

Export Controls Guidance
for
Faculty and Staff International Travel
October 2021

When you travel internationally, you need to know your responsibilities under export control regulations.

The [U.S. Department of State](#) maintains country specific alerts and other information for every country in the world. You should always check prior to an international trip. If you are unsure how to interpret the information you find there, you can consult with the U.S. embassy of that country, or with UTRGV's Export Controls Officer (ResearchCompliance@utrgv.edu)

U.S. customs officials are authorized to search or retain electronic devices, including digital cameras, cell phones, media players, disk drives, flash drives, tablet devices, and laptops, even without probable cause, to look for violation of export control regulations as well as other laws and regulations. To prepare for this possibility:

- Don't carry data you don't want others to see: medical records, research data files that cannot be published, financial information, photos, etc.
- Before you travel, back up any data that you don't want to lose.
- Consider taking a minimal device ([clean laptop](#)) equipped with only ordinary, recognizable software and minimal data so any search can be fast.

Taking electronic devices

Laptops, cell phones, flash drives, GPS, and their underlying software are covered by the Export Administration Regulations (EAR) and, in some cases, by the International Traffic in Arms Regulations (ITAR). Export regulations vary based on the country to which a researcher is traveling and on the purpose for which the researcher intends to use the devices. However, a license exception may apply to the export of the laptop or devices in question; if so, a researcher may be able to take that equipment abroad without violating the EAR or ITAR. Excluding [sanctioned countries](#), faculty and staff who wish to take their laptops out of the country to use in a research project that qualifies as fundamental research may be able to do so under the license exception for temporary export (TMP) if the laptop meets the requirement for "tools of the trade" and is under control of the researcher. Another exception, the Baggage Exception (BAG), authorizes

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individuals leaving the U.S. temporarily to take with them personally owned devices and software to any destination in the world.

The TMP exception is documented in [§740.9](#) of the EAR.

The BAG exception is documented in [§740.14](#) of the EAR.

The Fundamental Research Exclusion for EAR is documented in [§734.8](#) of the EAR

Summary:

- Electronic devices (laptops, cell phones, drives, memory), and the software and data are subject to U.S. export controls when you leave the U.S.
- Devices and data may be inspected or retained by U.S. Customs upon departure or return to the U.S.
- Devices and data are also subject to destination laws and regulations.
- Exchanges of controlled technical data outside the U.S. or with foreign persons in the U.S. are subject to U.S. export regulations and may require an export license.

Taking your data

You can freely take with you:

- Results of fundamental research: Basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community.
- Published results involving defense items on the [U.S. Munitions List](#).
- Summary information for defense articles on the U.S. Munitions List: General system descriptions, general scientific, mathematical or engineering principles commonly taught in schools, colleges, and universities.
- Top-level drawings and descriptions: summaries of performance requirements, key subsystems, block diagrams, design capabilities, operational modes, equipment layout, predictions of power consumption.

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- Published or publishable results for commercial (dual use) items on the [Commerce Control List](#).
- Public domain or publicly available information, which is or will be published through Libraries open to the public.
- Published patents.
- Written materials and information related to conferences, meetings, seminars, trade shows, or exhibits accessible to the public where attendees may take notes and leave with notes.

Exchanges of Technical Information

You can take with you and exchange with anyone the results of fundamental research or public domain/publicly available information.

Be careful with unpublished [technical information](#) related to a defense article. Export regulations allow unlicensed transfer only of general system description, basic marketing information, and general scientific, mathematic, or engineering principles. Providing more detailed technical information may require a license from the Department of State. Providing assistance related to a [defense article](#) to a foreign person or entity is considered a “defense service” which also requires a license, even if the information is in the public domain.

Technical information related to non-defense technology is also controlled. Even EAR99 technical information requires a license for transfer if it will be used for certain military purposes.

At an international conference, tutorial, workshop, or presentation of research:

- You can present
 - [Fundamental research](#) results, educational information, or public domain information



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You cannot present

- Detailed unpublished information regarding defense articles that are found on the [U.S. Munitions List](#)

When interacting with foreign persons:

- You cannot provide a [defense service](#) (the furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles).

Remember:

Exports of technical information about a defense article can take place either through exchange of documents, through oral exchanges in person or by telephone, or by electronic exchanges, including fax transmission, FTP, Wiki, or email.

If you want to know more

The concerns of the export control laws are the potential to take controlled items out of the country ([export](#)) or to disclose controlled technology or information to non-U.S. persons ([deemed export](#)).

UTRGV's export controls [Policy ADM 07-105](#) is designed to ensure that most activity at UTRGV qualifies as fundamental research that is excluded from export controls, and that the few exceptions are clearly identified. If you have any doubts about whether your devices or data may be controlled by EAR or ITAR export regulations, you should consult UTRGV's Export Controls Officer (ResearchCompliance@utrgv.edu or 956-665-7873) before travelling with your devices and data.