

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the mailing of the penalty notice.

(2) 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 collection and reporting on any delinquent penalty amount in the event of a failure to pay the penalty imposed.

§ 586.705 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 mailing of the written notice of the imposition of the penalty, 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 a Federal district court.

Subpart H—Procedures

§ 586.801 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.

§ 586.802 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 13088 (63 FR 32109, June 12, 1998), and any further Executive orders relating to the national emergency declared in Executive Order 13088, 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

§ 586.901 Paperwork Reduction Act notice.

For approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, to licensing procedures (including those pursuant to statements of licensing policy), and to 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 590—UNITA (ANGOLA)
SANCTIONS REGULATIONS**

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APPENDIX A TO PART 590—ARMS AND RELATED MATERIEL

AUTHORITY: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601-1651, 1701-1706; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12865, 58 FR 51005, 3 CFR, 1993 Comp., p. 636.

SOURCE: 58 FR 64904, Dec. 10, 1993, unless otherwise noted.

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

§ 590.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Differing foreign policy and national security contexts may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No li-

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cense or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

[58 FR 64904, Dec. 10, 1993, as amended at 62 FR 45111, Aug. 25, 1997]

Subpart B—Prohibitions

§ 590.201 Prohibited sale or supply of arms, arms materiel, petroleum or petroleum products to UNITA or Angola.

Except as otherwise authorized pursuant to this part, the sale or supply by United States persons or from the United States, or any activity by United States persons or in the United States which promotes or is calculated to promote the sale or supply, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment and spare parts, and petroleum and petroleum products, are prohibited, regardless of origin, to:

(a) UNITA; or

(b) The territory of Angola, other than through points of entry designated by the Secretary of the Treasury in the following schedule:

(1) Airports:

- (i) Luanda
(ii) Katumbela, Benguela Province

(2) Ports:

- (i) Luanda
(ii) Lobito, Benguela Province
(iii) Namibe, Namibe Province

(3) Entry Points:

- (i) Malongo, Cabinda
(ii) [Reserved]

§ 590.202 Prohibited transportation-related transactions involving Angola or UNITA.

Except as otherwise authorized, any transaction by a U.S. person, or involving the use of U.S. registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited in § 590.201 is prohibited.

§ 590.203 Evasions; attempts.

Any transaction for the purpose of, or which has the effect of, evading or avoiding, or which facilitates the evasion or avoidance of, any of the prohibitions set forth in this subpart, is hereby prohibited. Any attempt to violate the prohibitions set forth in this part is hereby prohibited.

Subpart C—General Definitions**§ 590.301 Effective date.**

The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in subpart B as follows:

(a) With respect to §§ 590.201, 590.202, and 590.203, 4:35 p.m. EDT, September 26, 1993.

(b) [Reserved]

§ 590.302 License.

Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

§ 590.303 General license.

The term *general license* means any license or authorization the terms of which are set forth in this subpart E.

§ 590.304 Specific license.

The term *specific license* means any license or authorization not set forth in subpart E but issued pursuant to this part in response to an application.

§ 590.305 Person.

The term *person* means an individual or entity.

§ 590.306 Entity.

The term *entity* includes a corporation, partnership, association, or other organization.

§ 590.307 National Union for the Total Independence of Angola, or UNITA.

The term *National Union for the Total Independence of Angola* or *UNITA* includes:

(a) Any entity, political subdivision, agency, or instrumentality of UNITA, including without limitation:

(1) The União Nacional para a Independência Total de Angola

(UNITA), known in English as the “National Union for the Total Independence of Angola;”

(2) The Forças Armadas para a Libertação de Angola (FALA), known in English as the “Armed Forces for the Liberation of Angola;” and

(3) The Free Angola Information Services, Inc.

(b) Any person or entity substantially owned or controlled by the foregoing;

(c) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date, acting or purporting to act directly or indirectly on behalf of any of the foregoing; and

(d) Any other person or entity determined by the Director of the Office of Foreign Assets Control to be included within this section.

§ 590.308 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 590.309 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen; permanent resident alien; juridical person organized under the laws of the United States or any jurisdiction within the United States, including foreign branches; or any person in the United States, and vessels and aircraft of U.S. registration.

§ 590.310 UNSC Resolution 864.

The term *UNSC Resolution 864* means United Nations Security Council Resolution No. 864, adopted September 15, 1993, prohibiting certain transactions with respect to Angola.

§ 590.311 Petroleum and petroleum products.

The term *petroleum and petroleum products* means items listed in 15 CFR part 777, supplements 2 and 3, of the Export Administration Regulations.

§ 590.312 Arms and related materiel.

The term *arms and related materiel* means items listed in appendix A to

this part, all items listed on the Commerce Control List ending with the number “18”, 15 CFR 799.1, supplement 1, and any item controlled under the International Traffic in Arms Regulations, 22 CFR parts 120 through 130.

