

Effects of Foreign National Reporting Requirements on the Spirit of Fundamental Research

Panelists

- **Janet C. Johnston (MIT Export Control Officer) (moderator)**
- **Steve Eisner (Stanford University Director of Export Compliance)**
- **Matt Fucci (MIT Office of the General Counsel)**
- **Juliane Blyth (Brown University, Office of Research Integrity)**
- **Greg Moffatt (MIT Research Compliance Chief)**

Motivation for this Panel

- The US Government requires Fundamental Research to be open to participation by anyone, to have no publication restrictions, and to be performed with the intent to publish.
 - However some Government agencies have restrictions on whom they can support or insist on provision of nationality and other PII information on foreign nationals assigned, or planned to be assigned, to a project, while still insisting that the work is fundamental research.
- What influence does this presumption of veto power exert on the PI?

Questions for this Panel

1. What are the subtle effects of PIs knowing that assignment of certain international researchers to a project might jeopardize the project's funding? Or even prohibit the PI from accepting the work at all (depending on the university's policies)?

--What strategies are universities employing to mitigate this?

--If the restriction is just financial, should universities make up the difference by funding the denied international researcher out of university general funds?

--How are universities complying with requests for foreign national researcher information?

Questions for this Panel (con't.)

2. Aside from violating university open research policies, are we in danger of violating anti-discrimination regulations?

- What about The Family Educational Rights and Privacy Act (FERPA)?**

Questions for this Panel (con't.)

3. What about collaborations in which one or more parties declare their results/discussions off limits to certain nationalities on export control or national security grounds?

- **What about the scholastic culture of open research, if someone is not approved to participate in a particular project but remains a researcher in the PI's lab (working on similar research), how do you monitor this person's non-involvement?**
- **Do we need the “watercooler police?”**
- **How does this impact publications?**



Questions for this Panel (con't.)

4. How successful and what are the pitfalls of carving out a Fundamental Research portion of an otherwise export controlled project?

--Dealing with flow-down requirements,
interface to main project, etc.



Questions for this Panel (con't.)

5. What if Government lab access restrictions based on nationality effectively prevent meaningful participation for some researchers in the fundamental research project?



Questions for this Panel (con't.)

6. Where in the proposal process do you evaluate the potential snags wrt having to provide PII, restricted Gov lab/facilities access, etc?



Questions for this Panel (con't.)

7. How to fuse compliance policy with open research policy?

Audience Discussion

What are your creative
solutions?

Thank you!