Table 1. Legislative Restrictions Limiting the Normalization of U.S.-Cuban Relations

Statutory Basis	Restriction	Authority to Lift or Waive
Key Restrictions that Form the Core of the U.S. Economic Sanctions Regime on Cuba: The Embargo		
Sec. 620(a)(1), Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1))	Prohibits foreign aid "to the present government of Cuba." Authorizes the President "to establish and maintain a total embargo upon all trade between the United States and Cuba	The prohibition on aid has no waiver, though could be overridden by appropriations language that provides aid "notwithstanding any other provision of law." As set forth in the law, the total embargo is a discretionary authorization. Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064), however, authorizes the President to suspend the enforcement of sec. 620(a) only if he determines "a transition government is in power in Cuba." Sec. 204 of that act, furthermore, requires the President to terminate sanctions under sec. 620(a) and other measures if he determines that "a democratically elected government in Cuba is in power." Sec. 204(d)(1) of that act repeals sec. 620(a) on President making such a determination
Sec. 620(a)(2), Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(2))	Authorizes the President to prohibit foreign aid to "any government of Cuba." Denies Cuba a quota for sugar trade, "or to receive any other benefit under any law of the United States.... "	As set forth in the law, the prohibitions on aid and sugar imports are discretionary, "except as may be deemed necessary by the President in the interests of the United States." Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064), however, authorizes the President to suspend the enforcement of sec. 620(a) only if he determines "a transition government is in power in Cuba." Sec. 204, furthermore, requires the President to terminate sanctions under sec. 620(a) and other measures if he determines that "a democratically elected government in Cuba is in power." Sec. 204(d)(1) of that act repeals sec. 620(a) on President making such a determination.

Sec. 5(b), Trading With the Enemy Act (50 U.S.C. App. 5(b))	Authorizes the President to restrict or prohibit trade, transactions, and access to assets and property.	The Cuban Assets Control Regulations, 31 C.F.R. Part 515, were issued in July 1963 under the authority of TWEA. Pursuant to the law, the President may terminate the national emergency and restrictions under TWEA at any time. Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064), however, authorizes the President to suspend the enforcement of 31 C.F.R. Part 515 only if he determines that “a transition government is in power in Cuba.” Sec. 204, furthermore, requires the President to terminate the economic embargo of Cuba, including the restrictions under 31 C.F.R. Part 515 if he determines that “a democratically elected government in Cuba is in power.” Nevertheless, the Secretary of the Treasury retains authority to amend regulations therein, in accordance with 31 C.F.R. Part 515. 201, which, in part, provides: “All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury.... ”
Sec. 1704, Cuban Democracy Act of 1992 (22 U.S.C. 6003)	Authorizes the President to prohibit foreign aid under the Foreign Assistance Act of 1961, transactions under the Arms Export Control Act, or debt forgiveness, to any third country providing assistance to Cuba.	As set forth in the law, the prohibitions are at the President’s discretion. Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064), however, authorizes the President to suspend the enforcement of sec. 1704 only if he determines that “a transition government is in power in Cuba.” Sec. 204, furthermore, requires the President to terminate sanctions under sec. 1704 and other measures if he determines that “a democratically elected government in Cuba is in power.” Sec. 204(d)(1) of that act repeals sec. 1704 on President making such a determination.

Sec. 1705(d), Cuban Democracy Act of 1992 (22 U.S.C. 6004(d))	Requires on-site verification for the export of medicines and medical supplies (unless the recipient is a nongovernmental organization receiving donations).	The President is required to determine that the U.S. government can verify the end use of such exports. Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064) authorizes the President to suspend the enforcement of sec. 1705(d) only if he determines that "a transition government is in power in Cuba." Sec. 204, furthermore, requires the President to terminate sanctions under sec. 1705 and other measures if he determines that "a democratically elected government in Cuba is in power." Sec. 204(d)(1) of that act repeals sec. 1705(d) on President making such a determination.
Sec. 1705(e)(5), Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)(5))	Sec. 1705, overall, authorizes "support for the Cuban people," including allowing telecommunications services between the United States and Cuba. Sec. 1705(e)(5), however, clarifies that this allowance does not authorize a U.S. person to invest in Cuba's domestic telecommunications network	No waiver.

