

Foreign Project Administration Handbook

Prepared by the Division of Research

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Table of Contents

Introduction	3
Pre-Award: Locating Funding Opportunities and Preparing the Proposal	
What Funding Sources are Available for International Projects?	3
Environmental Protection Agency	3
Inter-American Development Bank (IDB)	3
National Aeronautics and Space Administration (NASA)	3
National Oceanic and Atmospheric Administration (NOAA)	4
National Institutes of Health (NIH)	4
National Science Foundation	5
NSF Directorate for Geosciences (GEO)	5
NSF International Research Experience for Undergraduates (REU)	5
U.S. Agency for International Development (USAID)	6
U.S. Trade and Development Agency (USTDA)	6
The World Bank Group	6
The Bill and Melinda Gates Foundation	7
The Ford Foundation	7
John D. and Catherine T. MacArthur Foundation	7
W.K. Kellogg Foundation	7
Other Helpful Resources	8
Preparing the Proposal:	
Items Unique to International Project Proposals	9
Guidelines and Technical Proposal	9
The Budget	10
Post-Award Administration: Unique Aspects of Administering International	
Projects	12
- Award Document and Contracts	12
- Hiring Personnel	13
- Purchases	13
- Travel	14
- Wire Transfers	15
- Equipment Tracking	16
- Insurance	16
- Currency Exchange Rate	16
- Human and Animal Subjects and Other Approvals	17
- Export Control	17
- Monitoring Work in Foreign Country	19
- FIU International Relations Office	19
- Record Retention	19

Introduction

Increasingly, the externally funded projects at FIU include an international component or are entirely international in nature. The administration of projects on an international scale involves issues not encountered in completely domestic projects. This Handbook is meant to assist principal investigators (PIs) and their staff in administering the unique challenges inherent with international projects. PIs and staff should also refer to the Division of Research policies and procedures for general requirements for the administration of extramural projects at FIU.

Pre-Award: Locating Funding Opportunities and Preparing the Proposal What Funding Sources are Available for International Projects?

Many sponsors fund international projects. It is impossible to provide an exhaustive list of those sponsors here. However, below is a listing of sponsors that routinely fund international projects or focus exclusively on such projects. PIs are advised to have a current Smarts/Genius profile on file with DOR, Pre-Award to ensure that they receive emails with possible funding sources.

Among the agencies that routinely fund/have targeted international projects are:

Environmental Protection Agency

- www.epa.gov
- Office of International Affairs lists international project announcements at <http://www.epa.gov/international/grants/index.html>

Inter-America Development Bank (IDB)

- <http://www.iadb.org/>
- Supports economic and social development and regional integration in Latin America and the Caribbean
- Announcement of procurements and guidelines are found at <http://itsdc16.iadb.org/idbppi/asp/mainpage.asp>
- Procurement policies and procedures at <http://itsdc16.iadb.org/idbppi/asp/mainpage.asp>

National Aeronautics and Space Administration (NASA)

- Office of External Relations is a Functional Office that is responsible for coordinating major international policies and programs with other Federal agencies (particularly the Department of State) and foreign entities. It also serves as the principal NASA liaison with the Department of Defense. <http://oiir.hq.nasa.gov/>

National Oceanic and Atmospheric Administration (NOAA)

- Office of Global Programs (OGP) leads the NOAA Climate and Global Change Program and assists NOAA by sponsoring scientific research aimed at understanding climate variability and its predictability
- Funding opportunities at <http://www.oar.noaa.gov/programs/ogp.html>

National Institutes of Health (NIH)

- Supports scientific research and training internationally to reduce disparities in global health through the Fogarty International Center. Website: <http://www.fic.nih.gov/> Provides training, research, career grants
- National Institute on Drug Abuse (NIDA) provides funding for fellowships, research and travel (<http://international.drugabuse.gov/>), NIDA's international objectives include:
 - Promoting an international cohort of scientists who are knowledgeable of NIDA's research and methods;
 - Encouraging rigorous collaborative and peer-reviewed international research;
 - Providing professional development opportunities and technical consultation to the international drug abuse research community; and
 - Disseminating NIDA's research findings to international scientists and organizations.

