



Foreign Travel and Export Compliance : *Know Before You Go*

What is an Export?

An export is an actual shipment or transmission of items, services, or technical data subject to export controls out of the United States, technology, software, or technical data is "released" for export through:

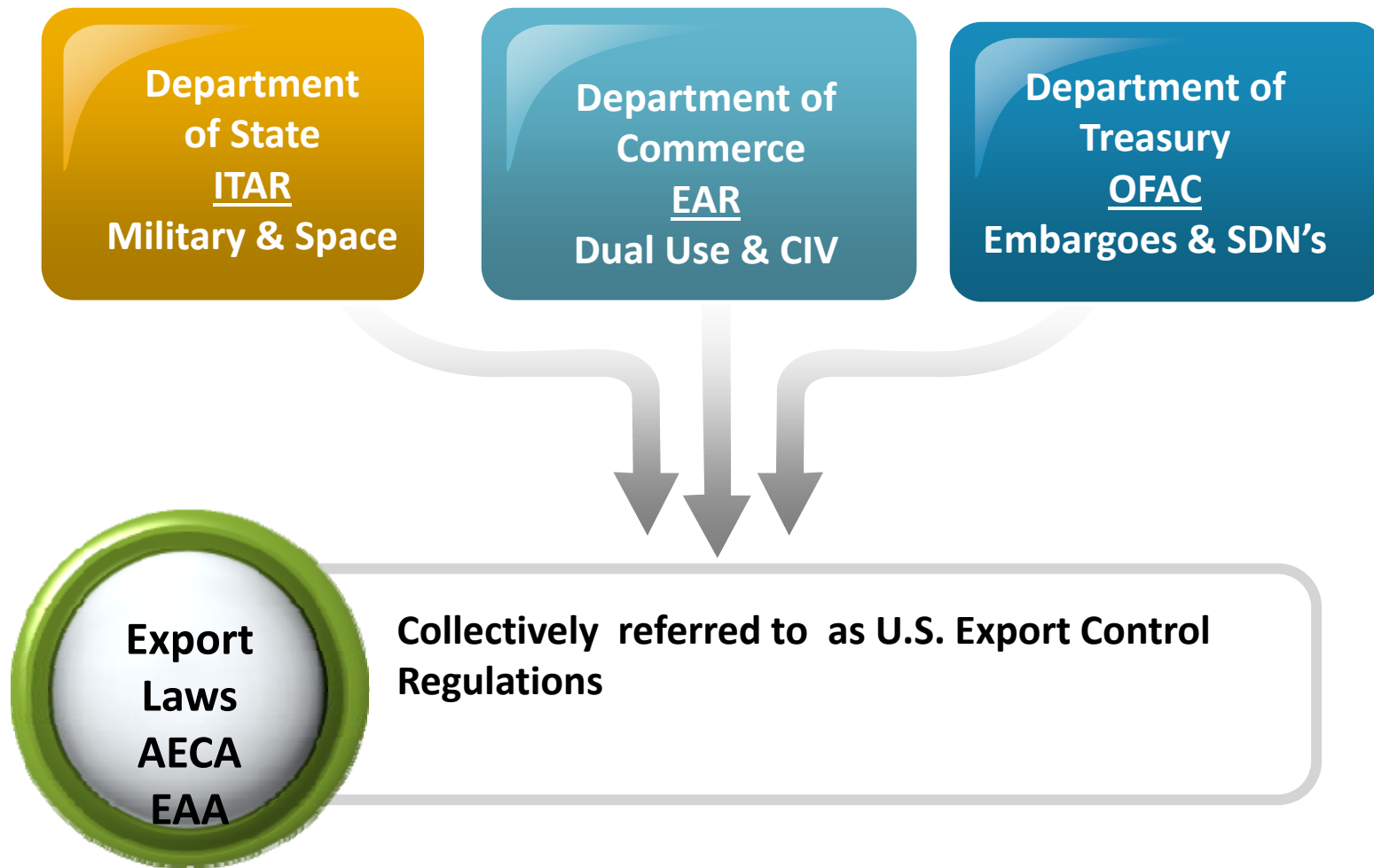
visual inspection by foreign national of U.S. origin equipment and facilities,

oral exchanges of information in the United States or abroad,

transfer or shipment via any means (physical or electronic) to a foreign entity

providing a service, or the application to situations abroad of personal knowledge or technical experience acquired in the United States

Who Controls U.S. Exports?



