

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges

In the Matter of: Placido Molina, Jr., Inmate Number #90986–279, USP Pollock, U.S. Penitentiary, P.O. Box 2099, Pollock, LA 71467.

On March 2, 2012, in the U.S. District Court, Southern District of Texas, Placido Molina, Jr. (“Molina”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2006 & Supp. IV 2010)) (“AECA”). Specifically, Molina was convicted of knowingly and willfully attempting to export and causing to be exported from the United States to Mexico two AK47 semi-automatic rifles which were designated as defense articles on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export. Molina was sentenced to 46 months of imprisonment and three years of supervised release, and fined a \$100 assessment. Molina is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations (“EAR” or “Regulations”)¹ provides, in pertinent part, that “[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act (“EAA”), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).” 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. 2410(h). In addition, Section 750.8

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2013). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. 2401–2420 (2000)) (“EAA”). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 FR 49699 (August 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

of the Regulations states that the Bureau of Industry and Security’s Office of Exporter Services may revoke any Bureau of Industry and Security (“BIS”) licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Molina’s conviction for violating the AECA, and have provided notice and an opportunity for Molina to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Molina. Based upon my review and consultations with BIS’s Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Molina’s export privileges under the Regulations for a period of 10 years from the date of Molina’s conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Molina had an interest at the time of his conviction.

Accordingly, it is hereby

Ordered

I. Until March 2, 2022, Placido Molina, Jr., with a last known address at: Inmate Number #90986–279, USP Pollock, U.S. Penitentiary, P.O. Box 2099, Pollock, LA 71467, and when acting for or on behalf of Molina, his representatives, assigns, agents or employees (the “Denied Person”), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

- A. Applying for, obtaining, or using any license, License Exception, or export control document;
- B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations;

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Molina by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until March 2, 2022.

VI. In accordance with Part 756 of the Regulations, Molina may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must

comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to the Molina. This Order shall be published in the **Federal Register**.

Issued this 17th day of June 2013.

Bernard Kritzer,

Director, Office of Exporter Services.

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DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

RIN: 0693-XC014

[Docket No. 130212127-3550-02]

Proposed Establishment of a Federally Funded Research and Development Center—Second Notice

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST), Department of Commerce, intends to sponsor a Federally Funded Research and Development Center (FFRDC) to facilitate public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. This is the second of three notices which must be published over a 90-day period in order to advise the public of the agency's intention to sponsor an FFRDC.

DATES: Written comments must be received by 5:00 p.m. Eastern time on July 22, 2013.

ADDRESSES: Comments on this notice must be submitted to Keith Bubar either electronically at keith.bubar@nist.gov, or at: Keith Bubar, NIST, 100 Bureau Drive Mail Stop 1640, Gaithersburg, MD 20899-1640.

FOR FURTHER INFORMATION CONTACT:

Keith Bubar via email at Keith.Bubar@nist.gov or telephone 301.975.8329. Or Keith Bubar, NIST, 100 Bureau Drive Mail Stop 1640, Gaithersburg, MD 20899-1640.

SUPPLEMENTARY INFORMATION: The National Cybersecurity Center of Excellence (NCCoE), hosted by NIST, is a public-private collaboration for accelerating the widespread adoption of integrated cybersecurity tools and technologies. The NCCoE will bring together experts from industry, government and academia under one roof to develop practical, interoperable

cybersecurity approaches that address the real world needs of complex Information Technology (IT) systems. By accelerating dissemination and use of these integrated tools and technologies for protecting IT assets, the NCCoE will enhance trust in U.S. IT communications, data, and storage systems, lower risk for companies and individuals in the use of IT systems, and encourage development of innovative, job-creating cybersecurity products and services.

NIST has identified the need to support the NCCoE's mission through the establishment of an FFRDC. In evaluating the need for the FFRDC, NIST determined that no existing FFRDC or contract vehicles provide the scope of services NIST requires. The proposed NCCoE FFRDC will have three primary purposes: (1) Research, Development, Engineering and Technical support; (2) Program/Project Management, to include but not limited to expert advice and guidance in the areas of program and project management focused on increasing the effectiveness and efficiency of cybersecurity applications, prototyping, demonstrations, and technical activities; and (3) Facilities Management. The proposed NCCoE FFRDC may also be utilized by non-sponsors.

The FFRDC will be established under the authority of 48 CFR 35.017.

The NCCoE FFRDC Contractor will be available to provide a wide range of support including, but not limited to:

- Research, Development, Engineering and Technical Support:
 - Establish relationships with private sector organizations to use private sector resources to accomplish tasks that are integral to the operations and mission of the NCCoE.
 - Research and develop frameworks and implementation strategies for inducing industry to invest in and expedite adoption of effective cybersecurity controls and mechanisms on an enterprise-wide scale; and in collaboration with Federal and local governments, deliver planning and documentation support needed to transfer technologies developed by Federal cybersecurity organizations and the NCCoE to production, integration, economic development, and operational implementation entities.
 - Provide systems engineering support to NCCoE programs and proposed security platform development, selection, and implementation. This will include NCCoE infrastructure, project

planning, project implementation, and technology transfer components of the NCCoE's efforts to accelerate adoption of robust cybersecurity technologies in the government and private sectors.

- Generate technical expertise to create a relevant cybersecurity workforce in coordination with the NCCoE staff and in close collaboration with the National Initiative for Cybersecurity Education and with Federal government, university, and industry participants and collaborators in NCCoE activities.
- Deliver strategies and plans for applying cybersecurity standards, guidelines, and best practice inducements and capabilities to both government and private sectors.
- Program/Project Management:
 - Work within the purpose, mission, general scope, or competency as assigned by the sponsoring agency.
 - Develop and maintain in-depth institutional knowledge of NCCoE programs and operations in order to maintain continuity in the field of cybersecurity and to maintain a high degree of competence, objectivity, and independence in order to respond effectively to the emerging cybersecurity needs of the Nation.
- Facilities Management:
 - In coordination with NCCoE staff, and in collaboration with the State of Maryland and Montgomery County, Maryland, manage physical and logical collaborative facilities to support the acceleration and adoption of robust cybersecurity technologies in the government and private sectors. The activity includes staff support for information technology operations, custodial functions, physical access management, and maintenance operations.

The FFRDC will partner with the sponsoring agency in the design and pursuit of mission goals; provide rapid responsiveness to changing requirements for personnel in all aspects of strategic, technical and program management; recognize Government objectives as its own objectives, partner in pursuit of excellence in public service; and allow for use of the FFRDC by non-sponsors.

We are publishing this notice in accordance with 48 CFR 5.205(b) of the Federal Acquisition Regulations (FAR), to enable interested members of the public to provide comments on this proposed action. This is the second of