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GITMO Briefing

Gen. Williams

Guantanamo AFB, Cuba

9/1/94

2:30 PM

- 2 -

* 51,000 Maximum Capacity (w/out substantial
improv. especially engineering)

Haitians / 14,200 | 20,000

Cubans / 16,000 | 30,000

{ 4,000 Cubans
en route (on boats)
arr next two
days.

Conditions are not very good ... Haitians &
Cuban camps separated. Haitians on
tarmac; Cubans on dirt. Very
hot w/ dusty conditions for
Cubans.

Process of separation of groups
beginning in Cuban camp as was
done in Haitian camp.

- SMs
- Families
- SFs

8,500 of refugees have been
inputted in GITMO database &
plan is to catch up as
quickly as possible.

50 children born in camps
since they were established;
mostly Haitian.

Conditions for Cubans especially
poor b/c of dusty terrain.
Beginning to move families
to Amr. golf course area.

Water situation is not good --
shortage conditions in place
to now. (2.4 m g/day
produced at base but believe
there is a leak somewhere in
the earth below).

Base conditions -- mostly not
very good -- many things
uprooted w/out notice.

Camps that have had time to
do so b/c of lack of movement
have done a good job of
organizing -- politically &
also w/ regard to schools,
churches & clinics -- esp. true
in Cuban camps.

490 mines guard base.

Yesterday, 23 migrants
tried to enter by crossing
base fence but mines
on order to deny entrance
(mine incident).

Cuban forces. Brigade &
battalion in
Camaguey City

... but not a real threat.

Role of INS at base:

(Aims)	+ Vol. repatriation of Haitians
Dwight	+ Interest of such details
Criminal	at Cubans -- esp.
background	looking for Marxist-type
checks	influences.

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- 5 -

3 to 4 days expect to mpx. out,
if current rate continues.

- Food
- Medical care
- Water

Haitians

AIDS
TB

As a "safe haven"
Switzerland may
receive but
want detainees
to be tested.

Mexico --

(2,500 capacity).

3% w/ TB

6-8% w/ HIV-positive

[NGO]

Donations Phone No:

World
Relief

Andrea Klein

At: (202) 333-1616

Fax: 333-9118

AM Int.
Relief
Agency

Crystal Ballard (# Donations)
(914) 268-4135 (Fax)

914 268-2231

World
Relief
Orgn. } Mary Dick Brown (Volunteers)
(914) 268-4135

Individuals who are useful -

✓ Vol. religious protests

✓ Translators

✓ Mental Health
Therapists

Admiral Miller - Theater clearance

- # of Medical evacuations
only from many incidents
have been common.

→ Commercial ^{carriers} ~~services~~ currently
services GITMO.

Fy I

FACT SHEET ON PRESIDENT'S DECISIONS ON CUBA

1. ENFORCING CUBA-RELATED LAWS

- **Directs** the Attorney General to step up enforcement of embargo and Neutrality Act.
- **Directs** strengthening of the Office of Foreign Assets Control both in Washington and in Miami.

2. PROMOTING DEMOCRATIC TRANSITION IN CUBA

- **Authorizes** issuance of licenses on a case by case basis for transactions to provide support for the Cuban people. Support will be allowed for activities of human rights organizations or of Cuban individuals and NGOs.
- **For example:**
 - U.S. NGOs will be authorized to send faxes, computers, copiers and other communications equipment to Cuban NGOs.
 - U.S. NGOs will be authorized to help independent Cuban organizations set up offices or to provide training to Cuban human rights activists.
 - USG will provide a grant of \$500,000 to Freedom House to work with Cuban NGOs to promote democracy and respect for human rights.
- **Authorizes** issuance of specific licenses for the establishment and operation of reciprocal news bureaus in Cuba and the United States.
- **Clarifies and amends** regulations governing travel to Cuba. Specific licenses will be issued for transactions related to travel to Cuba for all genuine research, news-gathering, cultural, educational, religious, or human rights purposes. Transactions related to tourism remain strictly prohibited.