National Science Foundation (NSF)

- NSF Office of International Science and Engineering (OISE) coordinates NSF funding for proposals submitted by U.S. scientists and engineers for international activities in science and engineering
- Overview of international programs available at NSF is found at <http://www.nsf.gov/div/index.jsp?org=OISE>
- A listing of available NSF international funding opportunities can be found on the homepage at <http://www.nsf.gov/div/index.jsp?org=OISE>
- Methods to request NSF support for international research and education collaborations:
 - Current NSF grantees may request a supplement to their existing grant to add an international dimension. There are no INT deadlines for submitting such supplement requests. PIs considering applying for an INT supplement should discuss the proposed activity with both the program manager of the existing award and the appropriate region program manager of INT.

- Include international collaboration as part of a new proposal to the Non-INT programs. PIs should coordinate with **both** the relevant disciplinary and INT program managers before submitting a proposal.
- Submit a proposal directly to INT for support of international travel and subsistence, and other items to enable international collaboration.
- Email and phone contacts for specific INT regions (Africa, Near East and South Asia, Americas, Central and Eastern Europe, East Asia and Pacific Region, Europe, Western Europe, Tokyo and Trans-Regional Affairs) are located at http://www.nsf.gov/staff/staff_list.jsp?org=OISE&from_org=OISE

NSF Directorate for Geosciences (GEO)

- Supports international collaborations and partnerships through GEO's three divisions: Atmospheric, Earth and Ocean Sciences.
- Supports international, multi-disciplinary activities both "in kind" and financial, ranging from small planning grants to administrative support to full research projects.
- Web page is located at <http://www.nsf.gov/dir/index.jsp?org=GEO>

NSF International Research Experience for Undergraduates (REU)

- Web site: http://www.nsf.gov/funding/pgm_summ.jsp?pims_id=5517&from=fund
- Graduate and Postdoctoral funding. Funding for international study and training of U.S. graduate students in science and engineering on an individual (dissertation enhancement awards) or group (summer institutes) basis. International postdoctoral fellowships support specialized individual research activities at foreign sites.
- Undergraduate funding: The Foundation of International Research Experiences for Undergraduates (international REU) funds projects that further the goal of a globally-competent workforce by strengthening the science and technology training of young scholar-scientist-engineers.
- A Project Director's Handbook for Best Practices for International Research Experience for Undergraduates (Handbook) is located at <http://www.nsf.gov/pubs/2004/nsf04101.pdf> The Handbook provides that "[t]he junior and senior years are an optimal time for undergraduates to be involved in an intensive international research experience."
- The Handbook provides that "[i]n designing an international REU activity, it is essential that the proposed international site program offer the same level of scientific focus, research training for students, and education and human resource development as that expected from domestic REU site programs."

U.S. Agency for International Development (USAID)

- Web site: <http://www.usaid.gov/>
- Funding for international projects in:
 - agriculture,
 - democracy & governance,
 - economic growth and trade,
 - the environment,
 - education and training,
 - global health,
 - global partnerships to improve conditions of people around the world,
 - humanitarian assistance
- Guidelines for submitting solicited proposals are located at the Federal Business Opportunities – Vendors website at <https://www.fbo.gov/?s=agency&mode=list&tab=list> (select “Agency for International Development” program announcements for USAID opportunities)
- Guidelines for Submitting Unsolicited Concept Papers and Proposals located at <http://www.usaid.gov/university/guidelines.htm>
- Website for “U.S. Higher Education Community: Doing Business with USAID”:
<http://www.usaid.gov/university/>
 - contains basic guidance for U.S. universities for preparing solicited and unsolicited proposals
 - lists emails and phone contacts for regional and central bureau contacts whom PIs should contact to discuss proposal concepts

U.S. Trade and Development Agency (USTDA)

- The U.S. Trade and Development Agency (<http://www.ustda.gov/>) funds technical assistance, feasibility studies, training, orientation visits and business workshops that support the development of a modern infrastructure and a fair and open trading environment in developing and middle income countries
- Announcements of available funding for projects is available at <https://www.fbo.gov/?s=agency&mode=list&tab=list> . Select “United States Trade and Development Agency” to view opportunities.

