CUNY EXPORT CONTROL GUIDANCE: INTERNATIONAL TRAVEL BRIEFING

1. **Introduction**
   When traveling abroad, taking certain items, providing certain services or meeting with certain people can present export control problems for CUNY faculty, staff, students and postdoctoral scholars ("CUNY affiliates"). This document provides guidance on how to avoid running afoul of the export control laws when travelling internationally. Travel to most countries does not present an export control problem. Travel to some countries may present a problem that is easily addressed, provided we create and maintain records that show we found the travel to be exempt from the regulations. But when an export control license is required for travel, it is crucial that we obtain it prior to the trip. Violations of the export control laws carry severe civil and criminal penalties.

2. **Applicable Regulations**
   When traveling internationally, CUNY affiliates need to be familiar with export control regulations and policies. See http://www.cuny.edu/research/compliance/Export-Control.html. Specifically, they need to determine whether the following regulations apply to them:

   - US Department of Commerce's Export Administration Regulations (EAR)
     These regulations govern hardware, materials, equipment, software, technology and technical data that have both civilian and inherent military or defense application. Controlled items are identified on the Commerce Control List (CCL). EAR controls are specific based on the combination of 1) destination; 2) end use; and 3) item specifications and capability.

   - US Department of State's International Traffic in Arms Regulations (ITAR)
     These regulations govern 1) defense articles, to include hardware, materials, equipment, software, technology and technical data specifically designed or modified for defense or military application without civil performance or use equivalent; and 2) defense activities, to include disclosing ITAR technical data (or data related to a defense article) to foreign nationals, or disclosing technical data (even if not controlled or in public domain) to a foreign national or related organization affiliated with a military purpose.

   - US Department of Treasury's Office of Foreign Assets Controls (OFAC)
     These regulations restrict transactions with a specified list of embargoed countries and with certain "specifically designated nationals". For the purposes of CUNY affiliates, restrictions that are most likely to affect CUNY exports are on *Cuba, Iran, Syria and Sudan*.

3. **Evaluating Whether the Regulations Apply to You**
   In evaluating whether any of the regulations apply to your travel, you need to consider:

   - Whether you plan to take any controlled items or data with you; the most common items that present export control issues are laptops, jump drives, hand-held GPS

devices, blueprints or schematics, encryption products and prototypes or samples that happen to be portable;

- Whether you plan to send or deliver any controlled items or data to non-US persons;

- Whether your laptop or other storage device you are taking has controlled data or information stored on it;

- Whether the country to which you are traveling has any OFAC restrictions;

- Whether you will be doing business (including engaging in money transactions or the exchange of goods or services) with certain people or entities that are considered "specially designated nationals."

- Whether you will be supplying certain technologies/data at a "closed" conference or meeting (not open to all technically qualified members of the public, and attendees are not permitted to take notes)

4. **Necessary Actions**
   If you believe any of the regulations *might* apply to you, you should contact the export control administrator for your College to determine whether any license exemptions apply to you; or to obtain appropriate license or authorization.

5. **Helpful Tips -** When traveling internationally**:**

- Use your best judgment in communicating with foreign nationals, and be alert to situations that may result in inadvertent inappropriate or illegal disclosure of controlled information or data;

- Avoid situations that lead to providing advice or assistance outside of fundamental research parameters;

- Do not discuss controlled or sensitive information (for example, proprietary information that you may happen to have) in public places;

- Always keep controlled or sensitive items, information or data secure;

- Maintain a "need-to-know" policy when discussing work related information with others;

- Do not leave equipment, documents or data in your hotel safe;

- Ensure that CUNY has a way of getting in touch with you if necessary.