

AMENDMENT NO. _____ Calendar No. _____

Purpose: To facilitate humanitarian relief to Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 3001

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DODD (for himself and Mr. LUGAR)

Viz:

1 At the end of title XII, add the following:

2 **Subtitle E—Facilitation of**
3 **Humanitarian Relief to Cuba**

4 **SEC. 1241. SHORT TITLE; FINDINGS.**

5 (a) SHORT TITLE.—This subtitle may be cited as the
6 “Humanitarian Relief to Cuba Act”.

7 (b) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) Hurricane Gustav, which struck Cuba on
2 August 30, 2008, was the worst hurricane to hit the
3 island of Cuba in over 50 years. The Category Four
4 storm displaced over 400,000 Cubans and damaged
5 or destroyed 130,000 homes and caused severe dam-
6 age to infrastructure.

7 (2) Hurricane Ike, which made landfall on
8 Cuba on September 7, 2008, forced the evacuation
9 of over 2,500,000 Cubans, damaged an additional
10 100,000 structures, and damaged local infrastruc-
11 ture.

12 (3) The number of Cubans left homeless is ex-
13 pected to reach 100,000, and the total economic
14 losses of Hurricanes Gustav and Ike are expected to
15 reach upwards of \$10,000,000,000, with serious
16 damage done to the island's agricultural industry.

17 (4) In the wake of past natural disasters, the
18 United States eased restrictions to mobilize the gen-
19 erous spirit of many thousands of Americans by al-
20 lowing humanitarian aid originating from the United
21 States to be transported directly to Cuba to the ben-
22 efit of the Cuban people.

23 (5) Allowing the people of the United States to
24 assist the Cuban people in reclaiming their lives and
25 livelihoods following a major natural disaster just 90

1 miles from the United States is an important aspect
2 of United States national security and defense pol-
3 icy.

4 **PART I—TRAVEL, REMITTANCES, AND RELIEF**
5 **PACKAGES**

6 **SEC. 1251. EASING OF RESTRICTIONS ON TRAVEL TO CUBA**
7 **FOR A PERIOD OF 180 DAYS.**

8 (a) IN GENERAL.—

9 (1) FREEDOM OF TRAVEL FOR UNITED STATES
10 CITIZENS AND CERTAIN OTHER PERSONS TO VISIT
11 FAMILY MEMBERS IN CUBA.—For the 180-day pe-
12 riod beginning on the date of the enactment of this
13 Act, the President may not prohibit or regulate, di-
14 rectly or indirectly—

15 (A) travel to or from Cuba by United
16 States citizens or any person subject to the ju-
17 risdiction of the United States with family cur-
18 rently residing in Cuba; or

19 (B) any of the transactions incident to
20 such travel that are described in paragraph (2).

21 (2) TRANSACTIONS INCIDENT TO TRAVEL.—

22 The transactions referred to in paragraph (1) are—

23 (A) any transaction ordinarily incidental to
24 travel to or from Cuba, including the importa-

1 tion into Cuba or the United States of accom-
2 panied baggage for personal or family use only;

3 (B) any transaction ordinarily incident to
4 travel to or maintenance within Cuba, including
5 the payment of living expenses and the acquisi-
6 tion of goods or services for personal and family
7 use only; and

8 (C) any transaction ordinarily incident to
9 the arrangement, promotion, or facilitation of
10 scheduled and nonscheduled travel to, from, or
11 within Cuba, including lodging and meals in an
12 amount not to exceed the per diem amount au-
13 thorized under chapter 57 of title 5, United
14 States Code.

15 (b) SUPERSEDES OTHER PROVISIONS.—This section
16 supersedes any other provision of law, including section
17 102(h) of the Cuban Liberty and Democratic Solidarity
18 (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)).

19 (c) EFFECTIVE DATE.—This section applies to ac-
20 tions taken by the President before the date of the enact-
21 ment of this Act that are in effect on such date and to
22 actions taken on or after such date during the 180-day
23 period beginning on such date of enactment .

1 **SEC. 1252. EASING RESTRICTIONS ON REMITTANCES FOR A**
2 **PERIOD OF 180 DAYS.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), for the 180-day period beginning on the date of the
5 enactment of this Act, the Secretary of the Treasury may
6 not limit the amount of remittances to Cuba that may be
7 made by any person who is subject to the jurisdiction of
8 the United States, and the Secretary shall rescind, for
9 such 180-day period, all regulations in effect on the date
10 of enactment of this Act that so limit the amount of those
11 remittances.

