help refining your search, please contact me at FOIA@ustr.eop.gov or 202-395-3419.

Thank you,
Monique

Monique T. Ricker
FOIA Program Manager/Attorney

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON DC 20508

From: Hartz, Lauren J. <LHartz@jenner.com>
Sent: Thursday, May 2, 2019 11:07 AM
To: Ricker, Monique T. EOP/USTR <Monique_T_Ricker@ustr.eop.gov>
Cc: FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>
Subject: [EXTERNAL] RE: FOIA Request

Dear Ms. Ricker,

Thanks for your email. Below please find our FOIA request in the body of this email, pursuant to 15 CFR 2004.3(a)(2).

Sincerely,

Lauren Hartz



May 1, 2019

VIA EMAIL

FOIA Office
Office of the U.S. Trade Representative
Anacostia Naval Annex
Building 410/Door 123
250 Murray Lane SW
Washington DC 20509

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, I write on behalf of Huawei Technologies Co., Ltd., and Huawei Device USA Inc. to request the following from the Office of the U.S. Trade Representative:

- All communications with the White House—including the President and any White House officials—pertaining to the United States’ investigation or prosecution of Huawei or Meng Wanzhou or the allegations against Huawei and Ms. Meng in the indictment issued in *United States v. Huawei Technologies Co., Ltd., et al.*, 18-CR-457 (S-2) (AMD) in the Eastern District of New York (the “EDNY Indictment”), dated on or between January 1, 2017 and the present.
- **All materials and communications pertaining to the United States’ investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the present.**
- All communications with any Member(s) of Congress or their staff, including but not limited to Senator Tom Cotton, Senator Marco Rubio, Congressman Michael Conaway, or Senator James Risch, pertaining to the United States’ investigation or prosecution of Huawei or Meng Wanzhou or the allegations in the EDNY Indictment, dated on or between January 1, 2017 and the present.
- All communications with representatives or employees of telecommunications company Ericsson, or any of its subsidiaries or affiliates, or telecommunications company Nokia Corporation, or any of its subsidiaries or affiliates, pertaining to Huawei or Meng Wanzhou, the United States’ investigation or prosecution of Huawei or Ms. Meng, the allegations in the EDNY Indictment, or any United States policy pertaining to 5G technology, dated on or between August 1, 2012 and February 28, 2013, or on or between January 1, 2017 and the present.
- All communications with representatives or employees of Cisco Systems, Inc.; Motorola Solutions, Inc.; Motorola Mobility LLC; Nortel Networks Corp.; T-Mobile, Inc.; Quintel Technology Ltd.; InterDigital, Inc.; Lemko Corp.; Akhan Semiconductor Inc.; Qualcomm Incorporated; AT&T Inc.; HSBC Bank USA, N.A.; HSBC Holdings PLC; or any of their subsidiaries or affiliates, pertaining to Huawei or Meng Wanzhou, the United States’ investigation or prosecution of Huawei or Ms. Meng, the allegations in the EDNY Indictment, or any United States policy pertaining to 5G technology, dated on or between January 1, 2017 and the present.
- All materials concerning and communications with and/or regarding Reuters journalists including Babak Dehghanpisheh, Karen Freifeld, Marcus George, Julie Gordon, Grace Li, James Pomfret, Steve Stecklow, or Chyen Yee Lee, pertaining to Huawei or Meng Wanzhou, including how any disclosures from HSBC or its federally appointed Corporate Compliance Monitor, Michael Cherkasky, contributed to the case against Huawei or Ms. Meng, dated on or between August 1, 2012 and February 28, 2013, or on or between October 1, 2018 and the present.
- All materials and communications pertaining to the meeting(s) reportedly held between Members of Congress—including Dutch Ruppersberger, Congressman Devin Nunes, Congresswoman Michele Bachmann, and Congressman Adam Schiff—and senior officials of Huawei, including Ren Zhengfei, in or around Hong Kong in May 2012. *See House Permanent Select Comm. Intelligence, Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE 9* (Oct. 8, 2012), >>>><https://www.hsdl.org/?abstract&id=722516><<<<.

