EXPORT CONTROL ISSUES RELATED TO INTERNATIONAL TRAVEL FOR FACULTY, STAFF AND STUDENTS

The University of Texas at San Antonio (UTSA) supports and encourages international travel in order to promote research, study abroad and international collaborations with other universities throughout the world. UTSA is also committed to do everything possible by establishing a policy (HOP 9.46) and guidelines (e.g. UTSA Restricted Regions List) to ensure the safety and well-being of our faculty, staff and students.

UT travelers are responsible for assessing and mitigating health, safety, and security risks when engaging in University-Sponsored International Travel, abide by UT System, institutional, US, and destination/transit countries rules governing international travel, and comply with research security and export control requirements and regulations, as applicable. Travelers must know how export controls apply when taking equipment, devices, software or technical data outside abroad. In most situations, licensing is not required to take UTSA owned items abroad under the TMP "tool of trade" license exception. However, items such as laptops must remain under the traveler's effective control during the trip. Additionally, information and data taken on laptops, PDA's or storage devices must qualify as public domain.

The "tools of the trade" exception does not apply to controlled technology. In other words, the Bureau of Industry and Security (BIS) would require a license to take certain technologies found on the BIS Commerce Control list (CCL), depending on the technology and the country. Also, be aware that some countries have restrictions on the types of technology that you may import into that country. If your laptop is loaded with encryption products or other controlled technology, it is recommended that you arrange to take a "clean" laptop loaded with only the typical Microsoft Office suite or similar commercially available software. In addition, technologies, software or commodities that are regulated by the Department of State's International Traffic in Arms Regulations (ITAR); and proprietary, confidential or sensitive information subject to Non-Disclosure Agreements or as a result of a research project with contractual restrictions will not be exported outside of the United States.

Travel to Foreign Adversarial Countries or Countries of Concern:

Travel to foreign countries considered "foreign adversaries" or "countries of concern" must be IAW Texas Education Code Section 51B, Texas Executive Order GA-48, Regents' Rules and Regulations, Rule 10902: Research Security Policies, and UT System Policy, UTS 173 Export Controls. A list of countries considered "foreign adversaries" or "countries of concern" can be found at 15 C.F.R. Section 791.4 or as defined in Texas House Bill 127. It is the responsibility of employees engaged in University-Sponsored International Travel to acknowledge guidance related to foreign adversaries or countries under sanctions or other restrictions by Texas or the U.S. government.

Travel to Sanctioned/Embargoes Countries:

OFAC regulations prohibit the university from conducting any financial transaction or providing services to any blocked or sanctioned country, individual, entity or organization, including a government agency of a sanctioned country. Travel to certain sanctioned/embargoes countries would require a license from the Office of Foreign Asset Control (OFAC), or could, in fact, be denied.

Collaboration, agreements or contracts with Foreign Entities and/or Individuals:

The Department of State, the Office of Foreign Assets Controls (OFAC), and BIS have various lists of persons and entities that we are prohibited from doing business with; in other words, we should not be providing them with a defense service (includes training), giving money to these people or organizations, or providing them with controlled technology. A restricted party screening (RPS) determines if the entities and/or individuals which whom you desire to conduct business are on any U.S. Government issued restricted, blocked or denied party lists.

In addition, collaboration (e.g., presentations, discussions) must be limited to topics that are not related to research on controlled items, commodities, or technology unless the information is already published or otherwise already in the public domain. You must verify that the shared information falls into one or more of the exclusions (e.g., research that qualifies as fundamental research, information that is in the public domain, educational information, publicly available software).

If, during travel, you are contacted by an individual or entity that wants to engage in business or have you provide other services, please contact ORI to conduct a restricted party screening to evaluate whether the transaction can occur.

