



HOUSE OF REPRESENTATIVES II

US-Cuba Relations

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Introduction

The nation of Cuba, an island located only 90 miles away from the US, has been the United States' most hostile neighbor in recent history. The US government has publicly condemned the communist regime in Havana for roughly half a century, and even today, the US relations with Cuba persists as a pressing foreign policy concern. Political leaders have focused on the question of how to best bring about a peaceful transition to democracy within a nation deeply entrenched in a communist regime. Though the common objective exists, opinions differ on what exactly are the most effective means of achieving it.

The US has had a tumultuous relationship with Cuba ever since the **Cuban Revolution** in 1959, when Cuba became a communist state in the midst of heightened Cold War tensions. Cuba's political allegiances only exacerbated the animosity between the United States and the Soviet Union on both ideological and logistical fronts. Cuba's geographic proximity to the US was a constant reminder of how far the Soviet Union's ideological sphere of influence had spread. These fears were manifest in the **Cuban Missile Crisis** of 1962, the point in the Cold War considered to be the moment when the US and Soviet Union came closest to all-out nuclear war.

The Cold War is now a distant memory as the US moves into the 21st century, yet strained relations with Cuba linger from this troubled period. Cuba is still a communist nation today, and, until recently, remained under the oppressive regime of Fidel Castro. Although Fidel's brother, Raul Castro, assumed the Cuban presidency in February 2008, the transfer of power has had little significance with respect to the country's direction, symbolic or otherwise.

After the Cuban Revolution and Cuba's transition to socialism, the US began to employ **embargoes**, travel restrictions, and other measures in the hopes of pressuring the island into isolation and creating a situation where its government would be forced to comply with the demands of the US. Although almost half a century has passed, these methods have produced few—if any—tangible results. However, the efficacy of these measures had not been seriously questioned until very recently.

Today, this once-general consensus has become more disputed. Various branches of the government have questioned whether the US should change its policies with regard to the Cuban question. Some experts argue that the current political climate is ripe for change, as both

Cuban Revolution—*an armed revolt led by Fidel Castro that eventually resulted in the overthrow of the US-backed Cuban dictator Fulgacio Batista*
Cuban Missile Crisis—*a major confrontation during the Cold War that occurred after the Soviet Union placed nuclear missiles in Cuba*

embargo—*an order of a government prohibiting the movement of merchant ships into or out of its ports*

countries have just recently come under new leadership. Others, however, view the **status quo** as an inevitable stalemate, a situation with little hope for real change. The issue has emerged on the stage of national politics, and clamors for change have sprung up alongside equally strong protestations against it.

status quo—*the existing state or condition*

Explanation of the Problem

As the situation currently stands, relations between the US and Cuba are strained on two fronts—economic and diplomatic. The status quo has existed for some time now, with few new developments and no major shifts in policy. As esteemed members of the US Congress, you will use your discretion to determine whether it is time to modify the current policies, and if so, what measures you should implement through legislation.

The United States currently has no diplomatic relations with Cuba, and an embargo has been in place for decades that not only blocks direct trade with and travel to the nation, but also effectively diverts third parties from trading with Cuba. The official stance is to continue these measures as long as the Cuban regime remains hostile towards democratization and fails to demonstrate a respect for human rights.

The conflict between these countries still largely reflects the tension that originated in 1959, but the United States' specific grievances against Cuba go beyond the threat of communism that defined the Cold War. Many of the issues that divide the United States and Cuba are rooted in basic ideological differences, as is expected when two countries have such vastly different economic and political systems. There are, however, a number of more tangible issues that contribute to the current state of US-Cuba relations.

