



Export Control

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Export Controls and Sanctions Controlled Unclassified Information Research Protection and Undue Influence

Dan Runge

Export Compliance and Assistant Research Integrity Officer

Office of Research Integrity and Safety

RADG - 29 July 2019



DefenseTradeLaw.com

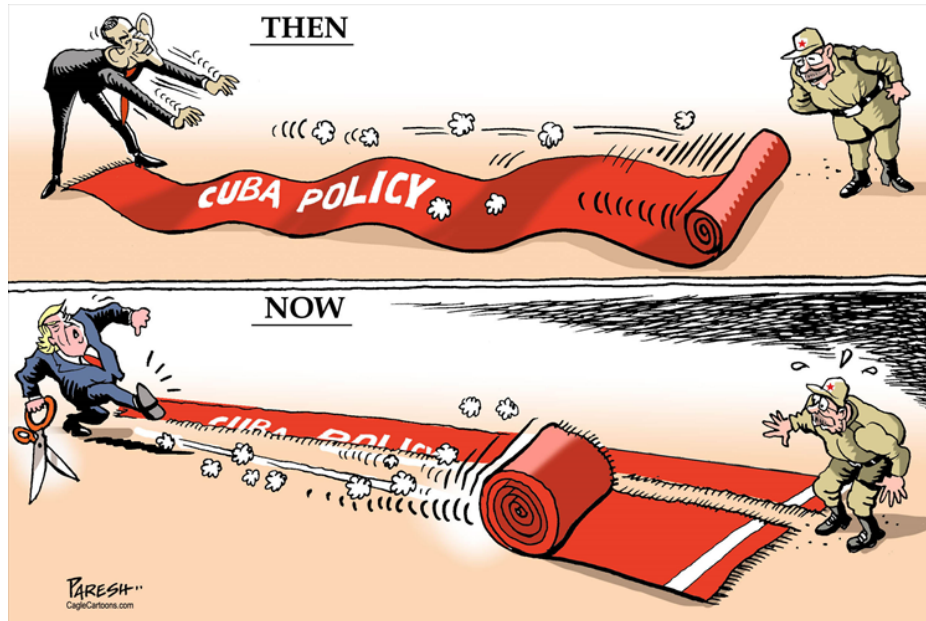
Export Controls

- U.S. laws and regulations that govern the **transfer of controlled items or information** to foreign nationals, countries, and entities for reasons of national security and foreign policy
- Sponsored research may be subject to Export Controls



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Economic and Trade Sanctions



- Prohibitions on transactions with restricted and/or sanctioned individuals, entities, countries, or economic sectors



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Export Controls

What Do We Want to Avoid?

- Doing export controlled, or otherwise restricted research, (or engaging with sanctioned entities) without a compliance framework in place
 - Why?
 - Breach of contract
 - Violations of federal regulations
 - PI and/or the institution may not want/be able to handle the restrictions associated with the project
 - Work involving “Controlled Unclassified Information” typically requires extensive information security and cyber incident reporting
 - Export controlled and non-fundamental research require “Technology Control Plans”



EC Qs – Proposal Smartform

Basic Proposal Information (page 2 of 2)

Edit/View

https://ovpr-grants-prod.ovpr.uga.edu/grants/sd/ResourceAdministration/Project/ProjectEditor?Mode=smartform&Project=com.webbridge.entity.Entity[OID[929FF60FBA8BC04698696AA774BC9C00]]&WizardPageOID=com.webbridge.entity.Entity[OID[9AE5F...

Apps Information Techno... Visual Compliance ITAR EAR OFAC Regulations OFAC Cuban Assets Contr... Gear Login International Travel... Sophia EC Websites Research Integrity Conferences and R... News UAS Other bookmarks

For reporting purposes, it is essential that each project is categorized into one or more disciplinary groups. You must select one such category but may select up to three (most helpful for interdisciplinary work). If you would like to examine the entire disciplinary taxonomy, click [here](#).

(If you select Other, please enter a name for the sub discipline in the text box.)

