

tural products or commodities imported into the United States are produced with the use of forced labor or child labor.

“(2) GUIDELINES.—

“(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary receives recommendations under paragraph (1), the Secretary shall release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

“(B) REQUIREMENTS.—Guidelines released under subparagraph (A) shall be published in the Federal Register and made available for public comment for a period of 90 days.

“(d) MEMBERSHIP.—The Consultative Group shall be composed of not more than 13 individuals, of whom—

“(1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;

“(2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;

“(3) 1 member shall represent the Department of State, as determined by the Secretary of State;

“(4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers, and producers, of whom at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;

“(5) 2 members shall represent institutions of higher education and research institutions, as determined appropriate by the Bureau of International Labor Affairs of the Department of Labor;

“(6) 1 member shall represent an organization that provides independent, third-party certification services for labor standards for producers or importers of agricultural commodities or products; and

“(7) 3 members shall represent organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] that have expertise on the issues of international child labor and do not possess a conflict of interest associated with establishment of the guidelines issued under subsection (c)(2), as determined by the Bureau of International Labor Affairs of the Department of Labor, including representatives from consumer organizations and trade unions, if appropriate.

“(e) CHAIRPERSON.—A representative of the Department of Agriculture appointed under subsection (d)(1), as determined by the Secretary, shall serve as the chairperson of the Consultative Group.

“(f) REQUIREMENTS.—Not less than 4 times per year, the Consultative Group shall meet at the call of the Chairperson, after reasonable notice to all members, to develop recommendations described in subsection (c)(1).

“(g) NONAPPLICABILITY OF FACAA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Consultative Group.

“(h) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act [June 18, 2008], and annually thereafter through December 31, 2012, the Secretary [of Agriculture] shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities and recommendations of the Consultative Group.

“(i) TERMINATION OF AUTHORITY.—The Consultative Group shall terminate on December 31, 2012.”

CHAPTER 79—TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT

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§ 7201. Definitions

In this chapter:

(1) Agricultural commodity

The term “agricultural commodity” has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) Agricultural program

The term “agricultural program” means—

(A) any program administered under the Food for Peace Act (7 U.S.C. 1691 et seq.);

(B) any program administered under section 1431 of title 7;

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 713a–14 of title 15;

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) Joint resolution

The term “joint resolution” means—

(A) in the case of section 7202(a)(1) of this title, only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 7202(a)(1) of this title is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 903(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____,” with the blank completed with the appropriate date; and

(B) in the case of section 7205(1)¹ of this title, only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 7205(2)¹ of this title is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 906(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____,” with the blank completed with the appropriate date.

(4) Medical device

The term “medical device” has the meaning given the term “device” in section 321 of title 21.

¹ So in original. Probably should be section “7204”.

(5) Medicine

The term “medicine” has the meaning given the term “drug” in section 321 of title 21.

(6) Unilateral agricultural sanction

The term “unilateral agricultural sanction” means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

(7) Unilateral medical sanction

The term “unilateral medical sanction” means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

(Pub. L. 106-387, §1(a) [title IX, §902], Oct. 28, 2000, 114 Stat. 1549, 1549A-67; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(X), June 18, 2008, 122 Stat. 1820, 1821.)

REFERENCES IN TEXT

The Food for Peace Act, referred to in par. (2)(A), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified principally to chapter 41 (§1691 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

The Agricultural Trade Act of 1978, referred to in par. (2)(C), is Pub. L. 95-501, Oct. 21, 1978, 92 Stat. 1685, as amended generally by Pub. L. 101-624, title XV, §1531, Nov. 28, 1990, 104 Stat. 3668, which is classified generally to chapter 87 (§5601 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 7 and Tables.

Section 903(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, referred to in par. (3)(A), is section 1(a) [title IX, §903(a)(1)] of Pub. L. 106-387, which is classified to section 7202(a)(1) of this title.

Section 906 of the Trade Sanctions Reform and Export Enhancement Act of 2000, referred to in par. (3)(B), is section 1(a) [title IX, §906] of Pub. L. 106-387, which is classified to section 7205 of this title. Provisions relating to report of the President and enactment into law of a joint resolution are contained in section 905 of the Act, which is classified to section 7204 of this title.

AMENDMENTS

2008—Par. (2)(A). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-246 effective May 22, 2008, see section 4(b) of Pub. L. 110-246, set out as an Effec-

tive Date note under section 8701 of Title 7, Agriculture.

EFFECTIVE DATE

Pub. L. 106-387, §1(a) [title IX, §911], Oct. 28, 2000, 114 Stat. 1549, 1549A-72, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this title [enacting this chapter] shall take effect on the date of enactment of this Act [Oct. 28, 2000], and shall apply thereafter in any fiscal year.

“(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title shall take effect 120 days after the date of enactment of this Act, and shall apply thereafter in any fiscal year.”

SHORT TITLE

Pub. L. 106-387, §1(a) [title IX, §901], Oct. 28, 2000, 114 Stat. 1549, 1549A-67, provided that: “This title [enacting this chapter] may be cited as the ‘Trade Sanctions Reform and Export Enhancement Act of 2000’.”

DEFINITIONS

Pub. L. 106-387, §1(a) [title VII, §775], Oct. 28, 2000, 114 Stat. 1549, 1549A-45, provided that: “For purposes of administering title IX of this Act [enacting this chapter], the term ‘agricultural commodity’ shall also include fertilizer and organic fertilizer, except to the extent provided pursuant to section 904 of that title [22 U.S.C. 7203].”

§ 7202. Restriction**(a) New sanctions**

Except as provided in sections 7203 and 7204 of this title and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) Existing sanctions

The President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of October 28, 2000.

(Pub. L. 106-387, §1(a) [title IX, §903], Oct. 28, 2000, 114 Stat. 1549, 1549A-68.)

§ 7203. Exceptions

Section 7202 of this title shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 7202 of this title—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;