3. HUMANITARIAN TRAVEL

- **Authorizes** general license for transactions in connection with travel to Cuba to visit close relatives in humanitarian cases.
- This general license will apply only once in any calendar year. For any additional travel-related transactions in humanitarian cases, a specific license will be required.

4. REMITTANCES

- Does not change the rules: Money transfers to Cuba are allowed to pay for legal emigration fees and in cases of humanitarian need.
- Authorizes Western Union to open offices in the US and Cuba to make money transfers to the island. This will make transfers easier and cheaper.

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[10 pages]



TRAVEL ITINERARY



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 1995 (SENT)
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 927 - Cuban Liberty and Democratic Solidarity Act
(Burton (R) IN and 43 cosponsors)

The Administration supports the central objective of H.R. 927, i.e., to promote a peaceful transition to democracy in Cuba. However, H.R. 927 contains a number of seriously objectionable provisions that would not advance U.S. interests in Cuba and would damage other U.S. interests. Therefore, the President's senior advisers would recommend that H.R. 927 be vetoed unless the following provisions are deleted or amended:

- The bill would encroach upon the President's exclusive authority under the Constitution to conduct foreign affairs, or otherwise unduly limit the President's flexibility, by purporting to require the President or the Executive branch to pursue certain courses of action regarding Cuba. Mandatory provisions should be replaced with precatory language in the following sections: 102(b); 104(a); 110(b); 112; 201; 202(e); 203(c)(1); and 203(c)(3).
- The exemption in section 102(d) from civil penalty authority for activities related to research, education and certain other purposes, and the burdensome requirement for an agency hearing for civil penalties in other cases, greatly limits the effectiveness of civil penalties as a tool for improving embargo enforcement. Section 102(d) should be amended to address this shortcoming.
- Section 103 should be amended to make the prohibition of certain financing transactions subject to the discretion of the President.
- Section 104(a) should be amended to urge U.S. opposition to Cuban membership or participation in International Financial Institutions (IFIs) only until a transition government is in power to enable the IFIs to support a rapid transition to democracy in Cuba. Section 104(b), which would require withholding U.S. payments to IFIs, could place the U.S. in violation of international commitments and undermine their effective functioning. This section should be deleted.
- Sections 106 and 110(b), which would deny foreign assistance to countries, if they, or in the case of

FILE CUBA -
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section 110(b), private entities in these countries, provide certain support to Cuba, should be deleted. Section 106 would undermine important U.S. support for reform in Russia. Section 110(b) is cast so broadly as to have a profoundly adverse affect on a wide range of U.S. Government activities.

- Section 202(b)(2)(iii), which would bar transactions related to family travel and remittances from relatives of Cubans in the United States until a transition government is in power, is too inflexible and should be deleted.
- Sections 205 and 206 would establish overly-rigid requirements for transition and democratic governments in Cuba that could leave the United States on the sidelines, unable to support clearly positive developments in Cuba when such support might be essential. The criteria should be "factors to be considered" rather than requirements.
- By failing to provide stand-alone authority for assistance to a transition or democratic government in Cuba, Title II signals a lack of U.S. resolve to support a transition to democracy in Cuba.
- Title III, which would create a private cause of action for U.S. nationals to sue foreigners who invest in property located entirely outside the United States, should be deleted. Applying U.S. law extra-territorially in this fashion would create friction with our allies, be difficult to defend under international law, and would create a precedent that would increase litigation risks for U.S. companies abroad. It would also diminish the prospects of settlement of the claims of the nearly 6,000 U.S. nationals whose claims have been certified by the Foreign Claims Settlement Commission. Because U.S. as well as foreign persons may be sued under section 302, this provision could create a major legal barrier to the participation of U.S. businesses in the rebuilding of Cuba once a transition begins.
- Title IV, which would require the Federal Government to exclude from the United States any person who has confiscated, or "traffics" in, property to which a U.S. citizen has a claim, should be deleted. It would apply not only to Cuba, but world-wide, and would apply to foreign nationals who are not themselves responsible for any illegal expropriation of property, and thus would create friction with our allies. It would require the State Department to make difficult and burdensome determinations about property claims and investment in property abroad which are outside the Department's traditional area of expertise.