The term “materials” as used in these FOIA requests includes, but is not limited to, papers, instruments, data, documents, records, reports, memoranda, letters, agreements, employee notes, meeting notes, transcripts, and other documentary evidence, whether in paper form or stored on audiotape, videotape, computer, electronic, magnetic, or any other media. The term “communications” as used in these FOIA requests includes, but is not limited to, correspondence, emails, letters, faxes, and messages of any kind, including text, voicemail, video, or other electronic messages.

References to “Huawei” as used in these FOIA requests includes Huawei Technologies Co., Ltd.; Huawei Device USA Inc.; Huawei Device Co., Ltd.; FutureWei Technologies, Inc.; HiSilicon Technologies Co., Ltd.; and any U.S.-based subsidiaries or affiliates of the same.

This is a commercial-use request. I agree on behalf of Huawei to pay all reasonable search, review, and reproduction costs incurred in connection with the processing of this request, but please contact me in the event that these costs will exceed \$1,000 so I can better understand the nature of the costs.

I request expedited processing of this request on the ground that the EDNY Indictment and the arrest of Ms. Meng have been the subjects of widespread and exceptional media interest, and the information sought by this request involves possible questions about the government’s integrity that affect public confidence, as well as matters of general public and economic interest. I further request that a copy of the documents described above be provided by June 1, 2019, or alternatively, that you please contact me if you anticipate this request’s processing extending beyond that date.

Please send a copy of the requested documents to LHartz@Jenner.com where possible, and otherwise to Lauren Hartz, Jenner & Block LLP, 1099 New York Ave., NW, Suite 900, Washington, DC 20001-4412.

Thank you in advance for your assistance.

Sincerely,

Lauren Hartz

From: Ricker, Monique T. EOP/USTR [mailto:Monique_T_Ricker@ustr.eop.gov]

Sent: Thursday, May 02, 2019 10:28 AM

To: Hartz, Lauren J. <LHartz@jenner.com>

Cc: FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>

Subject: RE: FOIA Request

External Email – Exercise Caution

Ms. Hartz,

Per section 2004.3(a)(2) of the [USTR FOIA regulations](#), we will not open FOIA requests sent to us as attachments to emails. Please resubmit your FOIA request in the body of an email to FOIA@ustr.eop.gov.

Thank you,
Monique

Monique T. Ricker
FOIA Program Manager/Attorney

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON DC 20508

From: Hartz, Lauren J. <LHartz@jenner.com>

Sent: Wednesday, May 1, 2019 8:17 PM

To: FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>

Subject: [EXTERNAL] FOIA Request

To Whom It May Concern:

Please find attached a FOIA Request for the Office of the U.S. Trade Representative.

Sincerely,

Lauren Hartz

Lauren J. Hartz

Jenner & Block LLP
1099 New York Avenue, NW
Suite 900, Washington, DC 20001-4412 | jenner.com
+1 202 637 6363 | TEL
LHartz@jenner.com
[Download V-Card](#) | [View Biography](#)

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ATTACHMENT

RE: [EXTERNAL] Huawei/China talks

From "Davis, Emily K. EOP/USTR" (b) (6)

:

To: James Politi <james.politi@ft.com>, "Emerson, Jeffrey W. EOP/USTR" <jeffrey.w.emerson@ustr.eop.gov>

Date: Thu, 06 Dec 2018 11:21:42 -0500

Hi James – We have no announcements or comments at this time.

Thanks,

Emily

From: James Politi <james.politi@ft.com>

Sent: Thursday, December 6, 2018 10:10 AM

To: Emerson, Jeffrey W. EOP/USTR <Jeffrey.W.Emerson@ustr.eop.gov>; Davis, Emily K. EOP/USTR <Emily.K.Davis@ustr.eop.gov>

Subject: [EXTERNAL] Huawei/China talks

Hi Emily and Jeff,

Hope all is well. I was wondering if you could give me some guidance on the China talks, first in terms of timing - when will the next round of negotiations begin with Chinese officials, is it the 17th of December ? Also what is the impact of the prosecution of Huawei's CEO Sabrina Meng on the case and when did ambassador Lighthizer know about it and was it discussed at the dinner in Buenos Aires ?