Arms Export Control Act & Export Administration Act

CMU Related Travel, Research, & Activities in Foreign Countries



1. Foreign Travel

- hand carrying export controlled items

 - (GPS, prototypes, laptops, software, etc.)

- taking controlled technical data or encryption items

 - (unpublished research, blueprints, engineering designs, etc.)

- to or through sanctioned countries

 - (Cuba, Iran, North Korea, Syria, Sudan)

- presentations or attendance at closed conferences

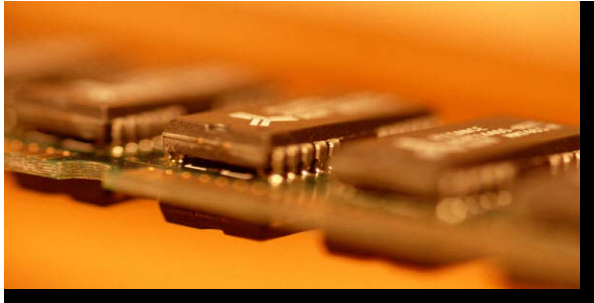
2. Shipping or carrying any item to a Foreign Country

- requires documented export review

3. Transactions with Restricted Persons or Entities

- contact ECO for restricted party screening

Note: foreign travel includes Qatar campus and other foreign universities



Some Export Controlled Items

Laptops, Smartphones,
PDA's, GPS

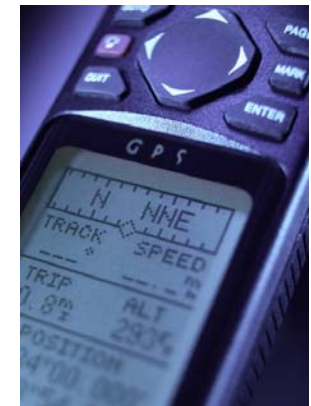
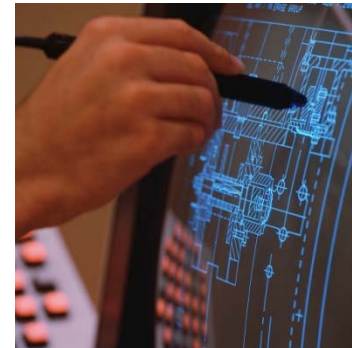
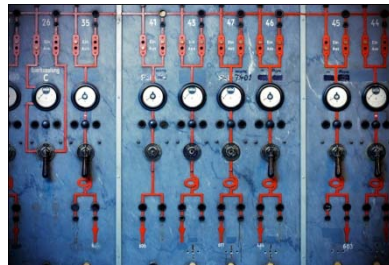
Software (even
Microsoft products)

Anything with
encryption technology

Prototypes

Materials, components,
hardware, samples

Research technical data
not yet published



Foreign Travel Export Review Questions



How will you ensure compliance with export laws in a foreign country?

Fundamental Research Exclusion (FRE) & Foreign Travel

- The FRE that most of CMU activities and research fall under without being subject to export controls only applies to “research results” released in the United States to foreign persons that will be published or made publicly available.
- FRE is not available when conducting research in foreign countries
- FRE does not apply to tangible items or software

Countries of Concern:



Countries where special conditions or restrictions may apply. Export and travel briefing strongly encouraged prior to departure. Travel to embargoed countries in **RED** require a U.S. export license.

- **AFGHANISTAN**
- **ANGOLA**
- **BALKANS**
- **BELARUS**
- **BURMA**
- **CHINA (PRC)**
- **CONGO**
- **CYPRUS**
- **CUBA**
- **ERITREA**
- **FIJI**
- **GUINEA**
- **HAITI**
- **IRAN**
- **IRAQ**
- **KRYGZSTAN**

- **LIBERIA**
- **LIBYA**
- **NIGERIA**
- **NORTH KOREA**
- **REPUBLIC OF SOUTH SUDAN**
- **RWANDA**
- **SIERRA LEONE**
- **SOMALIA**
- **SRI LANKA**
- **SUDAN**
- **SYRIA**
- **VENEZUELA**
- **VIETNAM**
- **YEMAN**
- **ZIMBABWE**

Please contact export-compliance@andrew.cmu.edu

Encryption Software

- Sharing, shipping, transmission or transfer (exporting) of almost all encryption software in either source code or object code is subject to US export regulations. Most publicly available "dual-use" encryption code requires a license or License Exception to ship outside the U.S.