Regime Change

The issue of **regime change** is the most fundamental conflict between the two parties and is likely the most difficult obstacle to overcome. Although the US has advocated for regime change over the last 50 years and has taken measures as drastic as covert CIA operations, the United States has ultimately been unsuccessful in forcing the Cuban government to comply. Some of these attempts have been more conspicuous than others, and as a result, their failures have added to the US's notoriety in the region. The 1961 Bay of Pigs Invasion—a covert attempt to assassinate Fidel Castro—was one such attempt that left a major blemish on US military record. The operation failed spectacularly, serving only to strengthen the revolutionary government and the Castro regime.

regime change—*the replacement of one system of rule or government with another*

Fidel Castro has long been the face of the Cuban communist regime, and though his brother, Raul, assumed his position two years ago, most experts acknowledge that this move will not produce meaningful change to the country's direction—especially since Fidel still heads the Communist Party of Cuba. Nevertheless, Raul Castro has indicated that he intends to reconsider the structure of the Cuban government and the country's economic system. He has also signaled a greater willingness to engage in dialogue with the US, though, once again, experts warn against reading too much into this claim, since forging diplomatic relations with the US is low on Raul Castro's list of priorities.

Narcotics/Terrorism

Cuba's relatively tolerant relationship with narcotics traffickers and drug-sponsored terrorist groups has been cited by the US government as a strong impediment to fostering relations with Cuba. This issue remains a significant sticking point, even if some experts discredit these claims on the grounds of insufficient evidence. Cuba is one of four countries on the **State Sponsors of Terrorism** list because, according to the State Department, it opposes the global war on terrorism, supports members of two Colombian insurgent groups—the Revolutionary Armed Forces of Columbia (FARC) and the National Liberation Army (ELN)—and provides a safe haven to several **Basque ETA** members from Spain.

Human Rights

The US also cites the Cuban government's consistent violation of human rights as another reason to oppose the regime. The list of human rights violations is lengthy and often involves the imprisonment of political dissidents. For example, in March 2003, the Cuban government arrested 75 dissidents and journalists, sentencing them to prison terms of up to 28 years on charges of conspiring with the US to overthrow the state. Organizations that monitor the state of human rights in the region report that, in recent years, the government has resorted to other tactics to silence opposition figures, such as firing dissidents from state jobs or using public intimidation. A 2005 UN Human Rights Commission vote condemned Cuba's human rights record, further emphasizing the **veracity** of this particular criticism of the Castro regime.

Immigration

US politicians hold differing views on what is the most sensible immigration policy for Cuba. Traditionally, the United States' policies toward Cuba have made the usual provisions for humanitarian aid and disaster relief to reach Cuba legally, but the policy on travel and **remittance** restrictions has fluctuated over the years. Presidents who have advocated a more hard-line approach to relations with Cuba have set

State Sponsors of Terrorism—A designation applied by the US State Department to countries who have provided support to international terrorists. Countries on the list are subject to strict sanctions.

Basque ETA—a Spanish terrorist group that operates under a Marxist-Leninist ideology and seeks independence for the Basque County, a region in Spain.

veracity—truth

remittance—the sending of money, checks, etc., to a recipient at a distance

lower allowances for remittances and have implemented harsher punishments for those caught travelling illegally, whereas other leaders see it in the best interest of Cubans and Cuban-Americans to loosen restrictions. Both courses of action are always said to be done out of compassion for Cuban-Americans; the former is described as a way of showing solidarity and the US's commitment to the anti-Castro cause, and the latter is framed as a way of facilitating relations within a divided family.

Trade

The US has imposed an embargo on Cuba since 1960, and though a few alterations have been made to the embargo over the last few decades, no act of Congress has repealed it. This has been one of the biggest components of the US' strategy to bringing about reform to the nation. Some argue fervently that "el bloqueo," as it is known among Cubans, is a manifestation of ardent principles and must therefore remain in place as a symbol of moral condemnation. Even aside from lofty ideals, supporters of this embargo argue that economic incentives are a powerful tool for coercion. On the other hand, as more time elapses with little noticeable change, more people are moving toward the opinion that the best way to promote freedom is through an open exchange of ideas and a free market of ideals. Moreover, there is the more pragmatic factor to consider: though the Cuban economy is small, with a **GDP** of only \$108.2 billion, the embargo does hurt US industry and consumers to some degree by blocking access to the Cuban market. The major point of contention surrounding this embargo is not the objective, but rather the means to achieve it. Historically, US policy has favored the stick over the carrot, but the tide is changing, and a reversal of this embargo has been gaining public support within the US.

