

108TH CONGRESS
1ST SESSION

H. R. 3422

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 HOUSE OF REPRESENTATIVES

OCTOBER 30, 2003

Mr. SERRANO (for himself, Mr. LEACH, Mr. ALLEN, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. DELAHUNT, Mr. EVANS, Mr. FARR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAHOOD, Mr. LAMPSON, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. SABO, Mr. SANDERS, Mr. SHAYS, Mr. STARK, Mr. THOMPSON of California, Mr. TOWNS, Mr. TURNER of Texas, Ms. VELÁZQUEZ, Mr. WAXMAN, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Government Reform, the Judiciary, and Ways and Means, 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

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 2003”.

6 **TITLE I—FACILITATION OF THE**
7 **EXPORT OF FOOD, MEDI-**
8 **CINES, AND OTHER HUMANI-**
9 **TARIAN GOODS TO CUBA**

10 **SEC. 101. EXEMPTION FROM PROHIBITIONS AND RESTRIC-**
11 **TIONS ON TRADE WITH CUBA TO PERMIT THE**
12 **EXPORT OF FOOD, MEDICINES, AND OTHER**
13 **HUMANITARIAN GOODS TO CUBA.**

14 (a) IN GENERAL.—Except as provided in subsection
15 (b), any prohibition or restriction in law or regulation on
16 trade or financial transactions with Cuba shall not apply
17 with respect to the export to Cuba of any agricultural com-
18 modity, farm machinery or equipment, medicine, medical
19 device, assistive technology device, personal care products,
20 or products intended for the exclusive use by children, or
21 with respect to travel incident to the sale or delivery of
22 any such commodity, machinery or equipment, medicine,
23 device, or product.

24 (b) EXCEPTIONS.—Subsection (a) does not apply
25 to—

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

3 (a) STUDY.—The Secretary of Agriculture shall con-
4 duct a study of United States agricultural export pro-
5 motion and credit programs in effect as of the date of en-
6 actment of this Act to determine how such programs may
7 be carried out to promote the consumption of United
8 States agricultural commodities in Cuba.

9 (b) REPORT.—Not later than 90 days after the date
10 of enactment of this Act, the Secretary of Agriculture shall
11 submit to the Committee on Agriculture of the House of
12 Representatives and the Committee on Agriculture, Nutri-
13 tion, and Forestry of the Senate a report containing—

14 (1) the results of the study conducted under
15 subsection (a); and

16 (2) recommendations for proposed legislation, if
17 any, to improve the ability of the Secretary of Agri-
18 culture to utilize United States agricultural export
19 promotion and credit programs with respect to the
20 consumption of United States agricultural commod-
21 ities in Cuba.

22 **SEC. 104. REPORT TO CONGRESS.**

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

1 (1) the extent (expressed in volume and dollar
2 amounts) of sales to Cuba of agricultural commod-
3 ities, farm machinery and equipment, medicines, and
4 medical devices, since the date of enactment of this
5 Act;

6 (2) a description of the types of the goods so
7 exported; and

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

11 (A) was reexported; or

12 (B) was used in the production of any bio-
13 technological product.

14 **SEC. 105. DEFINITIONS.**

15 In this title:

16 (1) **AGRICULTURAL COMMODITY.**—The term
17 “agricultural commodity”—

18 (A) has the meaning given the term in sec-
19 tion 102 of the Agricultural Trade Act of 1978
20 (7 U.S.C. 5602); and

21 (B) includes fertilizer.

22 (2) **ASSISTIVE TECHNOLOGY DEVICE.**—The
23 term “assistive technology device” means any item
24 or piece of equipment that is used to increase, main-
25 tain, or improve the functional capabilities of an in-

1 dividual with a disability, including a wheelchair or
2 prosthetic device.

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

7 (4) **MEDICINE.**—The term “medicine” has the
8 meaning given the term “drug” in section 201 of the
9 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
10 7321).

11 **TITLE II—EASING OF RESTRIC-**
12 **TIONS ON TRAVEL BY UNITED**
13 **STATES NATIONALS TO CUBA**

14 **SEC. 201. TRAVEL TO CUBA.**

15 (a) **IN GENERAL.**—

16 (1) **FREEDOM OF TRAVEL FOR UNITED STATES**
17 **NATIONALS AND LAWFUL PERMANENT RESIDENT**
18 **ALIENS.**—

19 (A) **IN GENERAL.**—Subject to subsection
20 (b), the President shall not regulate or prohibit,
21 directly or indirectly—

22 (i) travel to, from, or within Cuba by
23 nationals of the United States or aliens
24 lawfully admitted for permanent residence
25 in the United States; or

1 (ii) any of the transactions incident to
2 such travel that are set forth in paragraph
3 (2).

