

105TH CONGRESS
2D SESSION

S. 2080

To provide for the President to increase support to the democratic opposition in Cuba, to authorize support under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 for the provision and transport of increased humanitarian assistance directly to the oppressed people of Cuba to help them regain their freedom, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 1998

Mr. HELMS (for himself, Mr. LOTT, Mr. MACK, Mr. GRAHAM, Mr. TORRICELLI, Mr. COVERDELL, Mr. D'AMATO, Mr. REID, Mr. LIEBERMAN, Mr. HATCH, Mr. ROTH, Mr. THURMOND, Mr. NICKLES, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. ASHCROFT, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HOLLINGS, Mr. DEWINE, and Mr. THOMPSON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for the President to increase support to the democratic opposition in Cuba, to authorize support under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 for the provision and transport of increased humanitarian assistance directly to the oppressed people of Cuba to help them regain their freedom, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cuban Solidarity
3 (SOLIDARIDAD) Act of 1998”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) In spite of the historic visit of Pope John
7 Paul II to Cuba on January 21 to 25, 1998, the re-
8 gime of Fidel Castro Ruz continues an unrelenting,
9 systematic repression of freedom of expression, free-
10 dom of religion, and all other universally recognized
11 human rights, proving that continued pressure, not
12 unilateral concessions, is needed and justified to un-
13 dermine Castro’s tyranny.

14 (2) The vast majority of the American people
15 support the principled policy of political and eco-
16 nomic isolation of the Castro regime.

17 (3) The United States has a moral obligation to
18 increase its support to the democratic opposition in
19 Cuba, providing such assistance with the same inten-
20 sity and decisiveness with which it supported the
21 pro-democracy Solidarnosc movement in Poland to
22 defeat martial law and communism.

23 (4) The United States Government should re-
24 double efforts to overcome Fidel Castro’s blockade
25 on independent information in Cuba and about
26 Cuba, so that people on the island realize the oppor-

1 tunities of fundamental change and people in other
2 countries recognize their obligation to support such
3 change.

4 (5) The visit of Pope John Paul II to Cuba rep-
5 resents an historic opportunity for the international
6 community to support the Cuban people in their
7 quest for political and spiritual liberation.

8 (6) The regime of Fidel Castro Ruz denies the
9 Cuban people basic necessities of life as a means of
10 political control, compounding the hardship caused
11 by the mismanagement that is typical of all other
12 failed Marxist, centrally planned economies through-
13 out history.

14 (7) Augmenting humanitarian assistance to the
15 Cuban people will undermine the policies of Fidel
16 Castro Ruz by promoting their independence and
17 strengthening relief groups that operate independ-
18 ently of the regime, provided that such increased as-
19 sistance is delivered directly to victims of political
20 repression by genuinely independent nongovern-
21 mental groups.

22 (8) The regime of Fidel Castro Ruz requires
23 the Cuban people to pay United States dollars for
24 basic necessities, including food and medicine, as a
25 means of diverting hard currency into the coffers of

1 the repressive state, imposing extraordinary hard-
2 ship on workers whom the state pays an average
3 hourly wage of 5 cents.

4 (9) The regime of Fidel Castro Ruz refuses to
5 import adequate medicine and medical equipment for
6 the Cuban people, despite the fact that Cuba can
7 purchase such material from many countries, includ-
8 ing the United States, which lifted the embargo on
9 medicines and medical equipment in the Cuban De-
10 mocracy Act of 1992.

11 (10) The people of the United States already
12 provide more humanitarian assistance to Cuba under
13 present United States law than all other nations of
14 the world combined, exceeding \$2,300,000,000 since
15 1992.

16 (11) Increasing humanitarian assistance di-
17 rectly to the Cuban people is consistent with the
18 aims of the Cuban Liberty and Democratic Solidar-
19 ity (LIBERTAD) Act of 1996 and the Cuban De-
20 mocracy Act of 1992.

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are—

23 (1) to confront the unrelenting, systematic re-
24 pression of the Castro regime by requiring the Presi-
25 dent to provide increased, decisive support to the

1 democratic opposition in Cuba and to take specific
2 measures to bring about fundamental political and
3 economic change in Cuba;

4 (2) to take advantage of the historic oppor-
5 tunity created by the visit to Cuba of Pope John
6 Paul II to assist the Cuban people to secure the
7 blessings of liberty;

8 (3) to ensure that expanded humanitarian as-
9 sistance is delivered directly to needy, oppressed per-
10 sons in Cuba, including political prisoners and their
11 families, in order to undermine the deliberate policy
12 of the Cuban government to deny food and medical
13 care as a means of intimidation and control;

14 (4) to strengthen increasingly independent non-
15 governmental organizations in Cuba, including
16 groups committed to the political and spiritual lib-
17 eration of the Cuban people; and

18 (5) to encourage increased donations of free
19 food, medicine, and medical equipment by individ-
20 uals, nongovernmental organizations, and private
21 companies in the United States to the oppressed
22 people of Cuba who are unable to buy these neces-
23 sities because of the failed economic policies of the
24 Castro regime.