1. Education Adult/Life-long Education

2. --Select--

3. --Select--

7. * Is this work to be conducted On Campus?: ☒ Yes ☐ No [Clear](#)

8. * Are any foreign locations being used in project? ☐ Yes ☒ No [Clear](#)

If "Yes", provide additional information below:

+ Add

Country	Type
There are no items to display	

9. * Is this a Clinical Trial? ☐ Yes ☒ No [Clear](#)

10. * Is this a multi-PI Submission? ☐ Yes ☒ No [Clear](#)

11. * Did the Office for Proposal Enhancement assist with the preparation of this proposal? ☐ Yes ☒ No [Clear](#)

12. * Will you be utilizing the Clinical and Translational Research Unit (CTRU) if your proposal is funded? ☐ True ☒ False [Clear](#)

13. * Will this grant include use of the Georgia Advanced Computing Resource Center (GACRC) computing and storage resources? ☐ Yes ☒ No [Clear](#)

Work conducted at satellite campuses, such as Tifton and Griffin, is considered "on-campus".

Foreign locations may include field research sites, travel for collaboration or conference attendance, or international transfers of equipment, material, or data. Please indicate if travel to a single country includes multiple purposes.

Currently, this question is only valid for NIH submission. If you are not submitting to NIH, simply select "No".

For more details regarding the NIH multi-PI model visit grants.nih.gov.

« Back Save Exit Hide/Show Errors Print Jump To » Continue »



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EC Qs – Proposal Smartform

Additional Personnel (page 1 of 1)

Edit/View x +

https://ovpr-grants-prod.ovpr.uga.edu/grants/sd/ResourceAdministration/Project/ProjectEditor?Project=com.webridge.entity.Entity[OID[929FF60F8A8C04698696AA774BC9C00]]&Mode=smartform&WizardPageOID=com.webridge.entity.Entity[OID[9818B...]

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 **UNIVERSITY OF GEORGIA** | **GRANTS PORTAL** Edit: Funding Proposal - FP00017113

You Are Here: 2018 VOCA Victim Assistance Fo... < Back Save Exit Hide/Show Errors Print Jump To > Continue >>

Additional Personnel (page 1 of 1)

1. Select other Institutional contributors who will be involved in this proposal:

+ Add

Last Name	Has Credit	Key / Other Significant	PHS Invs.	Role	Biosketch
There are no items to display					

2. Identify all non-institutional contributors who will be involved in this proposal:

+ Add

Last Name	First Name	Email	Organization	Key / Other Significant	PHS Invs.	Role	Biosketch	Disclosure
There are no items to display								

3. * Are there foreign parties involved in this project? ☐ Yes ☒ No [Clear](#)

If yes, please provide additional information below:

+ Add

Name(s)	Organization(s)	Country(ies)	Role(s)
There are no items to display			

[HELP](#)

Please provide information for Non-institutional key personnel involved in the project (Subcontractors and consultants)

Please include foreign sponsors, subcontractors, consultants, or other foreign parties, including those that may already be identified in Question 2

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EC Qs – Proposal Smartform Compliances

Edit/View
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https://ovpr-grants-prod.ovpr.uga.edu/grants/sd/ResourceAdministration/Project/ProjectEditor?Mode=smartform&Project=com.webbridge.entity.Entity[OID[929FF60FBA8BC04698696AA774BC9C00]]&WizardPageOID=com.webbridge.entity.Entity[OID[A2CB...
Apps
Information Techno...
Visual Compliance
ITAR
EAR
OFAC Regulations
OFAC
Cuban Assets Contr...
Gear Login
International Travel...
Sophia
EC Websites
Research Integrity
Conferences and R...
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Other bookmarks

Additional Personnel:

Name	FCOI Disclosure Date	Affirmative FCOI Disclosure	Is PHSInv.
There are no items to display			

Non-UGA Personnel:

Last Name	First Name	Email	Organization	Key / Other Significant	PHS Inv.	Role	Biosketch	Disclosure
There are no items to display								

3. Export Controls:

* Will items or technical data identified as export controlled under the International Traffic in Arms Regulations (ITAR) (on the United States Munitions List (USML)) be accessed, used, or developed as part of the proposed activities? If not explicitly subject to the ITAR/USML will SPACE or MILITARY equipment, software, materials, or technical data be accessed, used, or developed as part of the proposed activities? Will Select Agents or Toxins be accessed or used?