The World Bank Group

- Web site: <http://www.worldbank.org/>
- Mission is to fight poverty and improve the living standards of people in the developing world
- Funds grants to facilitate development projects designed to encourage innovation, co-operation between organizations and to increase the participation in projects of local stakeholders.
- Funding opportunities at <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/0,,contentMDK:21>

[807727~menuPK:5068183~pagePK:41367~piPK:51533~theSitePK:40941,00.html](#) (click on “projects in Pipeline”)

Foundations or private sponsors may also fund international projects:

The Bill and Melinda Gates Foundation

- four primary program areas: Global Health, Education, Global Libraries, and Pacific Northwest
- Information for grant seekers at <http://www.gatesfoundation.org/Pages/home.aspx>

The Ford Foundation

- **Goals**
 - Strengthen democratic values,
 - Reduce poverty and injustice,
 - Promote international cooperation
 - Advance human achievement
- Guidelines for grantseekers: <http://www.fordfoundation.org/pdfs/grants/grant-application-guide.pdf>
- Programs descriptions can be found at <http://www.fordfoundation.org/Issues> and include:
 - The Freedom of Expression program that works to globally advance achievement in the arts, and understanding of the media and religion.
 - The Sexuality and Reproductive Rights Program that works to promote various aspects of human sexuality, including sexuality and health education and policy and program regarding adolescent health. .
 - The Democratic and Accountable Government Program, promoting engagement in civil and political activities and reformation of political systems.

John D. and Catherine T. MacArthur Foundation

- Web site:
http://www.macfound.org/site/c.1kLXJ8MQKrH/b.3599935/k.1648/John_D_Catherine_T_MacArthur_Foundation.htm
- The Program on Global Security and Sustainability focuses on international issues, including peace and security, conservation and sustainable development, population and reproductive health, human rights, and the consequences of globalization.
- How to apply for grants:
http://www.macfound.org/site/c.1kLXJ8MQKrH/b.913959/k.E1BE/Applying_for_Grants.htm

W.K. Kellogg Foundation

- Web site: <http://www.wkkf.org/default.aspx>
- Supports projects in areas of: Health, Food Systems and Rural Development, Youth and Education, and Philanthropy and Volunteerism
- How to apply for a grant: <http://www.wkkf.org/grants/for-grantseekers.aspx>

Other Helpful Resources: may not provide funding but may be useful resources in preparing proposals

- Food and Drug Administration Office of International Programs
<http://www.fda.gov/InternationalPrograms/default.htm>

Listing of “International Organizations and Foreign Government Agencies”

- <http://www.fda.gov/InternationalPrograms/Agreements/ucm131179.htm#intlorg>
- U.S. Department of Health and Human Services Global Health.gov
<http://www.globalhealth.gov/>
- U.S. Department of Health and Human Services “International Issues” web page at <http://www.hhs.gov/ohrp/international/>
- The World Health Organization - <http://www.who.int/en/>
- Centers for Disease Control – www.cdc.gov, including
The Center for Global Health (<http://www.cdc.gov/globalhealth/>) works to promote public health throughout the world, and focuses on multiple aspects, including response to natural disasters and the control and eradication of infectious diseases.

Preparing the Proposal: Items Unique to International Project Proposals

Requirements for foreign projects may be different than those for entirely US projects. When preparing a proposal for a foreign project, the PI must follow the particular agency's guidelines as well as the normal FIU proposal requirements found in the DOR policies and procedures. The Pre-Award Section of DOR is available to assist PIs in addressing particular requirements unique to international projects. PIs should contact the appropriate DOR, Pre-Award, representative early in the proposal preparation process for assistance.

