

107TH CONGRESS
1ST SESSION

S. 894

To authorize increased support to the democratic opposition and other oppressed people of Cuba to help them regain their freedom and prepare themselves for a democratic future, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, MAY 15), 2001

Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. SANTORUM, Mr. GRAHAM, Mr. TORRICELLI, Mr. ENSIGN, Mr. ALLEN, Mr. CRAIG, Mr. NELSON of Florida, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize increased support to the democratic opposition and other oppressed people of Cuba to help them regain their freedom and prepare themselves for a democratic future, 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 “Cuban Solidarity Act
5 of 2001” or the “SOLIDARIDAD Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The American people support a principled
2 policy of taking proactive measures to promote lib-
3 erty and economic opportunity for the Cuban people
4 and to help them prepare themselves for a better
5 and more prosperous future after the regime of
6 Fidel Castro Ruz.

7 (2) The United States has a moral obligation to
8 increase its assistance to the democratic opposition
9 in Cuba, providing such assistance with the same in-
10 tensity, creativity, and decisiveness with which it
11 supported the pro-democracy Solidarnosc movement
12 in Poland to defeat martial law and communism.

13 (3) The economic and political transitions in
14 Eastern European countries can serve as models for
15 Cubans seeking to recover their country after the
16 lost decades of the communist dictatorship of Fidel
17 Castro Ruz.

18 (4) The United States Government should re-
19 double efforts to overcome Fidel Castro's blockade
20 on independent information in and about Cuba, so
21 that people in Cuba realize the opportunities for fun-
22 damental change and that people in other countries
23 recognize their obligation to support such change.

24 (5) The regime of Fidel Castro Ruz denies the
25 Cuban people basic necessities of life as a means of

1 political control, compounding the hardship caused
2 by the mismanagement that is typical of all other
3 failed Marxist, centrally planned economies through-
4 out history.

5 (6) Increasing assistance to the Cuban people
6 will undermine the control of Fidel Castro Ruz by
7 promoting their independence and strengthening re-
8 lief groups that operate independently of the Castro
9 regime, if such increased assistance is delivered di-
10 rectly to victims of political repression by genuinely
11 independent nongovernmental groups.

12 (7) Encouraging the growth in the number of
13 independent, self-employed Cubans will broaden and
14 empower that segment of the population that is sur-
15 viving or prospering independent of the Castro re-
16 gime.

17 (8) The Castro regime requires the Cuban peo-
18 ple to pay United States dollars for basic necessities,
19 including food and medicine, as a means of diverting
20 hard currency into the coffers of the repressive
21 state, imposing extraordinary hardship on workers
22 whom the state pays an average hourly wage of 5
23 cents.

24 (9) The Castro regime refuses to import ade-
25 quate medicine and medical equipment for the

1 Cuban people, despite the fact that Cuba can pur-
2 chase such material from many countries, including
3 the United States, which removed the embargo on
4 medicines and medical equipment in the Cuban De-
5 mocracy Act of 1992.

6 (10) The people of the United States already
7 provide more humanitarian assistance to Cuba under
8 present United States law than all other nations of
9 the world combined.

10 (11) Increasing assistance directly to the Cuban
11 people is consistent with the aims of the
12 LIBERTAD Act of 1996 and the Cuban Democracy
13 Act of 1992.

14 **SEC. 3. PURPOSES.**

15 The purposes of this Act are—

16 (1) to challenge the unrelenting, systematic re-
17 pression of the Castro regime by authorizing the
18 President to—

19 (A) provide increased, decisive support to
20 the democratic opposition in Cuba; and

21 (B) take specific measures to bring about
22 fundamental political and economic change in
23 Cuba;

24 (2) to ensure that expanded assistance is pro-
25 vided oppressed persons in Cuba, including political

1 prisoners and their families and others, in order to
2 undermine the deliberate policies of the Cuban gov-
3 ernment to—

4 (A) deny food and medical care as a means
5 of intimidation and control; and

6 (B) isolate Cubans from those who support
7 their freedom;

8 (3) to strengthen independent nongovernmental
9 organizations in Cuba, including groups committed
10 to the political and spiritual liberation of the Cuban
11 people;

12 (4) to encourage increased donations of food,
13 medicine, and other support by individuals and non-
14 governmental organizations in the United States to
15 the oppressed people of Cuba, who are unable to ob-
16 tain these necessities because of the failed economic
17 policies of the Castro regime; and

18 (5) to encourage the development of an inde-
19 pendent and self-sufficient economic sector com-
20 prised of independent, self-employed Cubans.