UTSA policy in removing equipment from UTSA premises:

UTSA-owned property may be removed temporarily (<12 months) from the campus and other UTSA facilities to be used in conducting official UTSA business. A Removal of Equipment (ROE) form must also be completed and submitted to the Inventory Department prior to removal from the UTSA (https://www.utsa.edu/financialaffairs/forms/inv/RemovalofEquip.pdf).

More detailed information can be found on the following websites:

UTSA Export Control: https://research.utsa.edu/compliance/export/

UTSA International Travel Gateway - http://international.utsa.edu/

UTS 190 International Travel Policy - https://www.utsystem.edu/sites/policy-library/policies/uts-190-international-travel-policyhttps://www.utsystem.edu/sites/policy-library/policies/uts-190-international-travel-policy

15 C.F.R. Section 791.4 (List of countries deemed "Foreign Adversaries") https://www.ecfr.gov/current/title-15/subtitle-B/chapter-VII/subchapter-E/part-791/subpart-A/section-791.4

Certification of Temporary Export of UTSA Property and Review of U.S. Export Control Regulations

1. Name of Traveler:

2. Destination and Dates of Travel:

Destination	Travel Dates

3. Purpose of Travel:

4. I plan to meet the following foreign individuals / Entities while traveling abroad:

Location	Name of Individual / Entity	Purpose of Meeting

5. I am removing the following item (s) belonging to The University of Texas at San Antonio:

Item Description	Model Number	UTSA Asset # (Barcode)

By signature below, I certify that:

1) I have read and agreed with the UTSA policy on removing UTSA Controlled/Capital equipment from campus premises; and

2) I have reviewed the informational sheet entitled “EXPORT CONTROL ISSUES RELATED TO UNIVERSITY TRAVEL” and I am aware of restrictions or sanctions that may apply to the destination and/or to the entities and individuals whom you desire to do business, if any; and

3) there is no controlled technical data or controlled technology installed or stored on any item listed above; and

4) the item(s) will remain under my effective control at all times while outside the United States and will be outside the United States for the period listed above (not to exceed one year); and

5) the item(s) will not be used by or shared with any entities on the list of restricted entities or any other person or entity subject to export prohibitions.

Signed:

Date: _____

Submit by Email to Export@utsa.edu

Instructions for Certification of Temporary Export of UTSA Property and Review of U.S. Export Control Regulations Form

1. You should fill out the form and return to the Office of Research Integrity (ORI) prior to traveling abroad so that ORI can determine whether an export license will be required for UTSA property being taken out of the country and verify that any foreign entities with which you will be working are not on any U.S. government restricted party list. **Please note - if you are taking potentially export-controlled items abroad, you should notify ORI as early as possible, as obtaining an export license can take several months.**

2. Destinations and Dates of Travel - List all countries that you will be visiting while abroad. The requirements for an export license are based on the country of destination. List dates that you will be at each destination. If you are taking an item that is exempted under the Temporary Export License Exception (TMP), the item must be returned to the United States within one year.

3. Purpose of the Travel - Briefly describe the purpose of the travel (e.g. attending a conference, collaboration with university, conduct research, etc.).

4. Contact with foreign individuals/entities - You should list any specific foreign individuals, companies, or institutions that you plan to meet with while traveling abroad and provide a brief description of the purpose of meeting. These entities will be screened so that you can be sure that they do not appear on any restricted party list issued by the U.S. government. While you will be provided with a list of restricted entities in the country you will be visiting, many restricted entities are not listed by country.

5. Items removed - You should list all electronic or scientific equipment owned by UTSA that you are taking abroad, whether tagged by inventory or not. This would include laptops, BlackBerrys or other PDAs, GPS devices, sensors or scanners, etc. Be as specific as possible in your description so that ORI can make a determination on whether an export license would be required to take the item to the country of destination. For laptops, include any installed software other than the basic Microsoft Office Suite or similar commercially-available applications. Be aware that the same regulations apply to any equipment you take that is your personal property. If you are taking a personal laptop, PDA, etc. you should review the regulations to ensure that those items do not require licenses as well.