PERIODIC REPORT ON THE NATIONAL EMERGENCY
WITH RESPECT TO LIBYA

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A SIX MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY
WITH RESPECT TO LIBYA THAT WAS DECLARED IN EXECUTIVE
ORDER 12543 OF JANUARY 7, 1986, PURSUANT TO 50 U.S.C.
1641(c) AND 50 U.S.C. 1703(c)

JANUARY 23, 2002.—Referred to the Committee on International Relations
and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
99-011 WASHINGTON : 2002
THE WHITE HOUSE,

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986.

Sincerely,

GEORGE W. BUSH.
I hereby report to the Congress on developments over the course of the past 6 months concerning the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986. This report, based on information provided by relevant sources, is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (“IEEPA”), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).


2. During the current reporting period, OFAC reviewed numerous applications for licenses to authorize transactions under the Regulations. Consistent with OFAC’s ongoing scrutiny of banking transactions, the largest category of authorizations (40) involved types of financial transactions that are consistent with U.S. policy. Most of these licenses authorize remittances between persons who are not blocked parties to flow through Libyan banks located outside Libya. Ten licenses were issued authorizing the commercial sale and exportation of bulk agricultural commodities and six for medicine or medical equipment. Seven licenses authorizing certain legal services were also issued. Finally, two licenses were issued authorizing travel transactions to and within Libya; one license for the provision of banking services was also authorized. As of November 6, 2001, a total of 66 licenses had been issued during the reporting period.

3. OFAC continues to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of the Government of Libya. OFAC worked closely with banks to assure the effectiveness of interdiction software systems used to identify such payments. As of November 2, 2001, 80 transactions, totaling more than $3.8 million, were blocked during this reporting period. Under the Regulations, unauthorized commercial funds transfers involving Libya must be returned to the remitters without further processing, rather than blocked, where there is no blockable interest of the Government of Libya. During the reporting period, 103 transactions were rejected, without further processing, by U.S. banks causing a disruption of more than $10 million in financial dealings involving Libya.
4. Since my last report, OFAC has collected eight civil monetary penalties totaling nearly $58,000 for violations of IEEPA and the Regulations from three U.S. financial institutions, one carrier, and four companies. Two of the companies remitted penalties as part of plea agreements with the Department of Justice. An additional 36 cases are undergoing penalty action for violation of IEEPA and the Regulations.

5. On August 8, 2001, the President and Vice President of a Houston, Texas, corporation entered guilty pleas to charges outlined in a one-count criminal information filed in the illegal transshipment in 1995 of concrete pipe coating material to Libya for use on the Great Man Made River Project ("CMMRP"). Each defendant was sentenced to 3 years probation and each paid a civil monetary penalty in the amount of $5,000 to OFAC. The defendants were originally named in a multiple count criminal indictment in April 2000 charging violations of the Regulations, IEEPA, and other federal statutes for transactions in furtherance of a multimillion-dollar contract to supply pipe coating material for the GMMRP in Libya. All of these transactions occurred without a specific license from OFAC. In addition to the criminal prosecution, the Department of Justice proceeded with criminal forfeiture against the defendants in this case. Other enforcement actions carried over from previous reporting periods continue and new reports of alleged violations are being aggressively pursued.

On September 17, 2001, the U.S. District Court for the Southern District of Texas granted the government’s motion for summary judgment in the case *Vitol, S.A. v. U.S. Dep’t. of the Treasury, et al.* The plaintiff, Vitol, S.A., challenged the government’s 1994 blocking of approximately 350,000 barrels of Libyan-origin fuel oil. In granting the government’s motion, the Court affirmed the blocking based on the government’s reasonable determination that a U.S. person has constructive possession or control of the oil at a time when the Government of Libya held a blockage interest in the property.

6. The expenses incurred by the Federal Government in the 6-month period from July 7, 2001, through January 6, 2002, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Libya, are reported to be more than $410,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Departments of State and Commerce.

7. Despite the U.N. Security Council’s suspension of U.N. sanctions against Libya upon the Libyan government hand over of the Pan Am 103 bombing suspects in April 1999, and a Scottish court’s conviction of one suspect on January 31, 2001, Libya has not yet complied with U.N. Security Council Resolutions 731 (1992), 748 (1992), and 883 (1993), including Libya’s obligation to accept responsibility for the actions of Libyan officials and to pay appropriate compensation. Libya continues to pose an unusual and extraordinary threat to the national security and foreign policy inter-
ests of the United States and U.S. economic sanctions will, there-
fore, remain in force.
25. Section 746.2 is amended by adding a sentence to the end of the introductory paragraph, to read as follows:

5746. Iran.
* * *
Exports and reexports subject to the EAR that are not subject to the licencable Transactions Regulations may require authorization from BXA.
* * *

PART 772—AMENDED

18. Section 772.1 is amended by adding the definitions of "agricultural commodities," "medical device," and "military end-use", to read as follows:

572.1 Definitions of Terms as Used in the Export Administration Regulations (EAR)

Agricultural Commodities. Agricultural commodities include food (including processed food); feed; fish; shellfish and fish products; beer, wine and spirits; livestock, live birds, poultry, fowl; broilers; hogs; cattle; cotton; tobacco and tobacco products; wood and wood products; seeds; fertilizers; and fertilizing materials; industrial products; and materials used in agriculture-related occupations, education, and research.