Sec. 1706(a), Cuban Democracy Act of 1992 (22 U.S.C. 6005(a))	Prohibits specific licenses for transactions relating to trade between Cuba and U.S.-owned or - controlled companies in third countries “in appropriate cases,” codifying requirements stated in 31 C.F.R. Part 515.559 as of July 1, 1989 (effective October 23, 1992).	Sec. 1708 provides that the President may waive if he determines that the government of Cuba (1) has held free and fair elections, (2) permits opposition parties to participate, (3) respects “basic civil liberties and human rights of the citizens of Cuba,” (4) is moving toward a free market economy, and (5) is committed to constitutional change that ensures regular free and fair elections. Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064), however, authorizes the President to suspend the enforcement of sec. 1706 only if he determines that “a transition government is in power in Cuba.” Sec. 204, furthermore, requires the President to terminate sanctions under sec. 1706 and other measures if he determines that “a democratically elected government in Cuba is in power.” Sec. 204(d)(1) of that act repeals sec. 1706 on President making such a determination.

Sec. 1706(b), Cuban Democracy Act of 1992 (22 U.S.C. 6005(b))	Prohibits entry into U.S. ports by any vessel that has entered a Cuban port in the previous 180 days. Prohibits entry into U.S. ports by any vessel carrying goods or passengers to or from Cuba in which Cuba or a Cuban national has any interest. Prohibits the use of a general license for ship stores for any vessel carrying goods or passengers to or from Cuba in which Cuba or a Cuban national has any interest.	Licenses may be issued at the discretion of the Secretary of the Treasury. Sec. 1708 provides that the President may waive if he determines that the government of Cuba (1) has held free and fair elections, (2) permits opposition parties to participate, (3) respects "basic civil liberties and human rights of the citizens of Cuba," (4) is moving toward a free market economy, and (5) is committed to constitutional change that ensures regular free and fair elections. Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064), however, authorizes the President to suspend the enforcement of sec. 1706 only if he determines that "a transition government is in power in Cuba." Sec. 204, furthermore, requires the President to terminate sanctions under sec. 1706 and other measures if he determines that "a democratically elected government in Cuba is in power." Sec. 204(d)(1) of that act repeals sec. 1706 on President making such a determination.

Sec. 1706(c), Cuban Democracy Act of 1992 (22 U.S.C. 6005(c))	Requires the President to “establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States.... ”	The term “strict limits” is undefined, so left to the discretion of the President. Sec. 1708 provides that the President may waive if he determines that the government of Cuba (1) has held free and fair elections, (2) permits opposition parties to participate, (3) respects “basic civil liberties and human rights of the citizens of Cuba,” (4) is moving toward a free market economy, and (5) is committed to constitutional change that ensures regular free and fair elections. Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064), however, authorizes the President to suspend the enforcement of sec. 1706 only if he determines that “a transition government is in power in Cuba.” Sec. 204, furthermore, requires the President to terminate sanctions under sec. 1706 and other measures if he determines that “a democratically elected government in Cuba is in power.” Sec. 204(d)(1) of that act repeals sec. 1706 on President making such a determination
Sec. 102(h), Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h))	Codifies the economic embargo as in effect on March 1, 1996, including restrictions stated in regulations at 31 C.F.R. Part 515.	Within 31 C.F.R. Part 515, the Secretary of the Treasury retains authority to amend regulations therein, in accordance with 31 C.F.R. Part 515. 201, which, in part, provides: “All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury.... ” Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064) authorizes the President to suspend the enforcement of 31 C.F.R. Part 515 only if he determines that “a transition government is in power in Cuba.” Sec. 204, furthermore, requires the President to terminate the economic embargo of Cuba, including the restrictions under 31 C.F.R. Part 515, if he determines that “a democratically elected government in Cuba is in power.”

