

117TH CONGRESS
1ST SESSION

H. R. 5557

To impose sanctions with respect to foreign persons that engage in certain transactions relating to Cuba and to impose sanctions with respect to human rights abuse and corruption in Cuba, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2021

Mr. DONALDS (for himself, Mr. DIAZ-BALART, Mr. GIMENEZ, Mr. MOONEY, Ms. SALAZAR, Mr. BABIN, and Ms. MALLIOTAKIS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose sanctions with respect to foreign persons that engage in certain transactions relating to Cuba and to impose sanctions with respect to human rights abuse and corruption in Cuba, 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 “Denying Earnings to
5 the Military Oligarchy in Cuba and Restricting Activities

1 of the Cuban Intelligence Apparatus Act” or the
2 “DEMOCRACIA Act”.

3 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Cuban Communist takeover of 1959 es-
6 tablished in Cuba a one-party authoritarian state of
7 the Cuban Communist Party.

8 (2) Cuba is a totalitarian state, in which the
9 Cuban Communist Party has brutally oppressed the
10 people of Cuba for more than 60 years.

11 (3) Cuban democracy activists, including Las
12 Damas de Blanco (also known as “Ladies in
13 White”), a group composed of wives and relatives of
14 political prisoners, prisoners of conscience, and
15 peaceful activists in Cuba, are routinely repressed,
16 censured, beaten, and unjustly imprisoned by the
17 Cuban Communist Party.

18 (4) On July 11, 2021, protesters marched in
19 the streets throughout Cuba voicing their opposition
20 against the communist regime of Cuba.

21 (5) During those protests, Cubans in more than
22 40 cities throughout the entire island held dem-
23 onstrations chanting “Libertad!”, “Abajo la
24 Dictadura de Cuba” (“Down with the Dictator-

1 ship’), and “Patria y Vida!” (“Homeland and
2 Life”).

3 (6) Through those protests, the people of Cuba
4 demanded the end to communism in Cuba and ac-
5 cess to food, medicine, water, and electricity, basic
6 needs that the communist system in Cuba cannot
7 provide.

8 (7) Cubans gathered outside of the head-
9 quarters of the Cuban Communist Party chanting,
10 “Cuba isn’t yours!”. In a clear message, Cubans ex-
11 ercised their fundamental God-given rights to peace-
12 ably assemble, express their political opinions, and
13 live free of censorship and oppression and demanded
14 the ruling elites, especially the Cuban Communist
15 Party, give the power back to the people.

16 (8) During the July 11, 2021, protests, the
17 Cuban Communist Party deployed a wave of terror
18 throughout Cuba by—

19 (A) unleashing its secret police and some
20 military forces on peaceful protesters and un-
21 lawfully detained them, including by—

22 (i) harassing and threatening people
23 in their homes;

1 (ii) abducting and torturing civil soci-
2 ety leaders and other Cubans peacefully
3 exercising their fundamental rights; and

4 (iii) detaining more than 800 Cubans
5 for peacefully protesting, who have gone
6 missing since the protests and demonstra-
7 tions began, including leaders from Cuban
8 civil society groups such as UNPACU, the
9 San Isidro Movement, the Ladies in White,
10 and religious leaders; and

11 (B) in a crude and savage effort to silence
12 the Cuban people, cutting internet connectivity
13 and mobile services throughout Cuba, which
14 prevented the Cuban people from organizing
15 and hid from the outside world images and vid-
16 eos of the oppressive and brutal crackdown.

17 (9) In response to these demonstrations and
18 protests, the regime blocked access to social media,
19 messaging platforms and cellular services, and ar-
20 rested and detained hundreds of protesters, activists,
21 and journalists, according to Cuban human rights
22 groups.

23 (10) The Human Rights Report on Cuba for
24 2020 set forth by the Department of State found
25 that Cuba is an authoritarian state.

1 (11) A new constitution ratified in February
2 2019 codified that Cuba remains a one-party system
3 in which the Cuban Communist Party is the only
4 legal political party. Elections in Cuba were neither
5 free, fair, nor competitive.