☐ Yes
☐ Not Sure
☒ No
[Clear](#)

If "Yes" or "Not Sure", please explain:

who is responsible for the design, conduct, or reporting of PHS-funded projects"), the proposal cannot be submitted.

UGA's FCOI Policy

UGA's FCOI Disclosure Form

Export controls are the U.S. laws and regulations that govern the transfer of controlled items or information to foreign nationals, countries, and entities for reasons of national security and foreign policy.

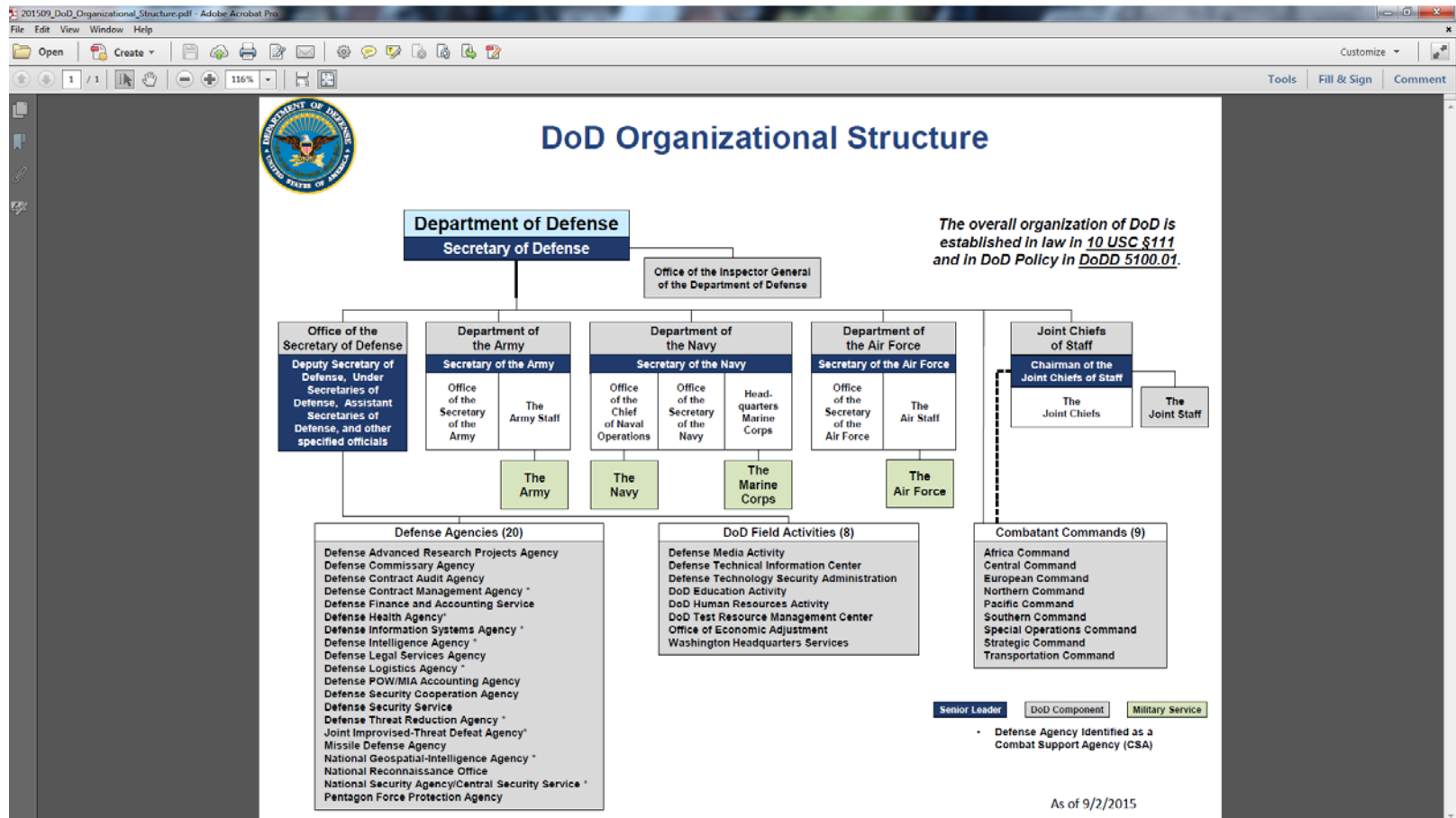
For more information visit research.uga.edu/export-control or contact Dan Runge, Export Compliance Officer.

