

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 6024. Severability

If any provision of this chapter or the amendments made by this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter, the amendments made by this chapter, or the application thereof to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

(Pub. L. 104–114, § 5, Mar. 12, 1996, 110 Stat. 791.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 104–114, Mar. 12, 1996, 110 Stat. 785, known as the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6021 of this title and Tables.

SUBCHAPTER I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

§ 6031. Statement of policy

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti;

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational any nuclear facilities in Cuba, and any continuation of intelligence activities by such a state from Cuba that are targeted at the United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility, and the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to United States shores, further depleting limited humanitarian and other resources of the United States, the President should do all in his power to make it clear to the Cuban Government that—

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States,

will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

(Pub. L. 104–114, title I, § 101, Mar. 12, 1996, 110 Stat. 791.)

§ 6032. Enforcement of economic embargo of Cuba**(a) Policy****(1) Restrictions by other countries**

The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 [22 U.S.C. 6003(a)], which states that the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act [22 U.S.C. 6001 et seq.].

(2) Sanctions on other countries

The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of that Act [22 U.S.C. 6003(b)(1)] against countries assisting Cuba.

(b) Diplomatic efforts

The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) Existing regulations

The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) Omitted**(e) Denial of visas to certain Cuban nationals**

It is the sense of the Congress that the President should instruct the Secretary of State and the Attorney General to enforce fully existing regulations to deny visas to Cuban nationals considered by the Secretary of State to be officers or employees of the Cuban Government or of the Communist Party of Cuba.

(f), (g) Omitted**(h) Codification of economic embargo**

The economic embargo of Cuba, as in effect on March 1, 1996, including all restrictions under part 515 of title 31, Code of Federal Regulations, shall be in effect on March 12, 1996, and shall remain in effect, subject to section 6064 of this title.

(Pub. L. 104–114, title I, § 102, Mar. 12, 1996, 110 Stat. 792.)

Editorial Notes

REFERENCES IN TEXT

The Cuban Democracy Act of 1992, referred to in subsec. (a), is title XVII of div. A of Pub. L. 102–484, Oct.

23, 1992, 106 Stat. 2575, which is classified principally to chapter 69 (§6001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6001 of this title and Tables.

CODIFICATION

Section is comprised of section 102 of Pub. L. 104-114. Subsec. (d) of section 102 of Pub. L. 104-114 amended section 4315 of Title 50, War and National Defense. Subsecs. (f) and (g) of section 102 of Pub. L. 104-114 amended sections 6003 and 6004 of this title, respectively.

§ 6033. Prohibition against indirect financing of Cuba

(a) Prohibition

Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident alien, or a United States agency to any person for the purpose of financing transactions involving any confiscated property the claim to which is owned by a United States national as of March 12, 1996, except for financing by the United States national owning such claim for a transaction permitted under United States law.

(b) Suspension and termination of prohibition

(1) Suspension

The President is authorized to suspend the prohibition contained in subsection (a) upon a determination made under section 6063(c)(1) of this title that a transition government in Cuba is in power.

(2) Termination

The prohibition contained in subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates as provided in section 6064 of this title.

(c) Penalties

Violations of subsection (a) shall be punishable by such civil penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) Definitions

As used in this section—

(1) the term “permanent resident alien” means an alien lawfully admitted for permanent residence into the United States; and

(2) the term “United States agency” has the meaning given the term “agency” in section 551(1) of title 5.

(Pub. L. 104-114, title I, §103, Mar. 12, 1996, 110 Stat. 794.)

§ 6034. United States opposition to Cuban membership in international financial institutions

(a) Continued opposition to Cuban membership in international financial institutions

(1) In general

Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institu-

tion until the President submits a determination under section 6063(c)(3) of this title that a democratically elected government in Cuba is in power.

(2) Transition government

Once the President submits a determination under section 6063(c)(1) of this title that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba’s application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(b) Reduction in United States payments to international financial institutions

If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to either of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) “International financial institution” defined

For purposes of this section, the term “international financial institution” means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

(Pub. L. 104-114, title I, §104, Mar. 12, 1996, 110 Stat. 794.)

§ 6035. United States opposition to termination of suspension of Cuban Government from participation in Organization of American States

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban Government from participation in the Organization until the President determines under section 6063(c)(3) of this title that a democratically elected government in Cuba is in power.

(Pub. L. 104-114, title I, §105, Mar. 12, 1996, 110 Stat. 795.)

§ 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 con-