1 **SEC. 4. DEFINITIONS.**

2 For the purposes of section 109 of the Cuban Liberty
3 and Democratic Solidarity (LIBERTAD) Act of 1996 (22
4 U.S.C. 6039) and this Act:

5 (1) CUBAN GOVERNMENT.—The term “Cuban
6 government” has the meaning given the term in sec-
7 tion 4(5) of the Cuban Liberty and Democratic Soli-
8 darity (LIBERTAD) Act of 1996 (22 U.S.C.
9 6023(5)).

10 (2) HUMANITARIAN ASSISTANCE.—The term
11 “humanitarian assistance” means food, medicines,
12 medical supplies, and medical equipment donated by
13 individuals or private companies in the United
14 States to independent nongovernmental organiza-
15 tions or provided by the United States Government
16 through independent nongovernmental organizations.

17 (3) INDEPENDENT NONGOVERNMENTAL ORGA-
18 NIZATION.—The term “independent nongovern-
19 mental organization” means an internationally rec-
20 ognized nongovernmental organization that is not an
21 agency or instrumentality of the Cuban government
22 and that has been designated by the President as an
23 independent nongovernmental organization for pur-
24 poses of this Act. The designation of independent
25 nongovernmental organizations for purposes of this
26 Act shall be made in accordance with the procedures

applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(4) VICTIMS OF POLITICAL REPRESSION.—The term “victims of political repression” means any Cuban nationals in Cuba, including political prisoners and their families, who are not officials of the Cuban government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

**SEC. 5. EMERGENCY MEASURES TO SUPPORT DEMOCRACY;
REPORTS.**

(a) EMERGENCY MEASURES TO SUPPORT THE DEMOCRATIC TRANSITION IN CUBA.—Not later than 6 months after the date of enactment of this Act, the President—

(1) shall instruct the heads of all relevant agencies of the United States Government to increase support for democratic opposition groups in Cuba;

(2) should instruct the United States Permanent Representative to the United Nations to introduce a resolution in the United Nations Security Council calling upon the Cuban government to immediately respect all human rights, free all political

1 prisoners, legalize independent political parties, allow
2 independent trade unions, and conduct internation-
3 ally monitored and freely contested elections;

4 (3) shall initiate broadcasting of Radio Marti
5 and Television Marti from the United States Naval
6 Base at Guantanamo Bay, Cuba, or other suitable
7 sites in proximity to the island of Cuba;

8 (4) shall provide not less than \$5,000,000 of
9 funds otherwise available for voluntary contributions
10 of the United States to the Organization of Amer-
11 ican States in fiscal year 1999, solely for the pur-
12 poses of establishing a fund for the deployment of
13 human rights observers, election support, and elec-
14 tion observation in Cuba, as described in paragraph
15 (1) of section 109(b) of the Cuban Liberty and
16 Democratic Solidarity (LIBERTAD) Act of 1996
17 (22 U.S.C. 6039(b)(1));

18 (5) shall direct the Secretary of the Treasury to
19 increase the number of personnel of the Office of
20 Foreign Assets Control of the Department of the
21 Treasury having responsibilities with respect to the
22 economic embargo on Cuba in order to more vigor-
23 ously enforce the embargo and to expeditiously li-
24 cense lawful transactions involving Cuba;

1 (6) shall take steps to secure a commitment
2 from the Cuban government to allow the direct deliv-
3 ery of mail from the United States to Cuba, as
4 called for in section 1705(g) of the Cuban Democ-
5 racy Act of 1992; and

6 (7) should instruct the Attorney General to
7 seek an indictment of Fidel Castro and/or other offi-
8 cials of the Cuban government under section 32 of
9 title 18, United States Code, for the willful, pre-
10 meditated attack on 2 unarmed “Brothers to the
11 Rescue” humanitarian aircraft on February 24,
12 1996, which resulted in the destruction of those 2
13 civil aircraft in flight within the special aircraft ju-
14 risdiction of the United States and the violence
15 against and incapacitation and murder of four indi-
16 viduals on such aircraft, Pablo Morales, Carlos
17 Costa, Mario de la Pena, and Armando Alejandro.