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Highest Risk Sponsors





Higher Risks Sponsors Currently Subject to ECR

- CENTRAL INTELLIGENCE AGENCY
- DEFENCE ADVANCD RSCH PROJ AGCY
- NATIONAL AERO & SPACE ADMIN
- NATIONAL SECURITY AGENCY
- NATL GEOSPATIAL-INTELLIGENCE
- OAK RIDGE NATIONAL LABORATORY
- US AGENCY FOR INATL DEVEL
- US DEPARTMENT OF DEFENSE
- US DEPARTMENT OF ENERGY
- US DEPARTMENT OF STATE
- US DEPT OF AIR FORCE
- US DEPT OF ARMY
- US DEPT OF HOMELAND SECURITY
- US DEPT OF NAVY
- US NUCLEAR REGULATORY COMM
- UT-BATTELLE LLC
- CENTER FOR DISEASE CONTROL



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What Does Dan Need to Know and When Does He Want to Know It? Higher Risk Sponsors Edition

- The Grants Portal generates a notification to the ECO when a project involves a Higher Risk Sponsor (prior to or concurrent with) submission of Proposal



Dear Export Control Reviewer,

Funding Proposal **FP00018072** contains the following information related to Export Control review:

Will items or technical data identified as export controlled under the International Traffic in Arms Regulations (ITAR) (on the United States Munitions List (USML)) be accessed, used, or developed as part of the proposed activities? If not explicitly subject to the ITAR/USML will SPACE or MILITARY equipment, software, materials, or technical data be accessed, used or developed as part of the proposed activities? Will Select Agents or Toxins be accessed or used?

No

If "Yes" or "Not Sure", please explain:

Prime Sponsor: US Department Of Defense

Prime Sponsor Export Control Review Needed:

☒ Yes ☐ No

Originating Sponsor:

Originating Sponsor Export Control Needed: ☐ Yes ☐ No

If you have any questions, please contact the Sponsored Projects Administration:

<https://spa.uga.edu/contact/>



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What Does Dan Need to Know and When Does He Want to Know It? Proposal Smartform Edition

- *If the Export Control Compliance question is marked “Yes” or “Not Sure” on the Proposal Smartform:*
 - *Grants Portal Notification to ECO*
- *If Foreign Locations or Parties are Indicated on the Proposal Smartform:*
 - *Grants Portal Notification to ECO*



Dear Export Control Reviewer,

Funding Proposal [FP00018151](#) contains the following information related to Export Control review:

Will items or technical data identified as export controlled under the International Traffic in Arms Regulations (ITAR) (on the United States Munitions List (USML)) be accessed, used, or developed as part of the proposed activities? If not explicitly subject to the ITAR/USML will SPACE or MILITARY equipment, software, materials, or technical data be accessed, used or developed as part of the proposed activities? Will Select Agents or Toxins be accessed or used?

Not Sure

If "Yes" or "Not Sure", please explain:

Prime Sponsor: National Aero & Space Admin

Prime Sponsor Export Control Review Needed:

☒ Yes ☐ No

Originating Sponsor:

Originating Sponsor Export Control Needed: ☐ Yes ☐ No

If you have any questions, please contact the Sponsored Projects Administration:
<https://spa.uga.edu/contact/>



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Funding Proposal:	FP00018095
Funding Proposal Name:	Novel Statistical Methods for Deciphering the Regulatory Role of Small RNAs
Principal Investigator Name:	Ping Ma
Sponsor:	National Institutes Of Health

Dear Dan Runge,

The Funding Proposal was submitted with the following information

Primary Sponsor: National Institutes Of Health

Originating Sponsor:

Are any foreign Locations being used in the project? ☒☒

Details of the foreign locations:

country	dateCreated	dateModified	ID	metaCloneId	type
CHN: CHINA	5/14/2019	5/14/2019	ID00001455		Conference