GDP—the market value of all goods and services made in a country in a year. Often used as a basic measure of economic strength

Recent Developments

This millennium has seen relations with Cuba fluctuate dramatically, as both the legislation passed and the general attitude toward Cuba have reflected the sentiments of the administrations in the Oval Office. Although the executive branch often takes the lead in US foreign policy matters, presidential actions in post-Cold War dealings with Cuba have largely been symbolic gestures. Policy implementation has instead come to rest on the shoulders of Congress, who is, after all, constitutionally empowered to play a large role in foreign policy.

The Clinton Administration (1993-2000)

The Clinton administration made small gestures to show a potentially friendlier approach to Castro. Mirroring the same basic sentiment as his predecessors, President Clinton remained publicly committed to

peaceful democratic change in Cuba and promised not to allow any concessions to Castro. This vow, however, did not deter him from acting where he saw immediate harm being done. He eased restrictions to allow more humanitarian aid into Cuba, but remained firm on the ban on trade and tourism. In what would later be considered a symbolically significant move, Clinton and Castro met at United Nations summit in 2000, and, with one shared handshake, captured international attention. In recent speeches, Clinton has indicated that he sought out a more peaceful resolution and a more open relationship with Cuba throughout his administration, but not at the expense of condoning Castro's aggressions.

1996 Airplane Shooting

In 1996, Fidel Castro ordered the Cuban Air Force to shoot down two airplanes belonging to a humanitarian relief organization, sparking international outrage. The organization, Brothers to the Rescue, is an activist organization that seeks to assist and rescue raft refugees, and, though it is well known for its opposition to the Castro regime, claims to be a peaceful advocate for its humanitarian cause. The US government issued warnings to Brothers to the Rescue and its pilots about the risks of their missions, which often led them to encroach upon Cuban airspace in search of refugees. Unfortunately, the warnings were ignored, and on February 24, 1996, two of the organization's planes were shot down—and the four pilots inside them killed—on Castro's orders.

This act of aggression was condemned by the international community, particularly after the International Civil Aviation Organization released a report stating that one plane was shot down before it reached Cuban airspace. The United Nations Security Council passed resolutions condemning Cuba. The response was especially strong within the US, where the incident eased the way for harsher anti-Castro legislation.

Elian Gonzalez

Elian Gonzalez and the issue of his immigration and custody status was a national sensation for months in 1999 and 2000. Gonzalez, then a seven-year-old, was fleeing from Cuba to the United States with family members, most of whom were dead by the time he was rescued out of the water by the US Coast Guard, who subsequently brought him back to the US. The entire situation underwent a very complex legal process under the close scrutiny of the national press, and it placed a spotlight on the US policy toward Cuban immigrants. At the time—and still today—the US operated under the “wet feet, dry feet policy,” which stated that Cubans who were found before arriving at US shores would be returned to their homeland, whereas those who had safely arrived on dry land by themselves would be granted asylum. This incredible mo-

ment and the media storm it produced remains a significant moment in US-Cuba relations.

The Bush Administration (2001-2008)

The Bush administration ramped up anti-Castro rhetoric and tightened restrictions on exchange between the two countries. Proclaiming an even stronger commitment to a free and democratic Cuba than had been shown by his predecessors, Bush made punishments for traveling to Cuba harsher and tightened remittance restrictions. Congress still considered legislation which would have relaxed certain aspects of the embargo, such as the travel ban, but consistent veto threats from President Bush prevented such bills from ever becoming law.

Raul Castro

When Raul Castro took office in February 2008, it was hardly the regime change for which the US government had desired for decades. Although the transfer of power from one brother to another has not brought about any dramatic changes—nor does it inspire experts to hope for any—Raul Castro has steered Cuban policy ever-so-slightly in a more positive direction. Raul has made some small changes in the economic policy by implementing initiatives aimed at spurring food production and bolstering the agriculture industry, such as a 2008 decision to give individuals land for farming. As for bureaucratic reform, the Cuban government said that the demotion of two cabinet officials in February 2009 was one step in Raul's larger plan. Only small steps have been taken so far, and though there is little reason to believe that larger ones will follow, some observers predict that Raul will eventually introduce economic reforms that will move Cuba toward a Chinese model, in which economic freedoms are introduced while the state retains a grip on political power.

