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H. R. 2758

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

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1993

Mr. MENENDEZ (for himself, Mr. TORRICELLI, Mr. DIAZ-BALART, Mr. McCURDY, Mr. DEUTSCH, Mr. HASTINGS, Mr. ANDREWS of New Jersey, Mr. McHALE, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, Mr. WYNN, Mr. BURTON of Indiana, Ms. MCKINNEY, Mr. GUTIERREZ, Mr. ENGEL, Mr. SMITH of New Jersey, and Mr. RICHARDSON) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Agriculture, and Ways and Means

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 of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) The economy of Cuba has experienced a de-
2 cline of approximately 45 percent in the last 3 years,
3 on account of the end of its subsidization by the
4 former Soviet Union, the extreme decline in trade
5 between Cuba and the countries of the former Soviet
6 Bloc, and the policy of the Russian Government and
7 the countries of the former Soviet Bloc to conduct
8 economic relations with Cuba on strictly commercial
9 terms.

10 (2) At the same time, the welfare and health of
11 the Cuban people has substantially deteriorated, and
12 continues to deteriorate, as a result of this economic
13 decline and the refusal of the Castro regime to adopt
14 any economic or political reforms that would lead to
15 democracy, a market economy, or an economic
16 recovery.

17 (3) As long as no such economic or political re-
18 forms are adopted by the Cuban Government, the
19 economic condition of the country and the welfare of
20 the Cuban people will not improve in any significant
21 way.

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

1 **SEC. 3. POLICY TOWARD A TRANSITION GOVERNMENT AND**
2 **A DEMOCRATIC GOVERNMENT IN CUBA.**

3 It is the policy of the United States—

4 (1) to support the self-determination of the
5 Cuban people;

6 (2) to recognize that the self-determination of
7 the Cuban people is a sovereign and national right
8 of the citizens of Cuba which must be exercised free
9 of interference by the government of any other
10 country;

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

14 (4) to recognize the potential for a difficult
15 transition from the current regime in Cuba that may
16 result from the initiatives taken by the Cuban people
17 for self-determination in response to the intransi-
18 gence of the Castro regime in not allowing any
19 substantive political or economic reforms, and to be
20 prepared to provide the Cuban people with humani-
21 tarian, developmental, and other economic assist-
22 ance;

23 (5) in solidarity with the Cuban people, to pro-
24 vide emergency relief assistance to a transition gov-
25 ernment in Cuba, and long term assistance to a
26 democratic government in Cuba, governments that

1 result from an expression of the self-determination
2 of the Cuban people;

3 (6) that such assistance is intended to facilitate
4 a peaceful transition to democracy in Cuba and the
5 consolidation of democracy in Cuba;

6 (7) that such assistance be delivered to the
7 Cuban people through a transition government in
8 Cuba, through a democratic government in Cuba, or
9 through United States, international, or indigenous
10 nongovernmental organizations;

11 (8) to encourage other countries to provide
12 similar assistance, and work cooperatively with such
13 countries to coordinate such assistance;

14 (9) to ensure that emergency relief is rapidly
15 implemented and distributed to the people of Cuba
16 upon the institution of a transition government in
17 Cuba;

18 (10) not to provide favorable treatment or influ-
19 ence on behalf of any individual or entity in the pro-
20 motion of the choice by the Cuban people of their fu-
21 ture government;

22 (11) to assist a transition government in Cuba
23 and a democratic government in Cuba to prepare the
24 Cuban military forces for a new role in a democracy;

1 (12) to be prepared to enter into negotiations
2 with a democratic government in Cuba either to re-
3 turn the United States Naval Base at Guantanamo
4 to Cuba or to renegotiate the present agreement
5 under mutually agreeable terms;

6 (13) to lift the economic embargo on Cuba
7 when the President determines that there exists a
8 democratic government in Cuba; and

9 (14) to assist a democratic government in Cuba
10 to strengthen and stabilize its national currency.