Medical Device. For purposes of the EAR, medical devices are "devices" as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) including medical supplies, instruments, equipment, apparatus, units, implements, appliances, and other similar articles for medical use.

Militarily End-Use. For purposes of the EAR, "militarily end-use" includes military equipment, and other items or services that are intended for use in military equipment, and other items or services that are intended for use in national defense or national security.

Note: This definition of "agricultural commodities" includes literal and organic fertilizer, as listed in section 775 of the 2001 Agriculture Fund Development, Food and Drug Administration, and Related Agencies Appropriations Act (Pub. L. 106-185) and commodities listed in section 120 of the Agricultural Trade Act of 1978 (27 U.S.C. 1902) as incorporated into section 903 of the Act, as well as commodities determined by the Department of Agriculture to fall within the scope of section 103 of the 1978 Agricultural Trade Act.
provisions of the Cuban Assets Control Regulations, the Export Sanctions Regulations, the Libya Sanctions Regulations, and the Iran Transactions Regulations, 31 CFR parts 515, 538, 550, and 560, respectively, as they relate to the exportation and reexportation from the U.S. or by U.S. persons of agricultural commodities, medicines, or medical devices to Cuba, Sudan, Libya, and Iran. These regulations also amend the Cuban Assets Control Regulations with respect to Cuba travel-related transactions. 

DATES: Effective Date: July 26, 2001. 

Comments: Written comments must be received no later than September 10, 2001. Comments should be sent to David W. Mills, Chief, Policy Planning and Programs Management Division, Room 2176 Main Treasury Annex, 1500 Pennsylvania Ave. N.W., Washington, DC 20229 or via OFAC’s website (http://www.treas.gov/ofac).


SUPPLEMENTARY INFORMATION: 

Electronic Availability: This document is available as an electronic file. The Federal Register Board the day of publication in the Federal Register. By mail, dial 202/512-3887 and type "FAC" or call 202/512-1530 for disk or paper copies. This document is also available for downloading without charge in ASCII and Adobe Acrobat Reader (PDF) formats. For electronic access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: batfiles.access.gpo.gov. This document and additional information concerning electronic downloads of Office of Foreign Assets Control regulations are available for downloading from the Office's Internet Home Page. The ftp address is: batfiles.access.gpo.gov, or to form an online through the Office's 24-hour fax-on-demand service: call 202/322-0077 using a fax machine, fax modem, or (within United States) a touch-tone telephone.

Background: The Treasury Department Reorganization and Export Enhancement Act of 2000, Title IX of Public Law 106-287 (October 26, 2000) the "TRA") provides that the President shall terminate any unilateral agricultural sanction or unilateral medical sanction in effect as of the date of enactment of the TISA. The TISA does not direct the termination of any unilateral agricultural sanction or unilateral medical sanction that has been in effect prior to the date of enactment of the TISA. The President, however, may specify the date on which the termination will take effect. The President may also specify the date on which the termination will be in effect.

This rule implements the TISA with respect to the Cuban Assets Control Regulations, 31 CFR part 515 (the "CACR") and the Iran Transactions Regulations, 31 CFR part 560 (the "ITR").
 Cuban nationals has an interest. A short note referencing this waiver is added to the end of $151.559, which contains the prohibition on vessel entry.

Section 1796.8 of the Cuban Democracy Act of 1992, 106 Stat. 3575, provides the exception for licenses authorizing U.S.-owned or controlled foreign firms to engage in transactions related to the exportation of Cuban commodities produced outside of the United States. OFAC is amending the Note to §151.559 to make clear that U.S.-owned or controlled foreign firms may, however, be authorized to engage in the purchase of U.S.-origin items to Cuba pursuant to §151.559. Otherwise, the provisions of §151.559 remain unchanged.

With respect to section 905(d) of the TSA, which authorizes Cuba travel-related transactions regarding the commercial sale of agricultural commodities, §151.559(d) of the CAGB already states that specific licenses may be issued on a case-by-case basis authorizing Cuba travel-related transactions directly incident to marketing, sales representation, accompanied delivery, and servicing of exports, and expediting and servicing that appear consistent with the export and reexport licensing policy of the Commerce Department. A prospective export or reexport may be approved provided that the proposed exports or reexports clearly fit within the current Commerce Department licensing policy. Section 151.560(b) of the CAGB is amended to incorporate the definition of "TSA" in §151.559.

Sanctions Regulations ("SR") and Iranian Transactions Regulations ("ITR") with respect to the SSI, LSR, and ITB, this rule is intended to establish an expedited process for the issuance of the one-year license required by section 505 of the SR.

This rule also is intended to clarify the application of the Food, Drug, and medical devices, and medicines covered by the new licensing provisions in these regulations. The Department of Treasury's Office of Foreign Assets Control ("OFAC") will put in place expedited procedures to respond to requests for license to export agricultural commodities, medicines, and medical devices for export, mark the licenses with an "E" indicator, and issue these licenses within 90 days of receipt. 

The small entities that are subject to this rule are small businesses that export agricultural commodities, medicines, and medical devices. OFAC will notify exporters of these small entities by letter, including instructions on how to apply.

