

301 [123 Stat. 2246] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 [Pub. L. 104-201] (50 U.S.C. 2362 note).”

§ 5965. Cooperative Threat Reduction Program authority for urgent threat reduction activities

(a) In general

Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) Determination and notice

(1) Determination

The Secretary of Defense, with the concurrence of the Secretary of State and the Secretary of Energy, may make a written determination that—

(A) threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary’s ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) Notice required

Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the Cooperative Threat Reduction Program;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) Appropriate congressional committees

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(Pub. L. 111-84, div. A, title XIII, §1305, Oct. 28, 2009, 123 Stat. 2559.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 111-84

For definition of Cooperative Threat Reduction programs, see section 1301(a) of Pub. L. 111-84, set out as a note under section 5964 of this title.

CHAPTER 69—CUBAN DEMOCRACY

Sec.	
6001.	Findings.
6002.	Statement of policy.
6003.	International cooperation.
6004.	Support for Cuban people.
6005.	Sanctions.
6006.	Policy toward a transitional Cuban Government.
6007.	Policy toward a democratic Cuban Government.
6008.	Existing claims not affected.
6009.	Enforcement.
6010.	“United States person” defined.

§ 6001. Findings

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people’s exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba’s external support and threaten Cuba’s food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba’s economy to survive current trends, provide the United States and the international democratic community with an

unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

(Pub. L. 102-484, div. A, title XVII, § 1702, Oct. 23, 1992, 106 Stat. 2575.)

EFFECTIVE DATE

Pub. L. 102-484, div. A, title XVII, § 1712, Oct. 23, 1992, 106 Stat. 2581, provided that: "This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note below] shall take effect on the date of the enactment of this Act [Oct. 23, 1992]."

SHORT TITLE

Pub. L. 102-484, div. A, title XVII, § 1701, Oct. 23, 1992, 106 Stat. 2575, provided that: "This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note above] may be cited as the 'Cuban Democracy Act of 1992'."

EX. ORD. NO. 12854. IMPLEMENTATION OF CUBAN DEMOCRACY ACT

Ex. Ord. No. 12854, July 4, 1993, 58 F.R. 36587, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trading with the Enemy Act, as amended (50 U.S.C. App. 1-6, 7-39, 41-44), the Cuban Democracy Act of 1992 (Public Law 102-484, sections 1701-1712, October 23, 1992, 106 Stat. 2575) (the "Act") [22 U.S.C. 6001 et seq.], and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, hereby order:

SECTION 1. *Implementation of the Act.* All agencies are hereby directed to take all appropriate measures within their authority, including the promulgation of rules and regulations, to carry out the provisions of the Act.

SEC. 2. *Functions of the Department of State.* The Secretary of State shall be responsible for implementing sections 1704, 1707, and 1708 of the Act [22 U.S.C. 6003, 6006, 6007]. Responsibility for transmitting the certification required by section 1707 and the report required by section 1708 of the Act is delegated to the Secretary of State.

SEC. 3. *Functions of the Department of the Treasury.* Except as provided in section 4 of this order, the Secretary of the Treasury shall be responsible for implementing sections 1705(b)-(e) and 1706 [22 U.S.C. 6004(b)-(e), 6005] of the Act, to the extent that these sections pertain to transactions with Cuba.

SEC. 4. *Functions of the Department of Commerce.* The Secretary of Commerce shall be responsible for implementing sections 1705(b)-(e) of the Act, to the extent that these sections pertain to the exportation to Cuba from the United States or from a third country of goods and technology subject to the jurisdiction of the Department of Commerce.

SEC. 5. *Consultation.* In consultation with the Secretary of State, the Secretary of the Treasury and the Secretary of Commerce are hereby authorized to take

such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the Act and this order.

SEC. 6. Nothing in this order shall be deemed to affect any functions vested by law in the Federal Communications Commission.

SEC. 7. *Effective Date.* This order shall be effective immediately.

WILLIAM J. CLINTON.

§ 6002. Statement of policy

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(10) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

(Pub. L. 102-484, div. A, title XVII, § 1703, Oct. 23, 1992, 106 Stat. 2576.)

§ 6003. International cooperation

(a) Cuban trading partners

The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this chapter.

(b) Sanctions against countries assisting Cuba

(1) Sanctions

The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] or assistance or sales under the Arms Export Control Act [22 U.S.C. 2751 et seq.].

(B) Such country shall not be eligible, under any program, for forgiveness or reduc-