

WEAPONS OF MASS DESTRUCTION TRADE CONTROL REGULATIONS, 31 C.F.R PART 539

IMPORT BAN - OFAC issued the Weapons of Mass Destruction Trade Control Regulations, 31 C.F.R. Part 539 (the Regulations), to implement the import ban imposed under Executive Order 12938. The Regulations prohibit the direct or indirect importation into the United States, including for transshipment or transit, of any goods, technology, or services produced or provided by the foreign persons on which the Secretary of State has determined to impose an import ban pursuant to E.O. 12938 (designated foreign persons). The importation into the United States of goods or technology from third countries is also prohibited if undertaken with knowledge or reason to know that those goods contain raw materials, components, or technology produced or provided by a designated foreign person. In addition to banning imports, the Regulations prohibit U.S. persons from financing, acting as a broker for, transporting or otherwise participating in the importation into the United States of any goods, technology or services produced or provided by a designated foreign person. The term *designated foreign person* means any foreign person on which the Secretary of State has determined to impose an import ban pursuant to E.O. 12938 and any entities owned or controlled by that foreign person, including any subsidiaries and branches, successors, and persons acting or purporting to act for or on behalf of any of them.

Services are considered to be imported into the United States where either the services or their benefit are received in the United States, regardless of where such services may be performed. The benefit of services performed is received in the United States if the services are: (1) performed on behalf of or for the benefit of a person located in the United States; (2) received by a person located in the United States; (3) received by a person located outside the United States on behalf of or for the benefit of an entity organized in the United States; or (4) received by an individual temporarily located outside the United States for the purpose of obtaining such services for use in the United States.