International Travel

Traveling out of the Country on Official UTMB Business?....
You are an Exporter If You Do Any of the Following:

- Take any tangible items, such as a laptop, even if you plan to bring the items back upon your return.
- Disclose or share technical information or data while abroad.

Why Should You Be Concerned?
If you are taking UTMB owned technology, materials or equipment (items), you must understand that:

- UTMB’s items can be searched and seized by U.S. Customs or by foreign governments,
- UTMB’s technology may be accessed and reviewed by foreign entities that could use the technology against the U.S.,
- Even if the items or technologies are not controlled, there are U.S. regulations that may restrict your transactions or disclosures with certain foreign individuals, entities and countries.

Therefore, if you are traveling internationally on Official UTMB Business, we ask you the following questions:

1. **Where Are You Going?**

Even though travel to most countries does not usually constitute an export control problem, the U.S. Government has sanctioned several countries. Additionally, the U.S. has issued embargoes on certain countries. Sanctions are trade prohibitions on certain type of products, services or technology to another country due to various reasons, including nuclear non-proliferation and humanitarian purposes. Some sanctions prohibit the exports of goods, technology, and services from or to certain countries. Other sanctions only prohibit transactions with certain listed entities and individuals. An embargo is the complete ban or prohibition of trade by one country with other. When the U.S. issues a comprehensive embargo against a country, such as Cuba, you may not travel or give anything of value, such as research, to that country, without first procuring a license.

Cuba, Iran, Syria, North Korea and Sudan are subject to U.S. economic sanctions. Travel to and transactions with these countries are tightly regulated. Because sanctions change frequently, it is best to check the Office of Foreign Asset Control (OFAC) and the Export Administration Regulations (EAR) listed on UTMB’s export control website, if you have any questions.

Summary of Embargoed and Sanctioned Countries Chart As of 5/2013

<table>
<thead>
<tr>
<th>Comprehensively Embargoed Countries</th>
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<tbody>
<tr>
<td>OFAC</td>
</tr>
<tr>
<td>Iran, Cuba, Syria</td>
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<td>EAR</td>
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Targeted Sanctions Countries for Export of Selected Category of Items

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<tr>
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<tbody>
<tr>
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<td>Iran, Cuba, Syria</td>
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2. **Who Are You Visiting or Collaborating With Abroad?**

It is not just where you are going, but *who* you intend to visit. Even though your destination may not be sanctioned or considered a “friendly country,” such as the United Kingdom, entities or individuals in the countries might be debarred or sanctioned. For example, the Department of Treasury, through OFAC, maintains a list entitled, “Specially Designated and Blocked Nationals List,” which identifies individuals and companies whose assets are blocked and U.S. persons are generally prohibited from dealing with them. Additionally, the Department of Commerce maintains the “Denied Persons List,” “Entity List,” and “Unverified List.” The Department of State maintains the “Debarred List” and “Nonproliferation Sanction List.” Be advised that some universities are also identified on these lists. You can review the lists or contact the ECO well in advance of your trip; so that, the individuals, entities, and countries can be searched in the Visual Compliance Database. Some department administrators have access to Visual Compliance. Be sure to check with them as well.

3. **What Will You Take out of the U.S.?**

**A. UTMB’s Tangible Items**

If you are carrying UTMB owned tangible items, such as research materials including biological or chemical items, you must make sure that the items are not export-controlled, prior to taking the items out of the country.

*Listed below are examples of UTMB’s potentially controlled items*-

- Items related to your work at UTMB, including: i) tangible items, such as samples, prototypes, and equipment; and/or ii) unpublished research technical data; AND you work with or in the following areas:
Select Agents, Vaccines, Toxins, Human or Zoonotic Pathogens and related genetic elements. Radioactive or Nuclear Materials Hazardous Chemicals Explosives

Information Security Encryption Advanced Computer/Micro technology Biosafety Laboratories Sensors or Lasers Space technology & Satellites

Hundreds of items are listed on the EAR and USML lists. For a complete listing, view and search the lists on the UTMB export website under the following tabs:

- Export Administration Regulations (EAR) list
- International Traffic in Arms Regulations list - then click the United States Munitions List (USML).

B. UTMB’s Technology Located on Electronic Devices

UTMB employees commonly travel with commercially available electronic devices, such as laptops, tablets, smartphones with UTMB Mail Outlook, flash drives and other digital storage devices. Underlying technology, any data on your device, proprietary or confidential, unpublished, or proprietary information will be subject to export rules once exported and may require a license before you carry that information or technology abroad.

Here are some **Best Practices** for Exporting UTMB-owned items or technology:

- Determine what items or technology that is required for the trip. *“If You Don’t Need It, Don’t Take It!”*
- Delete any unpublished information from the devices.
- If you must bring unpublished data, make sure the information is not controlled. Contact the ECO if you need additional help.
- Take “clean” laptop or devices.
- **UTMB laptops**- complete the TMP exception certification and return to the ECO (discussed in the Encryption section below).

Ask yourself, *“Would I want the foreign government to retain and read/copy all the information on my devices?”* It is more of a possibility than you may believe. You are solely responsible for compliance. Use this best practices section to assist you in complying with export regulations.