18 (b) REPORTS.—

19 (1) REPORT ON IMPLEMENTATION BY THE
20 PRESIDENT.—Seven months after the date of enact-
21 ment of this Act, the President shall prepare and
22 transmit to Congress a detailed written report on
23 steps taken to implement each of the measures set
24 forth in subsection (a).

1 (2) PERIODIC REPORTS ON CUBA.—Not later
2 than 90 days after the date of enactment of this
3 Act, and every 6 months thereafter, until a demo-
4 cratic government is in power in Cuba, the Secretary
5 of State shall prepare and transmit to Congress, and
6 disseminate through all United States diplomatic
7 and consular missions, unclassified written reports
8 (with classified annexes as required) on the following
9 subjects:

10 (A) Exploitative labor conditions that exist
11 in Cuba (including the denial of rights of inde-
12 pendent trade unions as set forth in conven-
13 tions 87 and 98 of the International Labor Or-
14 ganization), accompanied by a list of foreign
15 companies taking advantage of such exploitative
16 labor conditions and a description of the efforts
17 of the international free trade union movement
18 to press the Cuban government and foreign
19 companies doing business in Cuba to respect
20 the rights of Cuban workers.

21 (B) The policy of the Cuban government to
22 coerce certain categories of poor, less educated,
23 and rural women to submit to induced abor-
24 tions.

1 (C) The role of the Cuban government or
2 any of its agents in international narcotics traf-
3 ficking or money laundering.

4 (D) The impact on and threat to the na-
5 tional security or national interests of the
6 United States posed by—

7 (i) the completion by the Russian
8 Federation or other countries of the tech-
9 nically flawed nuclear reactors at Juragua;

10 (ii) efforts of the Cuban government
11 to produce biological weapons; and

12 (iii) any Russian intelligence facilities
13 in Cuba, including the intelligence facility
14 at Lourdes, Cuba.

15 (E) Measures of the Cuban government to
16 persecute, discourage, or restrict the spiritual
17 and charitable activities of churches and other
18 religious organizations in Cuba.

19 (F) The plight of political prisoners and
20 prisoners of conscience in Cuba, including—

21 (i) a list of all persons who are im-
22 prisoned or detained in Cuba and the
23 crimes, if any, with which they have been
24 charged;

1 (ii) a description of prison conditions
2 and treatment of prisoners by Cuban au-
3 thorities; and

4 (iii) a list, to the extent practicable, of
5 all persons who have been imprisoned or
6 executed for political reasons by authorities
7 of the Cuban government at any time on
8 or after January 1, 1959.

9 (G) Actions taken by the Cuban govern-
10 ment to repress freedom of the press, including
11 persecution or exclusion of journalists, reprisals
12 against journalists or their sources, interruption
13 of mass communication or distribution of jour-
14 nalistic materials, or similar measures.

15 (H) Actions by other governments and
16 international organizations, including but not
17 limited to Canada and member states of the
18 European Union, taken during the preceding 6-
19 month period, to encourage a process of transi-
20 tion to pluralist democracy and respect for
21 human rights and fundamental economic and
22 political freedoms in Cuba, accompanied by a
23 list of commercial ventures and bilateral agree-
24 ments signed with the Cuban government dur-
25 ing such period.

1 (I) Efforts by the Cuban government to in-
2 fluence United States policy toward Cuba
3 through espionage, other surreptitious means,
4 or lobbying.

5 (J) The issuance of visas to enter the
6 United States to Cuban officials or persons af-
7 filiated with the Cuban government during the
8 preceding 6-month period, accompanied by a
9 justification for issuing each such visa taking
10 into account section 102(e) of the Cuban Lib-
11 erty and Democratic Solidarity Act of 1996 (22
12 U.S.C. 6032(e)).

13 (K) The bilateral sugar-for-oil agreement
14 between Russia and Cuba, including an analysis
15 of the terms of such agreement and a deter-
16 mination of whether such terms provide any
17 economic subsidy to the Cuban government.

18 (L) The extent to which the Italian tele-
19 communications company STET International,
20 which is engaged in a joint venture with the
21 Cuban Telephone System, allows or refuses to
22 allow electronic eavesdropping and interruption
23 of telephone service for political reasons con-
24 ducted by the Cuban government against per-
25 sons in Cuba.

1 (M) Cuban relations with states that have
2 repeatedly provided support for acts of inter-
3 national terrorism, as designated under section
4 6(j)(1)(A) of the Export Administration Act of
5 1979.

