C. CUBA

1. Major U.S. Legislative Provisions

a. Foreign Assistance Act of 1961, As Amended

(1) Section 301(b): United Nations Development Program

Sec. 301. General authority.—**
(b) ** The President shall seek to assure that no contribution to the United Nations Development Program authorized by this Act shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

(2) Section 507(d): Restrictions on Military Aid to Latin America

Sec. 507. **
(d) Notwithstanding the foregoing provisions of this section, not to exceed $10,000,000 of the funds made available for use under this part may be used to furnish assistance to the American Republics, directly or through regional defense arrangements, to enable such Republics to strengthen patrol activities in their coastal waters for the purpose of preventing landings on their shores, by Communist or other subversive elements originating in Cuba, which threaten the security of such Republics and of their duly constituted governments.

(3) Section 620: Prohibitions Against Furnishing Assistance

Section 620 of the Foreign Assistance Act of 1961, as amended, placed restrictions on Cuba and certain other countries. See Part VI, Legislation, p. 537.

Section 103 of Public Law 480 as amended, sets forth requirements and criteria for assistance that the President shall use in exercising the authority conferred upon him by this act. Secs. 103(d) and 103(j) contain restrictions on sales agreements with the Government of Cuba. See Part VI, Legislation, pp. 571–573.

17 U.S.C. 1703 (d) and (j).

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the requirements of consumers under section 201 are thereafter reduced in the same calendar year, an amount not exceeding such increase in requirements shall be deducted pro rata from the quotas established pursuant to subsection (c) and this subsection.

(3) Restoration of Cuban Quota

Sec. 202 * * *

(e) Whenever the President finds it is no longer contrary to the national interest of the United States to reestablish a quota or part thereof withheld or suspended under subsection (d) (1) of this section, and, in the case of Cuba, diplomatic relations have been resumed by the United States, such quota shall be restored in the manner the President finds appropriate: Provided, That the entire amount of such quota shall be restored for the third full calendar year following such finding by the President. The temporary quotas established pursuant to subsection (d) (1) shall, notwithstanding any other provision of this section, be reduced pro rata to the extent necessary to restore the quota in accordance with the provisions of this subsection.

(4) General Provisions: Sec. 408(c) 4

Section 17 of the “Sugar Act Amendments of 1971” [Public Law 92-138, approved Oct. 14, 1971 (7 U.S.C. 1158(c)), which amends Sec. 408(c) of the Sugar Act of 1948, as amended, sets forth restrictions on countries which nationalize, expropriate or otherwise seize ownership of property owned by U.S. citizens or corporations. See Part VI, Legislation, p. 566.


d. Export-Import Bank Act of 1945, As Amended, Section 2(b)(2)

Sec. 2. Powers and Functions of Bank.

(b)(2)1 The Bank in the exercise of its functions shall not guarantee, insure, or extend credit, or participate in any extension of credit—

(A) in connection with the purchase or lease of any product by a Communist country (as defined in section 2370(f) of Title 22), or agency or national thereof, or

(B) in connection with the purchase or lease of any product by any other foreign country, or agency, or national thereof, if the product to be purchased or leased by such other country, agency, or national is, to the knowledge of the Bank, principally for use in, or sale or lease to, a Communist country (as so defined), except that the prohibitions contained in this paragraph shall not apply in the case of any transaction which the President determines would be in the national interest if he reports that determination to the Senate and House of Representatives within thirty days after making the same.


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e. Inter-American Development Bank Act, As Amended, Section 21

Section 21 of the Inter-American Development Bank Act [Public Law 86-147, approved Aug. 7, 1959, as amended by Public Law 92-246, approved March 10, 1972], instructs the United States Executive Director of the Bank to vote against loans for any country which has nationalized, expropriated, or otherwise seized ownership of property owned by U.S. citizens or corporations. See Part II, Inter-American Development Bank, p. 152.

1 22 U.S.C. 283l(c).
f. Mutual Defense Assistance Control Act of 1951, As Amended
(Battle Act)


AN ACT To provide for the control by the United States and cooperating foreign nations of exports to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, and for other purposes.

