

**Travel Matrix**

This matrix is designed to assist UAH Faculty, Students and staff members with considerations toward US Export Control regulations. It is solely intended to provide guidance to those traveling internationally. Individual situations may be further evaluated.

Always use adequate security precautions to protect electronic data and equipment. Note that at a minimum, you must:

* **Utilize secure connections such as a Virtual Private Network,**
* **Use password systems on electronic devices that will access or store confidential, proprietary data.**
* **Use personal firewalls on electronic devices that will access or store sensitive data.**
* **Not travel with controlled or restricted data subject to the EAR or ITAR.**
* **Encrypt electronic files that contain sensitive data**

Note that these measures alone do NOT substitute for export control compliance. Please continue through this determination process for helpful advice and contacts.

**Two License Exceptions** are available when the tangible export of items and software containing encryption code is necessary for travel or relocation:

* **License Exception TMP (Temporary Exports)** allows those departing from the US on university business to take with them as "tools of the trade" UAH-owned or controlled, retail-level encryption items such as laptops, personal digital assistants (PDAs), and cell phones and encryption software in source or object code to all countries except Sudan and Cuba, as long as the items and software will remain under their "effective control" overseas and are returned to the US within 12 months or are consumed or destroyed abroad;
* **License Exception BAG (Baggage)** allows individuals departing the US either temporarily (travel) or longer-term (relocation) to take with them as personal baggage family-owned retail-level encryption items including laptops, personal digital assistants (PDAs), and cell phones and encryption software in source or object code. The encryption items and software must be for their personal use in private or professional activities. Citizens and permanent resident aliens of all countries except Cuba, Libya, Syria, Sudan, North Korea and Iran may take with them as personal baggage non-retail "strong" encryption items and software to all locations except embargoed or otherwise restricted locations.

UAH faculty, staff and students commonly bring their laptops, cell phones, GPS, PDAs, data storage devices and other electronic devices loaded with information and software (Devices) with them not only across campus, but also to other countries. Although taking Devices to international destinations seems routine, individuals doing so may be “exporting” the Device for possible violations of the U.S. export control laws and regulations. Such “exports” may require a license from the U.S. government. Export control regulations may also govern a UAH traveler’s use of another person’s Device while traveling, and a UAH traveler permitting someone else to use his or her Device while outside the United States.

Most international travel with Devices will ***not*** require a license. UAH travelers should be familiar with the applicable export control regulations, however, and strive to comply, because violations can result in the imposition of criminal sanctions and heavy civil penalties.

The licensing requirements can be summarized generally as follows:

Individuals traveling with a Device that is ***routinely available from commercial vendors*** will probably ***not***need an export license as long as the Device is kept under their ***immediate control*** when outside the United States, and is brought back to the United States ***within one year of the initial departure*.**

**Travelers are likely to require an export license to bring a Device outside the United States if:**

* They are traveling to a country that has been embargoed by the U.S. Department of Treasury (*i.e.*, as of October 2008, Cuba, Iran, N. Korea, Syria or Sudan)
* The Device holds encryption software, either commercially available or research- generated
* The Device contains unpublished data or other information relating to items or materials on one of the technology control lists established by the U.S. government (An example of such information would be blueprints of laboratory equipment that could be used to create toxic materials.). Note that the need for an export license would probably not apply to data and information which result from fundamental research: basic and applied research typically associated with academia
* The Device is designed for use or application with technologies associated with satellites, spacecraft or technologies with a military use, or the Device contains information or software designed for use or application with such technologies or
* The Device could be used in the development of weapons of mass destruction

In addition to becoming familiar with applicable export control requirements, UAH travelers should note that any international travel with a Device may result in the disclosure of personal information installed on the Device.

This memo is designed to provide only general guidance on a complex issue. If you think you might need a license or need to rely on exclusion, or if you have any questions or need more detailed information about this topic, please contact: Janine Wilson at 824-3025 or Denise K. Spiller 824-6444.