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15 CFR 749.3 for instructions on applying for export licenses. The small entities subject to this rule are small businesses that export agricultural commodities, medicines, and medical devices. OFAC will notify exporters of these small entities by letter, including instructions on how to apply.
Export Enhancement Act. This list identifies those medical supplies, such as syringes, bandages, gowns and similar items, that do not require BXA classification prior to submitting a license application to OFAC. When submitting a license request to OFAC under its expedited review procedures, exporters must indicate to OFAC that their medical supply is on the BXA medical supply list on BXA's website. Otherwise, exporters must provide OFAC with a copy of the BXA Official Commodity Classification of EAR 99 for those medical devices not listed on the BXA website. See 15 CFR 741.3 for instructions for obtaining Official Commodity Classification of EAR 99 from BXA.

In addition, BXA has identified on its website a list of medicines that are on the CCL and not eligible for OFAC's expedited review procedures. When submitting a license application to OFAC under its expedited review procedures, exporters must indicate to OFAC that their medicines is not on the BXA medical supply list on BXA's website. In other words, that it is classified as EAR 99. If exporters are unsure whether their medicines is on the CCL, they should seek an official Commodity Classification from BXA confirming that their medicines is classified as EAR99 prior to submitting a license request to OFAC under its expedited review procedures. See 15 CFR 741.3 for instructions for obtaining Official Commodity Classification of EAR 99 from BXA.

Sections 530, 550, and 550.20 set forth procedures and requirements for requesting and obtaining these one-year licenses. Incomplete requests will be returned to the exporter for retraction and without prejudice. These amendments to the SIR, LSR, and ITR also grant by general license the authority for eligible to respond to public tenders on an escrow basis, lend, negotiate, sell, and assign contracts, and make necessary shipping and financing arrangements, not otherwise specifically prohibited by Chapter V of 31 CFR, for the exportation to Libya and the exportation of the repayment to Sudan and Iran of agricultural commodites, manufactures, and medical equipment. Before the actual exportation to Libya or repayment to Sudan and Iran takes place, prospective exporters must obtain a one-year license from the Department of the Treasury upon determining that such exports are covered by the SIR, ITR, and are not exports to any country that is under sanction or promoting international terrorism.

Specific licenses issued prior to the effective date of this rule authorizing the performance of escrow contracts for the sale of agricultural commodities, medicines, or medical equipment shall remain in effect until the expiration date specified in the license or the first anniversary of the effective date of this rule, whichever occurs first. However, after the effective date of this rule, new contracts for the exportation of agricultural commodities, medicines, or medical equipment may be entered into only pursuant to the terms of, and as authorized by, this new rule.

Specific licenses issued prior to the effective date of this rule authorizing the sale and repatriation or reexportation of bulk agricultural commodities listed in Appendix A to 21 CFR parts 338 and 550 and Appendix B to 21 CFR part 560 shall remain in effect solely to permit the completion of performance of contracts already entered into prior to the effective date of this rule pursuant to the license. As of the effective date of this rule, new contracts for the exportation of bulk agricultural commodities sold to be entered into only pursuant to the terms of, and as authorized by, this new rule.

Nothing in this rule, however, affects prohibitions on the exportation of any agricultural commodity, medicines, or medical device listed on the CCL or any equipment used to manufacture agricultural commodities, medicines, or medical devices. In other words, that it is classified as EAR 99. If exporters are unsure whether their medicines is on the CCL, they should seek an official Commodity Classification from BXA confirming that their medicines is classified as EAR99 prior to submitting a license request to OFAC under its expedited review procedures. See 15 CFR 741.3 for instructions for obtaining Official Commodity Classification of EAR 99 from BXA.

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Specific licenses issued prior to the effective date of this rule authorizing the performance of escrow contracts for the sale of agricultural commodities, medicines, or medical equipment shall remain in effect until the expiration date specified in the license or the first anniversary of the effective date of this rule, whichever occurs first. However, after the effective date of this rule, new contracts for the exportation of agricultural commodities, medicines, or medical equipment may be entered into only pursuant to the terms of, and as authorized by, this new rule.

Specific licenses issued prior to the effective date of this rule authorizing the sale and repatriation or reexportation of bulk agricultural commodities listed in Appendix A to 21 CFR parts 338 and 550 and Appendix B to 21 CFR part 560 shall remain in effect solely to permit the completion of performance of contracts already entered into prior to the effective date of this rule pursuant to the license. As of the effective date of this rule, new contracts for the exportation of bulk agricultural commodities may be entered into only pursuant to the terms of, and as authorized by, this new rule.

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Sections 530, 550, and 550.20 set forth procedures and requirements for requesting and obtaining these one-year licenses. In incomplete requests will be returned to the exporter for retraction and without prejudice. These amendments to the SIR, LSR, and ITR also grant by general license the authority for eligible to respond to public tenders on an escrow basis, lend, negotiate, sell, and assign contracts, and make necessary shipping and financing arrangements, not otherwise specifically prohibited by Chapter V of 31 CFR, for the exportation to Libya and the exportation of the repayment to Sudan and Iran of agricultural commodities, manufactures, and medical equipment. Before the actual exportation to Libya or repayment to Sudan and Iran takes place, prospective exporters must obtain a one-year license from the Department of the Treasury upon determining that such exports are covered by the SIR, ITR, and are not exports to any country that is under sanction or promoting international terrorism.

