

EXPORT CONTROL & EMBARGO UPDATES

Spring 2015

Bloomsburg
California
Cheyney
Clarion
East Stroudsburg
Edinboro
Indiana
Kutztown
Lock Haven
Mansfield
Millersville
Shippensburg
Slippery Rock
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Pennsylvania's
STATE SYSTEM
of Higher Education

TRAVEL RESTRICTIONS TO CUBA ARE RELAXED BY PRESIDENT OBAMA

Recently, President Obama signed an Executive Order that relaxes some of the travel restrictions to Cuba. While not removing the trade embargo, which is legislated, the revised Cuban Asset Control Regulations of the Department of the Treasury and the concurrent modifications of the Department of Commerce's export control licensing exceptions will improve the ease of traveling to Cuba for university personnel and students. While the new rules still do not permit general tourism, the following activities are allowed:

- a. Students may travel to Cuba for educational experiences in which they earn credit.
- b. Faculty may travel to Cuba to perform research and attend professional meetings.
- c. Amateur athletes may participate in sponsored athletic events in Cuba.
- d. Americans may participate in "people-to-people" exchanges.
- e. Travelers on authorized trips may take their personal cell phones, laptops, and other electronic devices, within certain limits. (Items with high encryption or controlled information are still restricted.)
- f. American travelers to Cuba will be able to use credit cards and commercial air services.

The new rules took effect January 16, 2015; however, some items (i.e., air service and credit cards) require capacity building in Cuba. All of the above activities still have some government restrictions that set limits of allowed activities. For example, most authorized trips require a full-time schedule of planned activities. Whenever planning a trip to Cuba, please consult with the System's Export Control Officer.

GENERAL TRAVEL Q and A

1. What items may I take or not take with me on international travel?

In general, an American traveler may take personal or business electronic devices (smart phones, laptops, GPS units) to any country in the world with the exception of Syria, Sudan, North Korea, and Iran. Such items are listed on the Department of Commerce's Commodity Control List, which means they are controlled. The list also identifies the reasons the government has placed restrictions on the item; in this case, it is for reasons of anti-terrorism. Most controlled items need a license to be sent overseas; however, there are two specific license exceptions for most personal electronic devices. Universities have a license exception form for travelers' use; it outlines the restrictions on the items that qualify and limits on your use overseas. This form is available from your university travel staff.

On the other hand, taking research equipment out of the country requires more due diligence prior to the trip, including identification of the item's classification on the Commodity Control List. In many cases no license is required for specific destinations. Some items might require a license approved by the Department of Commerce because of the nature of the item and the destination. A list of "countries of concern" identifies destinations with some level of restriction on technology items; however, "restriction" does not mean "prohibition." If a specific license from the Department of Commerce is required, it can probably be secured, assuming approved security precautions are put in place. The university research office and the System's Export Control Officer assist university personnel in securing a needed license.

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2. What requirements apply to overseas study/research programs that involve hiring local talent, teaching classes, or participating in an enrichment or research program?

When hiring or teaching overseas, the university cannot buy services from or provide services to individuals who are on the embargo and export control “Restricted Parties List.” Hiring is the equivalent of buying services and teaching is the equivalent of providing services. The key is to **know the individuals or institutions with whom you are interacting**. In these situations, the people (or businesses) being hired and the students enrolled in the class should be screened against the list. Universities have a web-based service that is available for this screening (i.e. MKdata.com) and the screening can be done on-site using the institutional log-in.

Similar requirements apply when a student or faculty member participates in an enrichment or research program that operates overseas. Prior to their departure, the institutions and individuals with whom the faculty or student will be affiliated must be screened. Normal travel expenditures (lodging, meals) are exempt from the screening.

In overseas research programs, the U.S. researcher must be sure s/he does not share export controlled information, hardware, or software with a foreign national in a restricted country, such as allowing a local hire to use a controlled piece of research equipment, e.g. an Armenian resident using a sophisticated magnetometer. This is unlikely in most disciplines, but scientists in the following areas should become knowledgeable about any restrictions on their information or technology:

- Chemical, Biotechnology, and Biomedical Engineering
- Materials Technology
- Remote Sensing, Imaging, and Reconnaissance
- Navigation, Avionics, and Flight Control
- Robotics
- Propulsion System and Unmanned Air Vehicle Subsystems
- Telecommunications/Networking
- Nuclear Technology
- Sensors and Sensor Technology
- Advanced Computer/Microelectronic Technology
- Information Security/Encryption
- Laser and Directed Energy Systems
- Rocket Systems
- Marine Technology

3. If our university enrolls a student from Iran (or Sudan or Syria), is the student subject to any restrictions while on campus?

While enrolled as a student in the U.S., the university and the student enjoy the benefits of the Academic /Educational Exclusion from the export control laws. This exclusion allows the student to enroll in any undergraduate or graduate course that appears in the college catalog. However, independent study and thesis/dissertation might not qualify for this exemption as the course description is not published in the catalog and can conceivably delve into export controlled information or use controlled hardware or software. For independent study, thesis, or dissertation courses, the topics of concern are listed above.

If an Iranian student should take a job on campus, s/he may not be placed in a position where s/he may have access to or become involved in export controlled research. They may participate in fundamental research, which is also excluded from export control laws. In most of our universities nearly all research is fundamental research where this student could take part; however, any industry-sponsored, proprietary research is not fundamental research.

