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Cuba: Issues for the 108th Congress

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Summary

Cuba under Fidel Castro remains a hard-line communist state, with a poor record on human rights that has deteriorated significantly in 2003. With the cutoff of assistance from the former Soviet Union, Cuba experienced severe economic deterioration from 1989 to 1993. While there has been some improvement since 1994 as Cuba has implemented limited reforms, the economy remains in poor shape.

Since the early 1960s, U.S. policy toward Cuba has consisted largely of isolating the island nation through comprehensive economic sanctions. Another component of U.S. policy consists of support measures for the Cuban people, including private humanitarian donations and U.S.-sponsored radio and television broadcasting to Cuba. While there appears to be broad agreement on the overall objective of U.S. policy toward Cuba — to help bring democracy and respect for human rights to the island, there are several schools of thought on how to achieve that objective. Some advocate maximum pressure on the Cuban government until reforms are enacted, others argue for lifting some U.S. sanctions that they believe are hurting the Cuban people, and still others call for a swift normalization of U.S.-Cuban relations by lifting the U.S. embargo.

Congress is continuing its high level of interest in Cuba with a variety of legislative initiatives introduced regarding sanctions and human rights. Demonstrating concern about the poor human rights situation, Congress approved three resolutions: S.Res. 97, H.Res. 179, and S.Res. 62. Numerous legislative initiatives have been introduced that would ease sanctions on Cuba – H.R. 187, H.R. 188, H.R. 1698, H.R. 2071, H.R. 2494, H.R. 3422, S. 403, S. 950, and S. 2002 – while two initiatives, H.R. 3470 and H.R. 3670, would tighten sanctions.

Both the House- and Senate-approved versions of the FY2004 Transportation-Treasury appropriations bill, H.R. 2989, had a nearly identical provision that would have prevented funds from being used to administer or enforce restrictions on travel or travel-related transactions. But the provisions were dropped in the conference report to the FY2004 Consolidated Appropriations Act, P.L. 108-199 (H.R. 2673, H.Rept. 108-401), which incorporates seven regular appropriations acts, including Transportation-Treasury appropriations. The conference also dropped two Cuba provisions from the House version of H.R. 2989 on remittances and on people-to-people educational exchanges.

In other provisions of the FY2004 Consolidated Appropriations Act, P.L. 108-199: Division A, covering agriculture appropriations, dropped a provision from the Senate-approved version of H.R. 2673 that would have eased travel restrictions for agricultural sales; Division D, covering foreign operations, did not include assistance for counter-narcotics cooperation with Cuba that had been included in the Senate version of H.R. 2800; and Division B, Commerce, Justice, and State appropriations, provides funding for Radio and TV Marti.

This report will be updated regularly to track legislative initiatives and developments in U.S. relations with Cuba.

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Most Recent Developments

On January 16, 2004, President Bush suspended for another six months the right of individuals to file lawsuits against those persons benefitting from confiscated U.S. property in Cuba under Title III of the Cuban Liberty and Democratic Solidarity Act (P.L. 104-114). (See *Helms/Burton Legislation* below.)

The State Department cancelled the semiannual round of U.S.-Cuba migration talks scheduled for January 8, 2004, because Cuba reportedly has refused to discuss the issuance of exit permits to all qualified migrants; cooperation in holding a new registration for an immigrant lottery; the use of a deeper Cuban port utilized by the U.S. Coast Guard for the repatriation of Cubans interdicted at sea; permission for U.S. diplomats to travel to monitor returned migrants; and the return of Cuban nationals determined to be excludable from the United States. Cuban officials maintained that the U.S. decision was irresponsible and that it was prepared to discuss all of the issues raised by the United States. (See *Migration Issues* below).

On November 25, 2003, the conference report (H.Rept. 108-401) to H.R. 2673, the Consolidated Appropriation Act for FY2004, was filed in the House. The omnibus measure, which includes funding for Transportation-Treasury in Division F, dropped all provisions easing sanctions that had been included in the House and Senate versions of H.R. 2989. Division A of the omnibus, funding agriculture appropriations, dropped a provision from the Senate-approved version of H.R. 2673 that would have eased travel restrictions for agricultural sales. Division D, funding foreign operations appropriations, did not include assistance for counter-narcotics cooperation with Cuba that had been included in the Senate version of H.R. 2800. Division B, Commerce, Justice, and State appropriations, provides funding for Radio and TV Marti. The House agreed to the conference November 25, 2003, and the Senate agreed to it January 22, 2004. The President signed the measure on January 23, 2004, as P.L. 108-199. (For more details, see *Legislative Initiatives in the 108th Congress* below.)

On November 6, 2003, the Senate approved its version of the FY2004 agriculture appropriations bill, H.R. 2673, with a provision that would allow travel to Cuba under a general license (without applying to the Treasury Department) for travel related to commercial sales of agricultural and medical goods. The House version had no such provision.

On October 23, 2003, during Senate floor consideration of the FY2004 Transportation-Treasury appropriations bill, H.R. 2989, the Senate approved by voice vote S.Amdt. 1900 (Dorgan) that would prevent funds from being used to administer or enforce restrictions on Cuba travel or travel-related transactions. The provision

is nearly identical to one in the House version of the bill. A motion to table the Dorgan amendment was defeated by a vote of 59-36.

On October 10, 2003, President Bush announced three Cuba initiatives: (1) the Department of Homeland Security would more strictly enforce the trade and travel embargo; (2) the United States would increase the number of new Cuban immigrants each year, improve the method of identifying refugees, redouble efforts to process Cubans seeking to leave Cuba, and initiative a public information campaign to better inform Cubans of the routes to safe and legal migration to the United States; and (3) a new "Commission for Assistance to a Free Cuba" would be established to help plan for Cuba's transition from communism to democracy. (See *Bush Administration Policy* below.)

On October 3, 2003, Oswaldo Paya, leader of the Varela Project, delivered more than 14,000 signatures to Cuba's National Assembly, again requesting a referendum on democratic reforms.

On September 9, 2003, the House approved three amendments to the FY2004 Transportation-Treasury appropriations bill, H.R. 2989, that would prevent funds from being used to administer or enforce restrictions on travel and remittances, and from being used to eliminate the travel category of people-to-people educational exchanges. (See *Travel Restrictions* below.)

On August 21, 2003, a federal grand jury in Miami indicted three Cuban Air Force officials for the 1996 shootdown of two U.S. civilian planes over international waters.

On August 11, 2003, the State Department expressed concern about the failing health and poor treatment of political prisoners in Cuba, including Oscar Espinosa Chepe and Raul Rivero. On August 1, 2003, the State Department issued a fact sheet highlighting the gross human rights abuses suffered by imprisoned Cuban dissidents. (See *Human Rights*, below.)

Political Conditions

Although Cuba has undertaken some limited economic reforms in recent years, politically the country remains a hard-line communist state. Fidel Castro, who turned 77 on August 13, 2003, has ruled since the 1959 Cuban Revolution, which ousted the corrupt government of Fulgencio Batista from power. Castro soon laid the foundations for an authoritarian regime by consolidating power and forcing moderates out of the government. In April 1961, Castro admitted that the Cuban Revolution was socialist, and in December 1961, he proclaimed himself to be a Marxist-Leninist. From 1959 until 1976, Castro ruled by decree.

A Constitution was enacted in 1976 setting forth the Communist Party as the leading force in the state and in society (with power centered in a Politburo headed by Fidel Castro). The Constitution also outlined national, provincial, and local governmental structures. Executive power is vested in a Council of Ministers,

headed by Fidel Castro as President. Legislative authority is vested in a National Assembly of People's Power, currently with 609 members, that meets twice annually for brief periods. While Assembly members were directly elected for the first time in February 1993, only a single slate of candidates was offered. In October 1997, the Cuban Communist Party held its 5th Congress (the prior one was held in 1991) in which the party reaffirmed its commitment to a single party state and reelected Fidel and Raul Castro as the party's first and second secretaries. Direct elections for the National Assembly were again held in January 1998 and January 2003, but voters again were not offered a choice of candidates.

In response to the challenge posed by the Varela Project, a human rights initiative that called for changes to the Constitution (see below), the Cuban government orchestrated a national referendum in late June 2002, signed by 8.1 million people, that declared that Cuba's socialist system could not be changed. Subsequently the National Assembly on June 26, 2002, approved amendments to the Constitution stating that "socialism and the revolutionary political and social system in the Constitution.....are irrevocable; and Cuba will never again return to capitalism."[1]

Outlook

Observers are divided over the future of the Castro government. Although most believe that the demise of the Communist government is inevitable, there is considerable disagreement over when or how this may occur. Some point to Castro's age and predict that the regime will collapse when Castro is not at the helm. Other observers maintain that Fidel Castro may remain in power for years, and that Cuba has a plan for the succession of his brother Raul. They point to Cuba's strong security apparatus and the extraordinary system of controls that prevents dissidents from gaining popular support. Moreover, observers maintain that Cuba's elite has no interest in Castro's overthrow, and that Castro still enjoys some support, in part because of the social benefits of the Cuban revolution, but also because Cubans see no alternative to Castro.

Even if Castro is overthrown or resigns, the important question remaining is the possibility or viability of a stable democratic Cuba after Castro. Analysts point out that the Castro government has successfully impeded the development of independent civil society, with no private sector, no independent labor movement, and no unified political opposition. For this reason, they contend that building a democratic Cuba will be a formidable task, one that could meet stiff resistance.

Human Rights

Cuba has a poor record on human rights, with the government sharply restricting basic rights, including freedom of expression, association, assembly, movement, and other basic rights. It has cracked down on dissent, arrested human rights activists and independent journalists, and staged demonstrations against critics. Although some

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[1] "Special Session of the National Assembly, A Transcendent Yes," *Granma International*, June 30, 2002, p. 1.

anticipated a relaxation of the government's oppressive tactics in the aftermath of the Pope's January 1998 visit, government attacks against human rights activists and other dissidents have continued since that time. The State Department's human rights report on Cuba for 2002 states that the Cuban "authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country." The report asserts that "the Interior Ministry Department of State Security investigated and actively suppressed political opposition and dissent" and "maintained a pervasive system of surveillance through undercover agents, informers, rapid response brigades (RRBs), and neighborhood-based Committees for the Defense of the Revolution (CDRs)."

In March 2003, the government began a massive crackdown that resulted in the imprisonment of 75 independent journalists and democracy activists, many receiving long prison terms. On April 11, 2003, the government executed three men who had hijacked a ferry in an attempt to reach the United States. The executions, conducted after a swift and secret trial, were condemned around the world. (See *Crackdown in 2003* below).

Varela Project. A human rights initiative within Cuba that has received attention since 2002 is the Varela Project (named for the 19th century priest, Felix Varela, who advocated independence from Spain and the abolition of slavery) in which thousands of signatures have been collected supporting a national plebiscite. The referendum would call for respect for human rights, an amnesty for political prisoners, private enterprise, and changes to the country's electoral law that would result in free and fair elections. The initiative is organized by Oswaldo Paya, who heads the Christian Liberation Movement, and it is supported by other notable Cuban human rights activists.

On May 10, 2002, organizers of the Varela Project submitted 11,020 signatures to the National Assembly calling for a national referendum This was more than the 10,000 required under Article 88 of the Cuban Constitution. Former President Jimmy Carter noted the significance of the Varela Project in his May 14, 2002 address in Havana that was broadcast in Cuba. Carter noted that "when Cubans exercise this freedom to change laws peacefully by a direct vote, the world will see that Cubans, and not foreigners, will decide the future of this country."[2]

In response to the Varela Project, the Cuban government orchestrated its own referendum in late June 2002 that ultimately led to the National Assembly amending the Constitution to declare Cuba's socialist system irrevocable.

The Varela Project has persevered despite the March 2003 human rights crackdown, which included the arrests of 42 active supporters of the human rights initiative. On October 3, 2003, Oswaldo Paya delivered more than 14,000 signatures to Cuba's National Assembly, again requesting a referendum on democratic reforms.

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[2] "Text of Jimmy Carter's Speech, Broadcast Live to Cuban People," *Associated Press*, May 15, 2002.

Crackdown in 2003. The human rights situation in Cuba deteriorated significantly in 2003. Human rights activist Elizardo Sanchez, head of the Cuban Commission for Human Rights and National Reconciliation, has called the crackdown "the most intense wave of repression in the history of Cuba."[3] In July 2003, Sanchez's group report asserted that Cuba held 336 political prisoners, including the 75 arrested in the March 2003 crackdown.

In the first two months of 2003, dozens of supporters of Oswaldo Paya's Varela Project were "harassed, jailed, threatened, and expelled from jobs and universities."[4] On February 18, 2003, two members of the Oswaldo Paya's Christian Liberation Movement, Jesus Mustafa Felipe and Robert Montero, were sentenced to 18 months in prison on charges of contempt and resisting arrest.

On March 18, 2003, a day after the opening of the 2003 session of the U.N. Commission on Human Rights in Geneva, the Cuban government began a massive crackdown on independent journalists and librarians, leaders of independent labor unions and opposition parties, and other democracy activists, including those supporting the Varela Project. Some 75 activists were arrested, subjected to summary trials and prosecutions that began on April 3, 2003, and sentenced to prison terms ranging from 6 to 28 years. Foreign journalists and diplomats were excluded from the trials. Among the activists were 27 independent journalists, including Raul Rivero and Oscar Espinosa Chepe, sentenced to 20 years, and Omar Rodríguez Saludes, sentenced to 27 years. Other sentenced democracy activists included economist Marta Beatriz Roque (who had been imprisoned from July 1997 until May 2000), who received 20 years, Hector Palacios, a leader of the Varela Project, who received 25 years, and Luis Enrique Ferrer García of the Christian Liberation Movement, who received 28 years. Another prominent political prisoner, Oscar Elías Biscet, (who had been arrested in December 2002 after three years in prison) was also tried in April 2003 and sentenced to 25 years in prison.

In a further deterioration of Cuba's human rights situation, on April 11, 2003, the Cuban government executed three men who had hijacked a ferry in Havana on April 2 in an attempt to reach the United States. The men were executed by firing squads after summary trials that were held behind close doors; four other ferry hijackers received life sentence while another received 30 years in prison. The ferry hijacking was preceded by the hijacking of two small planes to the United States.

International human rights groups, such as Amnesty International and Human Rights Watch, and a number of foreign countries, including Mexico, the European Union, the Vatican, and the 15-nation Caribbean Community, condemned the crackdown and the executions. Amnesty International issued a detailed report in June 2003, which termed the crackdown the most severe since the years following the Cuban revolution. ("Cuba: "Essential Measures"? Human Rights Crackdown in the Name of Security," June 3, 2003; available online from the Amnesty International

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[3] Nancy San Martin, "Cuba: Dissidents Were Eroding Socialist System," *Miami Herald*, April 10, 2003.

[4] Elaine De Valle, "Cuba Increases Pressure on Pro-Paya Dissidents," *Miami Herald*, February 20, 2003, p. F1.

website at [http://web.amnesty.org/library/Index/ENGAMR250172003]) Florida State University's Center for the Advancement of Human Rights began publishing information on the dissidents on the Internet, including the Cuban government's sentencing documents. (See the website at [http://www.ruleoflawandcuba.fsu.edu/]). Because of the human rights crackdown, the EU postponed consideration of Cuba's application for inclusion in the Cotonou Agreement, which provides preferential trade terms and development assistance to former European colonies; as a result, Cuba withdrew its application for the agreement because it did not want to be forced to comply with "unacceptable conditions."[5]

Both U.N. and OAS Special Rapporteurs on Freedom of Expression expressed grave concern on the sentencing of the dissidents.[6] On May 19, 2003, almost half of OAS members approved a statement expressing "their deep concern about the sharp deterioration of the human rights situation in Cuba in March and April 2003." Other OAS members, however, felt that the OAS was not the body to discuss the issue since Cuba has been excluded from participating since 1962. (Also see *UNHCR Resolutions* below.)

