

107TH CONGRESS
1ST SESSION

S. 1017

To provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2001

Mr. DODD (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. LUGAR, Mr. ROBERTS, Mr. BAUCUS, Mr. LEVIN, Mrs. BOXER, Mr. JEFFORDS, Mr. KENNEDY, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. BINGAMAN, Mr. DURBIN, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bridges to the Cuban
5 People Act of 2001”.

1 **TITLE I—FACILITATION OF THE**
2 **EXPORT OF FOOD AND MEDI-**
3 **CINES TO CUBA**

4 **SEC. 101. EXEMPTION FROM PROHIBITIONS AND RESTRIC-**
5 **TIONS ON TRADE WITH CUBA TO PERMIT THE**
6 **EXPORT OF FOOD AND MEDICINES TO CUBA.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), any prohibition or restriction in law or regulation on
9 trade or financial transactions with Cuba shall not apply
10 with respect to the export of any agricultural commodity,
11 farm machinery or equipment, medicine, or medical device,
12 or with respect to travel incident to the sale or delivery
13 of any agricultural commodity, farm machinery or equip-
14 ment, medicine, or medical device, to Cuba.

15 (b) EXCEPTIONS.—Subsection (a) does not apply
16 to—

17 (1) any prohibition or restriction imposed under
18 the Export Administration Act of 1979 (50 U.S.C.
19 App. 2401 et seq.) or successor statute for goods
20 containing parts or components on which export con-
21 trols are in effect under that section; or

22 (2) any prohibition or restriction imposed under
23 section 203 of the International Emergency Eco-
24 nomic Powers Act (50 U.S.C. 1702) insofar as the
25 prohibition or restriction is exercised to deal with a

1 threat to the national security of the United States
2 by virtue of the technology incorporated in such ma-
3 chinery or equipment.

4 (c) SUPERSEDES EXISTING LAW.—Subsection (a) su-
5 persedes the Trade Sanctions Reform and Export En-
6 hancement Act of 2000 (title IX of H.R. 5426 of the One
7 Hundred Sixth Congress, as enacted into law by section
8 1(a) of Public Law 106–387, and as contained in the ap-
9 pendix of that Act) or any other provision of law.

10 **SEC. 102. REMOVAL OF CERTAIN PROHIBITIONS ON VES-**
11 **SELS ENTERING UNITED STATES PORTS.**

12 Section 1706(b) of the Cuban Democracy Act of
13 1992 (22 U.S.C. 6005(b); prohibiting certain vessels from
14 entering United States ports) shall not apply with respect
15 to vessels that transport to Cuba any item the export of
16 which is permitted under section 101 or 404 of this Act.

17 **SEC. 103. STUDY AND REPORT RELATING TO EXPORT PRO-**
18 **MOTION AND CREDIT PROGRAMS FOR CUBA.**

19 (a) STUDY.—The Secretary of Agriculture shall con-
20 duct a study of United States agricultural export pro-
21 motion and credit programs in effect as of the date of en-
22 actment of this Act to determine how such programs may
23 be carried out to promote the consumption of United
24 States agricultural commodities in Cuba.

1 (b) REPORT.—Not later than 90 days after the date
2 of enactment of this Act, the Secretary of Agriculture shall
3 submit to the Committee on Agriculture of the House of
4 Representatives and the Committee on Agriculture, Nutri-
5 tion, and Forestry of the Senate a report containing—

6 (1) the results of the study conducted under
7 subsection (a); and

8 (2) recommendations for proposed legislation, if
9 any, to improve the ability of the Secretary of Agri-
10 culture to utilize United States agricultural export
11 promotion and credit programs with respect to the
12 consumption of United States agricultural commod-
13 ities in Cuba.

14 **SEC. 104. REPORT TO CONGRESS.**

15 Not later than 6 months after the date of enactment
16 of this Act, the President shall submit to Congress a re-
17 port that sets forth—

18 (1) the extent (expressed in volume and dollar
19 amounts) of sales to Cuba of agricultural commod-
20 ities, farm machinery and equipment, medicines, and
21 medical devices, since the date of enactment of this
22 Act;

23 (2) a description of the types of the goods so
24 exported; and

1 (3) whether there has been any indication that
2 any medicine or medical device exported to Cuba
3 since the date of enactment of this Act—

4 (A) has been used for purposes of torture
5 or other human rights abuses;

6 (B) was reexported; or

7 (C) was used in the production of any bio-
8 technological product.

9 **SEC. 105. DEFINITIONS.**

10 In this title:

11 (1) **AGRICULTURAL COMMODITY.**—The term
12 “agricultural commodity”—

13 (A) has the meaning given the term in sec-
14 tion 102 of the Agricultural Trade Act of 1978
15 (7 U.S.C. 5602); and

16 (B) includes fertilizer.

17 (2) **MEDICAL DEVICE.**—The term “medical de-
18 vice” has the meaning given the term “device” in
19 section 201 of the Federal Food, Drug, and Cos-
20 metic Act (21 U.S.C. 321).