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 the
18 people of Cuba while such government, and a demo-
19 cratic government in Cuba, are in power.

20 (2) TYPES OF ASSISTANCE.—Assistance under
21 the plan developed under paragraph (1) shall include
22 the following:

23 (A) Assistance under the plan to a transi-
24 tion government in Cuba shall be limited to—

1 (i) such food, medicine, medical sup-
2 plies and equipment, and assistance to
3 meet emergency energy needs, as is nec-
4 essary to meet the basic human needs of
5 the Cuban people; and

6 (ii) assistance described in subpara-
7 graph (C).

8 (B) Assistance under the plan to a demo-
9 cratic government in Cuba shall consist of addi-
10 tional economic assistance and assistance de-
11 scribed in subparagraph (C). Such economic as-
12 sistance may include—

13 (i) assistance under chapter 1 of part
14 I (relating to development assistance), and
15 chapter 4 of part II (relating to the eco-
16 nomic support fund), of the Foreign As-
17 sistance Act of 1961;

18 (ii) assistance under the Agricultural
19 Trade Development and Assistance Act of
20 1954;

21 (iii) financing, guarantees, and other
22 forms of assistance provided by the Ex-
23 port-Import Bank of the United States;

1 (iv) financial support provided by the
2 Overseas Private Investment Corporation
3 for investment projects in Cuba;

4 (v) assistance provided by the Trade
5 and Development Agency;

6 (vi) Peace Corps programs;

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

8 and

9 (viii) other appropriate assistance to
10 carry out the purposes of this Act.

11 (C) Assistance under the plan to a transi-
12 tion government in Cuba and to a democratic
13 government in Cuba shall also include assist-
14 ance in preparing the Cuban military forces to
15 adjust to a new role in a democracy and civilian
16 life, which may include assistance for housing,
17 educational, and training programs.

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

21 (c) DISTRIBUTION.—The plan developed under sub-
22 section (a) shall authorize assistance under the plan to be
23 provided through United States, international, and indige-
24 nous nongovernmental organizations and private voluntary

1 organizations, including humanitarian, educational, and
2 labor organizations.

3 (d) INTERNATIONAL EFFORTS.—The President shall
4 take the necessary steps to obtain the agreement of other
5 countries and of international financial institutions to pro-
6 vide to a transition government in Cuba, and to a demo-
7 cratic government in Cuba, assistance comparable to that
8 provided by the United States under this Act, and to work
9 with such countries and institutions to coordinate all such
10 assistance programs.

11 (e) CARIBBEAN BASIN INITIATIVE.—The President
12 shall determine, as part of the assistance plan developed
13 under subsection (a), whether or not to designate Cuba
14 as a beneficiary country under section 212 of the Carib-
15 bean Basin Economic Recovery Act.

16 (f) TRADE AGREEMENTS.—Upon the enactment of
17 legislation implementing a free trade agreement between
18 the United States and any other country or countries (ex-
19 cept Cuba) in the Western Hemisphere, the President—

20 (1) shall take the necessary steps to enter into
21 a framework agreement with a transition govern-
22 ment in Cuba providing for trade with and invest-
23 ment in Cuba; and

24 (2) may thereafter enter into negotiations with
25 a democratic government in Cuba to conclude a free

1 trade agreement between the United States and
2 Cuba.

3 (g) COMMUNICATION WITH THE CUBAN PEOPLE.—
4 The President shall take the necessary steps to commu-
5 nicate to the Cuban people the plan for assistance devel-
6 oped under this section.

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

11 **SEC. 5. COORDINATION OF ASSISTANCE PROGRAM; IMPLE-**
12 **MENTATION AND REPORTS TO CONGRESS;**
13 **REPROGRAMMING.**

14 (a) COORDINATING OFFICIAL.—The Assistant Sec-
15 retary of State for Inter-American Affairs shall be respon-
16 sible for—

17 (1) implementing the strategy for distributing
18 assistance under the plan developed under section
19 4(a);

20 (2) ensuring the speedy and efficient distribu-
21 tion of such assistance; and

22 (3) ensuring coordination among, and appro-
23 priate oversight by, the agencies of the United
24 States that provide assistance under the plan, in-
25 cluding resolving any disputes among such agencies.

