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INTERNATIONAL ACADEMIC TRAVEL AND U.S. EXPORT CONTROLS

What are Export Controls?

U.S. laws and regulations that restrict the distribution to foreign nationals and foreign countries of strategically important products, services and information for reasons of foreign policy and national security



Federal Agency Oversight



1

Department of State

International Traffic in Arms – (ITAR) – technologies with inherently military properties

2

Department of Commerce

Export Administration Regulations (EAR) – technologies with “dual uses” but primarily commercial

3

Department of Treasury

Office of Foreign Asset Control (OFAC) - prohibits transactions of value with certain countries and individuals



What is an “Export”

Physical shipment of goods or items

Electronic or digital transmission of goods or items

Release of specific technical data to any foreign national

Access by a foreign national of any covered technology



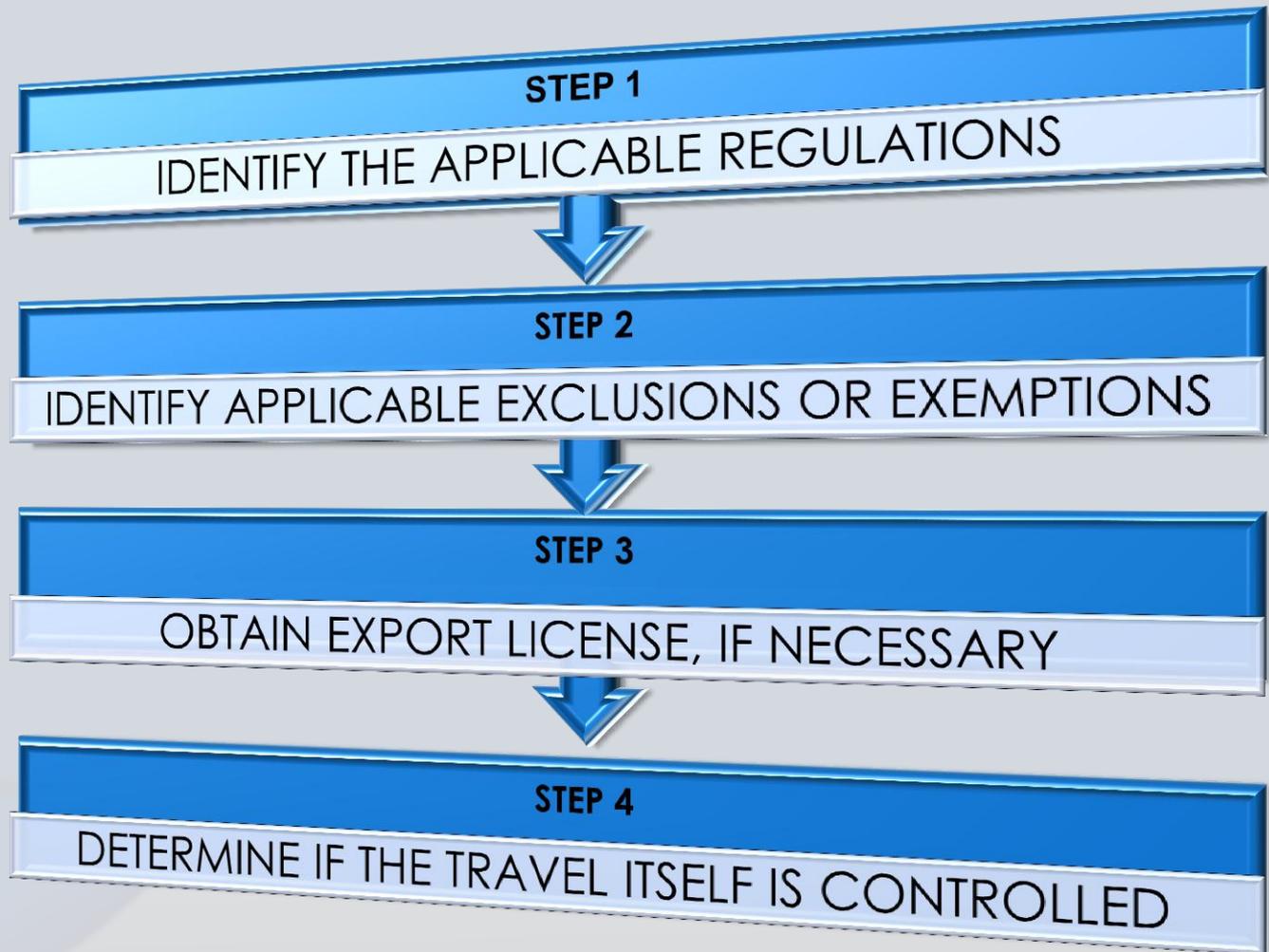
INTERNATIONAL TRAVEL

U.S. export control laws are principally concerned with:

- Whether the academic traveler will take and then disclose any controlled technology or other controlled information to non-U.S. persons, for example:
 - In a paper or on a laptop computer, or
 - Tangible items, such as sensors, test instrumentation, reagents, biological materials or other similar tangible goods.



STEPS TO CONSIDER WHEN PLANNING INTERNATIONAL TRAVEL



Step 1: Identify The Applicable Regulations

The essential first step in planning international travel is to determine whether export control regulations apply to the proposed trip.

- Do you plan to take any controlled information or materials
- Do you plan to send or deliver any controlled goods to non-U.S. persons outside the United States

CAUTION

Does your laptop or other storage device (e.g. flash drive or pda) contain material that may be controlled – even if unrelated to the proposed travel?

Note that simply carrying certain information or software to another country on a laptop or storage device may be considered an “export”



STEP 2: IDENTIFY APPLICABLE EXCLUSIONS OR EXEMPTIONS



The BAG license exemption permits an American temporarily traveling abroad to take a *personal laptop* with normal and customary application software and data for the traveler's personal use, provided the laptop is kept under the traveler's control and is brought back to the U.S. at the end of the travel.

