

Issue #1

December 20, 2018

This newsletter begins a series intended to assist the campus community in understanding and complying with Export Control regulations, which apply to all members of the University community.

In this issue we discuss international travel and potential risks of accepting restrictions on publication or foreign national participation.

International Travel Considerations

Export control laws regulate what items and information you make take when traveling internationally and in some cases even regulate travel destinations. Let's review a few key areas to consider when traveling internationally on university-related business (e.g., conferences, sabbaticals, research, surveys, collaborations, delegations, student recruitment).

Travel to an embargoed country

The Department of Treasury, Office of Foreign Asset Controls, is responsible for overseeing embargoes placed on certain countries. This is different than the Department of State's responsibility of overseeing travel risk advisories. Here's a quick what-you-need-to-know about embargoed countries:

- Although travel to **Iran** is not prohibited, most professional activities in Iran, including conference attendance (even if you are just a participant), are prohibited. Therefore, travel to **Iran** for any university-related business requires a U.S. government authorization (license). **Prior approval** from the campus Export Compliance Officer is required for travel to Iran.
- Travel to **Cuba** (and activities when there) is only permitted for one of the reasons specified in the [Cuba regulations](#). **Prior approval** from the campus Export Compliance Officer is required for travel to Cuba for any university-related business.

- Travel to other embargoed countries (**North Korea, Sudan, Syria, and the Crimea-region of the Ukraine**) for university-related activity also requires **prior approval** from the campus Export Compliance Officer.

Items taken during travel

The Department of Commerce and the Department of State regulate the flow of non-public information and all items - these regulations consider the item/information, the destination and the use. Here's a very brief review of traveling internationally with items/information.

Travel with a laptop/cell phone/storage device

While travel with a university laptop, cell phone or storage device is generally allowable under the export regulations by utilizing the license exception called Temporary Imports, Exports, and Transfers (TMP) subsection Tools of the Trade, the following must apply:

- The duration of the trip is less than 12 months
- The destination of the trip is not to an embargoed country
- The device stays within your effective control
- The device returns with you to the U.S.
- The device does not contain any proprietary information
- The device does not contain non-mass market encryption software
- The device does not contain any export controlled information (i.e. data, specs, prints)

While international travel with a laptop, cell phone or storage device is generally allowable, the federal government has issued security advisories for some countries, and best practices should be employed to secure both university and personal information. Please read SBU article [IT Security Considerations While Traveling](#) to learn more about best practices for international travel.

Note: If you travel internationally with a *personally owned* laptop, cell phone or storage device, it may qualify for the license exception called Baggage, providing they are for your own personal or professional use. Be sure to review this license exception before taking items with you.

Travel with research equipment/supplies

Traveling outside the U.S. with field equipment/supplies may require a U.S. government export authorization (license).

In some instances, travel with field equipment (whether university or personally owned) will qualify under the respective license exceptions discussed above (see travel with a laptop/cell phone). However, items that are considered best-in-class, military grade, non-mass market encryption software, biologics, viruses, or pathogens may require a U.S. government export authorization (license).

Always contact the campus Export Compliance Officer before traveling if:

- Taking military grade field equipment/supplies - you will almost always need a U.S. government export authorization (license)
- Taking field equipment/supplies to an embargoed country - you will always need a U.S. government export authorization (license)
- Leaving field equipment/supplies at an offsite location - TMP license exception will not apply and a review should be conducted to see if a U.S. government export authorization (license) is require
- Your item will be used for a military, nuclear or non-proliferation purpose
You are not sure whether a license exception applies, or you think you may need a license
- Shipping your item ahead of you may require a U.S. government export authorization (license)

Accepting Foreign National and/or Publication Restriction for Sponsored Research

If you are conducting a research project and the sponsor:

- Verbally asks that you not publish the research results without their prior approval
- Places a pre-publication review in the award document
- Verbally asks you to “just run all foreign nationals by them” for prior approval before letting them participate in the research project
- Places a restriction that foreign nationals cannot participate without their prior approval
- Asks you to divulge each potential participant's nationality prior to award
- Asks you to not publish for an extended length of time under the premise of protecting their intellectual property rights

STOP - you need prior approval from SUNY to perform this work and you may be subject to an export compliance violation

SUNY has an Openness in Research Policy

- Document 1800 prohibits the acceptance of any award that restricts the dissemination of research results
- Document 1801 prohibits the acceptance of any award that restricts foreign national participation

Note: Some exclusions exist. For example, NIH training grants, where the purpose is to support the training of U.S. persons in certain fields, and clinical trials, where the first paper is usually from the lead site, are exempt.

If you wish to accept any of these restrictions, contact the Export Compliance Officer.

Why is this important to Export Controls?

SUNY's Openness in Research Policy aligns SBU research with the [Fundamental Research Exemption \(FRE\)](#) under export control regulations.

The FRE states that if we are conducting fundamental research, the resulting information is not subject to the regulations! However, if SBU accepts any of the above restrictions, the project (scope of work) needs to be evaluated for export compliance issues. The principal investigator will need to work closely with the campus Export Compliance Officer to determine:

1. If the topic of the scope of work falls within one of the export control categorie
2. Any necessary security precautions to protect unauthorized access through the development of a [Technology Control Plan](#).

About Export Compliance at Stony Brook University

Stony Brook University's [Export Control Policy P212](#) requires compliance with federal export control laws. These regulations can impact activities such as shipping, hosting visitors, international travel, purchasing items, hiring foreign nationals, international collaborations, proprietary research, international conference participation, sharing controlled information with foreign nationals (even while in the U.S.) and/or international research and apply to you regardless of your citizenship status.

For more information about export control laws, best practices or training resources please visit [SBU's export compliance website](#) or contact Susan Gasparo at 2-1954 or via email at Susan.Gasparo@stonybrook.edu.

Additional Resources

[Stony Brook University Export Compliance Website](#), which includes links to:

[Training Resources](#)

[Government Resources](#)