Thanks very much

James

--

James Politi

Financial Times

World Trade Editor

1667 K St NW Suite 825

Washington DC 20006

Tel: +12024340985

Mobile: (b) (6)

Twitter: @jamespoliti

><https://www.facebook.com/ftitaly/><



FW: Huawei situation...

From: "Wentzel, Roger A. EOP/USTR" (b) (6)
:
To: "Hurtado, Rufino EOP/USTR" <rufino.hurtado@ustr.eop.gov>
Date: Thu, 06 Dec 2018 11:52:20 -0500

From: Schneller, Keith D. EOP/USTR <Keith.D.Schneller@ustr.eop.gov>
Sent: Thursday, December 6, 2018 9:28 AM
To: Bomer Lauritsen, Sharon E. EOP/USTR <Sharon_E_BomerLauritsen@ustr.eop.gov>; Doud, Gregory F. EOP/USTR <Gregory.F.Doud@ustr.eop.gov>
Cc: Wentzel, Roger A. EOP/USTR <Roger_Wentzel@ustr.eop.gov>; Doherty, Julia M. EOP/USTR <Julia_Doherty@ustr.eop.gov>
Subject: Huawei situation...

The news that came out last night about HuaWei founder's daughter being detained in Canada could (b) (5)

HuaWei was founded by Mr. Ren Zhengfei who grew up in a poor family in Guizhou Province (poorest province in China) and made it into the PLA after the Cultural Revolution. He founded HuaWei in '87. Now he's worth \$3.4 billion and has excellent political connections in China. HuaWei employees 180,000 people in 170 countries. It is the third largest seller of smartphones in the world after Apple and Samsung and expects to sell 200 million handsets this year. His daughter, Meng Wanzhou, was being groomed to take over the company in the future. She was detained while changing plans in Canada last Saturday.

This action could (b) (5) but China's Ministry of Commerce started putting out "positive" statements about initiatives the Chinese government will take to address US concerns about IP violations, tech transfer, etc.

The WP posted an excellent article this morning summarizing this situation:

CHINA PROTESTS 'DESPICABLE HOOLIGANISM' AFTER ARREST OF HUAWEI EXECUTIVE [WASHINGTON POST 12/6]

By Anna Fifield

BEIJING — China has strongly protested to the United States and Canada on Thursday after the surprise arrest in Vancouver of a top executive at Huawei Technologies, the world's largest maker of telecoms network equipment.

Meng Wanzhou, Huawei's chief financial officer and the daughter of the company's founder, is set to appear in court Friday for a bail hearing after being arrested on Saturday while changing planes. According to multiple news reports, Meng was arrested at the United States's request because Huawei is suspected of trying to evade American sanctions on Iran. U.S. prosecutors have reportedly been investigating since 2016 whether Huawei violated U.S. export and sanctions laws by shipping of U.S.-origin products to Iran.

The arrest, made on the very same day that President Trump and China's Xi Jinping sat down for dinner together in Buenos Aires to negotiate a truce in their trade war, is being viewed here as politically motivated.

The United States is "resorting to despicable hooliganism," the nationalist Global Times wrote in an editorial published Thursday. "Anybody can see that the United States is maliciously picking holes in Huawei, trying to give it a hard time using the American legal system," said the paper, which often reflects the foreign policy views of the Communist Party.

The "persecution" of Huawei is "clearly contrary to the spirit of the consensus" forged between Trump and Xi, it said. The two sides are now entering talks to try to find a way out of the tit-for-tat tariff war within the 90-day time frame set by Trump.

The Commerce Ministry is trying not to let Meng's arrest derail that process. "The China and U.S. trade teams are now in smooth communication and good cooperation," spokesman Gao Feng said. "We are full of confidence that China and the U.S. can reach an agreement within 90 days."

But over at the Foreign Ministry, spokesman Geng Shuang said that the Chinese government had made "stern" and "solemn" representations to both the United States and Canada over Meng's arrest.

"We have asked them to clarify the grounds for the detention, to release the detainee and earnestly safeguard the legal and legitimate rights and interests of the person involved," Geng said.