Sec. 103(a), Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6033(a))	Prohibits a U.S. person or entity from financing any transaction that involves confiscated property in Cuba where the claim is owned by a U.S. national.	Sec. 103(b) provides that the President may suspend if he determines a transition government is in power; he may terminate if the transition to democracy is met as stated in Secs. 203 and 204.
Sec. 104(a), Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6034(a))	Requires the Secretary of the Treasury to instruct U.S. executive directors to the international financial institutions to oppose Cuba's admission to such institution.	The President may suspend if he determines a democratically elected government is in power. The President may encourage membership, and the Secretary of the Treasury may encourage loans and assistance, when a transition government is in power, "to contribute to a stable foundation for a democratically elected government in Cuba."
Sec. 104(b), Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6034(b))	Requires the Secretary of the Treasury to withhold U.S. payment to any international financial institution in an amount equal to that institution's loan or assistance to Cuba if that loan is opposed by the United States.	The statute requires the United States to oppose Cuba's membership (in sec. 104(a)); it does not require opposing any loan or program of an international financial institution. If the United States supports a program or abstains from a vote, this requirement would be inapplicable. Only if the United States opposes a loan would proportionate withholding be required.
Sec. 111(b), Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6041(b))	Requires withholding some foreign aid to any third country in amounts equal to that country's aid to Cuba to complete its nuclear facility at Juragua.	No waiver; however the statute allows aid to continue for humanitarian needs, disaster relief, refugee relief, democracy, rule of law, private sector and NGO development, free market economy development, nonproliferation, and secondary school exchanges.

Title III, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6081-6085)	Allow U.S. nationals whose property was confiscated by the Cuban government a right of action to seek compensation in U.S. federal court from those who “traffic” in such property.	The President may suspend the right of action for successive 6-month periods if he determines that such suspension is in the U.S. national interest and will expedite Cuba’s transition to democracy. The President has exercised this suspension since the law’s enactment. Sec. 204 of the act also authorizes the President, once he determines that a transition government is in power, to suspend the right of action under title III to the extent that it contributes to a stable foundation for a democratically elected government in Cuba.
Title IV, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091)	Requires the Secretary of State and Attorney General to deny entry into the United States to any person (or family member of that person) who has confiscated property, or has been involved in a related transaction, to which a U.S. person has a claim	Secretary of State may, case-by-case, allow entry into the United States for medical purposes or to attend to litigation actions under title III of the act (relating to protection of property rights of U.S. nationals).
Sec. 906, Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7205)	Exports of agricultural commodities, medicine, and medical supplies to Cuba require a 1-year license and 1-year contract.	No waiver.
Sec. 908, Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207)	Prohibits U.S. aid for exports to Cuba. Limits the means by which a U.S. person may finance the sale of agricultural products to Cuba to cash in advance or third-country financing.	No waiver.

Sec. 910(b), Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7208(b))	The Secretary of the Treasury may not authorize travel-related transactions listed in paragraph (c) of Section 515.560 of title 31, Code of Federal Regulations, either by a general license or on a case-by-case basis by a specific license for travel to, from, or within Cuba for tourist activities.	No waiver.
Key Restrictions that Form the Core of the U.S. Economic Sanctions Regime on Cuba: Terrorism		
Sec. 6, Bretton Woods Agreements Act Amendments, 1978 (22 U.S.C. 286e-11)	Requires the Secretary of the Treasury to instruct U.S. executive directors to the International Monetary Fund "to work in opposition to" loans to any state that permits entry to any person who has committed an act of international terrorism, or otherwise harbors such person.	No waiver. A determination pursuant to sec. 6(j), Export Administration Act of 1979 to remove Cuba from the list of state sponsors of terrorism, made on May 29, 2015, however, could indirectly remove this restriction.
Additional Restrictions: Foreign Aid, Trade, and International Financial Institutions Programs		
Sec. 307, Foreign Assistance Act of 1961 (22 U.S.C. 2227)	Withholds a proportion of U.S. contributions to the United Nations and other international programs operating in Cuba (except UNICEF and some International Atomic Energy Agency programs).	No waiver.
Sec. 498A(b), (c), Foreign Assistance Act of 1961 (22 U.S.C. 2295a)	Prohibits some foreign aid to any government of an independent state of the former Soviet Union that the President determines is providing assistance for, or engaging in nonmarket trade with, the Cuban government.	President may waive if he determines that (1) "it is important to the national interest of the United States" to do so; (2) aid will foster respect for internationally recognized human rights, rule of law, development of democratic governance institutions; (3) aid alleviates results of a disaster; (4) aid is for secondary school programs run by the U.S. Information Agency (USIA).