Subpart D—Interpretations

§ 590.401 Reference to amended sections.

Except as otherwise specified, reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part shall be deemed to refer to the same as currently amended.

§ 590.402 Effect of amendment.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control shall not, unless otherwise specifically provided, be deemed to affect any act done or omitted from being done, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 590.403 Payments in connection with certain authorized transactions.

Except as otherwise specified, payments are authorized in connection with transactions authorized in or pursuant to subpart E.

§ 590.404 Transshipments through the United States prohibited.

The prohibitions in § 590.201 apply to the importation into the United States for transshipment or transit of goods, the sale or supply of which to Angola or UNITA is prohibited by § 590.201.

§ 590.405 Exports to third countries; transshipments.

Exportation of arms and related materiel of all types, including weapons and ammunition, military vehicles and

equipment and spare parts, and petroleum and petroleum products from the United States to third countries is prohibited if the exporter knows, or has reason to know, that the goods are intended for reexportation or transshipment to Angola (except to a point of entry designated by the Secretary in § 590.201) or to UNITA, including passage through, or storage in, intermediate destinations.

§ 590.406 Agency jurisdiction; licensing requirements.

(a) Nothing in this part shall be construed to supersede the requirements established under the Arms Export Control Act (22 U.S.C. 2751 *et seq.*) and the Export Administration Act (50 U.S.C. App. 2401 *et seq.*) to obtain licenses for the exportation from the United States or from a third country of any goods, data, or services subject to the export jurisdiction of the Department of State or the Department of Commerce.

(b) Exports to Angola through points of entry designated by the Secretary in the schedule in § 590.201 and not consigned to or destined for UNITA do not require a license from the Office of Foreign Assets Control, but may require licensing by the Department of State or Department of Commerce in accordance with the requirements of the Arms Export Control Act (22 U.S.C. 2751 *et seq.*) and the Export Administration Act (50 U.S.C. App. 2401 *et seq.*)

§ 590.407 Transactions incidental to a licensed transaction.

(a) Any transaction ordinarily incidental to a transaction authorized by the Office of Foreign Assets Control and necessary to give effect thereto is also authorized, except to the extent subject to the export jurisdiction of the Department of State or Department of Commerce.

(b) *Example:* A license issued by the Office of Foreign Assets Control authorizing an exportation of arms to Angola also authorizes all activities by other parties required to complete the sale, including transactions by the buyer, brokers, transfer agents, banks, etc.

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

§ 590.501 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control, shall be deemed to authorize or validate any transaction effected prior to the issuance of the license, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition or prohibitions contained in subpart B from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

§ 590.502 Exclusion from licenses and authorizations.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person, property, or transaction from the operation of any license, or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons, property, transactions, or classes thereof. Such action shall be binding upon all persons receiving actual or constructive notice of such exclusion or restriction.

Subpart F—Reports

§ 590.601 Records and reports.

For provisions relating to records and reports, see subpart C of part 501 of this chapter.

[62 FR 45111, Aug. 25, 1997]

Subpart G—Penalties

§ 590.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the “Act”) (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty of not to exceed \$11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is directed to section 5 of the United Nations Participation Act (22 U.S.C. 287c(b)), which provides that any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to the authority granted in that section shall, upon conviction, be fined not more than \$10,000 or, if a natural person, be imprisoned for not more than 10 years, or both; and the officer, director or agent of any corporation who knowingly participates in such violation or

evasion shall be punished by a similar fine, imprisonment or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with tackle, apparel, furniture, and equipment, or vehicle, or aircraft, and concerned in such violation shall be forfeited to the United States. The penalties provided in the United Nations Participation Act are subject to increase pursuant to 18 U.S.C. 3571. The criminal penalties provided in the United Nations Participation Act are subject to increase pursuant to 18 U.S.C. 3571.

(d) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

(e) Violations of this part may also be subject to relevant provisions of the Customs laws and other applicable laws.

[58 FR 64904, Dec. 10, 1993, as amended at 61 FR 54940, Oct. 23, 1996; 62 FR 45111, Aug. 25, 1997]

§ 590.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency

has taken any action with respect to this matter.

(b) *Contents—(1) Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within 30 days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

§ 590.703 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director of the Office of Foreign Assets Control.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

§ 590.704 Penalty notice.

(a) *No violation.* If, after considering any presentations made in 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 person named in the prepenalty notice, he promptly shall notify the person in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

§ 590.705 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the mailing of the written notice of the imposition of the penalty, the matter shall 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 a Federal district court.

Subpart H—Procedures**§ 590.801 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.

[62 FR 45111, Aug. 25, 1997]

§ 590.802 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 12865 or any further Executive orders relating to the national emergency declared in Executive Order 12865 may be taken by the Director, Office of Foreign Assets Control.