Encryption requiring a license:

- Examples of encryption exports that require a license are exports of encryption technology, products that contain an open cryptographic interface (OCI), or "non-retail" encryption source or object code.



Some foreign countries that may have import and/or use restrictions for encryption software, encrypted laptops or devices:



Belarus	Burma
China	Hungary
Iran	Israel
Kazakhstan	Moldova
Morocco	Russia
Saudi Arabia	Tunisia
Ukraine	

Note: Since laws change often, individual country requirements and guidance is available from the ECO at export-compliance@andrew.cmu.edu

Good News – U.S. License Exceptions

- Three license exceptions are available for the university when the export of tangible items or software, or encryption items is necessary for travel or relocation.

1) BAG - Exception for Personally Owned Items for Personal Use

License Exception BAG (Baggage) allows U.S. persons (US citizens or green card holders), departing the US either temporarily (travel) or longer-term (relocation) to take with them as personal baggage personally-owned items, software or retail-level encryption items including laptops, personal digital assistants (PDAs), and cell phones. The items and software must be for the personal use in private or professional activities.

Export of technology or technical data under BAG may be allowed only if:

- technology or technical data is to be used solely by individual or immediate family who are US persons
- adequate security precautions are taken to protect against unauthorized access to the technology while abroad, such as;
 - use of secure connections such as VPN when accessing networks for email and other electronic transmission and use of the technology,
 - use of password systems and personal firewalls on electronic devices that store information about the technology

2) TMP – temporary export for “tools of the trade”

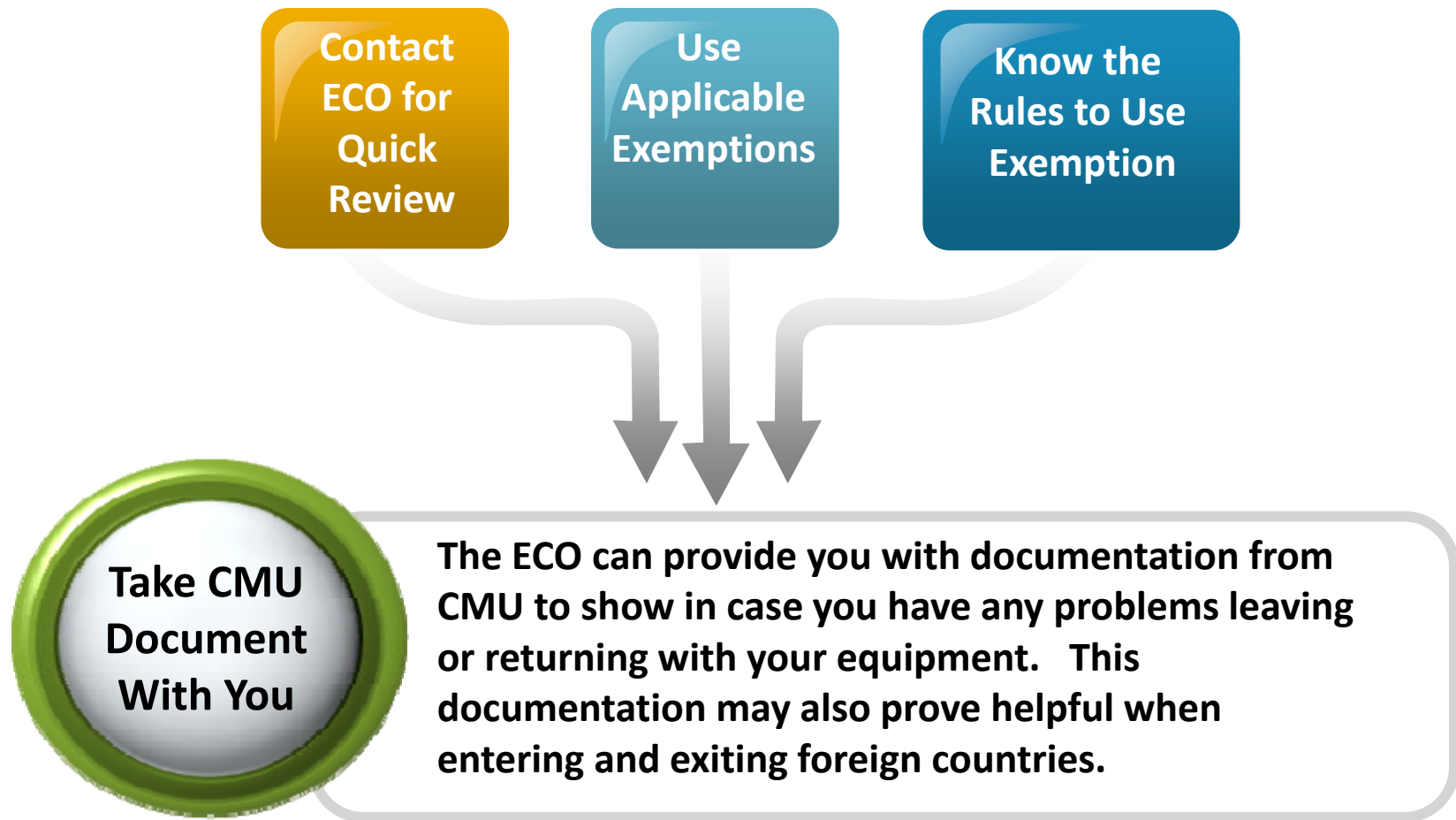
1. **License Exception TMP (Temporary Exports)** allows university employees departing from the U.S. on university business to take with them as “tools of trade” CMU owned or controlled items such as laptops, personal digital assistants (PDAs), and cell phones and mass market encryption software to all countries,
2. except Cuba, Iran, North Korea, Sudan, and Syria,
3. and as long as the items and software will remain under their “effective control” abroad,
4. and the items or software are returned to the US within 12 months

