Engineering Research Seminar Series
Presents
The Export Control Process at MSU
“A Few Tips to Make the Process Easier”
Brought to you by DER

This seminar will include an overview of the export control process, how it is addressed at MSU, issues with visa applications for international students, faculty, and visiting scholars, as well as helpful tips and resources to assist PIs. A few words will also be mentioned about anticipated changes in export control regulations.

Wednesday, October 31st from 12-1PM
Location: Engineering Building
Seminar Room
Room 3540
Lunch will be provided!

For more info please contact:
Monique Viau
viaumoni@egr.msu.edu
# Proposal Timeline

<table>
<thead>
<tr>
<th>Business Days Before Submission</th>
<th>Proposal Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Principle Investigator (PI) completes Proposal Processing Form (PPF) PI notifies the department chair of any special considerations, e.g., cost share, space</td>
</tr>
<tr>
<td>6</td>
<td>Final budget, budget justification, and statement of work, electronic routing for approvals</td>
</tr>
<tr>
<td>5</td>
<td>Submit all final non-technical documents to DER</td>
</tr>
<tr>
<td>4</td>
<td>Finalize all proposal documents and complete routing Ready for submission to OSP</td>
</tr>
<tr>
<td>3</td>
<td>OSP considers the proposal late if all documents are not final and routing is not complete. OPS may not be able to provide compliance assurance.</td>
</tr>
<tr>
<td>1</td>
<td>OSP considers the proposal at-risk if all documents are not final and routing is not complete. <strong>At-risk proposals require approval from the Dean’s Office.</strong></td>
</tr>
</tbody>
</table>

**Special Note:** Other colleges may have stricter proposal deadline policies.
Upcoming DER Seminars

9/19 DER is here to help!

10/01 Rich Cernock of Triveni Digital (Next Generation Broadcast Television)

10/10 Introduction to Kuali Coeus

10/17 Faculty Research Activity, Research Expenditures, & RFA

10/24 Using the Medusa Tab in KC

10/31 Export Control

11/08 Innovation Seminars on Energy Efficient Transportation Systems

11/16 NSF Broader Impacts

Upcoming with dates TBA:

- NSF Proposals
- Effort Reporting
- MTRAC
- Institute for Cyber Enabled Research
- Diversity Research Network
- MSU Ford Alliance
- Jervis B. Webb - Daifuku

Note: Presentation materials for completed presentations are available by visiting https://www.egr.msu.edu/der/training/seminar-schedule
Meet the Division of Engineering Research

Kelli, Andy, Robert, Jacque, David, Ziba, Emily, Monique, Kate, Jeremy, Junhui
Division of Engineering Research (DER)

DER is located in the Engineering Building Room 2527
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• Jeremy Webb webbjer2@egr.msu.edu
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MSU Engineering (Export Control)
Daniel Segalman, Professor & Export Control
Advisor segalman@egr.msu.edu (517) 353-7074
Export Control Process at MSU: Tips to Make the Process Easier

Engineering Research Seminar Series
31 October 2018

Dan Segalman, Professor of ME
& College of Engineering Export Control Facilitator
Outline

- What is export control and how it is handled at MSU
- How this touches faculty
- How to minimize difficulties

This is the preponderance of this talk

- Heads-up on some changes

This talk does not count as Export Control Training
What is Export Control?

- “The U.S. Government controls exports of sensitive equipment, software and technology as a means to promote our national security interests and foreign policy objectives.”

Meaning

- There are things we do not want to share and people with whom we do not want to share it.

http://www.state.gov/strategictrade/overview/
Flavors of Export Control We See

- Export Administration Regulations (EAR)
  - Has generally to do with “dual-use” stuff
  - Compliance rules have some flexibility
- International Traffic in Arms Regulations (ITAR)
  - Has to do with stuff with military applications
  - Much less flexibility
- Office of Foreign Assets Control (OFAC):
  - Trade Sanctions

Penalties for noncompliance can be serious
- Fines and Prison

£ having both commercial and military or proliferation applications

stuff = equipment, software, technology
How Export Control Intersects with Lives of PIs

- Visa Request Worksheets - for visiting scholars.
- ECORRW = Export Control and Open Research Review Worksheet.
- ACP = Access Control Plans.
How Export Control is Managed at MSU

