

UNITED STATES DEPARTMENT OF STATE
BUREAU OF POLITICAL-MILITARY AFFAIRS
WASHINGTON, DC 20520

In the Matter of:)
)
XE SERVICES LLC)
)
Respondent)
)

ORDER

WHEREAS, the Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, United States Department of State (“Department”), has notified Xe Services LLC, including its operating divisions and subsidiaries (“Respondent”) (formerly EP Investments, LLC and also known as Blackwater Worldwide) of the Department’s intention to initiate an administrative proceeding against Respondent pursuant to section 38(e) of the Arms Export Control Act, as amended, (the “AECA”) (22 U.S.C. 2778(e)), and its implementing regulations, the International Traffic in Arms Regulations (22 C.F.R. Parts 120-130) (the “ITAR”);

WHEREAS, the proposed charges are based on allegations that Respondent violated section 38 of the AECA and Parts 122, 123, 124, 126 and 127 of the ITAR as set forth in the Proposed Charging Letter, attached hereto and incorporated by reference herein in connection with the unauthorized provision of defense services and export of defense articles; violating the provisos or limitations on export authorizations; making false statements; and misrepresenting or omitting material facts in information provided to the Department;

WHEREAS, pursuant to section 128.11 of the ITAR, the Department and Respondent have entered into a Consent Agreement (attached hereto and incorporated by reference herein), whereby the Department and Respondent have agreed to settle this matter in accordance with the terms and conditions set forth therein;

IT IS THEREFORE ORDERED:

FIRST, that Respondent shall pay in fines and in remedial compliance measures a civil penalty of forty-two million dollars (\$42,000,000) comprised of the amounts and payable, as stipulated below, in complete settlement of the civil violations contained in the Department's Proposed Charging Letter and other information identified in the Consent Agreement;

SECOND, that Respondent shall pay thirty million dollars (\$30,000,000) of the forty-two million dollar (\$42,000,000) penalty through five installments. Six million dollars (\$6,000,000) of the forty-two million dollar (\$42,000,000) penalty shall be paid to the Department within fifteen (15) days of the date of the Order. Then Respondent shall pay six million dollars (\$6,000,000) of the forty-two million dollar (\$42,000,000) penalty on each of the first, second, third, and fourth anniversaries of the date of the Order. Such payments to be made by a cashier's or certified check payable to the Department of State;

THIRD, six million dollars (\$6,000,000) of the forty-two million dollar (\$42,000,000) penalty referenced above will be suspended on the condition that Respondent has already applied this amount to self-initiated, pre-Consent Agreement remedial compliance measures, determined as set forth in paragraphs (38)(c) of the Consent Agreement;

FOURTH, the remaining six million dollars (\$6,000,000) of the forty-two million dollar (\$42,000,000) penalty referenced above will be suspended on the condition that Respondent applies this amount to Consent Agreement-authorized remedial compliance measures, determined as set forth in paragraphs (38)(c) of the Consent Agreement;

FIFTH, that any failure by Respondent to apply suspended penalty funds appropriately for remedial compliance measures or to provide satisfactory accounting shall result in Respondent being required to pay immediately to the Department the amount specified, less credit for amounts

the Department deems to have been properly applied and accounted for as expenditures in compliance with the Consent Agreement;

SIXTH, the Department recognizes that Respondent agrees to waive its rights to raise the defense of Statute of Limitations with regard to the collection of the civil penalty imposed by the Consent Agreement and this Order, and that the Statute of Limitations shall be tolled until the last payment is made and all terms of the Consent Agreement are satisfied;

SEVENTH, that Respondent, and its assignees and successors, and in the event of reorganization all affected entities or units, shall comply with the compliance measures and its obligations under the provisions of the Consent Agreement and shall do so within the deadlines established therein; and

EIGHTH, that the Proposed Charging Letter, the Consent Agreement, and this Order shall be made available to the public.

This Order becomes effective on the day it is signed.

A handwritten signature in black ink, appearing to read "Andrew J. Shapiro". The signature is fluid and cursive, with a large loop at the end.

Andrew J. Shapiro
Assistant Secretary for
Political-Military Affairs
Department of State

Entered this 18 day of August 2010