(1) Sec. 101: Declaration of Policy

Sec. 101. The Congress of the United States, recognizing that in a world threatened by aggression the United States can best preserve and maintain peace by developing maximum national strength and by utilizing all of its resources in cooperation with other free nations, declares it to be the policy of the United States to apply an embargo on the shipment of arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination, in order to (1) increase the national strength of the United States and of the cooperating nations; (2) impede the ability of nations threatening the security of the United States to conduct military operations; and (3) to assist the people of the nations under the domination of foreign aggressors to reestablish their freedom.

It is further declared to be the policy of the United States that no military, economic, or financial assistance shall be supplied to any nation unless it applies an embargo on such shipments to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

This chapter shall be administered in such a way as to bring about the fullest support for any resolution of the General Assembly of the United Nations, supported by the United States, to prevent the shipment of certain commodities to areas under the control of governments engaged in hostilities in defiance of the United Nations.

(2) Sec. 301: Cooperation in Programs by Nonrecipient Countries

Sec. 301. All other nations (those not receiving United States military, economic, or financial assistance) shall be invited by the President to cooperate jointly in a group or groups or on an individual basis in controlling the export of the commodities referred to in subchapters I and II of this chapter to any nation or combination of nations threatening the security of the United States, including the Union of Soviet Socialist Republics and all countries under its domination.

1 22 U.S.C. 1613.
g. Latin American Development Act, As Amended, Section 2¹

Section 2 of the Latin American Development Act as amended [Public Law 86-733, approved September 8, 1960, as amended] provides that no funds made available under the Act shall be used to furnish assistance to any Latin American country being subjected to economic or diplomatic sanctions by the Organization of American States. See Part VI, Legislation, pp. 556-557.


h. Cuba Resolution (Public Law 87-733)

Text of Public Law 87-733 [S.J. Res. 230], 76 Stat. 697, approved October 3, 1962

JOINT RESOLUTION Expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers “to extend their system to any portion of this hemisphere as dangerous to our peace and safety”; and

Whereas in the Rio Treaty of 1947 the parties agreed that “an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individuals or collective self-defense recognized by article 51 of the Charter of the United Nations”; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: “The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union”; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.
i. Resolution on Communist Subversion in the Western Hemisphere (House Res. 560, September 20, 1965)

RESOLUTION To express the sense of the House of Representatives declaring the policy of the United States relative to the intervention of the international communist movement in the Western Hemisphere.

Whereas the subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations; and

Whereas the American Continents, by the free and independent positions which they have assumed and maintained, are not subject to colonization or domination by any power; and

Whereas the intervention of international communism, directly or indirectly, however disguised, in any American state, conflicts with the established policy of the American Republics for the protection of the sovereignty of the peoples of such states and the political independence of their governments; and

Whereas such a situation extended to any portions of the Western Hemisphere is dangerous to the peace and safety of the whole of it, including the United States; and

Whereas the ninth meeting of Consultation of Ministers of Foreign Affairs Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance recognized that acts possessing characteristics of aggression and intervention carried out against one or more of the member States of the Organization of American States may be responded to in either individual or collective form, which could go as far as resort to armed force, until such time as the Organ of Consultation takes measures to guarantee the peace and security of the hemisphere: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that

(1) any such subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security as set forth in the acts and resolutions heretofore adopted by the American Republics; and

(2) In any such situation any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance may, in the exercise of individual or collective self-defense, which could go so far as resort to armed force, and in accordance with the declarations and principles above stated, take steps to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

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j. Claims Against Cuba (Public Law 88-666, As Amended By Public Law 89-262)

Text of Title V of the International Claims Settlement Act of 1949

TITLE V

Sec. 501. It is the purpose of this title to provide for the determination of the amount and validity of claims against the Government of Cuba which have arisen since January 1, 1959, out of nationalization, expropriation, intervention, or other takings of, or special measures directed against, property of nationals of the United States, and claims for disability or death of nationals of the United States arising out of violations of international law by the Government of Cuba, in order to obtain information concerning the total amount of such claims against the Government of Cuba on behalf of nationals of the United States. This title shall not be construed as authorizing an appropriation or as any intention to authorize an appropriation for the purpose of paying such claims.

DEFINITIONS

Sec. 502. For the purposes of this title:

(1) The term "national of the United States," means (A) a natural person who is a citizen of the United States, or (B) a corporation or other legal entity which is organized under the laws of the United States, or of any States, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. The term does not include aliens.