The investigation into Huawei appears similar to a previous case against ZTE Corp, another Chinese telecommunications equipment company, which pleaded guilty last year to violating U.S. export sanctions on Iran.

ZTE was initially blacklisted in the U.S., a move that brought it to the brink of bankruptcy, but after Trump's intervention that was downgraded to a \$892 million fine and outside monitoring of its business activities.

But no one was detained or arrested in the ZTE case, and Huawei has not been formally accused of breaching the sanctions.

"My jaw dropped when I saw this news," said James McGregor, chairman of the greater China region for APCO Worldwide, a business consultancy. "This is so different from anything we've seen before. Serious legal action taken with political timing."

More than almost any other company, Huawei has come to symbolize the potential and the threat of a rising China. It has quickly become one of the pillars of the new, high-tech economy championed by Xi, who has ambitions for China to become the world leader in high-tech manufacturing.

Huawei employs 180,000 people in some 170 countries and earned \$92.5 billion last year. It is the world's third largest seller of smartphones, after Apple and Samsung, and expects to sell 200 million handsets this year.

But the Shenzhen-based company has also become synonymous with a darker side of China's rise, founded on suspicions that it has links to the Chinese military or security services.

The United States, Britain, Australia and New Zealand — four of the five countries in the "Five Eyes" intelligence-sharing network, the other being Canada — have blocked Huawei from their networks on security grounds.

Trump signed a bill in August banning U.S. government agencies from using Huawei and ZTE hardware ranging from smartphones to routers and networking devices.

There are widespread concerns that Chinese technology could contain spyware that could be used to infiltrate American systems or otherwise snoop on Americans.

Huawei has repeatedly insisted that it is a private company and China's government has also rejected the allegations. A government spokeswoman recently even used the suggestion to make a joke. After reports in October that China was eavesdropping on calls Trump was making on his iPhone, a spokeswoman quipped that if the American president is worried about his Apple device being tapped, "he can use Huawei."

The suspicions about spying have their basis in the fact that Huawei was founded by a man who spent about 20 years in the People's Liberation Army, including reportedly serving in a military technology division.

In many ways, founder Ren Zhengfei's life story exemplifies the Chinese dream.

He was born into a poor family in the remote, rural province of Guizhou in 1944, and was initially denied entry to the Communist Party because of his family's poor political standing. Two years after the Cultural Revolution, in 1978, while he was doing his military service, he was finally admitted.

After he finished in the PLA, he started Huawei in 1987 with the equivalent of \$3,000.

"I always had this faith that I should work hard, devote myself to good causes, and be even ready to sacrifice my life for the interest of the people," Ren said during a visit to New Zealand in 2013.

The company rapidly became a technological giant and Ren is now estimated to be worth \$3.4 billion, according to the Forbes Rich List.

He is not only enormously wealthy, he also now has excellent political connections. When Xi went to Britain for a state visit in 2015, Ren gave him a tour of Huawei's London office.

Now 74, the founder had been widely seen as grooming his oldest daughter, who uses the English name Sabrina Meng, to take over the running of the company from him, although he has denied that.

Meng studied at Huazhong University of Science and Technology and, after graduating in 1992, started working at China Construction Bank. A year later, she joined her father's company, working for a time as a telephone operator.

"I served as a secretary, and helped on sales and exhibitions etc. when the company was small. My early jobs in Huawei were very trivial," she said in an interview with the 21st Century Business Herald in 2013.

She returned to her university in 1997 to do a master's degree in accounting, then returned to Huawei's finance department. This "was the real start of my career," she told the paper.

As Huawei took off, so too did Meng's career.

She was the brains behind setting up five global service centers around the world and a global payment center in Shenzhen, credited with boosting Huawei's accounting efficiency, according to her official company biography.

Then in 2007, she led a partnership between Huawei and IBM that helped the Chinese company develop its data systems. More recently, she has been focused on Huawei's finances and long-term development plans as the company's chief finance officer.

Earlier this year, she was named deputy chairwoman of the company's board.

