

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

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In the Matter of: )

Keysight Technologies, Inc. )

Respondent )

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ORDER

WHEREAS, the Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, United States Department of State (“Department”), has notified Keysight Technologies, Inc., including its operating divisions, subsidiaries, and business units (collectively “Respondent”), of its intention to initiate an administrative proceeding against it pursuant to section 38(e) of the Arms Export Control Act (AECA), 22 U.S.C. § 2778(e), and its implementing regulations, the International Traffic in Arms Regulations (“ITAR”), 22 CFR Parts 120-130;

WHEREAS, the proposed charges are based on allegations that Respondent violated section 38 of the AECA and Part 127 of the ITAR, as set forth in the Proposed Charging Letter, attached hereto and incorporated by reference herein, in connection with the unauthorized export of technical data, to include software.

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 THEREFOR ORDERED:

FIRST, that Respondent shall pay in fines and in remedial compliance measures a civil penalty of six million, six hundred thousand dollars (\$6,600,000), as stipulated below, in complete settlement of the civil violations arising from facts Respondent has disclosed to the Department in its disclosure assigned the DTCC Case Number identified in paragraph 22 of the Consent Agreement and also summarized in the Department's Proposed Charging Letter.

SECOND, one million, one hundred thousand dollars (\$1,100,000) of this civil penalty is to be paid to the Department within ten (10) days of signing of the Order; one million dollars (\$1,000,000) is to be paid within one (1) year from the date of the Order; one million dollars (\$1,000,000) is to be paid within two (2) years from the date of the Order; and one million dollars (\$1,000,000) is to be paid on or before the third anniversary of the date of the Order.

THIRD, two million, five hundred thousand dollars (\$2,500,000) of this civil penalty will be suspended as set forth in paragraph 17(b) of the Consent Agreement on the condition that Respondent applies this amount to Consent Agreement-authorized remedial compliance costs, in all instances determined as set forth in paragraph 17(c) of the Consent Agreement.

FOURTH, that any failure by Respondent to apply suspended penalty funds appropriately for remedial compliance measures or provide satisfactory accounting may result (in accordance with paragraph 17 of the Consent Agreement) 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.

FIFTH, 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 all terms of the Consent Agreement are satisfied.

SIXTH, 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.

SEVENTH, 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.



Timothy A. Betts  
Acting Assistant Secretary

Entered this 3 day of August 2021