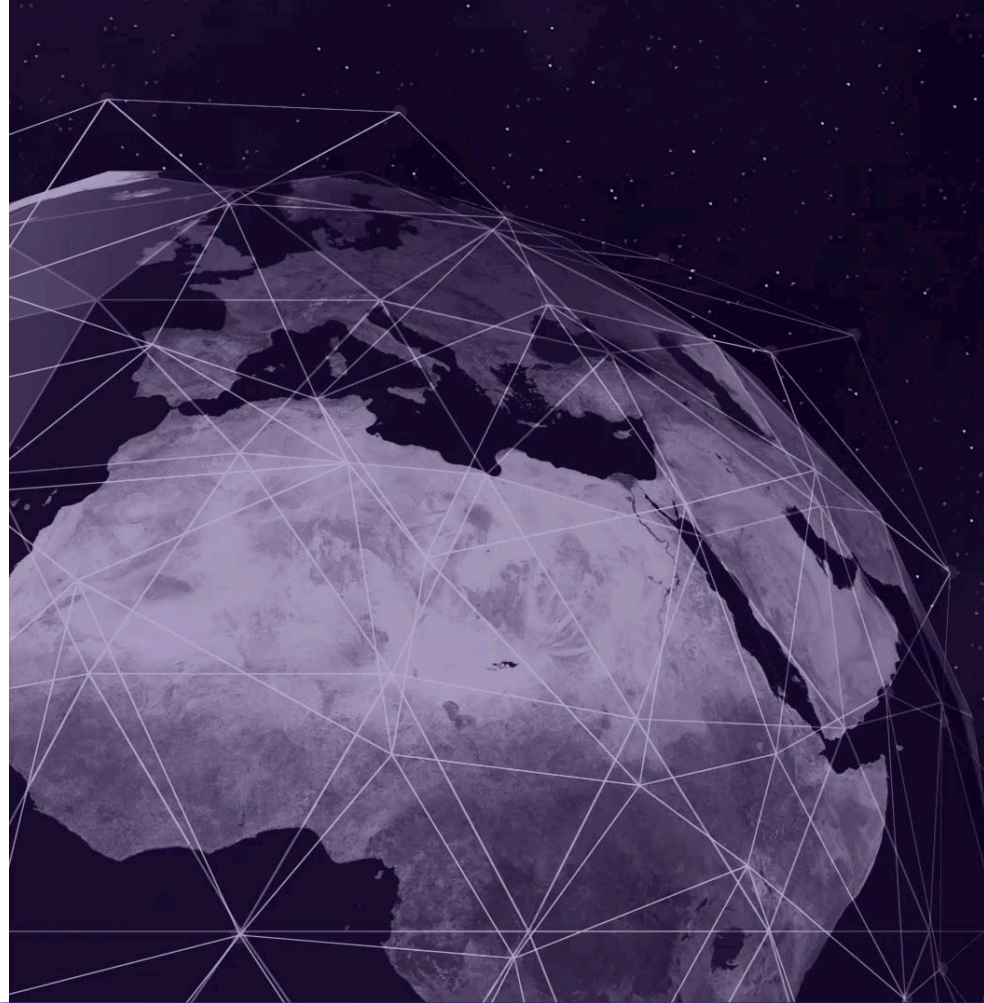


Export Controls & International Compliance (ECIC)

IRB Brown Bag Webinar
15 February 2023

Protecting our values while meeting
federal regulatory requirements



Discussion Topics

Partnering to help faculty, staff and students

- What are export control regulations?
- How do the regulations impact university activities, particularly research activities?
- What are the export control red flags, and when should you contact the ECIC?



Ice Breaker



What word(s) do you think of when you hear the phrase export control and international compliance?

When I think of export controls:



Export controls are U.S. laws and regulations that regulate and restrict the release of critical technologies, information, and services to foreign nationals, within and outside of the United States, and foreign countries for reasons of foreign policy and national security.



Restrict access to technology for U.S. national security



Further U.S. foreign policy interests



Prevent terrorism, weapons proliferation, narcotics trafficking, etc.



