

mental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

(Pub. L. 102-484, div. A, title XVII, §1705, Oct. 23, 1992, 106 Stat. 2577; Pub. L. 104-114, title I, §102(g), Mar. 12, 1996, 110 Stat. 793.)

#### AMENDMENT OF SECTION

*Pub. L. 104-114, title II, §204(d)(3), Mar. 12, 1996, 110 Stat. 810, provided that on date on which President submits determination under section 6063(c) of this title that democratically elected government in Cuba is in power, this section is amended by repealing subsection (d).*

#### REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (a), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Export Administration Act of 1979, referred to in subsec. (a), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, as amended, which is classified principally to section 2401 et seq. of the Appendix to Title 50. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of the Appendix to Title 50 and Tables.

#### AMENDMENTS

1996—Subsec. (e)(5), (6). Pub. L. 104-114, §102(g), added pars. (5) and (6).

#### DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (e) 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.

### § 6005. Sanctions

#### (a) Prohibition on certain transactions between certain United States firms and Cuba

##### (1) Prohibition

Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

##### (2) Applicability to existing contracts

Paragraph (1) shall not affect any contract entered into before October 23, 1992.

#### (b) Prohibitions on vessels

##### (1) Vessels engaging in trade

Beginning on the 61st day after October 23, 1992, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

##### (2) Vessels carrying goods or passengers to or from Cuba

Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has

any interest may not enter a United States port.

#### (3) Inapplicability of ship stores general license

No commodities which may be exported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

#### (4) Definitions

As used in this subsection—

(A) the term “vessel” includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft;

(B) the term “United States” includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 1401 of title 19; and

(C) the term “Cuban national” means a national of Cuba, as the term “national” is defined in section 515.302 of title 31, Code of Federal Regulations, as of August 1, 1992.

#### (c) Restrictions on remittances to Cuba

The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

#### (d) Clarification of applicability of sanctions

The prohibitions contained in subsections (a), (b), and (c) of this section shall not apply with respect to any activity otherwise permitted by section 6004 of this title or section 6006 of this title or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act [12 U.S.C. 95a(4), 50 U.S.C. App. 5(b)(4)].

(Pub. L. 102-484, div. A, title XVII, §1706, Oct. 23, 1992, 106 Stat. 2578.)

#### REPEAL OF SECTION

*Pub. L. 104-114, title II, §204(d)(3), Mar. 12, 1996, 110 Stat. 810, provided that on date on which President submits determination under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, this section is repealed.*

### § 6006. Policy toward a transitional Cuban Government

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] and the Food for Peace Act [7 U.S.C. 1691 et seq.] if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

(Pub. L. 102-484, div. A, title XVII, §1707, Oct. 23, 1992, 106 Stat. 2579; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(V), June 18, 2008, 122 Stat. 1820, 1821.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in text, is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Food for Peace Act, referred to in text, is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally 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.

#### AMENDMENTS

2008—Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954” in introductory provisions.

#### 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 Effective Date note under section 8701 of Title 7, Agriculture.

### § 6007. Policy toward a democratic Cuban Government

#### (a) Waiver of restrictions

The President may waive the requirements of section 6005 of this title if the President determines and reports to the Congress that the Government of Cuba—

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

#### (b) Policies

If the President makes a determination under subsection (a) of this section, the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a) of this section:

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba’s transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

(Pub. L. 102-484, div. A, title XVII, §1708, Oct. 23, 1992, 106 Stat. 2580.)

### § 6008. Existing claims not affected

Except as provided in section 6004(a) of this title, nothing in this chapter affects the provisions of section 2370(a)(2) of this title.

(Pub. L. 102-484, div. A, title XVII, §1709, Oct. 23, 1992, 106 Stat. 2580.)

### § 6009. Enforcement

#### (a) Enforcement authority

The authority to enforce this chapter shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act [50 U.S.C. App. 1 et seq.] in enforcing this chapter. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 6004 of this title are carried out for the purposes set forth in this chapter and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

#### (b) Authorization of appropriations

There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this chapter.

#### (c) Omitted

#### (d) Applicability of penalties

The penalties set forth in section 16 of the Trading With the Enemy Act [50 U.S.C. App. 16] shall apply to violations of this chapter to the same extent as such penalties apply to violations under that Act [50 U.S.C. App. 1 et seq.].

#### (e) Office of Foreign Assets Control

The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this chapter.

(Pub. L. 102-484, div. A, title XVII, §1710, Oct. 23, 1992, 106 Stat. 2580.)

#### REFERENCES IN TEXT

The Trading With the Enemy Act, referred to in subsections (a) and (d), is act Oct. 6, 1917, ch. 106, 40 Stat. 411, as amended, which is classified to sections 1 to 6, 7 to 39 and 41 to 44 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section is comprised of section 1710 of Pub. L. 102-484. Subsec. (c) of section 1710 of Pub. L. 102-484 amended section 16 of the Appendix to Title 50, War and National Defense.

### § 6010. “United States person” defined

As used in this chapter, the term “United States person” means any United States citizen or alien admitted for permanent residence in the