Specific licenses issued prior to the effective date of this rule authorizing the performance of escrow contracts for the sale of agricultural commodities, medicines, or medical equipment shall remain in effect until the expiration date specified in the license or the first anniversary of the effective date of this rule, whichever occurs first. However, after the effective date of this rule, new contracts for the exportation of agricultural commodities, medicines, or medical equipment may be entered into only pursuant to the terms of, and as authorized by, this new rule.

Specific licenses issued prior to the effective date of this rule authorizing the sale and repatriation or reexportation of bulk agricultural commodities listed in Appendix A to 21 CFR parts 338 and 550 and Appendix B to 21 CFR part 560 shall remain in effect solely to permit the completion of performance of contracts already entered into prior to the effective date of this rule pursuant to the license. As of the effective date of this rule, new contracts for the exportation of bulk agricultural commodities may be entered into only pursuant to the terms of, and as authorized by, this new rule.

Nothing in this rule, however, affects prohibitions on the exportation of any agricultural commodity, medicines, or medical device listed on the CCL or any equipment used to manufacture agricultural commodities, medicines, or medical devices. In other words, that it is classified as EAR 99. If exporters are unsure whether their medicines is on the CCL, they should seek an official Commodity Classification from BXA confirming that their medicines is classified as EAR99 prior to submitting a license request to OFAC under its expedited review procedures. See 15 CFR 741.3 for instructions for obtaining Official Commodity Classification of EAR 99 from BXA.
the end of the comment period will be considered if possible, but their consideration cannot be assured. The
Department will not accept public comments incorporated by a request that a part or all of the submission be
treated in whole or in part because of the business propriety of the or for any other reason, and it will return such
submission to the originator without considering it as the development of final regulations. In the interest of
accuracy and completeness, the Department requires comments in
written form.
All public comments on these regulations will be a matter of public record. Copies of the public record
concerning these regulations will be made available, not sooner than October 10, 2001 and may be obtained from
(1) If the service is unavailable, written requests for copies may be sent to:
Office of Foreign Assets Control, U.S.
Department of the Treasury, 1500
Pennsylvania Ave., NW Washington, D.C.
20220. Attn: Mr. Evans.
Because no notice of proposed rulemaking is required for this rule, the
Regulatory Flexibility Act (5 U.S.C.
601-642) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31
CFR part 599 ("Reporting and
Procedural Regulations"). Pursuant to
the Paperwork Reduction Act of 1995
(44 U.S.C. 3502, et seq.), the collection of
information has been previously approved by the Office of Management and Budget ("OMB") under control
number 0990-0260 and an agency may not conduct or sponsor, and a person is not required to respond to, a collection
of information unless the collection of information displays a valid control number.

List of Subjects
31 CFR Part 599
Administrative practice and
procedures, Agricultural commodities,
Banks, Banking, Cuba, Drugs, Exports,
Foods, Foreign trade, Imports, Information,
Investments, Loans, Medical devices,
Medicine, Pensions, Reporting and
recordkeeping requirements, Services,
Specially designated nationals, Sudan,
Terrorism, Transportation.

31 CFR Part 598
Administrative practice and
procedures, Agricultural commodities,
Banks, Banking, Cuba, Drugs, Exports,
Foods, Foreign trade, Imports, Information,
Investments, Loans, Medical devices,
Medicine, Pensions, Reporting and
recordkeeping requirements, Services,
Specially designated nationals, Sudan,
Terrorism, Transportation.

31 CFR Part 597
Administrative practice and
procedures, Agricultural commodities,
Banks, Banking, Cuba, Drugs, Exports,
Foods, Foreign trade, Imports, Information,
Investments, Loans, Medical devices,
Medicine, Pensions, Reporting and
recordkeeping requirements, Services,
Specially designated nationals, Sudan,
Terrorism, Transportation.

$515.530 Transactions incident to
investments from the United States and
repatriations of U.S.-origin items to Cuba.
(a) All transactions ordinarily incident to the exportation of goods,
wares, and merchandise from the
United States, or the repatriation of U.S.-origin goods, wares,
and merchandise from a third country, to
any person within Cuba are hereby
authorized, provided the following terms
and conditions are complied with:
(1) The exportation or repatriation is licensed or otherwise authorized by the
Department of Commerce under the
provisions of the Export Administration
Act of 1979, as amended (50 U.S.C.
app. 2401-2420) (here the Export
Administration Regulations, 15 CFR
730-774);
(2) Only the following payment or financing terms may be used:
(i) Payment in cash in advance;
(ii) For authorized sales of agricultural items, financing by a banking institution
located in a third country provided the
banking institution is not a designated
national, United States citizens, United States
permanent resident aliens, or an
entity organized or operated under the law of the
United States or any jurisdiction within
the United States (including foreign
branches). Such financing may be
confirmed or adviced by a United States
banking institution;
(iii) For all other authorized sales,
financing by a banking institution
located in a third country provided the
banking institution is not a designated
national or a person subject to the
government of the United States. Such
financing may be confirmed or adviced by a United States
banking institution.

(b) Specific licenses may be issued on a case-by-case basis for
transactions that
are directly incidental to the marketing,
sales negotiation, accompanied delivery,
or servicing of exports or reexports
that are consistent with the export or
reexport licensing policy of the
Department of Commerce.

$515.531 Certain transactions by U.S.
called or controlled foreign firms with
Cuba.

(a) The provisions of section
$515.530(2) shall apply to
transactions by U.S.-owned or
controlled foreign firms with Cuba.