Satisfy multilateral obligations

Guiding Principles

Northwestern University's Export Control Policy

One of the underlying principles in conducting research at Northwestern is academic freedom. Relative to export control regulations, this means that research activities should be undertaken freely and openly with no restrictions on the dissemination of research results or access to research results by Foreign Nationals. By adhering to this principle, Northwestern is generally able to operate under the Fundamental Research Exclusion (FRE), which largely limits the impact of the export control regulations on Northwestern's research activities. The FRE allows Northwestern to conduct its research without having to obtain licenses before sharing information with Foreign Nationals. **This exclusion, however, does not apply in all circumstances.**

The big three regulatory agencies

U.S. Agency	Regulates	Regulation
State	Military and Space Critical Technologies	International Traffic in Arms Regulations (ITAR)
Commerce	Dual Use Technologies (Commercial and Military)	Export Administration Regulations (EAR)
Treasury	Sanctioned Countries & Individuals	Office of Foreign Asset Controls (OFAC)



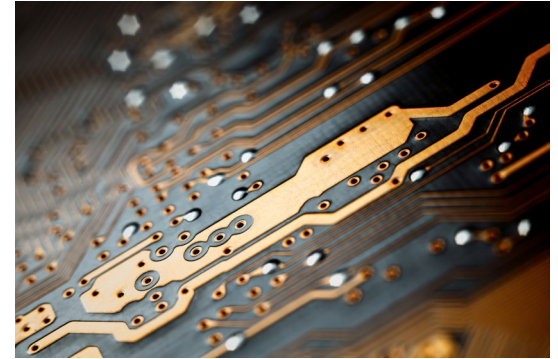
WHO

Regulations impacting people, organizations, universities with which you collaborate.



WHERE

Countries involved in traveling, shipping, or other activities.



WHAT

Regulated items, data, materials, equipment, and research.

U.S. persons or entities under the regulations:

- U.S. citizens
- U.S. permanent residents
- U.S. protected persons including asylees
- Business entities incorporated to do business in the U.S.



WHAT . . .

Activities with Export Control Implications

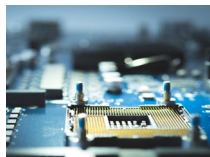
- Publication restrictions
- Foreign person restrictions
- IT security agreements
- Procurement of controlled items
- International shipping
- Importing controlled items
- International Travel
- Research abroad
- Sanctioned country engagements
- Denied person/entity collaborations
- Teaching from outside the U.S. or to students located abroad



Items subject to Export Controls



Technology



Hardware



Software



Data



Substances

Critical & Emerging Technologies

- Advanced computing
- Advanced Engineering Materials
- Advanced Gas Turbine Engine Technology
- Advanced and Networked Sensing & Signature Management
- Advance Nuclear Technologies
- Artificial Intelligence
- Autonomous Systems & Robotics
- Biotechnologies
- Communication & Networking Technologies
- Directed Energy
- Financial Technologies
- Human Machine Interfaces
- Hypersonics
- Networked Sensors & Sensing
- Quantum Information Technologies
- Renewable Energy Generation & Storage
- Semiconductors & Microelectronics
- Space Technologies & Systems

Source: [Whitehouse.gov](https://www.whitehouse.gov) February 2, 2022

WHERE . . .

What is OFAC?

The Office of Foreign Asset Controls (**OFAC**) administers economic sanctions primarily against countries and groups of individuals to accomplish foreign policy and security goals.

Activities that very likely need a license:

- Conferences (even virtual)
- Research
- Joint publications
- Payments
- Remote or online classwork
- Software use (in many cases)



Northwestern – OFAC Voluntary Disclosure



OFAC and online courses (as of 11/17/2022, please check with the Export Controls & International compliance team as the regulations change)

Country	Undergraduate		Graduate	
Crimea Region of Ukraine	Unallowable.		Unallowable.	
Cuba	Allowable under General License		Unallowable without a specific OFAC license	
North Korea	Unallowable		Unallowable	
Iran	Allowable under General License for non-STEM	Unallowable without a specific OFAC license for STEM majors	Unallowable without a specific OFAC license for most graduate programs, unallowable for all STEM. There is a General License M for some graduate programs, but it expires September 1, 2023.	
Syria	Unallowable without a specific OFAC license		Unallowable without a specific OFAC license	
Online Course Software	Mass Market Software	Other software needs license	Mass Market Software	Other software needs license

Military end users for some countries:

