

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 611

To provide for assistance to the people of Cuba once a transitional government is in power, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1995

Mr. MENENDEZ (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. LIVINGSTON, Mr. TORRICELLI, Mr. LANTOS, Mr. BURTON of Indiana, Mr. ENGEL, Mrs. MEEK of Florida, Mr. SMITH of New Jersey, Mr. WYNN, Mr. ZIMMER, Mr. GUTIERREZ, Mr. WILSON, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. ROMERO-BARCELÓ, Mr. DEUTSCH, and Mr. KING) introduced the following bill; which was referred to the Committee on International Relations and, in addition, to the Committees on Ways and Means, Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for assistance to the people of Cuba once a transitional government is in power, 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 “Free and Independent  
5 Cuba Assistance Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The economy of Cuba has experienced a de-  
4 cline of at least 50 percent in the last 5 years as a  
5 result of—

6 (A) the end of its subsidization annually of  
7 between \$5,000,000,000 and \$6,000,000,000  
8 by the former Soviet Union;

9 (B) 36 years of economic mismanagement  
10 by the Castro government;

11 (C) the extreme decline in trade between  
12 Cuba and the countries of the former Soviet  
13 Bloc; and

14 (D) the policy of the Russian Government  
15 and the countries of the former Soviet Bloc to  
16 conduct economic relations with Cuba on strict-  
17 ly commercial terms.

18 (2) At the same time, the welfare and health of  
19 the Cuban people has substantially deteriorated, and  
20 continues to deteriorate, as a result of this economic  
21 decline and the refusal of the Castro regime to adopt  
22 economic and political reforms, as well as to permit  
23 free and fair elections, that would lead to democracy,  
24 a market economy, or an economic recovery.

25 (3) As long as no such economic and political  
26 reforms are adopted by the Cuban Government, the

1 economic condition of the country and the welfare of  
2 the Cuban people will not improve in any significant  
3 way.

4 (4) The Castro regime has made it abundantly  
5 clear that it will not engage in any substantive eco-  
6 nomic or political reforms that would lead to democ-  
7 racy, a market economy, or an economic recovery.

8 (5) The repression of the Cuban people, includ-  
9 ing a ban on free and fair elections, and the continu-  
10 ing violation of the fundamental human rights of the  
11 Cuban people, have isolated the Cuban regime as the  
12 only nondemocratic government in the Western  
13 Hemisphere.

14 **SEC. 3. POLICY TOWARD A TRANSITION GOVERNMENT AND**  
15 **A DEMOCRATIC GOVERNMENT IN CUBA.**

16 It is the policy of the United States—

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

19 (2) to recognize that the self-determination of  
20 the Cuban people is a sovereign and national right  
21 of the citizens of Cuba which must be exercised free  
22 of interference by the government of any other coun-  
23 try;

1           (3) to encourage the Cuban people to empower  
2 themselves with a government which reflects the self-  
3 determination of the Cuban people;

4           (4) to recognize the potential for a difficult  
5 transition from the current regime in Cuba that may  
6 result from the initiatives taken by the Cuban people  
7 for self-determination in response to the intransi-  
8 gence of the Castro regime in not allowing any  
9 substantive political or economic reforms, and to be  
10 prepared to provide the Cuban people with humani-  
11 tarian, developmental, and other economic assist-  
12 ance;

13           (5) in solidarity with the Cuban people, to pro-  
14 vide emergency relief assistance to a transition gov-  
15 ernment in Cuba, and long term assistance to a  
16 democratic government in Cuba, governments that  
17 result from an expression of the self-determination  
18 of the Cuban people;

19           (6) through such assistance, to facilitate a  
20 peaceful transition to a representative democracy  
21 and a market economy in Cuba and the successful  
22 consolidation of democracy in Cuba;

23           (7) to deliver such assistance to the Cuban peo-  
24 ple only through a transition government in Cuba,  
25 through a democratic government in Cuba, or

1 through United States, international, or indigenous  
2 nongovernmental organizations;

3 (8) to encourage other countries and multilat-  
4 eral organizations to provide similar assistance, and  
5 work cooperatively with such countries and organiza-  
6 tions to coordinate such assistance;

7 (9) to ensure that emergency relief is rapidly  
8 implemented and distributed to the people of Cuba  
9 upon the institution of a transition government in  
10 Cuba;

11 (10) not to provide favorable treatment or influ-  
12 ence on behalf of any individual or entity in the pro-  
13 motion of the choice by the Cuban people of their fu-  
14 ture government;

15 (11) to assist a transition government in Cuba  
16 and a democratic government in Cuba to prepare the  
17 Cuban military forces for a new role in a democracy;