(2) The term "Commission" means the Foreign Claims Settlement Commission of the United States.

(3) The term "property" means any property, right, or interest, including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

(4) The term "Government of Cuba" includes the government of any political subdivision, agency, or instrumentality thereof.

RECEIPT OF CLAIMS

Sec. 503. (a) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States.


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against the Government of Cuba arising since January 1, 1959, for loss resulting from the expropriation, nationalization, or occupation of property by the Government of Cuba, or the taking of, or special measures directed against, property indirectly or indirectly at the time by nationals of the United States, if such claims are submitted to the Commission within the period specified by the Commission by notice published in the Federal Register (which period shall not be more than eighteen months after such publication) within sixty days after the enactment of this title or of any legislation making appropriations to the Commission for payment of claims under this title, whichever date is later. In making the determination with respect to the validity and amount of claims and value of properties, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to, (i) fair market value, (ii) book value, (iii) going concern value, or (iv) cost of replacement.

(b) The Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959, for disability or death resulting from actions taken by or under the authority of the Government of Cuba, if such claims are submitted to the Commission within the period established by the Commission under subsection (a), or within six months after the date the claims first arose (as determined by the Commission), whichever date last occurs.

OWNERSHIP OF CLAIMS

Sec. 504. (a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

(b) A claim for disability under section 503(b) may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 503(b) may be considered if filed by the personal representative of decedent’s estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously until the date of filing with the Commission.

CORPORATE CLAIMS

Sec. 505. (a) A claim under section 503(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered. A claim under section 503(a) of this title based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico shall be considered, only when such debt or other obligation is a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

(b) A claim under section 503(a) of this title based upon a direct ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this title, if such corporation, association, or other entity on the date of the loss was a national of the United States, without regard to the per centum of ownership vested in the claimant.

(c) A claim under section 503(a) of this title based upon an indirect ownership interest in a corporation, association, or other entity for loss shall be considered, subject to the other provisions of this title, only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

(d) The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

OFFSETS

Sec. 506. In determining the amount of any claim, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses.

ACTION OF COMMISSION WITH RESPECT TO CLAIMS

Sec. 507. (a) The Commission shall certify to each individual who has filed a claim under this title the amount determined by the Commission to be the loss or damage suffered by the claimant which is covered by this title. The Commission shall certify to the Secretary of State such amount and the basic information underlying that amount, together with a statement of the evidence relied upon and the reasoning employed in reaching its decision.

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

TRANSFER OF RECORDS

Sec. 508. The Secretary of State shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title.
APPLICATION OF OTHER LAWS

Sec. 509. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act shall be applicable to this title: Subsections (b), (c), (d), (e), (h), and (j) of section 4; subsection (f) of section 7.

SETTLEMENT PERIOD

Sec. 510. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than three years following the final date for the filing of claims as provided in section 503 (a) of this title or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later.

APPROPRIATIONS

Sec. 511. There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission to pay its administrative expenses incurred in carrying out its functions under this title.

FEES FOR SERVICES

Sec. 512. No remuneration on account of any services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of so much of the total amount of such claim, as determined under this title, as does not exceed $20,000, plus 5 per centum of so much of such amount, if any, as exceeds $20,000. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

SEPARABILITY

Sec. 513. If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected.

k. Tariff Treatment of Cuban Products

(1) Revised Tariff Schedules (19 U.S.C. 1202
General Headnote 3(e)

Headnote 3 **

(e) Products of Communist countries.—Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the following countries and areas pursuant to section 401 of the Tariff Classification Act of 1962, to section 231 or 257 (e) (2) of the Trade Expansion Act of 1962, or to action taken by the President thereunder:

Albania,
Bulgaria,
China (any part of which may be under Communist domination or control),
Cuba,
Czechoslovakia,
Estonia,
Germany (the Soviet zone and the Soviet sector of Berlin),
Hungary,
Indochina (any part of Cambodia, Laos, or Vietnam which may be under Communist domination or control),
Korea (any part which may be under Communist domination or control),
Kurile Islands,
Latvia,
Lithuania,
Outer Mongolia,
Rumania,
Southern Sakhalin,
Tanna Tuva,
Tibet,
Union of Soviet Socialist Republics and the area in East Prussia under the provisional administration of the Union of Soviet Socialist Republics.

