

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 Effective 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 is in power, submit 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 democratically elected government under the plan developed under section 6062(b) of this title.

(4) Annual reports to Congress

Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 6062(b) of this title, including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) Reprogramming

Any changes in the assistance to be provided under the plan developed under section 6062(b) of this title may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 2394-1 of this title.

(Pub. L. 104-114, title II, §203, Mar. 12, 1996, 110 Stat. 809.)

§ 6064. Termination of economic embargo of Cuba

(a) Presidential actions

Upon submitting a determination to the appropriate congressional committees under section 6063(c)(1) of this title that a transition government in Cuba is in power, the President, after consultation with the Congress, is author-

ized to take steps to suspend the economic embargo of Cuba and to suspend the right of action created in section 6082 of this title with respect to actions thereafter filed against the Cuban Government, to the extent that such steps contribute to a stable foundation for a democratically elected government in Cuba.

(b) Suspension of certain provisions of law

In carrying out subsection (a), the President may suspend the enforcement of—

- (1) section 2370(a) of this title;
- (2) section 2370(f) of this title with respect to the “Republic of Cuba”;
- (3) sections 6003, 6004(d), and 6005 of this title;
- (4) section 902(c) of the Food Security Act of 1985; and
- (5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) Additional Presidential actions

Upon submitting a determination to the appropriate congressional committees under section 6063(c)(3) of this title that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba, including the restrictions under part 515 of title 31, Code of Federal Regulations.

(d) Conforming amendments

On the date on which the President submits a determination under section 6063(c)(3) of this title—

- (1) section 2370(a) of this title is repealed;
- (2) section 2370(f) of this title is amended by striking “Republic of Cuba”;
- (3) sections 6003, 6004(d), and 6005 of this title are repealed; and
- (4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) Review of suspension of economic embargo

(1) Review

If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 6063(c)(3) of this title that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) Joint resolutions

For purposes of this subsection, the term “joint resolution” means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: “That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to suspend the economic embargo of Cuba, notice of which was

submitted to the Congress on ____.”, with the blank space being filled with the appropriate date.

(3) Referral to committees

Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) Procedures

(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

(Pub. L. 104-114, title II, §204, Mar. 12, 1996, 110 Stat. 810.)

Editorial Notes

REFERENCES IN TEXT

Section 902(c) of the Food Security Act of 1985, referred to in subsecs. (b)(4) and (d)(4), is section 902(c) of Pub. L. 99-198, which is set out as a note under section 1446g of Title 7, Agriculture.

Section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, referred to in subsec. (e)(2), is subsec. (a) of this section.

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (e)(4)(A), is section 601(b) of Pub. L. 94-329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

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.

§ 6065. Requirements and factors for determining transition government

(a) Requirements

For the purposes of this chapter, a transition government in Cuba is a government that—

- (1) has legalized all political activity;
- (2) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;
- (3) has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the De-