

In the Senate of the United States,

October 19 (legislative day, October 18), 1995.

Resolved, That the bill from the House of Representatives (H.R. 927) entitled “An Act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE*.—*This Act may be cited as “Cuban*
3 *Liberty and Democratic Solidarity (LIBERTAD) Act of*
4 *1995”.*

5 (b) *TABLE OF CONTENTS*.—*The table of contents of this*
6 *Act is as follows:*

Sec. 1. Short Title; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

Sec. 4. Definitions.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST
THE CASTRO GOVERNMENT

- Sec. 101. *Statement of Policy.*
- Sec. 102. *Authorization of support for democratic and human rights groups and international observers.*
- Sec. 103. *Enforcement of the economic embargo of Cuba.*
- Sec. 104. *Prohibition against indirect financing of Cuba.*
- Sec. 105. *United States opposition to Cuban membership in international financial institutions.*
- Sec. 106. *United States opposition to termination of the suspension of the Government of Cuba from participation in the Organization of American States.*
- Sec. 107. *Assistance by the independent states of the former Soviet Union for the Government of Cuba.*
- Sec. 108. *Television broadcasting to Cuba.*
- Sec. 109. *Reports on commerce with, and assistance to, Cuba from other foreign countries.*
- Sec. 110. *Importation safeguard against certain Cuban products.*
- Sec. 111. *Reinstitution of family remittances and travel to Cuba.*
- Sec. 112. *News bureaus in Cuba.*
- Sec. 113. *Impact on lawful United States Government activities.*

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

- Sec. 201. *Policy toward a transition government and a democratically elected government in Cuba.*
- Sec. 202. *Assistance for the Cuban people.*
- Sec. 203. *Implementation; reports to Congress.*
- Sec. 204. *Termination of the economic embargo of Cuba.*
- Sec. 205. *Requirements for a transition government.*
- Sec. 206. *Factors for determining a democratically elected government.*
- Sec. 207. *Settlement of outstanding United States claims to confiscated property in Cuba.*

1 **SEC. 2. FINDINGS.**

2 *The Congress makes the following findings:*

3 *(1) The economy of Cuba has experienced a de-*
 4 *cline of approximately 60 percent in the last 5 years*
 5 *as a result of—*

6 *(A) the reduction in subsidies from the*
 7 *former Soviet Union;*

8 *(B) 36 years of Communist tyranny and*
 9 *economic mismanagement by the Castro govern-*
 10 *ment;*

1 (C) the precipitous decline in trade between
2 Cuba and the countries of the former Soviet bloc;
3 and

4 (D) the policy of the Russian Government
5 and the countries of the former Soviet bloc to
6 conduct economic relations with Cuba predomi-
7 nantly on commercial terms.

8 (2) At the same time, the welfare and health of
9 the Cuban people have substantially deteriorated as a
10 result of Cuba's economic decline and the refusal of
11 the Castro regime to permit free and fair democratic
12 elections in Cuba or to adopt any economic or politi-
13 cal reforms that would lead to democracy, a market
14 economy, or an economic recovery.

15 (3) The repression of the Cuban people, includ-
16 ing a ban on free and fair democratic elections and
17 the continuing violation of fundamental human
18 rights, has isolated the Cuban regime as the only
19 nondemocratic government in the Western Hemi-
20 sphere.

21 (4) As long as no such economic or political re-
22 forms are adopted by the Cuban Government, the eco-
23 nomic condition of the country and the welfare of the
24 Cuban people will not improve in any significant
25 way.

1 (5) Fidel Castro has defined democratic plural-
2 ism as “pluralistic garbage” and has made clear that
3 he has no intention of permitting free and fair demo-
4 cratic elections in Cuba or otherwise tolerating the de-
5 mocratization of Cuban society.

6 (6) The Castro government, in an attempt to re-
7 tain absolute political power, continues to utilize, as
8 it has from its inception, torture in various forms
9 (including psychiatric abuse), execution, exile,
10 confiscation, political imprisonment, and other forms
11 of terror and repression as most recently dem-
12 onstrated by the massacre of more than 40 Cuban
13 men, women, and children attempting to flee Cuba.

14 (7) The Castro government holds hostage in Cuba
15 innocent Cubans whose relatives have escaped the
16 country.

17 (8) The Castro government has threatened inter-
18 national peace and security by engaging in acts of
19 armed subversion and terrorism, such as the training
20 and supplying of groups dedicated to international
21 violence.

22 (9) Over the past 36 years, the Cuban Govern-
23 ment has posed a national security threat to the
24 United States.

1 (10) *The completion and any operation of a nuclear-powered facility in Cuba, for energy generation*
2 *or otherwise, poses an unacceptable threat to the national security of the United States.*

5 (11) *The unleashing on United States shores of thousands of Cuban refugees fleeing Cuban oppression*
6 *will be considered an act of aggression.*

8 (12) *The Government of Cuba engages in illegal international narcotics trade and harbors fugitives*
9 *from justice in the United States.*

11 (13) *The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means*
12 *to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous*
13 *attempts to escape from Cuba to freedom.*

16 (14) *Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban*
17 *pro-democracy and human rights groups have ensured the international community's continued awareness*
18 *of, and concern for, the plight of Cuba.*

21 (15) *The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that*
22 *has oppressed them for 36 years.*

24 (16) *Radio Marti and Television Marti have been effective vehicles for providing the people of Cuba*
25

1 with news and information and have helped to bolster
2 the morale of the Cubans living under tyranny.

3 (17) *The consistent policy of the United States*
4 *towards Cuba since the beginning of the Castro re-*
5 *gime, carried out by both Democratic and Republican*
6 *administrations, has sought to keep faith with the*
7 *people of Cuba, and has been effective in isolating the*
8 *totalitarian Castro regime.*

9 **SEC. 3. PURPOSES.**

10 *The purposes of this Act are—*

11 (1) *to assist the Cuban people in regaining their*
12 *freedom and prosperity, as well as in joining the com-*
13 *munity of democratic countries that are flourishing*
14 *in the Western Hemisphere;*

15 (2) *to strengthen international sanctions against*
16 *the Castro government;*

17 (3) *to provide for the continued national security*
18 *of the United States in the face of continuing threats*
19 *from the Castro government of terrorism, theft of*
20 *property from United States nationals, and the polit-*
21 *ical manipulation of the desire of Cubans to escape*
22 *that results in mass migration to the United States;*

23 (4) *to encourage the holding of free and fair*
24 *democratic elections in Cuba, conducted under the su-*
25 *pervision of internationally recognized observers;*

1 (5) to provide a policy framework for United
2 States support to the Cuban people in response to the
3 formation of a transition government or a democrati-
4 cally elected government in Cuba; and

5 (6) to protect American nationals against confis-
6 catory takings and the wrongful trafficking in prop-
7 erty confiscated by the Castro regime.

8 **SEC. 4. DEFINITIONS.**

9 As used in this Act, the following terms have the follow-
10 ing meanings:

11 (1) *AGENCY OR INSTRUMENTALITY OF A FOREIGN*
12 *STATE.*—The term “agency or instrumentality of a
13 foreign state” has the meaning given that term in sec-
14 tion 1603(b) of title 28, United States Code, except as
15 otherwise provided for in this Act under paragraph
16 4(5).

17 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
18 *TEES.*—The term “appropriate congressional commit-
19 tees” means the Committee on International Relations
20 and the Committee on Appropriations of the House of
21 Representatives and the Committee on Foreign Rela-
22 tions and the Committee on Appropriations of the
23 Senate.

1 (3) *COMMERCIAL ACTIVITY*.—The term “commer-
2 cial activity” has the meaning given that term in sec-
3 tion 1603(d) of title 28, United States Code.