(b) Note to $515.531: For
transactions by U.S-owned or
controlled foreign firms with Cuba,
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food in noncommercial settings or to individuals in Cuba are exempt from the prohibitions of this part. See $151.500. For further information, contact the U.S. Department of Commerce at 202–482–3056. (b) Effective October 20, 2000, no specific license will be issued authorizing the transshipment of goods, vessels, or aircraft, other than those referenced in paragraph (a) of this section.

PART 533—SUDANESE SANCTIONS REGULATIONS

Authority

1. Revise the authority citation for 31 CFR part 533 to read as follows:

Authority: 31 CFR part 533 to read as follows:

Subpart B—Prohibitions

2. Revise §533.205 to read as follows:

§533.205 Prohibited exportation and importation of goods, technology, or services.

Except as otherwise authorized, the exportation or reexportation, directly or indirectly, of any good, commodity, technology (including technical data and software), or service from the United States or by a United States person, wherever located, or requiring the issuance of a license by a Federal agency, is prohibited.

3. Amend §533.211 to redact paragraph (a) through (d) of paragraphs (a) through (d) and to add a new paragraph (a) to read as follows:

§533.211 Exempt transactions.

(a) Exempt transactions.

(b) Itemized list of prohibited transactions. The prohibited transactions listed in paragraphs (b) through (d) are the only transactions prohibited by this section and are the only transactions for which a license is required.

4. Amend §533.405 by revising paragraph (b) to read as follows:

§533.405 Transactions incidental to a licensed transaction authorized.

(b) Provision of any transportation services to or from Sudan not explicitly authorized in or pursuant to this part other than loading, transporting, and unloading licensed or exempt cargo.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

5. Revise §533.523 to read as follows:

§533.523 Commercial sales, exportation, and reexportation of agricultural commodities, medicine, and medical devices.

(a) One-year license requirement.

(1) The exportation or reexportation of agricultural commodities (including both agricultural commodities listed in appendix A to this part 533, medicines, or medical devices to the government of Sudan, any entity in Sudan, individuals in Sudan, or persons in third countries purchasing specifically for resale to any of the foregoing, is authorized; provided that performance of an executive contract is expressly made contingent upon the prior issuance of the one-year license described in paragraph (a) of this section.

(c) Instructions for obtaining one-year license. In order to obtain the one-year license described in paragraph (a), the request must be submitted to the Office of Foreign Assets Control.

(1) The applicant's legal name (if the applicant is a business entity, the title in jurisdiction of incorporation and principal place of business)

(2) The applicant's mailing and street address (so that OFAC may reach a responsible point of contact, the applicant should also include the name of the individual responsible for the application and related commercial transactions along with their telephone and facsimile numbers and, if available, email addresses).

(3) The names, mailing addresses, and, if available, fax and telephone numbers of all parties with an interest in the transaction. If the goods are being exported or reexported to a purchasing agent in Sudan, the export must identify the agent's principal at the wholesale level for whom the purchase is being made. If the goods are being exported or reexported to an individual, the exporter must identify any organizations or entities with which the individual is affiliated that have an interest in the transaction.

(4) A description of all items to be exported or reexported pursuant to the requested one-year license, including a statement that the item is classified as EAR 99, and, if necessary, documentation sufficient to verify that the items to be exported or reexported are classified as EAR 99 and do not fall within any of the limitations contained in paragraph (b) of this section.

(5) An official copy of the Certification of EAR 99 issued by the Department of Commerce Bureau of Export Administration ("BDA") certifying that the item listed as EAR 99 is required to be submitted to OFAC with the request for a license authorizing the exportation or reexportation of all items classified as EAR 99 and that BDA has determined that such an exportation or reexport is not prohibited by applicable U.S. law.

Subpart F—General license for arrangement of exportation or reexportation of covered products

6. Amend §533.905 by revising paragraph (b) to read as follows:

§533.905 General license for arrangement of exportation or reexportation of covered products.

(b) The making of shipping arrangements, cargo transportation, obtaining of insurance, and arrangement of financing (consistent with §533.323) for the exportation or reexportation of agricultural commodities, medicines, or medical devices to the government of Sudan, entities in Sudan, individuals in Sudan, or persons in third countries purchasing specifically for resale to any of the foregoing, is authorized.

(c) If denial, entry into executive contracts (including escrow pro
syringes, needles, gauze and similar items, that are specifically listed on BXA's website, www.bxa.doc.gov/Regulations/TradeSanctions/RefExemptEnforcementActWht.html. Medical supplies that are specifically listed on BXA's website do not require an Official Commodity Classification of EAR 99 from BXA and shall not be subject to the License Approval Process. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(b) Industrial and commercial goods. The term "industrial and commercial goods" includes goods that are used for industrial or commercial purposes, and includes goods that are used for commercial purposes. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(c) Construction. For the purposes of this section, the term "construction" includes all construction and repair services related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(d) Services. For the purposes of this section, the term "services" includes all services related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(e) Information. For the purposes of this section, the term "information" includes all information related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(f) Imports. For the purposes of this section, the term "imports" includes all imports of medical devices and equipment that are subject to the License Approval Process. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(g) Exports. For the purposes of this section, the term "exports" includes all exports of medical devices and equipment that are subject to the License Approval Process. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(h) Reimbursements. For the purposes of this section, the term "reimbursements" includes all reimbursements related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(i) Licenses. For the purposes of this section, the term "licenses" includes all licenses related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(j) Persons. For the purposes of this section, the term "persons" includes all persons related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(k) Entities. For the purposes of this section, the term "entities" includes all entities related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(l) Jurisdictions. For the purposes of this section, the term "jurisdictions" includes all jurisdictions related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(m) General. For the purposes of this section, the term "general" includes all general rules and regulations related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(n) Specific. For the purposes of this section, the term "specific" includes all specific rules and regulations related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(o) Determination. For the purposes of this section, the term "determination" includes all determinations related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(p) Action. For the purposes of this section, the term "action" includes all actions related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(q) Rule. For the purposes of this section, the term "rule" includes all rules related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.

