

Export Controls and International Travel for Faculty, Staff, and Students

Federal Export Laws and Regulations

Federal regulations and sanctions promulgated and enforced by various federal agencies, including the Department of Commerce's Bureau of Industry and Security (BIS)¹; the Department of State's Directorate of Defense Trade Controls (DDTC)²(for International Traffic in Arms Regulations -ITAR); and the Department of Treasury's Office of Foreign Assets Control (OFAC)³, prohibit the unlicensed export of specific technologies and items and payments to certain entities and individuals for reasons of national security or protection of trade. While most research conducted on U.S. college and university campuses is excluded from these regulations under the Fundamental Research Exclusion, university research involving specified technologies controlled under the EAR and/or ITAR, or transactions and exchanges with designated countries, individuals and entities, may require the University to obtain prior approval in the form of a License from the appropriate agency before allowing foreign nationals to participate in controlled research, collaborate with a foreign company and/or share research—verbally or in writing—with persons who are not United States citizens or permanent residents. The consequences of violating these regulations can be quite severe, ranging from loss of research contracts to monetary and criminal penalties for the individual and/or organization violating these regulations.

Travel Outside the United States

Travel outside the United States can trigger the need for a **federally issued** License(s), depending on the proposed destination, what you plan on taking with you, the nature of the project associated with the travel, and with whom you will be working. The following points of concern are those most often implicated by international travel and the various federal export control regulations and embargoes/economic sanctions and should be implemented prior to travel:

- Laptops, PDAs, software, and other equipment should be vetted prior to travel for possible export licensing issues (this includes but is not limited to hardware, technical data, technologies, schematics, blueprints or other project-related information, and encryption capabilities).

¹ BIS administers the Export Administration Regulations (EAR) commonly-associated with the regulation of dual-use commodities contained on the Commerce Control List (CCL).

² DDTC enforces the International Traffic in Arms Regulations (ITAR) regulating the export of military and space technologies contained on the United States Munitions List (USML).

³ OFAC oversees the embargoes and economic sanctions that the United States imposes on various foreign countries.

- Presentations to be given at a conference or meeting should be vetted for possible export control issues, including any accompanying materials or handouts.
- *In some cases* it is possible to use a License Exception in lieu of a License if the information, data, equipment, etc. is controlled on the BIS' Commerce Control List (CCL). There are limited License Exceptions available for travel to sanctioned/embargoed countries. Note: License Exceptions are not available for ITAR controlled technical data, software, or equipment.
- If a BIS License or License Exception is required, it must be in place **prior to** travel. If an Exception is not applicable and a License is required, a BIS License can take up to eight weeks to process once submitted. Thus, **planning ahead is essential**.
- If the technical data, equipment, software, or information is controlled under the ITAR, **there is a policy of automatic License denial** for the countries, or citizens of the countries, proscribed in 22 CFR 126.1 of the ITAR. In other words, ITAR exports are prohibited to those countries. Examples are: China, Belarus, Cuba, Eritrea, Iran, North Korea, Syria, Venezuela, Libya, Cote d'Ivoire, Democratic Republic of the Congo, Iraq, Lebanon, Liberia, Haiti, Sierra Leone, Somalia, and Sudan.
- The University of Arizona will **NOT** apply for an export License if the data, equipment, software, or information is ITAR controlled and is intended for export to a proscribed country or person.
- If an ITAR License is needed and the destination (or person) is not a proscribed country as stated in 22 CFR 126.1, it must be in place **prior to** travel. ITAR Licenses can take up to eight weeks to process once submitted. Once again, planning ahead is essential.
- Agencies, entities, and individuals you will be working or collaborating with should be screened through Visual Compliance prior to travel to determine if they are on a "denied" list. A License from BIS, DDTC, or OFAC would be required and could, in fact, be denied if the individual or entity was on a "denied" list.
- All Licenses and License Exceptions will be processed by the University Export Control Program (UECP) staff in collaboration with the PI/employee requesting the License.

The OFAC Regulations

The purpose of the OFAC regulations is to enforce varying embargoes and economic sanctions imposed upon countries that have been designated by the federal government. In general, the OFAC regulations prohibit exports to certain sanctioned/embargoed countries such as Iran, Cuba, Sudan, North Korea, and Syria. BIS controls tangible exports to Cuba, North Korea, and Syria. OFAC and BIS control tangible exports to Sudan, and OFAC controls all exports of any kind to Iran.

A key point to understand is that OFAC considers that providing anything of value or a service to Iran or the government of Iran would require prior government approval in the form of a License. For example, giving a professional presentation, whether or not it contains materials controlled under ITAR or EAR, is deemed under OFAC to be a “service” and “something of value” provided to the recipient audience.

In addition to the points listed above that should be implemented, the following provisions apply for travel to Iran, Cuba, Syria, Sudan, or North Korea:

- Attending a conference in Iran (OFAC considers this to be an “import”) or speaking at a conference in Iran (providing a service or something of value) requires a License. An OFAC License for Iran generally takes six to nine months (or longer) to process once submitted.
- Any technical discussions, *formal or informal, could* require an OFAC License and/or a BIS License and would be prohibited **prior to** the receipt of the necessary License(s).
- Travel to Cuba has special considerations. For information on Cuba travel, see <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/cuba.aspx>.
- The University of Arizona will **NOT** apply for an OFAC License for activities in Syria - no University travel to Syria will be approved. Travel to Iran will be approved on a case-by-case basis and only upon receipt of any required OFAC or other government licenses. In addition, if the UA employee chooses to travel to Iran or Syria as an individual on their own time, **the individual may not take or send anything university-owned** such as equipment, software, technology, or data, or represent the university in any capacity.
- Providing a service or anything of value to any government agency/entity of an OFAC-sanctioned country is generally prohibited.

More information about export controls can be found at <http://rgw.arizona.edu/compliance/export-control-program> or by contacting the University Export Control Program at export@email.arizona.edu.