The United States — both the Administration and Congress (see "Legislative Initiatives" below) — strongly condemned the Cuban government's actions. In response to the summary trials of the dissidents, the State Department issued a statement characterizing the actions as "the most despicable act of political repression in the Americas in a decade," and called "on the international community ... in condemning this repression and in demanding the release of these Cuban prisoners of conscience."[7]

The State Department has repeatedly expressed concern about the health of the political prisoners and about poor prison conditions. On June 2, 2003, the State Department expressed concern about the health of several of those political prisoners sentenced in April, noting that many are being held in inhumane conditions, with very poor sanitation, contaminated water, and nearly inedible food. It called on the Cuban government to cease treating the prisoners inhumanely and called for the government to allow appropriate humanitarian organizations to monitor the treatment of the prisoners.

The State Department has expressed special concern about the treatment of Oscar Espinosa Chepe, who suffers from liver disease, edema, gastrointestinal bleeding, and other medical problems. It has called on the Cuban government to provide Mr. Espinosa Chepe with adequate health care and transfer him to a hospital where he can receive the level of care commensurate with his serious illness.[8] Upon

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[5] Nancy San Martin, "Cuba Withdraws from European Pact," *Miami Herald*, May 20, 2003.

[6] Organization of American States. "U.N. and OAS Special Rapporteurs on Freedom of Expression Gravely Concerned About Situation in Cuba," Press Release, May 3, 2003.

[7] U.S. Department of State, International Information Programs, Washington File, "U.S. Condemns Initiation of Trials Against Activists in Cuba," April 3, 2003.

[8] U.S. Department of State, International Information Programs, Washington File, "Health of Imprisoned Cuban Dissidents Concerns U.S.," June 2, 2003.

being sentenced to 20 years in April 2003, Mr Espinosa Chepe, who lives in Havana, was transferred subsequently to Guantanamo prison, far from Havana. Fearing that he could die, Mr. Espinosa Chepe's family has asked for him to be transferred to Havana where he can receive proper medical treatment. Both Amnesty International and the Committee to Protect Journalists have expressed concern about his health.

On August 1, 2003, the State Department issued a fact sheet highlighting the gross human rights abuses suffered by imprisoned Cuban dissidents, including many with serious health problems, such as Mr. Espinosa Chepe and Marta Beatriz Roque. On August 11, 2003, the State Department again expressed concern about the failing health and poor treatment of political prisoners in Cuba, including Oscar Espinosa Chepe and Raul Rivero.

Rationale for the 2003 Crackdown. Analysts see a variety of potential reasons for Cuba's severe crackdown on democracy activists. The Cuban government asserts that the crackdown was justified because the defendants were supported by the U.S. government and that U.S. diplomats in Cuba, most notably the head of the U.S. Interests Section in Havana, James Cason, often met with the dissidents. Some analysts believe that the crackdown was a clear message by the Cuban government that it will not tolerate the U.S. government's active and open support for the opposition movement Other analysts emphasize that the crackdown was an effort by Castro to strengthen the regime's political control in light of a faltering economy and dim economic prospects ahead. According to this view, an increasingly assertive opposition movement could become a national security threat to the Castro regime in the tough economic times ahead. Along these lines, some analysts see the crackdown as a way for the regime to clear away any potential opposition in order to ensure that the eventual succession of Raul Castro to power will be smooth.

Some observers maintain that the Cuban government's willingness to jeopardize the possibility of easing U.S. trade and travel restrictions as an indication that it currently views the dissident movement as a serious security threat. Others, however, believe that the Cuban government judged that there would not be any movement to ease the embargo under the Bush Administration and felt that it had little to lose in cracking down on the opposition movement.

Finally, a view often heard when Castro takes harsh action that jeopardizes an improvement in relations with the United States is that Castro actually is opposed to any further opening to the United States because it could threaten his regime's control. According to this view, the crackdown against the opposition puts the skids on any potential easing of U.S. policy.

Trafficking in Persons. In September 2003, President Bush, pursuant to the Trafficking Victims Protection Act of 2000 (P.L. 106-386, Division A), determined that Cuba did not comply with minimum standards for the elimination of trafficking in persons or make significant efforts to bring itself into compliance. While the determination triggers sanctions on U.S. aid and other support, Cuba already is subject to comprehensive U.S. economic sanctions and an embargo on trade and financial transactions. According to the State Department's June 2003 Trafficking in Persons Report: "Cuba is a country of internal trafficking for sexual exploitation

and forced labor. Minors are victimized in sexual exploitation connected to the state-run tourism industry. Despite occasional measures by the Government of Cuba to crack down on prostitution, state-controlled tourism establishments and independent operators facilitate and even encourage the sexual exploitation of minors by foreign tourists." Cuban officials categorized the allegations as absurd and an insult to the country's national dignity.

UNCHR Resolutions. From 1991 until 1997, the U.N. Commission on Human Rights (UNCHR) called on the Cuban government to cooperate with a Special Representative (later upgraded to Special Rapporteur) designated by the Secretary General to investigate the human rights situation in Cuba. But Cuba refused to cooperate with the Special Rapporteur, and the UNCHR annually approved resolutions condemning Cuba's human rights record. In 1998, however, the UNCHR rejected — by a vote of 16 to 19, with 18 abstentions — the annual resolution sponsored by the United States that would have condemned Cuba's rights record and would have extended the work of the Special Rapporteur for another year. U.S. officials and human rights activists expressed deep disappointment with the vote. Observers maintained that the vote did not signify any improvement in human rights in Cuba, but rather was an expression of disagreement with the United States over its policy toward Cuba.

From 1999-2003, the UNCHR again approved annual resolutions criticizing Cuba for its human rights record. 1999, the UNCHR resolution was approved by a vote of 21-20, with 12 abstentions. In 2000, the resolution, sponsored by the Czech Republic and Poland, was approved by a vote of 21-18, with 14 abstentions. On April 18, 2001, the resolution, sponsored by the Czech Republic and co-sponsored by 16 other nations, including the United States, was approved by a vote of 22-20, with 10 abstentions. A U.S. Congressional delegation traveled to Geneva to encourage adoption of the resolution. Mexico abstained but, in a shift under the new Fox administration, publicly stated its concern about human rights in Cuba.

On April 19, 2002, the UNCHR approved a resolution, by a vote of 23 to 21, with 9 abstentions, calling on Cuba to improve its human rights record "in accordance with the Universal Declaration of Human Rights and the principles and standards of the rule of law" and calling for the U.N. High Commissioner for Human Rights to send a personal representative to Cuba. Uruguay sponsored the resolution, which was supported by six other Latin American nations: Argentina, Chile, Costa Rica, Guatemala, Mexico, and Peru. Brazil and Ecuador abstained, while Venezuela was the only Latin American country besides Cuba to vote against the resolution. Compared to previous years, the 2002 resolution was milder in that it recognized Cuba's efforts to fulfill the "social rights" of its people "despite an adverse international environment," while at the same time calling on Cuba "to achieve similar progress in respect of human, civil, and political rights."

During its 2003 meeting, the UNCHR approved a resolution on April 17, 2003, by a vote of 24-20, with 9 abstentions, sponsored by Costa Rica, Nicaragua, Peru, and Uruguay urging Cuba to receive the personal representative of the U.N. High Commissioner for Human Rights. Cuba has said that it would not accept the visit of the UNCHR representative. Efforts to secure a more strongly worded resolution

expressing "deep concern" about the March 2003 crackdown failed, with 31 nations voting against the amendment.

Legislative Initiatives. Over the years, Congress has gone on record on numerous occasions condemning the human rights situation in Cuba. In the 108th Congress, both houses approved resolutions condemning the Cuban government in the aftermath of the March 2003 crackdown on independent journalists and other democratic activists. The Senate approved S.Res. 97 (Nelson) on April 7, 2003, which condemned the recent arrests and other intimidation tactics against democracy activists and called on the Cuban government to immediately release those imprisoned during the crackdown. The House approved H.Res. 179 (Diaz-Balart, Lincoln) on April 8, which condemned the crackdown, called for the release of all political prisoners, and called for the United States to work to ensure a strong resolution in the UNCHR this year against the Cuban crackdown. On June 27, 2003, the Senate approved S.Res. 62 (Ensign), calling on OAS and U.N. human rights bodies, the European Union, and human rights organizations around the world to call attention to the human rights situation in Cuba.

Two hearings have been held in the 108th Congress on the human rights situation in Cuba. Soon after Cuba's human rights crackdown, the House International Relations Committee held a hearing on "Castro's Brutal Crackdown on Dissidents" on April 16, 2003. On October 16, 2003, the House Government Reform Committee's Subcommittee on Human Rights and Wellness held a hearing on "Castro's Cuba: What is the Proper United States Response to Ongoing Human Rights Violations in Our Hemisphere?"

Numerous other resolutions have been introduced in the 108th Congress on Cuba's poor human rights situation: H.Con.Res. 16 (Andrews), H.Res. 164 (Flake), and H.Con.Res. 125 (Deutsch). H.R. 1201 (Ros-Lehtinen) would posthumously revoke the naturalization of an individual reported to be responsible for human rights violations in Cuba. H.Res. 208 (Foley) would, among other provisions, condemn the member states of the United Nations Economic and Social Council for renewing Cuba's membership on the United Nations Commission on Human Rights. S.Res. 146 (Reid) would express the sense of the Senate regarding the establishment of an international tribunal to prosecute crime against humanity committed by Fidel Castro and other Cuban political and military leaders.

In addition to resolutions on the human rights situation, Congress funds democracy and human rights projects for Cuba in annual Foreign Operations and Commerce, Justice, and State appropriations measures. For more details, see *U.S. Funding to Support Democracy and Human Rights*, below.

Economic Conditions[9]

With the cutoff of assistance from the former Soviet Union, Cuba experienced severe economic deterioration from 1989-1993, although there has been improvement since 1994. Estimates of economic decline in the 1989-93 period range from 35-50%. From 1994-2000, however, economic growth averaged 3.7% annually, with a low of 0.4% in 1994 and a high of 7.8% in 1996.

Growth slowed to 3% in 2001 in the aftermath of the effects of Hurricane Michelle and the September 11, 2001 terrorist attacks in the United States. The terrorist attacks severely affected Cuba's tourist industry, with reports of some hotels closing and restaurants being empty. Hurricane Michelle damaged some 45,000 homes and severely hurt the agricultural sector. Low world prices for sugar and nickel, a decline in the number of tourists since September 2001, and Venezuela's April-September 2002 suspension of oil shipments to Cuba because of Cuba's slow payment all contributed to the economic downturn in 2002.[10] The Cuban economy grew an estimated 1.1% in 2002 and 1.3% in 2003, while a rate of 3.3% is forecast for 2004.[11]

Socialist Cuba has expressed pride for the nation's accomplishments in health and education. The World Bank estimates that in 2000, the adult literacy rate was 97%, life expectancy was 76 years, and the under-5 years of age mortality rate was 9 per 1,000, the lowest rate in Latin America and comparable to the rate of the United States. Nevertheless, the country's economic decline has reduced living standards considerably and resulted in shortages in medicines and medical supplies.

When Cuba's economic slide began in 1989, the government showed little willingness to adopt any significant market-oriented economic reforms, but in 1993, faced with unprecedented economic decline, Cuba began to change policy direction. Since 1993, Cubans have been allowed to own and use U.S. dollars and to shop at dollar-only shops previously limited to tourists and diplomats. Self-employment was authorized in more than 100 occupations in 1993, most in the service sector, and by 1996 that figure had grown to more than 150 occupations. Other Cuban economic reforms included breaking up large state farms into smaller, more autonomous,

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[9] For an overview of the Cuban economy, see CRS Report RL30837, *Cuba: An Economic Primer*, by Ian F. Fergusson.

[10] Venezuela provided Cuba with 53,000 barrels of oil per day under a five-year bilateral agreement signed in October 2000, with favorable financing terms for Cuba. This provided Cuba with about one-third of its oil needs. In the aftermath of the failed ouster of President Hugo Chavez in April 2002, Venezuela suspended oil shipments to Cuba, but these shipments were resumed in September 2002 after Cuba and Venezuela agreed to a restructuring of Cuba's $142 million debt owed to Venezuela for its oil purchases. See Jose de Cordoba, "Cuba's Weak Economy May be Battered Again," *Wall Street Journal*, June 6, 2002; "Venezuela Shuts Off the Oil Spigot," *CubaNews*, June 2002, p. 12; "Venezuela: Halt in Oil to Cuba May Ease Pressure on Chavez," *Strategic Forecasting* (Straftor.com), May 30, 2002; and "Latin America Roundup," *Miami Herald*, September 9, 2002.

[11] "Cuba Country Report," Economist Intelligence Unit (EIU) Country Reports, January 2004.

agricultural cooperatives (Basic Units of Cooperative Production, UBPCs) in 1993; opening agricultural markets in September 1994 where farmers could sell part of their produce on the open market; opening artisan markets in October 1994 for the sale of handicrafts; allowing private food catering, including home restaurants (*paladares*) in June 1995 (in effect legalizing activities that were already taking place); approving a new foreign investment law in September 1995 that allows fully owned investments by foreigners in all sectors of the economy with the exception of defense, health, and education; and authorizing the establishment of free trade zones with tariff reductions typical of such zones in June 1996. In May 1997, the government enacted legislation to reform the banking system and established a new Central Bank (BCC) to operate as an autonomous and independent entity.

Despite these measures, the quality of life for many Cubans remains difficult, characterized by low wages, high prices for many basic goods, shortages of medicines, and power outages. Moreover, some analysts fear that the government has begun to backtrack on its reform efforts. Regulations and new taxes have made it extremely difficult for many of the nation's self-employed (at one point estimated at more than 200,000, but now estimated at 160,000 or lower, out of a total labor force of some 4.5 million). Some home restaurants have been forced to close because of the regulations. Some foreign investors in Cuba have also begun to complain that the government has backed out of deals or forced them out of business.

U.S. Policy Toward Cuba

In the early 1960s, U.S.-Cuban relations deteriorated sharply when Fidel Castro began to build a repressive communist dictatorship and moved his country toward close relations with the Soviet Union. The often tense and hostile nature of the U.S.-Cuban relationship is illustrated by such events and actions as: U.S. covert operations to overthrow the Castro government culminating in the ill-fated April 1961 Bay of Pigs invasion; the October 1962 missile crisis in which the United States confronted the Soviet Union over its attempt to place offensive nuclear missiles in Cuba; Cuban support for guerrilla insurgencies and military support for revolutionary governments in Africa and the Western Hemisphere; the 1980 exodus of around 125,000 Cubans to the United States in the so-called Mariel boatlift; the 1994 exodus of more than 30,000 Cubans who were interdicted and housed at U.S. facilities in Guantanamo and Panama; and the February 1996 shootdown by Cuban fighter jets of two U.S. civilian planes, resulting in the death of four U.S. crew members.

