

§§ 5960, 5961. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(11), Dec. 19, 2014, 128 Stat. 3607

Section 5960, Pub. L. 108–136, div. A, title XIII, § 1303, Nov. 24, 2003, 117 Stat. 1659, related to limitation on use of funds for Cooperative Threat Reduction programs until certain permits obtained.

Section 5961, Pub. L. 108–136, div. A, title XIII, § 1305, Nov. 24, 2003, 117 Stat. 1660, related to requirement to appoint on-site managers before obligating any Cooperative Threat Reduction funds for certain projects.

§ 5961a. Requirement for on-site managers

(a) On-site manager requirement

Before obligating any defense nuclear non-proliferation funds for a project described in subsection (b), the Secretary of Energy shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

(b) Projects covered

Subsection (a) applies to a project—

- (1) to be located in a state of the former Soviet Union;
- (2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and
- (3) with respect to which the total contribution by the Department of Energy is expected to exceed \$50,000,000.

(c) Duties of on-site manager

The on-site manager appointed under subsection (a) shall—

- (1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;
- (2) establish a schedule for completing those steps or activities;
- (3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and
- (4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Energy to resume United States participation.

(d) Authority to manage more than one project

(1) Subject to paragraph (2), an employee of the Federal Government may serve as on-site manager for more than one project, including projects at different locations.

(2) If such an employee serves as on-site manager for more than one project in a fiscal year, the total cost of the projects for that fiscal year may not exceed \$150,000,000.

(e) Steps or activities

Steps or activities referred to in subsection (c)(1) are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

- (1) Identification and acquisition of permits (as defined in subsection (g)).
- (2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification.

(3) Timely provision of financial, personnel, management, transportation, and other resources.

(f) Notification to Congress

In any case in which the Secretary of Energy directs an on-site manager to resume United States participation in a project under subsection (c)(4), the Secretary shall concurrently notify Congress of such direction.

(g) Permit defined

In this section, the term “permit” means any local or national permit for development, general construction, environmental, land use, or other purposes that is required in the state of the former Soviet Union in which the project is being or is proposed to be carried out.

(h) Effective date

This section shall take effect six months after November 24, 2003.

(Pub. L. 108–136, div. C, title XXXI, § 3125, Nov. 24, 2003, 117 Stat. 1748.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

§§ 5962, 5963. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(11), Dec. 19, 2014, 128 Stat. 3607

Section 5962, Pub. L. 108–136, div. A, title XIII, § 1307, Nov. 24, 2003, 117 Stat. 1661, related to annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.

Section 5963, Pub. L. 108–136, div. A, title XIII, § 1308, Nov. 24, 2003, 117 Stat. 1662; Pub. L. 110–53, title XVIII, § 1811(4), Aug. 3, 2007, 121 Stat. 493; Pub. L. 110–181, div. A, title XIII, § 1305, Jan. 28, 2008, 122 Stat. 413, related to authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

§§ 5964, 5965. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(12)(B), Dec. 19, 2014, 128 Stat. 3607

Section 5964, Pub. L. 111–84, div. A, title XIII, § 1304, Oct. 28, 2009, 123 Stat. 2558, related to metrics for the Cooperative Threat Reduction Program.

Section 5965, Pub. L. 111–84, div. A, title XIII, § 1305, Oct. 28, 2009, 123 Stat. 2559, related to Cooperative Threat Reduction Program authority for urgent threat reduction activities.

CHAPTER 69—CUBAN DEMOCRACY

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§ 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.)

Statutory Notes and Related Subsidiaries

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 4315 of Title 50, 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 4315 of Title 50, War and National Defense, and enacting provisions set out as a note above] may be cited as the 'Cuban Democracy Act of 1992'."

Executive Documents

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)) [now 50 U.S.C. 4301 et seq.], 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;