4 (4) *CONFISCATED*.—The term “confiscated” re-
5 fers to—

6 (A) the nationalization, expropriation, or
7 other seizure by the Cuban Government of owner-
8 ship or control of property, on or after January
9 1, 1959—

10 (i) without the property having been
11 returned or adequate and effective com-
12 pensation provided; or

13 (ii) without the claim to the property
14 having been settled pursuant to an inter-
15 national claims settlement agreement or
16 other mutually accepted settlement proce-
17 dure; and

18 (B) the repudiation by the Cuban Govern-
19 ment of, the default by the Cuban Government
20 on, or the failure by the Cuban Government to
21 pay, on or after January 1, 1959—

22 (i) a debt of any enterprise which has
23 been nationalized, expropriated, or other-
24 wise taken by the Cuban Government,

1 (ii) a debt which is a charge on prop-
2 erty nationalized, expropriated, or otherwise
3 taken by the Cuban Government, or

4 (iii) a debt which was incurred by the
5 Cuban Government in satisfaction or settle-
6 ment of a confiscated property claim.

7 (5) CUBAN GOVERNMENT.—(A) The terms
8 “Cuban Government” and “Government of Cuba” in-
9 clude the government of any political subdivision of
10 Cuba, and any agency or instrumentality of the Gov-
11 ernment of Cuba.

12 (B) For purposes of subparagraph (A), the term
13 “agency or instrumentality” is used within the mean-
14 ing of section 1603(b) of title 28, United States Code.

15 (6) DEMOCRATICALLY ELECTED GOVERNMENT IN
16 CUBA.—The term “democratically elected government
17 in Cuba” means a government that the President has
18 determined as being democratically elected, taking
19 into account the factors listed in section 206.

20 (7) ECONOMIC EMBARGO OF CUBA.—The term
21 “economic embargo of Cuba” refers to the economic
22 embargo imposed against Cuba pursuant to section
23 620(a) of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2370(a)), section 5(b) of the Trading With the
25 Enemy Act (50 U.S.C. App. 5(b)), the International

1 *Emergency Economic Powers Act (50 U.S.C. 1701*
2 *and following), the Export Administration Act of*
3 *1979 (50 U.S.C. App. 2401 and following), as modi-*
4 *fied by the Cuban Democracy Act of 1992 (22 U.S.C.*
5 *6001 and following).*

6 (8) *FOREIGN NATIONAL.*—*The term “foreign na-*
7 *tional” means—*

8 (A) *an alien, or*

9 (B) *any corporation, trust, partnership, or*
10 *other juridical entity not organized under the*
11 *laws of the United States, or of any State, the*
12 *District of Columbia, or the Commonwealth of*
13 *Puerto Rico, or any other territory or possession*
14 *of the United States.*

15 (9) *OFFICIAL OF THE CUBAN GOVERNMENT OR*
16 *THE RULING POLITICAL PARTY IN CUBA.*—*The term*
17 *“official of the Cuban Government or the ruling polit-*
18 *ical party in Cuba” refers to members of the Council*
19 *of Ministers, Council of State, central committee of*
20 *the Cuban Communist Party, the Politburo, or their*
21 *equivalents.*

22 (10) *PROPERTY.*—(A) *The term “property”*
23 *means any property (including patents, copyrights,*
24 *trademarks, and any other form of intellectual prop-*
25 *erty), whether real, personal or mixed, and any*

1 *present, future, or contingent right, security, or other*
2 *interest therein, including any leasehold interest.*

3 *(B) For purposes of title III of this Act, the term*
4 *“property” shall not include real property used for*
5 *residential purposes, unless, at the time of enactment*
6 *of this Act—*

7 *(i) the claim to the property is held by a*
8 *United States national and the claim has been*
9 *certified under title V of the International*
10 *Claims Settlement Act of 1949; or*

11 *(ii) the property is occupied by an official*
12 *of the Cuban Government or the ruling political*
13 *party in Cuba.*

14 *(11) TRANSITION GOVERNMENT IN CUBA.—The*
15 *term “transition government in Cuba” means a gov-*
16 *ernment that the President determines as being a*
17 *transition government consistent with the require-*
18 *ments and factors listed in section 205.*

19 *(12) UNITED STATES NATIONAL.—The term*
20 *“United States national” means—*

21 *(A) any United States citizen; or*

22 *(B) any other legal entity which is orga-*
23 *nized under the laws of the United States, or of*
24 *any State, the District of Columbia, or the Com-*
25 *monwealth of Puerto Rico, or any other territory*

1 or possession of the United States, and which has
2 its principal place of business in the United
3 States.

4 **TITLE I—STRENGTHENING**
5 **INTERNATIONAL SANCTIONS**
6 **AGAINST THE CASTRO GOV-**
7 **ERNMENT**

8 **SEC. 101. STATEMENT OF POLICY.**

9 *It is the sense of the Congress that—*

10 (1) *the acts of the Castro government, including*
11 *its massive, systematic, and extraordinary violations*
12 *of human rights, are a threat to international peace;*

13 (2) *the President should advocate, and should in-*
14 *struct the United States Permanent Representative to*
15 *the United Nations to propose and seek within the*
16 *Security Council a mandatory international embargo*
17 *against the totalitarian Government of Cuba pursu-*
18 *ant to chapter VII of the Charter of the United Na-*
19 *tions, employing efforts similar to consultations con-*
20 *ducted by United States representatives with respect*
21 *to Haiti;*

22 (3) *any resumption of efforts by an independent*
23 *state of the former Soviet Union to make operational*
24 *the nuclear facility at Cienfuegos, Cuba, and the con-*
25 *tinuation of intelligence activities from Cuba targeted*

1 *at the United States and its citizens will have a det-*
2 *rimental impact on United States assistance to such*
3 *state; and*

4 *(4) in view of the threat to the national security*
5 *posed by the operation of any nuclear facility, and*
6 *the Castro government's continuing blackmail to*
7 *unleash another wave of Cuban refugees fleeing from*
8 *Castro's oppression, most of whom find their way to*
9 *United States shores further depleting limited human-*
10 *itarian and other resources of the United States, the*
11 *President should do all in his power to make it clear*
12 *to the Cuban Government that—*

13 *(A) the completion and operation of any*
14 *nuclear power facility, or*

15 *(B) any further political manipulation of*
16 *the desire of Cubans to escape that results in*
17 *mass migration to the United States,*

18 *will be considered an act of aggression which will be*
19 *met with an appropriate response in order to main-*
20 *tain the security of the national borders of the United*
21 *States and the health and safety of the American peo-*
22 *ple.*

1 **SEC. 102. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC**
2 **AND HUMAN RIGHTS GROUPS AND INTER-**
3 **NATIONAL OBSERVERS.**

4 (a) *AUTHORIZATION.*—The President is authorized to
5 furnish assistance to and make available other support for
6 individuals and nongovernmental organizations to support
7 democracy-building efforts in Cuba, including the following:

8 (1) *Published and informational matter, such as*
9 *books, videos, and cassettes, on transitions to democ-*
10 *racy, human rights, and market economies to be made*
11 *available to independent democratic groups in Cuba.*

12 (2) *Humanitarian assistance to victims of politi-*
13 *cal repression and their families.*

14 (3) *Support for democratic and human rights*
15 *groups in Cuba.*

16 (4) *Support for visits and permanent deploy-*
17 *ment of independent international human rights*
18 *monitors in Cuba.*

19 (b) *DENIAL OF FUNDS TO THE GOVERNMENT OF*
20 *CUBA.*—In implementing this section, the President shall
21 take all necessary steps to ensure that no funds or other
22 assistance are provided to the Government of Cuba or any
23 of its agencies, entities, or instrumentalities.