The FIU Office of Education Abroad (OEA) also may be a useful resource for PIs preparing proposals for international projects. The OEA seeks "to promote international programs and educational exchange, and to help create a community that can respond to the increasing international needs and obligations of the University." The OEA's web site is located at <http://educationabroad.fiu.edu/> and lists FIU partner institutions in different countries as well as a template Agreement for Exchange of Faculty, Students and for Joint Research (in both English and Spanish). These may be helpful resources for PIs seeking contacts in countries of interest at universities with which FIU has already established a relationship. These contacts may be especially helpful to projects containing an educational or training component.

Each sponsor and/or particular project has its unique requirements; however, the following are generally applicable to international proposals and budgets:

Guidelines and Technical Proposal:

- Guidelines may be in a language other than English
- Sponsors may require the proposal in a language other than English and/or in English. In all cases, the proposal submitted to DOR, Pre-Award, must be in English and must contain the same information as the proposal in the other language.
- It is advisable that PIs have discussions with the sponsor's international program staff early in the proposal conceptualization stage to ensure that the proposed project meets the sponsor's goals and that the proposed project is fundable.
- If the project will involve animal or human subjects or biohazardous substances, FIU IRB, IACUC or IBC approval must be obtained prior to commencement of the project. If a foreign entity is also involved, that entity's applicable IRB/IACUC approval will also be required. Office for Human Research Protections has a webpage devoted to international issues, including [The International Compilation of Human Subject Research Protections](#), which is a listing of the laws, regulations, and guidelines that govern human subjects' research in many countries around the world. Regardless of whether the foreign entity's IRB/IACUC has approved the project, the FIU IRB/IACUC/IBC approval MUST be obtained. IRB/IACUC/IBC approval may not be needed at the proposal stage. The PI should refer to the sponsor's guidelines.

- Clearance from the U.S. Department of State may be required prior to commencement of an international project, if awarded.
- Letters of collaboration may be required from the foreign collaborators and/or foreign government entities as part of the proposal to the sponsor. Even if not required, it is advisable that the PI (or the foreign collaborator) contact the appropriate foreign government entity (e.g., the Ministry of Health for health-related projects) to obtain approval for the proposed project.

The Budget:

- The applicable facilities and administration (F&A) rate to be charged on the proposal budget is the off-campus rate if more than 50% of the project will be conducted off-campus, unless the particular sponsor requires a lesser F&A rate. If the sponsor only allows a lesser rate, then the PI must include documentation of that with the proposal forwarded to DOR, Pre-Award. For example, the NIH Fogarty International Center only allows an F&A rate of 8% of total direct costs less equipment(See http://www.fic.nih.gov/funding/grants_info/faq.htm)
- Lowest rate air fares on U.S. Flag carriers are normally required for foreign travel on federally sponsored projects
- U.S. Government foreign subsistence rates during foreign travel can be found at http://aoprals.state.gov/content.asp?content_id=184&menu_id=78; For assistance in determining the appropriate foreign subsistence rates to calculate in the budget, please contact the FIU Travel Desk
- Subcontractors on federal awards may not be entitled to receive an F&A component for their awards; they may be only permitted to receive direct costs unless permitted by the sponsor.
- Normally the proposal budget must be stated in U.S. dollars, not the foreign currency. Where the sponsor requires the budget to be submitted in a foreign currency, the proposal that is submitted to DOR must nonetheless include a budget in U.S. dollars, noting the exchange rate used to arrive at the budget. Currency exchange rate fluctuations may not be compensated by the U.S. sponsor.
- The sponsor guidelines may require a performance bond or insurance not normally maintained by the University (e.g., equipment insurance, liability insurance, medical and medical evacuation insurance for students or employees traveling abroad) or it may be advisable to have such insurance even if not required by sponsor guidelines. If so, the PI should contact FIU Environmental Health and Safety, Insurance and Emergency Management Services (<http://www2.fiu.edu/~ehs/index.html>) for quotes for such bonds/insurance. The PI should include the costs of the same in the proposal budget if allowed by the sponsor guidelines. If not, the PI must obtain another funding source to cover the cost of the same.
- If translation of documents will be required, budgeting for translation costs should be included in the proposal budget. PIs should keep in mind that contracts will need to be translated to English if they are in a foreign language
- Agreements to be executed with foreign persons must normally be prepared and/or reviewed by local counsel in the foreign country to ensure compliance with

local laws, including labor laws. Therefore, the PI should include a line item in the budget for such legal fees. Should the project be awarded, DOR will coordinate with the Office of General Counsel (OGC) on the selection of local counsel.