21 (3) **MEDICINE.**—The term “medicine” has the
22 meaning given the term “drug” in section 201 of the
23 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 7321).

1 **TITLE II—EASING OF RESTRIC-**
2 **TIONS ON TRAVEL BY UNITED**
3 **STATES NATIONALS TO CUBA**

4 **SEC. 201. TRAVEL TO CUBA.**

5 (a) IN GENERAL.—

6 (1) FREEDOM OF TRAVEL FOR UNITED STATES
7 NATIONALS AND LAWFUL PERMANENT RESIDENT
8 ALIENS.—

9 (A) IN GENERAL.—Subject to subsection
10 (b), the President shall not regulate or prohibit,
11 directly or indirectly—

12 (i) travel to, from, or within Cuba by
13 nationals of the United States or aliens
14 lawfully admitted for permanent residence
15 in the United States; or

16 (ii) any of the transactions incident to
17 such travel that are set forth in paragraph
18 (2).

19 (B) SUPERSEDES EXISTING LAW.—Sub-
20 paragraph (A) supersedes any other provision
21 of law.

22 (2) TRANSACTIONS INCIDENT TO TRAVEL.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the transactions referred to
25 in paragraph (1) are—

1 (i) any transaction ordinarily incident
2 to travel to or from Cuba, including the
3 importation into Cuba or the United States
4 of accompanied baggage for personal use
5 only;

6 (ii) any transaction ordinarily incident
7 to travel or maintenance within Cuba, in-
8 cluding the payment of living expenses and
9 the acquisition of goods or services for per-
10 sonal use;

11 (iii) any transaction ordinarily inci-
12 dent to the arrangement, promotion, or fa-
13 cilitation of travel to, from, or within
14 Cuba;

15 (iv) any transaction incident to non-
16 scheduled air, sea, or land voyages, except
17 that this clause does not authorize the car-
18 riage of articles into Cuba or the United
19 States except accompanied baggage; and

20 (v) any normal banking transaction
21 incident to any activity described in any of
22 the preceding clauses, including the
23 issuance, clearing, processing, or payment
24 of checks, drafts, travelers checks, credit

1 or debit card instruments, or similar in-
2 struments.

3 (B) EXCLUSION OF CERTAIN GOODS FOR
4 PERSONAL CONSUMPTION.—The transactions
5 described in subparagraph (A) do not include
6 the importation into the United States of goods
7 for personal consumption acquired in Cuba in
8 excess of the amount established by the Sec-
9 retary of the Treasury pursuant to section 321
10 of the Tariff Act of 1930 (19 U.S.C. 1321) or
11 otherwise authorized by law.

12 (b) EXCEPTIONS.—The prohibition contained in sub-
13 section (a)(1) does not apply in a case in which—

- 14 (1) the United States is at war with Cuba;
15 (2) armed hostilities between the two countries
16 are in progress or imminent; or
17 (3) there is a credible threat to the public
18 health or the physical safety of nationals of the
19 United States who are traveling to, from, or within
20 Cuba.

21 (c) APPLICABILITY.—This section applies to actions
22 taken by the President before the date of enactment of
23 this Act that are in effect on such date, and to actions
24 taken on or after such date.

1 (d) REPEALS.—There are repealed the following pro-
2 visions of law:

3 (1) Section 102(h) of Public Law 104–114 (22
4 U.S.C. 6032(h)).

5 (2) Section 910 of the Trade Sanctions Reform
6 and Export Enhancement Act of 2000 (title IX of
7 H.R. 5426 of the One Hundred Sixth Congress, as
8 enacted into law by section 1(a) of Public Law 106–
9 387, and as contained in the appendix of that Act).

10 (e) DEFINITIONS.—In this section:

11 (1) LAWFULLY ADMITTED FOR PERMANENT
12 RESIDENCE.—The term “lawfully admitted for per-
13 manent residence” has the meaning given the term
14 in section 101(a)(20) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1101(a)(20)).

16 (2) NATIONAL OF THE UNITED STATES.—The
17 term “national of the United States” has the mean-
18 ing given the term in section 101(a)(22) of the Im-
19 migration and Nationality Act (8 U.S.C.
20 1101(a)(22)).

21 **TITLE III—SCHOLARSHIPS FOR**
22 **CERTAIN CUBAN NATIONALS**

23 **SEC. 301. SCHOLARSHIPS FOR GRADUATE STUDY.**

24 (a) AUTHORITY.—

1 (1) IN GENERAL.—The President is authorized
2 to provide scholarships under section 102 of the Mu-
3 tual Educational and Cultural Exchange Act of
4 1961 (22 U.S.C. 2452) for nationals of Cuba who
5 seek to undertake graduate study in public health,
6 public policy, economics, law, or other field of social
7 science. In awarding scholarships under this para-
8 graph, the President shall give preference to individ-
9 uals not employed by the Cuban government or ac-
10 tively participating in the communist party.

11 (2) SUPERSEDING EXISTING LAW.—The author-
12 ity of paragraph (1) shall be exercised without re-
13 gard to any other provision of law.