24 (c) *SUPERSEDING OTHER LAWS.*—Assistance may be
25 provided under this section notwithstanding any other pro-
26 vision of law, except for section 634A of the Foreign Assist-

1 *ance Act of 1961 (22 U.S.C. 2394) and comparable notifica-*
2 *tion requirements contained in sections of the annual for-*
3 *ign operations, export financing, and related programs ap-*
4 *propriations Act.*

5 **SEC. 103. ENFORCEMENT OF THE ECONOMIC EMBARGO OF**
6 **CUBA.**

7 (a) *POLICY.*—(1) *The Congress hereby reaffirms sec-*
8 *tion 1704(a) of the Cuban Democracy Act of 1992, which*
9 *states the President should encourage foreign countries to*
10 *restrict trade and credit relations with Cuba in a manner*
11 *consistent with the purposes of that Act.*

12 (2) *The Congress further urges the President to take*
13 *immediate steps to apply the sanctions described in section*
14 *1704(b)(1) of such Act against countries assisting Cuba.*

15 (b) *DIPLOMATIC EFFORTS.*—*The Secretary of State*
16 *should ensure that United States diplomatic personnel*
17 *abroad understand and, in their contacts with foreign offi-*
18 *cials are communicating the reasons for the United States*
19 *economic embargo of Cuba, and are urging foreign govern-*
20 *ments to cooperate more effectively with the embargo.*

21 (c) *EXISTING REGULATIONS.*—*The President shall in-*
22 *struct the Secretary of the Treasury and the Attorney Gen-*
23 *eral to enforce fully the Cuban Assets Control Regulations*
24 *in part 515 of title 31, Code of Federal Regulations.*

1 (d) *TRADING WITH THE ENEMY ACT.*—(1) Subsection
2 (b) of section 16 of the Trading With the Enemy Act (50
3 U.S.C. App. 16(b)), as added by Public Law 102–484, is
4 amended to read as follows:

5 “(b)(1) A civil penalty of not to exceed \$50,000 may
6 be imposed by the Secretary of the Treasury on any person
7 who violates any license, order, rule, or regulation issued
8 in compliance with the provisions of this Act.

9 “(2) Any property, funds, securities, papers, or other
10 articles or documents, or any vessel, together with its tackle,
11 apparel, furniture, and equipment, that is the subject of a
12 violation under paragraph (1) shall, at the direction of the
13 Secretary of the Treasury, be forfeited to the United States
14 Government.

15 “(3) The penalties provided under this subsection may
16 be imposed only on the record after opportunity for an
17 agency hearing in accordance with sections 554 through 557
18 of title 5, United States Code, with the right to prehearing
19 discovery.

20 “(4) Judicial review of any penalty imposed under
21 this subsection may be had to the extent provided in section
22 702 of title 5, United States Code.”.

23 (2) Section 16 of the Trading With the Enemy Act
24 is further amended—

1 (A) by striking subsection (b), as added by Pub-
2 lic Law 102–393; and

3 (B) by striking subsection (c).

4 (e) *COVERAGE OF DEBT-FOR-EQUITY SWAPS UNDER*
5 *THE ECONOMIC EMBARGO OF CUBA.*—Section 1704(b)(2)
6 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2))
7 is amended—

8 (1) by striking “and” at the end of subpara-
9 graph (A);

10 (2) by redesignating subparagraph (B) as sub-
11 paragraph (C); and

12 (3) by inserting after subparagraph (A) the fol-
13 lowing new subparagraph:

14 “(B) includes an exchange, reduction, or
15 forgiveness of Cuban debt owed to a foreign coun-
16 try in return for a grant of an equity interest
17 in a property, investment, or operation of the
18 Government of Cuba or of a Cuban national;
19 and”.

20 **SEC. 104. PROHIBITION AGAINST INDIRECT FINANCING OF**
21 **CUBA.**

22 (a) *PROHIBITION.*—Notwithstanding any other provi-
23 sion of law, no loan, credit, or other financing may be ex-
24 tended knowingly by a United States national, a perma-
25 nent resident alien, or a United States agency to a foreign

1 or United States national for the purpose of financing
 2 transactions involving any property confiscated by the
 3 Cuban Government the claim to which is owned by a Unit-
 4 ed States national as of the date of enactment of this Act,
 5 except for financing by the owner of the property or the
 6 claim thereto for a permitted transaction.

7 (b) *SUSPENSION AND TERMINATION OF PROHIBI-*
 8 *TION.*—(1) the President is authorized to suspend this pro-
 9 hibition upon a determination pursuant to section 203(a).
 10 (2) The prohibition in subsection (a) shall cease to
 11 apply on the date of termination of the economic embargo
 12 of Cuba, as provided for in section 204.

13 (c) *PENALTIES.*—Violations of subsection (a) shall be
 14 punishable by such civil penalties as are applicable to simi-
 15 lar violations of the Cuban Assets Control Regulations in
 16 part 515 of title 31, Code of Federal Regulations.

17 **SEC. 105. UNITED STATES OPPOSITION TO CUBAN MEMBER-**
 18 **SHIP IN INTERNATIONAL FINANCIAL INSTI-**
 19 **TUTIONS.**

20 (a) *CONTINUED OPPOSITION TO CUBAN MEMBERSHIP*
 21 *IN INTERNATIONAL FINANCIAL INSTITUTIONS.*—

22 (1) Except as provided in paragraph (2), the
 23 Secretary of the Treasury shall instruct the United
 24 States executive director of each international finan-
 25 cial institution to use the voice and vote of the United

1 *States to oppose the admission of Cuba as a member*
2 *of such institution until the President submits a de-*
3 *termination pursuant to section 203(c).*

4 *(2) Once the President submits a determination*
5 *under section 203(a) that a transition government in*
6 *Cuba is in power—*

7 *(A) the President is encouraged to take steps*
8 *to support the processing of Cuba's application*
9 *for membership in any international financial*
10 *institution, subject to the membership taking ef-*
11 *fect after a democratically elected government in*
12 *Cuba is in power, and*

13 *(B) the Secretary of the Treasury is author-*
14 *ized to instruct the United States executive direc-*
15 *tor of each international financial institution to*
16 *support loans or other assistance to Cuba only to*
17 *the extent that such loans or assistance contrib-*
18 *ute to a stable foundation for a democratically*
19 *elected government in Cuba.*

20 *(b) REDUCTION IN UNITED STATES PAYMENTS TO*
21 *INTERNATIONAL FINANCIAL INSTITUTIONS.—If any inter-*
22 *national financial institution approves a loan or other as-*
23 *sistance to the Cuban Government over the opposition of*
24 *the United States, then the Secretary of the Treasury shall*
25 *withhold from payment to such institution an amount*

1 *equal to the amount of the loan or other assistance, with*
2 *respect to each of the following types of payment:*

3 *(1) The paid-in portion of the increase in capital*
4 *stock of the institution.*

5 *(2) The callable portion of the increase in capital*
6 *stock of the institution.*

7 *(c) DEFINITION.—For purposes of this section, the*
8 *term “international financial institution” means the Inter-*
9 *national Monetary Fund, the International Bank for Re-*
10 *construction and Development, the International Develop-*
11 *ment Association, the International Finance Corporation,*
12 *the Multilateral Investment Guaranty Agency, and the*
13 *Inter-American Development Bank.*

14 **SEC. 106. UNITED STATES OPPOSITION TO TERMINATION**
15 **OF THE SUSPENSION OF THE GOVERNMENT**
16 **OF CUBA FROM PARTICIPATION IN THE OR-**
17 **GANIZATION OF AMERICAN STATES.**

18 *The President should instruct the United States Per-*
19 *manent Representative to the Organization of American*
20 *States to oppose and vote against any termination of the*
21 *suspension of the Cuban Government from participation in*
22 *the Organization until the President determines under sec-*
23 *tion 203(c) that a democratically elected government in*
24 *Cuba is in power.*

1 **SEC. 107. ASSISTANCE BY THE INDEPENDENT STATES OF**
2 **THE FORMER SOVIET UNION FOR THE GOV-**
3 **ERNMENT OF CUBA.**

4 (a) *REPORTING REQUIREMENT.*—Not later than 90
5 days after the date of enactment of this Act, the President
6 shall submit to the appropriate congressional committees a
7 report detailing progress toward the withdrawal of person-
8 nel of any independent state of the former Soviet Union
9 (within the meaning of section 3 of the *FREEDOM Support*
10 *Act* (22 U.S.C. 5801)), including advisers, technicians, and
11 military personnel, from the Cienfuegos nuclear facility in
12 Cuba.

