

## Virtual Forum

Consistent with the interest of the Department in soliciting public comments on issues affecting risks in the semiconductor manufacturing and advanced packaging supply chain as described in the March 15 notice, the Department is holding a virtual forum. The virtual forum will assist the Department in preparing the report required by E.O. 14017. Public comments at the virtual forum should address the policy objectives listed in E.O. 14017 as they affect the U.S. semiconductor manufacturing and advanced packaging supply chains, including but not limited to the elements identified in the March 15 notice. See the March 15 notice for the elements and E.O. 14017. The virtual forum will be held on April 8, 2021. The forum will begin at 2:00 p.m. EDT and conclude at 5:00 p.m. EDT.

## Procedure for Requesting Participation

See the **ADDRESSES** section of this notice for how to register and access the virtual forum. The Department encourages interested public participants to present their views orally at the virtual forum. Any person wishing to make an oral presentation at the virtual forum must register with the Department at the Web address indicated in the **ADDRESSES** section of this notice. The request to speak in the virtual forum must be accompanied by an overview of the oral presentation. Speakers' registration, including overviews of written remarks, must be received by the Department no later than 5:00 p.m. EDT on April 1, 2021. BIS will not accept any registrations after that time for the virtual forum.

Please note that the submission of overviews of presentations at the virtual forum is separate from the request for written comments described in March 15 notice. Since it may be necessary to limit the number of persons making presentations, the overview should describe the individual's interest in the virtual forum and, where appropriate, explain why the individual is a proper representative of a group or class of persons that has such an interest. If all interested parties cannot be accommodated at the virtual forum, the overviews of the oral presentations will be used to allocate speaking time and to ensure that a full range of comments is heard.

Each person selected to make a presentation will be notified by the Department no later than 12:00 p.m. EDT on April 5, 2021. The Department will arrange the presentation times for the speakers. Representatives from the

Department and other U.S. Government agencies, as appropriate, will make up the virtual forum panel. Written overview submissions by persons not selected to make presentations will be made part of the public record of the proceeding, as well as the overview submission of those persons selected to make presentations. Confidential business information may not be submitted at a virtual forum. The virtual forum will be recorded.

Copies of the requests to speak at the virtual forum and the transcript of the forum will be maintained on BIS's web page, which can be found at <http://www.bis.doc.gov> (see Freedom of Information Act link at the bottom of the page) and at <https://www.bis.doc.gov/semiconductorforum>. These documents will also be posted through the Federal eRulemaking Portal: <http://www.regulations.gov> under docket number BIS-2021-0011, which is the docket number for the May 15 notice. If the requesters cannot access the website, they may call (202) 482-0795 for assistance. The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 *et seq.*).

## Conduct of the Virtual Forum

The Department reserves the right to select the persons to be heard at the virtual forum, to schedule their respective presentations, and to establish the procedures governing the conduct of the virtual forum. Each speaker will be limited to a time set by the Department and comments must be directly related to the policy objectives listed in E.O. 14017 as they affect the U.S. semiconductor manufacturing and advanced packaging supply chains, including but not limited to the elements included in the March 15 notice.

A Department official will be designated to preside at the virtual forum. The presiding officer shall determine all procedural matters during the virtual forum. Representatives from the Department, and other U.S. Government agencies, as appropriate, will make up the virtual forum panel. This will be a fact-finding proceeding. It will not be a judicial or evidentiary-type virtual forum. Only members of the virtual forum panel may ask questions and there will be no cross-examination of persons presenting statements. No formal rules of evidence will apply to the virtual forum. Any further procedural rules for the proper conduct of the virtual forum will be announced by the presiding officer.

## Special Accommodations

This virtual forum is physically accessible to people with disabilities. See the **ADDRESSES** section of this notice.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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**BILLING CODE 3510-33-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Order Denying Export Privileges

*In the Matter of:* Jean Baptiste Kingery, 8764 S 48th Avenue, Apt. 1605, Yuma, AZ 85364.