Since the early 1960s, U.S. policy toward Cuba has consisted largely of isolating the island nation through comprehensive economic sanctions. These sanctions were made stronger with the Cuban Democracy Act (CDA) of 1992 (P.L.102-484, Title XVII) and with the Cuban Liberty and Democratic Solidarity Act of 1996 (P.L. 104-114), often referred to as the Helms/Burton legislation. The CDA prohibits U.S. subsidiaries from engaging in trade with Cuba and prohibits entry into the United States for any vessel to load or unload freight if it has engaged in trade with Cuba within the last 180 days. The Helms/Burton legislation — enacted in the aftermath of Cuba's shooting down of two U.S. civilian planes in February 1996 — combines a variety of measures to increase pressure on Cuba and provides for a plan to assist

Cuba once it begins the transition to democracy. Among the law's sanctions is a provision in Title III that holds any person or government that traffics in U.S. property confiscated by the Cuban government liable for monetary damages in U.S. federal court. Acting under provisions of the law, however, both President Clinton and President Bush have suspended the implementation of Title III at 6-month intervals.

Another component of U.S. policy consists of support measures for the Cuban people, a so-called second track of U.S. policy. This includes U.S. private humanitarian donations, medical exports to Cuba under the terms of the Cuban Democracy Act of 1992, U.S. government support for democracy-building efforts, and U.S.- sponsored radio and television broadcasting to Cuba. In addition, the 106th Congress approved the Trade Sanctions Reform and Export Enhancement Act of 2000 (P.L. 106-387, Title IX) that allows for agricultural exports to Cuba, albeit with restrictions on financing such exports.

The Clinton Administration made several changes to U.S. policy in the aftermath of the Pope's January 1998 visit to Cuba, which were intended to bolster U.S. support for the Cuban people. These included the resumption of direct flights to Cuba (which had been curtailed after the February 1996 shootdown of two U.S. civilian planes), the resumption of cash remittances for the support of close relatives in Cuba (which had been curtailed in August 1994 in response to the migration crisis with Cuba), and the streamlining of procedures for the commercial sale of medicines and medical supplies and equipment to Cuba. In January 1999, President Clinton announced several additional measures to support the Cuban people. These included a broadening of cash remittances to Cuba, so that all U.S. residents (not just those with close relatives in Cuba) could send remittances to Cuba; an expansion of direct passenger charter flights to Cuba from additional U.S. cities other than Miami (direct flights later in the year began from Los Angeles and New York); and an expansion of people-to-people contact by loosening restrictions on travel to Cuba for certain categories of travelers, such as professional researchers and those involved in a wide range of educational, religious, and sports competition.

Bush Administration Policy

President Bush made his first major statement on his Administration's policy toward Cuba on May 18, 2001. He affirmed that his Administration would "oppose any attempt to weaken sanctions against Cuba's government ... until this regime frees its political prisoners, holds democratic, free elections, and allows for free speech." He added that he would "actively support those working to bring about democratic change in Cuba."[12]

In July 2001, President Bush asked the Treasury Department to enhance and expand the enforcement capabilities of the Office of Foreign Assets Control. The President noted the importance of upholding and enforcing the law in order to prevent "unlicensed and excessive travel," enforce limits on remittances, and ensure

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[12] The White House, "*Remarks by the President in Recognition of Cuba Independence Day*", May 18, 2001.

that humanitarian and cultural exchanges actually reach pro-democracy activists in Cuba.

On May 20, 2002, President Bush announced a new initiative on Cuba that includes four measures designed to reach out to the Cuban people: 1) facilitating humanitarian assistance to the Cuban people by U.S. religious and other non-governmental organizations (NGOs); 2) providing direct assistance to the Cuban people through NGOs; 3) calling for the resumption of direct mail service to and from Cuba[13]; and 4) establishing scholarships in the United States for Cuban students and professionals involved in building civil institutions and for family members of political prisoners. While the President said that he would work with Congress to ease sanctions if Cuba made efforts to conduct free and fair legislative elections (in January 2003) and adopt meaningful market-based reforms, he also maintained that full normalization of relations would only occur when Cuba has a fully democratic government, the rule of law is respected, and human rights are fully protected. The President's initiative did not include an explicit tightening of restrictions on travel to Cuba that some observers had expected. The President, did state, however, that the United States would "continue to enforce economic sanctions on Cuba, and the ban on travel to Cuba, until Cuba's government proves that it is committed to real reform."[14]

On October 10, 2003, the President announced three initiatives "to hasten the arrival of a new, free, democratic Cuba." First, the President instructed the Department of Homeland Security to increase inspections of travelers and shipments to and from Cuba in order to more strictly enforce the trade and travel embargo. Second, the President announced that the United States would increase the number of new Cuban immigrants each year, improve the method of identifying refugees, redouble efforts to process Cubans seeking to leave Cuba, initiative a public information campaign to better inform Cubans of the routes to safe and legal migration to the United States. Third, the President announced the establishment of a "Commission for Assistance to a Free Cuba," co-chaired by Secretary of State Powell and Secretary of House and Urban Development Mel Martinez, that would help plan for Cuba's transition from communism to democracy and help identify ways to help bring it about. In some respects, the initiatives were a reaction to Cuba's human rights crackdown as well as a response to increasing criticism from Florida in the aftermath of the repatriation in July 2003 of Cubans who had been interdicted on a Cuban government vessel that had been stolen.

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[13] Direct mail service was suspended in 1962. The Cuban Democracy Act of 1992 directed the U.S. Postal service to take actions to provide direct mail service. In January 1999, President Clinton called for the resumption of direct mail service. In the past, Cuba has responded to U.S. overtures about direct mail service by maintaining that the two countries would need to enter into a civil-aviation agreement. Cuba in the past has also expressed concern about potential terrorism that could occur with direct mail service and would want to discuss with the United States measures to prevent such activity before the resumption of direct mail. See: Philip Brenner, "Washington Loosens the Knot Just a Little," *NACLA Report on the Americas*, March 1, 1999.

[14] "President Bush Announced Initiative for a New Cuba," Remarks by the President on Cuba Policy Review, White House, May 20, 2002.

Issues in U.S.-Cuban Relations

Overall Direction of U.S. Policy

Over the years, although U.S. policymakers have agreed on the overall objective of U.S. policy toward Cuba — to help bring democracy and respect for human rights to the island — there have been several schools of thought about how to achieve that objective. Some advocate a policy of keeping maximum pressure on the Cuban government until reforms are enacted, while continuing current U.S. efforts to support the Cuban people. Others argue for an approach, sometimes referred to as constructive engagement, that would lift some U.S. sanctions that they believe are hurting the Cuban people, and move toward engaging Cuba in dialogue. Still others call for a swift normalization of U.S.-Cuban relations by lifting the U.S. embargo.

In general, those advocating a loosening of the sanctions-based policy toward Cuba make several policy arguments. They assert that if the United States moderated its policy toward Cuba — through increased travel, trade and diplomatic dialogue, that the seeds of reform would be planted in Cuba, which would stimulate and strengthen forces for peaceful change on the island. They stress the importance to the United States of avoiding violent change in Cuba, with the prospect of a mass exodus to the United States and the potential of involving the United States in a civil war scenario. They argue that since Castro's demise does not appear imminent, the United States should espouse a more realistic approach in trying to induce change in Cuba. Supporters of changing policy also point to broad international support for lifting the U.S. embargo, to the missed opportunities to U.S. businesses because of the embargo, and to the increased suffering of the Cuban people because of the embargo. Proponents of change also argue that the United States should be consistent in its policies with the world's few remaining Communist governments, and also maintain that moderating policy will help advance human rights.

On the other side, opponents of changing U.S. policy maintain that the current two-track policy of isolating Cuba, but reaching out to the Cuban people through measures of support, is the best means for realizing political change in Cuba. They point out that the Cuban Liberty and Democratic Solidarity Act of 1996 sets forth a road map for the steps Cuba needs to take in order for the United States to normalize relations, including lifting the embargo. They argue that softening U.S. policy at this time without concrete Cuban reforms would boost the Castro regime politically and economically, enabling the survival of the Communist regime. Opponents of softening U.S. policy argue that the United States should stay the course in its commitment to democracy and human rights in Cuba; that sustained sanctions can work; and that the sanctions against Cuba have only come to full impact with the loss of large subsidies from the former Soviet bloc. Opponents of loosening U.S. sanctions further argue that Cuba's failed economic policies, not the U.S. embargo, are the causes of the economy's rapid decline.

Helms/Burton Legislation

Major Provisions and Implementation. The Cuban Liberty and Democratic Solidarity Act (P.L. 104-114) was enacted into law on March 12, 1996.

Title I, Section 102(h), codifies all existing Cuban embargo executive orders and regulations. No presidential waiver is provided for any of these codified embargo provisions. This provision is significant because of the long-lasting effect on U.S. policy options toward Cuba. In effect, the executive branch is circumscribed in any changes in U.S. policy toward Cuba until certain democratic conditions are met.

Title III, controversial because of the ramifications for U.S. relations with countries investing in Cuba, allows U.S. nationals to sue for money damages in U.S. federal court those persons that traffic in property confiscated in Cuba. It extends the right to sue to Cuban Americans who became U.S. citizens after their properties were confiscated. The President has authority to delay implementation for 6 months at a time if he determines that such a delay would be in the national interest and would expedite a transition to democracy in Cuba.

Beginning in July 1996, President Clinton utilized this provision to for 6-months the right of individuals to file suit against those persons benefitting from confiscated U.S. property in Cuba. At the time of the first suspension on July 16, 1996, the President announced that he would allow Title III to go into effect, and as a result liability for trafficking under the title became effective on November 1, 1996. According to the Clinton Administration, this put foreign companies in Cuba on notice that they face prospects of future lawsuits and significant liability in the United States. At the second suspension on January 3, 1997, President Clinton stated that he would continue to suspend the right to file law suits "as long as America's friends and allies continued their stepped-up efforts to promote a transition to democracy in Cuba." He continued, at 6-month intervals, to suspend the rights to file Title III lawsuits.

President Bush has continued to suspend implementation of Title III at six-month intervals, most recently on January 16, 2004. When President Bush first used his authority to suspend Title III implementation in July 2001, he cited efforts by European countries and other U.S. allies to push for democratic change in Cuba. In testimony before the House Government Reform Committee's Subcommittee on Human Rights and Wellness on October 16, 2003, Assistant Secretary of State Roger Noriega justified the continued suspension of Title III implementation by noting numerous examples of countries condemning Cuba for its human rights crackdown in 2003.

Title IV of the law denies admission to the United States to aliens involved in the confiscation of U.S. property in Cuba or in the trafficking of confiscated U.S. property in Cuba. This includes corporate officers, principals, or shareholders with a controlling interest in an entity involved in the confiscation of U.S. property or trafficking of U.S. property. It also includes the spouse, minor child, or agent of aliens who would be excludable under the provision. This provision is mandatory, and only waiveable on a case-by-case basis for travel to the United States for humanitarian medical reasons or for individuals to defend themselves in legal actions regarding confiscated property.

To date the State Department has banned from the United States a number of executives and their families from three companies because of their investment in confiscated U.S. property in Cuba: Grupos Domos, a Mexican telecommunications

company; Sherritt International, a Canadian mining company; and BM Group, an Israeli-owned citrus company. In 1997, Grupos Domos disinvested from U.S.-claimed property in Cuba, and as a result its executives are again eligible to enter the United States. Action against executives of STET, an Italian telecommunications company was averted by a July 1997 agreement in which the company agreed to pay the U.S.-based ITT Corporation $25 million for the use of ITT-claimed property in Cuba for ten years. For several years, the State Department has been investigating a Spanish hotel company, Sol Melia, for allegedly investing in property that was confiscated from U.S. citizens in Cuba's Holguin province in 1961. Press reports in March 2002 indicated that a settlement was likely between Sol Melia and the original owners of the property, but by the end of the year settlement efforts had failed.[15]

Foreign Reaction and the EU's WTO Challenge. Many U.S. allies — including Canada, Japan, Mexico, and European Union (EU) nations — strongly criticized the enactment of the Cuban Liberty and Democratic Solidarity Act. They maintain that the law's provisions allowing foreign persons to be sued in U.S. court constitute an extraterritorial application of U.S. law that is contrary to international principles. U.S. officials maintain that the United States, which reserves the right to protect its security interests, is well within its rights under NAFTA and the World Trade Organization (WTO).

Until mid-April 1997, the EU had been pursuing a case at the WTO, in which it was challenging the Helms/Burton legislation as an extraterritorial application of U.S. law. The beginning of a settlement on the issue occurred on April 11, 1997, when an EU-U.S. understanding was reached. In the understanding, both sides agreed to continue efforts to promote democracy in Cuba and to work together to develop an agreement on agreed disciplines and principles for the strengthening of investment protection relating to the confiscation of property by Cuba and other governments. As part of the understanding, the EU agreed that it would suspend its WTO dispute settlement case. Subsequently in mid-April 1998, the EU agreed to let its WTO challenge expire.

Talks between the United States and the EU on investment disciplines proved difficult, with the EU wanting to cover only future investments and the United States wanting to cover past expropriations, especially in Cuba. Nevertheless, after months of negotiations, the EU and the United States reached a second understanding on May 18, 1998. The understanding set forth EU disciplines regarding investment in expropriated properties worldwide, in exchange for the Clinton Administration's obtaining a waiver from Congress for the legislation's Title IV visa restrictions. Future investment in expropriated property would be barred. For past illegal expropriations, government support or assistance for transactions related to those expropriated properties would be denied. A Registry of Claims would also be established to warn investors and government agencies providing investment support that a property has a record of claims. These investment disciplines were to be applied at the same time that the President's Title IV waiver authority was exercised.

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[15] "April Likely to Mark Beginning of Epic Battle Over Cuba Policy Between White House, Congress," *Cuba Trader*, March 11, 2002, p. 2-3; "Congress Expected to Make New Push for Title IV Enforcement after Settlement Fails," *Cuba Trader*, December 9, 2002.

Reaction was mixed among Members of Congress to the EU-U.S. accord, but opposition to the agreement by several senior Members has forestalled any amendment of Title IV in Congress. The Bush Administration initially indicated that the Administration was looking into the possibilities of legislation to enact a presidential waiver for the provision, but during the June 2001 U.S.-EU summit, President Bush noted the difficulty of persuading Congress to amend the law.[16] In July 2003, some press reports indicated that the Administration was considering an arrangement with the EU in which the EU would take a stronger policy stance toward Cuba in exchange for the Administration securing waiver authority for Title IV and permanent waiver authority for Title III of the Helms/Burton legislation.[17]

Section 211 Trademark Provision

A European Union challenge of U.S. law regarding Cuba in the World Trade Organization involves a dispute between the French spirits company, Pernod Ricard, and the Bermuda-based Bacardi Ltd. Pernod Ricard entered into a joint venture with the Cuban government to produce and export Havana Club rum, but Bacardi maintains that it holds the right to the Havana Club name. A provision in the FY1999 omnibus appropriations measure (Section 211 of Division A, title II, P.L. 105-277, signed into law October 21, 1998) prevents the United States from accepting payment for trademark registrations and renewals from Cuban or foreign nationals that were used in connection with a business or assets in Cuba that were confiscated unless the original owner of the trademark has consented. The provision prohibits U.S. courts from recognizing such trademarks without the consent of the original owner. Although Pernod Ricard cannot market Havana Club in the United States because of the trade embargo, it wants to protect its future distribution rights should the embargo be lifted.

After Bacardi began selling rum in the United States under the Havana Club label, Pernod Ricard's joint venture unsuccessfully challenged Bacardi in U.S. federal court. In February 2000, the U.S. Court of Appeals for the Second Circuit in New York upheld a lower court's ruling that the joint venture had no legal right to use the Havana Club name in the United States, and also that it was barred from recognizing any assertion of treaty rights with regard to the trade name.