13 (b) *CRITERIA FOR ASSISTANCE.*—Section 498A(a)(11)
14 of the *Foreign Assistance Act of 1961* (22 U.S.C.
15 2295a(a)(1)) is amended by striking “of military facilities”
16 and inserting “military and intelligence facilities, includ-
17 ing the military and intelligence facilities at Lourdes and
18 Cienfuegos,”.

19 (c) *INELIGIBILITY FOR ASSISTANCE.*—(1) Section
20 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

21 (A) by striking “or” at the end of paragraph (4);

22 (B) by redesignating paragraph (5) as para-
23 graph (6); and

24 (C) by inserting after paragraph (4) the follow-
25 ing:

1 “(5) except for assistance under the secondary
2 school exchange program administered by the United
3 States Information Agency, for the government of any
4 independent state effective 30 days after the President
5 has determined and certified to the appropriate con-
6 gressional committees (and Congress has not enacted
7 legislation disapproving the determination within the
8 30-day period) that such government is providing as-
9 sistance for, or engaging in nonmarket based trade
10 (as defined in section 498B(k)(3)) with, the Govern-
11 ment of Cuba; or”.

12 (2) Subsection (k) of section 498B of that Act (22
13 U.S.C. 2295b(k)), is amended by adding at the end the fol-
14 lowing:

15 “(3) *NONMARKET BASED TRADE*.—As used in
16 section 498A(b)(5), the term ‘nonmarket based trade’
17 includes exports, imports, exchanges, or other ar-
18 rangements that are provided for goods and services
19 (including oil and other petroleum products) on terms
20 more favorable than those generally available in ap-
21 plicable markets or for comparable commodities, in-
22 cluding—

23 “(A) exports to the Government of Cuba on
24 terms that involve a grant, concessional price,
25 guarantee, insurance, or subsidy;

1 “(B) imports from the Government of Cuba
2 at preferential tariff rates;

3 “(C) exchange arrangements that include
4 advance delivery of commodities, arrangements
5 in which the Government of Cuba is not held ac-
6 countable for unfulfilled exchange contracts, and
7 arrangements under which Cuba does not pay
8 appropriate transportation, insurance, or fi-
9 nance costs; and

10 “(D) the exchange, reduction, or forgiveness
11 of Cuban Government debt in return for a grant
12 by the Cuban Government of an equity interest
13 in a property, investment, or operation of the
14 Government of Cuba or of a Cuban national.

15 “(4) CUBAN GOVERNMENT.—(A) The term Cuban
16 Government includes the government of any political
17 subdivision of Cuba, and any agency or instrumentality
18 of the Government of Cuba.

19 “(B) For purposes of subparagraph (A), the term
20 ‘agency or instrumentality’ is used within the mean-
21 ing of section 1603(b) of title 28, United States
22 Code.”.

23 (d) FACILITIES AT LOURDES, CUBA.—(1) The Con-
24 gress expresses its strong disapproval of the extension by
25 Russia of credits equivalent to \$200,000,000 in support of

1 the intelligence facility at Lourdes, Cuba, announced in No-
2 vember 1994.

3 (2) Section 498A of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2295a) is amended by adding at the end the
5 following new subsection:

6 “(d) *REDUCTION IN ASSISTANCE FOR SUPPORT OF IN-*
7 *TELLIGENCE FACILITIES IN CUBA.*—(1) Notwithstanding
8 any other provision of law, the President shall withhold
9 from assistance provided, on or after the date of enactment
10 of this subsection, for an independent state of the former
11 Soviet Union under this Act an amount equal to the sum
12 of assistance and credits, if any, provided on or after such
13 date by such state in support of intelligence facilities in
14 Cuba, including the intelligence facility at Lourdes, Cuba.

15 “(2)(A) The President may waive the requirement of
16 paragraph (1) to withhold assistance if the President cer-
17 tifies to the appropriate congressional committees that the
18 provision of such assistance is important to the national
19 security of the United States, and, in the case of such a
20 certification made with respect to Russia, if the President
21 certifies that the Russian Government has assured the Unit-
22 ed States Government that the Russian Government is not
23 sharing intelligence data collected at the Lourdes facility
24 with officials or agents of the Cuban Government.

1 “(B) At the time of a certification made with respect
2 to Russia pursuant to subparagraph (A), the President
3 shall also submit to the appropriate congressional commit-
4 tees a report describing the intelligence activities of Russia
5 in Cuba, including the purposes for which the Lourdes facil-
6 ity is used by the Russian Government and the extent to
7 which the Russian Government provides payment or gov-
8 ernment credits to the Cuban Government for the continued
9 use of the Lourdes facility.

10 “(C) The report required by subparagraph (B) may
11 be submitted in classified form.

12 “(D) For purposes of this paragraph, the term appro-
13 priate congressional committees, includes the Permanent
14 Select Committee on Intelligence of the House of Represent-
15 atives and the Select Committee on Intelligence of the Sen-
16 ate.

17 “(3) The requirement of paragraph (1) to withhold as-
18 sistance shall not apply with respect to—

19 “(A) assistance to meet urgent humanitarian
20 needs, including disaster and refugee relief;

21 “(B) democratic political reform and rule of law
22 activities;

23 “(C) technical assistance for safety upgrades of
24 civilian nuclear power plants;

1 “(D) the creation of private sector and non-
2 governmental organizations that are independent of
3 government control;

4 “(E) the development of a free market economic
5 system;

6 “(F) assistance under the secondary school ex-
7 change program administered by the United States
8 Information Agency; or

9 “(G) assistance for the purposes described in the
10 Cooperative Threat Reduction Act of 1993 (title XII
11 of Public Law 103–160)’’.

12 **SEC. 108. TELEVISION BROADCASTING TO CUBA.**

13 (a) *CONVERSION TO UHF.*—The Director of the Unit-
14 ed States Information Agency shall implement a conversion
15 of television broadcasting to Cuba under the Television
16 Marti Service to ultra high frequency (UHF) broadcasting.

17 (b) *PERIODIC REPORTS.*—Not later than 45 days after
18 the date of enactment of this Act, and every three months
19 thereafter until the conversion described in subsection (a)
20 is fully implemented, the Director shall submit a report to
21 the appropriate congressional committees on the progress
22 made in carrying out subsection (a).