(r) Order. For the purposes of this section, the term "order" includes all orders related to the construction, repair, or modification of any equipment, including the furnishing of materials and labor. Notwithstanding any other provision of this part, the sale, supply, or export of medical devices and equipment shall not be subject to the License Approval Process.
basis to permit United States persons to provide brokerage services on behalf of non-U.S. persons, non-Sudanese persons for the sale and securitization or repatriation of bulk agricultural commodities to the Government of Sudan, entities in Sudan, or individuals in Sudan. Specific licenses issued pursuant to this section will authorize the importing only of sales that:

(1) Are limited to the bulk agricultural commodities listed in appendix A to this part 536.

(2) Are to purchasers permitted pursuant to § 536.323.

Note to paragraph (a): Requests for specific licenses to provide brokerage services under this paragraph must include all of the information described in § 536.323.01.

* * *

PART 536—LIBYAN SANCTIONS REGULATIONS

Authority

1. Revise the authority citation for 31 CFR part 536 to read as follows:


2. Revise § 536.91 to read as follows:


(b) Provision of any transportation services to or from Libya not explicitly authorized in or pursuant to this paragraph other than loading, transporting, and discharging licensed or exempt cargo thereon.

* * *

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

6. Revise § 550.560 to read as follows:

§ 550.560 Commercial sales and exportation of agricultural commodities, medicine, and medical devices.

(a) One-year license required. The exportation of agricultural commodities (including bulk agricultural commodities listed in appendix A to this part 536), medicine, or medical devices to the Government of Libya, any entity in Libya, individuals in Libya, or persons in third countries purchasing specifically for resale to any of the foregoing, shall only be made pursuant to a one-year license issued by the United States Department of the Treasury, Office of Foreign Assets Control, for contracts entered into during the one-year period of the license and shipped within the 12-month period beginning on the date of the signing of the contract. No license will be granted for the exportation of agricultural commodities, medicine, or medical equipment to any entity or individual in Libya promoting international terrorism. Excess contracts entered into pursuant to paragraph (b)(2) of this section prior to the issuance of the one-year license described in this paragraph shall be deemed to have been signed on the date of issuance of the one-year license (and, therefore, the exporter is authorized to make shipments under that contract within the 15-month period beginning on the date of issuance of the one-year license).

(b) General license for arrangement of exportation of covered products.

(i) The making of shipping arrangements, cargo inspections, obtaining of insurance, and arrangement of financing consistent with § 550.571 for the exportation of agricultural commodities, medicine, and medical devices to the Government of Libya, entities in Libya, individuals in Libya, or persons in third countries purchasing specifically for resale to any of the foregoing, is authorized.

(ii) If demand, entry into escrow contracts (including escrowary powers of attorney, sales, and other arrangements, notarized escrow contracts, power of acceptance such as bills in response to public tenders) for the exportation of agricultural commodities, medicine, and medical devices to the Government of Libya, entities in Libya, or persons in third countries purchasing specifically for resale to any of the foregoing, is authorized.

* * *

Subpart F—OFAC may reach a responsible point of contact, the applicant should also include the name of the individual(s) responsible for the application and related commercial transactions along with their telephone number and e-mail address. In the case of a company, the individual(s) responsible for the application shall also include the names and addresses of, if available, the company or division or branch in countries with which the individual is affiliated that are interested in the transaction.

4. A description of all items to be exported pursuant to the requested one-year license, including the item, if any, by which the item is classified as EAR 99, if any, or, if necessary, documentation sufficient to verify that the item is exported by a company is classified as EAR 99 or does not fall within any of the categories contained in paragraph (d) of this section.

5. An official completed Classification of EAR 99 issued by the Department of Commerce Bureau of Industry and Security ("BIS") certifying that the product in EAR 99 is required to be submitted to OFAC with the request for a license authorizing the exportation or re-exportation of all similarly classified listed on BIS's website. www.bis.doc.gov/ Regulations/\Rules\Section4\Form 1575Special\License\Projects\Software\Export\Infrastructure\Export\Supplies\Medical\Medical.html. Licenses supplies that are specifically listed on OFAC's website are not required an official
Commodity Certification of RAX 99 from RDA. RDA will also provide a list on the website of all medicines that are eligible for a one-year license under these procedures. If an exporter is uncertain whether the medicine to be exported is eligible, they should submit a Special Commodity Certification of EAR 99 from RDA and submit a copy to OFAC. See, 15 CFR 746.3 for instructions on obtaining Special Commodity Certification of EAR 99 from RDA.