21 **SEC. 4. DEFINITIONS.**

22 (a) DEFINITIONS IN THIS ACT.—In this Act:

23 (1) CUBAN GOVERNMENT.—The term “Cuban
24 government” has the meaning given the term in sec-

1 tion 4(5) of the LIBERTAD Act of 1996 (22 U.S.C.
2 6023(5)).

3 (2) ECONOMIC EMBARGO OF CUBA.—The term
4 “economic embargo of Cuba” has the meaning given
5 the term in section 4(7) of the LIBERTAD Act of
6 1996 (22 U.S.C. 6023(7)).

7 (3) INDEPENDENT NONGOVERNMENTAL ORGA-
8 NIZATION.—The term “independent nongovern-
9 mental organization” means an organization that is
10 designated by the Secretary of State under section
11 5.

12 (4) INDEPENDENT, SELF-EMPLOYED CUBAN.—
13 The term “independent, self-employed Cuban”
14 means a Cuban national in Cuba who is self-em-
15 ployed, who is not an agent or instrumentality of the
16 Cuban government, and who is not in a profit-shar-
17 ing arrangement with the Cuban government.

18 (5) LIBERTAD ACT OF 1996.—The term
19 “LIBERTAD Act of 1996” means the Cuban Lib-
20 erty and Democratic Solidarity (LIBERTAD) Act of
21 1996 (22 U.S.C. 6021 et seq.).

22 (6) VICTIMS OF POLITICAL REPRESSION.—The
23 term “victims of political repression” means any
24 Cuban nationals in Cuba, including political pris-
25 oners and their families, who are not officials of the

1 Cuban government or of the ruling political party in
2 Cuba, as defined in section 4(10) of the
3 LIBERTAD Act of 1996 (22 U.S.C. 6023(10)).

4 (b) DEFINITIONS AND DESIGNATIONS UNDER THE
5 LIBERTAD ACT OF 1996.—Section 109 of the
6 LIBERTAD Act of 1996 (22 U.S.C. 6039) is amended
7 by adding at the end the following new subsections:

8 “(d) DEFINITIONS.—In this section:

9 “(1) INDEPENDENT NONGOVERNMENTAL ORGA-
10 NIZATION.—The term ‘independent nongovernmental
11 organization’ means an organization that is des-
12 ignated by the Secretary of State under subsection
13 (e).

14 “(2) VICTIMS OF POLITICAL REPRESSION.—The
15 term ‘victims of political repression’ means any
16 Cuban nationals in Cuba, including political pris-
17 oners and their families, who are not officials of the
18 Cuban government or of the ruling political party in
19 Cuba, as defined in section 4(10) of the
20 LIBERTAD Act of 1996 (22 U.S.C. 6023(10)).

21 “(e) DESIGNATION OF INDEPENDENT NGOS.—For
22 purposes of this section, an organization shall be treated
23 as an independent nongovernmental organization if, not
24 less than 15 days before any obligation of funds under
25 this section to the organization, the Secretary of State—

1 “(1) determines that the organization is a char-
2 itable or non-profit nongovernmental organization
3 that is not an agency or instrumentality of the
4 Cuban government; and

5 “(2) so designates the organization, and the
6 designation is made in accordance with the proce-
7 dures applicable to reprogramming notifications
8 under section 634A of the Foreign Assistance Act of
9 1961 (22 U.S.C. 2394–1).”.

10 **SEC. 5. DESIGNATION OF INDEPENDENT NGOS.**

11 For purposes of this Act, an organization shall be
12 treated as an independent nongovernmental organization
13 if, not less than 15 days before any obligation of funds
14 under this Act to the organization, the Secretary of
15 State—

16 (1) determines that the organization is a chari-
17 table or non-profit nongovernmental organization
18 that is not an agency or instrumentality of the
19 Cuban government; and

20 (2) so designates the organization, and the des-
21 ignation is made in accordance with the procedures
22 applicable to reprogramming notifications under sec-
23 tion 634A of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2394–1).

1 **SEC. 6. AVAILABILITY OF FUNDS FOR ASSISTANCE TO VIC-**
2 **TIMS OF POLITICAL REPRESSION IN CUBA.**

3 (a) AVAILABILITY OF FUNDS.—

4 (1) IN GENERAL.—Except as provided in sub-
5 section (b), of the total amounts made 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 beginning on
10 or after October 1, 2001, not less than \$25,000,000
11 may be available each such fiscal year to carry out
12 activities under section 109(a) of the LIBERTAD
13 Act of 1996 (22 U.S.C. 6039(a)), including assist-
14 ance to victims of political repression in Cuba
15 through independent nongovernmental organizations.