23 (c) *TERMINATION OF BROADCASTING AUTHORITIES.*—
24 Upon transmittal of a determination under section 203(c),
25 the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa

1 *et seq.) and the Radio Broadcasting to Cuba Act (22 U.S.C.*
2 *1465 et seq.) are repealed.*

3 **SEC. 109. REPORTS ON COMMERCE WITH, AND ASSISTANCE**
4 **TO, CUBA FROM OTHER FOREIGN COUNTRIES.**

5 (a) *REPORTS REQUIRED.*—Not later than 90 days
6 after the date of enactment of this Act, and by January
7 1 each year thereafter until the President submits a deter-
8 mination under section 203(a), the President shall submit
9 a report to the appropriate congressional committees on
10 commerce with, and assistance to, Cuba from other foreign
11 countries during the preceding 12-month period.

12 (b) *CONTENTS OF REPORTS.*—Each report required by
13 subsection (a) shall, for the period covered by the report,
14 contain the following, to the extent such information is
15 available—

16 (1) *a description of all bilateral assistance pro-*
17 *vided to Cuba by other foreign countries, including*
18 *humanitarian assistance;*

19 (2) *a description of Cuba's commerce with for-*
20 *ign countries, including an identification of Cuba's*
21 *trading partners and the extent of such trade;*

22 (3) *a description of the joint ventures completed,*
23 *or under consideration, by foreign nationals and busi-*
24 *ness firms involving facilities in Cuba, including an*
25 *identification of the location of the facilities involved*

1 *and a description of the terms of agreement of the*
2 *joint ventures and the names of the parties that are*
3 *involved;*

4 *(4) a determination as to whether or not any of*
5 *the facilities described in paragraph (3) is the subject*
6 *of a claim against Cuba by a United States national;*

7 *(5) a determination of the amount of Cuban debt*
8 *owed to each foreign country, including—*

9 *(A) the amount of debt exchanged, forgiven,*
10 *or reduced under the terms of each investment or*
11 *operation in Cuba involving foreign nationals or*
12 *businesses; and*

13 *(B) the amount of debt owned the foreign*
14 *country that has been exchanged, reduced, or for-*
15 *given in return for a grant by the Cuban Gov-*
16 *ernment of an equity interest in a property, in-*
17 *vestment, or operation of the Government of*
18 *Cuba or of a Cuban national;*

19 *(6) a description of the steps taken to assure that*
20 *raw materials and semifinished or finished goods pro-*
21 *duced by facilities in Cuba involving foreign nation-*
22 *als or businesses do not enter the United States mar-*
23 *ket, either directly or through third countries or par-*
24 *ties; and*

1 (7) *an identification of countries that purchase,*
2 *or have purchased, arms or military supplies from*
3 *Cuba or that otherwise have entered into agreements*
4 *with Cuba that have a military application, includ-*
5 *ing—*

6 (A) *a description of the military supplies,*
7 *equipment, or other material sold, bartered, or*
8 *exchanged between Cuba and such countries;*

9 (B) *a listing of the goods, services, credits,*
10 *or other consideration received by Cuba in ex-*
11 *change for military supplies, equipment, or ma-*
12 *terial; and*

13 (C) *the terms or conditions of any such*
14 *agreement.*

15 **SEC. 110. IMPORTATION SAFEGUARD AGAINST CERTAIN**
16 **CUBAN PRODUCTS.**

17 (a) *STATEMENT OF POLICY.—(1) The Congress notes*
18 *that section 515.204 of title 31, Code of Federal Regulations,*
19 *prohibits the entry of, and dealings outside the United*
20 *States in, merchandise that—*

21 (A) *is of Cuban origin,*

22 (B) *is or has been located in or transported from*
23 *or through Cuba, or*

1 (C) is made or derived in whole or in part of
2 any article which is the growth, produce, or manufac-
3 ture of Cuba.

4 (2) The Congress notes that United States accession
5 to the North American Free Trade Agreement does not mod-
6 ify or alter the United States sanctions against Cuba, not-
7 ing that the statement of administrative action accompany-
8 ing that trade agreement specifically states the following:

9 (A) “The NAFTA rules of origin will not in any
10 way diminish the Cuban sanctions program. * * *
11 Nothing in the NAFTA would operate to override this
12 prohibition.”.

13 (B) “Article 309(3) (of the NAFTA) permits the
14 United States to ensure that Cuban products or goods
15 made from Cuban materials are not imported into the
16 United States from Mexico or Canada and that Unit-
17 ed States products are not exported to Cuba through
18 those countries.”.

19 (3) The Congress notes that section 902(c) of the Food
20 Security Act of 1985 (Public Law 99–198) required the
21 President not to allocate any of the sugar import quota to
22 a country that is a net importer of sugar unless appropriate
23 officials of that country verify to the President that the
24 country does not import for re-export to the United States
25 any sugar produced in Cuba.

1 (4) *Protection of essential security interests of the*
2 *United States requires enhanced assurances that sugar*
3 *products that are entered are not products of Cuba.*

4 **SEC. 111. REINSTITUTION OF FAMILY REMITTANCES AND**
5 **TRAVEL TO CUBA.**

6 *It is the sense of Congress that the President should,*
7 *before considering the reinstitution of general licensure*
8 *for—*

9 (1) *family remittances to Cuba—*

10 (A) *insist that, prior to such reinstitution,*
11 *the Government of Cuba permit the unfettered*
12 *operation of small businesses fully endowed with*
13 *the right to hire others to whom they may pay*
14 *wages, buy materials necessary in the operation*
15 *of the business and such other authority and*
16 *freedom required to foster the operation of small*
17 *businesses throughout the island, and*

18 (B) *require a specific license for remittances*
19 *above \$500; and*

20 (2) *travel to Cuba by United States resident*
21 *family members of Cuban nationals resident in Cuba*
22 *itself insist on such actions by the Government of*
23 *Cuba as abrogation of the sanction for refugee depar-*
24 *ture from the island, release of political prisoners,*

1 *recognition of the right of association and other fun-*
2 *damental freedoms.*

3 **SEC. 112. NEWS BUREAUS OF CUBA.**

4 *(a) ESTABLISHMENT OF NEWS BUREAUS.—The Presi-*
5 *dent is authorized to establish and implement an exchange*
6 *of news bureaus between the United States and Cuba, if—*

7 *(1) the exchange is fully-reciprocal;*

8 *(2) the Cuban Government allows free, unre-*
9 *stricted, and uninhibited movement in Cuba of jour-*
10 *nalists of any United States-based news organiza-*
11 *tions;*

12 *(3) the Cuban Government agrees not to interfere*
13 *with the news-gathering activities of individuals as-*
14 *signed to work as journalists in the news bureaus in*
15 *Cuba of United States-based news organizations;*

16 *(4) the United States Government is able to en-*
17 *sure that only accredited journalists regularly em-*
18 *ployed with a news gathering organization avail*
19 *themselves of the general license to travel to Cuba;*
20 *and*

21 *(5) the Cuban Government agrees not to interfere*
22 *with the transmission of telecommunications signals*
23 *of news bureaus or with the distribution within Cuba*
24 *of any United States-based news organization that*
25 *has a news bureau in Cuba.*

1 (b) *ASSURANCE AGAINST ESPIONAGE.*—In implement-
 2 ing this section, the President shall take all necessary steps
 3 to assure the safety and security of the United States
 4 against espionage by Cuban journalists it believes to be
 5 working for the intelligence agencies of the Cuban Govern-
 6 ment.

7 (c) *FULLY RECIPROCAL.*—It is the sense of Congress
 8 that the term “fully reciprocal” means that all news serv-
 9 ices, news organizations, and broadcasting services, includ-
 10 ing such services or organizations that receive financing,
 11 assistance or other support from a governmental or official
 12 source, are permitted to establish and operate a news bu-
 13 reau in each nation.