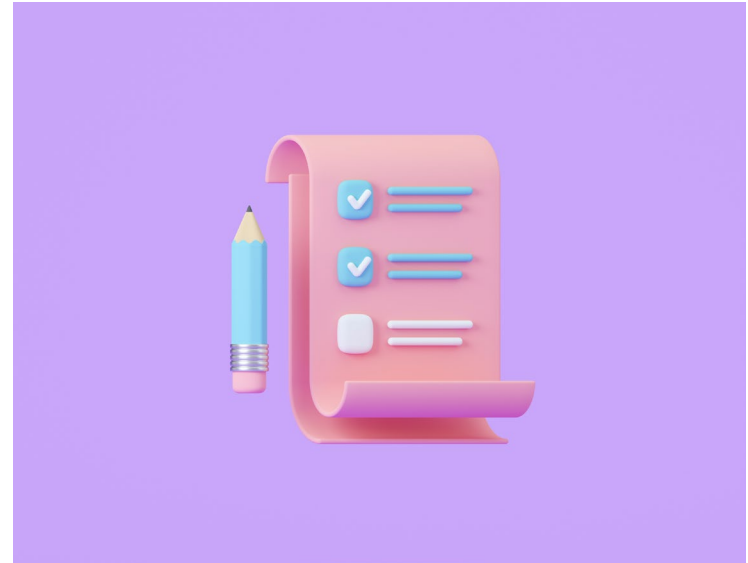
- Belarus
- Burma
- Cambodia
- China
- Russia
- Venezuela



WHO . . .

Restricted Party Screenings

- Visual Compliance is a third- party vendor tool used to identify denied parties.
- **Denied party examples:** Bureau of Industrial Security (BIS) entity list, OFAC sanctioned entities or individuals, or those barred by other U.S. government lists or other countries.
- ECIC screens recipient(s) and their employer(s) through Visual Compliance.
- ECIC screens [research visitors](#); and any collaborator upon request.



Contact the ECIC team to conduct screenings.

What is an export control review?



How do you know if something may be export controlled?

- Project agreement includes a:
 - publication restriction
 - foreign person restriction
 - information security restriction
- Research with potential military end-use
- Equipment has an export-control user agreement
- Shipping or hand carrying items outside the U.S.
- Work involves an entity that is a Restricted Party
- Work involves an OFAC sanctioned or heavily embargoed country





Fundamental research exclusion

Basic and applied research in science and engineering conducted at accredited U.S. institutions of higher education where the resulting information is ordinarily published and shared broadly within the scientific community.



University research will not qualify as fundamental if the university or researcher accepts publication restrictions, other than prepublication “reviews.”



Fundamental research exclusion does NOT apply to:

- Most physical goods or shipping items
- Traveling abroad with items (even a laptop)
- Encryption software (most)
- Research outside the U.S. in OFAC or military-end use countries
- Research with publication restrictions
- Projects with foreign person restrictions
- Federally funded research with certain access and dissemination controls

Shipping and hand carrying items outside of the U.S. or its territories



- Any physical shipment or hand carry outside the US is considered an “export”
- International shipments may need a license
- Even temporary exports (e.g., equipment taken abroad for research and returning to the U.S.) are subject to regulations
- Laptops containing technical data or proprietary information could trigger licensing requirements
- Encrypted drives may be problematic at customs
- **Export Control** can facilitate hand carry documentation upon request



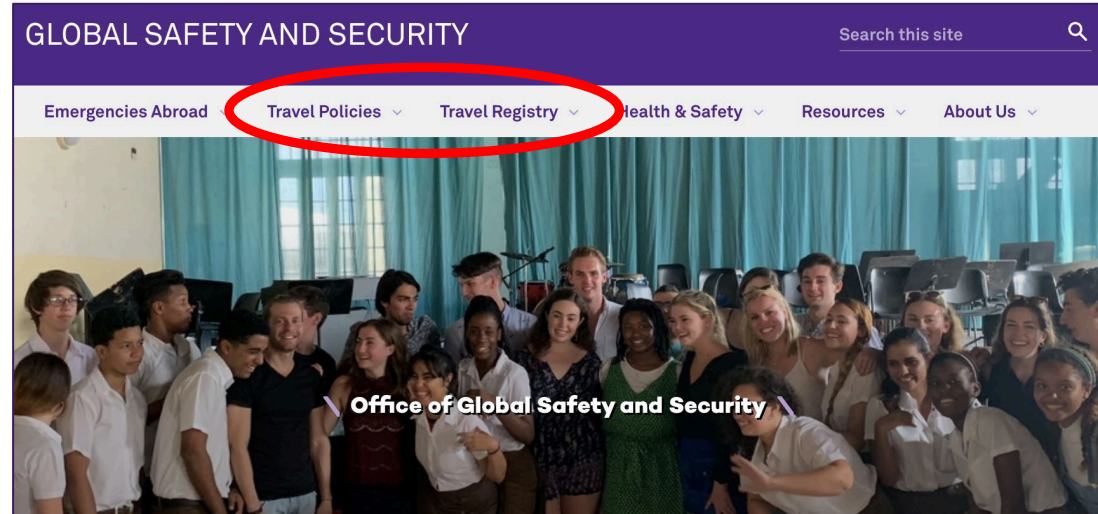
Plan ahead, review travel guidance, and take a clean laptop, if possible.

