

SUBCHAPTER II—ASSISTANCE TO FREE
AND INDEPENDENT CUBA

**§ 6061. Policy toward transition government and
democratically elected government in Cuba**

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous non-governmental organizations.

(8) To encourage other countries and multi-lateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

(Pub. L. 104-114, title II, §201, Mar. 12, 1996, 110 Stat. 805.)

§ 6062. Assistance for Cuban people

(a) Authorization

(1) In general

The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 6063(c) of this title) is in power.

(2) Effect on other laws

Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) Plan for assistance

(1) Development of plan

The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) Types of assistance

Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) Transition government

(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance in addition to assistance under clause (i) may be provided, but only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 [22

U.S.C. 2394-1], that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, freedom of individuals to travel to visit their relatives without any restrictions shall be permitted.

(B) Democratically elected government

Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of economic assistance in addition to assistance available under subparagraph (A), together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I [22 U.S.C. 2151 et seq.] (relating to development assistance), and chapter 4 of part II [22 U.S.C. 2346 et seq.] (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Food for Peace Act [7 U.S.C. 1691 et seq.];

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the United States International Development Finance Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 6061 of this title.

(C) Military adjustment assistance

Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) Strategy for distribution

The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) Distribution

Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and non-governmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) International efforts

The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this chapter; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) Communication with Cuban people

The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) Report to Congress

Not later than 180 days after March 12, 1996, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) Report on trade and investment relations

(1) Report to Congress

The President, following the transmittal to the Congress of a determination under section 6063(c)(3) of this title that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and the appropriate congressional committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act [19 U.S.C. 2701 et seq.], and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5));¹ and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) Consultation

The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of

¹ See References in Text note below.

1974 [19 U.S.C. 2155] regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

(Pub. L. 104-114, title II, §202, Mar. 12, 1996, 110 Stat. 806; Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(W), June 18, 2008, 122 Stat. 1820, 1821; Pub. L. 115-254, div. F, title VI, §1470(n), Oct. 5, 2018, 132 Stat. 3518.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(2)(B)(i), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 1 of part I and chapter 4 of part II of the Act are classified generally to part I (§2151 et seq.) of subchapter I and part IV (§2346 et seq.) of subchapter II, respectively, of chapter 32 of this title. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) 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 subsec. (b)(2)(B)(ii), 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.

This chapter, referred to in subsec. (e)(1), 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.

The Trade Act of 1974, referred to in subsec. (h)(1)(B)(ii), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978, as amended. Title V of the Act is classified generally to subchapter V (§2461 et seq.) of chapter 12 of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 2101 of Title 19 and Tables.

The Caribbean Basin Economic Recovery Act, referred to in subsec. (h)(1)(B)(ii), is title II of Pub. L. 98-67, Aug. 5, 1983, 97 Stat. 384, which is classified principally to chapter 15 (§2701 et seq.) of Title 19. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 19 and Tables.

Section 108(b)(5) of the North American Free Trade Agreement Implementation Act, referred to in subsec. (b)(5)(D)(ii), is section 108(b)(5) of Pub. L. 103-182, which was classified to section 3317(b)(5) of Title 19, Customs Duties, prior to repeal by Pub. L. 116-113, title VI, §601, Jan. 29, 2020, 134 Stat. 78, effective on the date the USMCA entered into force (July 1, 2020).

AMENDMENTS

2018—Subsec. (b)(2)(B)(iv). Pub. L. 115-254 substituted “United States International Development Finance Corporation” for “Overseas Private Investment Corporation”.

2008—Subsec. (b)(2)(B)(ii). Pub. L. 110-246 substituted “Food for Peace Act” for “Agricultural Trade Development and Assistance Act of 1954”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115-254, set out as a note under section 905 of Title 2, The Congress.

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 Effec-

tive Date note under section 8701 of Title 7, Agriculture.

§ 6063. Coordination of assistance program; implementation and reports to Congress; reprogramming

(a) Coordinating official

The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 6062(b) of this title;

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 6062(b) of this title, including resolving any disputes among such agencies.

(b) United States-Cuba council

Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) Implementation of plan; reports to Congress

(1) Implementation with respect to transition government

Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 6062(b) of this title.

(2) Reports to Congress

(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 6062(b)(2)(A) and (C) of this title to the transition government in Cuba under the plan of assistance developed under section 6062(b) of this title, the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) Implementation with respect to democratically elected government

The President shall, upon determining that a democratically elected government in Cuba