Under Raul Castro's regime, relations with the US may improve, though the prospect remains unlikely. Although he has signaled a willingness to participate in a conversation with the US, normalizing relationships is far from his top priority, especially since this era of globalization allows him the possibility to diversify his relationships with other states.

Congressional Action

Cuban Democracy Act

Passed in 1992, this act made into law what President Kennedy had practiced as early as 1960. The act prohibited trade with Cuba by foreign **subsidiaries** of US-based companies, disallowed travel to Cuba by U.S. citizens, and restricted family remittances to Cuba, citing Cas-

subsidiary—*in business, a company wholly controlled by another*

tro's resistance to human rights and democratic values as justification for these steps. As the name suggests, this law was intended to be just as much in support of the Cuban people as it was in opposition to their dictator. The intent was to weaken Castro's regime, so the law contained provisions to allow donations of food and medical supplies to enter the country, so long as they were directed at individuals or organizations unaffiliated with the government. It also included conditions that would nullify these restrictions, such as conducting democratic elections, allowing opposition parties to mobilize and campaign, and making an effort to move towards a free market economy.

Helms-Burton Act

Formally named the Cuban Liberty and Democratic Solidarity Act of 1996, the Helms-Burton Act strengthened the sentiment behind the earlier Cuban Democracy Act. It contained a host of detailed provisions, such as prohibiting US television broadcasting in Cuba, prohibiting a transitional government that includes Fidel or Raul Castro, and granting power to the Legislative Branch to override an Executive Branch cancellation of the embargo. Most notably, however, the law effectively extended the US embargo of Cuba to the rest of the world by barring any international company that trades with Cuba from trading in the United States, a much larger and more lucrative market.

This law was decried as violating the spirit of international law, and, as such, was condemned by most of the global community. The European Union, as well as other US allies, such as Britain, Canada, Mexico, and Argentina, publicly expressed disapproval of this legislation.

The timing of this bill was crucial to its success. Although the bill could not overcome opposing **filibusters** in 1995, the law passed a month after the shooting of the Brothers to the Rescue planes in 1996.

Focus of Debate

Liberal View

The liberal stance on US policy toward Cuba favors openness and a more productive encouragement of democracy in the country. The platform of the Democratic Party advocates building ties and advancing Cuban freedoms by allowing unlimited family visits and remittances to the island. This stance is certainly progressive. For a long time, both parties had actually taken the opposite approach to this issue, instead favoring tough restrictions and harsh punishments. Both sides of the aisle have consistently courted the Cuban-American vote, which comprises a large bloc of the population of Florida, a **swing state**. Historically, Cuban-Americans have preferred a more hard-line approach to

filibusters—the use of extreme dilatory tactics in an attempt to delay or prevent action especially in a legislative assembly

swing state—a state with roughly even populations of Democrats and Republicans, making it likely to elect members of either party

this issue, and have consistently voted for politicians who echo those sentiments.

Recently, however, as a younger generation of Cuban-Americans grows more progressive in their stance on relations with Cuba, Democrats have been freer to express more liberal opinions that go against the status quo. The liberal view argues that a free exchange of information will more easily and effectively lead to shared values, and, eventually, a peaceful transition to democracy and a free market.

Nevertheless, fearful of appearing soft on the Castro regime, Democrats make their objectives clear. In its platform, the party advocates “presenting the Cuban regime with a clear choice: if it takes significant steps toward democracy, beginning with the unconditional release of all political prisoners, we will be prepared to take steps to begin normalizing relations.” Certainly those who crafted such a statement want to give the impression that they are amenable to concessions, but not for nothing. Still, this appears to be just an image, as Cuba has neither demanded nor received anything specific in return for the latest relaxations of US policy.

Conservative View

While the Republican Party’s official stance is very clear on the issue of Cuba, the conservative voice is not as unified as the liberal population. The GOP cites the “anachronistic regime in Havana” as a great impediment to peace and progress within Latin America, and believes that limiting trade with and travel to Cuba is the most effective means to promote democracy in the country. Republicans also support efforts to admit Cubans who have fled the Communist regime of their homeland into the US through a safe and legal process.