6 (12) The Ministry of Interior of Cuba
7 (MININT) controls police, internal security forces,
8 and the prison system. The National Revolutionary
9 Police are the primary law enforcement organization
10 of the Ministry. Specialized units of the state secu-
11 rity branch of the Ministry are responsible for moni-
12 toring, infiltrating, and suppressing independent po-
13 litical activity. The national leadership of Cuba, in-
14 cluding members of the military, maintain effective
15 control over the security forces. Members of the se-
16 curity forces have committed numerous abuses.

17 (13) Significant human rights issues in Cuba
18 perpetrated by the Communist Party include the fol-
19 lowing:

20 (A) Unlawful or arbitrary killings, includ-
21 ing extrajudicial killings.

22 (B) Forced disappearances.

23 (C) Torture and cruel, inhuman, and de-
24 grading treatment of political dissidents, detain-
25 ees, and prisoners by security forces.

1 (D) Harsh and life-threatening prison con-
2 ditions.

3 (E) Arbitrary arrests and detentions.

4 (F) The detaining of political prisoners.

5 (G) Significant problems with the inde-
6 pendence of the judiciary.

7 (H) Arbitrary or unlawful interference
8 with privacy.

9 (I) Functional lack of freedom of the
10 press, as criminal libel laws are used against
11 persons who criticize the ruling Communist
12 Party of Cuba and that it has engaged in cen-
13 sorship and internet site blocking.

14 (J) Severe limitations on academic and
15 cultural freedom.

16 (K) Severe restrictions on the right of
17 peaceful assembly and denial of freedom of as-
18 sociation, including refusal to recognize inde-
19 pendent associations.

20 (L) Severe restrictions on religious free-
21 dom.

22 (M) Restrictions on internal and external
23 freedom of movement.

24 (N) Inability of citizens to change their
25 government through free and fair elections.

1 (O) Restrictions on political participation
2 to members of the ruling party.

3 (P) Corruption within the ruling party, the
4 Communist Party of Cuba.

5 (Q) Trafficking in persons, including com-
6 pulsory labor.

7 (R) Outlawing of independent trade
8 unions.

9 (14) Many within the high level operatives of
10 the Communist Party of Cuba, at the direction of
11 their superiors, have committed most human rights
12 abuses. As a matter of policy, superiors failed to in-
13 vestigate or prosecute the individuals who committed
14 those abuses. Impunity for the perpetrators has re-
15 mained widespread.

16 (15) The United States Commission on Inter-
17 national Religious Freedom (USCIRF) rec-
18 ommended in its 2021 Annual Report that the
19 United States Government again placed Cuba on the
20 special watch list under section 402(b)(1)(A)(iii) of
21 the International Religious Freedom Act of 1998
22 (22 U.S.C. 6442(b)(1)(A)(iii)) and recommended im-
23 posing sanctions on the Office of Religious Affairs of
24 Cuba.

1 (16) In the report specified in paragraph (15),
2 the United States Commission on International Reli-
3 gious Freedom (USCIRF) raised concerns regarding
4 the denial in Cuba of religious freedom for human
5 rights activists, independent journalists, and pro-
6 testers, particularly in the wake of demonstrations
7 that started on November 13, 2020, calling for
8 greater freedom of expression in Cuba.

9 (17) Cuba is ground zero for a series of inter-
10 national and yet unexplained attacks that com-
11 menced in 2016 on members of the United States
12 and Canadian diplomatic community.

13 (18) Cuba continues to provide safe harbor for
14 adversaries of the United States, including multiple
15 fugitives from justice in the United States, including
16 William Morales, Charles Hill, Victor Manuel
17 Gerena, and Joanne Chesimard, who executed New
18 Jersey State Trooper Werner Foerster during a rou-
19 tine traffic stop in May 1973.

20 (19) The Trade Sanctions Reform and Export
21 Enhancement Act (TSRA) of 2000 (22 U.S.C. 7201
22 et seq.) prohibits the President from imposing uni-
23 lateral agricultural or medical sanctions against
24 Cuba.