Are there any foreign parties involved in the project: ☐☐

Details of foreign parties:

Country(ies)	dateCreated	dateModified	ID	metaCloneId	Name(s)	Organization(s)	Role(s)
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There are no items to display



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ECO Review Process

- Process After Proposal Notifications
 - Review
 - Proposal
 - Review of RFP/BAA/Solicitation
 - Review of proposal and SOW
 - Discussions with PI, if necessary
 - While ECO receives Portal generated notifications, pre-award and DLSA staff may also reach out to share any proposal concerns, as the proposal notifications are sent close to/at submission
 - Notes in Portal Project History on Proposals



Other Export Control Issues

- International Shipping
 - No centralized process... Contact ECO
 - ECO works with SPA, Procurement, Biosafety, Innovation Gateway, ESD to identify controlled items and international shipments/transfers
- International Travel
 - Travelers must complete OGE Travel Registry
- Any activity involving Cuba, Iran, North Korea, Sudan, Syria, Ukraine
- Visiting Researchers and Scholars
 - Follow UGA Immigration Services and Visiting Research Scholar Questionnaire processes
- Procurement

Controlled Unclassified Information and Related Information Security Requirements

- Export controlled research/information is also considered Controlled Unclassified Information (CUI) or Covered Defense Information (CDI)
- CUI and CDI typically have information security requirements (NIST SP 800-171) that are onerous and not currently* in place at UGA
- BAA/RFP/Contracts with these terms and compliance requirements (which may be independent of export controls) cannot be executed without review and approval within the Export Control Review process, which also includes working with Matt Wells Office of Research Legal Advisor.



Federal Research Protection and Undue “Foreign Influence” Concerns

Science vs. Security

Over past 18 months, the White House, federal agencies and Congress have all signaled concerns about theft of sensitive academic research by foreign competitors. Here's what's been happening.

By Elizabeth Redden // April 16, 2019

5 COMMENTS



<https://www.insidehighered.com/news/2019/04/16/federal-granting-agencies-and-lawmakers-step-scrutiny-foreign-research>



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Research Protection and Undue “Foreign Influence” Concerns: NIH

- Diversion of intellectual property in grant applications
- Sharing of confidential information on grant applications by peer reviewers with others, including foreign entities
- Sponsored Research Current/Pending Support
 - Failure to disclose resources from other organizations, including foreign governments
- July “reminder” from NIH regarding what constitutes current and pending support





DoD “Actions for the Protection of Intellectual Property, Controlled Information, Key Personnel and Critical Technologies”

- “Proposers shall submit...information for all key personnel, whether or not the individuals' efforts under the project are to be funded by the DoD...”
 - To support protection of IP, controlled information, key personnel, and information about critical technologies relevant to national security
 - To limit undue influence, including through foreign talent programs, by countries to exploit US technology within DOD research, science and technology, and innovation enterprise
- Updated disclosure of support basically mirrors existing NIH, etc current/pending support disclosure requirements





“Foreign Talent Recruitment” Programs

- Not necessarily clear what federal agency’s definitions are for these programs, but “Thousand Talents” is one of them that is publicly known
- Heightened risk countries: China, Iran, North Korea, Russia
- Emphasis on accurate current/pending support disclosures also aimed at capturing this type of program participation
- NSF personnel and Intergovernmental Personnel Act (IPA) participants cannot participate in these programs
 - Also reemphasized existing requirements to disclose current and pending support information
- Department of Energy employees and contractors cannot participate in these programs
 - Grants related guidance on these programs is to come
 - Also developing “risk matrix” with regard to emerging research areas, technology, and certain countries



UGA's Approach

- SPA and DLSA staff should encourage full transparency and disclosure on current/pending support and be aware of changes communicated from SPA senior leadership
- Office of Research Integrity and Safety is developing training presentation for faculty and improving Conflicts of Interest in Sponsored Programs Policy and related process
- Bottom Line: UGA is supportive of global engagement, wants to make sure we support our faculty that engage internationally and provide good guidance and resources on meeting federal expectations related to these concerns. UGA values foreign partnerships and exchanges.





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research.uga.edu/export-control