After formal U.S.-EU consultations on the issue were held in 1999 without resolution, the EU initiated a WTO dispute settlement panel in June 2000, maintaining that the U.S. law violates the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). An August 6, 2001 ruling by the WTO panel was described as mixed, with both sides claiming a partial victory. The panel ruled that WTO rules on intellectual property rights did not cover trade names, but also ruled that a portion of the law (Section 211(a)(2)) prohibiting U.S. courts from recognizing such Cuban trademarks based on common law rights or registration is in violation of the TRIPS because it denies access to U.S. courts by trademark holders.

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[16] "EU, U.S. Take Sharply Different Tacks on Dispute Resolution," *Inside U.S. Trade*, June 22, 2001.

[17] "Is the US After a Helms-Burton Solution?" *Cuba Trader*, July 14, 2003.

In early October 2001, the EU formally notified the WTO that it was appealing the ruling. The WTO appeals panel issued its ruling on January 2, 2002, and again the ruling was described as mixed. According to the United States Trade Representative (USTR), the appellate panel upheld the "U.S. position that WTO intellectual property rights rules leave WTO members free to protect trademarks by establishing their own trademark ownership criteria" and overturned the earlier ruling that Section 211 was in violation of TRIPs because it denied access to U.S. courts by trademark holders.[18] However, the appellate panel also found that Section 211 violated WTO provisions on national treatment and most-favored-nation treatment, which could require the United States to amend Section 211 so that it does not violate WTO rules. Although there is access to courts to enforce trademark rights, Section 211 restricted access in a discriminatory manner (against Cuban nationals and foreign successors-in-interest.)

On March 28, 2002, the United States agreed that it would come into compliance with the WTO ruling through legislative action by Congress by January 3, 2003.[19] That deadline has been extended several times, however, since no legislative action has been taken to bring Section 211 into compliance with the WTO ruling. The current deadline is December 31, 2004.

Reportedly, United State Trade Representative officials have advocated a narrow fix in which Section 211 would be amended so that it applies to U.S. companies instead of being limited to foreign companies. The EU reportedly wants the law amended to state that it would not apply in cases in which the trademark had been abandoned by its original owner. Pernod Ricard maintains that the trademark had been abandoned by the original owner years ago. It reportedly wants the law repealed altogether, while Bacardi favors the narrow solution advocated by USTR officials.[20] Those supporting a repeal of Section 211 argue that the law endangers over 5,000 trademarks of over 500 U.S. companies registered in Cuba.[21]

In the 108th Congress, identical bills, H.R. 2494 (Rangel), introduced June 17, 2003, and S. 2002 (Baucus), introduced December 9, 2003, would, among other provisions, repeal the Section 211 trademark provision from law. In addition, four other legislative initiatives that would lift the overall trade embargo on Cuba also include provisions that would repeal the Section 211 trademark provision: H.R. 188 (Serrano), introduced January 7, 2003; S. 403 (Baucus), introduced February 13, 2003; H.R. 1698 (Paul), introduced April 9, 2003; and H.R. 3422 (Serrano). Press reports in October 2003 asserted that there were efforts in Congress to advance the narrow fix that would ensure that Section 211 applies to U.S. companies as well as

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[18] United States Trade Representative, "WTO Issues Report Upholding Key Aspects of U.S. Law in Trademark Dispute," Press Release, January 2, 2002.

[19] "U.S., EU Agree on Deadline for Complying with Section 211 WTO Finding," *Inside U.S. Trade*, April 12, 2002.

[20] "EU Presses for U.S. WTO Compliance, as Baucus Sees Links to Commission," *Inside U.S. Trade*, November 22, 2002.

[21] "USA-Engage Joins Cuba Fight," *Cuba Trader*, April 1, 2002.

foreign firms.[22] Plans to add the narrow fix advocated by Bacardi to the conference report to the Department of Defense authorization measure, H.R. 1588, were reportedly scuttled when it became apparent that there would be some opposition.[23]

Food and Medical Exports

Under U.S. sanctions, commercial medical and food exports to Cuba are allowed but with numerous restrictions and licensing requirements. The 106th Congress passed the Trade Sanctions Reform and Export Enhancement Act of 2000 (P.L. 106-387, Title IX) that allows for one-year export licenses for shipping food and medicine to Cuba, although no U.S. government assistance, foreign assistance, export assistance, credits, or credit guarantees are available to finance such exports. The law, furthermore, denies exporters access to U.S. private commercial financing or credit; all transactions must be conducted in cash in advance or with financing from third countries. The law reiterates the existing ban on importing goods from Cuba but authorizes travel to Cuba, under a specific license, to conduct business related to the newly allowed food and medicine sales. Regulations implementing the new provisions were published in the *Federal Register* on July 12, 2001.

Some in the business community argued that the changes in policy did not amount to much because they still do not allow financing for the sales. Nevertheless, U.S. agribusiness companies continued to explore the Cuban market for potential future sales. The Cuban government told a group of U.S. farmers who traveled there in November 2000, after passage of the new law, that although it was interested in U.S. agricultural exports, it refused to buy any under the financing restrictions imposed by that new law.

In the aftermath of Hurricane Michelle that struck in early November 2001, Cuba changed its policy of not buying agricultural products from the United States because of its disapproval of U.S. financing restrictions. While the U.S. government offered humanitarian assistance to Cuba in the aftermath of the hurricane, Cuba declined, saying that instead it wanted to purchase food supplies from the United States. As a result, Cuba negotiated with several U.S. agricultural companies to import products such as wheat, corn, soybeans, rice, and chicken. The first shipments of goods arrived in mid-December 2001. This marked the first time that Cuba purchased food supplies directly from the United States since the approval of such sales in the 106th Congress. In March 2002, the Cuban government agreed to purchase additional agricultural products from the United States. In late September 2002, a U.S. Food & Agribusiness Exhibition was held in Havana featuring 288 exhibitors marketing 1,000 products from more than 30 states, the District of

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[22] "House, Senate Conferees Consider Changes to Section 211 Trademark Law," *Inside U.S. Trade*, October 3, 2003; "Section 211 Fix Revealed in Draft Proposal," *Cuba Trader*, October 6, 2003; "Delay Pours It On for Bacardi," *Roll Call*, October 1, 2003.

[23] "Language Amending Section 211 Dropped from DOD Authorization," *Inside U.S. Trade*, November 14, 2003.

Columbia, and Puerto Rico.[24] In early June 2003, the Treasury Department's Office of Foreign Assets Control rejected an application to travel to Cuba for organizers of a potential second U.S. trade exhibition in Cuba.[25] Several Members of Congress criticized the denial of the license and called for the Administration to reverse OFAC's decision.[26]

Since late 2001, Cuba has purchased more than $350 million in agricultural products from the United States. Overall U.S. exports to Cuba increased from $7.1 million in 2001 to $145.6 million in 2002, the majority in agricultural products. For the first 11 months of 2003, U.S. exports amounted to almost $225 million, the majority in agricultural products.[27]

Opponents of further easing restrictions on food and medical exports to Cuba maintain that U.S. policy does not deny such sales to Cuba, as evidenced by the recent sales in the aftermath of Hurricane Michelle. Moreover, according to the State Department, since the Cuban Democracy Act was enacted in 1992, the United States has licensed more than $4.3 billion in private humanitarian donations. Opponents of easing U.S. sanctions further argue that easing pressure on the Cuban government would in effect be lending support and extending the duration of the Castro regime. They maintain that the United States should remain steadfast in its opposition to any easing of pressure on Cuba that could prolong the Castro regime and its repressive policies.

Supporters of easing restrictions on food and medical exports to Cuba argue that the restrictions harm the health and nutrition of the Cuban population. They argue that although the U.S. government may have licensed more than $4.3 billion in humanitarian donations to Cuba since 1992, much smaller amounts have actually been sent to Cuba. Some supporters of easing sanctions believe the embargo plays into Castro's hands by allowing him to use U.S. policy as a scapegoat for his failed economic policies and as a rationale for political repression. U.S. agribusiness companies that support the removal of trade restrictions on agricultural exports to Cuba believe that U.S. farmers are missing out on a market of some $700 million so close to the United States.

Some agricultural producers exporting to Cuba support continuation of the prohibition on financing for agricultural exports to Cuba because it ensures that they will be paid. Instead, some exporters want to change U.S. restrictions in order to sell agriculture and farm equipment to Cuba.[28] Other agricultural exporters, however, support the lifting of the prohibition on financing. They contend that allowing such

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[24] Nancy San Martin, "U.S. Official Dampens Trade-Show Enthusiasm with Talks of Cuban Credit," *Miami Herald*, September 29, 2002, p. F1.

[25] Nancy San Marti, "U.S. Pulls Plug on Cuba Expo," *Miami Herald*, June 18, 2003.

[26] "Senators Ask for Reversal of Denial of Cuba License Applications," *International Trade Reporter*, July 24, 2003.

[27] World Trade Atlas. Department of Commerce Statistics.

[28] "Ag Groups Split Over Trade With Cuba," *Congress Daily AM*, National Journal, February 11, 2003.

financing would help smaller U.S. companies expand purchases to Cuba more rapidly.[29]

Legislative Initiatives. In the 107th Congress, numerous initiatives focused in whole or in part on easing restrictions on food and medical exports to Cuba. The House-passed version of the FY2003 Treasury Department appropriations bill, H.R. 5120, included a provision stating that no funds in the bill could be used to implement any sanction on private commercial sales of agricultural commodities or medicines to Cuba. Some observers suggested that the practical effect of this amendment would be to prevent the Treasury Department's Office of Foreign Assets Control (OFAC) from ensuring that sales to Cuba do not include private financing.[30] The Senate version of the bill, S. 2740, as reported out of committee, did not include a similar provision. Final action on the FY2003 Treasury Department appropriations measure was not completed before the end of the 107th Congress, so the 108th Congress faced early action on the measure. In the end, the final version of the FY2003 omnibus appropriations measure, P.L. 108-7 (H.J.Res. 2), which included Treasury Department funding, did not include the House-passed provision from the 107th Congress that would have provided no funds for enforcing restrictions against private financing of agricultural sales to Cuba. The White House had threatened to veto the omnibus bill if it had provisions weakening the embargo on Cuba.

Several additional initiatives have been introduced in the 108th Congress that would lift restrictions in whole or in part on food and medical exports to Cuba. H.R. 187 (Serrano), introduced January 7, would allow for the financing of agricultural sales to Cuba. H.R. 3422 (Serrano), introduced October 30, 2003, would, among other measures, permit exports of food, medicines, and other humanitarian goods to Cuba. Three broad bills, H.R. 188 (Serrano), introduced January 7, 2003, S. 403 (Baucus), introduced February 13, 2003, and H.R. 1698 (Paul), introduced April 9, 2003, would lift all Cuba embargo restrictions, including those on food and medical exports.

The Senate version of the FY2004 agriculture appropriations bill, H.R. 2673, included a provision that would have allowed travel to Cuba under a general license (without applying to the Treasury Department) for travel related to commercial sales of agricultural and medical goods, but the provision was dropped in the conference on H.R. 2673 (H.Rept. 108-401), which became the FY2004 Consolidated Appropriations Act that included agriculture appropriations in Division A. The House version of the bill had not included a similar provision. Such travel to Cuba currently is allowed under the Cuba embargo regulations but under a specific license, which requires approval by the Treasury Department. As noted above, in June 2003, the Treasury Department rejected application for the U.S. organizers of a trade exhibition to travel to Cuba, prompting criticism from some Members of Congress who called for a reversal of the decision.

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[29] "Farm Equipment Exports Likely to Face Tough Opposition from White House, Congress," *Cuba Trader*, Vol. III, No. 7, February 17, 2003.

[30] "House Approves Limits on Treasury Enforcement of Cuba Embargo," *Inside U.S. Trade*, July 26, 2002.

Travel Restrictions[31]

Restrictions on travel to Cuba have been a key and often contentious component in U.S. efforts to isolate the communist government of Fidel Castro for much of the past 40 years. Over time there have been numerous changes to the restrictions and for 5 years, from 1977 until 1982, there were no restrictions on travel. Restrictions on travel to Cuba are part of the Cuban Assets Control Regulations[32] (CACR), the overall embargo regulations administered by the Treasury Department's Office of Foreign Assets Control (OFAC).

On March 24, 2003, OFAC announced that the Cuba travel regulations were being amended to ease travel to Cuba for those with close relatives in Cuba. Travel is now permitted to visit relatives to within three degrees of relationship of the traveler and is not restricted to travel in circumstances of humanitarian need. Travelers to Cuba may also carry up to $3,000 in remittances (compared to $300 previously), although the limit of $300 per quarter for each household remains. At the same time, the regulations were tightened for certain types of educational travel. People-to-people educational exchanges unrelated to academic coursework are no longer allowed under the regulations. Some groups have lauded the restriction of these educational exchanges because they believe they have become an opportunity for unrestricted travel; others criticize the Administration's decision to restrict the second largest category of travel to Cuba in which ordinary people were able to travel and exchange with their counterparts on the island.

On October 10, 2003, President Bush instructed the Department of Homeland Security, as part of a broader initiative on Cuba, to increase inspections of travelers and shipments to and from Cuba in order to more strictly enforce the trade and travel embargo.

Major arguments made for lifting the Cuba travel ban are it hinders efforts to influence conditions in Cuba and may be aiding Castro by helping restrict the flow of information; it abridges the rights of ordinary Americans; and Americans can travel to other countries with communist or authoritarian governments. Major arguments in opposition to lifting the Cuba travel ban are that American tourist travel would support Castro's rule by providing his government with millions of dollars in tourist receipts; that there are legal provisions allowing travel to Cuba for humanitarian purposes that are used by thousands of Americans each year; and that the President should be free to restrict travel for foreign policy reasons.

Legislative Initiatives. In the 107th Congress, numerous initiatives would have lifted or eased restrictions on travel to Cuba, but no action was completed on these measures. In the second session, both the House-passed and Senate Appropriations Committee versions of the FY2003 Treasury Department appropriations bill (H.R. 5120 and S. 2740) had provisions that would have eased

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[31] For further information, see CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Legislative Initiatives*, by Mark P. Sullivan.

[32] The travel regulations can be found at 31 CFR 515.560, which references other sections of the CACR for general and specific travel-related transaction licensing criteria.

restrictions on travel to Cuba. The provisions would have provided that no funds could be used to administer or enforce the Treasury Department regulations with respect to travel to Cuba. Some observers raised the question of whether the effect of this amendment would be limited since the underlying embargo regulations restricting travel would remain unchanged; enforcement action against violations of the relevant embargo regulations could potentially take place in future years when the Treasury Department appropriations measure did not include the funding limitations on enforcing the travel restrictions.[33] In addition, Section 124 of the Senate bill stipulated that no Treasury Department funds for "Departmental Offices, Salaries, and Expenses" may be used by OFAC, until OFAC has certain procedures in place to expedite license applications for travel. Final action on the FY2003 Treasury Department appropriations measure was not completed before the end of the 107th Congress. The final version of the FY2003 omnibus appropriations measure, approved in the 108th Congress, H.J.Res. 2, included Treasury Department funding, but did not include any provisions easing restrictions on travel to Cuba. The White House had threatened to veto the omnibus bill if it had provisions weakening the embargo on Cuba.