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 or person affiliated with the
26 Cuban government (including the state security apparatus

1 and the Communist Party of Cuba), or to any organization
2 or person that has violated any law or regulation of the
3 United States prohibiting or restricting trade or other fi-
4 nancial transactions with Cuba.

5 (c) ELIGIBILITY FOR ASSISTANCE.—Assistance
6 under this section may include, but is not limited to, as-
7 sistance provided to—

8 (1) political prisoners and members of their
9 families;

10 (2) persons persecuted or harassed for their dis-
11 sident activities;

12 (3) persons persecuted or harassed for seeking
13 to flee Cuba and repatriated to Cuba under the May
14 2, 1995 “United States-Cuba Joint Statement on
15 Migration”;

16 (4) independent libraries;

17 (5) independent workers’ rights activists;

18 (6) independent agricultural cooperatives;

19 (7) independent associations of independent,
20 self-employed Cubans;

21 (8) independent journalists;

22 (9) independent youth organizations;

23 (10) independent environmental groups;

24 (11) independent economists, medical doctors,
25 and other professionals;

1 (12) an information and resource center in Ha-
2 vana, Cuba, as described in subsection (e);

3 (13) pro-democracy programs of the National
4 Endowment for Democracy that are related to Cuba;

5 (14) nongovernmental programs to facilitate ac-
6 cess to the Internet, subject to section 102(g) of the
7 LIBERTAD Act of 1996 (22 U.S.C. 6032(g));

8 (15) nongovernmental charitable programs that
9 provide nutrition and basic medical care to persons
10 most at risk, including children and elderly persons;
11 or

12 (16) nongovernmental charitable programs to
13 assist the reintegration into civilian life of persons
14 who have abandoned, resigned from, or been expelled
15 from the Cuban armed forces for ideological reasons.

16 (d) INFORMATION AND RESOURCE CENTER IN HA-
17 VANA, CUBA.—The center referred to in subsection (c)(12)
18 is an information and resource center to be established,
19 maintained, and equipped within the United States Inter-
20 ests Section in Havana, Cuba, for use by representatives
21 of independent nongovernmental organizations or other
22 persons that are eligible for assistance under this section.

23 (e) ASSISTANCE DEFINED.—In this section, the term
24 “assistance” means food, medicines, medical supplies,
25 medical equipment, office supplies and equipment, edu-

1 cational supplies and materials, telephones, telefax ma-
2 chines, or other material or financial assistance.

3 **SEC. 7. SUPPORT FOR INDEPENDENT, SELF-EMPLOYED CU-**
4 **BANS AND FOR INDEPENDENT NONGOVERN-**
5 **MENTAL ORGANIZATIONS.**

6 (a) EXCEPTION FOR THE IMPORTATION OF CERTAIN
7 CUBAN PRODUCTS MADE BY INDEPENDENT, SELF-EM-
8 PLOYED CUBANS.—Notwithstanding the economic embar-
9 go of Cuba, the President is authorized to license on a
10 case-by-case basis—

11 (1) the importation of handicrafts or other
12 hand-made goods produced by independent, self-em-
13 ployed Cubans, if the President determines and re-
14 ports to Congress that doing so will strengthen the
15 economic and political independence of independent,
16 self-employed Cubans; and

17 (2) the remittance of up to \$1,000 each quarter
18 by a United States person or group to any individual
19 in Cuba to support—

20 (A) the activities of microenterprise activi-
21 ties of an independent, self-employed Cuban; or

22 (B) the activities of an independent non-
23 governmental organization.

24 (b) SUSPENSION.—The President shall, in consulta-
25 tion with Congress, suspend any of the transactions au-

1 thORIZED in this section if the President determines that
2 the Cuban government is diverting significant resources
3 by reason of these transactions for its own purposes.

4 **SEC. 8. EMERGENCY MEASURES TO SUPPORT DEMOCRACY;**
5 **REPORTS.**

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

10 (1) should instruct the heads of all relevant
11 agencies of the United States Government to in-
12 crease support for democratic opposition groups in
13 Cuba;

14 (2) should instruct the United States Perma-
15 nent Representative to the United Nations to intro-
16 duce a resolution in the United Nations Security
17 Council calling upon the Cuban government to im-
18 mediately respect all human rights, free all political
19 prisoners, legalize independent political parties, allow
20 independent trade unions, and conduct internation-
21 ally monitored and freely contested elections;

22 (3) should instruct personnel of Radio Marti,
23 Television Marti, and the Voice of America to pro-
24 pose and implement measures, and should seek addi-
25 tional funds for these activities as necessary, to in-

