



Export Control International Shipping Guidelines

All University faculty, staff, and students who engage in international shipping are responsible for ensuring compliance with U.S. export control laws and regulations. Violations of these laws and regulations may result in civil and criminal penalties. Any item that is sent from the United States to a foreign destination is an export. “Items” include commodities, software, and technology. For example, chemical or biological materials, circuit boards, equipment parts, blueprints, design plans, commercial software, and technical information are “items” that may be subject to export control and may require an export license(s) depending on the item, destination, end user, and end-use.

Export Controlled activities that may require a license:

- Shipment of controlled physical items, such as computers, scientific equipment, chemical or biological materials, electronics, cameras, and GPS equipment may require an export license before they can be legally shipped from the U.S. to foreign country.
- Shipment of technical information such as manuals, blueprints, diagrams, and unpublished research results may be controlled **IF** the items (1) are not already in the public domain; or (2) if the information may not be freely published.
- Deemed exports: disclosing or transferring controlled technology, technical data, or providing services to a foreign person in the United States.
- Sanctions and trade embargoes may restrict or prohibit payments or shipments of materials to sanctioned countries and specific foreign entities and individuals.

The Office of Research Protections will assist in evaluating whether a particular shipment requires an export control license. To seek assistance please contact exportcontrol@utep.edu

Fundamental Research Exclusion

Research may be excluded from U.S. export controls, if it meets the definition of “Fundamental Research” under the Fundamental Research Exclusion. 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 United States. Everything that crosses the United States border is an export; even if the item will be temporarily out of the United States; even if the item was not sold, even if the item will be used for Fundamental Research.

The Fundamental Research Exclusion *applies only to the dissemination of research data and information*, not to the transmission of material goods.

The Fundamental Research Exclusion is **VOID** if the University accepts any contract clause that:

- Restricts the participation of foreign people.
- Gives the sponsor a right to approve publications resulting from the research; or
- Otherwise operates to restrict participation in research and/or access to and disclosure of research results.

What You Should Know Before You Export a Physical Item

The University of Texas at El Paso does not have a centrally controlled international shipping department. The Office of Research Protections is here to support you if you need to export an item(s) to facilitate your research, to include the following resources:

- [“Items to Consider When Shipping Internationally: Shipment Preparation”](#)
- [International Shipment Request Form](#)



To help ensure that University faculty, staff, and students do not experience customs delays, seizure of goods, or inadvertent violation of federal export control laws, the information below describes the basic requirements for international shipping and hand carrying of items abroad. Incorrect shipping paperwork can lead to delays in shipments, lost time and lost opportunity.

- **Commercial (Pro Forma) Invoice Requirements**

A commercial invoice is required for all exports. This may also be referred to as a pro-forma invoice. Even though you may not be selling the item you are shipping, if it is not a personally owned item, you will need a commercial invoice. A commercial invoice may be automatically generated if using FedEx online. If using FedEx by paper, a commercial invoice will need to be created and included in the package.

- **Automated Export System (AES)**

An Automated Export System (AES) Electronic Export Information (EEI) must be filed for exports valued over \$2,500.00 (USD) or, if an export license is required, whether the item is shipped or hand carried. If an EEI is required, the AES ITMN (proof of filing transaction number) must be listed on the airway bill. The export declaration EEI can be filed through a freight forwarder or through the AES online system.

- **Tools of the Trade**

There is an exemption for filing in AES when exporting a Tool of the Trade for temporary export. This typically applies to items you are hand carrying. To qualify for the “tool of the trade” exception, the export must:

1. Be for less than one year.
2. Be a piece of equipment that people in the traveler’s discipline would generally recognize as a “tool of the trade.”
3. Be under the traveler's effective control. This means that that the item must be always kept in the traveler’s physical possession, or secured in a hotel safe, a bonded warehouse, or a locked a conference facility.
4. Travel cannot include a sanctioned country.

Travelers should not take **ANY** of the following without first obtaining specific advice:

- Data or information received under an obligation of confidentiality.
- Devices, equipment or computer software received with restrictions on export to or access by foreign nationals.
- Devices, systems or software specifically designed or modified for military or space applications (even if these items are used in an academic research setting).

For more information see [How to Submit Your EEI](#)

Recordkeeping

All shipping records including commercial invoices, airway bills, export filings and associated communications are required to be maintained for a period of five (5) years, unless otherwise directed by a federal agency (such as OFAC), from the date of export. Request a copy of relevant documents from your shipper or print them when using an online application. The shipper (e.g., FedEx) will not keep copies of shipping records for you.

United States Postal Service (USPS) – Mail

It is important to take time to properly prepare a letter or a package that will be mailed to a foreign country. When mailing to a foreign country, exporters may be asked to complete the [Postal Service Form 2976-R - A Customs](#)



[Declaration and Dispatch Note](#). For more information on sending items or information internationally, please visit the USPS webpage [International Mail Delivery Service](#)

Example List of Export Controlled Items

The following list illustrates, by example, the types of export-controlled items commonly found in university research laboratories and for which Principal Investigators should identify/request classification. This list is not intended to be a comprehensive list of all possible export-controlled items for all colleges. This list is intended to be used as a tool.

- Infrared or thermal cameras
- Biologicals, chemicals
- Sensors
- Proprietary items
- Measuring and sensing devices
- Gas movement and filtering devices
- Precision tolling, 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
- Fiber optic cable development equipment
- Unmanned aerial vehicles (drones)
- Inertial navigation systems and related instruments
- Remotely operated vehicles (ROVs) (Ground, Air, or Sea)
- Night Vision Goggles, infrared cameras, high speed cameras
- Military band communication systems or GPS
- DoD funded military electronics
- Inertial navigation units, modem chips, and components
- Radar applications, equipment
- Wind tunnel apparatus
- DOE, NRC, DOD software
- Explosives & energetic materials
- Gas turbine engines & related research
- Star trackers
- Seismic equipment
- Propulsion systems
- Space commodities
- Remotely operated vehicles (ROV)
- Unmanned aerial vehicles (UAV)
- Direction/Navigation equipment
- Specialized cameras, imaging, and optical devices, included night vision, thermal, high speed, intensified, focal plane array, etc.
- Specialized detectors, includes optical, radiation, seismic, etc.
- Electron beam/tubes