

NDSU NORTH DAKOTA
STATE UNIVERSITY

STUDENT FOCUSED • LAND GRANT • RESEARCH UNIVERSITY

Executive Order on China OVERALL SECURITY of RESEARCH

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August 19, 2020

Proclamation 10043

Suspension of Entry for Certain Students/Researchers from China

- **Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China. (May 29, 2020)**
 - Effective June 1, 2020 – until terminated by the President
 - **Currently** "receives funding from or who currently is employed by, studies at, or conducts research at or on behalf of... an entity in the PRC that implements or supports the PRC's 'military-civil fusion strategy'," **or**
 - **In the past** "has been employed by, studied at, or conducted research at or on behalf of... an entity in the PRC that implements or supports the PRC's 'military-civil fusion strategy'"
 - **F and J undergraduate students are exempt**

Important Points

- **All graduate student admits and researcher submitting a request for F or J immigration documents are run through Visual Compliance**
 - Any alert is sent by email notification to Export Controls
- **Visas cancelled for current F or J graduate students/researchers from China already in the U.S. who fit the definition in the proclamation**
 - This means that the visa stamp in their passport is no longer valid in the sense that if they depart the U.S., they could not use it to re-enter
 - Legal presence in the U.S protected as long as immigration document is valid and maintaining F or J status.
- **When graduate admits or researchers apply for the F or J visa stamp at a U.S. Consulate abroad, they are vetted and undergo thorough administrative processing which takes weeks (4-6 weeks in general)**
 - “It is the role of agencies, rather than of schools, to identify the entities and determine the connections to those entities: DOS, in determining visa eligibility, and DHS, to determine admissibility at a port of

What We KNOW

- Universities seen as soft targets for spies
- Vast majority of int'l scholars pose no threat
- DOJ, DOS, FBI have warned about a growing threat from China
- Military-Civil Fusion (MCF) is a national strategy of the Chinese Communist Party to develop the Peoples Liberation Army as a “world class military” by 2049 (Chinese President Xi)
- The Chinese Scholarship Council requires students to report on activities to PRC
- USG investigated U.S. universities and researchers
- Proclamations are part of the USG response to the threat
- Disclosure requirement in all Federal Research Awards
- Over the next 5 years “CyberSecurity for Research” requirement for DoD funding

What We Don't KNOW

- All the technologies / fields that China's MCF program are pursuing
- The universities being targeted as part of China's MCF program – could NDSU be targeted?
- What actions, if any, may be recommended regarding individuals already in the US on valid F and J visas who would be denied visas under the new criteria
- When list of Foreign Talent recruitment programs will be prepared/shared publically
- How the new CyberSecurity requirements will impact Fundamental Research and NDSU

TECHNOLOGIES of CONCERN

- Artificial Intelligence (AI)
 - Deep learning neural networks
- Advanced computing
- Quantum information and sensing
- Big data
- Semiconductors
- 5G
- Advanced nuclear technology
- Aerospace technology
- Logistics technology
- Agriculture
- Robotics
- Biomedical
- STEM fields
- Facial recognition
- 3D printing
- Gene editing

Export Controls Office (ECO)

- US Government
 - determines admissibility to the U.S
- ECO
 - looks at export laws and regulations from the university side
 - Screenings Conducted by ECO