1 crease the availability of their broadcasts on the is-
2 land of Cuba;

3 (4) may provide up to \$5,000,000 of the total
4 amounts made available for voluntary contributions
5 to international organizations to the Organization of
6 American States (OAS) in fiscal year 2002, for—

7 (A) the fund for the deployment of human
8 rights observers, election support, and election
9 observation in Cuba that is described in section
10 109(b)(1) of the LIBERTAD Act of 1996 (22
11 U.S.C. 6039(b)(1)); and

12 (B) scholarships for Cuban students at-
13 tending colleges, universities, or other edu-
14 cational programs in member states of the
15 OAS;

16 (5) should instruct the Secretary of the Treas-
17 ury, acting through the Office of Foreign Assets
18 Control of the Department of the Treasury, to pro-
19 pose and implement measures, and should seek addi-
20 tional funds for these activities as necessary, to more
21 vigorously enforce the economic embargo of Cuba
22 and to expeditiously license lawful transactions in-
23 volving Cuba; and

24 (6) should instruct the Attorney General to—

25 (A) investigate thoroughly—

1 (i) the culpability of officials of the
2 Cuban government in the willful, premedi-
3 tated attack on 2 unarmed “Brothers to
4 the Rescue” humanitarian aircraft on Feb-
5 ruary 24, 1996, which resulted in the
6 death of four individuals on such aircraft,
7 Pablo Morales, Carlos Costa, Mario de la
8 Pena, and Armando Alejandro; and

9 (ii) the involvement of officials of the
10 Cuban government in the trafficking of il-
11 licit narcotics and in money laundering;
12 and

13 (B) take every available legal measure to
14 bring to justice those officials of the Cuban gov-
15 ernment involved in the planning, authorization,
16 and execution of the crimes described in sub-
17 paragraph (A).

18 (b) REPORTS.—

19 (1) REPORT ON IMPLEMENTATION BY THE
20 PRESIDENT.—Not later than 6 months after the
21 date of enactment of this Act, the President shall
22 submit to Congress a detailed written report on
23 steps United States agencies have taken as of the
24 date of the report, and steps those agencies will take
25 in the 12 months following the date of the report,

1 to implement each of the measures set forth in sub-
2 section (a).

3 (2) REPORT REGARDING CUBA.—Not later than
4 120 days after the date of enactment of this Act,
5 and every 12 months thereafter, the Secretary of
6 State shall submit to each Member of Congress, and
7 disseminate through all United States diplomatic
8 and consular missions, unclassified written reports
9 (with classified annexes as required) on the following
10 subjects:

11 (A) Assistance the United States is pre-
12 pared to provide to a transition government or
13 a democratically elected government, in accord-
14 ance with title II of the LIBERTAD Act of
15 1996.

16 (B) Exploitative labor conditions that exist
17 in Cuba (including the denial of rights of inde-
18 pendent trade unions as set forth in conven-
19 tions 87 and 98 of the International Labor Or-
20 ganization).

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

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

7 (i) Russian intelligence facilities in
8 Cuba, including the intelligence facility at
9 Lourdes, Cuba (including details on the
10 presence at that facility of personnel from
11 the Russian Federation, including advisers,
12 technicians, and military personnel);

13 (ii) efforts by the Cuban government
14 to produce biological weapons or other
15 technology with military or economic war-
16 fare applications; and

17 (iii) completion of the Cienfuegos nu-
18 clear facility at Juragua, Cuba (including
19 support for such completion, if any, by the
20 Russian Federation).

21 (F) Measures of the Cuban government to
22 persecute, discourage, or restrict the spiritual
23 and charitable activities of churches and other
24 religious organizations in Cuba.

1 (G) The plight of political prisoners and
2 prisoners of conscience in Cuba, including—

3 (i) a list of all persons who are im-
4 prisoned or detained in Cuba and the
5 crimes, if any, with which they have been
6 charged;

7 (ii) a description of prison conditions
8 and treatment of prisoners by Cuban au-
9 thorities; and

10 (iii) a list, to the extent practicable, of
11 all persons who have been imprisoned or
12 executed for political reasons by authorities
13 of the Cuban government at any time on
14 or after January 1, 1959.

15 (H) Actions taken by the Cuban govern-
16 ment to repress freedom of the press, including
17 persecution or exclusion of journalists, reprisals
18 against journalists or their sources, interruption
19 of mass communication or distribution of jour-
20 nalist materials, or similar measures.