(2) Tariff Treatment of Cuban Products: Title IV of Public Law 87-456, Section 401, May 24, 1962, 76 Stat. 78 *

Sec. 401. (a) Cuba is hereby declared to be a nation described in section 5 of the Trade Agreements Extension Act of 1951, as amended

1 In Proclamation 3447, dated Feb. 3, 1962, the President, acting under authority of section 620 (a) of the Foreign Assistance Act of 1961 (75 Stat. 441), as amended, prohibited the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba, subject to such exceptions as the Secretary of the Treasury determined to be consistent with the effective operation of the embargo.


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(19 U.S.C. 1362, relating to imports from nations and areas dominated or controlled by the foreign government or foreign organization controlling the world Communist movement) [former section 1362 of this title]. Articles which are—
(1) the growth, produce, or manufacture of Cuba, and
(2) imported on or after the date of enactment of this Act [May 24, 1962],
shall be denied the benefits of concessions contained in any trade agreement entered into under the authority of section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351).
(b) Nothing in subsection (a) shall affect the rates of duty or the customs or excise treatment of articles the growth, produce, or manufacture of any country other than Cuba.
(c) Subsection (a) shall not apply on or after the date on which the President proclaims that he has determined that Cuba is no longer dominated or controlled by the foreign government or foreign organization controlling the world Communist movement.
(d) The Act of December 17, 1903 (19 U.S.C. 124, 125), and section 316 of the Tariff Act of 1930, as amended (19 U.S.C. 1316), both relating to the implementation of the treaty with Cuba concluded on December 11, 1902, shall not apply during the period which subsection (a) applies.

2. Major U.S. Executive Department Regulations Affecting Cuba

a. Department of Commerce

(1) Export Control Regulations (15 CFR 368–399)

Sec. 385.1 Special Country Policies and Provisions.

(b) Cuba. As parts of the U.S. government’s foreign policy and in conjunction with the policies of the Organization of American States to isolate the Castro regime and to counter its threat to the Western Hemisphere, the prior approval of the Department of Commerce is required to export or reexport virtually any U.S.-origin commodity or technical data to Cuba. The general policy of the Department is to deny all applications or requests to export or reexport commodities and technical data to this destination, except for certain humanitarian transactions.

Sec. 371.9(b) Restrictions on petroleum and petroleum products.

(b) Cuba. No export of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (4) of this paragraph may be made under this general license on any foreign vessel regardless of tonnage, departing from the United States for use on board such vessel, if the vessel (i) will call at a port under Cuban control on its current voyage or (ii) is ineligible to carry U.S. Government financed cargo because it has called at a port under Cuban control at any time since January 1, 1963; or (iii) meets the registry restrictions in subparagraph (3) of this paragraph.

\(1\) 15 CFR 385.1(b).  
\(2\) 15 CFR 371.9(b).
(2) Shipping Restrictions, Transportation Order T-1: [32A—National Defense Appendix; Chapter VII—Under Secretary of Commerce for Transportation, July 14, 1965 (30 F.R. 9091)]

CHAPTER VII—UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

T-1—SHIPPING RESTRICTIONS


This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

* * * * *


Section 1. Prohibited transportation and discharge.—No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any commodity at the time not identified by the symbol B in the last column of the Commodity Control List (399.1 of the Comprehensive Export Schedule, issued by the Bureau of International Commerce, Department of Commerce (15 CFR Parts 368–399), any article designated as arms, ammunition, and implements of war in the United States Munitions List (22 CFR Parts 121–128), or any commodity, including fissionable materials controlled for export under the Atomic Energy Act of 1954, as amended, to any destination at the time in country groups X, Y, or Z as set forth in the Comprehensive Export Schedule (15 CFR 370.1(g)(2)), and no person shall discharge from any such ship or any such aircraft any such commodity or article at any such port or place or at any other port or place in transit to any such destination, unless a validated export license under the Export Control Act of 1949, as amended, under section 414 of the Mutual Security Act of 1954, as amended, or under the Atomic Energy Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, the master of the ship or aircraft, or any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation. The consular officers of the United States are furnished with current copies of the Commodity Control List and will advise which commodities are subject to this restriction.

