



Office of the
Vice President for Research

Research Administration Practices (RAP) Sessions

Compliance and Export Control

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Agenda

RAP Sessions: Targeted skills based educational offerings open to the Research Administration community at MIT. Information gathered and shared with attendees can be taken back to their desks and applied immediately.

- Introductions
- List-based controls VS Sanctions
- Exports/Deemed Exports
- Procurement Review
- International Shipments
- Travel
- Helpful Tools (IIC, Visual Compliance / eShip Global)
- What's New

Introductions

Greg Moffatt



- B.S.F.S. -- Georgetown University
- M.A. (Philosophy) -- Fordham University
- J.D. -- Georgetown University Law Center
- Office of General Counsel at Raytheon Company
- U.S. Department of Justice (U.S. Attorney's Office – Massachusetts)

Janet C. Johnston



- BS - MIT Physics
- BS - MIT Earth and Planetary Sciences
- MS - MIT Earth and Planetary Sciences
- MS - MIT Civil Engineering
- Air Force Research Laboratory—Senior Astrophysicist
- Pentagon—Research Laboratory Management
- Air Force European Office of Aerospace Research & Development (London)
- AF Foreign Military Sales—Missile Technology Control Regime Certifier
- Private Pilot
- Science Fiction Author

Kate Donovan



- Former BIS Enforcement Agent
- Previously with United States Customs Service

Export Control

- *Preventing the transfer of potentially dangerous technology, tangible items, and software to entities who would use it to undermine the security of the United States and its allies*

- *Mission of MIT Export Control:*

“Protecting MIT's open research policy and the free interchange of information among scholars while complying with U.S. Export Control Law”

List-based controls vs. Sanctions

- **Sanctions** on a country are usually to punish, coerce, or sometimes target a specific tech area
- **Export Restrictions (so-called “list-based” restrictions)** (e.g., ITAR, EAR, DOE) are to prevent potentially dangerous material from getting into the wrong hands as determined by U.S. policy
- **Denied / restricted parties** are specific to persons or institutions/ entities(list)

Know your collaborator – vetting individuals and entities (You can look them up!)

- **SDN (Depts. of Treasury and State)**—Specially Designated Nationals (includes terrorists, criminals, bad state actors). No contact allowed.
- **Entity List (Dept. of Commerce)**—generally, no items may be exported to them. Fundamental research collaborations permitted, BUT awkward and risky to do business with them.
- **Unverified List (Dept. of Commerce)**—requires paperwork affirming items sent to them will not be passed on to third parties. License exceptions not available.
- **Unitracker (Australian Strategic Policy Institute)**—rates Chinese universities connections to China’s military forces, based on type of work and connection to military. FBI advises we “pay attention” to this list.

Exports/Deemed Exports

Export

--Tangible items, software, technology that crosses the border.

With nearly half of the MIT community being international, export control must be considered in ALL our activities!

Why is this?

→ “Deemed” Export

--Disclosing controlled information to non-US entity or individual — even in the US, even on campus

--Only refers to technology and software

Services also regulated

What is a service?

- **Assisting a non-US person in developing an ITAR item**
 - Includes design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing, use
- **A service does not need to involve ITAR to be illegal. Assisting individuals normally resident in sanctioned countries or on a denied parties list can be an illegal service. Even inviting a speaker from a sanctioned country to a conference you are organizing can be a prohibited “service.”**
- **Examples**
 - Teaching a foreign national to use IR camera
 - Selecting key academic papers and sending to a colleague in Russia
 - Answering questions during Q&A at an overseas conference
 - Serving on an advisory board of a foreign university
 - Inviting an international speaker to a conference MIT is hosting

Keep activities in the “Fundamental Research” realm

DARPA

“Fundamental research means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, ***as distinguished from proprietary research and from Industrial development, design, production, and product utilization***, the results of which ordinarily are restricted for proprietary or national security reasons.”

EAR

"Fundamental research" means research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons. “

Procurement Review

How to find the Export Control Classification Number (ECCN)

- ask the manufacturer/supplier, ask your B2P buyer contact for form
- They may say you don't need one, MIT is domestic (deemed export)

Do I need a Technology Control Plan (TCP)?

- if your commodity or technology is controlled, you may need a TCP
- contact our office to discuss

FAQs B2P

- On the B2P Homepage, under “ Other Resources” if you click on the “ international Purchasing Guidelines” (truck icon) , it will take you to the FAQs <https://research.mit.edu/integrity-and-compliance/export-control/financial-transactions/authorizing-purchases-faqs>

International Shipments

- What are you shipping?
- Who is it going to? (person, institution)
- What country is it going to?
- For what end use?
- Any suspicion of third-party transfer?



Travel

- Run institutions to be visited through **Visual Compliance**
- **Laptops/Mobile Phones**
 - Don't take anything controlled with you
 - Request a “clean” laptop
 - Stick to previously published material.
 - Be aware of what kind of data you receive through your mobile phone.
 - Retain “effective control” over these items (on your person, in hotel safe, etc. NOT checked baggage.)
- **Other Equipment**
 - It's best to ship material if possible--through third-party carriers to ensure proper compliance with environment, health and safety regulations, export control clearances, and other procedures.
- **Field Work**
 - Any university research activity done outside the U.S. may not qualify for the Fundamental Research Exclusion. For example: deploying restricted material in international waters is an export!
 - Shipping with intermediate stops can be an export to those countries!