Several initiatives have been introduced in the 108th Congress that would ease or lift restrictions on travel. Both the House- and Senate-approved versions of the FY2004 Transportation-Treasury appropriations bill, H.R. 2989, had a nearly identical provision (Section 745 in the House version and Section 643 in the Senate version) that would have prevented funds from being used to administer or enforce restrictions on travel or travel-related transactions. But the provision was dropped in the conference report to the FY2004 Consolidated Appropriations Act, H.R. 2673 (H.Rept. 108-401), which incorporates seven regular appropriations acts, including Transportation-Treasury appropriations. The White House had again threatened to veto any legislation that weakened economic sanctions against Cuba. The conference also dropped two Cuba provisions from the House version of H.R. 2989 on remittances (Section 746) and on people-to-people educational exchanges (Section 749).

The conference version of H.R. 2673 (H.Rept. 108-401) also dropped a Cuba provision from the Senate-approved version of the bill (Section 760) that would have eased restrictions for travel to Cuba related to commercial sales of agricultural and medical goods. The House version of the bill had no such provision. (For more details, see *Food and Medical Exports* above.)

Also in the 108th Congress, two bills would specifically lift all restrictions on travel to Cuba: S. 950 (Enzi), introduced April 30, 2003 and reported by the Senate Committee on Foreign Relations November 11, 2003, and H.R. 2071(Flake), introduced May 13, 2003. H.R. 3422 (Serrano), introduced October 30, 2003, would, among other measures, lift restrictions on travel to Cuba. Finally, three broad bills, H.R. 188 (Serrano), introduced January 7, 2003, S. 403 (Baucus), introduced February 13, 2003, and H.R. 1698 (Paul), introduced April 9, 2003, would lift all Cuba embargo restrictions, including those on travel.

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[33] "House Approves Limits on Treasury Enforcement of Cuba Embargo," *Inside U.S. Trade*, July 26, 2002.

Drug Interdiction Cooperation

Because of Cuba's geographic location, the country's waters and airspace have been used by traffickers to transport illicit drugs for ultimate destinations in the United States. Over the past several years, Cuban officials have expressed concerns over the use of their waters and airspace for drug transit as well as increased domestic drug use. The Cuban government has taken a number of measures to deal with the drug problem, including legislation to stiffen penalties for traffickers, increased training for counternarcotics personnel, and cooperation with a number of countries on anti-drug efforts. Cuba has bilateral counternarcotics agreements with 29 countries and less formal arrangements with 12 others, according to the Department of State. Britain and France have provided counternarcotics training. In November 2001, Cuba hosted a regional counternarcotics conference focusing on strategies to prevent drug abuse, drug trafficking, and money laundering.

The United States has cooperated with Cuba on anti-drug efforts on a case-by-case basis dating back to the 1970s. In 1996, Cuban authorities cooperated with the United States in the seizure of 6.6 tons of cocaine aboard the Miami-bound *Limerick*, a Honduran-flag ship. Cuba turned over the cocaine to the United States and cooperated fully in the investigation and subsequent prosecution of two defendants in the case in the United States. Cooperation has increased since 1999 when U.S. and Cuban officials met in Havana to discuss ways of improving anti-drug cooperation. Cuba accepted an upgrading of the communications link between the Cuban Border Guard and the U.S. Coast Guard as well as the stationing of a U.S. Coast Guard Drug Interdiction Specialists at the U.S. Interests Section in Havana. The Coast Guard official was posted to the U.S. Interests Section in September 2000, and since that time, coordination has increased. However, the State Department's March 2003 International Narcotics Control Strategy Report maintains that the Cuban government has not exploited the Coast Guard official's presence to the fullest by developing more effective anti-drug cooperation. The report also notes that the Cuban government has subjected the Coast Guard official to repeated harassment by State Security agents.

Cuba has called for a bilateral anti-drug cooperation agreement with the United States.[34] In January 2002, Cuba deported to the United States Jesse James Bell, a U.S. fugitive wanted on drug charges, and in early March 2002, Cuba arrested a convicted Colombian drug trafficker, Rafael Bustamante, who escaped from jail in Alabama in 1992. While Drug Enforcement Administration head Asa Hutchison expressed appreciation for Cuba's actions, he indicated that cooperation would continue on a case-by-case basis, not through a bilateral agreement.[35] State

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[34] On March 12, 2002, Cuba's Ministry of Foreign Affairs and the Cuban Interests Section in Washington delivered three diplomatic notes to the U.S. Interests Section in Havana and the State Department in Washington proposing agreements on drug interdiction, terrorism, and migration issues. See "Statement from the Ministry of Foreign Affairs: Prominent Drug Trafficker Arrested in our Country," Information Office, Cuban Interests Section, March 17, 2002.

[35] Anthony Boadle, "U.S. Thanks Cuba, But Declines Anti-Drug Accord," *Reuters*, March 19, 2002.

Department spokesman Richard Boucher said that if Cuba "were to demonstrate a willingness to work across the board with us on law enforcement issues, then we might consider some more formal structure," but he indicated that Cuba has not demonstrated that kind of commitment. As an example, Boucher maintained that "there are still dozens of fugitives from U.S. justice who have been provided safe haven by the Cuban government."[36] Although the current level of case-by-case cooperation will probably continue, it is unlikely that the level of cooperation will increase significantly given the Administration's position. Some Members have called for greater cooperation with Cuba on drug control and view Cuba's proposal as a good-will gesture, while others view the effort as a ploy to sway public opinion and influence views in the U.S. Congress.[37]

Legislative Initiatives. In the second session of the 107th Congress, both House and Senate versions of the FY2003 Foreign Operations appropriations bill (H.R. 5410 and S. 2779) had divergent provisions related to Cuba and counternarcotics cooperation with the United States. Section 585 of the Senate bill provided that $3 million in International Narcotics Control and Law Enforcement assistance should be made available for preliminary work by the Department of State and other entities to establish cooperation with appropriate agencies of the Cuban government on counter-narcotics matters. The money would not be available if the President certified 1) that Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs and 2) that there is evidence of involvement of the Cuban government in drug trafficking. In contrast, Section 581 of the House bill provided that none of the funds appropriated for "International Narcotics Control and Law Enforcement" may be made available for assistance to the Cuban government. Final action on the Foreign Operations measure was not completed before the end of the 107th Congress.

In the end, the final version of the FY2003 omnibus appropriations measure in the 108th Congress, H.J.Res. 2 (P.L. 108-7), which included Foreign Operations funding, did not include either the House or Senate provisions on anti-drug cooperation with Cuba. The Senate version of H.J.Res. 2, included a provision (Division E, Foreign Operations appropriations, Sec. 580) similar to the Senate bill in the 107th Congress described above. It would have provided $3 million for international narcotics control and law enforcement assistance for preliminary work to establish cooperation with Cuba on counter-narcotics matters.

Similar legislative action took place on FY2004 appropriations. The House-passed version of the foreign operations appropriations measure, H.R. 2800, would have provided, in Section 571, that no International Narcotics Control and Law Enforcement Funds be made available for assistance to Cuba. The House Appropriations Committee report to the bill (H.Rept. 108-222) asserted that "full reporting and transparency by the Cuban Government and United States monitoring of the use of counternarcotics assistance in Cuba would be difficult if not impossible,

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[36] U.S. Department of State, State Department Regular Briefing, March 19, 2002.

[37] Vanessa Bauza, "Cuba's Cooperation Seen as a Trojan Horse," *Fort Lauderdale Sun Sentinel*, March 31, 2002, p. 1F.

according to the State Department, given Cuban hostility toward the United States Government." In contrast, the Senate-passed version of the bill, H.R. 2800 (Section 680), would have provided $5 million in International Narcotics Control and Law Enforcement assistance for preliminary work to establish cooperation with Cuba on counter-narcotics matters. The money would not have been available if Cuba did not have in place appropriate procedures to protect against the loss of life in connection with the interdiction of illegal drugs or if there were evidence that the Cuban government was involved in drug trafficking. In the end, neither the Senate nor the House provision was included in the conference on H.R. 2673 (H.Rept. 108-401), the Consolidated Appropriations Act for FY2004, which incorporates seven regular appropriations acts, including foreign operations in Division D.

Another legislative initiative introduced in the 108th Congress, H.R. 1432 (Rangel), introduced March 25, 2003, would authorize the Secretary of State to enter into negotiations with representatives of the Cuban government to establish cooperation between the United States and Cuba on illicit narcotics control efforts.

Cuba and Terrorism

Cuba was added to the State Department's list of states sponsoring international terrorism in 1982. Cuba has had a history of supporting revolutionary movements and governments in Latin America and Africa, but in 1992 Fidel Castro said that his country's support for insurgents abroad was a thing of the past. Cuba's change in policy was in large part because of the breakup of the Soviet Union, which resulted in the loss of billions of dollars in annual subsidies to Cuba, and led to substantial Cuban economic decline.

Cuba remains on the State Department's terrorism list. According to the State Department's April 30, 2003, *Patterns of Global Terrorism* report, while Cuba ratified all 12 international counterterrorism conventions in 2001, it has remained opposed to the U.S.-led global coalition against terrorism and "has been actively critical of many associated U.S. policies and actions." The report reiterated concerns first expressed by Deputy Assistant Secretary of State Daniel Fisk in September 2002 that the Cuban government used agents to set up false leads around the world with the intent of impeding the investigation of the September 11, 2001, terrorist attacks in the United States. (The Cuban government strongly denied the allegations that it has tried to mislead investigators.)

The State Department report also noted that Cuba continued to host several members of Foreign Terrorist Organizations as well as some U.S. fugitives from justice. The report maintained that Cuba provides safehaven to at least 20 Basque ETA terrorists from Spain and has provided "some degree of safehaven and support" to members of two Colombian insurgent groups, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). (Cuba has been the site of peace talks between the Colombian government and the ELN.) The report also noted that one of three Irish Republican Army (IRA) members on trial in Colombia for allegedly providing explosives training to the FARC had lived in Havana for several years.

Although Cuba offered support to the United States in the aftermath of the World Trade Center and Pentagon attacks in 2001, Fidel Castro also stated that the attacks were in part a consequence of the United States having applied "terrorist methods" for years.[38] Cuba's subsequent statements became increasingly hostile, according to press reports, which quoted Cuba's mission to the United Nations as describing the U.S. response to the U.S. attacks as "fascist and terrorist" and that the United States was using the attack as an excuse to establish "unrestricted tyranny over all people on Earth."[39] Castro himself said that the U.S. government was run by "extremists" and "hawks" whose response to the attack could result in an "infinite killing of innocent people."[40]

The Cuban government, however, had a much more muted reaction to the U.S. decision to send captured Taliban and Al Qaeda fighters from Afghanistan to the U.S. naval base at Guantanamo Bay, Cuba. Guantanamo has been a U.S. base since 1903, and under a 1934 treaty that remains in force, the U.S. presence can only be terminated by mutual agreement or by abandonment by the United States. In 1994-1995, the base was used to house thousands of Cubans and Haitians fleeing their homeland. At present, there are some 650 detainees from more than 40 countries being held at Guantanamo. (For more, see CRS Report RL31367, *Treatment of "Battlefield Detainees" in the War on Terrorism*, by Jennifer Elsea.) Although the Cuban government objects to the U.S. presence at Guantanamo as a national security threat and opposes the presence as illegal, it has not opposed the new mission of housing detainees from Afghanistan. Defense Minister Raul Castro noted that, in the unlikely event that a prisoner would escape into Cuban territory, Cuba would capture the prisoner and return him to the base.[41]

Cuba has been the target of various terrorist incidents over the years. In 1976, a Cuban plane was bombed, killing 73 people. In 1997, there were almost a dozen bombings in the tourist sector in Havana and in the Varadero beach area in which an Italian businessman was killed and several others were injured. Two Salvadorans were convicted and sentenced to death for the bombings in March 1999, and three Guatemalans were sentenced to prison terms ranging from 10-15 years in January 2002. Cuban officials maintain that Cuban exiles funded the bombings. In early September 2003, four anti-Castro activists, arrested in Panama in November 2000 for a plot to kill Fidel Castro, were ordered to stand trial in November 2003, but the trail has been postponed. One of the accused, Luis Posada Carriles, was allegedly involved in the 1976 airplane bombing of a Cuban airliner.[42]

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[38] Andrew Cawthorne, "Cuba's Castro Urges U.S. to Keep Calm," Reuters, September 11, 2001.

[39] Kevin Sullivan, "Castro Warns About U.S. Military Plans," *Washington Post*, September 23, 2001, p. A38.

[40] Ibid.

[41] "Cuba Would Hand Over Escapees, Raul Castro Says," *Miami Herald*, January 20, 2002.

[42] Frances Robles, "An Old Foe of Castro Looks Back on His Fight," *Miami Herald*, September 4, 2003.

Cuba and Biological Weapons? In 2002, the State Department made controversial allegations that Cuba, which has an advanced biotechnology sector, has been involved in developing biological weapons. On May 6, 2002, Under Secretary of State for Arms Control and International Security John Bolton stated that "the United States believes that Cuba has at least a limited offensive biological warfare research-and-development effort" and "has provided dual-use technology to other rogue states." Bolton called on Cuba "to cease all BW-applicable cooperation with rogue states and to fully comply with all of its obligations under the Biological Weapons Convention." Although Bolton's statement received considerable media attention, it was similar to a March 19, 2002 statement by Assistant Secretary of State for Intelligence and Research Carl Ford before the Senate Committee on Foreign Relations.

When questioned on the issue, Secretary of State Powell maintained that Under Secretary Bolton's statement was not based on new information. Powell asserted that the United States believes Cuba has the capacity and the capability to conduct research on biological weapons but emphasized that the Administration had not claimed that Cuba had such weapons. Some observers viewed Powell's statement as contradicting that of Under Secretary Bolton.[43]

In response to Under Secretary Bolton's statement, the Cuban government called the allegations a lie and maintained that the Bush Administration was trying to justify its hard-line policies just when the momentum is increasing in the United States to ease the embargo. During his trip to Cuba, former President Jimmy Carter criticized the Bush Administration over the allegations and said that Administration officials who had briefed him before the trip assured him that Cuba had not shared anything with other countries that could be used for terrorist purposes.[44]

The Senate Foreign Relations Committee's Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs held a hearing on the issue on June 5, 2002.[45] At the hearing, Assistant Secretary of State for Intelligence and Research Carl Ford distinguished between the term "effort" and "program," and maintained that Cuba has a biological weapons effort and not a biological weapons program. Ford characterized a program as something substantial and multifaceted that includes test facilities, production facilities, and a unit within the military specifically designated for such weapons capability. In contrast, he characterized an effort as the research and development that would be necessary to create biological weapons.

In late June 2003, news reports stated that an employee of the State Department's Bureau of Intelligence and Research maintained that Undersecretary

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[43] David Gonzalez, "Carter and Powell Cast Doubt on Bioarms in Cuba," *New York Times*, May 14, 2002.

[44] Kevin Sullivan, "Carter Says He Was Told U.S. Had No Proof Cuba Shared Bioweapons Data," *Washington Post*, May 14, 2002, p. 14.

[45] U.S. Congress. Senate Committee on Foreign Relations. Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs. Cuba's Pursuit of Biological Weapons: Fact or Fiction? 107th Congress, June 5, 2002. S.Hrg. 107-736.

