

(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.

PRESIDENTIAL DETERMINATION ON SUDAN

Determination of President of the United States, No. 2011-05, Nov. 19, 2010, 75 F.R. 75865, provided:

Memorandum for the Secretary of State [and the] President of the Export-Import Bank of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 908(a)(3) of the Trade Sanctions Reform and Export Enhancement Act of 2000, title IX, Public Law 106-387, as amended, 22 U.S.C. 7207(a)(3) (TSRA), I hereby determine it is in the national security interest of the United States to waive the application of section 908(a)(1) of TSRA to allow export assistance to be made available for the export of computers and related equipment that enables the United Nations to facilitate the referendum in Southern Sudan pursuant to the Comprehensive Peace Agreement.

The Secretary of State is hereby authorized and directed to publish this determination in the Federal Register.

BARACK OBAMA.

§ 7208. Prohibition on additional imports from Cuba

Nothing in this chapter shall be construed to alter, modify, or otherwise affect the provisions of section 515.204 of title 31, Code of Federal Regulations, relating to the prohibition on the entry into the United States of merchandise that: (1) is of Cuban origin; (2) is or has been located in or transported from or through Cuba; or (3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(Pub. L. 106-387, §1(a) [title IX, §909], Oct. 28, 2000, 114 Stat. 1549, 1549A-71.)

§ 7209. Requirements relating to certain travel-related transactions with Cuba

(a) Authorization of travel relating to commercial sales of agricultural and medical goods

The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods pursuant to the provisions of this chapter.

(b) Prohibition on travel relating to tourist activities

(1) In general

Notwithstanding any other provision of law or regulation, the Secretary of the Treasury, or any other Federal official, may not authorize the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, either by a general license or on a case-by-case basis by a specific license for travel to, from, or within Cuba for tourist activities.

(2) Definition

In this subsection, the term “tourist activities” means any activity with respect to travel to, from, or within Cuba that is not expressly authorized in subsection (a) of this section, in any of paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000).

(Pub. L. 106–387, §1(a) [title IX, §910], Oct. 28, 2000, 114 Stat. 1549, 1549A–71; Pub. L. 111–8, div. D, title VI, §620, Mar. 11, 2009, 123 Stat. 677.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–8 amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, may be authorized on a case-by-case basis by a specific license for travel to, from, or within Cuba for the commercial export sale of agricultural commodities pursuant to the provisions of this chapter.”

§ 7210. Application of the Trade Sanctions Reform and Export Enhancement Act

Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 [22 U.S.C. § 7201 et seq.] shall limit the application or scope of any law establishing criminal or civil penalties, including any Executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order No. 12947 of January 23, 1995, as amended;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order No. 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order No. 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120) [21 U.S.C. §1901 et seq.]; or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

(Pub. L. 107–56, title II, §221(b), Oct. 26, 2001, 115 Stat. 292.)

REFERENCES IN TEXT

The Trade Sanctions Reform and Export Enhancement Act of 2000, referred to in text, is section 1(a) [title IX] of Pub. L. 106–387, Oct. 28, 2000, 114 Stat. 1549, 1549A–67, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

Executive Order No. 12947, referred to in par. (1), is listed in a table under section 1701 of Title 50, War and National Defense.

The Antiterrorism and Effective Death Penalty Act of 1996, referred to in par. (2), is Pub. L. 104–132, Apr. 24, 1996, 110 Stat. 1214, as amended. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

Executive Order No. 13224, referred to in par. (3), is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 12978, referred to in par. (4), is listed in a table under section 1701 of Title 50, War and National Defense.

The Foreign Narcotics Kingpin Designation Act, referred to in par. (4), is title VIII of Pub. L. 106–120, Dec. 3, 1999, 113 Stat. 1626, as amended, which is classified principally to chapter 24 (§1901 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 21 and Tables.

CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of the Trade Sanctions Reform and Export Enhancement Act of 2000 which comprises this chapter.

§ 7211. Technical clarification relating to provision of material support to terrorism

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) [22 U.S.C. § 7201 et seq.] shall be construed to limit or otherwise affect section 2339A or 2339B of title 18.

(Pub. L. 107–56, title VIII, §807, Oct. 26, 2001, 115 Stat. 378.)

REFERENCES IN TEXT

The Trade Sanctions Reform and Export Enhancement Act of 2000, referred to in text, is section 1(a) [title IX] of Pub. L. 106–387, Oct. 28, 2000, 114 Stat. 1549, 1549A–67, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of the Trade