

The Administration's Cuba Family Sanctions:
Time for Repeal

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Human Rights, and Oversight

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Mr. Chairman, members of the Subcommittee:

Thank you for inviting me to address the issue of U.S. sanctions that limit Cuban American visits and aid to their family members in Cuba.

I oppose all restrictions on American travel to Cuba, and I strongly oppose the extra restrictions placed in 2004 on Cuban Americans who want to visit their loved ones or send them cash remittances or gift parcels.

The Administration's family sanctions are particularly mistaken today, because they unreasonably limit a source of direct, effective aid for millions of Cubans who have suffered the damages of Hurricanes Gustav and Ike. These sanctions are so severe that, to take one example, they make it illegal for a Miami man to send a parcel containing new clothes and vegetable seeds to a brother in Cuba who saw his home, garden, and possessions wiped out.

Sanctions such as these, targeted at needy individuals, are at odds with our humanitarian interests and family values, and they have no strategic benefit.

Congress would do well to suspend or repeal these sanctions so that Cuban Americans can join American immigrants from elsewhere in the Caribbean who today are extending a hand of charity to their families on other islands who weathered the same storms, and suffered the same damage, as our neighbors in Cuba.

The travel ban: a foreign policy blunder

Before turning to the specific question of family sanctions, I would like to argue that the overall U.S. travel ban is a major foreign policy mistake. It is completely at odds with policies that Administrations of both parties pursued with success toward the Soviet Union and the communist states of Eastern Europe.

At the heart of the policies that helped win the Cold War was a belief that American openness was an element of American strength.

That is why Administrations of both parties adhered to the Helsinki accords, which included commitments to free travel of citizens – a commitment we assumed knowing full well that the communist countries of the Eastern bloc might not comply, and the flow of travelers might only be from West to East.

Then, all the restrictions on travel across the Iron Curtain were imposed by the communist governments, and none by the democracies.

In contrast to those policies – and to the policies we pursue today with regard to communist China and Vietnam – our Cuba policy seems to be based on the idea that American openness is a liability to be regulated and controlled, rather than a strength to be deployed.

If we were to end the travel ban as it applies to all Americans – thus heeding the call of Pope John Paul II, to “open the doors to Cuba” – we would realize several benefits for our foreign policy and humanitarian interests.

American universities, charities, churches, and citizens – left, right, and center – would be able freely to exchange information, ideas, and arguments with Cubans in and out of government. We would no longer rely only on government programs, government grantees, and government-licensed travelers to communicate with the Cuban people whom we want to influence.

An increase of American travelers would boost the incomes of average Cubans in the tourism industry and in private businesses, both legal and black market, improving their living standards and their independence. It would enable lots more Cubans to enter private business, such as the thousands that legally rent rooms to travelers from abroad.

An end to the travel ban would do away with the federal government licensing processes that require, for example, that an American that wants to donate Bibles or baseballs to a Cuban church, must obtain a license from one federal agency to travel, and a second license from another agency to “export” the donation.

And it would end the practice of regulating visits and acts of charity between Cuban Americans and their loved ones in Cuba.

The travel ban is part of an economic sanctions regime that the Bush Administration believed would bring about political change in Cuba. It has failed to do that during President Bush's two terms, it failed in the nearly two decades since Cuba suffered the loss of Soviet subsidies, and it has no prospect of doing so now.

It serves mainly as an embargo on American influence in Cuba, and today the Bush Administration's family sanctions serve as an embargo on American compassion toward hurricane victims in Cuba. Congress would be wise to examine this policy, and would be wiser still to end it.

Hurricane damage and international response

The extent of damage and suffering caused by Hurricanes Gustav and Ike in Cuba is still coming into focus, but its severity is not in doubt.

Cuban officials are reporting that 514,875 housing units were damaged, and of these, 91,254 were destroyed completely. In some towns in the eastern province of Holguin, where Ike made landfall, and in the western province of Pinar del Rio, which took the brunt of both storms, there are reports that more than three fourths of homes were damaged.

There is extensive damage to agriculture, both to food crops such as plantains, tubers, and vegetables, and to cash crops such as sugar, coffee, and tobacco. In addition, Cuban officials report that Ike damaged 4,000 tons of food stocks by blowing the roofs off of warehouses; this is in addition to 1,300 tons damaged by Gustav.

Roads, health clinics, the electrical grid, and other elements of Cuba's infrastructure have been damaged heavily by wind, rain, and flooding. As of September 12, Cuban authorities reported that three eastern provinces, Camaguey, Las Tunas and Holguin, had less than 30 percent of electrical service operating.

Seven deaths have been reported.

In sum, Cubans have suffered massive losses of food and shelter, many have lost the essentials of their livelihood, and the overall economy has been weakened considerably.

It is unclear how long it will take for Cuba to recover its ability to produce basic foodstuffs, to rebuild food reserves, and to resume other areas of production that yield the hard currency revenues that pay Cuba's food import bill and other essential expenses.

This is a time for governments to set politics aside and to allow aid to reach people in need.

The international community is responding. Russia, Spain, Brazil, and other countries have sent planeloads of aid. The European Union, China, Vietnam, Venezuela, and the

United Nations have made commitments to aid Cuba, but at this time it is impossible to judge how this aid will measure up against Cuba's immediate and longer-term needs.