Bolton's assertions about Cuba and biological weapons were not supported by sufficient intelligence.[46]

U.S. government concerns about Cuba's capability to produce biological weapons dates back several years. In 1998, then U.S. Secretary of Defense William Cohen stated in a transmittal letter (accompanying a report to Congress on Cuba's threat to U.S. national security) that he was "concerned about Cuba's potential to develop and produce biological agents, given its biotechnology infrastructure..."[47]

Cuba began building up its biotechnology industry in the 1980s and has spent millions investing in the sector. The industry was initially geared "to apply biotechnology and genetic engineering to agriculture in order to increase yields" but has also produced numerous vaccines, interferon, and other drugs and has exported many of its biotechnology products.[48] In 1999, the British pharmaceutical company GlaxoSmithKline announced an agreement to test and market a new Cuban meningitis vaccine that might eventually be used in the United States.[49] In May 2003, the Center for Defense Information published a report on a delegation sent to Cuba that visited nine Cuban biotechnology facilities.[50]

Cuban Spies in the United States

Over the past several years, the FBI has arrested and convicted several Cuban intelligence agents in the United States. In June 2001, five members of the so-called "Wasp Network" were convicted on espionage charges by a U.S. Federal Court in Miami. Sentences handed down in December 2001 ranged from 15 years to life in prison. The group tried to penetrate U.S. military bases and exile groups. The Cuban government has vowed to work for the return of the five spies who have been dubbed "Heroes of the Republic" by Cuba's National Assembly. In addition to the five, a married couple was sentenced in January 2002 to prison terms of 7 years and 3½ years for their participation in the spy network.

In addition, two U.S. government officials have been implicated in spying for Cuba. In February 2000, an Immigration and Naturalization Service (INS) official from Miami, Mariano Faget, was arrested and ultimately convicted in May 2000 for passing classified information to a friend with ties to Cuba. He was sentenced to 5 years in prison in June 2001. The case led to the State Department's expulsion of a Cuban diplomat working in Washington D.C.

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[46] James Risen and Douglas Jehl, "Expert Said to Tell Legislators He Was Pressed to Distort Some Evidence," *New York Times*, June 25, 2003.

[47] United States Information Agency, "Text: Defense Secretary's Letter to Thurmond on Cuban Threat," May 6, 1998.

[48] Teo A. Babun, Jr., "A Business Guide to Cuba," *CubaNews*, Miami Herald Publishing Company, 1996, pp. 66-67.

[49] Michael Kranish, "Biotechnology; Incubating Biotech Cuba Become Biotech Hotbed," *Boston Globe*, May 15, 2002, p. D1.

[50] Glenn Baker, ed. *Cuban Biotechnology, A First-Hand Report*, Center for Defense Information, Washington, D.C. May 2003. 50 p.

On September 21, 2001, Defense Intelligence Agency (DIA) analyst Ana Montes was arrested on charges of spying for the Cuban government. Montes reportedly supplied Cuba with classified information about U.S. military exercises and other sensitive operations.[51] On March 19, 2002, Montes pled guilty to spying for the Cuban government for 16 years, during which she divulged the names of four U.S. government intelligence agents working in Cuba and information about a "special access program" related to U.S. national defense. On October 16, 2002, Montes was sentenced to 25 years in prison in exchange for her cooperation with prosecutors as part of a plea bargain.

In response to the espionage case, in early November 2002 the U.S. Department of State ordered the expulsion of four Cuban diplomats in the United States, two from the Cuban Interests Section in Washington D.C. and two from Cuba's U.N. Mission in New York. Cuba strongly asserted that the diplomats were not involved in intelligence activities. On May 13, 2003, the Bush Administration ordered the expulsion of 14 more Cuban diplomats from the United States, seven from Cuba's U.N. Mission and seven from the Cuban Interests Section in Washington for espionage. Cuba call the action an "irrational act of vengeance and claimed that the United States was trying to provoke a confrontation that could result in the closure of the diplomatic offices in each country.[52] In December 2003, the State Department expelled a third secretary of the Cuban Interests Section in Washington.

Radio and TV Marti

U.S.-government sponsored radio and television broadcasting to Cuba — Radio and TV Marti — began in 1985 and 1990 respectively. As spelled out in the *Broadcasting Board of Governors FY2004 Budget Request*, the objectives of Radio and TV Marti are 1) to support the right of the Cuban people to seek, receive, and impart information and ideas through any media and regardless of frontiers; 2) to be effective in furthering the open communication of information and ideas through use of radio and television broadcasting to Cuba; 3) to serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news; and 4) to provide news, commentary, and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

TV Marti broadcasts for four and one-half hours daily; on May 20, 2002, the broadcast schedule was changed from the early hours of 3:30 a.m. - 8:00 a.m. to the evening hours of 6:00 p.m. - 10:30 p.m. Radio Marti broadcasts 24 hours a day on short and medium wave (AM) channels. Surveys of Cubans have shown a Radio

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[51] Bill Miller and Walter Pincus, "Defense Analyst Accused of Spying for Cuba, Woman Passed Classified Information on Military Exercises, FBI Says," *Washington Post*, September 22, 2001, p. A1.

[52] Nancy San Martin and Tim Johnson, "U.S. Seeks to Create a Crisis, Cuba Says Expulsions Cited as Vengeance," *Miami Herald*, May 15, 2003.

Marti listenership of 9% in 2000 and 5% in 2001.[53] There has been testing of various methods to overcome Cuban jamming efforts.

On May 20, 2003, Radio and TV Marti were transmitted for several hours from an Air Force EC-130, while on the same day TV Marti was broadcast via a commercial network, DirecTV-Latin America, for several hours.[54] In response, Cuba complained to the International Telecommunications Union and delivered a formal note of protest to the U.S. Interests Section in Havana that the broadcasts are a violation of international law and the island's sovereignty; U.S. State Department officials deny that the broadcasts violated any international obligations.[55]

Until October 1999, U.S.-government funded international broadcasting programs had been a primary function of the United States Information Agency (USIA). When USIA was abolished and its functions were merged into the Department of State at the beginning of FY2000, the Broadcasting Board of Governors became an independent agency that included such entities as the Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia, and the Office of Cuba Broadcasting (OCB), which manages Radio and TV Marti. OCB is headquartered in Miami, Florida. Legislation in the 104th Congress (P.L. 104-134) required the relocation of OCB from Washington D.C. to south Florida. The move began in 1996 and was completed in 1998.

Both Radio and TV Marti have at times been the focus of controversies, including adherence to broadcast standards. There have been various attempts over the years to cut funding for the programs, especially for TV Marti, which has not had an audience because of Cuban jamming efforts. Various studies and audits of these programs have been conducted, including investigations by the U.S. General Accounting Office, by a 1994 congressionally established Advisory Panel on Radio and TV Marti, and by the State Department's Office of the Inspector General.[56] (For

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[53] Brian Conniff, Acting Director, International Broadcasting Bureau, Broadcasting Board of Governors, Testimony before the House International Relations Committee, Subcommittee on International Operations and Human Rights, June 6, 2002.

[54] Tim Johnson, "Plane Beams Broadcasts to Cuba," *Miami Herald*, May 22, 2003; "Where Is the May 20 Deliverable on Cuba? Cruising at 30,000 Feet: White House Tests Airborne TV Broadcasts to Cuba Yesterday," *Cuba Trader*, May 21, 2003; "TV Marti Test Broadcast to Cuba on DirecTV — Latin America," *BBC Monitoring International Reports*, May 22, 2003.

[55] "Havana Says U.S. Violating Airwaves," *Chicago Tribune*, May 24, 2003; "Cuba Objects to Increase in U.S. Broadcasts," *Miami Herald*, May 24, 2003.

[56] See the following reports and audits: U.S. General Accounting Office (GAO), *Broadcasts to Cuba, TV Marti Surveys are Flawed*, GAO/NSIAD-90-252, August 1990; U.S. GAO, *TV Marti, Costs and Compliance with Broadcast Standards and International Agreements*, GAO/NSIAD-92-199, May 1992; U.S. GAO, Letter to Hon. Howard L. Berman and Hon. John F. Kerry regarding Radio Marti broadcast standards, GAO/NSIAD-93-126R, February 17, 1993; Advisory Panel on Radio and TV Marti, *Report of the Advisory Panel on Radio and TV Marti*, Three Volumes, March 1994; U.S. GAO, *Radio Marti, Program Review Processes Need Strengthening*, GAO/NSIAD-94-265, September 1994; U.S. GAO, *U.S. Information Agency, Issues Related to Reinvention Planning in the Office of Cuba*

background on Cuba broadcasting through 1994, see CRS Report 94-636, *Radio and Television Broadcasting to Cuba: Background and Issues through 1994*.)

From FY1984 through FY2002, Congress appropriated almost $407 million for broadcasting to Cuba, with about $249 million for Radio Marti (since FY1984) and $158 million for TV Marti (since FY1989).

Debate on TV Marti. In the various congressional debates on TV Marti over the years, opponents of continued funding of the program maintain that virtually the only people who see TV Marti in Cuba are those Cubans who visit the consular section of the U.S. Interests Section in Havana, which has a waiting room in which TV Marti may be viewed. These critics argue that some $150 million has been spent by the United States for TV Marti, while the Cuban government only needs to spend a few thousand dollars to jam the broadcasts effectively. They argue that TV Marti is a waste of taxpayers' money because it does not contribute to the promotion of freedom and democracy in Cuba, unlike Radio Marti, which some Cubans listen to as a source of information. Opponents also argue that the conversion of TV Marti from VHF to UHF transmission has not succeeded in overcoming Cuba's jamming efforts.

In contrast, supporters of continued TV Marti funding point to a congressionally mandated Advisory Panel in 1994, which stated that "the Cuban people have an ardent desire and a genuine need to receive the programming produced by TV Marti."[57] Supporters argue that eliminating TV Marti would send a message to the Cuban people that the United States is not committed to the cause of freedom in Cuba. They believe that eliminating TV Marti would be giving in to the dictatorial Castro government, which suppresses the free flow of information in Cuba. These proponents contend that it is impossible for the Cuban government to completely jam TV Marti, and maintain that significant numbers of Cubans have attempted to tune in to the programming. Still others point to the potential use of TV Marti in the event of a crisis or upheaval in Cuba's future, and argue that in such a scenario, it would be important to have TV Marti available as a news source.

FY2003 Funding. In September 2002, both houses approved the conference report (H.Rept. 107-671) to the Foreign Relations Authorization Act for FY2003 (H.R. 1646) that authorized $25.923 million for Cuba broadcasting for FY2003. The President signed the measure into law on September 30, 2002 as P.L. 107-228.

The Bush Administration requested $25.362 million for broadcasting to Cuba for FY2003, with about $15 million for Radio Marti and $10 million for TV Marti. In the 107th Congress, the Senate Appropriations Committee reported out its version of the FY2003 Commerce, Justice, State and Related Agencies (CJS) appropriations bill, S. 2778 (S.Rept. 107-218) on July 24, 2002, which would have provided

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Broadcasting, GAO/NSIAD-96-110, May 1996; and U.S. Department of State, Office of the Inspector General, *Review of Polices and Procedures for Ensuring that Radio Marti Broadcasts Adhere to Applicable Requirements*, 99-IB-010, June 1999.

[57] Advisory Panel on Radio Marti and TV Marti, *Report of the Advisory Panel on Radio Marti and TV Marti*, Executive Summary, March 1994.

$24.996 million for Cuba broadcasting. Final action on the measure was not completed before the end of the 107th Congress. In the 108th Congress, the final version of the FY2003 omnibus appropriations bill, H.J.Res. 2 (P.L. 108-7), which includes Commerce, Justice and State appropriations in Division B, provides $24.996 million for Radio and TV Marti broadcasting to Cuba.

FY2004 Funding. For FY2004, the Administration requested $26.901 million for Cuba broadcasting, with $16.355 million for Radio Marti and $10.546 million for TV Marti. The House-approved version of the FY2004 Commerce, Justice, and State Department appropriations bill, H.R. 2799, would fund the Administration's request for Cuba broadcasting under the International Broadcasting Operations Account, but without a specific earmark. The House Appropriations Committee report to the bill (H.Rept. 108-221) recommended full funding of the Administration's Cuba broadcasting request. The Senate Appropriations Committee version of the bill, S. 1585, would provide $28.201 million for Cuba broadcasting, $1.2 million more than the Administration's request. According to the committee report to the bill, S.Rept. 108-144, the additional funding is to be used to enhance efforts to defeat Cuban government jamming. The Committee directed the Broadcasting Board of Governors and the Office of Cuba Broadcasting "to use all available means to overcome the jamming of Radio and TV Marti, including broadcasting via the Internet and satellite." In the end, funding for Commerce, Justice, and State Department appropriations was included in the FY2004 Consolidated Appropriations Act, H.R. 2673, (H.Rept. 108-401), which consisted of seven regular appropriations bills. The conferees funded Cuba broadcasting under International Broadcasting Operations Account, but without a specific earmark, and stated in the report that they expected the Broadcasting Board of Governors to provide $1.2 million to pursue alternative means of transmission, including Internet transmission, of Cuba broadcasting.

In terms of authorization legislation, the House-passed version of the State Department authorization bill for FY2004 and FY2005, H.R. 1950 (Hyde), would authorize (Section 121) $26.901 million for Cuba broadcasting for FY2004 and $27.439 million for FY2005. Section 502 of the bill would amend the Radio Broadcasting to Cuba Act to use additional AM frequencies and the FM and Shortwave bands to improve Radio Marti signal delivery to Cuba. Section 503 of the bill requires a report on efforts to counter jamming of Radio and TV Marti broadcasts. The Senate version of the State Department authorization bill for FY2004 and FY2005, S. 925 (Lugar), would authorize (Section 111) appropriations for radio and television broadcasting to Cuba within the International Broadcasting Operations account but without a specific earmark.

U.S. Funding to Support Democracy and Human Rights

Over the past several years, the U.S. Agency for International Development has provided assistance to increase the flow of information on democracy, human rights, and free enterprise to Cuba. USAID's Cuba program supports a variety of U.S.-based non-governmental organizations to promote rapid, peaceful transition to

democracy, help develop civil society, and build solidarity with Cuba's human rights activists.[58]

These efforts are funded through the annual foreign aid appropriations bill. In FY2001, $4.989 million was provided for various Cuba projects; $5 million was provided in FY2002; and $5.750 million was provided in FY2003 (the Administration requested $6 million as part of its foreign aid request, but following the enactment of the FY2003 omnibus appropriations bill, P.L. 108-7, the Administration allocated $5.750 million).

For FY2004, the Administration requested $7 million in Economic Support Funds for information dissemination to foster democratic progress and the development of a civil society in Cuba. The House-passed version of the FY2004 foreign operations appropriations bill, H.R. 2800, had no specific earmark for democracy funding for Cuba, but the House Appropriations Committee report to the bill, H.Rept. 108-122, noted that the committee fully supported the Administration's $7 million request. The Senate-passed version of H.R. 2800 (Section 699G), would have provided not more than $5 million in Transition Initiatives funds for "individuals and independent nongovernmental organizations to support democracy-building effort for Cuba," essentially opening up another spigot of funding for Cuba democracy projects. In the end, the conference on H.R. 2800 was included in Division D of H.R. 2673 (H.Rept. 108-401), the FY2004 omnibus appropriations measure. The conferees did not earmark assistance for Cuba democracy programs, but the conference report recommended full funding of the Administration's $7 million in Economic Support Funds for democracy programs supported by USAID.

In terms of authorization legislation, the House-passed version of the Foreign Relations authorization bill for FY2004 and FY2005, H.R. 1950, would, in Section 1807, authorize $15 million for each of FY2004 and FY2005 to support democracy-building efforts for Cuba. The Senate version of the bill, S. 925, has no such provision. (For more information, see CRS Report RL31986, *Foreign Relations Authorization, FY2004 and FY2005: An Overview*, by Susan Epstein.) In addition, another legislative initiative, S. 1089 (Ensign), would authorize $15 million to support democracy building in Cuba and $30 million to the President to establish a fund to provide assistance to a transition government in Cuba.

