

report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, direction, or license issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by the Director of the Office of Foreign Assets Control; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

NOTE TO PARAGRAPH (d) OF § 590.209: The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (d)(2) of this section have been satisfied.

(e) Unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which on or since the effective date of § 590.207 there existed an interest of a person whose property is blocked pursuant to § 590.207(a).

§ 590.210 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraph (c) or (d) of this section, or as otherwise directed by the Office of Foreign Assets Control, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 590.207(a) shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally-insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) For purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(3) Funds held or placed in a blocked account pursuant to this paragraph (b) may not be invested in instruments the maturity of which exceeds 180 days. If interest is credited to a separate blocked account or sub-account, the name of the account party on each account must be the same.

(c) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 590.207(a) may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraph (b) or (d) of this section.

(d) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 590.207(a) may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(e) This section does not create an affirmative obligation for the holder of blocked tangible property, such as chattels or real estate, or of other blocked property, such as debt or equity securities, to sell or liquidate such property at the time the property becomes subject to § 590.207(a). However, the Office of Foreign Assets Control may issue licenses permitting or directing such sales in appropriate cases.

(f) Funds subject to this section may not be held, invested, or reinvested in a manner that provides immediate financial or economic benefit or access to persons whose property is blocked pursuant to § 590.207(a), nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 590.211 Evasions; attempts; conspiracies.

Any transaction by any United States person or within the United States on or after the effective date that evades or avoids, has the purpose of evading or avoiding, or attempts to

§ 590.301

violate any of the prohibitions set forth in this part is prohibited. Any conspiracy formed for the purpose of engaging in a transaction prohibited by this part is prohibited.

Subpart C—General Definitions

§ 590.301 Aircraft or aircraft components.

The term *aircraft or aircraft components* means all aircraft, spacecraft, and parts thereof described in chapter 88 of the Harmonized Tariff Schedule of the United States and any other items that the supplier knows or has reason to know are intended to be used as a part or spare part of an aircraft or spacecraft.

§ 590.302 Arms and related materiel.

The term *arms and related materiel* means all items listed in appendix A to this part; all items described in chapter 93 of the Harmonized Tariff Schedule of the United States; any other items designed as or for use with a weapon; all items controlled under the International Traffic in Arms Regulations, 22 CFR parts 120 through 130; and any other items controlled for export as arms or related materiel by any office or agency of the United States.

§ 590.303 Blocked account; blocked property.

The terms *blocked account* and *blocked property* mean any account or property subject to the prohibition in § 590.207, held in the name of a person whose property is blocked pursuant to § 590.207(a) or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to a license from the Office of Foreign Assets Control authorizing such action.

§ 590.304 Controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation.

The term *controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation* means accompanied by any documentation that demonstrates to the satisfaction of the United States

31 CFR Ch. V (7–1–05 Edition)

Customs Service (or analogous officials of a United States territory or possession with its own customs administration) that the diamonds were legally exported from Angola with the approval of the Angolan Government of Unity and National Reconciliation.

§ 590.305 Diamonds.

The term *diamonds* means all diamonds described in heading 7102 of the Harmonized Tariff Schedule of the United States; all diamond dust described in subheading 7105.10 of the Harmonized Tariff Schedule of the United States; all diamond jewelry described in subheadings 7116.20.05–15 of the Harmonized Tariff Schedule of the United States; and any items described elsewhere in the Harmonized Tariff Schedule of the United States containing diamonds or diamond dust.

§ 590.306 Effective date.

The term *effective date* refers to each of the effective dates of the applicable prohibitions and directives of this part as follows:

(a) With respect to § 590.201 and any prohibitions under § 590.211 related to § 590.201, 4:35 p.m. EDT on September 26, 1993.

(b) With respect to §§ 590.202 and 590.203 and any prohibitions under § 590.211 related to §§ 590.202 or 590.203, 12:01 a.m. EST on December 15, 1997.

(c) With respect to §§ 590.204, 590.205, 590.206, 590.207, 590.208, 590.209, and 590.210 and any prohibitions under § 590.211 related to §§ 590.204, 590.205, 590.206, 590.207, 590.208, 590.209, or 590.210, 12:01 a.m. EDT on August, 19, 1998, or in the case of senior officials of UNITA or adult members of their immediate families who are designated after that date, the earlier of the date on which a person receives actual or constructive notice of such designation.

§ 590.307 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, or other organization.

§ 590.308 Equipment used in mining.

The term *equipment used in mining* means all items described in any of the