International Travel: Students, Faculty & Staff

The [Office of Global Safety and Security](#) (OGSS) provides travel health and safety support for all community members traveling on behalf of the University.

OGSS oversees compliance with pre-departure travel requirements for non-credit-bearing student travel and faculty/staff trip leaders.

Faculty and staff have international medical insurance / assistance coverage through [GeoBlue for Employees](#). A one-time registration will facilitate access to service / resources.





Shipping Violation

THE DAILY PRINCETONIAN

NEWS

Princeton fined \$54,000 for prohibited export of animal pathogens





Non-compliance can result in substantial monetary and criminal penalties against the institution and the individual.

- Civil penalties up to \$500,000 per violation
- Criminal fines for willful violations of up to \$1 million and/or up to 20 years imprisonment
- Reputational damage to the university and researcher
- Loss of federal funding
- Damage to national security
- Denial of export privileges

When should you contact the ECIC team?

- If you think the ECIC can help you or your colleagues
- Shipping/exporting something outside the U.S.
- Working (virtually or abroad) with a sanctioned country
- Reviewing an agreement and you find a publication restriction
- Purchasing equipment that requires an export control certification
- Traveling abroad on university business with Northwestern equipment
- Performing work under an RFP/Agreement/Contract that is marked "Export Controlled"
- When you have a question related to improper foreign influence or research security
- You suspect a violation of export control laws or regulations has occurred
- Anytime you have a question!



INTERNATIONAL ENGAGEMENT

Travel

Travel outside the U.S. can trigger the need for a license - depending on multiple factors.



Shipping

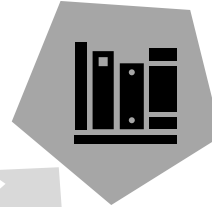
Export Control should be notified before the export of any items outside the U.S.



Online Courses

Research/Conferences

Activities (in-person and remote) involving countries subject to sanctions or embargoes require authorization. **Providing services or payments.**



Collaborators

Working with some global partners (individuals, universities, organizations) is restricted. Conduct Restricted Party Screenings in advance.



Sanctions/Embargoes

Highly sanctioned and embargoed countries pose some of the most significant risks. Contact Export Control with questions.



Export Controls & International Compliance

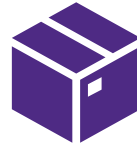
Core Services



Export Clause Reviews



Equipment Purchases



International Shipping



Restricted Party
Screenings



International Travel



Sanctioned Countries
Engagement



License Applications



Training



EXPORT CONTROLS & INTERNATIONAL COMPLIANCE

Search this site

Policies ▾

Federal Regulations ▾

International Travel

Shipping & Purchasing

Training and Resources ▾

Export Controls & International Compliance

Find out about Export Controls

LEARN ABOUT OUR SERVICES

What is NSPM-33?

[Research Security Website link](#)

NSPM-33 is a Presidential memo requiring all federal research funding agencies to strengthen and standardize disclosure policies. The memo also mandates research institutions to certify to the funding agency that it has an active research security program.

Research Security (NSPM-33) Working Group



Export Controls &
International Compliance



Sponsored
Research



Risk and
Compliance



Cyber (NUIT & RIT)



Buffett Institute
for Global Affairs



Training



International
Relations



OGC



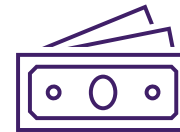
Human Resources



Alumni Relations &
Development



Office
of the Provost



Financial



Government
Relations



Mission statement

International collaborations are critical to creating breakthrough advances, and Northwestern **highly values global research partnerships.** The Research Security Working Group will lead and coordinate Northwestern's readiness for federal agencies' implementation of NSPM-33 within that context, **focusing on our core values of openness in research, integrity, collaboration, and innovation.**

The team will develop a research security program while maintaining our commitment to a diverse academic and research community.

Disclosures



DISCLOSURE REQUIREMENTS: Mandatory and expanded disclosure requirements. The requirements will be standardized across federal funding agencies (to the greatest extent practicable).



UPDATE DISCLOSURES: Personnel must update their disclosures before an award of support, at least annually, and more frequently as agencies deem appropriate.



