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How Congress Should Respond to the President's Radical Change in Cuba Policy

Ana Quintana

On Wednesday, December 17, President Obama announced that the U.S. would begin to normalize relations with Cuba. This dramatic policy shift follows the release of American aid worker Alan Gross, who was held hostage for over five years by Castro's regime, in exchange for three Cuban spies.

Choosing to normalize relations with a regime whose chief export has been an aggressive anti-American foreign policy will not advance U.S. interests, let alone facilitate a democratic transition on the island. With the pending economic collapse of Venezuela—Cuba's primary benefactor—the regime would have lost its main revenue source and, ultimately, its ability to govern under communism. Furthermore, by deciding to normalize relations, the President has justified the regime's aggression during the Cold War, mass murder, brutal torture, and fomenting of Leftist insurgencies throughout Latin America and Africa.

The Forces Behind a Drastic Policy Shift

Following almost two years of behind-the-scenes negotiations, the Obama Administration traded three Cuban spies for the release of American aid worker Alan Gross; Cuban Rolando Sarraff Trujillo, a U.S. intelligence asset; and the regime's prom-

ise to release 53 political prisoners. Alan Gross was arrested and given a 15-year sentence for bringing telecoms to the disenfranchised Jewish community in Cuba. For over five years, the Castro regime held Gross hostage, using him as leverage against the U.S.

The three Cuban spies who were released were part of a five-man spy network sent to the U.S. to infiltrate U.S. military installations and spy on the exile community. Part of their work contributed to the shooting down of U.S. rescue planes over international waters and deaths of American citizens in 1996.

In the past few years, the regional governments in Latin America have protested Cuba's exclusion from multilateral organizations and the U.S. embargo. Criticism has increased in recent months, mainly because of the strong insistence that Cuba attend the upcoming 2015 Summit of the Americas. Cuba's two-decade-long exclusion from the summits has been based upon the country's clear violation of the summit's principle tenants: democracy and free trade.¹ Indeed, as recently as September, the State Department insisted it would not support Cuba's attendance because it does not meet the Summit of the Americas's qualifications.²

Concessions to Castro

Through executive action, the President will soon be providing Castro's regime with much needed revenue. Numerous aspects of America's relationship with Cuba are set to change, but the most consequential for the U.S. are:

1. The establishment of diplomatic relations with Cuba, including the establishment of an embassy and the appointment of an ambassador;

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214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

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2. The adjustment of Department of Treasury and Commerce regulations governing trade and travel, including a change in remittance levels, which have been raised from \$500 to \$2,000 per quarter;
3. The loosening of existing regulations that previously limited travel to only 12 specific categories;
4. The allowance of commercial transactions and increased access to technology between U.S. businesses and private entrepreneurs on the island; and
5. A review of Cuba's designation as a state sponsor of terrorism.

It is important to note that the President has not lifted the economic embargo and cannot do so without congressional authorization.

Implications for the United States

The U.S. will gain nothing from these policy changes and stands to be adversely affected. Unlike the President has led many to believe, normalizing relations, allowing for more tourism, increasing “commercial transactions,” and allowing “access to technology” will not lead to a transition away from Castroism. In fact, over 100 countries have normalized relations with the island, as well as free-flowing trade—none of which has benefited the Cuban people or the U.S. Furthermore, the average Cuban will still not be able to interact with Americans visiting the island, as no Cuban national is allowed to visit the tourist areas. According to the Cuban Law of Protection of National Independence and the Cuban Economy, contact between tourists and a foreigner remains criminalized.³ Entrepreneurs are virtually nonexistent and owning a private business is a privilege determined by the regime. Access to technology

is limited because Cuba is a police state, where online and phone communications are heavily censored.

Congress should note that in the President's plan remittances can, and will, end up in the hands of government officials and members of the Communist party. Not only does the regime tax remittances at 20 percent, but the new regulations state that restrictions on remittances are against only “certain officials of the government or the Communist party.”⁴

In allowing for commercial transactions, the President has put Americans in danger. He has offered no plan for how to protect American businesses on the island. Canada, which has long shared warm relations with Cuba, has been unable to release a Canadian businessman incarcerated on the island. Nor have they been able to recover the over \$100 million in assets seized from him by the Cuban government.⁵

What Should Congress Do?

Congress cannot sit by and allow these reforms to be implemented. Considering the Iranian nuclear negotiations in play, the Obama Administration is setting a dangerous precedent through unilateral concessions. Congress must:

- **Uphold the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.** Following the Cuban military's downing of American rescue planes, the LIBERTAD Act strengthened international sanctions. Only with congressional authority—and only when the Cuban government demonstrates a genuine commitment toward democracy—should it be lifted.
- **Deny funding for an embassy in Cuba and withhold confirmation of ambassadors.** No money should be appropriated to either establish a new embassy or convert the existing Interests Section in Havana into one.

1. “Declaration of Principles,” First Summit of the Americas, December 1994, <http://www.summit-americas.org/miamidec.htm> (accessed December 19, 2014).

2. Jen Psaki, “Daily Press Briefing,” U.S. Department of State, September 2, 2014, <http://www.state.gov/r/pa/prs/dpb/2014/09/231216.htm#ISIL> (accessed December 19, 2014).

3. Stephen Johnson, “Time for Consensus on Cuba,” Heritage Foundation *Backgrounder* No. 1579, August 30, 2002, <http://www.heritage.org/research/reports/2002/08/time-for-consensus-on-cuba>.

4. The White House, “Fact Sheet: Charting a New Course on Cuba,” December 17, 2014, <http://www.whitehouse.gov/the-press-office/2014/12/17/fact-sheet-charting-new-course-cuba> (accessed December 22, 2014).

5. “Canadian Businessman Gets 15-Year Prison Sentence in Cuba,” Capitol Hill Cubans, September 28, 2014, <http://www.capitolhillcubans.com/2014/09/canadian-businessman-gets-15-year.html> (accessed December 19, 2014).

- **Actively support human rights and a democratic transition through democracy promotion assistance.** The U.S. should not end its long tradition of supporting Cuba's democrats, human rights activists, dissidents, and nongovernmental organizations. As proven by the democratic movements in Eastern Europe and South Africa, the most successful such organizations follow this model of transition.

Getting Back on the Right Path

Normalized relations with Cuba should not be the result of unilateral concessions by the United States. Rather, conditions should be placed on the Cuban government to demonstrate a real commitment to a democratic transition.

The U.S.'s economic embargo was the result of the Castros' aggressive actions. The island's self-imposed isolation should continue regardless of pressure from Latin American governments. For the Castro regime, normalization is the ultimate coup. For the rest of America's enemies, it is confirmation that, under President Obama, anything is possible.

—Ana Quintana is a Research Associate for Latin America in the Douglas and Sarah Allison Center for Foreign and National Security Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.