Post-Award Administration: Unique Aspects of Administering International Projects

Just as the proposal preparation for international projects has unique features, so does the administration of such awards post-award. The DOR, Post-Award Section, is available to assist PIs and their staff with questions. The terms of the sponsor's award document and guidelines are preeminent in determining the post-award requirements for each award. Generally, the requirements for post-award administration found in the DOR policies and procedures are applicable to international projects. However, unique aspects may arise during the course of the project's life. Some of these particular issues may include:

Award Document and Contracts:

- The award documents, subcontracts and consulting agreements may be required to be executed in English and a foreign language. When that is the case, both versions of the document must reflect that the English version's terms will prevail. The DOR, Pre-Award Special Projects, representative will prepare the English version of the documentation, in conjunction with the FIU General Counsel's Office, as necessary. The PI must obtain the translation of the document to the other language, if necessary. If the contract must be prepared by local counsel in the foreign country, DOR Pre-Award will consult with the FIU General Counsel's Office to determine which local counsel will be retained to prepare the contract. Both documents (the English version and the version in the foreign language) will be executed by the parties. If the document originates in the foreign language, the PI must obtain an English translation of the same and forward both the English and other language versions to DOR, Pre-Award, for processing. Once finalized, the documents should be signed last by the FIU authorized representative unless the agreement provides that Florida law applies, in which case, the agreement may be signed by the other contracting party last. Agreements to be executed with foreign persons must normally be prepared and/or reviewed by local counsel in the foreign country to ensure compliance with local laws, including labor laws.
- Payment to subcontractors and consultants will be made in U.S. dollars and will normally be done via a state warrant (similar to a check). If the vendor (subcontractor, consultant) is to be paid via wire transfer instead, the PI must notify the DOR, Pre-Award Special Projects representative, so that the appropriate language may be included in the subcontract or consulting agreement. The PI must then confer with the Controller's Office regarding the necessary paperwork to set up the wire transfer payment by that office.

Hiring Personnel:

- Personnel who will work on the foreign project may be contracted either as consultants or as FIU employees.
- **Employees.** If the person is to be an employee, the PI will need to contact the FIU Human Resources Department for the proper procedures to ensure that applicable regulations and policies are followed.
- **Consultants.** If the person is to work as a consultant, a consulting agreement must be executed before he/she begins work. Consulting agreements for sponsored projects are prepared by, or through, DOR, Pre-Award. See, the “Award Document and Contracts” section above. Contact your DOR Pre-Award representative for assistance. Note that certain sponsors cap the payments to consultants.
- **Foreign Nationals:** Projects will sometimes require that foreign nationals travel to the U.S. to perform services and that they be compensated for those services. If that is the case, the PI should contact the Tax Compliance Section of the Controller’s Office (305-348-6764) to ensure that all required forms are completed by the foreign national so that payment is not delayed.
- **Non-Resident Aliens:** A project may involve payment to a non-resident alien. There are certain tax forms that must be completed before payment may be made. See FIU Controller’s Office website (http://finance.fiu.edu/controller/QL_TaxFAQ.html) for information regarding taxation of non-resident aliens and documentation required.

