

Sending Items or Conducting Research Abroad? - Important Notice on Federal Licensing Requirements -

If you are sending any research materials abroad (other than writings), the University may need to secure an export license before the shipment is made. This includes shipments to European countries and allies of the United States.

Further, the University must secure a license if you are conducting research in or collaborating with individuals in any of these countries: Balkans, Burma (Myanmar), Cuba, Iran, Iraq, Liberia, Libya, Myanmar, North Korea, Sudan, Syria, or Zimbabwe. There are personal, civil and criminal penalties for violating the federal regulations.

Contact your campus [Vice Chancellor for Research](#) before shipping any research materials out of the country, or implementing any cooperative research activities with individuals in the embargoed countries.

Export of Materials Out of the United States:

Under federal law, export of certain kinds of research materials to ANY foreign country may require an export license. The two primary sets of regulations governing exports from the US are the Export Administration Regulations (EAR), administered by the Department of Commerce, and the International Traffic in Arms Regulations (ITAR), administered by the Department of State. While only certain types of research materials are affected by export control regulations ("dual use" items under EAR, which can have both military and non-military uses, and materials considered "munitions" under ITAR), the rules governing which items fit into the regulated categories are complex. Many commodities that are regulated would not appear harmful to a scientist, and academic researchers generally assume that sharing items with knowledgeable colleagues from other countries advances science rather than threatens national security. Nonetheless, numerous research-related items are export controlled.

For example some research materials used by engineers are controlled, such as "hetero-epitaxial materials consisting of a 'substrate' having stacked epitaxially grown multiple layers of any of the following: silicon, germanium, or compounds of gallium or indium." A number of biological, animal, and plant materials are controlled, such as salmonella typhi, avian influenza, and xanthomonas albilineans. All space-based technology and research, including research instruments used in openly published, fundamental research, is controlled as a munition under ITAR. Certain computers and other technologies considered to have potential military applications are controlled as "dual use" items. Faculty interested in reviewing the lists of controlled items can access the EAR Commodity Control List (150 pages long) at http://w3.access.gpo.gov/bis/ear/ear_data.html The ITAR list (which is only 20 pages long) is at http://pmdtc.org/docs/ITAR/22cfr121_Part_121.pdf

Because there are also requirements under other regulations governing the packaging, handling, and shipping of items, in addition to export regulations that require securing a license prior to shipment, it is recommended that faculty simply contact the office of the [Vice Chancellor for Research](#) on their campus, where assistance can be provided on what regulations are applicable and what, if any, license needs to be secured prior to shipping.

Sanctions Program for Certain "Embargoed" Countries:

In addition to export regulations, the US Department of Treasury, Office of Foreign Assets Controls (OFAC), administers trade sanctions and embargoes on any dealings with certain countries. The list of such countries changes, but as of April, 2004, there are restrictions on carrying out research in
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or in collaboration with individuals in , the following countries without first securing a license from OFAC: Balkans, Burma (Myanmar), Cuba, Iran, Iraq, Liberia, Libya, North Korea, Sudan, Syria, and Zimbabwe. An updated list of countries under embargo is maintained at the OFAC website: <http://www.treas.gov/offices/eotffc/ofac/sanctions/index.html>

With respect to research involving travel to Cuba, there are two particular licensing provisions that UC researchers may find helpful. First, OFAC regulations related to Cuba (Title 31, Code of Federal Regulations, Sections 501.560(a)(4) & 501.564) contain a “General License” authorizing travel-related transactions directly incident to research by full-time professionals attending meetings or conferences or conducting professional research in their professional area, provided the research is of a noncommercial academic nature, comprises a full work schedule in Cuba, and has a substantial likelihood of public dissemination. The General License does not cover travel for research intended primarily for the purpose of fostering production of any biotechnological products. More information about how to qualify for a General License can be found at http://www.treas.gov/offices/eotffc/ofac/sanctions/cuba_tr_app.pdf. Although the General License does not require individuals to file an application with OFAC in advance of travel, researchers should be aware of a recent OFAC decision that the General License could not be used to authorize travel by academics to a specific scholarly symposium organized by the Cuban Society of Clinical Neurophysiology. Therefore, researchers planning to rely on the Cuba General License should contact the office of their campus Vice Chancellor for Research for assistance in determining whether their research-related travel is covered

In addition to the General License, the University of California has received a “Specific Educational License” from OFAC authorizing UC students and employees to travel to Cuba under the University’s auspices for specified educational activities, including teaching at a Cuban academic institution, participation by students in a formal course of study at a Cuban academic institution, and noncommercial academic research by students enrolled in a graduate degree program and working to qualify as professionals. The license has been renewed for use through March, 2005, and is valid systemwide. The UC specific educational license is likely to be most helpful to students who wish to study or conduct research in Cuba and to faculty who wish to teach in Cuba; the license does not authorize travel to Cuba by faculty for the purpose of conducting research or attending conferences (but those activities may be covered by the General License described above). Students and faculty who wish to receive coverage under the UC specific educational license must file an application with UC’s Office of International Academic Activities, the UC unit that administers the license. More information can be found at: <http://www.ucop.edu/acadaff/oiaa/cubalicense.html>. For additional information on allowable activities covered by the UC license, and to obtain application materials and authorization for Cuba travel, please contact Diane Noel at (805) 893-2755 or dnoel@eap.ucop.edu.

For activity in any of the other embargoed countries, a separate license must be secured. While personal travel for pleasure to these countries can occur without a license, almost all other activity, such as meeting with other researchers, giving a lecture, collaborating on a research project or discussing future research plans, requires an OFAC license. The sanctions against these countries relates to both exports of goods and services to the countries, as well as imports of goods and services from the countries. However, the sanctions do not extend to dealing with a national from these countries who resides in the United States.

Recently, the Los Angeles campus was able to secure an OFAC license for an NSF-funded geological study in Iran. It is important to note that you may not proceed with a project in or with an embargoed country simply because the federal government (such as NSF) is sponsoring your work; all activity, no matter the source of funding, requires an OFAC license prior to proceeding with the project.

There are serious personal civil and criminal penalties for failing to secure a license. Based on recent history, it is likely that OFAC will issue licenses for education and research projects, although it may take two or three months. If you are planning any travel for research to these countries, or would like to collaborate with a scientist in these countries, contact your Vice Chancellor for Research so that the appropriate license approvals can be secured.