6. Duration.

(a) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(b) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(c) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(d) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(e) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(f) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(g) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(h) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(i) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(j) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(k) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(l) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(m) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(n) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(o) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(p) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(q) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(r) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(s) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(t) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(u) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(v) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(w) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(x) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(y) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

(z) Nothing in this section or in any license issued pursuant to paragraph (a) of this section excuses noncompliance with the export license application requirements of another Federal agency.

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Subpart E—Licenses, Authorizations and Statements of Licensing Policy

3. Amend §546.520 to revise the heading to read as follows:

§546.520  Exportation of agricultural commodities on contracts entered into prior to May 7, 1995.  

4. Revise §546.530 to read as follows:

§546.530  Commercial sales, exportation, and reexportation of agricultural commodities, medicine, and medical devices.

(a) One-year license requirement.  The exportation or reexportation of agricultural commodities (including bulk agricultural commodities listed in appendix A to this part 546), medicine, or medical devices to the Government of Iraq, any entity in Iraq, individuals in Iraq, or persons in third countries purchasing specifically for resale to any of the foregoing, shall only be made pursuant to a one-year license issued by the United States Department of the Treasury, Office of Foreign Assets Control, for contracts entered into during the one-year period of the license and shipped within the 12-month period beginning on the date of the signing of the contract.  No license will be granted for the exportation or reexportation of agricultural commodities, medicines, or medical equipment to any entity or individual in Iran preventing international terrorism.  Executive contracts entered into pursuant to paragraph (b)(2) of this section prior to the issuance of the one-year license described in this paragraph shall be deemed to have been signed on the date of issuance of that one-year license (and, therefore, the exporter is authorized to make shipments under that contract within the 12-month period beginning on the date of issuance of the one-year license).

(b) General license for exportation of exportation and reexportation of covered products.

(1) The making of shipping arrangements, cargo inspection, obtaining of insurance, and arrangement of financing (consistent with §546.350) for the exportation or reexportation of agricultural commodities, medicines, and medical devices to the Government of Iraq, entities in Iraq, individuals in Iraq, or persons in third countries purchasing specifically for resale to any of the foregoing, is authorized.

(2) If directed, entry into executory contracts (including executory pro formas and agreements in principle, or executory offers capable of acceptance such as bids in response to public tenders) for the exportation or reexportation of agricultural commodities, medicine, and medical devices to the Government of Iran, entities in Iran, individuals in Iran, or persons in third countries purchasing specifically for resale to any of the foregoing, is authorized, provided that performance of any executory contract is expressly made contingent upon the prior issuance of the one-year license described in paragraph (b) of this section.

(c) Instructions for obtaining one-year licenses.  In order to obtain the one-year license described in paragraph (b), the exporter must provide to the Office of Foreign Assets Control:

(1) The applicant's full legal name (if the applicant is a business entity, the name or jurisdiction of incorporation and principal place of business);

(2) The applicant's mailing and street address (so that OFAC may reach a responsible person of contact, the applicant should also include the name of the individual(s) responsible for the application and related commercial transactions along with their telephone and fax numbers and, if available, email addresses);

(3) The names, mailing addresses, and, if available, fax and telephones numbers of all parties with an interest in the transaction.  If the goods are being exported or reexported to a purchasing agent in Iran, the exporter must identify the agent's principal or the wholesale level for whom the purchase is being made.  If the goods are being exported or reexported to an individual, the exporter must identify any negotiations or entities with which the individual is affiliated that have an interest in the transaction.

(4) A description of all items to be exported or reexported in accordance with the requested one-year license, including a statement that the item is classified to EAR 99, and, if necessary, documentation sufficient to verify that the items to be exported or reexported are classified as EAR 99 and do not fall within any of the limitations contained in paragraph (c) of this section.

(5) An Official Commercial Classification of EAR 99 issued by the Department of Commerce, Bureau of Industry and Security ("BIS"); certifying that there is no EAR 99 is required to be submitted to OFAC with the request.  BIS certification authorizing the exportation or reexportation of all fertilizers, live hogs,Produces, and similar items, that are specifically listed on BIS's website, www.bis.doc.gov/ Regulations/Trade Sanctions
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ReformExport Enhancement Act.html. Medicinal supplies that are specifically listed in BAXA's website do not require an Official Commodity Classification of EAR 99 from BAXA. BAXA will also provide a list of specific medicines that are not eligible for a one-year license under these procedures. An exporter is uncertain whether the medicine to be exported is eligible, they should seek an Official Commodity Classification of EAR 99 from BAXA and submit a copy to OFAC. See 15 CFR 742.13 for instructions on obtaining Official Commodity Classification of EAR 99 from BAXA.

(d) Limitations.
(1) Nothing in this section or in any license issued pursuant to paragraph (a) of this section relieves the exporter from compliance with the export license application requirements of another Federal agency.

(2) Nothing in this section or in any license issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation of any agricultural commodity, medicine, or medical devices controlled on the United States Munitions List established under section 1 of the Arms Export Control Act (22 U.S.C. 2778) or on any control list established under the Export Administration Act of 1979 or any successor statute (59 U.S.C. App. 3401 et seq.) or used to facilitate the development or production of chemical, biological, or weapons of mass destruction.

(3) Nothing in this section or in any license issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation on the sale or supply of U.S. technology or software used to manufacture agricultural commodities, medicine, or medical devices, such as technology to design or produce biotechnology items or medical devices.

