

109TH CONGRESS  
1ST SESSION

# S. 894

To allow travel between the United States and Cuba.

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## IN THE SENATE OF THE UNITED STATES

APRIL 25, 2005

Mr. ENZI (for himself, Mr. DORGAN, Mr. BAUCUS, Mr. CRAIG, Mr. BINGAMAN, Mr. CHAFEE, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. HARKIN, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEAHY, Mrs. MURRAY, and Mr. TALENT) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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 2005”.

### 6   **SEC. 2. TRAVEL TO CUBA.**

7       (a) FREEDOM OF TRAVEL FOR UNITED STATES CITI-  
8   ZENS AND LEGAL RESIDENTS.—Subject to section 3, the  
9   President shall not regulate or prohibit, directly or indi-  
10   rectly, travel to or from Cuba by United States citizens

1 or legal residents, or any of the transactions incident to  
2 such travel that are set forth in subsection (b).

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

5 (1) any transactions ordinarily incident to trav-  
6 el to or from Cuba, including the importation into  
7 Cuba or the United States of accompanied baggage  
8 for personal use only;

9 (2) any transactions ordinarily incident to trav-  
10 el or maintenance within Cuba, including the pay-  
11 ment of living expenses and the acquisition of goods  
12 or services for personal use;

13 (3) any transactions ordinarily incident to the  
14 arrangement, promotion, or facilitation of travel to,  
15 from, or within Cuba;

16 (4) any transactions incident to nonscheduled  
17 air, sea, or land voyages, except that this paragraph  
18 does not authorize the carriage of articles into Cuba  
19 or the United States except accompanied baggage;  
20 and

21 (5) normal banking transactions incident to the  
22 activities described in the preceding provisions of  
23 this subsection, including the issuance, clearing,  
24 processing, or payment of checks, drafts, traveler's

1 checks, credit or debit card instruments, or similar  
2 instruments.

3 **SEC. 3. EXCEPTIONS.**

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

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

14 **SEC. 4. APPLICABILITY.**

15 This Act applies to actions taken by the President  
16 before the date of the enactment of this Act that are in  
17 effect on such date of enactment, and to actions taken  
18 on or after such date.

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

20 This Act applies notwithstanding section 102(h) of  
21 the Cuban Liberty and Democratic Solidarity  
22 (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)) and sec-  
23 tion 910(b) of the Trade Sanctions Reform and Export  
24 Enhancement Act of 2000 (22 U.S.C. 7210(b)).

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