1 (20) The defense, security, and intelligence sec-
2 tors of Cuba are the primary perpetrators of beat-
3 ings, arrests, detainments, and unjust
4 imprisonments of the Cuban people.

5 (21) The Cuban Communist Party has a long
6 history of racism.

7 (22) Many Cubans who suffered the worst
8 treatment at the hands of the security forces of the
9 Cuban Communist Party are Afro-Cuban, such as
10 Dr. Óscar Elías Biscet, Jorge Luis García Pérez,
11 Berta Soler, Guillermo Fariñas, Orlando Zapata
12 Tamayo, Luis Manuel Otero Alcántara, and Ivan
13 Hernandez Carrillo.

14 (23) On January 12, 2021, the Department of
15 State determined that Cuba has repeatedly provided
16 support for acts of international terrorism and was
17 designated a state sponsor of terrorism.

18 (24) On May 14, 2021, Secretary of State
19 Antony Blinken determined and certified to Con-
20 gress that Cuba is not cooperating fully with United
21 States antiterrorism efforts.

22 (25) The Cuban Communist Party continues to
23 support international terrorist groups such as the
24 Revolutionary Armed Forces of Colombia (FARC)
25 and the National Liberation Army (ELN).

1 (26) Commercial engagement with the defense,
2 security, and intelligence sectors of Cuba empowers
3 the human rights abuses, racism against Afro-Cu-
4 bans, and support for international terrorism by the
5 Cuban Communist Party.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that Congress—

8 (1) reaffirms subsection (a) of section 1704 of
9 the Cuban Democracy Act of 1992 (CDA) (22
10 U.S.C. 6003), which states that the President
11 should encourage foreign countries to restrict trade
12 and credit relations with Cuba in a manner con-
13 sistent with the purposes of that Act; and

14 (2) urges the President to take immediate steps
15 to apply the sanctions described in subsection (b)(1)
16 of that section with respect to countries assisting
17 Cuba.

18 **SEC. 3. STATEMENT OF POLICY.**

19 It shall be the policy of the United States—

20 (1) to support the desire of the people of Cuba
21 for freedom and democracy; and

22 (2) to work with allies and the international
23 community to seek to restrict and reduce the finan-
24 cial resources of the Cuban dictatorship, which sup-
25 ports terrorism and perpetrates injustice and human

1 rights abuses against the Cuban people, that being
2 the Cuban military, security, and intelligence sec-
3 tors.

4 **SEC. 4. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
5 **EIGN PERSONS THAT ENGAGE IN CERTAIN**
6 **TRANSACTIONS RELATING TO CUBA.**

7 (a) IMPOSITION OF SANCTIONS.—

8 (1) IN GENERAL.—The President shall impose
9 the sanctions described in subsection (b) with re-
10 spect to a foreign person if the President determines
11 that the foreign person, on or after the date of the
12 enactment of this Act, knowingly engages in an ac-
13 tivity described in paragraph (2).

14 (2) ACTIVITIES DESCRIBED.—Except as pro-
15 vided in paragraph (3), a foreign person engages in
16 an activity described in this paragraph if the foreign
17 person provides financial, material, or technological
18 support to, or engages in a transaction with—

19 (A) a covered sector of the Government of
20 Cuba, or any entity or individual affiliated with
21 such sector (including an immediate adult fam-
22 ily member of such individual);

23 (B) an agency, instrumentality, or other
24 entity owned by an entity that is part of or as-
25 sociated with a covered sector, entity, or indi-

1 vidual described in subparagraph (A) in a per-
2 centage share exceeding 25 percent;

3 (C) an individual who is a senior official of
4 a covered sector or entity described in subpara-
5 graph (A) (including an immediate adult family
6 member of such individual);

7 (D) an agency, instrumentality, or other
8 entity operated or controlled by a covered sec-
9 tor, entity, or individual described in subpara-
10 graph (A);

11 (E) an entity or individual—

12 (i) for the purpose of avoiding a fi-
13 nancial transaction with, or the transfer of
14 funds to, an entity or individual specified
15 in any of subparagraphs (A) through (D);

16 or

17 (ii) for the benefit of an entity or indi-
18 vidual specified in any of subparagraphs
19 (A) through (D);