18 (12) to be prepared to enter into negotiations  
19 with a democratic government in Cuba either to re-  
20 turn the United States Naval Base at Guantanamo  
21 to Cuba or to renegotiate the present agreement  
22 under mutually agreeable terms;

23 (13) to consider the restoration of diplomatic  
24 recognition and support the reintegration of the  
25 Cuban government into inter-American organizations

1 when the President determines that there exists a  
2 democratically elected government in Cuba;

3 (14) to take steps to lift the economic embargo  
4 on Cuba when the President determines that there  
5 exists a democratic government in Cuba;

6 (15) to assist a democratic government in Cuba  
7 to strengthen and stabilize its national currency; and

8 (16) to authorize the extension of the North  
9 American Free Trade Agreement to a free, demo-  
10 cratic, and independent Cuba.

11 **SEC. 4. AUTHORIZATION OF ASSISTANCE TO THE CUBAN**

12 **PEOPLE.**

13 (a) PLAN FOR ASSISTANCE.—

14 (1) DEVELOPMENT OF PLAN.—The President  
15 shall develop a plan for providing, at such time as  
16 the President determines that a transition govern-  
17 ment in Cuba is in power, economic assistance to  
18 Cuba while such government, or a democratic gov-  
19 ernment in Cuba, is in power.

20 (2) TYPES OF ASSISTANCE.—

21 (A) TRANSITION GOVERNMENT.—Assist-  
22 ance under the plan developed under paragraph

23 (1) to a transition government—

24 (i) shall include—

1 (I) such food, medicine, medical  
2 supplies and equipment, and assist-  
3 ance to meet emergency energy needs,  
4 as is necessary to meet the basic  
5 human needs of the Cuban people;  
6 and

7 (II) assistance described in sub-  
8 paragraph (C);

9 (ii) may include assistance for activi-  
10 ties comparable to those set forth in sec-  
11 tion 498 of the Foreign Assistance Act of  
12 1961 (22 U.S.C. 2295) (other than para-  
13 graph (9) of such section); and

14 (iii) shall be limited to assistance  
15 under clauses (i) and (ii).

16 (B) DEMOCRATIC GOVERNMENT.—Assist-  
17 ance under the plan to a democratic govern-  
18 ment in Cuba shall consist of additional eco-  
19 nomic assistance and assistance described in  
20 subparagraph (C). Such economic assistance  
21 may include—

22 (i) assistance under chapter 1 of part  
23 I (relating to development assistance), and  
24 chapter 4 of part II (relating to the eco-

1            nomic support fund), of the Foreign As-  
2            sistance Act of 1961;

3            (ii) assistance under the Agricultural  
4            Trade Development and Assistance Act of  
5            1954;

6            (iii) financing, guarantees, and other  
7            forms of assistance provided by the Ex-  
8            port-Import Bank of the United States;

9            (iv) financial support provided by the  
10           Overseas Private Investment Corporation  
11           for investment projects in Cuba;

12           (v) assistance provided by the Trade  
13           and Development Agency;

14           (vi) Peace Corps programs;

15           (vii) relief of Cuba's external debt;

16           and

17           (viii) other appropriate assistance to  
18           carry out the purposes of this Act.

19           (C)    MILITARY    ADJUSTMENT    ASSIST-  
20           ANCE.—Assistance under the plan to a transi-  
21           tion government in Cuba and to a democratic  
22           government in Cuba shall also include assist-  
23           ance in preparing the Cuban military forces to  
24           adjust to a new role in a democracy and civilian

1           life, which may include assistance for housing,  
2           educational, and training programs.

3           (b) STRATEGY FOR DISTRIBUTION.—The plan devel-  
4           oped under subsection (a) shall include a strategy for dis-  
5           tributing assistance under the plan.

6           (c) DISTRIBUTION.—The plan developed under sub-  
7           section (a) shall authorize assistance under the plan to be  
8           provided through United States, international, and indige-  
9           nous nongovernmental organizations and private voluntary  
10          organizations, including humanitarian, educational, labor,  
11          and private sector organizations.

12          (d) INTERNATIONAL EFFORTS.—The President shall  
13          take the necessary steps to seek to obtain the agreement  
14          of other countries and of the international financial insti-  
15          tutions and multilateral organizations to provide to a tran-  
16          sition government in Cuba, and to a democratic govern-  
17          ment in Cuba, assistance comparable to that provided by  
18          the United States under this Act, and to work with such  
19          countries, institutions, and organizations to coordinate all  
20          such assistance programs.

