(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 subsecs. (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