14 **SEC. 113. IMPACT ON LAWFUL UNITED STATES GOVERN-**
 15 **MENT ACTIVITIES.**

16 Nothing in this Act shall prohibit any lawfully author-
 17 ized investigative, protective, or intelligence activity of a
 18 law enforcement agency or of an intelligence agency of the
 19 United States.

20 **TITLE II—SUPPORT FOR A FREE**
 21 **AND INDEPENDENT CUBA**

22 **SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT**
 23 **AND A DEMOCRATICALLY ELECTED GOVERN-**
 24 **MENT IN CUBA.**

25 It is the policy of the United States—

1 (1) to support the self-determination of the
2 Cuban people;

3 (2) to facilitate a peaceful transition to rep-
4 resentative democracy and a free market economy in
5 Cuba;

6 (3) to be impartial toward any individual or en-
7 tity in the selection by the Cuban people of their fu-
8 ture government;

9 (4) to enter into negotiations with a democrat-
10 ically elected government in Cuba regarding the sta-
11 tus of the United States Naval Base at Guantanamo
12 Bay;

13 (5) to consider the restoration of diplomatic rela-
14 tions with Cuba and support the reintegration of the
15 Cuban Government into the Inter-American System
16 after a transition government in Cuba comes to power
17 and at such a time as will facilitate the rapid transi-
18 tion to a democratic government;

19 (6) to remove the economic embargo of Cuba
20 when the President determines that there exists a
21 democratically elected government in Cuba; and

22 (7) to pursue a mutually beneficial trading rela-
23 tionship with a democratic Cuba.

24 **SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.**

25 **(a) AUTHORIZATION.—**

1 (1) *IN GENERAL.*—The President may provide
2 assistance under this section for the Cuban people
3 after a transition government, or a democratically
4 elected government, is in power in Cuba, subject to
5 subsections 203 (a) and (c).

6 (2) *EFFECT ON OTHER LAWS.*—Subject to section
7 203, the President is authorized to provide such forms
8 of assistance to Cuba as are provided for in subsection
9 (b), notwithstanding any other provision of law, ex-
10 cept for—

11 (A) this Act;

12 (B) section 620(a)(2) of the Foreign Assist-
13 ance Act of 1961 (22 U.S.C. 2370(a)(2)); and

14 (C) section 634A of the Foreign Assistance
15 Act of 1961 (22 U.S.C. 2394) and comparable
16 notification requirements contained in sections of
17 the annual foreign operations, export financing,
18 and related programs appropriations Act.

19 (b) *RESPONSE PLAN.*—

20 (1) *DEVELOPMENT OF PLAN.*—The President
21 shall develop a plan detailing, to the extent possible,
22 the manner in which the United States would provide
23 and implement support for the Cuban people in re-
24 sponse to the formation of—

25 (A) a transition government in Cuba; and

1 (B) a democratically elected government in
2 Cuba.

3 (2) *TYPES OF ASSISTANCE.*—Support for the
4 Cuban people under the plan described in paragraph
5 (1) shall include the following types of assistance:

6 (A) *TRANSITION GOVERNMENT.*—(i) The
7 plan developed under paragraph (1)(A) for as-
8 sistance to a transition government in Cuba
9 shall be limited to such food, medicine, medical
10 supplies and equipment, and other assistance as
11 may be necessary to meet the basic human needs
12 of the Cuban people.

13 (ii) When a transition government in Cuba
14 is in power, the President is encouraged to re-
15 move or modify restrictions that may exist on—

16 (I) remittances by individuals to their
17 relatives of cash or humanitarian items,
18 and

19 (II) on freedom to travel to visit Cuba
20 other than that the provision of such serv-
21 ices and costs in connection with such travel
22 shall be internationally competitive.

23 (iii) Upon transmittal to Congress of a de-
24 termination under section 203(a) that a transi-
25 tion government in Cuba is in power, the Presi-

1 *dent should take such other steps as will encour-*
2 *age renewed investment in Cuba to contribute to*
3 *a stable foundation for a democratically elected*
4 *government in Cuba.*

5 *(B) DEMOCRATICALLY ELECTED GOVERN-*
6 *MENT.—The plan developed under paragraph*
7 *(1)(B) for assistance for a democratically elected*
8 *government in Cuba should consist of assistance*
9 *to promote free market development, private en-*
10 *terprise, and a mutually beneficial trade rela-*
11 *tionship between the United States and Cuba.*
12 *Such assistance should include—*

13 *(i) financing, guarantees, and other as-*
14 *sistance provided by the Export-Import*
15 *Bank of the United States;*

16 *(ii) insurance, guarantees, and other*
17 *assistance provided by the Overseas Private*
18 *Investment Corporation for investment*
19 *projects in Cuba;*

20 *(iii) assistance provided by the Trade*
21 *and Development Agency;*

22 *(iv) international narcotics control as-*
23 *sistance provided under chapter 8 of part I*
24 *of the Foreign Assistance Act of 1961; and*

25 *(v) Peace Corps activities.*

1 (c) *INTERNATIONAL EFFORTS.*—*The President is en-*
2 *couraged to take the necessary steps—*

3 (1) *to seek to obtain the agreement of other coun-*
4 *tries and multinational organizations to provide as-*
5 *sistance to a transition government in Cuba and to*
6 *a democratically elected government in Cuba; and*

7 (2) *to work with such countries, institutions, and*
8 *organizations to coordinate all such assistance pro-*
9 *grams.*

10 (d) *REPORT ON TRADE AND INVESTMENT RELA-*
11 *TIONS.*—

12 (1) *REPORT TO CONGRESS.*—*The President, fol-*
13 *lowing the transmittal to the Congress of a deter-*
14 *mination under section 203(c) that a democratically*
15 *elected government in Cuba is in power, shall submit*
16 *to the Committee on Ways and Means of the House*
17 *of Representatives and the Committee on Finance of*
18 *the Senate and other appropriate congressional com-*
19 *mittees a report that describes—*

20 (A) *acts, policies, and practices which con-*
21 *stitute significant barriers to, or distortions of,*
22 *United States trade in goods or services or for-*
23 *ign direct investment with respect to Cuba;*

24 (B) *policy objectives of the United States re-*
25 *garding trade relations with a democratically*

1 *elected government in Cuba, and the reasons*
2 *therefor, including possible—*

3 *(i) reciprocal extension of nondiscrim-*
4 *inatory trade treatment (most-favored-na-*
5 *tion treatment);*

6 *(ii) designation of Cuba as a bene-*
7 *ficiary developing country under title V of*
8 *the Trade Act of 1974 (relating to the Gen-*
9 *eralized System of Preferences) or as a bene-*
10 *ficiary country under the Caribbean Basin*
11 *Economic Recovery Act, and the implica-*
12 *tions of such designation with respect to*
13 *trade and any other country that is such a*
14 *beneficiary developing country or bene-*
15 *ficiary country or is a party to the North*
16 *American Free Trade Agreement; and*

17 *(iii) negotiations regarding free trade,*
18 *including the accession of Cuba to the North*
19 *American Free Trade Agreement;*

20 *(C) specific trade negotiating objectives of*
21 *the United States with respect to Cuba, includ-*
22 *ing the objectives described in section 108(b)(5)*
23 *of the North American Free Trade Agreement*
24 *Implementation Act; and*

1 (D) actions proposed or anticipated to be
2 undertaken, and any proposed legislation nec-
3 essary or appropriate, to achieve any of such
4 policy and negotiating objectives.

5 (2) CONSULTATION.—The President shall consult
6 with the Committee on Ways and Means of the House
7 of Representatives and the Committee on Finance of
8 the Senate and other appropriate congressional com-
9 mittees and shall seek advice from the appropriate
10 advisory committees established under section 135 of
11 the Trade Act of 1974 regarding the policy and nego-
12 tiating objectives and the legislative proposals de-
13 scribed in paragraph (1).

14 (e) COMMUNICATION WITH THE CUBAN PEOPLE.—The
15 President is encouraged to take the necessary steps to com-
16 municate to the Cuban people the plan developed under this
17 section.

18 (f) REPORT TO CONGRESS.—Not later than 180 days
19 after the date of the enactment of this Act, the President
20 shall transmit to the appropriate congressional committees
21 a report describing in detail the plan developed under this
22 section.

23 **SEC. 203. IMPLEMENTATION; REPORTS TO CONGRESS.**

24 (a) IMPLEMENTATION WITH RESPECT TO TRANSITION
25 GOVERNMENT.—Upon making a determination, consistent

1 with the requirements and factors in section 205, that a
2 transition government in Cuba is in power, the President
3 shall transmit that determination to the appropriate con-
4 gressional committees and should, subject to the authoriza-
5 tion of appropriations and the availability of appropria-
6 tions, commence to provide assistance pursuant to section
7 202(b)(2)(A).

8 (b) *REPORTS TO CONGRESS.*—(1) The President shall
9 transmit to the appropriate congressional committees a re-
10 port setting forth the strategy for providing assistance au-
11 thorized under section 202(b)(2)(A) to the transition gov-
12 ernment in Cuba, the types of such assistance, and the ex-
13 tent to which such assistance has been distributed.

14 (2) The President shall transmit the report not later
15 than 90 days after making the determination referred to
16 in paragraph (1), except that the President shall consult
17 regularly with the appropriate congressional committees re-
18 garding the development of the plan.

19 (c) *IMPLEMENTATION WITH RESPECT TO DEMOCRAT-*
20 *ICALLY ELECTED GOVERNMENT.*—Upon making a deter-
21 mination, consistent with section 206, that a democratically
22 elected government in Cuba is in power, the President shall
23 transmit that determination to the appropriate congres-
24 sional committees and should, subject to the authorization
25 of appropriations and the availability of appropriations,

1 commence to provide such forms of assistance as may be
2 included in the plan for assistance pursuant to section
3 202(b)(2)(B).

4 (d) *ANNUAL REPORTS TO CONGRESS.*—Once the Presi-
5 dent has transmitted a determination referred to in either
6 subsection (a) or (c), the President shall, not later than 60
7 days after the end of each fiscal year, transmit to the appro-
8 priate congressional committees a report on the assistance
9 to Cuba authorized under section 202, including a descrip-
10 tion of each type of assistance, the amounts expended for
11 such assistance, and a description of the assistance to be
12 provided under the plan in the current fiscal year.

13 **SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF**
14 **CUBA.**

15 (a) *PRESIDENTIAL ACTIONS.*—Upon submitting a de-
16 termination to the appropriate congressional committees
17 under section 203(a) that a transition government in Cuba
18 is in power, the President, after consulting with the Con-
19 gress, is authorized to take steps to suspend the economic
20 embargo on Cuba and to suspend application of the right
21 of action created in section 302 as to actions thereafter filed
22 against the Government of Cuba, to the extent that such
23 action contributes to a stable foundation for a democrat-
24 ically elected government in Cuba.

1 (b) *SUSPENSION OF CERTAIN PROVISIONS OF LAW.*—
2 In carrying out subsection (a), the President may suspend
3 the enforcement of—

4 (1) section 620(a) of the Foreign Assistance Act
5 of 1961 (22 U.S.C. 2370(a));

6 (2) section 620(f) of the Foreign Assistance Act
7 of 1961 (22 U.S.C. 2370(f)) with regard to the “Re-
8 public of Cuba”;

9 (3) sections 1704, 1705(d), and 1706 of the
10 Cuban Democracy Act (22 U.S.C. 6003, 6004(d),
11 6005);

12 (4) section 902(c) of the Food Security Act of
13 1985; and

14 (5) the prohibitions on transactions described in
15 part 515 of title 31, Code of Federal Regulations.

16 (c) *ADDITIONAL PRESIDENTIAL ACTIONS.*—Upon sub-
17 mitting a determination to the appropriate congressional
18 committees under section 203(c) that a democratically elect-
19 ed government in Cuba is in power, the President shall take
20 steps to terminate the economic embargo of Cuba.

21 (d) *CONFORMING AMENDMENTS.*—On the date on
22 which the President submits a determination under section
23 203(c)—

24 (1) section 620(a) of the Foreign Assistance Act
25 of 1961 (22 U.S.C. 2370(a)) is repealed;

1 (2) section 620(f) of the Foreign Assistance Act
2 of 1961 (22 U.S.C. 2370(f)) is amended by striking
3 “Republic of Cuba”;

4 (3) sections 1704, 1705(d), and 1706 of the
5 Cuban Democracy Act (22 U.S.C. 6003, 6004(d),
6 6005) are repealed; and

7 (4) section 902(c) of the Food Security Act of
8 1985 is repealed.

9 (e) REVIEW OF SUSPENSION OF ECONOMIC EMBAR-
10 GO.—

11 (1) REVIEW.—If the President takes action
12 under subsection (a) to suspend the economic embargo
13 of Cuba, the President shall immediately so notify the
14 Congress. The President shall report to the Congress
15 no less frequently than every 6 months thereafter,
16 until he submits a determination under section 203(c)
17 that a democratically elected government in Cuba is
18 in power, on the progress being made by Cuba toward
19 the establishment of such a democratically elected gov-
20 ernment. The action of the President under subsection
21 (a) shall cease to be effective upon the enactment of
22 a joint resolution described in paragraph (2).

23 (2) JOINT RESOLUTIONS.—For purposes of this
24 subsection, the term “joint resolution” means only a
25 joint resolution of the 2 Houses of Congress, the mat-

1 *ter after the resolving clause of which is as follows:*
2 *“That the Congress disapproves the action of the*
3 *President under section 204(a) of the Cuban Liberty*
4 *and Democratic Solidarity (LIBERTAD) Act of 1995*
5 *to suspend the economic embargo of Cuba, notice of*
6 *which was submitted to the Congress on _____.”,*
7 *with the blank space being filled with the appropriate*
8 *date.*

9 *(3) REFERRAL TO COMMITTEES.—Joint resolu-*
10 *tions introduced in the House of Representatives shall*
11 *be referred to the Committee on International Rela-*
12 *tions and joint resolutions introduced in the Senate*
13 *shall be referred to the Committee on Foreign Rela-*
14 *tions.*

15 *(4) PROCEDURE.—(A) Any joint resolution shall*
16 *be considered in the Senate in accordance with the*
17 *provisions of section 601(b) of the International Secu-*
18 *rity Assistance and Arms Export Control Act of 1976.*

19 *(B) For the purpose of expediting the consider-*
20 *ation and enactment of joint resolutions, a motion to*
21 *proceed to the consideration of any joint resolution*
22 *after it has been reported by the appropriate commit-*
23 *tee shall be treated as highly privileged in the House*
24 *of Representatives.*

1 (C) Not more than 1 joint resolution may be con-
2 sidered in the House of Representatives and the Sen-
3 ate in the 6-month period beginning on the date on
4 which the President notifies the Congress under para-
5 graph (1) of the action taken under subsection (a),
6 and in each 6-month period thereafter.