3) ENC - Exception for Encryption Products

License Exception ENC (Encryption) permits the export of **non-mass market “weak crypto” software** (e.g., employing a symmetric algorithm that uses less than an 64 bit key length or 80 bit key length for some countries) without Commerce Department review. It also permits “strong crypto” products to be sold worldwide.

In conjunction with License Exception TMP, ENC allows university employees to temporarily export as “tools of trade” weak non-mass market (non-commercial) or strong commercial crypto products.

Easy Steps for Hand Carrying Items to Foreign Countries



Rules to Travel By: ExceptionTMP

- 1. I will take the item(s) and/or software abroad **ONLY** as a "tool of trade" to conduct Carnegie Mellon business; *and*
- 2. I will return the item(s) and/or software to the US no later than 12 months from the date of export unless they are certified by me to have been consumed or destroyed while abroad during this 12 month period; *and*
- 3. I will maintain the item or software under my "effective control" while abroad ("effective control" means retaining physical possession of an item or maintaining it in a secure environment such as a hotel safe or a locked or guarded facility; *and*
- 4. I will not take the item or software to Cuba, Iran, North Korea, Syria, or Sudan; *and*

Rules to Travel By: Exception ENC

5. I will not take outside the borders of the United States any items or software incorporating any generated, non-commercial encryption source or object code:

- * Employing a symmetric algorithm with a key length in excess of 64 bits;
- * Employing a asymmetric algorithm based on:
 - Factorization of integers in excess of 512 bits (i.e. RSA)
 - Discrete logarithms group in excess of 112 bits (Diffie-Hellman over an elliptic curve)
 - Computerization of discrete logarithms in multiplicative group of a finite field of size greater than 512 bits (i.e. Diffie-Hellman over Z_pZ);
- * Designed or modified to perform dual-use cryptanalytic functions;
- * Designed or modified to use quantum cryptography;
- * Specially designed or modified to reduce the compromising emanations of information bearing signals beyond that necessary for health, safety or electromagnetic interference;
- * Using cryptographic techniques to generate the spreading code for dual-use spread spectrum systems including the hopping code for frequency hopping systems;
- * Using cryptography in communications cable systems designed or modified to detect surreptitious intrusion using mechanical, electrical or electronic means;
- * Using cryptographic techniques to generate channelizing codes, scrambling codes or network identification codes for systems using ultra-wideband modulations techniques;

Rules to Travel By: Responsibilities

- 6. I will consider export control regulations before taking/sending other equipment, software, or technical data abroad; and
- 7*. While outside the U.S., I will promptly report all instances where unauthorized access is suspected; and
- 8*. I will promptly report, the loss or theft of any item, encrypted software or technical information to Carnegie Mellon; and
- 9. I understand that I may be held personally liable for violations of U.S. export laws that are punishable by severe civil and criminal penalties, including monetary finances and imprisonment.