21          (e) CARIBBEAN BASIN INITIATIVE.—The President  
22          shall determine, as part of the assistance plan developed  
23          under subsection (a), whether or not to designate Cuba  
24          as a beneficiary country under section 212 of the Carib-  
25          bean Basin Economic Recovery Act. Any such designation

1 of Cuba may be made only after the President determines  
2 that a transition government or a democratic government  
3 in Cuba is in power.

4 (f) TRADE AGREEMENTS.—The President—

5 (1) shall seek to enter into preliminary agree-  
6 ments with a transition government in Cuba provid-  
7 ing for trade with and investment in Cuba; and

8 (2) is authorized to enter into negotiations with  
9 a democratic government in Cuba to provide for the  
10 extension of the North American Free Trade Agree-  
11 ment to Cuba and to take such other steps as will  
12 encourage renewed investment in Cuba.

13 (g) COMMUNICATION WITH THE CUBAN PEOPLE.—

14 The President shall take the necessary steps to commu-  
15 nicate to the Cuban people the plan for assistance devel-  
16 oped under this section.

17 (h) REPORT TO CONGRESS.—The President shall  
18 transmit to the Congress, not later than 180 days after  
19 the date of the enactment of this Act, a report describing  
20 in detail the plan developed under this section.

1 **SEC. 5. COORDINATION OF ASSISTANCE PROGRAM; IMPLE-**  
2 **MENTATION AND REPORTS TO CONGRESS;**  
3 **REPROGRAMMING.**

4 (a) COORDINATING OFFICIAL.—The President shall  
5 designate, within the Department of State, a coordinating  
6 official—

7 (1) who shall be responsible for—

8 (A) implementing the strategy for distrib-  
9 uting assistance under the plan developed under  
10 section 4(a);

11 (B) ensuring the speedy and efficient dis-  
12 tribution of such assistance; and

13 (C) ensuring coordination among, and ap-  
14 propriate oversight by, the agencies of the  
15 United States that provide assistance under the  
16 plan, including resolving any disputes among  
17 such agencies; and

18 (2) who, if the President has made a deter-  
19 mination that a transition government or a demo-  
20 cratic government in Cuba is in power, shall des-  
21 ignate a United States-Cuba council—

22 (A) to ensure coordination between the  
23 United States Government and the private sec-  
24 tor in responding to change in Cuba, and in  
25 promoting market-based development in Cuba;  
26 and

1 (B) to establish periodic meetings between  
2 representatives of the United States and Cuban  
3 private sectors for the purpose of facilitating bi-  
4 lateral trade.

5 (b) IMPLEMENTATION OF PLAN; REPORTS TO CON-  
6 GRESS.—

7 (1) IMPLEMENTATION WITH RESPECT TO TRAN-  
8 SITION GOVERNMENT.—Upon making a determina-  
9 tion that a transition government in Cuba is in  
10 power, the President shall transmit that determina-  
11 tion to the Congress and shall, subject to the avail-  
12 ability of appropriations, commence the delivery and  
13 distribution of assistance to such transition govern-  
14 ment under the plan developed under section 4(a).

15 (2) REPORTS TO CONGRESS.—The President  
16 shall transmit to the Congress a report setting forth  
17 the strategy for providing assistance described in  
18 section 4(a)(2) (A) and (C) to the transition govern-  
19 ment in Cuba under the plan of assistance developed  
20 under section 4(a), the types of such assistance, and  
21 the extent to which such assistance has been distrib-  
22 uted in accordance with the plan. The President  
23 shall transmit the report not later than 90 days  
24 after making that determination referred to in para-  
25 graph (1), except that the President shall transmit

1 the report in preliminary form not later than 15  
2 days after making the determination.

3 (3) IMPLEMENTATION WITH RESPECT TO  
4 DEMOCRATIC GOVERNMENT.—The President shall,  
5 upon determining that a democratic government in  
6 Cuba is in power, submit that determination to the  
7 Congress and shall, subject to the availability of ap-  
8 propriations, commence the delivery and distribution  
9 of assistance to such democratic government under  
10 the plan developed under section 4(a).

11 (4) ANNUAL REPORTS TO CONGRESS.—Not  
12 later than 60 days after the end of each fiscal year,  
13 the President shall transmit to the Congress a re-  
14 port on the assistance provided under the plan devel-  
15 oped under section 4(a), including a description of  
16 each type of assistance, the amounts expended for  
17 such assistance, and a description of the assistance  
18 to be provided under the plan in the current fiscal  
19 year.

20 (c) REPROGRAMMING.—Any changes in the assist-  
21 ance to be provided under the plan developed under sec-  
22 tion 4(a) may not be made unless the President notifies  
23 the Congress at least 15 days in advance in accordance  
24 with the procedures applicable to reprogramming notifica-

1 tions under section 634A of the Foreign Assistance Act  
2 of 1961.