Pay-As-You-Go Scoring

H.R. 927 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimate is that receipts would be insignificant. Final scoring of this proposal may deviate from this estimate.

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THE SECRETARY OF STATE
WASHINGTON

September 20, 1995

Dear Mr. Gephardt:

I am deeply concerned about H.R. 927, the Cuban Liberty and Democratic Solidarity Act, which the House is scheduled to consider this week. The Department of State believes that in its current form this legislation would damage prospects for a peaceful transition in Cuba and jeopardize a number of key U.S. interests around the world. For these reasons, I would recommend that the President veto the bill if passed by the Congress in its current form.

As you know, we share with the sponsors of the bill the goal of promoting a peaceful transition to democracy in Cuba. We have pursued that goal by maintaining a tough, comprehensive economic embargo against the Cuban government while reaching out to the Cuban people through licensing private humanitarian aid and improved telecommunications. This policy, guided by the Cuban Democracy Act, has helped to force the limited but positive economic changes that are taking place in Cuba.

We believe that H.R. 927 would actually damage prospects for a peaceful transition. We have consistently objected to the overly rigid list of more than a dozen "requirements" for determining when a transition or a democratic government is in power. These inflexible standards for responding to what may be a rapidly evolving situation could leave the United States on the sidelines during a transition. Moreover, by failing to provide clear authority to assist even a transition or democratic government that meets the bill's certification requirements, the legislation fails to signal to the Cuban people that the United States is prepared to assist them once the inevitable transition to democracy in Cuba begins.

In addition to damaging prospects for a rapid, peaceful transition to democracy, H.R. 927 would jeopardize other key U.S. interests around the globe. For example, it would interfere with U.S. assistance to Russia and other nations of the former Soviet Union. Other provisions would condition assistance to any country if it -- or even a private entity in its territory -- participates in the completion of a nuclear power plant in Cuba. This kind of rigid conditioning of

The Honorable
Richard A. Gephardt, Democratic Leader,
House of Representatives.

assistance can have far-reaching consequences and may interfere with our ability to advance the national interest.

While we are firmly committed to seeking the resolution of U.S. property claims by a future Cuban government, the right created by the bill to sue in U.S. courts persons who buy or invest in expropriated U.S. properties in Cuba ("traffickers") is a misguided attempt to address this problem. Encumbering property in Cuba with litigation in U.S. courts is likely to impede our own efforts to negotiate a successful resolution of U.S.-citizen claims against Cuba and could hamper economic reform efforts by a transitional government in Cuba. U.S. citizens and corporations with certified claims have publicly opposed these provisions. In addition, these provisions would create tensions in our relations with our allies who do not agree with the premises underlying such a cause of action. This stance would be hard to defend under international law. Furthermore, we know that this provision is already being used by the Castro regime to play on the fears of ordinary citizens that their homes and work places would be seized by Cuban-Americans if the regime were to fall.

Title III will also ultimately prove harmful to U.S. business. First, it sets a precedent that, if followed by other countries, would increase litigation risks for U.S. companies abroad. Second, it will create a barrier to participation by U.S. businesses in the Cuban market once the transition to democracy begins. Because the lawsuits contemplated by the bill may be brought against the United States as well as foreign companies and are not terminated until the rigid requirements for a democratic Cuban government are satisfied, the bill erects an enormous legal hurdle to participation by U.S. businesses in the rebuilding of a free and independent Cuba.

Finally, the provisions of the bill that would deny visas to "traffickers" in expropriated property, which are global in scope and not limited to Cuba, will create enormous frictions with our allies and be both burdensome and difficult to administer.

In sum, the Department of State believes that while the goals of H.R. 927 are laudable, its specific provisions are objectionable and in some cases contrary to broader U.S. interests, even to the goal of establishing democracy and a free market in that country with active U.S. involvement. Given these considerations, the Department of State can not support the bill and, if it were presented to the President, would urge a veto.

Sincerely,

A handwritten signature in dark ink, appearing to read "Warren Christopher". The signature is fluid and cursive, with a prominent initial "W".

Warren Christopher