If you need to take equipment with you contact the ECOs—we can tell you if the export is allowed.

Helpful Tools

- **Visual Compliance:** MIT has a university-wide license that faculty and staff should use to perform Restricted Party Screening. Learn how to register for Visual Compliance, access, and complete restricted party screening.
- **IIC (Informal International Collaboration Tool):** MIT researchers get the guidance needed to enter into or maintain existing collaborations, while ensuring compliance with federal regulations and Institute policies.
- **Eship Global:** used for FedEx, UPS, and DHL shipments, includes compliance with export control requirements. Contact eship@mit.edu with any questions.
- **CITI training course in Export Control:** MIT provides Export Control training through the CITI Program. Learn how to **Add the Export Control course to your CITI Learning.**
- **Trade.gov:** Access the consolidated list search tool for information on people and entities subject to US Government restrictions.
- **VPR Foreign Engagement page** and **FAQs:** Helpful information specific to the MIT community.

What's New

- Reviewing all Procurements
- Reviewing all International Shipments
- IIC Tool
- Semiconductor Rules (7 Oct 2022)
- Evolving legal requirements (NSPM-33, CHIPS and Science, CUI concerns)
- **Research Compliance Office Created and Expanding!**
 - Headed by Greg Moffatt
 - Reports directly to VPR
 - Export Control, Conflict of Interest, Research Integrity, and Cyber Compliance Issues (currently open positions) under one roof
 - 10 people

National Security Presidential Memorandum 33 (NSPM-33)



The image shows the cover of a Presidential Memorandum. At the top, there is a navigation bar with icons for Economy, National Security, Budget, Immigration, and Energy. Below this, the text 'PRESIDENTIAL MEMORANDA' is centered. The main title is 'Presidential Memorandum on United States Government-Supported Research and Development National Security Policy'. Below the title, it says 'NATIONAL SECURITY & DEFENSE | Issued on: January 14, 2021'. At the bottom left, there are social media share icons for Facebook, Twitter, and LinkedIn. At the bottom right, it says 'NATIONAL SECURITY PRESIDENTIAL MEMORANDUM - 33'.

ECONOMY NATIONAL SECURITY BUDGET IMMIGRATION ENERGY

PRESIDENTIAL MEMORANDA

**Presidential Memorandum on
United States Government-
Supported Research and
Development National Security
Policy**

NATIONAL SECURITY & DEFENSE | Issued on: January 14, 2021

SHARE: f t s

NATIONAL SECURITY PRESIDENTIAL MEMORANDUM - 33

- Presidential directive requiring federal research funding agencies to strengthen and standardize disclosure requirements for federally funded awards.
- Requires major institutions (>\$50M/year) receiving federal funds to establish research security programs.

5 Key Areas of Focus in NSPM-33

NSTC *NSPM-33 Guidance* includes detailed guidance for U.S. research funding agencies in five key areas addressed in NSPM-33 in addition to the general guidance.



Researcher Disclosure Requirements and Standardization



Use of Digital Persistent Identifiers (DPIs)



Appropriate consequences for disclosure violations



Information about violators across Agencies, consistent with applicable laws



Research Security Programs at Federally Funded Institutions

Elements of Research Security Program

Draft standardized implementation details released March 2023 for public comment.

MIT is preparing its comments.



Designated research security point of contact (public means of contact)



Cybersecurity



Foreign travel security (policies and record keeping)



Research security training, including insider threat training where applicable



Export control training (as appropriate)

Research Security Programs

NSPM-33 directives for agencies

Requirement that research institutions receiving more than \$50 million per year in “Federal science and engineering support” certify that the institution operates a research security program.



Cyber Security Clauses: What You Need To Do

- Immediately contact your **RAS CA** if you become aware of a situation where you are being asked to handle Controlled Unclassified Information (CUI)
- What is being received needs to be discussed with Government Contracting Officer, the PI, your Export Control Officer and your IST before accepting Federal Information subject to this clause
- All information must be marked by the Government that is in fact subject to the requirements of this clause
- Do not accept any information that is not marked

Contact Export Control

ExportControlHelp@MIT.EDU

<https://research.mit.edu/integrity-and-compliance/export-control>



Questions?

We Appreciate Your Feedback

Please use one of the following methods to share your feedback:

- **QR code** below to access the survey using your phone or mobile device



- Click this link (copied to the chat)

https://mit.co1.qualtrics.com/jfe/form/SV_5jt3fHN0GCx4wS2

The link will also be provided in a follow up email



Resources - Questions – Help

Your RAS Contract Administrator

- By DLC
- By Sponsor/Agency

RA Support Team – ra-help@mit.edu

Community Drop In Sessions

- Held every Monday (non holiday), 1pm-2pm
- Zoom mtg link: <https://mit.zoom.us/j/91518116791>