

INTERNATIONAL TRAVEL PROCEDURE

Subject: **International Travel Approval Procedure**

Date: August 28, 2013

(Revised October 15, 2013)

Background

On October 12, 2012, the Office of the Chancellor in PASSHE enacted a procedure entitled, "Compliance with United States Export Control Laws¹". This new procedure specifies that, "Any individual intending to travel with or transmit/ship controlled items outside of the U.S. (or to foreign nationals) should first consult with the appropriate University office to determine if there are any export control issues or requirements." IUP is required to create a local procedure to comply with this new requirement.

Purpose

IUP faculty, managers, and staff (herein after "travelers") travel internationally regularly and this has many positive benefits to the university. Recent changes to Federal Export Control regulations expose IUP travelers to personal fines and/or incarceration. This procedure provides information to all travelers to help them comply with these regulations and avoid risk. Students who travel internationally are also subject to Federal Export Control regulations, but are not subject to this procedure unless they are employed by the University or are traveling with University-owned equipment, e.g., laptop computer.

Scope

This procedure is applicable to all University-sponsored international travel (including sabbaticals) regardless of the destination.

Definition

An export is the:

- Transfer of controlled information, including technical data, to persons or entities outside of the U.S.
- Shipment of controlled physical items, such as scientific equipment, requiring export licenses from the U.S. to a foreign country.
- Verbal, written, electronic, and/or visual disclosures of controlled scientific and technical information related to export controlled items to foreign nationals *inside the U.S.* ("deemed exports").

Export control regulations are federal laws that prohibit the unlicensed export of certain commodities or information for reasons of national security or protections of trade.

Export controls usually arise for one or more of the following reasons:

- The nature of the export has actual or potential military applications or economic protection issues.

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http://www.passhe.edu/inside/policies/Policies_Procedures_Standards/Compliance%20with%20US%20Export%20Control%20Laws.pdf

- Government concerns about the destination country, organization, or individual.
- Government concerns about the declared or suspected end use or the end user of the export.

Consequence for non-compliance with export control laws: Violations of export control laws can result in criminal penalties (including fines and/or prison sentences for *individuals*, not the University), civil sanctions, and may affect future research opportunities.

There are some “safe harbor” provisions that exempt universities from obtaining a license to export.

- No license is needed to disclose technical information to foreign nationals in the U.S. (“deemed exports”) in classes or laboratories, at conferences or in publications, or to other countries *if the information is*:
 - In the public domain (published and generally accessible to the public through unlimited and unrestricted publication);
 - Generated through fundamental research² in science and engineering at accredited institutions of higher learning in the U.S. where the resulting information is ordinarily published and shared broadly in the scientific community; or
 - Involves educational information (information released by instruction in *catalog courses* and associated teaching laboratories at academic institutions in the U.S., other than for certain encrypted software).
- If the “safe harbor” provisions do not apply, the exporter may be required to obtain a license from the Commerce or State Department before exporting:
 - Controlled equipment, encrypted software, chemicals, biological agents and toxins, and other articles or services on the U.S. Munitions List³ and Commodity Control List⁴ generally cannot be exported abroad without a license.
- If the export is to a U.S. Department of Treasury sanctioned country⁵, a license will be required.

The U.S. government also regularly updates a list of embargoed countries. Travel to any of these countries is problematic and is high risk. Past travel to a country is not a guarantee that current travel is not embargoed.

Procedure

² Fundamental research is research that is carried out openly and without restrictions on publication or access to or dissemination of the research results. Sponsor agreements that place limitations on publication and/or restrict foreign nationals from participation void the Fundamental Research Exemption.

³ http://www.pmdtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf

⁴ http://www.bis.doc.gov/policiesandregulations/ear/ccl_index.pdf

⁵ http://www.bis.doc.gov/policiesandregulations/ear/ccl_index.pdf

Before international travel occurs, all travelers will obtain written approval for international travel from their immediate supervisor and obtain clearance from the IUP Travel Officer for compliance with Export Control Regulations.

Roles and Responsibilities:

IUP Travel Officer: Receive documentation of intended international travel. Involve local experts and PASSHE travelers as needed to advise traveler on risks. Assist in producing required documentation of license exceptions or appropriate licensing for the traveler and preserve such documentation on campus.

Procedure:

1. Travelers wishing to travel internationally must submit an International Travel Questionnaire, with signatures, to the IUP Travel Officer prior to international travel. The Questionnaire must be received at least 21 calendar days prior to the travel dates to allow sufficient time for obtaining appropriate licensing if required.
2. The Travel Officer reviews and responds to the traveler, with a description of identified risks.
3. The traveler is responsible for obtaining any required permits.
4. Traveler will receive international travel clearance if the traveler obtains all needed licenses and permits.
5. University coordinators of student international travel programs are responsible to inform participating students of the relevant risks.