Keep the University in Compliance

Truly Expert in Export Control

Principal Investigator (PI)
• Finds funding
• Negotiates terms – which may involve Export Control.
• Hires students

University Office of Export Control and Trade Sanctions (ECTS)
• Approve research contracts wrt EC
• Approve visa requests wrt EC
• Pay rent on UROs
• Draft Access Control Plans
• Often help fix problems
• …

Principal Investigator (PI)
• Finds funding
• Negotiates terms – which may involve Export Control.
• Hires students

Office of the Dean, College of Engineering
• Reviews research contract ECORRW
• Reviews visa requests
• Administers Facilities
• Solves problems

Supports PI in staying in compliance. Protects ECTS from undue anxiety.

The “River”

http://www.mrl.ucsb.edu/~rasgrp/GroupMembers/Rachel.html
ECTS Staff are VERY Busy. How would a reasonable person sort tasks?

Complete forms
Process now to clear queue

Incomplete forms
Must track down PI. Will do sometime later.

We strive not to be in the “to do later” box
The trick to getting visa requests and ECORRWs through ECTS quickly is

- To be fully forthcoming
- To leave no gaps

Let’s walk through the process
Export Control Forms
https://forms.exportcontrols.msu.edu/start

New Export Control and Open Research Review Worksheet (ECORRW)

CGA/OSP App# or KRA Proposal Development#

XXXXXXX

Start ECORRW

Search Proposals by MSU NetId (KRA Only)

sparty@msu.edu

Get Proposals

New Export Control Worksheet for MSU-Sponsored Visa Applications

Start VISA Worksheet

New Uncrewed Aerial/Submersible System

Start UAV/USV Form

For assistance using this application please call (517) 432-4499.
The first part is often done by a department secretary, but there is no reason for the PI not to do this.

East to get this wrong. Check with CV. We shall talk about requirements.

You must have some source of support for this person. At this stage we have created an information hole.

This is then forwarded to the PI to complete.
Visa Request Worksheets

Gal Gadot

Start Date: 01-01-2018
End Date: 01-01-2020
First Name: Gal
Last Name: Gadot
Citizenship: Israel
Home Institution: Israel Defense Forces
Type of Visa: H-1B
Position: Post Doctoral Researcher
Project Topics: Additive manufacturing with clay
MSU Account Number supporting visa recipient: NA
Responsible Department: MECHANICAL ENGINEERING
Form Creation Date: October 15, 2017 - 1:41 pm
Form Creator: Daniel Segalman (segalman)
MSU Sponsor: Daniel Segalman (segalman) Pending Completion
Entity Level Reviewer:

Please enter the NetID of your Chair, Director, Dean, Associate Dean or other appropriate entity level administrator in charge of reviewing export control documents.

List of Entity Reviewers

The first part is prepopulated from the previous page.

This information hole is carried over. We shall address it below.

In general you should choose me!
Visa Request Form, Continued

1. There are 18 questions
2. Opportunity to upload files
Do not leave issues hanging

Do you have the time? Yes
Do not leave issues hanging
About the Questionnaire

Question 17
Will you, the visa recipient, or MSU be asked to sign a non-disclosure or other confidentiality agreement regarding any MSU or non-MSU item, information, or software related to the visa recipient’s duties or project(s)?
- Yes
- No

Comments...

A YES automatically raises red flags. Be sure to provide information that ECTS needs to resolve the issues raised.

Question 18
Did or will any funding to support the visa recipient at MSU originate or flow through a foreign government, governmental agency, or other non-U.S. entity? (If “YES”, please specify.)
- Yes
- No

Comments...

If you did not provide a case number in Part 1, whether you answer YES or NO to question 18, you MUST explain where the support is coming from. Use the Comments section for this.

Submitting here sends the form on to me!

Do not be stingy with information.
Files that must be uploaded - Mandatory

1. CV

2. Statement of Work (SOW)
   A SOW should be several sentences sufficient so that someone knowledgeable in the technology could understand what is the goal of the research and the approach and tools that will be employed.

3. For J1 scholars, a letter of department support

Additional Files can be helpful

1. Letters of financial support

2. Supplemental CV information
If any of the conditions on which MSU made the visa request happen to change, you must notify ECTS.

