

The Boeing Company  
1200 Wilson Blvd.  
Arlington, VA 22209-1989

July 19, 2002

Chief of Records  
ATTN: Request for Comments  
Office of Foreign Assets Control (OFAC)  
Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, DC 20220



**Re: OFAC Proposed Rule**

Federal Register/Volume. 67, No. 118  
June 19, 2002

Dear Sir or Madam:

On behalf of The Boeing Company, I am pleased to respond to your request for comments on a proposed ruling by the agency that would make available to the public certain civil penalties information.

Boeing commends your agency for its commitment to making its activities more transparent. With respect to the public release of information about imposed penalties and agreed settlements, providing information about OFAC enforcement activities as they relate, for example, to details of a particular violation could be helpful in highlighting compliance risk areas of which the exporting community at large, and U.S. persons in general, may not be fully cognizant. Similarly, publishing information about the amount of an imposed penalty or agreed settlement might promote awareness and encourage compliance.

However, in considering the public release of the name of individuals involved in civil penalty mailers, we urge you to consider the following:

- Agreed settlements and imposed civil penalties are generally the result of innocent violations or, at worst, situations in which willfulness is not an issue; most often, they result from a lack of knowledge or confusion about the regulatory requirements-
- \* One of the statutes governing implementation of the sanctions programs administered and enforced by OFAC is the Trading with the Enemy Act. Public disclosure of an individual's name for an unintentional violation of that Act could have a particularly negative effect on his or her reputation.

- We understand that the Department of Commerce does not publish the names of individuals who are the subject of a civil penalty, unless they are identified as the legally responsible party pursuant to a court proceeding.

In conclusion, we do not believe that it would serve any positive purpose to publish the names of individuals involved in a violation of OFAC's sanction program regulations in a situation in which willfulness cannot be established. Such action could cause undue hardship on the individual involved. Moreover, it could undermine compliance efforts because affected employees might be less forthcoming in disclosing violations if they fear publicity as a consequence. In other words, a policy of publishing individuals' names could compromise companies' efforts promptly to uncover violations, report them to the Government, and establish remedial procedures.



Sincerely,

A handwritten signature in black ink, appearing to read 'Norma Rein', written over a horizontal line.

Norma Rein  
Senior Manager  
Export Policy and Strategy