DIGITAL PERSISTENT IDENTIFIERS: Consistent use of digital persistent identifiers (DPI) across research agencies.

Research Security Website link

Northwestern

OFFICE FOR RESEARCH

RESEARCH SECURITY PROGRAM

Search this site



Your Role ▾

Policies & Guidance

Research Security Areas ▾

\\ **Northwestern** \\

Research Security


MEET THE WORKING GROUP

HOME > POLICIES AND GUIDANCE > GUIDANCE: PROTECTING AGAINST IMPROPER FOREIGN INTERFERENCE IN RESEARCH

Guidance: Protecting Against Improper Foreign Interference in Research

October 4, 2022

Dear colleagues,

International collaborations are critical to creating breakthrough advances, and Northwestern highly values global partnerships. However, the federal government continues to have ongoing concerns about improper foreign interference, and federal agencies continue to increase their review requirements. Under [National Security Presidential Memo-33 \(NSPM-33\) guidance](#)  issued by the White House Office of Science and Technology Policy (OSTP) earlier this year, all federal research funding agencies are required to strengthen and standardize disclosure policies

What makes a program malign?

- “Unauthorized transfer of intellectual property or other nonpublic information;
- Recruit trainees or researchers to enroll in such program;
- Establishing a laboratory/employment/appointment in a foreign country in violation of terms and conditions of a Federal research award;
- Inability to terminate;
- Overcapacity/overlap/duplication;
- Mandatory to obtain research funding from the foreign government’s entities;
- Omitting acknowledgement of U.S. home institution/funding agency;
- Not disclosing program participation;
- Conflict of interest/commitment; or
- Sponsored by a country of concern*

*The law notes that China, the Russia Federation, North Korea and Iran are entities of concern. The State Department or federal agencies may designate other countries or entities of concern.”

Source: <https://www.jdsupra.com/legalnews/nsf-ostp-begin-implementing-chips-act-5256694/>

CASE STUDIES




U.S. Attorneys » District of Massachusetts » News

Department of Justice

U.S. Attorney's Office

District of Massachusetts

SHARE 

FOR IMMEDIATE RELEASE

Tuesday, December 21, 2021

Harvard University Professor Convicted of Making False Statements and Tax Offenses

Dr. Charles Lieber found guilty of concealing his affiliation with the Wuhan University of Technology and his participation in China's Thousand Talents Program



[Home](#) » [Office of Public Affairs](#) » [News](#)

SHARE



JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Friday, May 14, 2021

University Researcher Sentenced to Prison for Lying on Grant Applications to Develop Scientific Expertise for China

WASHINGTON – An Ohio man and rheumatology professor and researcher with strong ties to China was sentenced to 37 months in prison for making false statements to federal authorities as part of an immunology research fraud scheme. As part of his sentence, Zheng was also ordered to pay more than \$3.4 million in restitution to the National Institute of Health (NIH) and approximately \$413,000 to The Ohio State University.

Song Guo Zheng, 58, of Hilliard, was arrested Friday, May 22, 2020, after he arrived in Anchorage, Alaska, aboard a charter flight and as he prepared to board another charter flight in order to flee to China. He was carrying three large bags, one small suitcase and a briefcase containing two laptops, three cell phones, several USB drives, several silver bars, expired Chinese passports for his family, deeds for property in China and other items. He was transported to the Southern District of Ohio and made his first federal court appearance in Columbus last July.

RELATED LINKS

[Speeches and Press Releases](#)

[Videos](#)

[Photos](#)

[Blogs](#)

[Podcasts](#)

What can we do to avoid inadvertent missteps?

- ❑ Disclose, update disclosure, and ask questions
- ❑ Educate faculty, staff, and students
- ❑ Review guidance when it comes out
- ❑ Ask if something is too good to be true
- ❑ Use management plans for higher risk projects
- ❑ Report (voluntarily) any potential issues
- ❑ Check-in with teams who can assist
 - [Sponsored Research](#) – Current & Pending Support Updates and Sponsor Qs
 - [Conflict of Interest](#) – Northwestern COI disclosures
 - [Export Controls & International Compliance](#) – General questions



It takes a village . . .

Export controls and research security is a team sport!

Protecting our values while meeting federal regulatory requirements



Comments | Questions

Office for Research
[Export Controls & International Compliance](#)

Amy Weber, Senior Director
amy.weber@northwestern.edu
[Research Security website](#)

Protecting our values while meeting
federal regulatory requirements