14 (b) ALLOCATION OF FUNDS.—Of the amounts au-
15 thorized to be appropriated to carry out the Mutual Edu-
16 cational and Cultural Exchange Act of 1961 (22 U.S.C.
17 2451 et seq.) for fiscal years 2002 through 2006, the fol-
18 lowing amounts are authorized to be available to carry out
19 subsection (a):

20 (1) For fiscal year 2002, \$1,400,000 for not to
21 exceed 20 scholarships.

22 (2) For fiscal year 2003, \$1,750,000 for not to
23 exceed 25 scholarships.

24 (3) For fiscal year 2004, \$2,450,000 for not to
25 exceed 35 scholarships.

1 (4) For fiscal year 2005, \$2,450,000 for not to
2 exceed 35 scholarships.

3 (5) For fiscal year 2006, \$2,450,000 for not to
4 exceed 35 scholarships.

5 **TITLE IV—MISCELLANEOUS** 6 **PROVISIONS**

7 **SEC. 401. WAIVER AUTHORITY WITH RESPECT TO THE PUB-** 8 **LIC LAW 104-114.**

9 (a) **WAIVER OF SANCTIONS AND RESTRICTIONS ON**
10 **ASSISTANCE.**—Notwithstanding any other provision of
11 law, the President may waive any provision of title I or
12 title II of Public Law 104-114 (22 U.S.C. 6021 et seq.)
13 if the President determines that to do so will promote the
14 peaceful transition to democracy in Cuba.

15 (b) **WAIVER OF GROUNDS OF INADMISSIBILITY OF**
16 **CERTAIN ALIENS.**—Notwithstanding any other provision
17 of law or regulation, the President may waive provisions
18 of title IV of Public Law 104-114 (22 U.S.C. 6021 et
19 seq.; relating to the inadmissibility of certain aliens) if the
20 President determines that to do so will further the na-
21 tional economic interest of the United States.

22 **SEC. 402. PROHIBITION ON LIMITING ANNUAL REMIT-** 23 **TANCES.**

24 (a) **IN GENERAL.**—Except as provided in subsection
25 (b), the Secretary of the Treasury may not limit the

1 amount of remittances to Cuba that may be made by any
2 person who is subject to the jurisdiction of the United
3 States, and the Secretary shall rescind all regulations in
4 effect on the date of enactment of this Act that so limit
5 the amount of those remittances.

6 (b) STATUTORY CONSTRUCTION.—Nothing in sub-
7 section (a) may be construed to prohibit the prosecution
8 or conviction of any person committing an offense de-
9 scribed in section 1956 of title 18, United States Code
10 (relating to the laundering of monetary instruments) or
11 section 1957 of such title (relating to engaging in mone-
12 tary transactions in property derived from specific unlaw-
13 ful activity).

14 **SEC. 403. IMPORTATION OF DRUGS AND DEVICES.**

15 Any prohibition or restriction in law (including a reg-
16 ulation) on trade or financial transactions with Cuba shall
17 not apply with respect to—

18 (1) a new drug for which an application for in-
19 vestigation under section 505(i) of the Federal
20 Food, Drug, and Cosmetic Act (21 U.S.C. 355(i))
21 has been submitted to the Secretary of Health and
22 Human Services;

23 (2) a biological product for which an application
24 for investigation under section 351(a)(3) of the Pub-
25 lic Health Service Act (42 U.S.C. 262(a)(3)) has

1 been submitted to the Secretary of Health and
2 Human Services;

3 (3) a device for which an application for inves-
4 tigation under section 520(g) of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 360j(g)) has
6 been submitted to the Secretary of Health and
7 Human Services;

8 (4) a drug that is the subject of an approved
9 application under section 505 of the Federal Food,
10 Drug, and Cosmetic Act (21 U.S.C. 355);

11 (5) a biological product that is the subject of an
12 approved license under section 351 of the Public
13 Health Service Act (42 U.S.C. 262); or

14 (6) a device that—

15 (A) is cleared for marketing under section
16 510(k) of the Federal Food, Drug, and Cos-
17 metic Act (21 U.S.C. 360(k));

18 (B) is the subject of an approved applica-
19 tion for premarket approval under section 515
20 of the Federal Food, Drug, and Cosmetic Act
21 (21 U.S.C. 360e); or

22 (C) is exempted from premarket clearance
23 under subsection (l) or (m) of section 510 of
24 the Federal Food, Drug, and Cosmetic Act (21
25 U.S.C. 360).

1 **SEC. 404. PROHIBITION ON UNILATERAL SANCTIONS ON**
2 **GOODS OR SERVICES INTENDED FOR EXCLU-**
3 **SIVE USE OF CHILDREN.**

4 Funds made available under any provision of law may
5 not be used to administer or enforce any sanction by the
6 United States on exports of goods or services intended for
7 the exclusive use of children (other than a sanction im-
8 posed pursuant to an agreement with one or more other
9 countries).

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