

116TH CONGRESS
2D SESSION

S. 3977

To require the Department of State to publish a list of countries that contract with the Government of Cuba for their medical missions program and ensure that such contracts are considered as factors in considering Trafficking in Persons report rankings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

Mr. SCOTT of Florida (for himself, Mr. RUBIO, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the Department of State to publish a list of countries that contract with the Government of Cuba for their medical missions program and ensure that such contracts are considered as factors in considering Trafficking in Persons report rankings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cut Profits to the
5 Cuban Regime Act of 2020”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The Department of State declared in Sep-
4 tember 2019 that Cuba's overseas medical missions
5 program, known as the "Cuban doctor's program,"
6 employs up to 50,000 healthcare professionals in
7 more than 60 countries, and are a major source of
8 income for the Cuban regime. However, former par-
9 ticipants describe coercion, non-payment of wages,
10 withholding of their passports, and restrictions on
11 their movement. The Department of State has docu-
12 mented indicators of human trafficking in Cuba's
13 overseas medical missions each year since the 2010
14 Trafficking in Persons Report (TIP Report), includ-
15 ing in the 2019 TIP Report and remain deeply con-
16 cerned about these abuses. The Department of State
17 urges host country governments and civil society to
18 examine the practices in Cuba's medical missions in
19 their countries and ensure the rights of healthcare
20 professionals are protected.

21 (2) According to the Department of State, the
22 Government of Cuba collected \$7,200,000,000 in a
23 single year from the export of professional services
24 through programs like the foreign medical missions
25 and, while those services were ongoing, refused to

1 provide even a living wage to those who were partici-
2 pating in it.

3 (3) The Department of State estimates that
4 globally there are 24,900,000 victims of human traf-
5 ficking, also commonly referred to as modern slav-
6 ery.

7 (4) In the United States, Congress has led ef-
8 forts to eliminate severe forms of trafficking in per-
9 sons domestically and internationally, particularly
10 with its enactment of the Victims of Trafficking and
11 Violence Protection Act of 2000 (Public Law 106–
12 386). Division A of that Act, the Trafficking Victims
13 Protection Act of 2000 (TVPA), established United
14 States antitrafficking policy to—

15 (A) prevent trafficking;

16 (B) protect trafficking victims; and

17 (C) prosecute and punish traffickers
18 (known as the three Ps).

19 (5) A key element of the TVPA's foreign policy
20 objectives involved a new requirement for the Sec-
21 retary of State to produce an annual report on
22 human trafficking and to rank foreign governments
23 based on their antitrafficking efforts. In the ensuing
24 reports, which the Department of State titled as
25 Trafficking in Persons (TIP) reports, the Depart-

1 ment developed a ranking system in which the best-
2 ranked countries were identified as Tier 1 and the
3 worst-ranked as Tier 3. Moreover, the TVPA stipu-
4 lated that the worst performers (Tier 3 countries) in
5 the TIP Report could be subject to potential restric-
6 tions on certain types of United States foreign aid
7 and other United States and multilateral funds—a
8 policy that is intended to motivate countries to avoid
9 Tier 3 by prioritizing antitrafficking efforts.

10 **SEC. 3. ACCOUNTABILITY FOR COUNTRIES THAT USE THE**
11 **CUBAN DOCTOR'S PROGRAM.**

12 (a) **REQUIREMENT REPORT ON COUNTRIES THAT**
13 **USE THE CUBAN DOCTOR'S PROGRAM.**—The Secretary of
14 State shall include in the report required under section
15 110(b) of the Trafficking Victims Protection Act of 2000
16 (22 U.S.C. 7107(b)) a list of countries that contract with
17 the Government of Cuba to use that country's medical
18 missions program, known as the “Cuban doctor's pro-
19 gram”.

20 (b) **CONSEQUENCES FOR ENABLING TRAFFICKING IN**
21 **PERSONS.**—Section 110(b) of the Trafficking Victims
22 Protection Act of 2000 (22 U.S.C. 7107(b)) is amended
23 by adding at the end the following new paragraph:

24 “(5) **CONSEQUENCES FOR ENABLING TRAF-**
25 **FICKING IN PERSONS.**—In preparing the report

1 under this subsection, including determining which
2 countries to include on the lists pursuant to para-
3 graph (1), the Secretary of State shall consider
4 whether the government of a country enables the
5 trafficking in persons in another country, including
6 by participating in programs with foreign govern-
7 ments and organizations that involve or enable traf-
8 ficking in persons.”.

9 (c) RECOGNITION OF EFFORTS TO PREVENT FUND-
10 ING GOVERNMENT OF CUBA.—A country’s ranking for
11 purposes of section 110(b)(1) of the Trafficking Victims
12 Protection Act of 2000 (22 U.S.C. 7107(b)(1)) shall not
13 be adversely affected as a result of a country’s contracting
14 with a doctor’s program if the country using the pro-
15 gram—

16 (1) compensates medical professionals (or any
17 service professional) directly rather than through the
18 government of a country or an organization that is
19 sponsoring them and pays foreign medical profes-
20 sionals and personnel the same compensation as do-
21 mestic medical professionals and personnel are paid
22 for similar work;

23 (2) ensures such professionals retain control of
24 their passports and earnings;

1 (3) makes public the terms of the agreement
2 with the government or sponsoring organization;

3 (4) ensures medical professionals are allowed to
4 bring their family (particularly spouses and minor
5 children) with them;

6 (5) ensures medical professional's (and their
7 family's) travel are not restricted and that their ac-
8 tivities and speech are not monitored while in the
9 host country;

10 (6) ensures humane and safe working and living
11 conditions, in accordance with international law; and

12 (7) ensures that the country providing the pro-
13 gram is not receiving any additional compensation
14 from the host country or any organization for the
15 work of the medical professionals.

○