In addition to funding through foreign operations appropriations, the United States provides democratization assistance for Cuba through the National Endowment for Democracy (NED), which is funded through the annual Commerce, Justice, and State (CJS) appropriations measure. In FY2001, NED funded $765,000 in democracy projects for Cuba; in FY2002, it funded $841,000 in Cuba projects. Funding levels for NED's Cuba projects in FY2003 and in the FY2004 request are not available yet but will probably rise because of increased overall funding for NED.

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[58] See USAID's Cuba program website: [http://www.usaid.gov/regions/lac/cu/].

Migration Issues[59]

1994 and 1995 Agreements. In 1994 and 1995, Cuba and the United States reached two migration accords designed to stem the mass exodus of Cubans attempting to reach the United States by boat. On the minds of U.S. policymakers was the 1980 Mariel boatlift in which 125,000 Cubans fled to the United States with the approval of Cuban officials. In response to Castro's threat to unleash another Mariel, U.S. officials reiterated U.S. resolve not to allow another exodus. Amidst escalating numbers of fleeing Cubans, on August 19, 1994, President Clinton abruptly changed U.S. migration policy, under which Cubans attempting to flee their homeland were allowed into the United States, and announced that the U.S. Coast Guard and Navy would take Cubans rescued at sea to the U.S. naval base at Guantanamo Bay, Cuba. Despite the change in policy, Cubans continued fleeing in large numbers.

As a result, in early September 1994, Cuba and the United States began talks that culminated in a September 9, 1994 bilateral agreement to stem the flow of Cubans fleeing to the United States by boat. In the agreement, the United States and Cuba agreed to facilitate safe, legal, and orderly Cuban migration to the United States, consistent with a 1984 migration agreement. The United States agreed to ensure that total legal Cuban migration to the United States would be a minimum of 20,000 each year, not including immediate relatives of U.S. citizens. In a change of policy, the United States agreed to discontinue the practice of granting parole to all Cuban migrants who reach the United States, while Cuba agreed to take measures to prevent unsafe departures from Cuba.

In May 1995, the United States reached another accord with Cuba under which the United States would parole the more than 30,000 Cubans housed at Guantanamo into the United States, but would intercept future Cuban migrants attempting to enter the United States by sea and would return them to Cuba. The two countries would cooperate jointly in the effort. Both countries also pledged to ensure that no action would be taken against those migrants returned to Cuba as a consequence of their attempt to immigrate illegally. On January 31, 1996, the Department of Defense announced that the last of some 32,000 Cubans intercepted at sea and housed at Guantanamo had left the U.S. Naval Base, most having been paroled into the United States.

Elian Gonzalez Case.[60] From late November 1999 through June 2000, national attention became focused on Cuban migration policy as a result of the Elian Gonzalez case, the five-year old boy found clinging to an inner tube off the coast of Fort Lauderdale. The boy's mother drowned in the incident, while his father who resided in Cuba, called for his return. Although the boy's relatives in Miami wanted him to stay in the United States, the Immigration and Naturalization Service ruled

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[59] For more, see CRS Report RS20468, *Cuban Migration Policy and Issues*, by Ruth Ellen Wasem.

[60] For more information, see CRS Report RS20450, *The Case of Elian Gonzalez: Legal Basics*, by Larry M. Eig and CRS Report RL30570, *Elian Gonzalez: Chronology and Issues*, by Ruth Ellen Wasem.

that the boy's father had the sole legal authority to speak on his son's behalf. After numerous legal appeals by the Miami relatives were exhausted, the boy returned to Cuba with his father in June 2000. In Cuba, Fidel Castro orchestrated numerous mass demonstrations and a media blitz on the issue until the boy's return. The case generated an outpouring of emotion among the Cuban population as well as in south Florida.

Wet Foot/Dry Foot Policy. Since the 1995 migration accord, the U.S. Coast Guard has interdicted thousands of Cubans at sea and returned them to their country, while those deemed at risk for persecution have been transferred to Guantanamo and then found asylum in a third country. Those Cubans who reach shore are allowed to apply for permanent resident status in one year, pursuant to the Cuban Adjustment Act of 1966 (P.L. 89-732). This so-called "wet foot/dry foot" policy has been criticized by some as encouraging Cubans to risk their lives in order to make it to the United States and as encouraging alien smuggling. Others maintain that U.S. policy should welcome those migrants fleeing Communist Cuba whether or not they are able to make it to land.

U.S. prosecution against migrant smugglers in Florida has increased in recent years with numerous convictions. There have been several violent incidents in which Cuban migrants have brandished weapons or in which Coast Guard officials have used force to prevent Cubans from reaching shore. On July 10, a U.S. federal court in Florida convicted a Cuban national for hijacking a plane to Key West on April 1, 2003. Another six Cubans were convicted in Key West in December 2003 for hijacking a Cubana Airlines plane to Florida in March 2003.

The Cuban government has taken forceful action against individuals engaging in alien smuggling. Prison sentences of up to three years may be imposed against those engaging in alien smuggling, and for incidents involving death or violence, a life sentence may be imposed. On April 11, 2003, the Cuban government executed three men who had hijacked a ferry in Havana on April 2 in an attempt to reach the United States. The ferry hijacking had been preceded by the hijacking of two small planes to the United States. The summary execution prompted worldwide condemnation of the Cuban government. The Cuban government maintained that it took the action to prevent additional hijackings.

The U.S. Interest Section in Havana has officers that visit the homes of returned migrants to assess the Cuban government's treatment of those repatriated. The Department of State (pursuant to P.L. 105-277, Section 2245) makes a semi-annual report to Congress on the methods employed by the Cuban government to enforce the the 1994 migration agreement and on the Cuban government's treatment of those returned. In the most recent report to Congress, submitted in October 2003, the State Department maintained that "a majority of those returnees did not suffer retribution from the Cuban authorities as a result of their attempt to depart illegally" but noted that "there continue to be clear and credible instances of harassment and punishment of returnees."[61] Moreover, the report maintained that the Cuban government

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[61] U.S. Department of State. "Cuban Emigration Policies, Report Submitted by the Department of State Pursuant to Section 2245 of the Omnibus Consolidated and Emergency

continued to restrict the movement and access of U.S. diplomats within Cuba for the purpose of visiting repatriated Cubans.

On July 21, 2003, the U.S. Coast Guard repatriated 15 Cubans who had been interdicted on a Cuban government vessel that had been stolen on July 15 (12 of the Cubans were involved in stealing the boat and overpowered the three others who were guarding the government vessel.) The United States returned the Cubans after assurances from the Cuban government that no one would face execution and no one would serve more than 10 years in prison. The Cuban government lauded the return of the migrants for being in line with the 1995 migration agreement. The repatriation of the migrants prompted widespread criticism of the Administration in Florida and among some Members of Congress. Some critics called for an investigation into the U.S.-Cuban negotiations that led to the return of the migrants and some have called for the Administration to change the policy of repatriating those Cubans interdicted at sea. Supporters of the policy maintained that implementation of the migration accords is important for preventing another mass exodus of Cubans fleeing to the United States.

On October 10, 2003, the President announced that the United States would increase the number of new Cuban immigrants each year, improve the method of identifying refugees, redouble efforts to process Cubans seeking to leave Cuba, and initiative a public information campaign in Florida and Cuba to better inform Cubans of the routes to safe and legal migration to the United States. The President's announcement was in part a response to the criticism of the Administration's migration policy in the aftermath of the July 2003 repatriation of several Cubans involved in stealing a Cuban government vessel.

Migration Talks. Semi-annual U.S.-Cuban talks (held alternatively between Cuba and the United States) have been held regularly on the implementation of the 1994 and 1995 migration accords; the last talks took place in June 2003 in New York City and were the 19th round. The State Department cancelled the 20th round of talks scheduled for January 8, 2004. According to the State Department, Cuba has refused to discuss five issues identified by the United States: (1) Cuba's issuance of exit permits to all qualified migrants; (2) Cuba's cooperation in holding a new registration for an immigrant lottery; (3) the need for a deeper Cuban port utilized by the U.S. Coast Guard for the repatriation of Cubans interdicted at sea; (4) Cuba's responsibility to permit U.S. diplomats to travel to monitor returned migrants; and (5) Cuba's obligation to accept the return of Cuban nationals determined to be excludable from the United States. [62] In response to the cancellation of the talks, Cuban officials maintained that the U.S. decision was irresponsible and that it was prepared to discuss all of the issues raised by the United States.[63] The last time talks were suspended was in 2000 by the Cuban government when Elian Gonzalez was in

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Supplemental Appropriations Act, 1999 (P.L. 105-277)" October 2003.

[62] U.S. Department of State. State Department Regular Briefing, Richard Boucher. January 7, 2004.

[63] "Migration Talks Cancelled," *Miami Herald*, January 8, 2004.

the United States. The cancellation of the talks has increased concern among those in Cuba seeking visas to migrate legally.

Excludables. Under a 1984 U.S.-Cuban migration accord, Cuba agreed to take back 2,746 so-called excludables, criminal alines and mentally ill people, who had arrived in the 1980 Mariel boatlift. To date, Cuba has taken back over 1,600 of those on the 1984 list. Another issue in U.S.-Cuban relations is the return of Cubans in the United States not on the 1984 list who are no longer eligible to remain in the United States because of criminal offenses. Over 900 Cubans reportedly fall into this category, and Cuba will not accept their return. (The Supreme Court announced in January 2004 that it wold rule on whether the federal government can indefinitely imprison Cubans and other immigrants who have finished their prison sentences but whose home countries will not accept their return.)[64] The United States has proposed a technical working group from both governments to explore options that would allow for the return of some of these excludables.[65]

Legislation and Resolutions in the 107th Congress

P.L. 107-77 (H.R. 2500/S. 1215)

State Department and Related Agencies Appropriations, FY2002. The measure fully funded the Administration's request of $24.872 million for broadcasting to Cuba for FY2002. H.R. 2500 reported by the House Committee on Appropriations (H.Rept. 107-139) July 13, 2001. House passed (408-19), amended, July 18, 2001. S. 1215 reported by the Senate Committee on Appropriations July 20, 2001 (S.Rept. 107-42). On September 10, 2001, the Senate substituted the language of S. 1215 as its version of H.R. 2500, and on September 13, 2001 the Senate passed (97-3) the bill, amended. Conference report (H.Rept. 107-278) filed November 9, 2001. House approved conference (411-15) on November 14, 2001, and the Senate approved it (98-1) on November 15, 2001. Signed into law November 28, 2001.

P.L. 107-115 (H.R. 2506)

Foreign Operations Appropriations, FY2002. Introduced and reported by the House Committee on Appropriations July 17, 2001 (H.Rept. 107-142). House passed (381-46) July 24, 2001. The House committee report to the bill notes that the Appropriations Committee fully supports the Administration's budget request of at least $5 million aimed at promoting democracy in Cuba. Senate Committee on Appropriations reported its version September 2, 2001 (S.Rept. 107-58). Senate passed (96-2) October 24, 2001. The Senate version would have provided $1.5 million for the Department of State and other agencies to establish cooperation with Cuba on counter-narcotics matters. Conference report (H.Rept. 107-345) filed

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[64] Charles Lane, "High Court to Consider Detention Case; Justices to Decide if U.S. Can Indefinitely Imprison Criminal Illegal Immigrants," *Washington Post*, January 17, 2004.

[65] U.S. Department of State. "Cuban Emigration Policies, Report Submitted by the Department of State Pursuant to Section 2245 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277)" October 2003.

December 19, 2001, without the Senate provision on counter-narcotics cooperation with Cuba. However, the conference report called for a report by the Secretary of State within 6 months on 1) the extent, if any of the direct involvement of the government of Cuba in illegal drug trafficking; 2) the likelihood that U.S. international narcotics assistance to the government of Cuba would decrease the flow of drugs transiting through Cuba, and 3) the degree to which the government of Cuba is exchanging with U.S. agencies drug-related law enforcement information. The conference report also encouraged the Administration to transmit to Congress, not later than 9 months, any legislation necessary to decrease the flow of drugs to or from Cuba. House agreed (357-66) to the conference December 19; Senate agreed (unanimous consent) December 20. Signed into law January 10, 2002.

P.L. 107-228 (H.R. 1646)

Foreign Relations Authorization Act, FY2002 and FY2003. Conference report (H.Rept. 107-671) filed September 23, 2002; Section 121 of the conference report version of the bill authorized $25.923 million for FY2003 for Cuba broadcasting. House agreed to conference report by voice vote September 25, 2002; Senate agreed by unanimous consent September 26, 2002. Signed into law September 30, 2002.

H.Res. 91 (Smith, Christopher)

Expressing the sense of the House of Representatives regarding the human rights situation in Cuba. House passed (347-44, 22 present) April 3, 2001.

S.Res. 272 (Nelson)

Expresses support for the Varela Project. Introduced May 20, 2002. Senate Foreign Relations Committee reported May 29, 2002. Senate approved (87-0) June 10, 2002.

Legislative Initiatives in the 108th Congress

FY2004 Consolidated Appropriations Act

P.L. 108-199 (H.R. 2673)

Consolidated Appropriations Act for FY2004. Originally introduced as the FY2004 agriculture appropriations measure, which the House passed July 14, 2003, and the Senate passed November 6, 2003. On November 25, 2003, a conference report was filed, H.Rept. 108-401, which incorporated seven regular appropriations acts for the year. Conference report agreed to (242-176) in House November 25, 2003; agreed to (65-28) in Senate January 22, 2004. Signed into law January 23, 2004.

Division A, covering agriculture appropriations, dropped the Cuba provision that had been included in the Senate-approved version of H.R. 2673 (Section 760) that would have allowed travel to Cuba under a general license (without applying to the Treasury Department) for travel related to commercial sales of agricultural and medical goods.

Division B, covering Commerce, Justice, and State appropriations, funds Radio and TV broadcasting to Cuba under the International Broadcasting Operations Account, but without a specific earmark. The conferees state that they expect the Broadcasting Board of Governors to provide $1.2 million to pursue alternative means of transmission, including Internet transmission, of Cuba broadcasting. The Administration requested $26.901 million for Cuba broadcasting, with $16.355 million for Radio Marti and $10.546 million for TV Marti. Also see H.R. 2799/S. 1585 below.

Division D, covering foreign operations appropriations, did not include assistance for counter-narcotics cooperation with Cuba that had been in the Senate-approved version of H.R. 2800 (Section 680), nor did it include the provision in the House version of bill (Section 571) that would have prohibited such assistance. Division D also would fund democracy programs for Cuba. While the conferees did not earmark assistance for Cuba democracy programs in the bill, the conference report recommended full funding of the Administration's $7 million in Economic Support Funds for democracy programs supported by USAID. The House-passed version of H.R. 2800 had no earmark (although the House report, H.Rept. 108-122, recommended full funding of the Administration's $7 million request), while the Senate-passed version of H.R. 2800 (Section 699G) would have provided not more than $5 billion in Transition Initiatives funds for democracy-building efforts for Cuba. Also see H.R. 2800/S. 1426 below.

Division F, covering Transportation-Treasury appropriations, dropped all provisions easing Cuba sanctions that had been included in the House- and Senate-approved versions of H.R. 2989. Both the House and Senate versions of H.R. 2989 had a nearly identical provision (Section 745 in the House version and Section 643 in the Senate verison) that would have prevented funds from being used to administer or enforce restrictions on travel or travel-related transactions. In addition, the House version of H.R. 2989 had provisions that would have prevented funds from being used to administer or enforce restrictions on remittances (Section 746) and from being used to eliminate the travel category of people-to-people educational exchanges (Section 749). Also see H.R. 2989/S. 1589 below.

