

Calendar No. 385

108TH CONGRESS
1ST SESSION**S. 950**

To allow travel between the United States and Cuba.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2003

Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. DAYTON, Mr. BINGAMAN, Mr. CHAFEE, Mr. CRAIG, Mr. JOHNSON, Mrs. MURRAY, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. LEAHY, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mrs. BOXER, Mr. CRAPO, Mr. DURBIN, Mr. BOND, Mr. SUNUNU, Mr. HARKIN, Mr. TALENT, Ms. CANTWELL, Mr. KENNEDY, Mr. REED, Mr. AKAKA, Mr. DODD, Mr. HAGEL, Mrs. LINCOLN, Mr. KERRY, Mr. LEVIN, Mr. PRYOR, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 11, 2003

Reported by Mr. LUGAR, with an amendment

[Insert the part printed in *italic*]**A BILL**

To allow travel between the United States and Cuba.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom to Travel
5 to Cuba Act of 2003”.

1 **SEC. 2. TRAVEL TO CUBA.**

2 (a) FREEDOM OF TRAVEL FOR UNITED STATES CITI-
3 ZENS AND LEGAL RESIDENTS.—Subject to section 3, the
4 President shall not regulate or prohibit, directly or indi-
5 rectly, travel to or from Cuba by United States citizens
6 or legal residents, or any of the transactions incident to
7 such travel that are set forth in subsection (b).

8 (b) TRANSACTIONS INCIDENT TO TRAVEL.—The
9 transactions referred to in subsection (a) are—

10 (1) any transactions ordinarily incident to trav-
11 el to or from Cuba, including the importation into
12 Cuba or the United States of accompanied baggage
13 for personal use only;

14 (2) any transactions ordinarily incident to trav-
15 el or maintenance within Cuba, including the pay-
16 ment of living expenses and the acquisition of goods
17 or services for personal use;

18 (3) any transactions ordinarily incident to the
19 arrangement, promotion, or facilitation of travel to,
20 from, or within Cuba;

21 (4) any transactions incident to nonscheduled
22 air, sea, or land voyages, except that this paragraph
23 does not authorize the carriage of articles into Cuba
24 or the United States except accompanied baggage;
25 and

1 (5) normal banking transactions incident to the
2 activities described in the preceding provisions of
3 this subsection, including the issuance, clearing,
4 processing, or payment of checks, drafts, traveler's
5 checks, credit or debit card instruments, or similar
6 instruments.

7 **SEC. 3. EXCEPTIONS.**

8 (a) SPECIAL CIRCUMSTANCES.—The restrictions on
9 authority contained in section 2 do not apply in a case
10 in which the United States is at war with Cuba, armed
11 hostilities between the two countries are in progress, or
12 there is imminent danger to the public health or the phys-
13 ical safety of United States travelers.

14 (b) IMPORTATION OF GOODS FOR PERSONAL CON-
15 SUMPTION.—Section 2 does not authorize the importation
16 into the United States of any goods for personal consump-
17 tion acquired in Cuba.

18 **SEC. 4. APPLICABILITY.**

19 This Act applies to actions taken by the President
20 before the date of the enactment of this Act that are in
21 effect on such date of enactment, and to actions taken
22 on or after such date.

23 **SEC. 5. INAPPLICABILITY OF OTHER PROVISIONS.**

24 This Act applies notwithstanding section 102(h) of
25 the Cuban Liberty and Democratic Solidarity

1 (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)) and sec-
 2 tion 910(b) of the Trade Sanctions Reform and Export
 3 Enhancement Act of 2000 (22 U.S.C. 7210(b)).

4 **SEC. 6. CRITICISM OF HUMAN RIGHTS PRACTICES IN CUBA.**

5 *(a) FINDINGS.—*

6 *(1) The democracies of the Western Hemisphere*
 7 *have approved an Inter-American Democratic Char-*
 8 *ter that sets a regional standard regarding respect for*
 9 *human rights and fundamental freedoms.*

10 *(2) The government of the Republic of Cuba ap-*
 11 *proved and is bound to respect the Charter of the Or-*
 12 *ganization of American States (OAS) and the Amer-*
 13 *ican Declaration of the Rights and Duties of Man.*

14 *(3) In 2001, 2000, 1999, 1998, and previous*
 15 *years, the government of the Republic of Cuba de-*
 16 *clined to reply to the OAS Inter-American Commis-*
 17 *sion on Human Rights when it sought the govern-*
 18 *ment's views on human rights violations in the Re-*
 19 *public of Cuba.*

20 *(4) All countries have an obligation to promote*
 21 *and protect human rights and fundamental freedoms*
 22 *as stated in the Charter of the United Nations and*
 23 *the Universal Declaration of Human Rights.*

24 *(5) The United Nations Commission on Human*
 25 *Rights considered and passed a resolution in 2002 re-*

1 *garding the situation of human rights in the Republic*
2 *of Cuba and called for the United Nations High Com-*
3 *missioner for Human Rights to send a personal rep-*
4 *resentative to the Republic of Cuba.*

