

tion of debt owed to the United States Government.

(2) “Assistance to Cuba” defined

For purposes of paragraph (1), the term “assistance to Cuba”—

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba;

(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and

(C) does not include—

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 6004(c) of this title.

As used in this paragraph, the term “agency or instrumentality of the Government of Cuba” means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, with each reference in such section to “a foreign state” deemed to be a reference to “Cuba”.

(3) Applicability of section

This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 6007(a) of this title.

(Pub. L. 102-484, div. A, title XVII, § 1704, Oct. 23, 1992, 106 Stat. 2576; Pub. L. 104-114, title I, § 102(f), Mar. 12, 1996, 110 Stat. 793.)

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under section 6063(c)(3) of this title that democratically elected government in Cuba is in power, this section is repealed.

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(1)(A), 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 Arms Export Control Act, referred to in subsec. (b)(1)(A), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

1996—Subsec. (b)(2). Pub. L. 104-114, § 102(f), added subpar. (B), redesignated former subpar. (B) as (C), and inserted concluding provisions “As used in this paragraph, the term ‘agency or instrumentality of the Government of Cuba’ means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, with each reference in such section to ‘a foreign state’ deemed to be a reference to ‘Cuba’.”

§ 6004. Support for Cuban people

(a) Provisions of law affected

The provisions of this section apply notwithstanding any other provision of law, including section 2370(a) of this title, and notwithstanding the exercise of authorities, before October 23, 1992, under section 5(b) of the Trading With the Enemy Act [12 U.S.C. 95a, 50 U.S.C. App. 5(b)], the International Emergency Economic Powers Act [50 U.S.C. 1701 et seq.], or the Export Administration Act of 1979 [50 U.S.C. App. 2401 et seq.].

(b) Donations of food

Nothing in this or any other Act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) Exports of medicines and medical supplies

Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 [50 U.S.C. App. 2404(m)] or section 203(b)(2) of the International Emergency Economic Powers Act [50 U.S.C. 1702(b)(2)];

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) Requirements for certain exports

(1) Onsite verifications

(A) Subject to subparagraph (B), an export may be made under subsection (c) of this section only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) Licenses

Exports permitted under subsection (c) of this section shall be made pursuant to specific licenses issued by the United States Government.

(e) Telecommunications services and facilities

(1) Telecommunications services

Telecommunications services between the United States and Cuba shall be permitted.

(2) Telecommunications facilities

Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

(3) Licensing of payments to Cuba

(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this chapter, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act [12 U.S.C. 95a, 50 U.S.C. App. 5(b)].

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) Authority of Federal Communications Commission

Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(5) Prohibition on investment in domestic telecommunications services

Nothing in this subsection shall be construed to authorize the investment by any United States person in the domestic telecommunications network within Cuba. For purposes of this paragraph, an “investment” in the domestic telecommunications network within Cuba includes the contribution (including by donation) of funds or anything of value to or for, and the making of loans to or for, such network.

(6) Reports to Congress

The President shall submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

(f) Direct mail delivery to Cuba

The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) Assistance to support democracy in Cuba

The United States Government may provide assistance, through appropriate nongovernmental 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