Purchases:

- **Supplies, Pro Card.** Purchases of supplies (including items such as printers and other “equipment” purchases under \$1,000 may be made using the Pro Card. Contact the Purchasing Department Director to inquire if an increase in the Pro Card allowances may be possible for use in the foreign country. Pro Cards cannot currently be used to purchase permanent equipment (defined as tangible, movable, personal property of a non-consumable, non-expendable nature, with a value of \$1000 or more and which has a normal expected life of one year or more), travel or food.
- **Subcontracts.** Purchases may also be made using a subcontract. Subcontracts are prepared by DOR, Pre-Award Special Projects. Contact your DOR representative for assistance.
- **Requisitions.** Another possible method for payment to a foreign vendor for certain goods is by preparation of a requisition for the items to be purchased (including equipment). Because Panthersoft is an on-line system, a requisition may be generated anywhere in the world where there is internet access. This is very helpful on foreign projects since the PI or his/her staff may prepare the requisition and have it processed on-line, even while in the foreign country.

- **Cash Advances/Remote Location Payment.** It is sometimes necessary to make payments while in the foreign country. For such instances, the PI may request a cash advance in connection with travel to the foreign country or a remote location payment. Both of these advances are handled through the FIU Accounts Payable Department. General information for cash advances and remote location payments to employees are found on the FIU Accounts Payable website (http://finance.fiu.edu/controller/QL_APFAQ.html).
- **Knowledge of Financial Regulations.** Anytime payments are made other than through the FIU Purchasing Department (e.g., via use of cash advances and payment directly in the foreign country), care should be taken to ensure that the purchases are allowable by the sponsor and FIU policies and procedures, and federal regulations particularly OMB Circular A-21. PIs and staff making foreign purchases should ensure their familiarity with these policies and procedures and regulations to ensure such compliance. Any questions may be directed to your DOR, Post-Award representative.
- **Division of Research (DOR).** For assistance with particular circumstances in how best to process payments to foreign vendors, the PI should contact his/her representative in DOR.

Travel:

- PIs should ensure that they are familiar with the award document requirements, including any prior approvals required for travel or any other particular requirements regarding travel.
- All foreign travel must be approved within FIU prior to embarking on that travel. The Travel Authorization Request (TAR) must also be signed by the DOR Post-Award representative, certifying that the travel is authorized on the sponsored award, before foreign travel may be undertaken.
- Travelers are strongly advised to review their medical insurance for applicability and benefits available outside the United States and to consider purchasing international medical and medical evacuation insurance for their foreign trip. For information regarding additional insurance coverage available for foreign travel as well as additional helpful information to consider when traveling abroad, see the EH&S website at http://www2.fiu.edu/~ehs/risk_management/risk_intl_travel.htm
- Travelers must ensure that the PI for the project (or if the traveler is the PI, another FIU employee) has the traveler's itinerary and contact information while on the trip so that the traveler may be contacted in case of an emergency. Also, the traveler should provide the name and contact information of person(s) whom the traveler authorizes FIU to contact in the event the traveler has an emergency while on the trip.
- Travelers should ensure that they are applying the applicable U.S. Government foreign subsistence rates for their foreign travel. Those rates are listed at http://aoprals.state.gov/web920/per_diem.asp For assistance in determining

the appropriate foreign subsistence rates, please contact the FIU Travel Desk at http://finance.fiu.edu/controller/QL_Travel.html

- Normally federal sponsors will reimburse foreign transportation only on U.S. carriers at lowest rates, unless special circumstances exist.
- It is the traveler's responsibility to maintain proper documentation of all travel and related expenses.
- Proposed travelers should monitor the U.S. State Department's travel advisories (<http://travel.state.gov/>) and the National Center for Infectious Diseases Travelers' Health web page (<http://www.cdc.gov/travel/>) prior to travel to ensure their safety.
- DOR Post-Award will provide travelers with a list of entities and individuals that the project participants should not engage with during their travels, based on various Federal orders and registers

Wire Transfers:

Normally, FIU vendors will be paid by state warrant (similar to check). However, a vendor may be paid by wire transfer once the documents listed below are on file with the Purchasing Department. These vendor forms are found on the Purchasing website at <http://finance.fiu.edu/purchasing/>.