3 (d) EFFECT ON OTHER LAWS.—

4 (1) IN GENERAL.—Subject to paragraph (2),  
5 assistance may be provided under the plan developed  
6 under section 4(a) notwithstanding any other provi-  
7 sion of law.

8 (2) EXCEPTION.—Nothing in this Act shall af-  
9 fect the provisions of section 620(a)(2) of the For-  
10 eign Assistance Act of 1961 (22 U.S.C. 2370(a)(2)).

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Presi-  
13 dent such sums as may be necessary to carry out this Act.

14 **SEC. 7. TERMINATION OF EMBARGO.**

15 (a) STEPS TO TERMINATE EMBARGO.—Upon sub-  
16 mitting a determination to the Congress under section  
17 5(b)(3) that a democratic government in Cuba is in power,  
18 the President shall take steps to terminate the embargo  
19 on trade with Cuba.

20 (b) DEFINITION.—For purposes of this section, the  
21 phrase “embargo on trade with Cuba” refers to the eco-  
22 nomic embargo imposed against Cuba pursuant to section  
23 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C.  
24 2370(a)) and section 5(b) of the Trading With the Enemy  
25 Act (50 U.S.C. App. 5(b)).

1 **SEC. 8. REQUIREMENTS FOR TRANSITION GOVERNMENT.**

2 For purposes of this Act, a transition government in  
3 Cuba is a government in Cuba which—

4 (1) is demonstrably in transition from com-  
5 munist totalitarian dictatorship to a representative  
6 democracy;

7 (2) makes public commitments to and is mak-  
8 ing demonstrable progress in—

9 (A) releasing all political prisoners and al-  
10 lowing for investigations of Cuban prisons by  
11 appropriate international human rights organi-  
12 zations;

13 (B) establishing an independent judiciary;

14 (C) respecting internationally recognized  
15 human rights and basic freedoms as set forth in  
16 the Universal Declaration of Human Rights;

17 (D) effectively guaranteeing the rights of  
18 free speech and freedom of the press;

19 (E) dissolving the present Department of  
20 State Security in the Cuban Ministry of the In-  
21 terior, including (but not limited to) the Com-  
22 mittees for the Defense of the Revolution and  
23 the Rapid Response Brigades;

24 (F) organizing free and fair elections for a  
25 new government—

1 (i) to be held within 1 year after the  
2 transition government assumes power;

3 (ii) with the participation of multiple  
4 independent political parties that have full  
5 access to the media on an equal basis, in-  
6 cluding (in the case of radio, television, or  
7 other telecommunications media) in terms  
8 of allotments of time for such access and  
9 the times of day such allotments are given;  
10 and

11 (iii) to be conducted under the super-  
12 vision of internationally recognized observ-  
13 ers, such as the United Nations, the Orga-  
14 nization of American States, and other  
15 elections monitors;

16 (G) assuring the right to private property;

17 (H) granting permits to privately owned  
18 indigenous telecommunications and media com-  
19 panies to operate in Cuba; and

20 (I) allowing the establishment of an inde-  
21 pendent labor movement and of independent so-  
22 cial, economic, and political associations;

23 (3) does not include Fidel Castro or Raul Cas-  
24 tro; and

1           (4) has given adequate assurances that it will  
2           allow the speedy and efficient distribution of assist-  
3           ance under this Act to the Cuban people.

4 **SEC. 9. REQUIREMENTS FOR DEMOCRATIC GOVERNMENT.**

5           For purposes of this Act, a democratic government  
6 in Cuba is a government in Cuba which—

7           (1) results from free and fair elections con-  
8           ducted under internationally recognized observers;

9           (2) has permitted opposition parties ample time  
10          to organize and campaign for such elections, and has  
11          permitted full access to the media to all candidates  
12          in the elections;

13          (3) is showing respect for the basic civil lib-  
14          erties and human rights of the citizens of Cuba;

15          (4) has made demonstrable progress in estab-  
16          lishing an independent judiciary;

17          (5) is moving toward establishing a market-ori-  
18          ented economic system; and

19          (6) has made or is committed to making con-  
20          stitutional changes that would ensure regular free  
21          and fair elections that meet the requirements of  
22          paragraph (2).

1 **SEC. 10. AMENDMENT TO CARIBBEAN BASIN ECONOMIC RE-**  
2 **COVERY ACT.**

3 The table contained in section 212(b) of the Carib-  
4 bean Basin Economic Recovery Act (19 U.S.C. 2702(b))  
5 is amended by inserting “Cuba” between “Costa Rica”  
6 and “Dominica”.

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