7 **SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERN-**
8 **MENT.**

9 (a) A determination under section 203(a) that a tran-
10 sition government in Cuba is in power shall not be made
11 unless that government has taken the following actions—

12 (1) legalized all political activity;

13 (2) released all political prisoners and allowed
14 for investigations of Cuban prisons by appropriate
15 international human rights organizations;

16 (3) dissolved the present Department of State Se-
17 curity in the Cuban Ministry of the Interior, includ-
18 ing the Committees for the Defense of the Revolution
19 and the Rapid Response Brigades; and

20 (4) has committed to organizing free and fair
21 elections for a new government—

22 (A) to be held in a timely manner within
23 2 years after the transition government assumes
24 power;

1 (B) with the participation of multiple inde-
2 pendent political parties that have full access to
3 the media on an equal basis, including (in the
4 case of radio, television, or other telecommuni-
5 cations media) in terms of allotments of time for
6 such access and the times of day such allotments
7 are given; and

8 (C) to be conducted under the supervision of
9 internationally recognized observers, such as the
10 Organization of American States, the United
11 Nations, and other election monitors;

12 (b) In addition to the requirements in subsection (a),
13 in determining whether a transition government is in
14 power in Cuba, the President shall take into account the
15 extent to which that government—

16 (1) is demonstrably in transition from com-
17 munist totalitarian dictatorship to representative de-
18 mocracy;

19 (2) has publicly committed itself to, and is mak-
20 ing demonstrable progress in—

21 (A) establishing an independent judiciary;

22 (B) respecting internationally recognized
23 human rights and basic freedoms as set forth in
24 the Universal Declaration of Human Rights;

1 (C) effectively guaranteeing the rights of
2 free speech and freedom of the press, including
3 granting permits to privately owned media and
4 telecommunications companies to operate in
5 Cuba;

6 (D) permitting the reinstatement of citizen-
7 ship to Cuban-born nationals returning to Cuba;

8 (E) assuring the right to private property;
9 and

10 (F) allowing the establishment of independ-
11 ent trade unions as set forth in conventions 87
12 and 98 of the International Labor Organization,
13 and allowing the establishment of independent
14 social, economic, and political associations;

15 (3) has ceased any interference with broadcasts
16 by Radio Marti or the Television Marti Service;

17 (4) has given adequate assurances that it will
18 allow the speedy and efficient distribution of assist-
19 ance to the Cuban people; and

20 (5) permits the deployment throughout Cuba of
21 independent and unfettered international human
22 rights monitors.

1 **SEC. 206. FACTORS FOR DETERMINING A DEMOCRATICALLY**
2 **ELECTED GOVERNMENT.**

3 *For purposes of determining under section 203(c) of*
4 *this Act whether a democratically elected government in*
5 *Cuba is in power, the President shall take into account*
6 *whether, and the extent to which, that government—*

7 *(1) results from free and fair elections—*

8 *(A) conducted under the supervision of*
9 *internationally recognized observers; and*

10 *(B) in which opposition parties were per-*
11 *mitted ample time to organize and campaign for*
12 *such elections, and in which all candidates in*
13 *the elections were permitted full access to the*
14 *media;*

15 *(2) is showing respect for the basic civil liberties*
16 *and human rights of the citizens of Cuba;*

17 *(3) is substantially moving toward a market-ori-*
18 *ented economic system based on the right to own and*
19 *enjoy property;*

20 *(4) is committed to making constitutional*
21 *changes that would ensure regular free and fair elec-*
22 *tions and the full enjoyment of basic civil liberties*
23 *and human rights by the citizens of Cuba; and*

24 *(5) is continuing to comply with the require-*
25 *ments of section 205.*

1 **SEC. 207. SETTLEMENT OF OUTSTANDING UNITED STATES**
2 **CLAIMS TO CONFISCATED PROPERTY IN**
3 **CUBA.**

4 (a) *SUPPORT FOR A TRANSITION GOVERNMENT.*—Not-
5 *withstanding any other provision of this Act—*

6 (1) *no assistance may be provided under the au-*
7 *thority of this Act to a transition government in*
8 *Cuba, and*

9 (2) *the Secretary of the Treasury shall instruct*
10 *the United States executive director of each inter-*
11 *national financial institution to vote against any*
12 *loan or other utilization of the funds of such bank or*
13 *institution for the benefit of a transition government*
14 *in Cuba, except for assistance to meet the emergency*
15 *humanitarian needs of the Cuban people,*

16 *unless the President determines and certifies to Congress*
17 *that such a government has publicly committed itself, and*
18 *is taking appropriate steps, to establish a procedure under*
19 *its law or through international arbitration to provide for*
20 *the return of, or prompt, adequate, and effective compensa-*
21 *tion for, property confiscated by the Government of Cuba*
22 *on or after January 1, 1959, from any person or entity*
23 *that is a United States national who is described in section*
24 *620(a)(2) of the Foreign Assistance Act of 1961.*

1 (b) *SUPPORT FOR A DEMOCRATICALLY ELECTED GOV-*
2 *ERNMENT.—Notwithstanding any other provision of this*
3 *Act—*

4 (1) *no assistance may be provided under the au-*
5 *thority of this Act to a democratically elected govern-*
6 *ment in Cuba, and*

7 (2) *the Secretary of the Treasury shall instruct*
8 *the United States executive director of each inter-*
9 *national financial institution to vote against any*
10 *loan or other utilization of the funds of such bank or*
11 *institution for the benefit of a democratically elected*
12 *government in Cuba,*

13 *unless the President determines and certifies to Congress*
14 *that such a government has adopted and is effectively im-*
15 *plementing a procedure under its law or through inter-*
16 *national arbitration to provide for the return of, or prompt,*
17 *adequate, and effective compensation for, property con-*
18 *fiscated by the Government of Cuba on or after January*
19 *1, 1959, from any person or entity that is a United States*
20 *national who is described in section 620(a)(2) of the For-*
21 *eign Assistance Act of 1961.*

22 (c) *REPORT TO CONGRESS.—Not later than 180 days*
23 *after the date of enactment of this Act, the Secretary of*
24 *State shall provide a report to the appropriate congres-*

1 sional committees containing an assessment of the property
2 dispute question in Cuba, including—

3 (1) an estimate of the number and amount of
4 claims to property confiscated by the Cuban Govern-
5 ment held by United States nationals beyond those
6 certified under section 507 of the International
7 Claims Settlement Act of 1949,

8 (2) an assessment of the significance of promptly
9 resolving confiscated property claims to the revitaliza-
10 tion of the Cuban economy,

11 (3) a review and evaluation of technical and
12 other assistance that the United States could provide
13 to help either a transition government in Cuba or a
14 democratically elected government in Cuba establish
15 mechanisms to resolve property questions,

16 (4) an assessment of the role and types of sup-
17 port the United States could provide to help resolve
18 claims to property confiscated by the Cuban Govern-
19 ment held by United States nationals who did not re-
20 ceive or qualify for certification under section 507 of
21 the International Claims Settlement Act of 1949, and

22 (5) an assessment of any areas requiring legisla-
23 tive review or action regarding the resolution of prop-
24 erty claims in Cuba prior to a change of government
25 in Cuba.

1 (d) *SENSE OF CONGRESS.*—*It is the sense of the Con-*
2 *gress that the satisfactory resolution of property claims by*
3 *a Cuban Government recognized by the United States re-*
4 *mains an essential condition for the full resumption of eco-*
5 *nomie and diplomatic relations between the United States*
6 *and Cuba.*

7 (e) *WAIVER.*—*The President may waive the prohibi-*
8 *tions in subsections (a) and (b) if the President determines*
9 *and certifies to the Congress that it is in the vital national*
10 *interest of the United States to provide assistance to con-*
11 *tribute to the stable foundation for a democratically elected*
12 *government in Cuba.*

Attest:

Secretary.

HR 927 EAS—	2
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104TH CONGRESS
1ST SESSION

H. R. 927

AMENDMENT