Fundamental Research Exclusion

Much of your research may be excluded from United States (U.S.) export controls, if it meets the definition of “Fundamental Research” under the Fundamental Research Exclusion\(^1\). However, this exclusion does not extend to physical items (including but not limited to chemicals and biologicals) that are shipped, mailed or carried out of the U.S. Everything that crosses the U.S. border is an export: even if the item will be temporarily out of the U.S.; even if the item was not sold; even if the item will be used for Fundamental Research.

What You Should Know Before You Export a Physical Item

Texas A&M University (TAMU) does not have a centrally controlled international shipping department. However, the Export Controls Office (ECO) is here to support you if you need to export an item or items, to facilitate your research. If you have questions or concerns, please contact the ECO.\(^2\)

All U.S. origin items will be controlled for export to a U.S. Embargoed or Sanctioned Country\(^3\). Depending on the circumstances, an Export License Exception may apply. Please contact the ECO if you are planning business travel to one of the countries listed.

Every U.S. export is an import to another country. All shipments will need to go through Customs in the destination country. Some items may be prohibited or require prior authorization. Some items may incur duty or VAT (Value Added Tax) costs.

Things to Consider Doing:

- Use an experienced freight forwarding company to assist you with all the U.S customs, export and shipping requirements, as well as proper packaging to ensure safe delivery of your item. For example, Texas A&M University has a successful history with Lognet Worldwide Inc. (http://lognetworldwide.com) as an International Logistics partner. The Texas A&M University contact at Lognet is Mr. Van Clark Van_Clark@lognetworldwide.com (please note there is a “_” between Van and Clark) or office telephone +1-281-449-5067.

\(^1\) 15 C.F.R. § 734.8c, 22 C.F.R. § 120.11

\(^2\) The ECO to contact will depend on which System member owns the item you wish to ship (i.e., TAMU, TEES, AgriLife, TTI, etc.). See page 3 for a list of ECO contacts.

\(^3\) https://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations
https://www.pmdttc.state.gov/embargoed_countries/; https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx
A freight forwarder/broker can help with documentation. Remember the shipper of record (“Principal Party of Interest” or PPI) is responsible for what the documentation says. The forwarder may not have the familiarity with the item to determine the correct Export Control Classification Number (ECCN) or tariff code, and value. Errors can lead to delays, expense and/or legal issues.

Shipments of export controlled items must be entered into the U.S. Census Bureau’s Automated Export System (AES). If you are using a freight forwarder/broker, you must ask for a copy of the AES/EEI filing and maintain a copy of your records for five years. Please contact the ECO for assistance before shipping anything that is export controlled.

Alternately, work with the vendor or manufacturer of the item to be exported and request that they ship the item(s) internationally, on your behalf. They should be very familiar with the U.S. export control requirements, as these requirements relate to their product(s).

If business needs dictate that you cannot use either of the above options, please contact the ECO for support. To avoid unnecessary delays in your research or other activity, please contact the ECO as soon as you reasonably believe that you may have an export concern. Depending on the complexity of the item(s) and if perhaps an Export License is needed, the process could take six weeks or longer to complete.

Why the U.S Government Regulates Exports and What is Subject to These Regulations

The U.S. government controls certain items from export for various reasons, such as national security, nuclear non-proliferation, regional stability, etc. For some examples of the types of items that may be export controlled, please see Attachment A. This list is not an exhaustive list. Items not listed may still be export controlled. Please contact the ECO if you think you might have an export controlled item.

Resources and Useful Links

Texas A&M University Export Control Compliance Program Manual
https://vpr.tamu.edu/resources/export-controls/export-control-manual/view

TAMU Hazardous Material Shipping
https://ehsd.tamu.edu/Pages/HazMatShipping.aspx
Export Control Offices:

Texas A&M University:
http://vpr.tamu.edu/resources/export-controls
Email: exportcontrols@tamu.edu
Phone – 979-862-6419

Texas A&M AgriLife:
https://agrilifeas.tamu.edu/risk-compliance/export-controls/
Email: risk-compliance@ag.tamu.edu
Phone – 979-845-7879.

Texas A&M Engineering Experiment Station:
http://tees.tamu.edu/researchcompliance/export-controls/
Email: researchcompliance@tees.tamus.edu
Phone 979-458-7474 or 979-458-2586

Texas A&M Transportation Institute:
https://my.tti.tamu.edu/compliance/export-controls/
Email: B-Carranza@tti.tamu.edu
Phone – 979-845-3206
ATTACHMENT A

The following list illustrates, by example, the types of dual use (and potentially higher risk/controlled) equipment commonly found in research laboratories and for which Principal Investigators should identify/request classification:4

- Measuring and sensing devices
- Gas movement and filtering devices
- Precision tooling, positioning and balancing instruments
- Optical and photonic components (including sensors, infrared and focal plane array detectors)
- Oscilloscopes; spectrometers; fermenters
- Nuclear/radioactive transport or shielding equipment
- Class 3 and 4 lasers, and related precision beam equipment
- Semiconductor substrate and etching development equipment and processes
- Fiber optic cable development equipment
- Marine submersible equipment (including hydrophones, signal receiving/emitting devices, pingers, acoustical releases, submersible video and television apparatus, etc.)
- Unmanned aerial vehicles (drones)
- Inertial navigation systems and related instruments
- Remotely operated vehicles (ROVs)

While vendors often self-identify ITAR items, Principal Investigators should nonetheless remain aware that, in the event that the vendor does not self-identify, the following types of items are often ITAR controlled. In general, these types of items would be used by the following research disciplines: marine, geological, geographic, and atmospheric research.

- Night vision goggles, infrared cameras
- Gravimeters
- Equipment on loan from federal sponsors
- Sonobuoys and deep oceanic position signaling devices
- Military-band communications systems or GPS
- DOD funded military electronics
- Submersible vessels and related remotely operated accessories
- Inertial navigation units, modem chips, and components
- Radar applications
- Wind tunnel apparatus

---

4 This list is not intended to be comprehensive of all possible dual use instruments.