Human Rights and Democracy

P.L. 108-7 (H.J.Res. 2)

Consolidated Appropriations Resolution, 2003. President signed into law February 20, 2003. While the measure does not earmark funding for human rights and democracy projects for Cuba, it does fund FY2003 Foreign Operations appropriations; the Administration's FY2003 foreign aid request had included $6 million for such projects ($5.750 was ultimately allocated by the Administration). Also see "Cuba Broadcasting" below for the law's provisions regarding Radio and TV Marti.

H.Res. 179 (Diaz-Balart, Lincoln)

Expresses the sense of the House regarding the systematic human rights violations in Cuba committed by the Castro regime, calls for the immediate release of all political prisoners, and supports respect for basic human rights and free

elections in Cuba. Introduced April 7, 2003. House passed (414-0, 11 present) April 8, 2003.

S. 97 (Nelson)

Expresses the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban government. Introduced March 25, 2003; Senate Committee on Foreign Relations discharged by unanimous consent. Senate amended and agreed to the resolution April 7, 2003 by unanimous consent.

S.Res. 62 (Ensign)

Calling upon the OAS Inter-American Commission on Human Rights, the U.N. High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba. Introduced February 24, 2003; referred to Committee on Foreign Relations. Senate agreed to by unanimous consent on June 27, 2003.

H.Con.Res. 16 (Andrews)

To call for the immediate release of all political prisoners in Cuba, including Dr. Oscar Elias Biscet. Introduced January 28, 2003; referred to Committee on International Relations.

H.Con.Res. 125 (Deutsch)

Expressing the sense of Congress regarding the arrests of Cuban democracy activists by the Cuban government. Introduced March 27, 2003; referred to Committee on International Relations.

H.R. 1201 (Ros-Lehtinen)

Cuban Victims of Torture Act. To posthumously revoke the naturalization of Eriberto Mederos. Introduced March 11, 2003; referred to Committee on the Judiciary.

H.R. 1950 (Hyde)

Foreign Relations Authorization Act, FY2004 and FY2005. Introduced May 5, 2003. Reported by Committee on International Relations May 16, 2003 (H.Rept. 108-105). House (382-42) passed July 16, 2003. As approved, Section 1807 would authorize $15 million for each of FY2004 and FY2005 to support democracy-building efforts for Cuba. (For additional provisions, see "Cuba Broadcasting" below.)

H.R. 2800 (Kolbe)/ S. 1426 (McConnell)

FY2004 Foreign Operations Appropriations. H.R. 2800 introduced and reported by House Committee on Appropriations July 21, 2003 (H.Rept. 108-222). House passed (370-50) July 24, 2003. S. 1426 introduced and reported by Senate Committee on Appropriations July 17, 2003 (S.Rept. 108-106). Senate passed H.R. 2800 October 30, 2003, by voice vote. The bill funds the Administration's request for human rights and democracy projects for Cuba. The House version does not earmark funding for such projects, although the House Appropriations Committee report to the bill notes that the committee fully supports the Administration's $7 million request in Economic Support Funds. The Senate-passed version, in Section 699G, provides not more than $5 million in Transition Initiatives funding to support

democracy-building efforts for Cuba. (Also see "Anti-Drug Cooperation" below for additional provisions.) For further action, see P.L. 108-199 (H.R. 2673), Consolidated Appropriations Sct for FY2004, above.

H.Res. 164 (Flake)

Expressing the sense of the House regarding the human rights situation in Cuba, and for other purposes. Introduced March 26, 2003; referred to the Committee on International Relations Committee.

H.Res. 208 (Foley)

Condemns the Cuban government's brutal crackdown; calls on the UNCHR to recognize the resolution passed by the House condemning Cuba for its human rights atrocities and condemns the member states of the United Nations Economic and Social Council for renewing Cuba's membership on the UNCHR. Introduced April 30, 2003; referred to House Committee on International Relations.

S. 1089 (Ensign)

Cuba Transition Act of 2003. To encourage multilateral cooperation and authorize a program of assistance to facilitate a peaceful transition in Cuba. Requires the Secretary of State to designate a coordinator, with the rank of ambassador, for Cuba's transition. Authorizes the Secretary of State to designate up to $5 million of monies provided to the Organization of American States for human rights activities, election support, and scholarships for Cuban students. Authorizes $15 million in foreign operations funding to support democracy-building efforts for Cuba. Authorizes $30 million for the President to establish a fund to provide assistance to a transition government in Cuba. Introduced May 20, 2003; referred to Committee on Foreign Relations.

S.Res. 146 (Reid)

Expressing the sense of the Senate regarding the establishment of an international tribunal to prosecute crimes against humanity committed by Fidel Castro and other Cuban political leaders. Introduced May 20, 2003; referred to Committee on Foreign Relations.

Modification of Sanctions

H.R. 187 (Serrano)

To amend the Trade Sanctions Reform and Export Enhancement Act of 2000 to allow for the financing of agricultural sales to Cuba. Introduced January 7, 2003; referred to Committee on Financial Services and in addition to the Committees on International Relations and Agriculture.

H.R. 188 (Serrano)

Cuba Reconciliation Act. To lift the trade embargo on Cuba, and for other purposes. Introduced January 7, 2003; referred to Committee on International Relations and to Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture.

H.R. 1698 (Paul)

To lift the trade embargo on Cuba, and for other purposes. Introduced April 9, 2003; referred to Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture.

H.R. 2071 (Flake)

Export Freedom to Cuba Act of 2003. To allow travel between the United States and Cuba. Introduced May 13, 2003; referred to the Committee on International Relations.

H.R. 2494 (Rangel)/ S. 2002 (Baucus)

United States-Cuba Trademark Protection Act of 2003. To improve and promote international intellectual property obligations relating to the Republic of Cuba, and for other purposes. Section 3 (d) would repeal a provision in the FY1999 omnibus appropriations measure (Section 211 of Division A, title II, P.L. 105-277) that prohibits transactions or payments with respect to trademark registrations and renewals from foreign nationals that were used in connection with a business or assets in Cuba that were confiscated. H.R. 2494 introduced June 17, 2003; referred to the Committee on International Relations and to the Committee on the Judiciary. S. 2002 introduced December 9, 2003; referred to Committee on the Judiciary.

H.R. 2989 (Istook)/S. 1589 (Shelby)

Transportation, Treasury, and Independent Agencies Appropriations Act, FY2004. H.R. 2989 reported by House Committee on Appropriations July 30, 2003 (H.Rept. 108-243). House approved September 9, 2003 (381-39) after approving three Cuba sanctions amendments: H.Amdt. 375 (Flake) (227-188) would prevent funds from enforcing travel restrictions(Section 745); H.Amdt. 377 (Delahunt) (222-196) would prevent funds from enforcing restrictions on remittances (Section 746); and H.Amdt. 382 (Davis) (246-173) would prohibit funds from being used to eliminate the travel category of people-to-people educational exchanges (Section 749). S. 1589, reported September 8, 2003 (S.Rept. 198-146), had no such Cuba provisions, but during Senate floor consideration of H.R. 2989 on October 23, 2003, the Senate approved by voice vote S.Amdt. 1900 (Dorgan), nearly identical to the Flake amendment noted above, that would prevent funds from being used to administer or enforce restrictions on travel or travel-related transactions (Section 643). The only difference between the Flake and Dorgan amendments is that the Dorgan amendment, as amended by S.Amdt. 1901 (Craig), provides that the section will take effect one day after enactment of the bill. A motion to table the Dorgan amendment was defeated by a vote of 59-36. Senate approved H.R. 2989 October 23, 2003 (91-3). For further action, see P.L. 108-199 (H.R. 2673), Consolidated Appropriations Act for FY2004, above.

H.R. 3422 (Serrano)

To provide the people of Cuba with access to food, medicines and other humanitarian goods and from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, to repeal the prohibition on transactions or payments with respect to certain U.S. intellectual property, to provide for expedited security checks for certain visiting Cubans, and to remove restrictions in order to allow Cuban nationals to come to the United States to play organized

professional sports. Introduced October 30, 2003; referred to Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Government Reform, the Judiciary, and Ways and Means.

H.R. 3470 (Rothman)

To amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon Joanne Chesimard and all other individuals who are living in Cuba in order to escape prosecution or confinement from criminal offenses committed in the United States. Introduced November 6, 2003; referred to Committee on International Relations.

H.R. 3670 (Deutsch)

Anti-Communist Cooperation Act of 2003. To amend the Internal Revenue Code to impose a 100% tax on amounts received from trading with Cuba if the trading is conditioned on lobbying Congress to lift trade or travel restrictions. Introduced December 8, 2003; referred to Committee on Ways and Means.

S. 403 (Baucus)

United States-Cuba Trade Act of 2003. To lift the trade embargo on Cuba, and for other purposes. Introduced February 13, 2003; referred to the Committee on Finance.

S. 950 (Enzi)

Freedom to Travel to Cuba Act of 2003. To allow travel between the United States and Cuba. Introduced April 30, 2003; referred to the Committee on Foreign Relations. Senate Foreign Relations ordered reported November 11, 2003.

Cuba Broadcasting

P.L. 108-7 (H.J.Res. 2)

Consolidated Appropriations Resolution, 2003. President signed into law February 20, 2003. The final version provides $24.996 million for Radio and TV Marti broadcasting to Cuba (Division B, Commerce, Justice, and State appropriations). Also see "Human Rights" above regarding the law's funding of human rights and democracy projects.

H.R. 1950 (Hyde)

Foreign Relations Authorization Act, FY2004 and FY2005. Introduced May 5, 2003. Reported by Committee on International Relations May 16, 2003 (H.Rept. 108-105). House passed (382-42) July 16, 2003. As approved, Section 121 would authorize $26.901 million for Cuba broadcasting for FY2004 and $27.439 million for FY2005. Section 502 bill would amend the Radio Broadcasting to Cuba Act to use additional AM frequencies and the FM and Shortwave bands to improve Radio Marti signal delivery to Cuba. Section 503 of the bill would require a report on efforts to counter jamming of Radio and TV Marti broadcasts. (For additional provisions, see "Human Rights and Democracy" above.)

H.R. 2799 (Wolf)/ S. 1585 (Judd)

Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, FY2004. Introduced and reported by the House Appropriations Committee (H.Rept. 108-221). House passed (400-21) July 23, 2003. The House-passed bill would fund the Administration's request for Cuba broadcasting under the International Broadcasting Operations Account, but without a specific earmark. The House Appropriations Committee report to the bill recommends full funding of the Administration's Cuba broadcasting request, $26.901 million. S. 1585 reported by the Senate Committee on Appropriations September 5, 2003 (S.Rept. 108-144). The Senate version would provide $28.201 million for Cuba broadcasting, $1.2 million more than the Administration's request. According to the committee report, the additional funding is to be used to enhance efforts to defeat Cuban government jamming. For further action, see P.L. 108-199 (H.R. 2673), Consolidated Appropriations Act for FY2004, above.

S. 925 (Lugar)

Foreign Relations Authorization Act, FY2004 and FY2005. Section 111 would authorize appropriations for radio and television broadcasting to Cuba within the International Broadcasting Operations account but without a specific earmark. Introduced and reported by Committee on Foreign Relations April 24, 2003 (S.Rept. 108-39).

Anti-Drug Cooperation

H.R. 1432 (Rangel)

To authorize the Secretary of State to enter into negotiations with representatives of the Cuban government to establish cooperation between the United States and Cuba on illicit narcotics control efforts. Introduced March 25, 2003; referred to the Committee on International Relations.

H.R. 2800 (Kolbe)/ S. 1426 (McConnell)

FY2004 Foreign Operations Appropriations. H.R. 2800 introduced and reported by House Committee on Appropriations July 21, 2003 (H.Rept. 108-222). House passed (370-50) July 24, 2003. The House version would, in Section 571, provide that no International Narcotics Control and Law Enforcement Funds be made available for assistance to Cuba. S. 1426 introduced and reported by Senate Committee on Appropriations July 17, 2003 (S.Rept. 108-106). Senate approved H.R. 2800, amended, October 30, 2003 by voice vote. The Senate version would provide $5 million in International Narcotics Control and Law Enforcement assistance for preliminary work to establish cooperation with Cuba on counter-narcotics matters. The money would not be available if Cuba does not have in place appropriate procedures to protect against the loss of life in connection with the interdiction of illegal drugs or if there is evidence that the Cuban government is involved in drug trafficking. (Also see "Human Rights and Democracy" above.) For further action, see P.L. 108-199 (H.R. 2673), Consolidated Appropriations Act for FY2004, above.

Migration

H.R. 189 (Serrano)

Baseball Diplomacy Act. Waives certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball. Introduced January 7, 2003; referred to the Committee on International Relations and to the Committee on the Judiciary.

H.R. 3422 (Serrano)

Among the bill's provisions, the measure would provide for expedited security checks for certain visiting Cubans and remove restrictions in order to allow Cuban nationals to come to the United States to play organized professional sports. Introduced October 30, 2003; referred to Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Government Reform, the Judiciary, and Ways and Means. (Also see "Modification of Sanctions" above for the bill's additional provisions.)

For Additional Reading

CRS Electronic Briefing Book on *Trade*, "Cuba Sanctions," by Mark P. Sullivan. [http://www.congress.gov/brbk/html/ebtra108.html]

CRS Electronic Briefing Book on *Trade*, "Economic Sanctions and Agricultural Exports," by Remy Jurenas. [http://www.congress.gov/brbk/html/ebtra13.html]

CRS Report RL31302, *Appropriations for FY2003: Treasury, Postal Service, Executive Office of the President, and General Government*, by Sharon S. Gressle.

CRS Report RL31808, *Appropriations for FY2004: Transportation, Treasury, Post Office, Executive Office of the President, General Government, and Related Agencies*, coordinated by David Randall Peterman and John Frittelli.

CRS Report RS20450, *The Case of Elian Gonzalez: Legal Basics*, by Larry M. Eig.

CRS Report RL30837, *Cuba: An Economic Primer*, by Ian F. Fergusson.

CRS Report RL30806, *Cuba: Issues for the 107th Congress*, by Mark P. Sullivan and Maureen Taft-Morales.

CRS Report RL30628, *Cuba: Issues and Legislation in the 106th Congress*, by Mark P. Sullivan and Maureen Taft-Morales.

CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Legislative Initiatives*, by Mark P. Sullivan.

CRS Report RL30386, *Cuba-U.S. Relations: Chronology of Key Events 1959 -1999*, by Mark P. Sullivan.

CRS Report RS20468, *Cuban Migration Policy and Issues,* by Ruth Ellen Wasem.

CRS Report RL30570, *Elian Gonzalez: Chronology and Issues,* by Ruth Ellen Wasem.

CRS Issue Brief IB10061, *Exempting Food and Agriculture Products from U.S. Economic Sanctions: Status and Implementation,* by Remy Jurenas.

CRS Report 94-636, *Radio and Television Broadcasting to Cuba: Background and Issues Through 1994,* by Susan B. Epstein and Mark P. Sullivan.

CRS Report RL31258, *Suits Against Terrorist States*, by David M. Ackerman.

CRS Report RS21003, *Travel Restrictions: U.S. Government Limits on American Citizens' Travel Abroad,* by Susan B. Epstein and Dianne E. Rennack.