If the regulations apply, is there an exemption or exclusion that permits the proposed activity without an export license? For example:

The TMP temporary license exception permits an American traveler to take an *institution-owned laptop* abroad, provided the laptop is kept under the traveler's control and is brought back to the U.S. not more than one year after the original departure date.



CAUTION!!!

THE FUNDAMENTAL RESEARCH EXCLUSION ABROAD

Please note that the “fundamental research” exclusion **DOES NOT** apply to any setting outside the United States.

What may be lawfully done with non-American colleagues or students on campus in the U.S. is not automatically extended to a laboratory or field research site in another country.



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STEP 3: OBTAIN THE NECESSARY EXPORT LICENSES

- If one or more export control regulations apply to the travel; and
- There is no exemption or exclusion that permits the proposed disclosure or physical export
- Then the planned activity requires an export license from the relevant regulatory agency.
- Obtaining an export license takes time – travelers are urged to start the process early!



Step 4: Determine If Travel Itself is Controlled

Under the OFAC regulations, the government retains the right to regulate travel to certain destinations as a matter of U.S. foreign policy.

Only travel to Cuba is *per se* regulated at this time.

OFAC may issue a license to authorize Cuban travel for educational purposes to a U.S. institution.

Once OFAC issues the license – faculty, staff and students of the institution are then authorized to engage in a variety of educational and research activities without further authorization.



All you have to do is call...

Export Control regulations are complex and subject to frequent change. If you have questions about whether your travel plans raise export control issues, you are encouraged to contact the UNO “Designated Officials” for Export Control Compliance:

Facility Security Officer: OTMC@uno.edu or 504-280-3943

Vice President for Research and Economic Development:

vpresearch@uno.edu or 504-280-6836

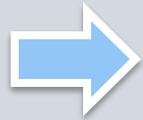
Additional information is located on the following UNO websites:

<http://www.uno.edu/compliance/exportcontrol.aspx>

<http://www.uno.edu/president/administrative-policies/>



THANK YOU!



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