

(Pub. L. 104-114, title I, §108, Mar. 12, 1996, 110 Stat. 798.)

#### Executive Documents

##### DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (a) 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.

#### § 6039. Authorization of support for democratic and human rights groups and international observers

##### (a) Authorization

Notwithstanding any other provision of law (including section 6032 of this title), except for section 2394-1 of this title and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

- (1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.
- (2) Humanitarian assistance to victims of political repression, and their families.
- (3) Support for democratic and human rights groups in Cuba.
- (4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

##### (b) OAS emergency fund

###### (1) For support of human rights and elections

The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

###### (2) Action of other member states

The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

###### (3) Voluntary contributions for fund

Notwithstanding section 2227 of this title or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than \$5,000,000 of the voluntary contributions of the United States to the Organization of American States solely for the purposes of the special fund referred to in paragraph (1).

##### (c) Denial of funds to Cuban Government

In implementing this section, the President shall take all necessary steps to ensure that no

funds or other assistance is provided to the Cuban Government.

(Pub. L. 104-114, title I, §109, Mar. 12, 1996, 110 Stat. 799.)

#### § 6040. Importation safeguard against certain Cuban products

##### (a) Prohibition on import of and dealings in Cuban products

The Congress notes that section 515.204 of title 31, Code of Federal Regulations, prohibits the entry of, and dealings outside the United States in, merchandise that—

- (1) is of Cuban origin;
- (2) is or has been located in or transported from or through Cuba; or
- (3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

##### (b) Effect of NAFTA

The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba. The statement of administrative action accompanying that trade agreement specifically states the following:

(1) “The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition.”

(2) “Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that United States products are not exported to Cuba through those countries.”

##### (c) Restriction of sugar imports

The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99-198) requires the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for reexport to the United States any sugar produced in Cuba.

##### (d) Assurances regarding sugar products

Protection of essential security interests of the United States requires assurances that sugar products that are entered, or withdrawn from warehouse for consumption, into the customs territory of the United States are not products of Cuba.

(Pub. L. 104-114, title I, §110, Mar. 12, 1996, 110 Stat. 800.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

#### § 6041. Withholding of foreign assistance from countries supporting Juragua nuclear plant in Cuba

##### (a) Findings

The Congress makes the following findings: