

CHECKLIST: BAGGAGE (BAG) LICENSE EXCEPTION

The Baggage (BAG) license exception to the U.S. export controls regulations can be used if ALL of the following apply to the personal item (e.g., personal effect, device, equipment, including any stored/installed “technology” or software, which also has to meet these exception requirements):

- ___ 1: The item is personally owned by the traveler or immediate family members;
- ___ 2: The item will be used only by the traveler or immediate family members;
- ___ 3: The item will not be sold, leased, rented, gifted, or otherwise disposed of while abroad;
- ___ 4: The item will return to the U.S. with the traveler or be consumed abroad;
- ___ 5: The item is not described on the United States Munitions List (USML - found at https://www.pmdotc.state.gov/regulations_laws/itar.html);
- ___ 6: The item will not be taken to Cuba, North Korea, the Sudan, or Syria if it is controlled for encryption purposes (i.e., has an ECCN designation of 5A002, 5D002, or 5E002 on the Commerce Control List). If you do not know whether encryption controls apply, the manufacturer of a particular device or software should be able to provide this information, either via their website or by phone;
- ___ 7: Any “technology” or software that is described on the Commerce Control List (CCL – found at <https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>) will be secured against unauthorized access through the use of appropriate secure network connections, passwords, and firewalls, and will not be disclosed to foreign nationals abroad unless authorized under the regulations;
- ___ 8: The item will not be used for any kind of military, nuclear science, weapon/defense, aircraft, or space-related end-use.

Note 1: “Technology” generally refers to any information, specifications, technical data, or instructions that pertain to any item or software described on the CCL or USML (for example, design specifications for controlled items and equipment; protocols for the production or development of controlled materials, biologics, or chemicals; training instructions related to the development, production, or use of controlled items and equipment, etc.). Technology does not necessarily pertain to the device on which it is stored.

Note 2: This license exception cannot be used to take items controlled under U.S. export controls regulations into the country of Iran. The export of such items is permitted only by specific license or other exception under applicable law or regulation.

Keep a signed copy of this checklist to document applicability of the license exception.