1 (b) IMPLEMENTATION OF PLAN; REPORTS TO CON-
2 GRESS.—

3 (1) IMPLEMENTATION WITH RESPECT TO TRAN-
4 SITION GOVERNMENT.—Upon making a determina-
5 tion that a transition government in Cuba is in
6 power, the President shall transmit that determina-
7 tion to the Congress and shall commence the deliv-
8 ery and distribution of assistance to such transition
9 government under the plan developed under section
10 4(a).

11 (2) REPORTS TO CONGRESS.—Not later than
12 15 days after making the determination referred to
13 in paragraph (1), and not later 90 days after mak-
14 ing that determination, the President shall transmit
15 to the Congress a report setting forth the strategy
16 for providing assistance described in section
17 4(a)(2)(A) and (C) to the transition government in
18 Cuba under the plan of assistance developed under
19 section 4(a), the types of such assistance, and the
20 extent to which such assistance has been distributed
21 in accordance with the plan.

22 (3) IMPLEMENTATION WITH RESPECT TO
23 DEMOCRATIC GOVERNMENT.—The President shall,
24 upon determining that a democratic government in
25 Cuba is in power, submit that determination to the

1 Congress and shall commence the delivery and dis-
2 tribution of assistance to such democratic govern-
3 ment under the plan developed under section 4(a).

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

13 (c) REPROGRAMMING.—Any changes in the assist-
14 ance to be provided under the plan developed under sec-
15 tion 4(a) may not be made unless the President notifies
16 the Congress at least 15 days in advance in accordance
17 with the procedures applicable to reprogramming notifica-
18 tions under section 634A of the Foreign Assistance Act
19 of 1961.

20 (d) EFFECT ON OTHER LAWS.—Assistance may be
21 provided under the plan developed under section 4(a) not-
22 withstanding any other provision of law.

23 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **SEC. 7. TERMINATION OF EMBARGO.**

2 Upon submitting a determination to the Congress
3 under section 5(b)(3) that a democratic government in
4 Cuba is in power, the President shall terminate the embar-
5 go on trade with Cuba.

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

7 For purposes of this Act, a transition government in
8 Cuba is a government in Cuba which—

9 (1) is demonstrably in transition from com-
10 munist totalitarian dictatorship to democracy;

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

13 (A) releasing all political prisoners and al-
14 lowing for investigations of Cuban prisons by
15 appropriate international human rights organi-
16 zations;

17 (B) establishing an independent judiciary;

18 (C) respecting internationally recognized
19 human rights and basic freedoms in accordance
20 with the Universal Declaration of Human
21 Rights, to which Cuba is a signatory nation;

22 (D) dissolving the present Department of
23 State Security in the Cuban Ministry of the In-
24 terior, including but not limited to, the Commit-
25 tees for the Defense of the Revolution and the
26 Rapid Response Brigades;

1 (E) organizing free and fair elections for a
2 new government—

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

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

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

18 (F) granting permits to privately owned in-
19 digenous telecommunications companies to op-
20 erate in Cuba; and

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

1 (3) does not include Fidel Castro or Raul Cas-
2 tro, or any person appointed by either such individ-
3 ual in a position of authority; and

4 (4) allows the speedy and efficient distribution
5 of assistance to the Cuban people.

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

7 For purposes of this Act, a democratic government
8 in Cuba is a government in Cuba which—

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

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

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

17 (4) has made demonstrable progress in estab-
18 lishing an independent judiciary;

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

21 (6) has made or is committed to making con-
22 stitutional changes that would ensure regular free
23 and fair elections that meet the requirements of
24 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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