4 (B) SUPERSEDES EXISTING LAW.—Sub-
5 paragraph (A) supersedes any other provision
6 of law.

7 (2) TRANSACTIONS INCIDENT TO TRAVEL.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), the transactions referred to
10 in paragraph (1) are—

11 (i) any transaction ordinarily incident
12 to travel to or from Cuba, including the
13 importation into Cuba or the United States
14 of accompanied baggage for personal use
15 only;

16 (ii) any transaction ordinarily incident
17 to travel or maintenance within Cuba, in-
18 cluding the payment of living expenses and
19 the acquisition of goods or services for per-
20 sonal use;

21 (iii) any transaction ordinarily inci-
22 dent to the arrangement, promotion, or fa-
23 cilitation of travel to, from, or within
24 Cuba;

1 (iv) any transaction incident to non-
2 scheduled air, sea, or land voyages, except
3 that this clause does not authorize the car-
4 riage of articles into Cuba or the United
5 States except accompanied baggage; and

6 (v) any normal banking transaction
7 incident to any activity described in any of
8 the preceding clauses, including the
9 issuance, clearing, processing, or payment
10 of checks, drafts, travelers checks, credit
11 or debit card instruments, or similar in-
12 struments.

13 (B) EXCLUSION OF CERTAIN GOODS FOR
14 PERSONAL CONSUMPTION.—The transactions
15 described in subparagraph (A) do not include
16 the importation into the United States of goods
17 for personal consumption acquired in Cuba in
18 excess of the amount established by the Sec-
19 retary of the Treasury pursuant to section 321
20 of the Tariff Act of 1930 (19 U.S.C. 1321) or
21 otherwise authorized by law.

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

24 (1) the United States is at war with Cuba;

1 (2) armed hostilities between the two countries
2 are in progress or imminent; or

3 (3) there is a credible threat to the public
4 health or the physical safety of nationals of the
5 United States who are traveling to, from, or within
6 Cuba.

7 (c) APPLICABILITY.—This section applies to actions
8 taken by the President before the date of enactment of
9 this Act that are in effect on such date, and to actions
10 taken on or after such date.

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

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

15 (2) Section 910 of the Trade Sanctions Reform
16 and Export Enhancement Act of 2000 (title IX of
17 H.R. 5426 of the One Hundred Sixth Congress, as
18 enacted into law by section 1(a) of Public Law 106–
19 387, and as contained in the appendix of that Act).

20 (e) DEFINITIONS.—In this section:

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

1 (2) NATIONAL OF THE UNITED STATES.—The
2 term “national of the United States” has the mean-
3 ing given the term in section 101(a)(22) of the Im-
4 migration and Nationality Act (8 U.S.C.
5 1101(a)(22)).

6 **TITLE III—SCHOLARSHIPS FOR**
7 **CERTAIN CUBAN NATIONALS**

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

9 (a) AUTHORITY.—

10 (1) IN GENERAL.—The President is authorized
11 to provide scholarships under section 102 of the Mu-
12 tual Educational and Cultural Exchange Act of
13 1961 (22 U.S.C. 2452) for nationals of Cuba who
14 seek to undertake graduate study in public health,
15 public policy, economics, law, or other field of social
16 science.

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

20 (b) ALLOCATION OF FUNDS.—Of the amounts au-
21 thorized to be appropriated to carry out the Mutual Edu-
22 cational and Cultural Exchange Act of 1961 (22 U.S.C.
23 2451 et seq.) for fiscal years 2002 through 2006, the fol-
24 lowing amounts are authorized to be available to carry out
25 subsection (a):

1 (1) For fiscal year 2004, \$1,400,000 for not to
2 exceed 20 scholarships.

3 (2) For fiscal year 2005, \$1,750,000 for not to
4 exceed 25 scholarships.

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

7 (4) For fiscal year 2007, \$2,450,000 for not to
8 exceed 35 scholarships.

9 (5) For fiscal year 2008, \$2,450,000 for not to
10 exceed 35 scholarships.

11 **TITLE IV—MISCELLANEOUS**
12 **PROVISIONS**

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

15 (a) WAIVER OF SANCTIONS AND RESTRICTIONS ON
16 ASSISTANCE.—Notwithstanding any other provision of
17 law, the President may waive any provision of title I or
18 title II of Public Law 104–114 (22 U.S.C. 6021 et seq.).

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

1 **SEC. 402. PROHIBITION ON LIMITING ANNUAL REMIT-**
2 **TANCES.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), the Secretary of the Treasury may not limit the
5 amount of remittances to Cuba that may be made by any
6 person who is subject to the jurisdiction of the United
7 States, and the Secretary shall rescind all regulations in
8 effect on the date of enactment of this Act that so limit
9 the amount of those remittances.