[58 FR 64904, Dec. 10, 1993. Redesignated at 62 FR 45111, Aug. 25, 1997]

Subpart I—Paperwork Reduction Act**§ 590.901 Paperwork Reduction Act notice.**

For approval by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act of information collections relating to record-keeping and reporting requirements, to licensing procedures (including those pursuant to statements of licensing policy), and to 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.

[62 FR 45111, Aug. 25, 1997]

APPENDIX A TO PART 590—ARMS AND RELATED MATERIEL

(1) Spindle assemblies, consisting of spindles and bearings as a minimal assembly, *except those assemblies with axial and radial axis motion measured along the spindle axis in one revolution of the spindle equal to or greater (coarser) than the following: (a) 0.0008 mm TIR (peak-to-peak) for lathes and turning machines; or (b) $D \times 2 \times 10(-5)$ mm TIR (peak-to-peak) where D is the spindle diameter in millimeters for milling machines, boring mills, jig grinders, and machining centers* (ECCNs 2B01 and 2B41);

(2) Equipment for the production of military explosives and solid propellants, as follows:

(a) Complete installations; and

(b) Specialized components (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and rocket propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers) 6 feet and over in diameter and having over 500 pounds product capacity; and continuous mixers for solid propellants) (ECCN 1B18);

(3) Specialized machinery, equipment, gear, and specially designed parts and accessories therefor, specially designed for the examination, manufacture, testing, and checking of the arms, appliances, machines, and implements of war (ECCN 2B18), ammunition hand-loading equipment for both cartridges and shotgun shells, and equipment specially designed for manufacturing shotgun shells (ECCN 2B85).

(4) Construction equipment built to military specifications, specially signed for airborne transport (ECCN No. 8A18);

(5) Vehicles specially designed for military purposes, as follows:

(a) Specially designed military vehicles, excluding vehicles listed in supplement 2 to 15 CFR part 770 (ECCN 9A18);

(b) Pneumatic tire casings (*excluding tractor and farm implement types*), of a kind specially constructed to be bulletproof or to run when deflated (ECCN 9A18);

(c) Engines for the propulsion of the vehicles enumerated above, specially designed or essentially modified for military use (ECCN 9A18); and

(d) Specially designed components and parts to the foregoing (ECCN 9A18);

(6) Pressure refuellers, pressure refuelling equipment, and equipment specially designed to facilitate operations in confined areas and ground equipment, not elsewhere specified,

developed specially for aircraft and helicopters, and specially designed parts and accessories, n.e.s. (ECCN 9A18);

(7) Specifically designed components and parts for ammunition, *except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines* (ECCN 0A18);

(8) Nonmilitary shotguns, barrel length 18 inches or over; and nonmilitary arms, discharge type (for example, stun-guns, shock batons, etc.), *except arms designed solely for signal, flare, or saluting use; and parts, n.e.s.* (ECCN 0A84);

(9) Shotgun shells, and parts (ECCN 0A86);

(10) Military parachutes (ECCN 9A18);

(11) Submarine and torpedo nets (ECCN 8A18);

(12) Bayonets and muzzle-loading (black powder) firearms (ECCN 0A18).

PART 595—TERRORISM SANCTIONS REGULATIONS

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

Sec.

595.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

595.201 Prohibited transactions involving blocked property.

595.202 Effect of transfers violating the provisions of this part.

595.203 Holding of certain types of blocked property in interest-bearing accounts.

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595.205 Evasions; attempts; conspiracies.

595.206 Exempt transactions.

Subpart C—General Definitions

595.301 Blocked account; blocked property.

595.302 Effective date.

595.303 Entity.

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595.310 Property; property interest.

595.311 Specially designated terrorist.

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595.315 United States person; U.S. person.

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595.401 Reference to amended sections.

595.402 Effect of amendment.

595.403 Termination and acquisition of an interest in blocked property.

595.404 Setoffs prohibited.

595.405 Transactions incidental to a licensed transaction.

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

595.501 Effect of license or authorization.

595.502 Exclusion from licenses and authorizations.

595.503 Payments and transfers to blocked accounts in U.S. financial institutions.

595.504 Investment and reinvestment of certain funds.

595.505 Entries in certain accounts for normal service charges authorized.

595.506 Provision of certain legal services to a specially designated terrorist.

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Subpart F—Reports

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595.701 Penalties.

595.702 Prepenalty notice.

595.703 Presentation responding to prepenalty notice.

595.704 Penalty notice.

595.705 Administrative collection; referral to United States Department of Justice.

Subpart H—Procedures

595.801 Procedures.

595.802 Delegation by the Secretary of the Treasury.

Subpart I—Paperwork Reduction Act

595.901 Paperwork Reduction Act notice.

AUTHORITY: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 319.

SOURCE: 61 FR 3806, Feb. 2, 1996, unless otherwise noted.