1 Cuba included in Country Group Z list.
b. Department of the Treasury

CUBAN ASSET CONTROL REGULATIONS (31 CFR 515)

The Cuban Asset Control Regulations are administered by the Department of Treasury under authority of the Trading With the Enemy Act of 1917 [50 U.S.C. App. 1 et seq.]. These regulations: (a) prohibit the direct or indirect import or export of any property in which Cuba or a Cuban national has any interest, (b) prohibit, without a license from the U.S. Treasury, U.S. citizens or their foreign subsidiaries from permitting any vessel under their control from engaging in the Cuba trade, (c) prohibit U.S. companies which own foreign petroleum installations in their own name from bunkering or having any dealings with vessels registered in or under charter or lease to Cuba, and (d) block Cuban assets in the United States, prevent use of United States financial facilities by Cuba or Cuban nationals, and prohibit any person subject to the jurisdiction of the United States from engaging in any unlicensed financial or commercial transaction with Cuba.1

1 Complete text of the regulations may be found in the Code of Federal Regulations, Title 31, Section 515.

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c. Department of State

Cuba Travel Restrictions for U.S. Citizens [Department of State Regulation 108.583, April 12, 1968 (22 CFR 51.72-51.73)]

Sec. 51.72 Passports invalid for travel into or through restricted areas.—Upon determination by the Secretary that a country or area is:

(a) A country with which the United States is at war, or
(b) A country or area where armed hostilities are in progress, or
(c) A country or area to which travel must be restricted in the national interest because such travel would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall cease to be valid for travel into or through such country or area unless specifically validated therefore. Any determination made under this section shall be published in the Federal Register along with a statement of the circumstances requiring the restriction. Unless limited to a shorter period, any such restriction shall expire at the end of 1 year from the date of publication of such notice in the Federal Register, unless extended or sooner revoked by the Secretary by public notice.

Sec. 51.73 Special validation of passport for travel to restricted areas.—(a) An application of a U.S. national for validation of his passport for travel to, in or through a restricted country or area will be considered only when such action is determined to be in the national interest of the United States.

(b) An application will be considered to be in the national interest of the United States if:

(1) The applicant is a professional reporter, the purpose of whose trip is to obtain, and make available to the public, information about the restricted area; or
(2) The applicant is a doctor or scientist in the field of medicine or public health, the purpose of whose trip is directly related to his professional responsibilities; or
(3) The applicant is a scholar with a postgraduate degree, or its equivalent, the purpose of whose trip is to obtain for public dissemination, further information in his field of research; or
(4) The applicant is a representative of the American Red Cross.

(c) In the discretion of the Secretary, an application may be considered to be in the national interest of the United States, depending upon the restricted area to be visited, the benefit to the United States of such a visit, and the applicant's need to visit the restricted area, if:

(1) The applicant, although not a reporter by profession, establishes that one of the news media has indicated an interest in publishing a report of the applicant's trip; or

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(2) The applicant's activities in cultural, athletic, commercial, educational, professional, or other fields or in public affairs demonstrate that his visit to the restricted area would be of benefit to the United States; or

(3) The applicant establishes that his trip is justified by compelling humanitarian considerations.

(d) An application for validation of a passport for travel to a restricted area must be accompanied by evidence that the applicant falls within paragraph (b) or (c) of this section or would otherwise serve the national interest of the United States.

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d. Department of Agriculture

Commodity Credit Corporation (CCC) Regulations (7 CFR 1488)

Sec. 1488.16 1 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.—Any commodity exported under the CCC financing agreement shall not be shipped from the United States on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966.

1 7 CFR 1488.16.

a. Presidential Proclamation No. 3447, on Cuba Trade Embargo, February 3, 1962

PROC. NO. 3447. EMBARGO ON TRADE WITH CUBA

Whereas the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, in its Final Act resolved that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider for their individual and collective self-defense:

Whereas the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and

Whereas the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the Communist powers:

Now, Therefore, I, John F. Kennedy, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended [subsection (a) of this section], do

1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation.

2. Hereby prohibit effective 12:01 A.M. Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions.

3. And further, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize

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1 22 U.S.C. 2370 note. (662)
b. February 1963 White House Statement on Shipment of U.S.-Government Financed Cargoes

WHITE HOUSE PRESS RELEASE, FEBRUARY 6, 1963 1

The White House today announced that steps have been taken to assure that the United States Government-financed cargoes are not shipped from the United States on foreign flag vessels engaging in trade with Cuba. The concerned departments and agencies of the government have been directed not to permit shipment of any such cargoes on ships that have called at a Cuban port since January 3, 1963, unless the owner of such a ship gives satisfactory assurances that no ship under his control will thenceforth be employed in Cuban trade.