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

18 **SEC. 403. IMPORTATION OF CERTAIN MEDICINES.**

19 (a) DEFINITIONS.—In this section:

20 (1) COVERED MEDICAL ARTICLE.—The term
21 “covered medical article” means a medicine or med-
22 ical device that—

23 (A) is of Cuban origin;

24 (B) is or has been located in or trans-
25 ported from or through Cuba; or

1 (C) is made or derived in whole or in part
2 of any article which is the growth, produce, or
3 manufacture of Cuba.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Health and Human Services.

6 (b) IN GENERAL.—Notwithstanding any other provi-
7 sion of law (including section 515.204 of title 31, Code
8 of Federal Regulations, or any other related or successor
9 regulation), a covered medical article may be imported into
10 the United States to the extent otherwise authorized by
11 law, including any authorization under the Federal Food,
12 Drug, and Cosmetic Act, if the Secretary makes a deter-
13 mination, in accordance with subsection (c), that there is
14 a medical need in the United States for the covered med-
15 ical article that is not being met by any medicine or med-
16 ical device in commercial distribution in the United States.

17 (c) DETERMINATIONS OF MEDICAL NEED.—With re-
18 spect to a determination of medical need under subsection
19 (b) regarding a covered medical article:

20 (1) The Secretary may upon request make the
21 determination prior to the submission of an applica-
22 tion or other document (as applicable) regarding
23 commercial distribution of such article pursuant to
24 the Federal Food, Drug, and Cosmetic Act.

1 (2) The determination of the Secretary shall
2 not be affected by the subsequent commercial dis-
3 tribution in the United States of another medicine
4 or medical device (as the case may be) that meets
5 the same medical need as such article.

6 (3) The Secretary shall by regulation establish
7 criteria regarding the determination, including cri-
8 teria for a request under paragraph (1).

9 **SEC. 404. REPEAL OF PROHIBITION ON TRANSACTIONS OR**
10 **PAYMENTS WITH RESPECT TO CERTAIN**
11 **UNITED STATES INTELLECTUAL PROPERTY.**

12 Section 211 of the Department of Commerce and Re-
13 lated Agencies Appropriations Act, 1999 (as contained in
14 section 101(b) of division A of Public Law 105–277; 112
15 Stat. 2681–88) is repealed.

16 **SEC. 405. DIRECT MAIL DELIVERY TO CUBA.**

17 The United States Postal Service shall take such ac-
18 tions as are necessary to provide direct mail service to and
19 from Cuba, including, in the absence of common carrier
20 service between the 2 countries, the use of charter pro-
21 viders.

1 **SEC. 406. EXPEDITED SECURITY CHECKS FOR CERTAIN VIS-**
2 **ITING CUBANS.**

3 Section 306 of the Enhanced Border Security and
4 Visa Entry Reform Act of 2002 (8 U.S.C. 1735) is amend-
5 ed by adding at the end the following:

6 “(c) SPECIAL RULES FOR NONIMMIGRANTS FROM
7 CUBA.—

8 “(1) EXPEDITED PROCESSING.—

9 “(A) IN GENERAL.—In the case of an alien
10 from Cuba within a class described in subpara-
11 graph (B) who is seeking a nonimmigrant visa
12 under section 101(a)(15)(B) of the Immigration
13 and Nationality Act (8 U.S.C.
14 1101(a)(15)(B))—

15 “(i) the determination under sub-
16 section (a) shall be expedited; and

17 “(ii) there shall be a presumption that
18 the alien does not pose a threat to the
19 safety or national security of the United
20 States.

21 “(B) ALIENS DESCRIBED.—The following
22 classes of aliens are described in this subpara-
23 graph:

24 “(i) Professional musicians.

25 “(ii) Professional artists.

1 “(iii) Individuals requiring health care
2 (as certified by a medical professional).

3 “(iv) Individuals with a demonstrated
4 humanitarian need.

5 “(v) Individuals having an unantici-
6 pated family emergency.

7 “(vi) Religious leaders.

8 “(vii) Scientists.

9 “(viii) Scholars.

10 “(ix) Educators.

11 “(2) ARTISTS AND MUSICIANS INVITED TO PER-
12 FORM.—If an artist or musician described in para-
13 graph (1) receives an invitation to perform in the
14 United States, the determination under subsection
15 (a) shall be made not later than 30 days after the
16 alien applies for the nonimmigrant visa.

17 “(3) SCHOLARS AND RELIGIOUS LEADERS IN-
18 VITED TO SPEAK OR ATTEND CONFERENCE.—If a
19 scholar or religious leader described in paragraph
20 (1) receives an invitation to speak or attend a con-
21 ference in the United States, the determination
22 under subsection (a) shall be made not later than 30
23 days after the alien applies for the nonimmigrant
24 visa.”.