But while the GOP’s take on the matter is clear-cut, there are blocs of conservatives who oppose these policies. For example, libertarians, who have historically sided with the Republican Party over the Democratic, favor a policy of non-intervention. In this case, they oppose intervening in another sovereign nation’s domestic affairs, and libertarians especially oppose disrupting free market trading with embargoes.

Additionally, Republicans have traditionally relied upon the Cuban-Americans population for political support, but his bloc of voters has grown more liberal.

Presidential View

Delivering on his campaign promises, President Obama announced in April 2009 that he was directing the Secretaries of State, Treasury, and Commerce to drastically alter the current restrictions on access to Cuba. His measures, under an initiative dubbed “Reaching Out to the Cuban People,” include lifting all restrictions on family visits

to Cuba, removing restrictions on remittances, authorizing greater telecommunications links with Cuba, and revising gift parcel regulations. President Obama hopes that these progressive changes will ultimately result in the common goal that most aspire to: “a Cuba that respects the basic human, political and economic rights of all its citizens.”

Interest Group Perspectives

Heritage Foundation

This conservative **think tank** advocates for the US to adopt a simple, clear set of incentives to achieve their goal of encouraging democratic and free-market reforms and non-communists in the government. Experts from the Heritage Foundation argue that these incentives should be more nuanced than they currently are, and should acknowledge intermediate steps, such as “basic trade relations when ordinary Cubans may establish and run their own businesses, diplomatic ties when Cuba celebrates competitive elections and guarantees certain civil liberties, and no more travel restrictions when Cubans may travel freely and work where they wish.”

think tank—a group whose members research issues advocating for certain social, economic, political or military policies

Center for American Progress

This progressive interest group enthusiastically endorses President Obama’s initiatives and even conducted numerous opinion polls to gauge public opinion on these measures. They concluded that most people feel optimistic about the possibility of a free and democratic Cuba in light of the steps Obama has taken. Therefore, CAP encouraged the implementation of more changes in a similar direction. It also advocates for increased flexibility in the policy-making process. CAP experts argue that moving away from the Helms-Burton Act and demonstrating responsiveness to changes in Cuba are of the utmost importance in advancing positive relations with Cuba.

Amnesty International

Since human rights violations top the list of grievances against the Castro regime, Amnesty International, the premiere human rights monitoring nongovernmental organization, has spoken out against Cuba’s rejection of its recommendations. In February 2009, the UN Human Rights Council, during its **Universal Periodic Review**, made numerous recommendations to Cuba to ameliorate its situation. Cuba has since accepted 60 of these recommendations. While Amnesty applauds the move, it urges the swift implementation of the changes. In particular, the organization encourages systematic reforms, such as conducting a study on the need for legislative and administrative adjustments to the domestic implementation of human rights, and providing human rights

Universal Periodic Review—a report in which the UN Human Rights Council reviews the status of human rights protection in its 192 member states

training for government, police and judicial officials. Nevertheless, Amnesty International still condemns Cuba for rejecting the recommendations that would ensure the protection of basic civil and political rights, namely, ensuring the right to a fair trial and allowing greater freedom of movement for Cuban citizens.

The Cuban-American National Foundation

This ethnic lobbyist group is one of the most prominent in US politics, and has played a large role in shaping US policy towards Cuba. Its influence stems from its economic success and its strategic location—a large concentration of Cuban-Americans are in Florida—and many experts attribute the US’s consistent hard-line policy on the issue of Cuba to the political influence of this lobby. Over the course of its history, it has been largely successful in creating **bipartisan** support for initiatives designed to isolate the island nation as part of a broader strategy to support freedom and democracy in Cuba. In recent years, however, and under new leadership, CANF has strayed from a close allegiance with the Republican Party, and today is regarded as aligning itself with the Democratic Party. In April, the organization released a statement calling for the same changes that Obama announced in his initiative. The tremendous influence they hold over politicians makes their official stance on the matter important in determining the future course of US-Cuba relations.

bipartisan—supported by members of both parties

Possible Solutions

Do Nothing

As with all things, there exists the option of inaction. President Obama has proposed a considerable number of changes. For those who believe in small changes in US-Cuba relations, but are hesitant to take drastic steps, the president’s plan may be sufficient. After all, it is important to monitor the responsiveness of Raul Castro to these recent measures, so perhaps one could take this opportunity to observe Cuba’s receptiveness to US overtures to more open relations before proceeding with increasingly dramatic policy shifts.