Examples

- If a visiting scholar starts working on a new research project, you must notify ECTS and send them a new SOW.
- If a visiting scholar decides to take two months off to visit U Cal and that was not on the visa request, you must notify ECTS.

This is really important
Export Control Forms
https://forms.exportcontrols.msu.edu/start

The proposal information will prepopulate much of the form
ECORRW

Collaborative Research: Development of a Unifying Constitutive Law for Friction of Soft-Swollen Materials

Originating System: KRA
KRA Proposal Development#: 27445
KRA Institutional Proposal#: 00328041
Direct Funder: National Science Foundation
Form Creation Date: October 15, 2017 - 4:03 pm
Form Creator: Daniel Segalman (segalman)
Principal Investigator: Daniel Segalman (segalman) Pending Completion
Entity Level Reviewer: No Entity Reviewer Set!

Please enter the NetId of your Chair, Director, Dean, Associate Dean or other appropriate entity level administrator in charge of reviewing export control documents.

Choose me

List of Entity Reviewers

Contract Administrator: Pending Review
Export Control Administrator: Pending Review

Current Status: Awaiting PI submission.

Questionnaire Attachments Revisions Comments
ECCORRW Questionnaire: Some Questions

Category 1

Question 1
Does your proposed project involve receipt or generation of classified information?
- Yes
- No

If you select YES to anything, provide the details.

Question 2
In your project, will you share, ship, transmit, transfer or otherwise access, or travel outside the U.S. with MSU-developed, non-commercial encryption software in source code or object code form, either stand-alone or embedded in other code?
- Yes
- No

Question 3
Do you know or have any reason to believe that your project will support the design, development, production, stockpiling, detection, or use of a nuclear explosive device, chemical or biological weapon, or missile?
- Yes
- No

Comments.
Look for cases where additional documentation could help

Question 10
As part of your project, are you or MSU being asked to sign a non-disclosure or other confidentiality agreement regarding any MSU or non-MSU item, information, data or software?

- Yes
- No

If you say YES to anything, provide the details.

If you actually have an NDA, it would be good to upload that as well.
ECORRW: What to upload

- **Mandatory**: SOW. This could be the abstract from your proposal.
- **Helpful**: BAA or other call if it provides helpful detail.
- **Helpful**: NDA if there is one settled.

Ask yourself – is anything else necessary to provide ECTS the full picture?
(We want to stay in the GOOD queue.)
More Guidance on Visa Requests and ECORRWs

Experience shows that it is easy to miss mistakes:

- Did you provide comment with every YES?
- Did you proof read your comments?
- Did you upload all mandatory or helpful files?
- Can those files be opened?
Access Control Plans (ACPs)

- May result from
  - Visa Requests, ECORRWs, and Purchase Orders
- Drafted by ECTS, but there is some room for discussion and some negotiation
- Usually addresses such things as
  - Where and How some export controlled equipment or information will be used and stored.
  - Who may have access to certain equipment or information
  - In very rare cases, what may not be investigated.
Dealing with ACPs

- Read them and email an acknowledgment to and agreement to comply to ECTS.
- Treat these ACPs as you would treat ES&H rules
  - Train your students and staff
  - Post the rules
- As new people join your team, as you purchase new apparatus, or take on new research topics, reexamine your ACP for compliance.
Final Suggestions:

- When buying stuff, go through the MSU Purchasing Department. They will negotiate with the vendors to get the export control documentation. You do not want to do that yourself.
- When transferring stuff outside of MSU, use a Material Transfer Agreement (MTA).
- When something relevant to an approved visa request or ECORRW changes, notify ECTS (and me).
- When in doubt, ask for help.
Related:

- When traveling out of country, borrow a laptop from DECS and be very stingy about what you put on it.

- Keep track of when your post-docs’ and visitors’ visas are going to expire. Start early on the renewals.

- When in doubt, ask for help.

- Law is in place but regulations are not yet.
- Export Control regs will become more stringent.
- Some of the exclusions associate with EAR may disappear. Everything may look more like ITAR.
- There is a focus on “foreign talents” programs. This may change eligibility for DOD funds.
- All faculty should make sure that MSU Outside Work for Pay disclosures are current.
My job is to make your job easier

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