**You are also required to be up to date with your on–line or oral Export Control Training prior to traveling outside the United States.**

**EXPORT LICENSE EXCEPTION (TMP) CERTIFICATION**

**For Export Administration Regulations (EAR) controlled Items, Technology, and Software**

**To: Office of Research Security, Janine Wilson, Export Controls Officer**

**From:** [*Insert Name of UAH Faculty, Student or Staff*]

**Date:** [*Insert Date*]

**Re: Export License Exception for Temporary Exports/Re-exports\***

The export of items, technology, commercial software, and encryption code is subject to export control regulations (this includes laptops, PDAs and digital storage devices). The Department of Commerce’s Export Administration Regulations (EAR) makes an exception to licensing requirements for the temporary export or re-export of certain items, technology, or software for professional use as long as the criteria to which you are certifying below are met. The exception does not apply to any EAR satellite or space-related equipment, components, or software, or to any technology associated with high-level encryption products. In addition, this exception does not apply to items, technology, data, or software regulated by the Department of State’s International Traffic in Arms Regulations (ITAR).

Detailed Description of Items, Technology or Software to which this Certification applies:

[*Insert description here, if needed continue on backside or additional sheet of paper*]

By my signature below, I certify that:

1. I will ship or hand-carry the items, technology, or software to [*insert country(s)traveling to*] as a “tool of the trade” to conduct UAH business or Personal Use only;
2. **I will return the items, technology, or software to the United States on** [*insert return date*] **which is no later than 12 months from the date of leaving the United States** unless the items, technology, or software are certified by me to have been consumed or destroyed abroad during this 12 month period;
3. I will keep the items, technology, or software under my “effective control” while abroad (defined as retaining physical possession of item or keeping it secured in a place such as a hotel safe, a bonded warehouse, or a locked or guarded exhibition facility);
4. I will take security precautions to protect against unauthorized release of the technology while the technology is being shipped or transmitted and used abroad such as:
	1. use of secure connections when accessing e-mail and other business activities that involve the transmission and use of the technology,
	2. use of password systems on electronic devices that store technology, and
	3. use of personal firewalls on electronic devices that store the technology;
5. **I will not ship or hand-carry the items, technology or software to Iran, Syria, Cuba, North Korea, or Sudan without consulting with The University of Alabama in Huntsville Export Controls Officer**. If I am planning to travel to these countries, I will consult UAH’s Export Controls Officer in the Office of Research Security.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Checklist for License Exception - Baggage**

[May be Used for Personally Owned Devices or Equipment]

**I.** A **license exception** to U.S. export control regulations will apply to the equipment and its operating software if the software or technology comes within the **BAGGAGE EXCEPTION** because:

**A.**\_\_\_\_ The software does not contain greater than 64-bit encryption software or mass market encryption products that are going to Iran, Syria, Sudan, or North Korea, ***AND***

**B.**\_\_\_\_ The equipment, software and technology is not on the United States Munitions List (“USML”) under the International Traffic in Arms Regulations (“ITAR”) ***AND***

**C.**\_\_\_\_ The equipment, software and technology will not be put to a military use OR used in outer space, ***AND***

**D.**\_\_\_\_ There is no reason to believe that your research could be used in the development of weapons of mass destruction, ***AND***

**E.**\_\_\_\_ Transfer of your laptop, GPS and its operating software to a foreign country or person falls under the **BAGGAGE EXCEPTION** because:

**1.**\_\_\_ you are leaving the United States temporarily (i.e., traveling) or longer-term (i.e., moving), ***AND***

**2.**\_\_\_ you, or a member of your immediate family, will use the item for personal use, ***AND***

**3.**\_\_\_ you plan to return to the United States with the item, ***AND***

**4.**\_\_\_ the item is a usual and reasonable kind and quantity of tool, instrument, or equipment for use in your trade, occupation, employment or vocation, ***AND***

**5.**\_\_\_ you own the item.

**All Items above must be checked and apply to your Personally Owned Devices and/or Equipment in order for the BAGGAGE EXCEPTION to apply.**

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_