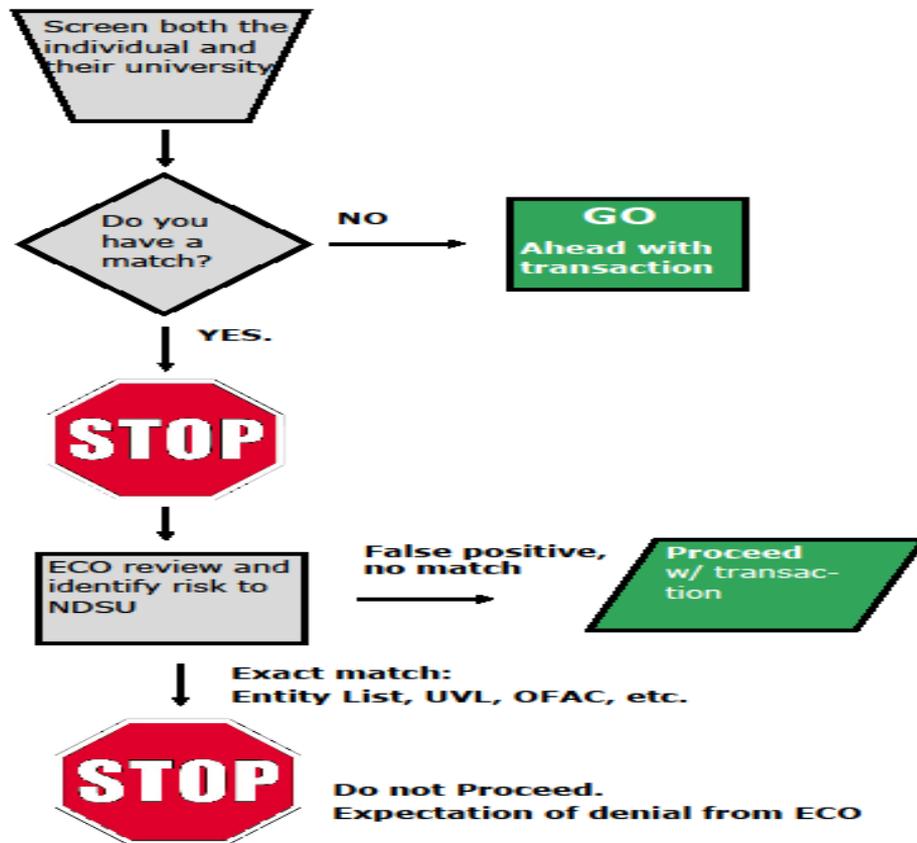
ECO

- ECO Screenings

- Visual Compliance and Unitracker
- Reviews CV's for at risk affiliations; such as where they studied; areas of study; funding
- Reviews purpose of the proposed visit/project
- May reveal potential foreign influence issues (Roundtable Sept 23)
- Identifies areas of concern on campus
- Review against US Export Control Regulations (EAR and ITAR)
- Ask more questions

NDSU SCREENING PROCESS

Government Watch Lists and Denied Parties



What the Proclamation Means to NDSU

- Eyes wide open - Be AWARE
- Proclamation is directed at consulates, Dept of State and Dept of Homeland Security
- Nothing changes
- Export Controls Office (ECO) will ask more questions
- Carefully protect proprietary information
- Communicate
 - Roundtable On Foreign Influence September 23, 11AM

Conflict of Interest (COI)

- A COI is a divergence between your private interests and your professional obligations to NDSU.
- Conflicts can be:
 - Financial-involvement with outside business interests, etc.
 - Personal-relationships
 - Commitment-involvement with other activities
 - Research-interferes with other NDSU activities

COI

- Report any compensation you receive that may be perceived as being related to your NDSU position. Examples of compensation:
 - Salary
 - Supplies
 - Lab space
 - Technical help
 - Travel reimbursement

Report any relationships that involve NDSU.

COI

- NDSU Policy 151.1 based on:
 - SBHE Policy 603.3
 - NDCC 44-04-09
 - NIH Promoting Objectivity in Research 42CFR 50.60.1
 - NSF Chapter V-Grantee Standards
 - NDSU Policy 823
 - Updated Policy 151.1 last fall

COI

We are concerned with conflicts and the perception of conflict.

COIC meets monthly and can help review and manage conflicts.
Faculty from every college comprise the committee, also 2 community members

Hoping to require an initial/annual disclosure from all on campus

Name: _____ Title: _____

Department: _____

Email: _____ Office: _____ Phone: _____

DISCLOSURE INFORMATION

Do you have any real or perceived conflict of interest in any activity related to your field of research and or service? Conflicts include activities in which you may receive financial interest or advantage for yourself, your immediate family, your close associates, or a business over which you or your family has a direct or indirect financial interest. Conflicts may also encompass activities which would include participation (including in a proposal or sponsored award) of a family member (including spouse/partner), consulting that overlaps activities or departmental obligations, as well as external employment of students that you directly supervise, are the instructor of record and/or serve on the student's committee.

Yes No

If yes, please explain:

Does your research involve significant use of university resources (faculty, students, facilities, equipment, etc.)?

Yes No

If yes, please explain:

Are you a principal or co-PI for any sponsored activities or projects through other academic, federal, or commercial institutions?

Yes No

If yes, please explain:

Do you have involvement in any other activity or activities other than those listed that may be perceived as a conflict of interest or conflict of commitment?

Yes No

If yes, please explain:

COI

- Conflicts of interest in research are situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an investigator's judgement in conducting or reporting research.
- Watch for updated forms in the future
- Roundtable On Foreign Influence September 23, 11AM
 - Registration link in “RCA Update”

Questions?

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