

or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 2778 of this title;

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.);¹ or

(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.

(Pub. L. 106-387, §1(a) [title IX, §904], Oct. 28, 2000, 114 Stat. 1549, 1549A-68; Pub. L. 107-56, title II, §221(a)(1), Oct. 26, 2001, 115 Stat. 292.)

REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in par. (2)(B), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which was classified principally to section 2401 et seq. of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 56 (§4601 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2001—Par. (2)(C). Pub. L. 107-56 amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.”

§ 7204. Termination of sanctions

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 7202(a) of this title shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

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

(Pub. L. 106-387, §1(a) [title IX, §905], Oct. 28, 2000, 114 Stat. 1549, 1549A-69.)

§ 7205. State sponsors of international terrorism

(a) Requirement

(1) In general

Notwithstanding any other provision of this chapter (other than section 7203 of this title), the export of agricultural commodities, medicine, or medical devices to Cuba, the Taliban or the territory of Afghanistan controlled by the Taliban, or to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section

2371 of this title, section 4605(j)(1) of title 50, or section 2780(d) of this title, or to any other entity in such a country, shall only be made pursuant to 1-year licenses issued by the United States Government for contracts entered into during the 1-year period of the license and shipped within the 12-month period beginning on the date of the signing of the contract, except that the requirements of such 1-year licenses shall be no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of the Treasury, except that procedures shall be in place to deny licenses for exports to any entity within such country, or in the territory of Afghanistan controlled by the Taliban, promoting international terrorism.

(2) Exception

Paragraph (1) shall not apply with respect to the export of agricultural commodities, medicine, or medical devices to the Government of Syria or to the Government of North Korea, or to any other entity in Syria or North Korea.

(b) Quarterly reports

The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) Biennial reports

Not later than 2 years after October 28, 2000, and every 2 years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding 2-year period, including—

(1) the number and types of licenses applied for;

(2) the number and types of licenses approved;

(3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) the extent to which the licensing procedures were effectively implemented; and

(5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

(Pub. L. 106-387, §1(a) [title IX, §906], Oct. 28, 2000, 114 Stat. 1549, 1549A-69; Pub. L. 107-56, title II, §221(a)(2), (3), Oct. 26, 2001, 115 Stat. 292.)

AMENDMENTS

2001—Subsec. (a)(1). Pub. L. 107-56, §221(a)(2), inserted “, the Taliban or the territory of Afghanistan controlled by the Taliban,” after “Cuba” and “, or in the territory of Afghanistan controlled by the Taliban,” after “entity within such country”.

Subsec. (a)(2). Pub. L. 107-56, §221(a)(3), inserted “, or to any other entity in Syria or North Korea” before period at end.

§ 7206. Congressional procedures

(a) Referral of report

A report described in section 7202(a)(1) or 7204(1) of this title shall be referred to the appro-

¹ See References in Text note below.

priate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(b) Referral of joint resolution

(1) In general

A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations, and a joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations.

(2) Reporting date

A joint resolution referred to in paragraph (1) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

(Pub. L. 106-387, §1(a) [title IX, §907], Oct. 28, 2000, 114 Stat. 1549, 1549A-70.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 7207. Prohibition on United States assistance and financing

(a) Prohibition on United States assistance

(1) In general

Notwithstanding any other provision of law, no United States Government assistance, including United States foreign assistance, United States export assistance, and any United States credit or guarantees shall be available for exports to Cuba or for commercial exports to Iran, Libya, North Korea, or Sudan.

(2) Rule of construction

Nothing in paragraph (1) shall be construed to alter, modify, or otherwise affect the provisions of section 6039 of this title or any other provision of law relating to Cuba in effect on the day before October 28, 2000.

(3) Waiver

The President may waive the application of paragraph (1) with respect to Iran, Libya, North Korea, and Sudan to the degree the President determines that it is in the national security interest of the United States to do so, or for humanitarian reasons.

(b) Prohibition on financing of agricultural sales to Cuba

(1) In general

No United States person may provide payment or financing terms for sales of agricultural commodities or products to Cuba or any person in Cuba, except in accordance with the following terms (notwithstanding part 515 of title 31, Code of Federal Regulations, or any other provision of law):

(A) Payment of cash in advance.

(B) Financing by third country financial institutions (excluding United States persons or Government of Cuba entities), except that such financing may be confirmed or advised by a United States financial institution.

Nothing in this paragraph authorizes payment terms or trade financing involving a debit or credit to an account of a person located in Cuba or of the Government of Cuba maintained on the books of a United States depository institution.

(2) Penalties

Any private person or entity that violates paragraph (1) shall be subject to the penalties provided in the Trading With the Enemy Act [50 U.S.C. 4301 et seq.] for violations under that Act.

(3) Administration and enforcement

The President shall issue such regulations as are necessary to carry out this section, except that the President, in lieu of issuing new regulations, may apply any regulations in effect on October 28, 2000, pursuant to the Trading With the Enemy Act [50 U.S.C. 4301 et seq.], with respect to the conduct prohibited in paragraph (1).

(4) Definitions

In this subsection—

(A) the term “financing” includes any loan or extension of credit;

(B) the term “United States depository institution” means any entity (including its foreign branches or subsidiaries) organized under the laws of any jurisdiction within the United States, or any agency, office or branch located in the United States of a foreign entity, that is engaged primarily in the business of banking (including a bank, savings bank, savings association, credit union, trust company, or United States bank holding company); and

(C) the term “United States person” means the Federal Government, any State or local government, or any private person or entity of the United States.

(Pub. L. 106-387, §1(a) [title IX, §908], Oct. 28, 2000, 114 Stat. 1549, 1549A-70.)

REFERENCES IN TEXT

The Trading With the Enemy Act, referred to in subsec. (b)(2), (3), is act Oct. 6, 1917, ch. 106, 40 Stat. 411, which is classified to chapter 53 (§4301 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

DETERMINATION AND WAIVER OF APPLICATION OF SECTION 908(a)(1) OF THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000 WITH RESPECT TO LIBYA

Determination of President of the United States, No. 2004-49, Sept. 20, 2004, 69 F.R. 58035, provided:

Memorandum for the Secretary of State[,] the Secretary of Agriculture[, and] the Secretary of Commerce
By virtue of the authority vested in me by the Constitution and laws of the United States, including section 908(a)(3) of the Trade Sanctions Reform and Export Enhancement Act of 2000, title IX, Public Law 106-387 [22 U.S.C. 7207(a)(3)] (TSRA), I hereby determine that waiver of the application of section 908(a)(1) of TSRA with respect to Libya is in the national security interest of the United States and hereby waive the application of that section with respect to Libya.

The Secretary of State is hereby authorized and directed to report this determination and waiver to the Congress and to arrange for its publication in the Federal Register.

GEORGE W. BUSH.