- Vendor Application Form (must be completed for all vendors)
- IRS Form W-8BEN (must be completed for foreign vendors)
- Electronic Fund Payment Authorization Form (completed if vendor is to be paid by wire transfers)

These completed forms must be returned to:

Florida International University
Purchasing Services
Vendor Information Request
University Campus
Miami, FL 33199
Fax (305) – 348-3600
Email: vendor@fiu.edu

The forms should be completed as soon as possible to avoid delays in payment to the vendor. Any questions with this process should be directed to Purchasing Services at 305-348-2161.

Note also that for payments to foreign individuals, you should contact the FIU Tax Section at (305) 348-6764 for further instructions, as applicable to your particular situation.

Equipment Tracking:

- If any equipment (defined as tangible, movable, personal property of a non-consumable, non-expendable nature, with a value of \$1000 or more and which has a normal expected life of one year or more) is purchased and delivered or transferred to a location other than on the FIU campus, the PI must ensure that the location and particulars of the equipment purchase and condition are documented. Assistance on the information that must be maintained may be obtained from the FIU Property Control Department.

The PI must ensure that when equipment arrives at the remote location, FIU Property Control is contacted so that an inventory number may be assigned to the equipment, if necessary, and the equipment may be properly tracked. As appropriate, the equipment should be tagged with its inventory number and logged into the FIU equipment inventory pursuant to Property Control procedures. The FIU Property Control Manual (<http://www.fiu.edu/~property/PropertyManual2.htm>) details the PI's responsibilities relating to equipment tracking and the University's policies and procedures regarding equipment, including the frequency of providing inventories to sponsors.

All relevant supporting documentation for the equipment (manuals, warranty, maintenance logs) should be maintained by the PI. Equipment may not be transferred or disposed of except via the FIU Property Control procedures.

Insurance:

- The insurance coverage for FIU is handled through the FIU Environmental Health and Safety, Insurance and Emergency Management Services (EH&S) (<http://www2.fiu.edu/~ehs/>). If additional insurance is required for a particular project (e.g., performance bond, equipment insurance, liability insurance, medical and medical evacuation insurance for students or employees traveling abroad), the PI should contact EH&S for quotes for such insurance. Those costs should be included in the award budget. If not, the PI must obtain another funding source to cover the cost of the same. See Pre-Award Section above. For information regarding additional insurance coverage available for foreign travel as well as additional helpful information to consider when traveling abroad, see the EH&S website at http://www2.fiu.edu/~ehs/risk_management/risk_intl_travel.htm.

Currency Exchange Rate:

- Whenever an exchange rate is required to be used, the exchange rate used must be specified in the award document, including the sources of the exchange rate (e.g., the New York Times) and the date of the exchange rate. Normally, the exchange rate that should be used is the exchange rate on the day when the transfer of funds takes place. This means that in any one month there could be multiple rates.

Human and Animal Subjects and Other Approvals:

- Prior to commencement of any protocol on the project, all required IRB/IACUC approvals must be obtained and documented; i.e., the FIU IRB/IACUC **and** the foreign entity's IRB/IACUC.
- Approval from the U.S. State Department or foreign government entity (e.g. local ministry of health) may be required by the award documentation. Such approval process may be lengthy. Therefore, PIs should ensure the commencement of the approval process as early as possible so as not to delay their projects.

Export Controls

Export controls refer to federal laws and regulations governing the export of certain information and technologies to foreign entities and foreign nationals either abroad or in the U.S., whether the research was federally funded or not. PI's must understand their obligations under the export control laws, as failure to comply can result in severe consequences for FIU and the PI's themselves, including fines and imprisonment and limitations on future research. For further information on export controls, see [Export Controls and Universities: Information and Case Studies](#), by the Council on Government Relations at <http://www.cogr.edu/> under "Educational Materials."

The export control regulations are:

- Export Administration Regulations (referred to as "EAR") administered by the Department of Commerce
- International Traffic in Arms Regulations ("ITAR"), administered by the Department of State
- Office of Foreign Asset Control ("OFAR") of the Department of Treasury.