21 (I) Actions by other governments and
22 international organizations, including but not
23 limited to, Canada and member states of the
24 European Union, taken during the preceding 6-
25 month period, to encourage a process of transi-

1 tion to pluralist democracy and respect for
2 human rights and fundamental economic and
3 political freedoms in Cuba.

4 (J) Efforts by the Cuban government to
5 influence United States policy toward Cuba
6 through espionage, other surreptitious means,
7 or propaganda.

8 (K) The issuance of visas to enter the
9 United States to Cuban officials or persons af-
10 filiated with the Cuban government, accom-
11 panied by a justification for issuing each such
12 visa, taking into account section 102(e) of the
13 LIBERTAD Act of 1996 (22 U.S.C. 6032(e)).

14 (L) The bilateral sugar-for-petroleum
15 agreement between the Russian Federation and
16 Cuba, including an analysis of the banks and
17 trading companies carrying out such agreement,
18 an analysis of the terms of such agreement, and
19 a determination of whether such agreement and
20 terms provide any economic subsidy to the
21 Cuban government.

22 (M) Cuban relations with other states that
23 have repeatedly provided support for acts of
24 international terrorism, as designated under

1 section 6(j)(1)(A) of the Export Administration
2 Act of 1979.

3 (N) Action taken by the Department of
4 Justice and the Cuban government to extradite
5 or otherwise surrender to the United States Jo-
6 anne Chesimard (also known as “Assata
7 Shakur”, convicted in the United States for the
8 1973 murder of New Jersey State Trooper
9 Werner Foerster and wounding of New Jersey
10 State Trooper James Hooper), Arletis Blanco,
11 Cheri Dalton (also known as “Nehanda
12 Abiodun”), William Lee Brent, Charles Hill,
13 Guillermo Morales, Luis Pena Soltren, Frank
14 Terpil, Robert Vesco, and other fugitives of jus-
15 tice harbored by the Cuban government.

16 (3) TRANSMITTAL TOGETHER WITH SPECIFIED
17 LISTS.—

18 (A) EXPLOITATIVE LABOR CONDITIONS.—

19 In the case of the transmittal of reports de-
20 scribed in paragraph (2)(B), such reports shall
21 be accompanied by a list of foreign companies
22 taking advantage of such exploitative labor con-
23 ditions and a description of the efforts of the
24 international free trade union movement to
25 press the Cuban government and foreign com-

1 panies doing business in Cuba to respect the
2 rights of Cuban workers.

3 (B) ACTIONS BY OTHER GOVERNMENTS
4 AND INTERNATIONAL ORGANIZATIONS.—In the
5 case of the transmittal of reports described in
6 paragraph (2)(I), such reports shall be accom-
7 panied by a list of commercial ventures and bi-
8 lateral agreements signed with the Cuban gov-
9 ernment during the periods covered by the re-
10 ports.

11 **SEC. 9. REDUCTION IN ASSISTANCE TO THE RUSSIAN FED-**
12 **ERATION FOR SUPPORT OF CUBAN INTEL-**
13 **LIGENCE FACILITIES.**

14 (a) ANNUAL WITHHOLDING OF ASSISTANCE.—Sec-
15 tion 498A(d)(1) of the Foreign Assistance Act of 1961
16 (22 U.S.C. 2295a(d)(1)) is amended—

17 (1) by striking “, on or after the date of enact-
18 ment of this subsection,” and inserting “for a fiscal
19 year”; and

20 (2) by striking “on or after such date” and in-
21 serting “for the preceding fiscal year”.

22 (b) ANNUAL TRANSMITTAL OF CERTIFICATIONS.—
23 Section 498A(d)(2) of the Foreign Assistance Act of 1961
24 (22 U.S.C. 2295a(d)(2)) is amended—

25 (1) in subparagraph (A)—

1 (A) by inserting “for a fiscal year” after
2 “withhold assistance”;

3 (B) by inserting “prior to that fiscal year”
4 after “committees”;

5 (C) by inserting “for that fiscal year” after
6 “such assistance”; and

7 (D) by inserting “for a fiscal year” after
8 “Russia”; and

9 (2) in subparagraph (B), by inserting “for a
10 fiscal year” after “with respect to Russia”.

11 **SEC. 10. SENSE OF CONGRESS.**

12 It is the sense of Congress that the Secretary of State
13 should authorize the travel and contacts of Cuban diplo-
14 matic personnel in United States territory on a strictly
15 reciprocal basis, taking into account Cuban restrictions
16 against United States diplomatic personnel meeting with
17 officials of the Cuban government at all levels.

18 **SEC. 11. STATUTORY CONSTRUCTION.**

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

○