1 There have been repeated public references to an Executive order issued following the Feb. 6, 1963 White House Press Release which would prohibit cargoes owned or financed by the U.S. Government from being shipped from U.S. ports on a foreign flag vessel which called in Cuba subsequent to Jan. 1, 1963, unless the persons controlling the vessel give satisfactory assurance that no ships under their control will thenceforth be employed in the Cuba trade, so long as it remains the policy of the U.S. Government to discourage such trade.

An inquiry made to the John F. Kennedy Library in Massachusetts for a search through the Kennedy papers collection resulted in the location of the White House Press Release printed above. However, no implementing Executive order could be located in the presidential papers. An additional inquiry was made to the State Department, Office of the Coordinator of Cuban Affairs, for a search through Executive orders issued around the time of the press release, but no Executive order implementing the White House directive could be located.

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4. Guantanamo Naval Base Agreements, 1903 and 1934

a. Treaty Between the United States of America and Cuba, 1934

Signed at Washington, May 29, 1934; Ratification advised by the Senate of the United States, May 31, 1934 (legislative day of May 28, 1934); Ratified by the President of the United States, June 5, 1934; Ratified by Cuba, June 4, 1934; Ratifications exchanged at Washington, June 9, 1934; Proclaimed by the President of the United States, June 9, 1934

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas a Treaty of Relations between the United States of America and the Republic of Cuba was concluded and signed by their respective Plenipotentiaries at Washington on the twenty-ninth day of May, one thousand nine hundred and thirty-four, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Cuba, being animated by the desire to fortify the relations of friendship between the two countries and to modify, with this purpose, the relations established between them by the Treaty of Relations signed at Habana, May 22, 1903, have appointed, with this intention, as their Plenipotentiaries:

The President of the United States of America; Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The Provisional President of the Republic of Cuba, Senor Dr. Manuel Marquez Sterling, Ambassador Extraordinary and Plenipotentiary of the Republic of Cuba to the United States of America;

Who, after having communicated to each other their full powers which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I

The treaty of Relations which was concluded between the two contracting parties on May 22, 1903, shall cease to be in force, and is abrogated, from the date on which the present Treaty goes into effect.

ARTICLE II

All the acts effected in Cuba by the United States of America during its military occupation of the island, up to May 20, 1902, the date (665)
on which the Republic of Cuba was established, have been ratified and held as valid; and all the rights legally acquired by virtue of those acts shall be maintained and protected.

ARTICLE III

Until the two contracting parties agree to the modification or abrogation of the stipulations of the agreement in regard to the lease to the United States of America of lands in Cuba for coaling and naval stations signed by the President of the Republic of Cuba on February 16, 1903, and by the President of the United States of America on the 23d day of the same month and year, the stipulations of that agreement with regard to the naval station of Guantanamo shall continue in effect. The supplementary agreement in regard to naval or coaling stations signed between the two Governments on July 2, 1903, also shall continue in effect in the same form and on the same conditions with respect to the naval station at Guantanamo. So long as the United States of America shall not abandon the said naval station of Guantanamo or the two Governments shall not agree to a modification of its present limits, the station shall continue to have the territorial area that it now has, with the limits that it has on the date of the signature of the present Treaty.

ARTICLE IV

If at any time in the future a situation should arise that appears to point to an outbreak of contagious disease in the territory of either of the contracting parties, either of the two Governments shall, for its own protection, and without its act being considered unfriendly, exercise freely and at its discretion the right to suspend communications between those of its ports that it may designate and all or part of the territory of the other party, and for the period that it may consider to be advisable.

ARTICLE V

The present Treaty shall be ratified by the contracting parties in accordance with their respective constitutional methods; and shall go into effect on the date of the exchange of their ratifications, which shall take place in the city of Washington as soon as possible.

In faith whereof, the respective Plenipotentiaries have signed the present Treaty and have affixed their seals hereto.