Lift Embargo

Another option would be to lift the long-standing embargo on Cuba. Those who believe that open relations will lead to shared values of freedom and democracy would favor this strategy. Those who believe that the US should not so drastically interfere with the economy of another sovereign nation would also favor this course of action, though that opinion is more popular among the international community than among American politicians. A significant drawback to this option is that it eliminates all the US’s power to compel Cuba to a certain course

of action, such as progress towards political and economic freedom. If, after all, that remains the objective, it would be difficult to devise another way—short of military action—to coerce, persuade, or even cajole Cuba into cooperating.

Reverse Changes

Congress could draft legislation to counteract the measures Obama has taken to liberalize US policy towards Cuba. For those seeking to make a statement consistent with resolute principles, it is preferable to remain committed to a tactic that condemns the country. Aside from keeping the moral high ground, some see a pragmatic advantage to reversing the Obama changes. If the US makes concessions, especially ones that alter at the whim of every new president, it does not show Cuba that it will face consistent and significant repercussions if it does not transition toward democracy. Legislation that restricts the powers of the executive branch would likely make a more compelling case to the Cuban government by showing that US policy will be shaped by Cuba's level of cooperation rather than the politics of the sitting American president. Nevertheless, a hard-line strategy has been tried before, with few positive results.

Other Solutions

This is, of course, just a brief overview of some measures you could take as members of Congress to achieve the ultimate shared goal of democratizing Cuba. The options at your disposal are truly infinite, and creativity and innovation, paired with a clear vision of what you hope to accomplish, and an understanding of how your decisions will affect the people of Cuba and the US, are your best tools when crafting legislation.

Questions for Policymakers

There are a few important considerations to keep in mind as you determine the best course of action. As representatives of the Legislative Branch, it is crucial to factor in how you think other policymakers will react. The Executive Branch, of course, plays a role in deciding foreign policy, yet if you choose, your legislation can define exactly what the limitations of that role are. Legislation you craft is long-lasting and powerful, and, bearing in mind our system of checks and balances, be sure to include provisions that will either allow or preclude a body or individual to override these decisions in the future.

Another crucial question to consider is how Cuba will respond to your legislation. It is not sufficient to create a perfect set of incentives if the target of these measures is not receptive to your overtures. Predict-

ing how your actions will be received in Havana is no easy feat, but it is nevertheless a necessary factor when setting the course of US policy on relations with Cuba.

Conclusion

As members of Congress, your decisions have far-reaching ramifications. The matter of US policy towards Cuba affects millions of lives, and it undoubtedly sets a precedent for future US action. Remember to learn from the past, but also look ahead to what the future may hold. Creativity and wisdom are necessary to determine where the course of US-Cuba relations should go next.

Guide to Further Research

The relationship between these two countries is too nuanced to be fully encompassed in one briefing, and you are strongly encouraged to explore the many facets of this complicated topic so that you may be able to speak on it more knowledgeably. Below are a few websites that could be helpful as you research this topic further, but they are just a starting point; newspapers, magazines, and other media sources will surely be helpful to you as well.

<http://www.time.com/time/nation/article/0,8599,1891359,00.html>

This article in TIME magazine is a good overview on the extensive history of the relationship between Cuba and the US. Its contextualization of current events is also helpful in understanding the larger picture.

<http://news.bbc.co.uk/2/hi/americas/3182150.stm>

BBC offers a detailed chronology on the relationship between the US and Cuba, and it is advisable to be able to reference any of these significant events when discussing the best course of future action.

<http://news.google.com>

Understanding the day-to-day activities on this issue are as important as familiarizing oneself with the history. This website is an excellent way to scan headlines and stay up-to-date on the topic. Newspaper articles are also especially useful in providing brief contexts for those less familiar with the issue at hand.

http://www.whitehouse.gov/briefing_room/

The White House Briefing Room website is a quick and easy way to stay informed of the latest decisions from the Oval Office. Even news that is unrelated to Cuba directly may be helpful in understanding how

your topic is affected by other current events, such as immigration or international trade policy.

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