Chinese Internet commentators rallied behind Meng on Thursday. One person on Weibo, using the name "Seavees," quoted a line from the patriotic Chinese blockbuster movie "Wolf Warrior 2": "Chinese citizens: When you are in danger overseas, don't give up. Remember, there is a strong motherland behind you."

Some analysts questioned the timing of the arrest, if not the substance.

"There may be a legal basis for this, but politically, the timing is corrosive," said James Zimmerman, a former head of the American Chamber of Commerce in China. "We're in the middle of a some very sensitive, tense negotiations and they're doing something that is unprecedented in four decades of U.S.-China relations."

In the past, China has retaliated swiftly against similar kinds of actions. The question now is whether Beijing will react this time and risk sparking a new battle in the trade war.

"I've never seen China take something like this lying down," said McGregor, who has lived in China for nearly three decades. "For now, China seems to be taking a measured approach. But this could get ugly very quickly."

[Return to Top](#)

Best Regards,

Keith Schneller
Agricultural Affairs
Office of the U.S. Trade Representative
O: 202-395-9575
C: (b) (6)
E: keith.d.schneller@ustr.eop.gov

Fwd: Flagging: Huawei actions

From: jeffrey.d.gerrish@ustr.eop.gov
To: "Lighthizer, Robert E. EOP/USTR" (b) (6) @ustr.eop.gov>
Date: Sat, 26 Jan 2019 10:53:54 -0500

Begin forwarded message:

From: "Willems, Clete R. III EOP/WHO" (b) (6) @who.eop.gov>
Date: January 26, 2019 at 9:34:15 AM EST
To: "Gerrish, Jeffrey D. EOP/USTR" <Jeffrey.D.Gerrish@ustr.eop.gov>
Subject: Fwd: Flagging: Huawei actions

See below

Sent from my iPhone

Begin forwarded message:

From: "Baker, Brittany G. EOP/WHO" <(b) (6) @who.eop.gov>
Date: January 25, 2019 at 7:02:22 PM EST
To: "Lin, Merry S. EOP/WHO" (b) (6) @who.eop.gov>, "Willems, Clete R. III EOP/WHO" <(b) (6) @who.eop.gov>, "Varga, Susan C. EOP/WHO" (b) (6) @who.eop.gov>
Subject: RE: Flagging: Huawei actions

Yes – sent to him.

From: Lin, Merry S. EOP/WHO (b) (6) @who.eop.gov>
Sent: Friday, January 25, 2019 6:48 PM
To: Willems, Clete R. III EOP/WHO (b) (6) @who.eop.gov>; Baker, Brittany G. EOP/WHO (b) (6) @who.eop.gov>; Varga, Susan C. EOP/WHO (b) (6) @who.eop.gov>
Subject: Flagging: Huawei actions

Clete – would recommend (b) (5)

(b) (5) We understand that A/AG Whitaker will hold a press conference, at which he will:

- Unseal a criminal indictment against Huawei for theft of trade secrets in a case pending in federal court in Washington state.

- Publicize/release additional details about allegations against Meng in connection with the extradition request.

Thanks,
Merry

Merry S. Lin, CFA
Senior Advisor for International Economic Affairs
National Economic Council
Phone: (b) (6)

RE: [EXTERNAL] Trade talks - Huawei

From : "Emerson, Jeffrey W. EOP/USTR" <jeffrey.w.emerson@ustr.eop.gov>
To: James Politi <james.politi@ft.com>, "Davis, Emily K. EOP/USTR" <emily.k.davis@ustr.eop.gov>
Date: Mon, 28 Jan 2019 18:16:14 -0500

We don't have a comment. Thanks for checking. For your planning, there is a pool photospray at the start of the meeting on Wednesday being organized by the White House.