20 (F) a foreign person that is a military con-
21 tractor, mercenary, or a paramilitary force
22 knowingly operating in a military, security, or
23 intelligence capacity for or on behalf of the
24 Government of Cuba; or

1 (G) a foreign person subject to sanctions
2 pursuant to the International Emergency Eco-
3 nomic Powers Act (50 U.S.C. 1701 et seq.)
4 (IEEPA) or the Trading with the Enemy Act
5 (50 U.S.C. 4301 et seq.) with respect to Cuba
6 or any other provision of law that imposes sanc-
7 tions or other economic restrictions or limita-
8 tions with respect to Cuba.

9 (3) EXCEPTIONS.—The following activities en-
10 gaged in by a foreign person shall not be considered
11 to be activities described in paragraph (2) for pur-
12 poses of imposing sanctions described in subsection
13 (b) with respect to the person:

14 (A) The sale of agricultural commodities,
15 medicines, and medical devices sold to Cuba
16 consistent with the Trade Sanctions Reform
17 and Export Enhancement Act of 2000 (TSRA)
18 (22 U.S.C. 7201 et seq.).

19 (B) A remittance to an immediate family
20 member, other than—

21 (i) an individual who is a high-level
22 member of the Cuban Communist Party;
23 or

1 (ii) an individual who is an immediate
2 family member of an individual described
3 in clause (i).

4 (C) A payment in furtherance of the lease
5 agreement for, or other financial transactions
6 necessary for maintenance and improvements
7 of, the military base at Guantanamo Bay,
8 Cuba, including any adjacent areas under the
9 control or possession of the United States.

10 (D) Assistance or support in furtherance
11 of democracy-building efforts for Cuba de-
12 scribed in section 109 of the Cuban Liberty and
13 Democratic Solidarity (LIBERTAD) Act of
14 1996 (22 U.S.C. 6039).

15 (E) Customary and routine financial trans-
16 actions necessary for the maintenance, improve-
17 ments, or regular duties of the United States
18 Embassy in Havana, Cuba, including outreach
19 to the pro-democracy opposition.

20 (F) Accessing the internet or providing cel-
21 lular services if the internet and cellular serv-
22 ices have been restored, are without interference
23 from the Cuban regime, and do not include any
24 technology, services, or communications backed

1 by the Communist Party of the People’s Repub-
2 lic of China.

3 (4) SENSE OF CONGRESS.—It is the sense of
4 Congress that the President should, in making a de-
5 termination of whether a foreign person engages in
6 an activity described in paragraph (2), consider the
7 provision of loans, credits, or export credits by the
8 person to be a form of significant financial, material,
9 or technological support as described in such para-
10 graph.

11 (5) COVERED SECTOR DEFINED.—In this sub-
12 section, the term “covered sector” means—

13 (A) the defense sector;

14 (B) the security sector;

15 (C) the intelligence sector; or

16 (D) any other sector of the Government of
17 Cuba beginning 15 days after the date on which
18 the President certifies to Congress that such
19 sector is involved in carrying out human rights
20 abuses or providing support for international
21 terrorism.

22 (b) SANCTIONS DESCRIBED.—

23 (1) IN GENERAL.—The sanctions to be imposed
24 with respect to a foreign person subject to sub-
25 section (a) are the following:

1 (A) BLOCKING OF PROPERTY.—The Presi-
2 dent shall exercise all of the powers granted to
3 the President under the International Emer-
4 gency Economic Powers Act (IEEPA) (50
5 U.S.C. 1701 et seq.) and the Trading with the
6 Enemy Act (50 U.S.C. 4301 et seq.) to the ex-
7 tent necessary to block and prohibit all trans-
8 actions in property and interests in property of
9 the foreign person if such property and inter-
10 ests in property are in the United States, come
11 within the United States, or are or come within
12 the possession or control of a United States
13 person.