5 *(6) The United States and other countries re-*
6 *main concerned about violations of human rights and*
7 *fundamental freedoms in the Republic of Cuba, in-*
8 *cluding the freedoms of expression, association, and*
9 *assembly, and the rights associated with the adminis-*
10 *tration of justice.*

11 *(7) Amnesty International in its 2002 report*
12 *noted an increase in human rights violations in the*
13 *Republic of Cuba, including short-term arbitrary ar-*
14 *rests, threats, summonses, evictions, interrogations,*
15 *losses of employment, restrictions on travel, house ar-*
16 *rests, and other forms of harassment directed by the*
17 *government against political dissidents, independent*
18 *journalists, and other activists in an effort to limit*
19 *their ability to exercise fundamental freedoms.*

20 *(8) Amnesty International also noted with con-*
21 *cern the beginning of a trend toward the increased use*
22 *of violence by Cuban authorities in order to repress*
23 *dissent.*

24 *(9) Peaceful dissidents in the Republic of Cuba,*
25 *such as Oscar Elias Biscet, who upon finishing more*

1 *than three years in jail for “instigation to commit a*
 2 *crime” is again in police custody and facing a pos-*
 3 *sible year-long sentence, are subjected to ongoing har-*
 4 *assment and imprisonment.*

5 *(10) Many Cubans are routinely jailed under*
 6 *charges of “disrespect” for making negative state-*
 7 *ments about the government of the Republic of Cuba;*
 8 *of “public disorder” for criticizing the Castro regime;*
 9 *of “revealing state security secrets” and “falsifying*
 10 *public documents” for promoting democratic practices*
 11 *and human rights; of “disobedience” for peacefully*
 12 *protesting the Republic of Cuba’s brutal treatment of*
 13 *dissidents; of “damages” for denouncing violations of*
 14 *human rights by the Cuban government and commu-*
 15 *nicating the brutality of the Cuban regime to Cuban*
 16 *citizens and the world; and of “enemy propaganda”*
 17 *for criticizing communism.*

18 *(11) The European Parliament rightfully recog-*
 19 *nized Oswaldo Paya for his work on the Varela*
 20 *Project with the 2002 Sakharov Prize for his human*
 21 *rights work in the Republic of Cuba.*

22 *(b) SENSE OF THE SENATE.—*

23 *(1) It is the Sense of the Senate that the Govern-*
 24 *ment of Cuba will never be welcomed into the commu-*
 25 *nity of democratic nations unless that government—*

1 (A) undertakes significant political and eco-
2 nomic reforms called for by reporters of the
3 Varela project which seeks to establish political
4 and economic freedom for the Cuban people;

5 (B) allows the International Committee of
6 the Red Cross unrestricted access to all Cuban
7 prisons and places of detention;

8 (C) honors the request by the United Na-
9 tions High Commissioner for Human Rights to
10 allow his special representative to visit Cuba to
11 make an assessment of the human rights situa-
12 tion; and

13 (D) frees all political prisoners.

14 (2) It is further the sense of the Senate that—

15 (A) the Organization of American States
16 Inter-American Commission on Human Rights
17 should continue its reporting on the human
18 rights situation in the Republic of Cuba and to
19 request a visit to the Republic of Cuba for the
20 purposes of reviewing and reporting to the inter-
21 national community on the human rights situa-
22 tion there;

23 (B) the United Nations High Commissioner
24 for Human Rights and his personal representa-
25 tive should vigorously pursue the implementation

1 *of the 2002 Resolution regarding the situation of*
2 *human rights in the Republic of Cuba;*

3 *(C) the European Union, to build upon the*
4 *European Parliament's recognition of Cuban*
5 *dissidents and, through the appropriate bodies*
6 *and mechanisms, should request to visit the Re-*
7 *public of Cuba for the purpose of reviewing the*
8 *human rights situation there and issue a report*
9 *to the international community on its findings;*

10 *(D) representatives from the International*
11 *Committee of the Red Cross should seek imme-*
12 *diate access to all prisons in Cuba and prepare*
13 *a report on the conditions of incarceration; and*

14 *(E) human rights organizations throughout*
15 *the world should issue statements of solidarity*
16 *with the Cuban human rights activists, political*
17 *dissidents, prisoners of conscience, independent*
18 *journalists, and other Cubans demanding their*
19 *release and seeking to secure their internation-*
20 *ally recognized human rights and fundamental*
21 *freedoms.*

22 *(3) It is further the Sense of the Senate that the*
23 *Department of State should monitor financial trans-*
24 *actions to and from Cuba to ensure that terrorist fi-*
25 *nancing is not occurring.*

1 **SEC. 7. REPORT ON TERRORIST FINANCING.**

2 *Not later than 180 days after the date of enactment*
3 *of this Act, and every 180 days thereafter, the Secretary*
4 *of State shall submit a report to Congress detailing any*
5 *action taken by the Communist government of Cuba to pro-*
6 *vide financial support for terrorism or to facilitate the pro-*
7 *vision of such support.*

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