6 (N) Action taken by the Department of
7 Justice and the Cuban government to extradite
8 or otherwise surrender to the United States Jo-
9 anne Chesimard (also known as “Assata
10 Shakur”), convicted in the United States for
11 the 1973 murder of New Jersey State Trooper
12 Werner Foerster and wounding of New Jersey
13 State Trooper James Hooper.

14 (3) PERIODIC REPORTS ON IMPLEMENTATION
15 BY THE SECRETARY OF STATE.—Not later than 120
16 days after the date of enactment of this Act, and
17 every 6 months thereafter, the President shall pre-
18 pare and transmit to Congress a report on steps
19 taken by the Secretary of State to disseminate the
20 unclassified reports prepared pursuant to paragraph
21 (2) through all United States diplomatic and con-
22 sular missions.

1 **SEC. 6. AVAILABILITY OF FUNDS FOR HUMANITARIAN AS-**
2 **SISTANCE TO VICTIMS OF POLITICAL RE-**
3 **PRESSION IN CUBA.**

4 (a) AVAILABILITY OF FUNDS.—

5 (1) IN GENERAL.—Of the amounts available
6 under chapter 1 of part I of the Foreign Assistance
7 Act of 1961 (relating to development assistance) and
8 chapter 4 of part II of that Act (relating to the eco-
9 nomic support fund) in any fiscal year, not to exceed
10 \$25,000,000 may be available each fiscal year to
11 carry out activities under section 109(a) of the
12 Cuban Liberty and Democratic Solidarity
13 (LIBERTAD) Act of 1996 (22 U.S.C. 6039 (a)),
14 and to provide humanitarian assistance to victims of
15 political repression in Cuba.

16 (2) CONGRESSIONAL NOTIFICATION PROCE-
17 DURES.—Funds made available under paragraph (1)
18 shall be subject to notification of the appropriate
19 congressional committees in accordance with the
20 procedures applicable to reprogramming notifications
21 under section 634A of the Foreign Assistance Act of
22 1961 (22 U.S.C. 2394–1).

23 (b) INELIGIBILITY FOR ASSISTANCE.—Assistance
24 may not be provided under this section to the Cuban gov-
25 ernment, to any organization affiliated with the Cuban
26 government, or to any organization that has violated any

1 law or regulation of the United States prohibiting or re-
2 stricting trade or other financial transactions with Cuba.

3 **SEC. 7. AIR TRANSPORT FLIGHTS TO CUBA FOR THE DELIV-**
4 **ERY OF HUMANITARIAN ASSISTANCE.**

5 (a) AIR TRANSPORT OF HUMANITARIAN ASSIST-
6 ANCE.—

7 (1) IN GENERAL.—Effective on the date of en-
8 actment of this Act, the President may authorize air
9 transportation flights directly from the United
10 States to Cuba for a period of 6 months only if he
11 determines and certifies to Congress that—

12 (A) those flights are necessary for, and will
13 be used solely for, the delivery of humanitarian
14 assistance by independent nongovernmental or-
15 ganizations to victims of political repression in
16 Cuba; and

17 (B) adequate monitoring is in place to en-
18 sure that such assistance will be delivered by an
19 independent nongovernmental organization only
20 to the intended recipients and will not be di-
21 verted to ineligible persons.

22 (2) RESTRICTIONS.—The President may au-
23 thorize air transportation flights directly from the
24 United States to Cuba for additional periods of 6
25 months after the initial determination and certifi-

1 cation of the President under paragraph (1), only if
 2 he determines and certifies to Congress that air
 3 transport flights to Cuba during the next period of
 4 6 months are likely to satisfy the requirements of
 5 subparagraphs (A) and (B) of paragraph (1).

6 (b) CONGRESSIONAL NOTIFICATION PROCEDURES.—
 7 Each determination and certification of the President
 8 under this paragraph shall be subject to the procedures
 9 applicable to reprogramming notifications under section
 10 634A of the Foreign Assistance Act of 1961 (22 U.S.C.
 11 2394–1).

12 (c) DELIVERY OF MEDICINES AND MEDICAL SUP-
 13 PLIES SOLD TO CUBA.—The President is authorized to
 14 permit the delivery, by air transportation flights otherwise
 15 licensed under subsection (a), of medicines and medical
 16 supplies sold to Cuba in accordance with section 1705(c)
 17 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(c)).

18 **SEC. 8. STATUTORY CONSTRUCTION.**

19 Nothing in this Act or in section 109 of the Cuban
 20 Liberty and Democratic Solidarity (LIBERTAD) Act of
 21 1996 (22 U.S.C. 6039) may be construed as authorizing
 22 the commercial sale or export of food to Cuba or any other
 23 commercial transaction with Cuba that is not otherwise
 24 authorized under law.

○