

## § 590.401

granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, as principal or agent. This term includes but is not limited to depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions which are located in the United States, but not such institutions' headquarters, branches, offices, or agencies.

### Subpart D—Interpretations

#### § 590.401 Reference to amended sections.

Except as otherwise specified, reference to any provision in or appendix to this part or chapter or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part refers to the same as currently amended.

#### § 590.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control does not affect any act done or omitted, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

#### § 590.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed pursuant to this part results in the

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transfer of property (including any property interest) away from a person whose property is blocked pursuant to § 590.207(a), the transferred property will no longer be considered property in which that person has or has had an interest. Provided no other person whose property is blocked pursuant to § 590.207(a) has any interest in the transferred property following the transfer, the transferred property will no longer be considered property blocked pursuant to § 590.207(a).

(b) Unless otherwise specifically provided in a license issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property is blocked pursuant to § 590.207(a), such property shall be deemed to be property in which that person has an interest, and such property is therefore blocked pursuant to § 590.207(a).

#### § 590.404 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. bank or other U.S. person, is a prohibited transfer under § 590.207(a) if effected after the effective date.

#### § 590.405 Transactions incidental to a licensed transaction.

Any transaction ordinarily incident to a licensed transaction and necessary to give effect to the licensed transaction is also authorized by the license. Except as specifically authorized by the terms of a license, prohibited transactions by persons whose property is blocked pursuant to § 590.207(a) and debits to accounts blocked pursuant to § 590.207(a) are not considered incidental to a licensed transaction and therefore remain prohibited.

#### § 590.406 Offshore transactions.

(a) The prohibitions contained in § 590.207 apply to transactions by any U.S. person in a location outside the United States with respect to property in which the U.S. person knows, or has reason to know, that a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

(b) Transactions by a U.S. person prohibited by § 590.207 include but are not limited to:

(1) Importation into or exportation from locations outside the United States of goods, technology, or services in which the U.S. person knows, or has reason to know, that a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

(2) Purchasing, selling, financing, swapping, insuring, transporting, lifting, storing, incorporating, transforming, brokering, or otherwise dealing in, within locations outside the United States, goods, technology, or services in which the U.S. person knows, or has reason to know, that a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

(c) *Examples.* (1) A U.S. person may not, within the United States or abroad, purchase, sell, finance, insure, transport, act as a broker for the sale or transport of, or otherwise deal in the personal possessions of any person whose property is blocked pursuant to § 590.207(a).

(2) A U.S. person may not, within the United States or abroad, enter into any contract for any goods or services with UNITA or with any other person whose property is blocked pursuant to § 590.207(a).

**§ 590.407 Transshipments through the United States prohibited.**

(a) The prohibitions in §§ 590.201, 590.203, 590.204, 590.205, and 590.206 apply to the importation into the United States, for transshipment or transit, of goods or services intended or destined to be sold, supplied, or provided in violation of §§ 590.201, 590.203, 590.204, 590.205, or 590.206.

(b) The prohibition in § 590.208 applies to the importation into the United States, for transshipment or transit, of diamonds intended or destined for third countries if the diamonds were exported from Angola on or after 12:01 a.m. EDT on August 19, 1998 and are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation. In the case of diamonds

transported by vessel, the prohibition in § 590.208 applies to the unloading in the United States and the intent to unlade in the United States of diamonds intended or destined for third countries if the diamonds were exported from Angola on or after 12:01 a.m. EDT on August 19, 1998 and are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation.

(c) Goods imported into or transshipped through the United States are blocked pursuant to § 590.207(a) if those goods constitute property in which a person whose property is blocked pursuant to § 590.207(a) has or has had an interest since the effective date of § 590.207.

**§ 590.408 Exports to third countries; transshipments.**

(a) The prohibitions in §§ 590.201 and 590.203 include the exportation of arms and related materiel, petroleum and petroleum products, and aircraft or aircraft components to third countries if the exporter knows or has reason to know that the goods are intended for reexportation or transshipment to the territory of Angola, other than through a point of entry designated in appendix B to this part, or to UNITA, including passage through or storage in intermediate destinations.

(b) The prohibitions in §§ 590.204 and 590.205 include the exportation of equipment used in mining, motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft to third countries if the exporter knows or has reason to know that the goods are intended for reexportation or transshipment to the territory of Angola other than through a point of entry designated in appendix B to this part, including passage through or storage in intermediate destinations.

(c) The prohibitions in § 590.206 include the exportation of mining services or ground or waterborne transportation services to third countries if the exporter knows or has reason to know that the services are intended for persons in areas of Angola to which State administration has not been extended, as designated in appendix D to this part.