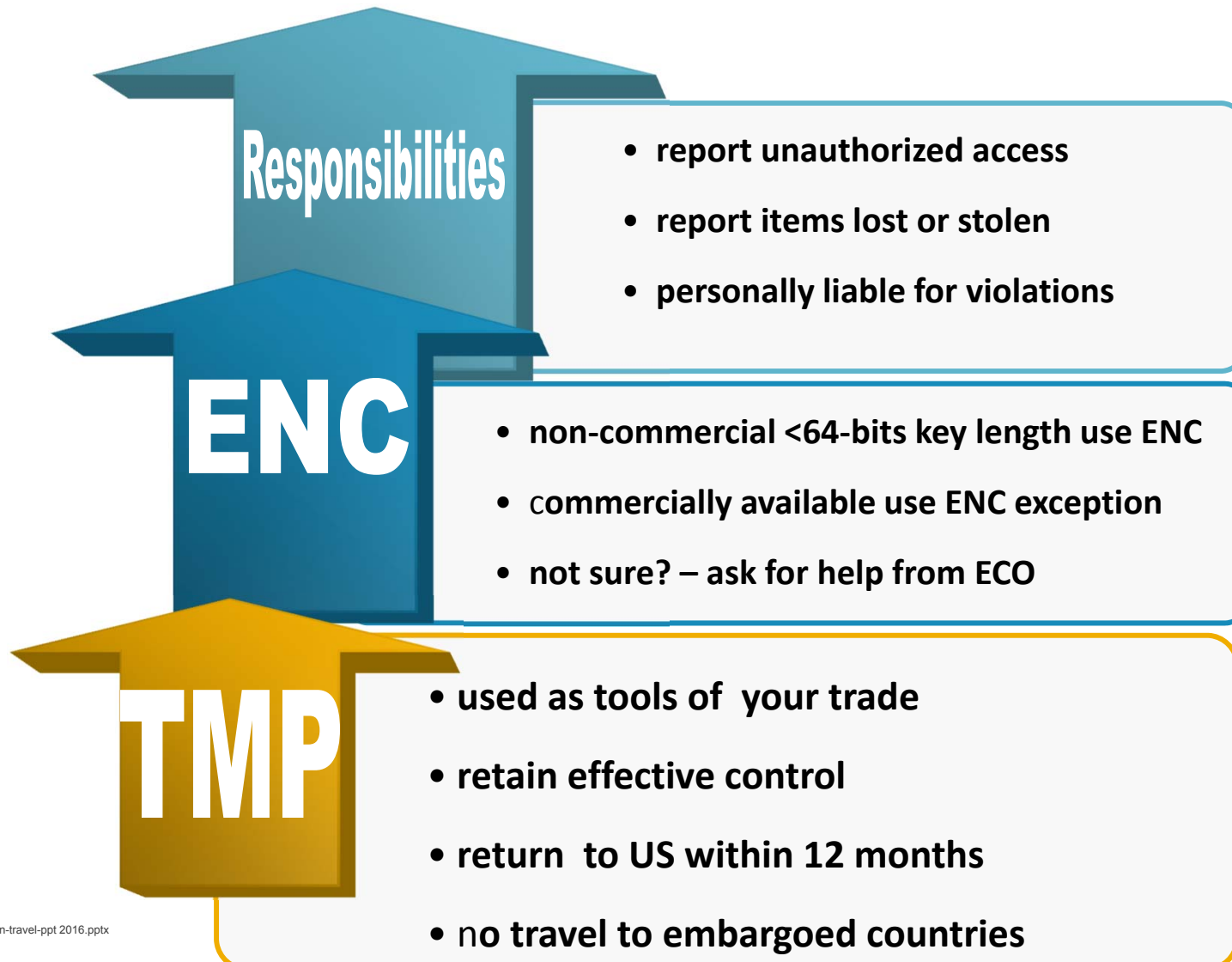
[Notify CMU Export Compliance Office at export-compliance@andrew.cmu.edu]*

Best Advice



1. If you don't need it, don't take it with you!
2. Avoid taking unpublished research technical data.
3. Keep items and technology in your effective or physical control.
4. Attend or present only at “open” conferences.
5. Take CMU export documentation with you from the ECO when hand carrying items. It helps going to and from (i.e. customs).
6. Contact the Export Compliance Office at export-compliance@andrew.cmu.edu

Summary





Questions?

Thank You!

Contact: export-compliance@andrew.cmu.edu