14 (B) ALIENS INELIGIBLE FOR VISAS, AD-
15 MISSION, OR PAROLE.—

16 (i) VISAS, ADMISSION, OR PAROLE.—

17 An alien who the Secretary of State or the
18 Secretary of Homeland Security (or a des-
19 ignee of one of such Secretaries) knows, or
20 has reason to believe, has knowingly en-
21 gaged in any activity described in sub-
22 section (a)(2) is—

23 (I) inadmissible to the United
24 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (INA) (8 U.S.C. 1101 et
9 seq.).

10 (ii) CURRENT VISAS REVOKED.—

11 (I) IN GENERAL.—The issuing
12 consular officer, the Secretary of
13 State, or the Secretary of Homeland
14 Security (or a designee of one of such
15 Secretaries) shall, in accordance with
16 section 221(i) of the Immigration and
17 Nationality Act (INA) (8 U.S.C.
18 1201(i)), revoke any visa or other
19 entry documentation issued to an
20 alien described in clause (i) regardless
21 of when the visa or other entry docu-
22 mentation is issued.

23 (II) EFFECT OF REVOCATION.—

24 A revocation under subclause (I)—

1 (aa) shall take effect imme-
2 diately; and

3 (bb) shall automatically can-
4 cel any other valid visa or entry
5 documentation that is in the
6 alien's possession.

7 (2) PENALTIES.—The penalties provided for in
8 subsections (b) and (c) of section 206 of the Inter-
9 national Emergency Economic Powers Act (IEEPA)
10 (50 U.S.C. 1705) shall apply to a person that vio-
11 lates, attempts to violate, conspires to violate, or
12 causes a violation of any regulation, license, or order
13 issued to carry out paragraph (1)(A) to the same ex-
14 tent that such penalties apply to a person that com-
15 mits an unlawful act described in subsection (a) of
16 that section.

17 (3) EXCEPTION TO COMPLY WITH INTER-
18 NATIONAL OBLIGATIONS.—Sanctions under para-
19 graph (1)(B) shall not apply with respect to an alien
20 if admitting or paroling the alien into the United
21 States is necessary to permit the United States to
22 comply with the Agreement regarding the Head-
23 quarters of the United Nations, signed at Lake Suc-
24 cess June 26, 1947, and entered into force Novem-
25 ber 21, 1947, between the United Nations and the

1 United States, or other applicable international obli-
2 gations.

3 (c) IMPLEMENTATION.—The President shall exercise
4 all authorities under sections 203 and 205 of the Inter-
5 national Emergency Economic Powers Act (IEEPA) (50
6 U.S.C. 1702 and 1704) to carry out this section, except
7 that the President—

8 (1) shall not issue any general license author-
9 izing, or otherwise authorize, any activity subject to
10 sanctions under subsection (a); and

11 (2) shall require any United States person seek-
12 ing to engage in a financial transaction or transfer
13 of funds subject to sanctions under subsection (a) to
14 submit a written request to the Office of Foreign
15 Assets Control of the Department of the Treasury.

16 (d) WAIVER.—The President may waive the applica-
17 tion of sanctions described in subsection (b) with respect
18 to a foreign person for a period of 180 days (and such
19 waiver may not be renewed) if the President determines
20 and certifies to Congress that such waiver is in the vital
21 national security interest of the United States.

22 (e) DEFINITIONS.—In this section:

23 (1) ADMITTED; ALIEN.—The terms “admitted”
24 and “alien” have the meanings given those terms in

1 section 101 of the Immigration and Nationality Act
2 (INA) (8 U.S.C. 1101).

3 (2) ENTITY.—The term “entity” means a part-
4 nership, association, trust, joint venture, corpora-
5 tion, group, subgroup, or other organization.

6 (3) FOREIGN PERSON.—The term “foreign per-
7 son” means a person that is not a United States
8 person.

9 (4) PERSON.—The term “person” means an in-
10 dividual or entity.

11 (5) UNITED STATES PERSON.—the term
12 “United States person” means—

13 (A) a United States citizen or an alien law-
14 fully admitted to the United States for perma-
15 nent residence;

16 (B) an entity organized under the laws of
17 the United States or any jurisdiction within the
18 United States (including any foreign branch of
19 such an entity); and

20 (C) any person in the United States.

