

§ 540.704

must first be fulfilled. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent will not be required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the time limit specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

(f) *Representation.* A representative of the respondent may act on behalf of the respondent, but any oral communication with the Office of Foreign Assets Control prior to a written submission regarding the specific allegations contained in the prepenalty notice must be preceded by a written letter of representation, unless the prepenalty notice was served upon the respondent in care of the representative.

§ 540.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director shall notify the respondent in writing of that determination and the cancellation of the proposed monetary penalty.

(b) *Violation.* (1) If, after considering any written response to the prepenalty notice, or default in the submission of a written response, and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director is authorized to issue a written penalty notice to the respondent of the determination of violation and the imposition of the monetary penalty.

(2) The penalty notice shall inform the respondent that payment or ar-

31 CFR Ch. V (7-1-01 Edition)

range for installment payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice by the Office of Foreign Assets Control.

(3) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

(4) The issuance of the penalty notice finding a violation and imposing a monetary penalty shall constitute final agency action. The respondent has the right to seek judicial review of that final agency action in federal district court.

§ 540.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of the penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in federal district court.

Subpart H—Procedures

§ 540.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see subpart D of part 501 of this chapter.

§ 540.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 13159 of June 21, 2000 (65 FR 39279, June 26, 2000) and any further executive orders relating to the national emergency declared in Executive Order 13159 may be taken by the

Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 540.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see §501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

PART 545—TALIBAN (AFGHANISTAN) SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.

545.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

545.201 Prohibited transactions involving blocked property.
 545.202 Effect of transfers violating the provisions of this part.
 545.203 Holding of funds in interest-bearing accounts; investment and reinvestment.
 545.204 Prohibited exportation, reexportation, sale, or supply of goods, software, technology, or services.
 545.205 Prohibited importation of goods, software, technology, or services.
 545.206 Evasions; attempts; conspiracies.
 545.207 Expenses of maintaining blocked property; liquidation of blocked accounts.
 545.208 Exempt transactions.

Subpart C—General Definitions

545.301 Blocked account; blocked property.
 545.302 Effective date.
 545.303 Entity.
 545.304 Importation into the United States.
 545.305 Information or informational materials.
 545.306 Interest.

545.307 Licenses; general and specific.
 545.308 Person.
 545.309 Property; property interest.
 545.310 The Taliban.
 545.311 Territory of Afghanistan controlled by the Taliban.
 545.312 Transfer.
 545.313 United States.
 545.314 U.S. financial institution.
 545.315 United States person; U.S. person.

Subpart D—Interpretations

545.401 Reference to amended sections.
 545.402 Effect of amendment.
 545.403 Transactions incidental to a licensed transaction authorized.
 545.404 Transshipment or transit through the United States prohibited.
 545.405 [Reserved].
 545.406 Exportation of services; performance of service contracts; legal services.
 545.407 Services performed in the territory of Afghanistan controlled by the Taliban.
 545.408 Offshore transactions.
 545.409 Payments from blocked accounts to U.S. exporters and for other obligations prohibited.
 545.410 Acquisition of instruments including bankers acceptances.
 545.411 Exportation to third countries; transshipments.
 545.412 Release of goods originating in the territory of Afghanistan controlled by the Taliban from a bonded warehouse or foreign trade zone.
 545.413 Importation of goods from third countries; transshipments.
 545.414 Loans or extensions of credit.
 545.415 Payments from blocked accounts to U.S. exporters and for other obligations prohibited.
 545.416 Termination and acquisition of an interest in blocked property.
 545.417 Setoffs prohibited.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

545.501 Effect of license or authorization.
 545.502 Exclusion from licenses.
 545.503 Payments and transfers to blocked accounts in U.S. financial institutions.
 545.504 Entries in certain accounts for normal service charges authorized.
 545.505 Importation of goods, software, or technology exported from the territory of Afghanistan controlled by the Taliban prior to July 6, 1999.
 545.506 Importation of certain gifts authorized.
 545.507 Accompanied baggage authorized.
 545.508 Transactions related to telecommunications authorized.
 545.509 Transactions related to mail authorized.