The EAR and ITAR are the regulations most applicable to universities. The EAR is concerned with "dual use" items; i.e., items designed for commercial (civilian) purposes that can have military applications, such as computers and pathogens. ITAR is concerned with items that are military in character, including equipment, software, algorithms and technical data and services directly related to those items. Only certain technologies and information are affected; federal agencies list controlled technologies: for EAR, they are listed on the Commodity Control List (CCL); for ITAR, they are listed on the United States Munitions List (USML). If transfer is sought to be made of controlled technologies or information (including tangible items - prototypes or software - and research results), a "license" must first be obtained from the federal government to allow for such transfer; specifically, from the Commerce, State or Treasury Department, as applicable. The U.S. generally denies licenses for controlled technologies to certain countries, currently: Afghanistan, Armenia, Azerbaijan, Belarus, Cuba, Iran, Iraq, Libya, North Korea, Syria, Vietnam, and the Former Republic of Yugoslavia (Serbia and Montenegro).

However, even when information or technology is on one of the lists of controlled technologies, a license is not required for certain exempted areas relating to transfer of information on U.S. soil:

Although, the export control regulations cover virtually all fields of science and engineering, universities and colleges do not need to obtain a license to transfer scientific, technical, or engineering information to their foreign national students and faculty members. Both the EAR and ITAR provide that no license is needed to disclose technical information to foreign nationals inside the United States in classes or laboratories, at conferences or in publications, if the information is in the public domain. Information is in the public domain if, in part, it is published and generally accessible to the public through unlimited and unrestricted distribution, or through “fundamental research 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. ... This “fundamental research” exclusion applies for basic and applied research in science and engineering performed by colleges and university so long as that research is carried out openly and without restrictions on publication or access to or dissemination of the research results. It applies essentially to “deemed exports” (transfers of information to foreign persons on U.S. soil). The EAR and ITAR contain a second critical exemption – the teaching exemption – that authorizes the disclosure of educational information released by instruction in catalog courses or general scientific, mathematical, or engineering principles commonly taught in colleges and universities without a license... . The ITAR contains an additional “university exemption” for the export by universities of scientific, research or experimental satellite components that are fabricated for fundamental research purposes. ... However, special conditions apply to the use of this exemption.

Export Controls and Universities: Information and Case Studies at 4-5.

It should be noted that these exemptions allow dissemination of information on U.S. soil only; any proposed dissemination internationally is not covered by the exemptions so a license may be required prior to such dissemination of controlled technologies.

Any questions regarding export controls should be directed to your DOR representative.

Monitoring Work in Foreign Country:

- PIs should be careful to monitor closely the work that is to be performed in foreign countries by subcontractors, consultants or foreign personnel to ensure timely and appropriate performance. If the PI encounters non-performance either

- in whole or in part (i.e., the rate of the subcontractor's expenditure of funds exceeds the subcontractor's rate of performance), he/she should contact the DOR, Pre-Award Section, for modification or termination of any applicable contracts or for further handling in conjunction with the FIU General Counsel's Office. If a subcontractor or consultant is not performing as required, the PI should not approve its invoices for payment and should, instead, contact the DOR, Pre-Award, representative for appropriate action. It is very important that the subcontractor's or consultant's scope of work is clearly detailed in the subcontract or consulting agreement so that the PI may be able to properly monitor the subcontractor's or consultant's work progress versus expenditures.
- It may be necessary or advisable to coordinate with foreign country government officials/agencies prior to beginning work in the foreign country. PIs should communicate with their sponsor's program officials or collaborators in the foreign country to ascertain if this is needed or advisable.

FIU International Relations Office

- The FIU Office of Education Abroad (<http://educationabroad.fiu.edu/>) maintains relationships with foreign universities and prepares general memoranda of understanding with universities to outline the overall collaboration between FIU and the foreign university. PI's should contact the Office of Education Abroad if a general MOU is needed. If the foreign university is to perform specific services in connection with a particular project, the PI should contact his/her DOR, Pre-award representative for the preparation of a subcontract. (See subcontract section above.)

Record Retention

- The PI must ensure that project and financial records (including records in the foreign country) are maintained in accordance with FIU requirements set forth in the DOR Guide.