1 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **HUMAN RIGHTS ABUSE AND CORRUPTION IN**
3 **CUBA.**

4 (a) **IN GENERAL.**—The President shall impose the
5 sanctions described in subsection (b) with respect to the
6 following persons:

7 (1) Any foreign person determined by the Sec-
8 retary of the Treasury, in consultation with the Sec-
9 retary of State and the Attorney General—

10 (A) to be responsible for or complicit in, or
11 to have directly or indirectly engaged in, serious
12 human rights abuse in Cuba;

13 (B) to be a current or former official of
14 the Government of Cuba, or a person acting for
15 or on behalf of such an official, who is respon-
16 sible for or complicit in, or has directly or indi-
17 rectly engaged in—

18 (i) corruption, including the misappro-
19 priation of state assets, the expropriation
20 of private assets for personal gain, corrup-
21 tion related to government contracts or the
22 extraction of natural resources, or bribery;
23 or

24 (ii) the transfer or the facilitation of
25 the transfer of the proceeds of corruption;
26 or

1 (C) to be or have been a leader or official
2 of—

3 (i) an entity, including a government
4 entity, that has engaged in, or whose mem-
5 bers have engaged in, any of the activities
6 described in subparagraph (A) or (B) re-
7 lating to the tenure of the leader or offi-
8 cial; or

9 (ii) an entity whose property and in-
10 terests in property are blocked under sub-
11 section (b)(1) as a result of activities re-
12 lated to the tenure of the leader or official;

13 (D) to have materially assisted, sponsored,
14 or provided financial, material, or technological
15 support for, or goods or services to or in sup-
16 port of—

17 (i) any activity described in subpara-
18 graph (A) or (B) that is conducted by a
19 foreign person;

20 (ii) any person whose property and in-
21 terests in property are blocked under sub-
22 section (b)(1); or

23 (iii) any entity, including a govern-
24 ment entity, that has engaged in, or whose
25 members have engaged in, any of the ac-

1 activities described in subparagraph (A) or
2 (B) of paragraph (1), if the activity is con-
3 ducted by a foreign person;

4 (E) to have received any contribution or
5 provision of funds, goods, or services from any
6 person whose property and interests in property
7 are blocked under subsection (b)(1);

8 (F) to be owned or controlled by, or to
9 have acted or purported to act for or on behalf
10 of, directly or indirectly, any person whose
11 property and interests in property are blocked
12 under subsection (b)(1);

13 (G) to be under the control of, or to act for
14 or on behalf of, the military, intelligence, or se-
15 curity services or personnel of Cuba;

16 (H) to be an official of the Government of
17 Cuba who works with the Ministry of Justice or
18 the Office of the Attorney General and who vio-
19 lates due process rights of an individual in
20 Cuba; or

21 (I) to have attempted to engage in any of
22 the activities described in subparagraph (A) or
23 (B).

24 (2) Members of the Communist Party of Cuba,
25 including—

1 (A) members of the Politburo;

2 (B) members, department heads, and em-
3 ployees of the Central Committee;

4 (C) secretaries and first secretaries of the
5 provincial party central committees; and

6 (D) members of the Office of Religious Af-
7 fairs;

8 (3) members of the Council of State;

9 (4) members of the Council of Ministers;

10 (5) members of the Committees for the Defense
11 of the Revolution;

12 (6) the Revolutionary Armed Forces of Cuba;

13 (7) the Ministry of the Interior of Cuba, includ-
14 ing the National Revolutionary Police Force;

15 (8) the Office of the President of Cuba; and

16 (9) the spouse and children of any individual
17 subject to sanctions under this section.

18 (b) SANCTIONS DESCRIBED.—

19 (1) IN GENERAL.—The sanctions to be imposed
20 with respect to a foreign person subject to sub-
21 section (a) are the following:

22 (A) BLOCKING OF PROPERTY.—The Presi-
23 dent shall exercise all of the powers granted to
24 the President under the International Emer-
25 gency Economic Powers Act (IEEPA) (50

1 U.S.C. 1701 et seq.) to the extent necessary to
2 block and prohibit all transactions in property
3 and interests in property of the foreign person
4 if such property and interests in property are in
5 the United States, come within the United
6 States, or are or come within the possession or
7 control of a United States person.