Done in duplicate, in the English and Spanish languages, at Washington on the Twenty-ninth day of May, one thousand nine hundred and thirty-four.

Cordell Hull [seal]
Sumner Welles [seal]
M. Marquez Sterling [seal]

And whereas, the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the ninth day of June, one thousand nine hundred and thirty-four;

Now, therefore, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this ninth day of June, in the year of our Lord one thousand nine hundred and thirty-four and of the Independence of the United States of America the one hundred and fifty-eighth.

By the President:
Cordell Hull
Secretary of State.

FRANKLIN D. ROOSEVELT
b. Lease of Coaling or Naval Stations, 1903

Signed by the President of Cuba, February 16, 1903; Signed by the President of the United States, February 23, 1903

AGREEMENT

Between the United States of America and the Republic of Cuba for the lease (subject to terms to be agreed upon by the two Governments) to the United States of lands in Cuba for coaling and naval stations. The United States of America and the Republic of Cuba, being desirous to execute fully the provisions of Article VII of the Act of Congress approved March second, 1901, and of Article VII of the Appendix to the Constitution of the Republic of Cuba promulgated on the 20th of May, 1902, which provide:

"Article VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States."

have reached an agreement to that end, as follows:

ARTICLE I

The Republic of Cuba hereby leases to the United States, for the time required for the purposes of coaling and naval stations, the following described areas of land and water situated in the Island of Cuba:

1st. In Guantanamo (see Hydrographic Office Chart 1857). From a point on the south coast, 4.37 nautical miles to the eastward of Windward Point Light House, a line running north (true) a distance of 4.25 nautical miles;

From the northern extremity of this line, a line running west (true), a distance of 5.87 nautical miles;

From the western extremity of this last line, a line running southwest (true) 3.31 nautical miles;

From the southwestern extremity of this last line, a line running south (true) to the seacoast.

This lease shall be subject to all the conditions named in Article II of this agreement.

2nd. In Northwestern Cuba (see Hydrographic Office Chart 2036). In Bahia Honda (see Hydrographic Office Chart 520b).

All that land included in the peninsula containing Cerro del Morrillo and Punta del Carenero situated to the westward of a line running south (true) from the north coast at a distance of thirteen hundred yards east (true) from the crest of Cerro del Morrillo, and all the adjacent waters touching upon the coast line of the above described peninsula and including the estuary south of Punta del Carenero with the control of the headwaters as necessary for sanitary and other purposes.

And in addition all that piece of land and its adjacent waters on the western side of the entrance to Bahia Honda including between the shore line and a line running north and south (true) to low water marks through a point which is west (true) distant one nautical mile from Pta. del Cayman.

ARTICLE II

The grant of the foregoing Article shall include the right to use and occupy the waters adjacent to said areas of land and water, and to improve and deepen the entrances thereto and the anchorages therein, and generally to do any and all things necessary to fit the premises for use as coaling or naval stations only, and for no other purpose.

Vessels engaged in the Cuban trade shall have free passage through the waters included within this grant.

ARTICLE III

While on the one hand the United States recognizes the continuance of the ultimate sovereignty of the Republic of Cuba over the above described areas of land and water, on the other hand the Republic of Cuba consents that during the period of the occupation by the United States of said areas under the terms of this agreement the United States shall exercise complete jurisdiction and control over and within said areas with the right to acquire (under conditions to be hereafter agreed upon by the two Governments) for the public purposes of the United States any land or other property therein by purchase or by exercise of eminent domain with full compensation to the owners thereof.

Done in duplicate at Habana, and signed by the President of the [seal] Republic of Cuba this sixteenth day of February, 1903.

T. EstradaPalma

Signed by the President of the United States the twenty-third of February, 1903.

[seal]

Theodore Roosevelt
c. Lease to the United States by the Government of Cuba of Certain Areas of Land and Water for Naval or Coaling Stations in Guantanamo and Bahia Honda, 1903

Signed at Habana, July 2, 1903; Approved by the President, October 2, 1903; Ratified by the President of Cuba, August 17, 1903; Ratifications exchanged at Washington, October 6, 1903

The United States of America and the Republic of Cuba, being desirous to conclude the conditions of the lease of areas of land and water for the establishment of naval or coaling stations in Guantanamo and Bahia Honda, the Republic of Cuba, have agreed to the United States by the Agreement of February 16/23, 1903, in fulfillment of the provisions of Article Seven of the Constitutional Appendix of the Republic of Cuba, have appointed their Plenipotentiaries to that end.—
The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary in Havana.