1 **SEC. 407. MOTION PICTURE, TELEVISION, AND MUSIC RE-**
2 **CORDING PROJECTS IN CUBA.**

3 (a) TRAVEL TO CUBA.—

4 (1) IN GENERAL.—Pursuant to section
5 201(a)(1) of this Act, the President may not regu-
6 late or prohibit, directly or indirectly—

7 (A) travel to, from, or within Cuba by
8 United States persons for the purpose of (i) en-
9 gaging in motion picture or television projects
10 of any kind, or (ii) engaging in music recording
11 projects of any kind; or

12 (B) any of the transactions incident to
13 such travel.

14 (2) APPLICABILITY OF GENERAL TRAVEL PRO-
15 VISIONS.—Except to the extent inconsistent with the
16 provisions of this subsection, subsections (a)(2), (b),
17 and (c) of section 201 of this Act shall apply to the
18 requirements of paragraph (1) to the same extent
19 and in the same manner as such subsections apply
20 to section 201(a)(1) of this Act.

21 (b) CONDUCT OF PROJECTS.—Notwithstanding any
22 other provision of law or regulation, the President may
23 not regulate or prohibit, directly or indirectly, transactions
24 to engage in or finance motion picture or television
25 projects of any kind in Cuba or to engage in music record-
26 ing projects of any kind in Cuba.

1 (c) PROTECTION OF INTELLECTUAL PROPERTY
2 RIGHTS.—Notwithstanding any other provision of law or
3 regulation relating to the trade embargo of Cuba, each
4 work created as a result of projects described in subsection
5 (b) shall be afforded the same rights and protections that
6 are afforded to other similar work under all applicable in-
7 tellectual property rights laws of the United States.

8 (d) DEFINITIONS.—In this section:

9 (1) UNITED STATES PERSON.—The term
10 “United States person” means a national of the
11 United States or an alien lawfully admitted for per-
12 manent residence in the United States.

13 (2) LAWFULLY ADMITTED FOR PERMANENT
14 RESIDENCE.—The term “lawfully admitted for per-
15 manent residence” has the meaning given the term
16 in section 201(e)(1) of this Act.

17 (3) NATIONAL OF THE UNITED STATES.—The
18 term “national of the United States” has the mean-
19 ing given the term in section 201(e)(2) of this Act.

20 **SEC. 408. REMOVAL OF RESTRICTIONS TO ALLOW CUBAN**
21 **NATIONALS TO COME TO THE UNITED**
22 **STATES TO PLAY ORGANIZED PROFESSIONAL**
23 **SPORTS.**

24 (a) RESTRICTION ON EMBARGO AUTHORITY.—The
25 authorities of section 620(a) of the Foreign Assistance Act

1 of 1961, those authorities under section 5(b) of the Trad-
2 ing with the Enemy Act that were being exercised with
3 respect to Cuba on July 1, 1977, as a result of a national
4 emergency declared before that date, and are being exer-
5 cised on the date of the enactment of this Act, and section
6 203 of the International Emergency Economic Powers Act
7 may not be exercised to regulate or prohibit—

8 (1) those transactions permitted under section
9 515.571 of title 31, Code of Federal Regulations, by
10 or on behalf of a Cuban national who enters the
11 United States from Cuba on a visa issued by the
12 State Department under section
13 101(a)(15)(H)(ii)(b) of the Immigration and Nation-
14 ality Act for the purpose of playing organized pro-
15 fessional sports; and

16 (2) a Cuban national described in paragraph
17 (1) from returning to Cuba with the earnings made
18 in playing organized professional sports.

19 (b) RESTRICTION ON IMMIGRATION AUTHORITY.—
20 The authority contained in section 212(f) of the Immigra-
21 tion and Nationality Act may not be used to deny a visa
22 described in subsection (a)(1) to a Cuban national for the
23 purpose of playing organized professional sports.

24 (c) INAPPLICABILITY OF OTHER RESTRICTIONS.—
25 This section applies notwithstanding section 102(h) of the

1 Cuban Liberty and Democratic Solidarity (LIBERTAD)
2 Act of 1996.

3 (d) DURATION OF VISA.—A visa described in sub-
4 section (a)(1)—

5 (1) shall permit the alien to whom the visa is
6 issued to remain in the United States only for the
7 duration of the season of the professional sport in-
8 volved; and

9 (2) need not be renewed for subsequent entries
10 into the United States for the duration of a valid
11 contract entered into between the alien and the pro-
12 fessional sports team with which the alien played in
13 the preceding season.

○