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U.S. Takes Step Toward Cuba Policy Change

by LADB Staff

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US Rep. Lincoln Diaz-Balart (R-FL) told the press it happens every year, and it is true that, for some years now, some congressperson has raised some kind of challenge to the US blockade of Cuba. So Rep. Diaz-Balart had the historical wind at his back this February when he said, "While we recognize that these are fights that take place, we have great confidence that we'll defeat them." But history does not just provide politicians with wind; it chronicles change. This year, something different happened. This year, nine members of the US House of Representatives sponsored legislation to allow US residents to travel freely to Cuba, something that has been restricted for 46 years. As they had before, Florida representatives assembled their troops. They found allies and waited with some confidence as legislation awaited consideration in the House Committee on Foreign Relations, where ranking member Ileana Ros-Lehtinen (R-FL) has barred the door to these attempts for some years. She is more than a simple opponent of Cuba's way of doing things; she has famously said, "I welcome the opportunity of having anyone assassinate [former Cuban President] Fidel Castro and any leader who is oppressing the people." Castro remains alive, but the representative has seen an unbroken string of successes in her efforts against the blockade. But, this year, something different happened. On Feb. 25 the House passed legislation easing restrictions on family travel to Cuba as a part of the massive US\$410 billion spending bill. Supporters expressed hope it would be a first step toward reversing nearly a half-century of US Cuba policy. They had withstood opponents who in past years had been able to strip similar provisions from spending packages, but that was with a Republican majority and the support of the administration of former President George W. Bush. While continuing to refuse an end to the blockade without concessions the Cubans find onerous, President Barack Obama has called the Bush policy a "humanitarian and strategic blunder." Obama did, however, promise an end to all travel restrictions for those with relatives in Cuba and to limits on the amounts of money US residents could send to relatives. Opponents in the House put up little fight, and the bill passed under a no-amendments rule, opponents expecting the Senate to be the fight venue. With the Cuban jewel still glinting in the lotus, the omnibus spending bill, as it is called, made its way to the Senate, where it faced fierce and vocal opposition. Sen. Mel Martinez (R-FL) reliably led the charge, rising to tell the Senate, "The Cuban regime's long record of expropriation, oppression, anti-Americanism, and human rights abuses should be enough to give any reasonable person pause before stripping off the sanctions in place. I think we should support those who adhere to the rule of law, not those who flout it (see NotiCen, 2009-01-08)." Later, Martinez took the fight to the people, telling the press, "A massive appropriations bill is not the appropriate place to make foreign policy decisions." He went on to criticize "making concessions to an authoritarian government without getting anything in return." His words found a less-receptive audience in this year when something different happened, not only in the public forum and on the Senate floor but even in his own party. No less a luminary than ranking Republican on the Senate Foreign Relations Committee Richard Lugar (R-IN) said a few weeks ago, "The current US policy has many passionate defenders, and their criticism of the Castro regime is justified. Nevertheless, we must recognize the ineffectiveness of our current policy and deal with the Cuban regime in a way that enhances US interests." Heat and rancor ensued on this and many more issues related to the main purpose of the bill, which is to keep the government

funded and operating until October. Two weeks after the House had passed it on, the Senate voted 62-34 to end the bitter debate and then passed the bill by voice vote. Amendments had been beaten back, and the Cuba provisions remained intact. The bill went to the president; he signed it, and it is law. The rest of the story To be clear, the omnibus-bill provisions do not change the existing laws relating to Cuba. Rather, they effectively nullify them by withdrawing funding for enforcement by the Treasury Department of Bush-imposed administrative rules. And they do this only for the life of the bill, say authoritative reports. The legislation also creates a license for US vendors of food and medicine to travel to the island and permits Cuba to pay for food imports on receipt, rather than in advance. So, left alone, these regulations can come back to bite. In an unlikely but theoretically possible case, someone traveling to Cuba this year could become subject to enforcement next year, if the Congress suddenly turned sour. To prevent this, and to take another, longer step toward lifting the blockade, a couple of other approaches have been suggested. Sen. Lugar has urged resuming bilateral talks. Topics to be negotiated would include drug interdiction, migration, cooperation on alternative-energy development, travel and trade, and bringing Cuba into financial institutions including the International Monetary Fund (IMF) and the World Bank. Agreement on these points would rob the blockade of force and effect, to Lugar a fitting end to what he calls a failed policy. Another solution to the problem of the status quo was the promulgation of parallel bills in the House and Senate, HR 874 and S 428. The resulting law would supplant existing rules and go a good deal farther than has the omnibus solution. Sen. Byron Dorgan (D-ND) introduced S 428 as the Freedom to Travel to Cuba Act. It was co-sponsored by Lugar, Mike Enzi (R-WY), and Chris Dodd (D-CT). It not only lifts travel restrictions, it prevents the president from imposing them again in the plainest language: "The President may not regulate or prohibit, directly or indirectly, travel to or from Cuba by United States citizens or legal residents, or any of the transactions incident to such travel." President Obama has already signed the appropriations bill. Commentators write that Lugar's representations have increased the probability of Obama's signing tougher legislation later because the high-profile senator's report and candor on the subject of Cuba have raised global expectations of a US change of Cuba policy at a time when the US president needs the world's cooperation on a wide range of matters. It has been reported that he has already heard from the domestic business community eager to trade with the island and from diplomats in the European Union (EU), Latin America, and the Caribbean. All of these, both individually and collectively in successive UN votes on the subject, have called for the US to abandon the blockade.

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