

for reexport authorization knows that the items are the subject of a voluntary self-disclosure, the request should state that a voluntary self-disclosure was made in connection with the export of the commodities for which reexport authorization is sought.

[61 FR 12902, Mar. 25, 1996, as amended at 62 FR 25469, May 9, 1997]

§ 764.6 Protective administrative measures.

(a) *License Exception limitation.* As provided in § 740.2(b) of the EAR, all License Exceptions are subject to revision, suspension, or revocation.

(b) *Revocation or suspension of licenses.* As provided in § 750.8 of the EAR, all licenses are subject to revision, suspension, or revocation.

(c) *Temporary denial orders.* BXA may, in accordance with § 766.24 of the EAR, issue an order temporarily denying export privileges when such an order is necessary in the public interest to prevent the occurrence of an imminent violation.

(d) *Denial based on criminal conviction.* BXA may, in accordance with § 766.25 of the EAR, issue an order denying the export privileges of any person who has been convicted of an offense specified in § 11(h) of the EAA.

SUPPLEMENT NO. 1 TO PART 764—STANDARD TERMS OF ORDERS DENYING EXPORT PRIVILEGES

(a) *General.* Orders denying export privileges may be “standard” or “non-standard.” This supplement specifies terms of the standard order denying export privileges. All denial orders are published in the FEDERAL REGISTER. The failure by any person to comply with any denial order is a violation of the Export Administration Regulations (EAR). (See General Prohibition Four at § 736.2(b)(4) of the EAR; § 764.2(k) of this part.) All persons whose export privileges are denied by any form of denial order are identified on the Denied Persons List (Supplement No. 2 to this part), with an indication of whether an order is standard or non-standard denoted in the “Terms of order” column. The Denied Persons List also tells you where each denial order can be found in the FEDERAL REGISTER. Reference should be made to the text of the denial order, as published in the FEDERAL REGISTER, to learn the scope of any denial order, including any non-standard denial order.

Denial orders issued prior to March 25, 1996, are to be construed, insofar as possible, as having the same scope and effect as the standard denial order.

The introduction to each denial order shall be specific to that order, and shall include: (1) The name and address of any denied persons and any related persons subject to the denial order; (2) the basis for the denial order, such as final decision following charges of violation, settlement agreement, § 11(h) of the EAA, or temporary denial order request; (3) the period of denial, the effective date of the order, whether and for how long any portion of the denial of export privileges is suspended, and any conditions of probation; and (4) whether any or all outstanding licenses issued under the EAR to the person(s) named in the denial order or in which such person(s) has an interest, are suspended or revoked.

(b) *Standard text.* The standard denial order shall provide:

“It is therefore ordered:

First, that [the denied person(s)] may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Export Administration Regulations (EAR), or in any other activity subject to the EAR, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a denied person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item

subject to the EAR that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a denied person, or service any item, of whatever origin, that is owned, possessed or controlled by a denied person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in §766.23 of the EAR, any person, firm, corporation, or business organization related to the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this order.

Fourth, that this order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

This order, which constitutes the final agency action in this matter, is effective immediately."

SUPPLEMENT NO. 2 TO PART 764—DENIED PERSONS LIST

(a) *General.* (1) The Denied Persons List identifies those persons denied export privileges by the Bureau of Export Administration (BXA) pursuant to the terms of an order. Part A of the Denied Persons List lists all denied persons in alphabetical order and provides supplementary information, while Part B lists all denied persons by geographic area. Part A of the Denied Persons List is organized into five columns, including the name and address of the denied person, the effective and expiration dates of the order, a brief description of the terms of the order, and a citation to the FEDERAL REGISTER where the terms of the order can be located. Reference should always be made to the text of a denial order when using the Denied Persons List.

(2) Denial orders issued subsequent to March 25, 1996, shall be identified in part A as being standard or non-standard, and denial orders issued prior to March 25, 1996, shall be construed, insofar as possible, as having the same scope and effect as the standard denial order. Non-standard orders are denoted by the phrase "non-standard" in the "Terms of order" column in part A,

standard orders are denoted by the word "standard," and orders issued prior to March 25, 1996, are denoted by the same brief description entered at the time of issuance. Standard orders denying export privileges contain the standard terms set forth in Supplement No. 1 to part 764.

(3) You are responsible for ensuring that you take no action involving items subject to the Export Administration Regulations (EAR) that is contrary to the terms of a denial order.

(b) *Related persons.* Related persons who are denied export privileges subsequent to [the effective date of the interim EAR] shall appear in part A of the Denied Persons List with a note identifying the denied persons to whom they are related in the column entitled "Terms of order."

(c) *Publication.* New and amended denial orders are published in the FEDERAL REGISTER as they are issued. This publication constitutes official notice to the public.

(d) *Updates and availability.* (1) As a convenience for the public, issuance of denial orders is announced in Export Administration Bulletins. Part A of the Denied Persons List is also available electronically on two bulletin boards of Department of Commerce agencies, Fedworld (National Technical Information Service) and the Economic Bulletin Board (Economics and Statistics Administration).

(2) [Reserved]

PART 766—ADMINISTRATIVE ENFORCEMENT PROCEEDINGS

Sec.

- 766.1 Scope.
- 766.2 Definitions.
- 766.3 Institution of administrative enforcement proceedings.
- 766.4 Representation.
- 766.5 Filing and service of papers other than charging letter.
- 766.6 Answer and demand for hearing.
- 766.7 Default.
- 766.8 Summary decision.
- 766.9 Discovery.
- 766.10 Subpoenas.
- 766.11 Matter protected against disclosure.
- 766.12 Prehearing conference.
- 766.13 Hearings.
- 766.14 Interlocutory review of rulings.
- 766.15 Proceeding without a hearing.
- 766.16 Procedural stipulations; extension of time.
- 766.17 Decision of the administrative law judge.
- 766.18 Settlement.
- 766.19 Reopening.
- 766.20 Record for decision and availability of documents.
- 766.21 Appeals.
- 766.22 Review by Under Secretary.
- 766.23 Related persons.