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

20 **SEC. 1253. EASING RESTRICTIONS ON GIFT OR RELIEF**
21 **PACKAGES FOR 180 DAYS.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (d), for the 180-day period beginning on the date of the
24 enactment of this Act, the President may not limit the
25 size, quantity or frequency, or the carrying, transporting
26 or shipping of personal gift items and relief supplies (not

1 for sale or resale) that are eligible to be shipped through
2 existing or new mechanisms established expressly for the
3 delivery of such packages. Such items and supplies may
4 be sent to Cuba by any person who is subject to the juris-
5 diction of the United States and the President shall re-
6 scind, for such 180-day period, all regulations in effect
7 on the date of the enactment of this Act that so limit such
8 items.

9 (b) **PERSONAL GIFT ITEMS.**—For purposes of this
10 section, the term “personal gift items” includes goods in-
11 tended to improve the daily life of the Cuban people, in-
12 cluding clothing, medication, foodstuffs, personal hygiene
13 items, and other daily necessities.

14 (c) **RELIEF SUPPLIES.**—For the purposes of this sec-
15 tion, the term “relief supplies” means any item intended
16 to provide temporary or permanent shelter to hurricane
17 victims in Cuba, or intended to facilitate repairs to per-
18 sonal dwellings in Cuba damaged during the 2008 hurri-
19 cane season.

20 (d) **STATUTORY CONSTRUCTION.**—Nothing in sub-
21 section (a) may be construed to prohibit the prosecution
22 or conviction of any person committing an offense de-
23 scribed in section 1956 of title 18, United States Code
24 (relating to the laundering of monetary instruments) or
25 section 1957 of such title (relating to engaging in mone-

1 tary transactions in property derived from specific unlaw-
2 ful activity).

3 **PART II—ALLOWANCE OF CASH SALE OF RELIEF**
4 **SUPPLIES, FOOD, AND MEDICINES**

5 **SEC. 1261. EXEMPTION FROM PROHIBITIONS AND RESTRIC-**
6 **TIONS ON CASH SALES AND EXPORT OF**
7 **FOOD, MEDICINES, AND RELIEF SUPPLIES TO**
8 **CUBA FOR A PERIOD OF 180 DAYS.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), for the 180-day period beginning on the date of the
11 enactment of this Act, any prohibition or restriction in law
12 or regulation on trade or financial transactions with Cuba
13 shall not apply with respect to the cash sale and export
14 of any agricultural commodity, farm machinery or equip-
15 ment, medicine, medical device, or relief supplies, or with
16 respect to travel incident to the sale or delivery of any
17 agricultural commodity, farm machinery or equipment,
18 medicine, or medical device, or relief supplies to Cuba.

19 (b) EXCEPTIONS.—Subsection (a) does not apply
20 to—

21 (1) any prohibition or restriction imposed under
22 the Export Administration Act of 1979 (50 U.S.C.
23 App. 2401 et seq.) or successor statute for goods
24 containing parts or components on which export con-
25 trols are in effect under that section; or

1 (2) any prohibition or restriction imposed under
2 section 203 of the International Emergency Eco-
3 nomic Powers Act (50 U.S.C. 1702) insofar as the
4 prohibition or restriction is exercised to deal with a
5 threat to the national security of the United States
6 by virtue of the technology incorporated in such ma-
7 chinery or equipment, or supplies.

8 (c) SUPERSEDES EXISTING LAW.—Subsection (a) su-
9 persedes the Trade Sanctions Reform and Export En-
10 hancement Act of 2000 (title IX of H.R. 5426 of the
11 106th Congress, as enacted into law by section 1(a) of
12 Public Law 106–387, and as contained in the appendix
13 of that Act) or any other provision of law.

14 **SEC. 1262. DEFINITIONS.**

15 In this part:

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

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

21 (B) includes fertilizer.

22 (2) MEDICAL DEVICE.—The term “medical de-
23 vice” has the meaning given the term “device” in
24 section 201 of the Federal Food, Drug, and Cos-
25 metic Act (21 U.S.C. 321).

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

5 (4) RELIEF SUPPLIES.—The term “relief sup-
6 plies” means any item intended to provide tem-
7 porary or permanent shelter to hurricane victims in
8 Cuba, or intended to facilitate repairs to personal
9 dwellings in Cuba damaged during the 2008 hurri-
10 cane season.