Sec. 498A(d), Foreign Assistance Act of 1961 (22 U.S.C. 2295a)	Reduces aid to any government of an independent state of the former Soviet Union in proportion with that country's aid to Cuba's intelligence facilities.	President may waive if he determines that it is important to U.S. national security. In the case of Russia, must further determine Russia is not sharing intelligence data with the Cuban government.
Sec. 620(f), Foreign Assistance Act of 1961 (22U.S.C. 2370(f))	Prohibits foreign aid to any Communist country, explicitly naming Cuba.	President may waive if he finds it is vital to the security of the United States, the recipient is not controlled by the "international Communist conspiracy," and aid will promote the independence of the recipient. President may also remove Cuba from the stated list of communist countries for any period of time if he finds it important to U.S. national interests to do so
Sec. 620(t), Foreign Assistance Act of 1961 (22U.S.C. 2370(t))	Prohibits foreign aid and sales under the Food for Peace Act to any government that has, or with which the United States has, severed diplomatic relations.	Aid and sales may resume when diplomatic relations resume.
Sec. 620(y), Foreign Assistance Act of 1961 (22U.S.C. 2370(y))	Prohibits foreign aid to a third country in amounts equal to that country's providing nuclear fuel and related assistance to Cuba the previous fiscal year.	Prohibition is lifted when Cuba signs and complies with the Treaty on the Non-proliferation of Nuclear Weapons and the Treaty of Tlatelelco, negotiates full-scope safeguards, and is found in compliance with the treaties.
Sec. 2(b)(2), Export-Import Bank Act of 1945 (12 U.S.C. 635(2)(b)(2))	Prohibits Ex-Im Bank funding for Marxist-Leninist states, explicitly naming Cuba.	President may determine Cuba has ceased to be a Marxist-Leninist country. President may determine that a specific transaction, or a transaction of a certain kind, is in the national interest.
Sec. 110, Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107)	Prohibits nonhumanitarian, nontrade-related aid to Cuba for its failure to comply with minimum standards or make significant efforts related to trafficking in persons.	Determination made annually: Secretary of State could find Cuba in compliance the next fiscal year. Secretary of State could make a determination of compliance outside the annual cycle of reporting. The President may continue nonhumanitarian, non-trade-related aid if he finds it would "promote the purposes" of the act or is otherwise in the U.S. national interest.

Sec. 7007, 7015(f), Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (Division J, P.L. 113-235)	Sec. 7007: Prohibits direct funding to Cuba. Sec. 7015(f): prohibits aid to Cuba without regular notification procedures of the Committees on Appropriations.	No waivers. The two sections apply only to the current fiscal year.
Sec. 12, International Development Association Act (22 U.S.C. 284j) Sec. 21, Inter-American Development Bank Act (22 U.S.C. 283r)	Requires the President to instruct U.S. executive directors to the relevant international financial institution to oppose loans to any state that has nationalized, expropriated, or seized property owned by a U.S. citizen; canceled contracts with a U.S. citizen; imposed discriminatory taxes that have the result of property seizure.	The President may determine that (1) arrangements for compensation have been made; (2) the issue has been submitted to arbitration; or (3) good faith negotiations are underway

Sec. 401, Tariff Classification Act of 1962 (19 U.S.C. 1351 note)	Requires Cuba to be treated as a nation “dominated or controlled by the foreign government or foreign organization controlling the world Communist movement,” resulting in denying articles that are “the growth, produce, or manufacture of Cuba” favorable trade terms. The U.S. Harmonized Tariff Schedule (HTS) designates Cuba in the most restricted trade category (“Column 2”) pursuant to this provision and other trade laws as follows: “b) Rate of Duty Column 2. Notwithstanding any of the foregoing provisions of this note, the rates of duty shown in column 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, to section 404(a) of the Trade Act of 1974 or to any other applicable section of law, or to action taken by	The restrictions ceases to apply “on or after the date on which the President proclaims that he has determined that Cuba is no longer dominated or controlled” by such a foreign power
Sec. 401, Trade Act of 1974 (19 U.S.C. 2431)	Continues to deny nondiscriminatory trade treatment for countries that were so denied prior to enactment of this title.	The President may temporarily waive or lift by entering into a bilateral commercial agreement (sec. 405; 19 U.S.C. 2435), and may temporarily extend nondiscriminatory terms (sec. 404; 19 U.S.C. 2434). Granting permanent nondiscriminatory trade treatment (Normal Trade Relations, or NTR), however, requires an act of Congress (sec. 151; 19 U.S.C. 2191).

