

§ 6036. Assistance by independent states of former Soviet Union for Cuban Government

(a) Reporting requirement

Not later than 90 days after March 12, 1996, the President shall submit to the appropriate congressional committees a report detailing progress toward the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 5801 of this title), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b), (c) Omitted

(d) Facilities at Lourdes, Cuba

(1) Disapproval of credits

The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to \$200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Omitted

(Pub. L. 104-114, title I, §106, Mar. 12, 1996, 110 Stat. 795.)

CODIFICATION

Section is comprised of section 106 of Pub. L. 104-114. Subsecs. (b), (c), and (d)(2) of section 106 of Pub. L. 104-114 amended sections 2295a and 2295b of this title.

§ 6037. Television broadcasting to Cuba

(a) Conversion to UHF

The Director of the International Broadcasting Bureau shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) Periodic reports

Not later than 45 days after March 12, 1996, and every three months thereafter until the conversion described in subsection (a) of this section is fully implemented, the Director of the International Broadcasting Bureau shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a) of this section.

(c) Termination of broadcasting authorities

Upon transmittal of a determination under section 6063(c)(3) of this title, the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

(Pub. L. 104-114, title I, §107, Mar. 12, 1996, 110 Stat. 798; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1335(r), Oct. 21, 1998, 112 Stat. 2681-790.)

REFERENCES IN TEXT

The Television Broadcasting to Cuba Act, referred to in subsec. (c), is part D of title II of Pub. L. 101-246, Feb. 16, 1990, 104 Stat. 58, as amended, which is classified principally to subchapter V-B (§1465aa et seq.) of chapter 18 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1465aa of this title and Tables.

The Radio Broadcasting to Cuba Act, referred to in subsec. (c), is Pub. L. 98-111, Oct. 4, 1983, 97 Stat. 749, as amended, which is classified generally to subchapter V-A (§1465 et seq.) of chapter 18 of this title. For com-

plete classification of this Act to the Code, see Short Title note set out under section 1465 of this title and Tables.

AMENDMENTS

1998—Subsecs. (a), (b). Pub. L. 105-277 substituted “Director of the International Broadcasting Bureau” for “Director of the United States Information Agency”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

§ 6038. Reports on commerce with, and assistance to, Cuba from other foreign countries

(a) Reports required

Not later than 90 days after March 12, 1996, and by January 1 of each year thereafter until the President submits a determination under section 6063(c)(1) of this title, the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) Contents of reports

Each report required by subsection (a) of this section shall, for the period covered by the report, contain the following, to the extent such information is available:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba’s commerce with foreign countries, including an identification of Cuba’s trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national.

(5) A determination of the amount of debt of the Cuban Government that is owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed the foreign country that has been exchanged, forgiven, or reduced in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military

supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

(Pub. L. 104-114, title I, §108, Mar. 12, 1996, 110 Stat. 798.)

DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (a) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46075, set out as a note under section 301 of Title 3, The President.

§ 6039. Authorization of support for democratic and human rights groups and international observers

(a) Authorization

Notwithstanding any other provision of law (including section 6032 of this title), except for section 2394-1 of this title and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS emergency fund

(1) For support of human rights and elections

The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) Action of other member states

The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Voluntary contributions for fund

Notwithstanding section 2227 of this title or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than \$5,000,000 of the voluntary contributions of the United States to the Organization of American States solely for the purposes of the special fund referred to in paragraph (1).

(c) Denial of funds to Cuban Government

In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance is provided to the Cuban Government.

(Pub. L. 104-114, title I, §109, Mar. 12, 1996, 110 Stat. 799.)

§ 6040. Importation safeguard against certain Cuban products

(a) Prohibition on import of and dealings in Cuban products

The Congress notes that section 515.204 of title 31, Code of Federal Regulations, prohibits the entry of, and dealings outside the United States in, 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.

(b) Effect of NAFTA

The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba. The statement of administrative action accompanying that trade agreement specifically states the following:

(1) “The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition.”

(2) “Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that United States products are not exported to Cuba through those countries.”

(c) Restriction of sugar imports

The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99-198) requires the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for reexport to the United States any sugar produced in Cuba.

(d) Assurances regarding sugar products

Protection of essential security interests of the United States requires assurances that sugar products that are entered, or withdrawn from warehouse for consumption, into the customs territory of the United States are not products of Cuba.

(Pub. L. 104-114, title I, §110, Mar. 12, 1996, 110 Stat. 800.)