

International Travel with Electronic Communication Devices

- **For guidance purposes only. Any electronic communication devices that are being taken abroad should be individually verified within the scope of the Export Administration Regulations and/or the International Traffic in Arms Regulations.**

General Note: Hand-carried U.S.-origin computers and software cannot be taken to Cuba, Iran, North Korea, Sudan, and Syria except under very limited circumstances.

Laptop Computers: Laptop computers not specially designed for military use are classified on the Commerce Control List under ECCN 4A994. The following rules apply:

- Laptops classified 4A994 may be hand-carried as temporary exports to any country except Cuba, Iran, North Korea, Sudan, or Syria under License Exception TMP as long as the use is consistent with the rules in EAR Part 740.9 for “tools of trade.”
- If a laptop is personally owned (as opposed to the Research Foundation of SUNY or Stony Brook University’s property), it may be hand-carried as baggage under License Exception BAG to any country except Iran, Sudan, or Syria to which the owner can legally travel. (Note: BAG only applies to items originally taken by their owners from the United States, not to U.S.-origin items acquired in other countries. In addition, tighter controls apply to certain types of software, as discussed below.)
- Laptops classified 4A994 may be exported (i.e., non-temporary exports) under License Exception NLR to any country except Cuba, Iran, North Korea, Sudan, or Syria.

Hand-Held Digital Devices: U.S.-origin cell phones and other hand-held communications devices having an encryption capability (but not capable of end-to-end encryption) are classified 5A992. For such devices, the following rules apply:

- Hand-held devices classified 5A992 may be hand-carried as temporary exports to any country except Cuba, Iran, North Korea, Sudan, or Syria under the “tools of trade” provisions of License Exception TMP.
- If the hand-held devices are personally owned, they may be hand-carried as baggage under License Exception BAG from the United States to any country except Iran, Sudan, or Syria.
- Hand-carried devices classified 5A992 may be exported (i.e., non-temporary exports) under License Exception NLR to any country except Cuba, Iran, North Korea, Sudan, or Syria.

Software: For export control purposes, software (including pre-loaded operating systems) is generally considered separate from the computer on which it is used. For example, Microsoft Windows 2000 Professional is classified under ECCN 5D992.b.1, whereas Windows CE 3.0 is classified 5D002. Controls on software relate to the software’s level of encryption and/or the equipment or special purpose for which it is designed, and the ECCN should be determined through a review of the Commerce Control List. For software hand-carried on a laptop, the following rules apply:

- Software classified EAR99 or 5D992.b.1 (or 5D002, if it is preloaded on a laptop) may be hand-carried as a temporary export to any country except Cuba, Iran, North Korea, Sudan, or Syria under License Exception TMP as long as the use is consistent with the rules in EAR Part 740.9 for “tools of trade.”

- If software is personally owned (as opposed to the Research Foundation of SUNY or Stony Brook University's property), it may be hand-carried as baggage under License Exception BAG to any country except Iran, Sudan, or Syria to which the owner may legally travel, with the exception of encryption items controlled for "EI" reasons (e.g., 5D002 software), which may not be exported to Cuba, Iran, North Korea, Sudan, or Syria. (Note: BAG only applies to software taken by its owner from the United States, not to U.S.-origin software acquired abroad.)
- Software classified EAR99 or 5D992.b.1 may be exported (i.e., non-temporary exports) under License Exception NLR to any country except Cuba, Iran, North Korea, Sudan, or Syria. Software classified 5D002 requires licenses for most destinations unless it satisfies the conditions in EAR Part 740.17 for License Exception ENC.
- In an exception to the rule that software and hardware must be considered separately, U.S.-origin software that is classified EAR99 or 5D992.b.1 (or other ECCNs that are only subject to "AT" controls) and pre-loaded or re-exported together with a foreign-produced computer (i.e., "bundled" with the hardware) may be considered part of the computer for the purpose of de-minimis analyses (see EAR Part 734.4).

Technology/Data Files: Information stored on your laptop or in accompanying media (e.g., CDs or diskettes) is technology that might, depending upon the nature of the data and the destination, trigger export control requirements. The following rules apply.

- General business information (as opposed to information about product design, manufacturing, etc.) is not subject to export controls.
- Publicly available information (e.g., published materials), with the exception of publicly available encryption software classified 5D002, is not subject to export controls.
- Product-related technology must be classified using the Commerce Control List and usually has a level of control comparable to that of the related products. For example, technology related to EAR 99 products is normally also classified EAR99 and may be exported under "NLR" (no license required) to any country except Cuba, Iran, North Korea, Sudan, or Syria.
- Technology (except encryption technology classified 5E002) may be temporarily exported for the use of U.S. persons to any country other than Cuba, Iran, North Korea, Sudan, or Syria under the "tools of trade" provisions of License Exception TMP.
- If personally owned, technology may be exported under License Exception BAG to any country except Iran, Sudan, or Syria (for encryption technology classified 5E002: Cuba, Iran, North Korea, Sudan, or Syria) by U.S. persons for their personal use.

Export Documentation: Hand-carried products and software are subject to AES (Automated Export System) requirements if the value of items classified under a single Schedule B number exceeds \$2,500. In addition, all items exported pursuant to a validated export license and all items destined for Cuba require an AES report. However:

- Section 56 of the Foreign Trade Statistics Regulations lists certain exemptions to AES requirements, including for baggage (personal effects) and, for business travelers, for "tools of trade" exported under license exception TMP (see 15 CFR 30.56). Thus, laptops and software exported as "tools of trade" under TMP do not require AES reports.
- Even if hand-carried items qualify for an AES exception, the exporter must be prepared to make an oral declaration if requested to do so by a Customs official.