**Special Note About UTMB Encryption Controls**

U.S. export regulations control the export of certain "encryption commodities, software and technology" (see Code of Federal Regulations, Title 15, Section 740.17). UTMB’s encryption provider is WinMagic. Our encrypted devices may be exported under the license exception, Temporary exports-Tools of the trade (TMP). The TMP license exception requirements state that laptops and other digital storage devices (and related technology and software) must be:

1. used for UTMB business/professional purposes,
2. returned to the U.S. within 12 months,
3. kept under “effective control of the traveler” while abroad, and
(4) protected by other security protections, such as firewall and secure connections, such as VPN.
The TMP license exception is subject to strict record-keeping requirements. If you are taking UTMB owned laptop that fall under the license exception, you should contact the ECO; so that, you can complete the TMP exception certification. The form is located under the International Travel section of the export control website.

This license exception does not apply to the embargoed countries (see below). Additionally, travel to any of these countries requires that you remove any encryption technology from your electronic devices before entering.

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<thead>
<tr>
<th>Country</th>
<th>Terrorist Supporting</th>
<th>Unilateral Embargo</th>
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<tbody>
<tr>
<td>Cuba</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Iran</td>
<td>X</td>
<td></td>
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<tr>
<td>Sudan</td>
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<tr>
<td>Syria</td>
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4. As the International Traveler, Do You Know the Common Risk Factors of Export Control Violations?

If any of these factors apply to your UTMB approved travel, please contact the ECO before you travel:

- Traveling to Embargoed or Sanctioned Countries,
- Visiting or Collaborating with Restricted People and Entities,
- Taking or Disclosing Military or Defense-Related Items and/or Data, or
- Taking items listed on the Commerce Control List (CCL) Commodities and Technical Information.

FYI: Two University Examples of International Travel Export Control Issues:

Real Life Scenario 1:
**Former Texas Tech Professor**- “Professor in 2003 plague scare sets off Miami airport shutdown with canister.” In 2010, authorities questioned a world-famous Texas scientist, who was convicted in 2003 for the unauthorized exporting of a plague bacteria to a collaborator in Tanzania, after a suspicious metal canister was found in his luggage at Miami International Airport. The discovery in Dr. Thomas Butler's bag triggered a bomb scare, which shut down airport activity overnight. Butler was later cleared of any wrongdoing. [Read more: http://www.nydailynews.com/news/national/thomas-butler-convicted-disease-doctor-center-miami-international-airport-scare-article-1.207378#ixzz2TCj2ksq0]

Real Life Scenario 2:
University of Tennessee- As a UT professor, John Reece Roth obtained an U.S. Air Force contract to develop plasma actuators to control the flight of small, subsonic, unmanned, military drone aircraft. During the course of that contract, he allowed two foreign national students to access export controlled data and equipment, and exported some of the data from the contract on a trip to China. The Arms Export Control Act prohibits the export of defense-related materials, including the technical data, to a foreign national or a foreign nation. In 2008, he was convicted of conspiracy, wire fraud, and 15 counts of exporting “defense articles and services” without a license.

International Travel Export Control Questions and Answers

Q. Must I check every item to determine whether it is export-controlled, even if it is commercially available?

A. When you leave the country, everything you take is an export, including devices, software, and data. There is a license exception for personal effects. With UTMB owned items and technology, we require that you make sure that those items will not require a license and if in doubt, contact the ECO prior to traveling.

Q. I want to give a presentation in London regarding my UTMB unpublished research. Are there any export control concerns?

A. Possibly. If the information is not published, you will need to ensure that the unpublished technology is not export-controlled prior to taking the information with you. If the information is in the public domain, there is less of a risk of export-controlled violation upon your disclosure. Additionally, fundamental research exception may apply. Contact the ECO for more information or review the information listed under the “Understanding Export Control” tab of the UTMB export website.

Q. When I visit China this year, I want to deliver harmless biological materials and commercially available equipment to my collaborator at the Northwest Institute of Nuclear Technology in the Science Research. May I do so?

A. No. Northwest Institute of Nuclear Technology in the Science Research is listed on the Department of Commerce-BIS Entity List. You may not deliver any items subject to export regulations to this entity without a license. (See Supplement No. 4 of Part 744). Do not just assume that there is no export-control issue, simply because the recipient is a foreign university or institute.

Q. Do the U.S. export regulations apply, even when I am internationally traveling on non-UTMB business?

A. Yes, for personal international travel, export regulations still apply to you. You have the
sole responsibility to ensure that you comply with export control regulations and safeguard UTMB owned items or data whether you are on official UTMB Business or not. Even so, the focus of this travel section pertains to UTMB approved travel and UTMB owned-items/technology and providing awareness and best practices regarding export controls. But when you travel abroad on personal leave, the best practice is to leave all UTMB items and technology here in the U.S.

*Contact Frances Streeter, JD, Legal Officer and University Export Control Officer, in the Office of Technology Transfer if you have any questions regarding export control issues related to your travel outside the U.S. Ms. Streeter can be reached at 409-772-0376, or via email at frstreet@utmb.edu.*