Publication and Distribution Statement:

This procedure, applicable forms, and contact information for the IUP Travel Officer.

Questionnaire for IUP Students and Employees Traveling Outside the United States

The U.S. government regulates the international and domestic transfer of certain kinds of information, goods, technology, and software that it considers strategically important to national security. These regulations come from three federal agencies and are called "**Export Controls.**"

IUP and its employees and students are required by law to adhere to export control regulations and criminal penalties can apply to individuals and their universities for failure to comply.

The purpose of this form is to help you comply with export control regulations by identifying travelers whose trips meet certain conditions that require special attention by the IUP Travel Office.

Instructions:

- > Read the following list of statements and check either YES, NO, or NOT APPLICABLE (N/A).
- > Submit the completed questionnaire as soon as possible but at least 3 weeks before departure to Ms. Kathy Cindric (kcindric@iup.edu), B25 Clark Hall.

Questions?

Please visit the [IUP Export Control Website](#) for additional information and contact information for all of IUP's designated university export control officials.

TRAVEL INFORMATION:

Planned Travel Dates	
Planned Travel Destinations Including Extended Layovers	

PURPOSE OF THE TRIP:

	Description	Yes	No
1	Presentation/Conference Seminar	<input type="checkbox"/>	<input type="checkbox"/>
2	Conduct Research/Scholarship	<input type="checkbox"/>	<input type="checkbox"/>
3	Instruction	<input type="checkbox"/>	<input type="checkbox"/>
4	Recruitment/Administration	<input type="checkbox"/>	<input type="checkbox"/>
5	Providing services, such as consulting, translating, performing in the arts, or purchasing services, such as engaging vendors or research participants	<input type="checkbox"/>	<input type="checkbox"/>
6	Other 		

INFORMATION SHARING DURING INTERNATIONAL TRIP:

		Yes	No
1	I will only share information that is publically available, fundamental research (as distinguished from proprietary research), or not otherwise restricted.	<input type="checkbox"/>	<input type="checkbox"/>

FUNDING:

		Yes	No	NA
1	My international travel involves at least some funds provided by the state or university (such as college dean, university senate, student travel grant, allocation, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
2	My international trip includes the use of above stated funds to pay for <u>research expenses</u> within the country to which I am traveling (such as paying participants, translators, assistants, consultants, laborers, etc.). Normal or incidental travel expenses should not be considered research expenses.	<input type="checkbox"/>	<input type="checkbox"/>	
3	If funded by a <u>grant</u> or by a <u>foreign country</u> , my funding source requires that I withhold publication of data.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ITEMS:

		Yes	No	NA
1	I plan to take IUP-owned <u>and/or</u> personally-owned equipment or software with me on this international trip (such as laptop, tablet, cell phone, research instruments, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	If YES to above, please answer the following questions:			
2	Are any of the items owned by IUP?	<input type="checkbox"/>	<input type="checkbox"/>	
3	Will you hand-carry the items on yourself or in your luggage?	<input type="checkbox"/>	<input type="checkbox"/>	
4	Will you ship some or all of the items?	<input type="checkbox"/>	<input type="checkbox"/>	
5	Will you use the item(s) ONLY as a "Tool of Trade" (i.e., items a person needs to pursue his or her occupation); for exhibition or demonstration; or for inspection, testing, calibration or repair?	<input type="checkbox"/>	<input type="checkbox"/>	
6	If for inspection, testing, calibration or repair, will the item(s) go to or through Albania, Armenia, Azerbaijan, Belarus, Cambodia, China, Georgia, Iraq, Kazakhstan, Kyrgyzstan, Laos, Libya, Macau, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, or Vietnam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Will all controlled item(s) remain in your effective control at all times? Effective control means retaining physical possession of an item or maintaining it in a secure environment such as a locked or guarded facility or safe (not a hotel room or the room safe therein).	<input type="checkbox"/>	<input type="checkbox"/>	
8	If the items that you will be carrying involve encryption code (only authorized parties can read it), is the code limited to what is available through standard off-the-shelf mass-market software?	<input type="checkbox"/>	<input type="checkbox"/>	
9	When you return to the United States, will all of the items or equipment also return or be shipped separately?	<input type="checkbox"/>	<input type="checkbox"/>	
	If NO to the above question, please answer the next question:			
10	Will the item(s) remaining abroad be consumed or destroyed abroad within 12 months?	<input type="checkbox"/>	<input type="checkbox"/>	

APPROVALS:

Traveler's Name

Traveler's Signature _____ Date Signed _____

Manager's Name

Manager's Signature _____ Date Signed _____