Sec. 402, Trade Act of 1974 (Jackson-Vanik Amendment; 19 U.S.C. 2432)	Continues to deny nondiscriminatory trade treatment for countries that were so denied prior to enactment of this title, including countries under sec. 401, communist countries, or non-market economies (as defined in the Senate report accompanying H.R. 10710, 93rd Congress, enacted as the Trade Act of 1974)	President may suspend temporarily, and may renew the suspension semiannually (by June 30 and December 31) if he determines and notifies Congress that the government of Cuba does not (1) deny its citizens the right or opportunity to emigrate; (2) impose more than a nominal tax on emigration and documents required to emigrate or travel; or (3) impose more than a nominal tax on a citizen as a result of that citizen's desire to emigrate. President may suspend temporarily, with annual renewal, by issuing an executive order stating that (1) waiving will promote the objectives of Jackson-Vanik; and (2) "he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievements of the objectives of the section." Congress may block the President's initial determinations (sec. 152; 19 U.S.C. 2192), or extension of waiver (sec. 153; 19 U.S.C. 2193). Granting permanent nondiscriminatory trade treatment however, requires an act of Congress (sec. 151; 19 U.S.C. 2191). Removal of Jackson-Vanik restrictions, however, does not require NTR status (the President may exercise the above-described waiver authority).
Sec. 502(b), Trade Act of 1974 (19 U.S.C. 2462(b))	A country is denied "beneficiary developing country" status under the Generalized System of Preferences if it is a Communist country, and if it has expropriated property of a U.S. citizen.	President may waive if he finds it in the national economic interest of the United States to do so.

Sec. 212, Caribbean Basin Economic Recovery Act (19 U.S.C. 2702)	Cuba is not eligible for CBERA benefits because it is not listed in sec. 212(b). In addition, a country is denied "beneficiary country" status under the CBERA if it is a Communist country; has nationalized, expropriated, or seized property owned by a U.S. citizen; canceled contracts with a U.S. citizen; imposed discriminatory taxes that have the result of property seizure; fails to recognize certain arbitral awards in favor of a U.S. citizen, corporation, partnership, or corporation; affords preferential treatment to products of a developed country other than the United States (unless there is no significant adverse effect on U.S. commerce); if a government-owned entity engages in the broadcast of U.S.-owned copyrighted material without express consent; is not a signatory to an agreement regarding the extradition of U.S. citizens; and has not or is not taking steps to afford internationally	Congress would have to amend sec. 212(b) to add Cuba to the list of countries eligible for CBERA designation. Once listed, the President could designate Cuba as beneficiary country, despite other restrictions, if he finds it in the national economic interest of the United States to do so, except if the country affords preferential treatment to products of a developed country other than the United States (unless there is no significant adverse effect on U.S. commerce), and is a signatory to an agreement regarding the extradition of U.S. citizens.

Sec. 902, Food Security Act of 1985 (7 U.S.C. 1446 note)	Denies a sugar import quota to Cuba or third countries trading in Cubaorigin sugar	Sec. 204, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act (22 U.S.C. 6064) authorizes the President to suspend the enforcement of sec. 902 if he determines “a transition government is in power in Cuba.” Sec. 204, furthermore, requires the President to terminate sanctions under sec. 902 and other measures if he determines that “a democratically elected government in Cuba is in power.” Sec. 204(d)(1) of that act repeals sec. 902 on President making such a determination.
Sec. 211, Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Division A, Title II, P.L. 105-277)	Prohibits a transaction or payment with respect to a mark, trade, name or commercial name that is the same as or substantially similar to a mark, trade name, or commercial name used in connection with a business or assets that were confiscated. Prohibits U.S. courts from considering or enforcing trademark claims of a Cuba national, or their successor in interest, regarding property confiscated by the Cuban government.	No waiver.