(4) Nothing in this section or in any license issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation of U.S. nonproliferation export controls, including end-user and end-use controls maintained under the Enhanced Nonproliferation Control initiative.

(5) This section does not apply to any transaction or dealing involving property blocked pursuant to this chapter or any other activity prohibited by this chapter or otherwise authorized in this part.

(6) General information. For the purposes of this section, agricultural commodities are:

(a) Products listed in the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, and that fall within the term "agricultural commodity" as defined in section 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602).

(b) Products not listed in the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, that are listed in the schedule of sections 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602), and are listed in the schedule of the United States Munitions List established under section 1 of the Arms Export Control Act (22 U.S.C. 2778) or under any control list established under the Export Administration Act of 1979 or any successor statute (59 U.S.C. App. 3401 et seq.) or used to facilitate the development or production of chemical, biological, or weapons of mass destruction.

(c) Seeds for food crops.

(d) Seeds for feed crops.

(e) Fertilizers or organic fertilizers or manures.

(f) Reproductive materials, feed for livestock, or similar products used in the production of food animals.

(g) Medicines.

(h) Medical devices.

(i) Instruments.

(j) Other items excluded from the definition of "agricultural commodity" as defined in section 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602).

(k)任何其他项目定义为"农产品"的任何其他项目。

(2) Prohibitions in this section or in any license issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation on the sale or supply of U.S. technology or software used to manufacture agricultural commodities, medicine, or medical devices, such as technology to design or produce biotechnology items or medical devices.

(a) Nothing in this section or in any license issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation of U.S. nonproliferation export controls, including end-user and end-use controls maintained under the Enhanced Nonproliferation Control initiative.

(b) This section does not apply to any transaction or dealing involving property blocked pursuant to this chapter or any other activity prohibited by this chapter or otherwise authorized in this part.

(c) General information. For the purposes of this section, agricultural commodities are:

(a) Products listed in the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, and that fall within the term "agricultural commodity" as defined in section 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602), and are listed in the schedule of the United States Munitions List established under section 1 of the Arms Export Control Act (22 U.S.C. 2778) or under any control list established under the Export Administration Act of 1979 or any successor statute (59 U.S.C. App. 3401 et seq.) or used to facilitate the development or production of chemical, biological, or weapons of mass destruction.

(b) Products not listed in the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, that are listed in the schedule of sections 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602), and are listed in the schedule of the United States Munitions List established under section 1 of the Arms Export Control Act (22 U.S.C. 2778) or under any control list established under the Export Administration Act of 1979 or any successor statute (59 U.S.C. App. 3401 et seq.) or used to facilitate the development or production of chemical, biological, or weapons of mass destruction.

(c) Seeds for food crops.

(d) Seeds for feed crops.

(e) Fertilizers or organic fertilizers or manures.

(f) Reproductive materials, feed for livestock, or similar products used in the production of food animals.

(g) Medicines.

(h) Medical devices.

(i) Instruments.

(j) Other items excluded from the definition of "agricultural commodity" as defined in section 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602).

(2) Prohibitions in this section or in any license issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation on the sale or supply of U.S. technology or software used to manufacture agricultural commodities, medicine, or medical devices, such as technology to design or produce biotechnology items or medical devices.

(a) Nothing in this section or in any license issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation of U.S. nonproliferation export controls, including end-user and end-use controls maintained under the Enhanced Nonproliferation Control initiative.

(b) This section does not apply to any transaction or dealing involving property blocked pursuant to this chapter or any other activity prohibited by this chapter or otherwise authorized in this part.

(c) General information. For the purposes of this section, agricultural commodities are:

(a) Products listed in the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, and that fall within the term "agricultural commodity" as defined in section 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602), and are listed in the schedule of the United States Munitions List established under section 1 of the Arms Export Control Act (22 U.S.C. 2778) or under any control list established under the Export Administration Act of 1979 or any successor statute (59 U.S.C. App. 3401 et seq.) or used to facilitate the development or production of chemical, biological, or weapons of mass destruction.

(b) Products not listed in the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, that are listed in the schedule of sections 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602), and are listed in the schedule of the United States Munitions List established under section 1 of the Arms Export Control Act (22 U.S.C. 2778) or under any control list established under the Export Administration Act of 1979 or any successor statute (59 U.S.C. App. 3401 et seq.) or used to facilitate the development or production of chemical, biological, or weapons of mass destruction.

(c) Seeds for food crops.

(d) Seeds for feed crops.

(e) Fertilizers or organic fertilizers or manures.

(f) Reproductive materials, feed for livestock, or similar products used in the production of food animals.

(g) Medicines.

(h) Medical devices.

(i) Instruments.

(j) Other items excluded from the definition of "agricultural commodity" as defined in section 192 of the Agricultural Trade Act of 1974 (7 U.S.C. 5602).
(1) Are limited to the bulk agricultural commodities listed in appendix B to this part 580;
(2) Are to purchasers permitted pursuant to § 560.330;

Note to §560.331(d)(2): Requests for specific licenses to provide brokerage services under this paragraph must include all of the information described in §560.330(d).

Date: June 8, 2001.
Loren L. Dilan,
Acting Director, Office of Foreign Assets Control.

Approved: June 14, 2001.
James F. Sloan,
Acting Under Secretary (Enforcement),
Department of the Treasury.
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