On September 20, 2016 in the U.S. District Court for the District of Arizona, Jean Baptiste Kingery ("Kingery") was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778) ("AECA"). Specifically, Kingery was convicted of violating Section 38 of the AECA by knowingly and willfully attempting to export from the United States to Mexico, MK-II, M-67, M-61 Grenade Shells, M213, M228 Detonating Fuse, Winchester .45 Caliber 230 FMJ ammunition and Speer Lawman .380 Caliber ammunition, designated as defense articles on the United States Munitions List, without the required U.S. Department of State licenses. Kingery was sentenced to 60 months in prison, three years of supervised release, and a \$100 assessment. Kingery also was placed on the U.S. Department of State debarred list.

The Export Administration Regulations ("EAR" or "Regulations") are administered and enforced by the U.S. Department of Commerce's Bureau of Industry and Security ("BIS").<sup>1</sup>

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2021). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601-4623 (Supp. III 2015) ("EAA"), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) ("IEEPA"). On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801-4852 ("ECRA"). While Section 1766 of ECRA repeals the provisions of the EAA (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13,

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Section 766.25 of the Regulations provides, in pertinent part, that the “Director of [BIS’s] Office of Export Enforcement, in consultation with the Director of [BIS’s] Office of Exporter Services, may deny the export privileges of any person who has been convicted of a violation of any of the statutes set forth at 50 U.S.C. 4819(e)(1)(B),”<sup>2</sup> including section 38 of the AECA (22 U.S.C § 2778). 15 CFR 766.25(a). 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).<sup>3</sup> In addition, pursuant to Section 750.8 of the Regulations, BIS’s Office of Exporter Services may revoke any BIS-issued licenses in which the person had an interest at the time of his/her conviction.<sup>4</sup>

BIS received notice of Kingery’s conviction for violating Section 38 of the AECA, and pursuant to Section 766.25 of the Regulations, has provided notice and an opportunity for Kingery to make a written submission to BIS. BIS has received and considered a written submission from Kingery.

Based upon my review of the record, including Kingery’s written submission, and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Kingery’s export privileges under the Regulations for a period of seven years from the date of Kingery’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Kingery had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until September 20, 2023, Jean Baptiste Kingery, with a last known address of 8764 S 48th Avenue, Apt. 1605, Yuma, AZ 85364, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“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

2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA.

<sup>2</sup> The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

<sup>3</sup> See also Section 11(h) of the EAA, 50 U.S.C. 4610(h) (Supp. III 2015); Sections 1760(e) and 1768 of ECRA, 50 U.S.C. 4819 and 4826; and note 1, *supra*.

<sup>4</sup> See notes 1 and 3, *supra*.

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 engaging in any other activity subject to the Regulations; or

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 from any other activity subject to the Regulations.

*Second*, 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.

*Third*, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, oration, or business organization

related to Kingery by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with Part 756 of the Regulations, Kingery 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.

*Fifth*, a copy of this Order shall be delivered to Kingery and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until September 20, 2023.

**John Sonderman**,

*Director, Office of Export Enforcement.*

[FR Doc. 2021–06515 Filed 3–29–21; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry And Security

#### Order Denying Export Privileges

*In the Matter of:* Luis Felipe Varela, 4748 N. Mesa Street, Apt. 245, El Paso, TX 79912

On January 28, 2019, in the U.S. District Court for the Western District of Texas, Luis Felipe Varela (“Varela”) was convicted of violating 18 U.S.C. 554(a). Specifically, Varela was convicted of fraudulently and knowingly attempting to export from the United States to Mexico two FN M249S, 5.56 caliber rifles, which are designated as defense articles on the United States Munitions List, in violation of 18 U.S.C. 554. Varela was sentenced to six (6) months in prison, three years of supervised release, and a \$100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (“ECRA”),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554(a), may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an

<sup>1</sup> ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Varela’s conviction post-dates ECRA’s enactment on August 13, 2018.