Lack of Knowledge is NOT a Defense

GOING SOMEWHERE?
INTERNATIONAL ACADEMIC TRAVEL

Co-Presented by:
Mark Nardone, Chief Information Security Officer
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AGENDA

- Check before you go:
  - Safeguard hardware, software and data
  - Office of Information Security
- Complying with export control laws
  - What is an export?
  - Licenses may be necessary
    - Exceptions may apply
- Penalties for noncompliance
WHY HAVE EXPORT CONTROL LAWS?

- Restrict exports of items and technology that could contribute to the military potential of adversaries

- Prevent proliferation of WMDs (nuclear, biological, and chemical)

- Prevent terrorism

- Comply with US trade agreements and sanctions against other countries
WHAT IS AN EXPORT?
(NOT IN LEGALESE)

Export means an actual shipment of or sending, disclosing, or providing items or information “out” of the United States. 15 CFR §721.1; 22 CFR § 120.17

Examples:
- Equipment shipped
- Software electronically sent
- Lab visitors
- Discussions about data
### THREE KEY GOV’T REGULATORS

<table>
<thead>
<tr>
<th>U.S. State Department</th>
<th>U.S. Commerce Department</th>
<th>U.S. Treasury Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate of Defense Trade Controls (DDTC)</td>
<td>Bureau of Industry and Security (BIS)</td>
<td>Office of Foreign Assets Control (OFAC)</td>
</tr>
<tr>
<td>International Traffic in Arms Regulations (ITAR)</td>
<td>Export Administration Regulations (EAR)</td>
<td>Foreign Assets Control Regulations</td>
</tr>
<tr>
<td>22 CFR §§120-130</td>
<td>15 CFR §§730-774</td>
<td>31 CFR §§500-599</td>
</tr>
<tr>
<td>Munitions List (USML)</td>
<td>Commerce Control List (CCL)</td>
<td>Trade Embargoes, Sanctions, SDN List</td>
</tr>
</tbody>
</table>
TRAVEL TO FOREIGN DESTINATIONS
EXAMPLES

- Hand carry export controlled items: GPS, laptops, software, prototypes

- Hand carry technical data or encryption items: unpublished research results

- Embargoed countries: Cuba, Iran, North Korea, Syria, Sudan

- Interactions with restricted persons or entities
NEED A LICENSE?

- Is the item or information on the USML or CCL?

- Is an exception available?
  - For example:
    - Items: TMP, BAG
    - Information: Public domain, educational information

- Is destination subject to embargo or sanction?

- Is end user a barred individual or entity?
### QUESTIONS FOR TRAVELERS

<table>
<thead>
<tr>
<th>WHO</th>
<th>(are the parties to the export?)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHAT</td>
<td>(non-personal items/information are you taking?)</td>
</tr>
<tr>
<td>WHEN</td>
<td>(will you leave and return?)</td>
</tr>
<tr>
<td>WHERE</td>
<td>(will the activities take place?)</td>
</tr>
<tr>
<td>WHY</td>
<td>(are you travelling? For a conference? Research?)</td>
</tr>
<tr>
<td>HOW</td>
<td>(will you protect and control the activity?)</td>
</tr>
</tbody>
</table>
COUNTRIES AFFECTED BY TRAVEL SANCTIONS

Countries of Concern (Treasury)  Sponsors of Terrorism (State)
If you travel to a country without a required license, penalties may follow:

<table>
<thead>
<tr>
<th>ITAR</th>
<th>EAR</th>
<th>OFAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal fines up to $1,000,000 and 10 years in prison.</td>
<td>Criminal fines up to $250,000 and/or up to 10 years in prison.</td>
<td>Criminal fines up to $1,000,000 and up to 10 years in prison.</td>
</tr>
<tr>
<td>Civil fines up to $500,000.</td>
<td>Civil fines ranging from $10,000-$100,000.</td>
<td>Civil fines ranging from $12,000-$55,000.</td>
</tr>
</tbody>
</table>
# LICENSE EXCEPTIONS

<table>
<thead>
<tr>
<th>ITEM/INFORMATION</th>
<th>TMP (15 CFR §740.9)</th>
<th>BAG (15 CFR §740.14)</th>
<th>ENC (15 CFR §740.17)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ITEM</strong></td>
<td>“Tools of trade” owned by Northeastern</td>
<td>“Tools of trade” owned by traveler</td>
<td>Software or hardware with strong encryption for securing data or communications.</td>
</tr>
<tr>
<td><strong>CONDITIONS</strong></td>
<td>“Temporary export”- returned within 12 months of export.</td>
<td>“Tools” or encrypted items must be personally owned by traveler and intended for personal use.</td>
<td>Must be self-classified by employer after employer registers with BIS and submits annual report listings.</td>
</tr>
<tr>
<td></td>
<td>Traveler must retain “effective” control throughout the trip.</td>
<td>“Tools” must accompany traveler.</td>
<td>Products with more advanced capabilities require formal commodity classification.</td>
</tr>
<tr>
<td></td>
<td>To be for the temporary exporter's exclusive and personal use and that it not be used for copying, demonstration, marketing, or sale.</td>
<td>U.S. citizens or permanent residents may permanently export controlled encryption items under this exception.</td>
<td>Encryption items exported for internal company use only can escape these classification and reporting requirements for this exception.</td>
</tr>
</tbody>
</table>
Don’t need it, don’t take it.

Avoid taking unpublished research data or results.

Attend or present only at open conferences.

Take the Northeastern exception letter with you.

Report to OIS lost or stolen goods immediately.

Report to OIS unauthorized access immediately.
This is your responsibility. Check with OIS before you go. If the export laws are violated, you may face a fine and/or criminal penalties.

These laws are complicated. Do not hesitate to contact the Office of Information Security (OIS) or the Office of General Counsel (OGC) with questions.
GLOSSARY

- Bureau of Industry and Security (BIS)
- Commerce Control List (CCL)
- Directorate of Defense Trade Controls (DDTC)
- Export Administration Regulations (EAR)
- International Traffic in Arms Regulations (ITAR)
- Office of Foreign Assets Control (OFAC)
- Office of General Counsel (OGC)
- Office of Information Security (OIS)
- Specially Designated Nationals (SDNs)
- United States Munitions List (USML)