From: James Politi <james.politi@ft.com>
Sent: Monday, January 28, 2019 5:59 PM
To: Emerson, Jeffrey W. EOP/USTR <Jeffrey.W.Emerson@ustr.eop.gov>; Davis, Emily K. EOP/USTR <Emily.K.Davis@ustr.eop.gov>
Subject: [EXTERNAL] Trade talks - Huawei

Hi Emily and Jeff - is there any reaction from ambassador Lighthizer to concerns that the Huawei indictment could damage the trade negotiations ? Also, do you have logistical information about the talks ? Best, James

--
James Politi
Financial Times
World Trade Editor
1667 K St NW Suite 825
Washington DC 20006
Tel: +12024340985
Mobile: (b) (6)
Twitter: @jamespoliti
><https://www.facebook.com/ftitaly/><

RE: Acting Attorney General Whitaker News Conference: 3:30pm

From : "Wineland, Timothy N. EOP/USTR" <timothy_wineland@ustr.eop.gov>
To: "Fleming, Bon E" <flamingbe@state.gov>, "Howe, Julia M. EOP/USTR" <julia_m_howe@ustr.eop.gov>
Date: Mon, 28 Jan 2019 14:39:32 -0500

Very helpful, thanks Bon -Tim

From: Fleming, Bon E <FlemingBE@state.gov>
Sent: Monday, January 28, 2019 2:38 PM
To: Wineland, Timothy N. EOP/USTR <Timothy_Wineland@USTR.EOP.GOV>; Howe, Julia M. EOP/USTR <Julia_M_Howe@ustr.eop.gov>
Subject: FW: Acting Attorney General Whitaker News Conference: 3:30pm

Here is more detail.

I've learned (b) (5)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

I'll try to give everyone a readout of the press conference and note (b) (5)

RE: crim indictment against Huawei released

From: "Chen, Philip D. EOP/USTR" <philip_d_chen@ustr.eop.gov>
To: "Millan, Juan A. EOP/USTR" <juan_millan@ustr.eop.gov>, "Buis, William L. EOP/USTR" <william_buis@ustr.eop.gov>, "Tsao, Arthur N. EOP/USTR" <arthur_n_tsao@ustr.eop.gov>

Date: Mon, 28 Jan 2019 17:17:26 -0500

Attachments
: huawei_et_al_indictment__0.pdf (3.85 MB)

Indictment attached

Indictment is a public document and not included here.

From: Chen, Philip D. EOP/USTR
Sent: Monday, January 28, 2019 5:16 PM
To: Millan, Juan A. EOP/USTR <Juan_Millan@ustr.eop.gov>; Buis, William L. EOP/USTR <William_Buis@ustr.eop.gov>; Tsao, Arthur N. EOP/USTR <Arthur_N_Tsao@ustr.eop.gov>
Subject: crim indictment against Huawei released

<https://www.justice.gov/opa/pr/chinese-telecommunications-conglomerate-huawei-and-huawei-cfo-wanzhou-meng-charged-financial>

Chinese Telecommunications Conglomerate Huawei and Huawei CFO Wanzhou Meng Charged With Financial Fraud

Huawei Device USA Inc. and Huawei's Iranian Subsidiary Skycom Also Named Defendants

Other Charges Include Money Laundering, Conspiracy to Defraud the United States, Obstruction of Justice and Sanctions Violations

A 13-count indictment was unsealed earlier today in federal court in Brooklyn, New York, charging four defendants, including Huawei Technologies Co. Ltd. (Huawei), the world's largest telecommunications equipment manufacturer, with headquarters in the People's Republic of China (PRC) and operations around the world. The indicted defendants include Huawei and two Huawei affiliates — Huawei Device USA Inc. (Huawei USA) and Skycom Tech Co. Ltd. (Skycom) — as well as Huawei's Chief Financial Officer (CFO) Wanzhou Meng (Meng).

From: Chen, Philip D. EOP/USTR
Sent: Monday, January 28, 2019 4:17 PM
To: Millan, Juan A. EOP/USTR <Juan_Millan@ustr.eop.gov>; Buis, William L. EOP/USTR

<William_Busis@ustr.eop.gov>; Tsao, Arthur N. EOP/USTR <Arthur_N_Tsao@ustr.eop.gov>

Subject: Apparently there will be a crim indictment against Huawei shortly

Top US officials to make China-related enforcement announcement

- They include US Acting Attorney General Matthew Whitaker and Commerce Secretary Wilbur Ross, Justice Department says
- US prosecutors reportedly plan to file criminal charges against Huawei Technologies