

VI. FOREIGN TRAVEL

As discussed above in the section on Encryption and Issues for Faculty, there are several areas of consideration when faculty or staff travel outside of the U.S. borders (“abroad”). This includes anywhere from Canada and Mexico, to S. America, Europe, Asia, Africa, Australia, Antarctica and perhaps someday into Space. Generally, travel authorization is needed when items, technology, software, or services fall under the jurisdiction of EAR or ITAR and are not in the public domain or freely disseminated through publication. Some restrictions may apply if travel is to sanctioned countries or where persons from sanctioned countries are in attendance.

A. Travel Authorization Letters

Employees must comply with U.S. laws and regulations when traveling internationally on University business. Though rarely used, if you are in need of travel authorization letters, please contact ORA well in advance of the travel to determine if letters are necessary.

B. Hand-Carrying Tools of the Trade

When hand-carrying “[Tools of the Trade](#)” to countries outside the US for use by the person carrying the item or software, travelers should review Customs regulations of both US and the foreign destination in advance of travel. *Tools of the Trade* are classified as personal and household effects, including instruments, tools, and other effects (such as laptops and smartphone devices). Under EAR, the exception to the requirements for an export license may be available for the temporary export or [Re-export](#) of certain tangible items, software, or technology for professional use, as long as specific criteria to which the exporting employee certifies in advance.

1. **TMP (Temporary) Exception.** Typically, these Tools of the Trade are only for Temporary Export and fall under the **TMP Exception**. See 15 CFR §740.9. The TMP Exception is used on temporary exports, imports, and re-exports of commodities, software and technology that is of usual and reasonable kinds and quantities for use in a lawful enterprise or undertaking. See 15 CFR §740.9 (a)(2)(i)). Eligible items are usual and reasonable kinds and quantities of tools of trade for use in a lawful enterprise or undertaking of the exporter. Software used as a tool of trade must be protected against unauthorized access and to guard against unauthorized release of the technology during shipment or transmission. Encryption technology controlled by ECCN 5E002 is ineligible for this license exception. Also see [Appendix 3](#).

a. **Effective Control.** Portable electronic computing devices are a prime target for theft especially while traveling. The basic rule for protecting a portable electronic device is to treat it like one’s wallet or purse and maintain “Effective Control” over the item. Devices should be kept out of sight when not in use, and should always be kept on one’s person.

b. **Return Item to U.S.** Unless the item is consumed or destroyed, the item should be returned to the U.S. no later than one year following the export. If the item is to be disposed of outside the U.S., a license may be required. Please consult with ORA or Office of Compliance regarding that option.

2. **Replacement (RPL) Exception.** Similarly, the Replacement Part license exception requires the Effective Control of the person over the parts, including the return of the repair kit and parts replaced.

3. **Unavailable.** The TMP and RPL exceptions are generally not available for the following countries, as well as the demonstrations/exhibitions of including: Sudan, Syria, N. Korea, Iran or Cuba. For more information and confirmation of restricted countries, please consult the ORA/Office of Compliance.

C. Presenting at Conferences Overseas or Transferring Controlled Information, Technology, Software or Equipment to Foreign Parties Overseas

If any controlled information, technology, software or equipment (including those under an exception) will be transferred to a foreign party overseas, a license may be required prior to the transfer unless a valid licensing exception or exclusion applies. Faculty presenting at conferences or meetings overseas are responsible for understanding export laws and regulations and how they apply to their respective disciplines. See 15 CFR 734, Supplement 1. Release of Technology at Conferences. **In general**, if a conference will be open to anyone and the information to be presented *is already published* (ITAR) or is information that *will be published* (EAR), a license should not be required. Travelers should review the Mines export web site for information regarding laptop computers and the tools of the trade exceptions, as well as ensuring they maintain “effective control” if items/materials will be part of the presentation. If the Conference is in a restricted or embargoed country, the travel and content should be reviewed in advance with ORA.

D. Travel to Countries for Which State Department Has Issued Travel Warning

Mines strongly recommends against, but does not prohibit, travel to countries where the U.S. Department of State has issued an official [Travel Warning](#) or where there is other reliable information of significant health or safety risks. A Travel Warning is distinct from a State Department issued Public Announcement or Travel Alert. The final decision about making a trip to such a country is up to the individual making the trip. This recommendation is directed toward individual travelers in the following categories: faculty, staff, graduate students, and postdocs. The Mines’ Office of International Programs <http://oip.mines.edu/OIP-TA-travel> provides information on the process to travel abroad, including necessary approvals. You may register for free in Smart Travelers Enrollment Program, or [STEP](#), a service of the Bureau of Consular Affairs (part of the State Department) for U.S. Citizens to enroll your trip with the nearest U.S. Embassy or Consulate while abroad. This provides important safety or emergency information and updates

Mines may review on a case-by-case basis plans for travel using Mines/state or sponsored funds to countries for which travel warnings have been issued. Mines reserves the right to require the execution of an appropriate release or waiver before permitting such travel and the ability to restrict use of Mines’ funds for the travel.

E. Additional Guidance for International Travelers

Prior to international travel, faculty should be aware of applicable export laws, regulations, and risks associated with international travel. Several key reference sources include:

- Mines Export Web site: <http://inside.mines.edu/Export-controls>
- Mines’ International Office @ <http://international.mines.edu/>
- State Department: <http://www.state.gov/travel/>
- Homeland Security: <https://www.dhs.gov/travel-alerts>
- Centers for Disease Control and Prevention (CDC): <http://wwwnc.cdc.gov/travel>
- World Health Organization (WHO): <http://www.who.int/ith/en/>
- U.S. Department of Agriculture (USDA):
https://www.aphis.usda.gov/wcm/connect/APHIS_Content_Library/SA_Resources/SA_Traveler/

F. Personal Travel

No export review by Mines is required for personal trips; however, regulations still apply (*i.e.* employees traveling internationally on vacation or attending conferences at their own expense). A review is required if Mines contributes to any cost of the trip, including but not limited to, salary, benefits, (e.g., sabbatical, professional development, etc.) See also [Consulting](#) in Miscellaneous Section below.

[\[End of Section\]](#)