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 Laws[1]". 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.

[1] 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 research[2] 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 List[3] and Commodity Control List[4] generally cannot be exported abroad without a license.
- If the export is to a U.S. Department of Treasury sanctioned country[5], 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.pmddtc.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.