I applaud the Administration's offer to provide \$5 million in aid, through an airlift that would be mounted as soon as Cuba would give the green light. Cuba turned that offer down last weekend. Considering the extent of need in Cuba, and the fact that the U.S. offer came without preconditions, Cuba's rejection of this offer is particularly regrettable. Cuba can reasonably argue that U.S. embargo restrictions hamper its recovery effort, but it is astounding that Cuba would not accept U.S. aid now, even as it continues to press its case regarding the embargo.

The impact of the Bush Administration family sanctions

Cuba's needs are so great that they will only be addressed effectively by a large-scale effort, supported by international donors and relief agencies.

But the question this Subcommittee is considering is whether, even if an effective international assistance effort is put in place, U.S. law and regulation should block Cuban Americans from providing direct aid to family members in Cuba.

Since 2004, U.S. regulations have limited Cuban American family visits to once every three years; they have limited remittances to \$100 per household per month; and they restrict the content of gift parcels to food, medicine, medical supplies and equipment, receive-only radios, batteries for radios, and, since last June, cellular phones. (In 2004, the following items were dropped from the list of allowable contents of gift parcels: clothing, personal hygiene items, seeds, fishing equipment, soap-making equipment, and veterinary medicine and supplies. The Federal Register notice explained that gift parcels "decrease the burden on the Cuban regime to provide for the basic needs of its people.")

The Administration also determined that visits, remittances, and parcels may go to immediate family only, so that cousins, aunts, uncles, nephews, nieces, and more distant relatives are excluded.

How does this affect the situation today?

It means that a Cuban American who visited his mother last year in Holguin and wants to locate her now and look after her, can't do so because his visit was too recent, and he has to wait until 2010 to visit her again.

It means that a woman in New Jersey who has heard from her brother in Ciego de Avila that his house is intact but his refrigerator was destroyed by flooding, cannot send the money to buy a new one, because it would exceed the limit on remittances.

It means that in the case of a family in Pinar del Rio whose house was flattened and garden wrecked, their relatives cannot send seeds and new clothes, because since 2004 those items cannot legally be sent in gift parcels.

It means that two men in Hialeah who want to draw on their savings to go to Cuba immediately, buy supplies however they can, and put a new roof on their aunt's house, cannot do so. The aunt is not immediate family, and the visit is not allowed.

These are hypothetical examples, but given the devastation in Cuba and the extent of family ties to the United States, situations like this surely exist.

We should acknowledge that if the U.S. government were to suspend the family sanctions through executive or legislative action, direct family aid might only reach a small portion of the families in need in Cuba today.

But we can be sure that such aid would make a world of difference for those families. They would be able to resolve the lion's share of their needs, and their good fortune would in turn reduce the burden on the relief agencies that are the only option for everyone else.

Why would America stand in the way of that?

One might argue that our sanctions should not be abandoned because they are an expression of solidarity with Cuba's dissidents. But the opposite is true; Cuban dissidents want the sanctions suspended. Dissident leaders Martha Beatriz Roque and Vladimiro Roca wrote President Bush to ask that he ease U.S. regulations so families can freely help relatives harmed by Hurricane Gustav. They wrote on behalf of the group, "Agenda para la Transición." "You know as well as we do that any family member abroad would like to have physical contact with those who are going through a difficult situation," they said. "We ask that you, at least, for a period of two months, lift the embargo restrictions that have to do with relations between Cubans in exile and those that live on the island, regarding remittances, gift parcels, and trips." Other dissidents, including Oswaldo Paya, on behalf of the Christian Liberation Movement, and Oscar Espinosa Chepe, have made similar appeals. President Bush has turned them down.

Second, one might argue that, in the case of remittances, Cubans have no place to spend their money. This is patently untrue. The Cuban government operates hard currency retail outlets and some stores that accept domestic currency, where appliances and home repair supplies are sold. Moreover, the black market is a basic fact of economic life in Cuba, and Cubans use it every day to obtain goods and services. The idea that a Cuban, especially in emergency circumstances, would be indifferent to an increase in hard currency purchasing power is absurd.

Finally, one might argue that the family sanctions are part of a set of measures that are going to put decisive pressure on the Havana government to change its ways. This has not been the case since Cuba lost its Soviet subsidies nearly two decades ago, even though our sanctions were tightened by law in 1992 and 1996, and by regulatory actions under President Bush.

Surely no American would wish today to see Cuba plunge into a humanitarian crisis, in the hope that acute suffering would somehow force the Cuban people to act. The likely result would not be political change, but a Florida Straits migration crisis that would be our crisis too. I am confident that the Bush Administration's aid offers are motivated both by humanitarianism and by the risks that accrue if disaster relief is not provided.

Mr. Chairman, by repealing or suspending the family sanctions, Congress would not be pre-judging any future debate on our overall policies toward Cuba.

But Congress would be sending a signal, in tandem with the Administration's offers of aid, that it is not just countries such as Russia, Venezuela, and China that stand with the Cuban people at a time of dire need. We would show that the United States, along with many democratic friends in this hemisphere and Europe, has put politics aside to open all effective channels of aid. We would show a willingness to adapt our Cuba policies rather than hold them sacrosanct. We would show that, beyond extolling the virtues of Cuba's dissidents and spending millions to support their cause, we are willing to listen to them and accept their advice. And we would not for a minute forfeit our ability to resume our political debate with Cuba's government once the goal of assisting Cuba's hurricane victims has been accomplished.