And the President of the Republic of Cuba, Jose M. Garcia Montes, Secretary of Finance, and acting Secretary of State and Justice, who, after communicating to each other their respective full powers, found to be in due form, have agreed upon the following Articles;—

ARTICLE I

The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of two thousand dollars, in gold coin of the United States, as long as the former shall occupy and use said areas of land by virtue of said agreement.

All private lands and other real property within said areas shall be acquired forthwith by the Republic of Cuba.

The United States of America agrees to furnish to the Republic of Cuba the sums necessary for the purchase of said private lands and properties and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of said Agreement.

ARTICLE II

The said areas shall be surveyed and their boundaries distinctly marked by permanent fences or inclosures.

The expenses of construction and maintenance of such fences or inclosures shall be borne by the United States.

ARTICLE III

The United States of America agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial or other enterprise within said areas.

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ARTICLE IV

Fugitives from justice charged with crimes or misdemeanors amenable to Cuban Law, taking refuge within said areas, shall be delivered up by the United States authorities on demand by duly authorized Cuban authorities. On the other hand the Republic of Cuba agrees that fugitives from justice charged with crimes or misdemeanors amenable to United States law, committed within said areas, taking refuge in Cuban territory, shall on demand, be delivered up to duly authorized United States authorities.

ARTICLE V

Materials of all kinds, merchandise, stores and munitions of war imported into said areas for exclusive use and consumption therein, shall not be subject to payment of customs duties nor any other fees or charges and the vessels which may carry same shall not be subject to payment of port, tonnage, anchorage or other fees, except in case said vessels shall be discharged without the limits of said areas; and said vessels shall not be discharged without the limits of said areas otherwise than through a regular port of entry of the Republic of Cuba when both cargo and vessel shall be subject to all Cuban Customs laws and regulations and payment of corresponding duties and fees.

It is further agreed that such materials, merchandise, stores and munitions of war shall not be transported from said areas into Cuban territory.

ARTICLE VI

Except as provided in the preceding Article, vessels entering into or departing from the Bays of Guantanamo and Bahia Honda within the limits of Cuban territory shall be subject exclusively to Cuban laws and authorities and orders emanating from the latter in all that respects port police, Customs or Health, and authorities of the United States shall place no obstacle in the way of entrance and departure of said vessels except in case of a state of war.

ARTICLE VII

This lease shall be ratified and the ratifications shall be exchanged in the City of Washington within seven months from this date.

In witness whereof, We, the respective Plenipotentiaries, have signed this lease and hereunto affixed our Seals.

Done at Havana, in duplicate in English and Spanish this second day of July nineteen hundred and three.

Jose M. Garcia Montes [Seal]
H. G. Squiers [Seal]

I, Theodore Roosevelt, President of the United States of America, having seen and considered the foregoing lease, do hereby approve the same, by virtue of the authority conferred by the seventh of the provisions defining the relations which are to exist between the United States and Cuba, contained in the Act of Congress approved March 2, 1901, entitled "An Act making appropriation for the support of the Army for the fiscal year ending June 30, 1902."

Washington, October 2, 1903.

Theodore Roosevelt.
5. Actions of International Organizations of Which the United States Is a Member

a. Organization of American States


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b. Inter-American Development Bank

Cuba never became a member of the Inter-American Development Bank, and no loans are made by the Bank to non-members; therefore no restrictions on Cuba have been incorporated in the Bank agreements. However, included as Sec. 4.05 of the Social Progress Trust Fund Agreement between the United States Government and the Inter-American Development Bank (signed at Washington, D.C., June 19, 1961) [TIAS 4763; 12 UST 632], an Agreement which entrusts to the IDB the administration of the Social Progress Trust Fund (a new fund made up of U.S. Government contributions, established for the purpose of assisting social development and more balanced economic growth in the Latin American Republics), is the prohibition of the furnishing of any financing and technical assistance from the Fund to the government of any country which is being subjected to economic or diplomatic sanctions by the OAS, or use of the Fund to purchase goods or services originating in any country which is subject to those sanctions. See part II, Inter-American Development Bank, p. 157.

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