8 (B) ALIENS INELIGIBLE FOR VISAS, AD-
9 MISSION, OR PAROLE.—

10 (i) VISAS, ADMISSION, OR PAROLE.—

11 An alien who the Secretary of State or the
12 Secretary of Homeland Security (or a des-
13 ignee of one of such Secretaries) knows, or
14 has reason to believe, has knowingly en-
15 gaged in any activity described in sub-
16 section (a)(2) is—

17 (I) inadmissible to the United
18 States;

19 (II) ineligible to receive a visa or
20 other documentation to enter the
21 United States; and

22 (III) otherwise ineligible to be
23 admitted or paroled into the United
24 States or to receive any other benefit
25 under the Immigration and Nation-

1 ality Act (INA) (8 U.S.C. 1101 et
2 seq.).

3 (ii) CURRENT VISAS REVOKED.—

4 (I) IN GENERAL.—The issuing
5 consular officer, the Secretary of
6 State, or the Secretary of Homeland
7 Security (or a designee of one of such
8 Secretaries) shall, in accordance with
9 section 221(i) of the Immigration and
10 Nationality Act (INA) (8 U.S.C.
11 1201(i)), revoke any visa or other
12 entry documentation issued to an
13 alien described in clause (i) regardless
14 of when the visa or other entry docu-
15 mentation is issued.

16 (II) EFFECT OF REVOCATION.—

17 A revocation under subclause (I)—

18 (aa) shall take effect imme-
19 diately; and

20 (bb) shall automatically can-
21 cel any other valid visa or entry
22 documentation that is in the
23 alien's possession.

24 (2) PENALTIES.—The penalties provided for in
25 subsections (b) and (c) of section 206 of the Inter-

1 national Emergency Economic Powers Act (50
2 U.S.C. 1705) shall apply to a person that violates,
3 attempts to violate, conspires to violate, or causes a
4 violation of any regulation, license, or order issued
5 to carry out paragraph (1)(A) to the same extent
6 that such penalties apply to a person that commits
7 an unlawful act described in subsection (a) of that
8 section.

9 (3) EXCEPTION TO COMPLY WITH INTER-
10 NATIONAL OBLIGATIONS.—Sanctions under para-
11 graph (1)(B) shall not apply with respect to an alien
12 if admitting or paroling the alien into the United
13 States is necessary to permit the United States to
14 comply with the Agreement regarding the Head-
15 quarters of the United Nations, signed at Lake Suc-
16 cess June 26, 1947, and entered into force Novem-
17 ber 21, 1947, between the United Nations and the
18 United States, or other applicable international obli-
19 gations.

20 (c) IMPLEMENTATION.—The President shall exercise
21 all authorities under sections 203 and 205 of the Inter-
22 national Emergency Economic Powers Act (IEEPA) (50
23 U.S.C. 1702 and 1704) to carry out this section, except
24 that the President—

1 (1) shall not issue any general license author-
2 izing, or otherwise authorize, any activity subject to
3 sanctions under subsection (a); and

4 (2) shall require any United States person seek-
5 ing to engage in a financial transaction or transfer
6 of funds subject to sanctions under subsection (a) to
7 submit a written request to the Office of Foreign
8 Assets Control of the Department of the Treasury.

9 (d) HUMANITARIAN EXCEPTION.—The President
10 may not impose sanctions under this section with respect
11 to any person for—

12 (1) donating food or agricultural commodities
13 to—

14 (A) an independent, nongovernmental or-
15 ganization not controlled by the Government of
16 Cuba; or

17 (B) individuals in Cuba who are not high-
18 level members of the Communist Party of Cuba
19 or the immediate family member of any such
20 individual; or

21 (2) exporting medicines or medical supplies, in-
22 struments, or equipment that would be permitted
23 under section 1705(c) of the Cuban Democracy Act
24 of 1992 (CDA) (22 U.S.C. 6004(c)).

1 (e) WAIVER.—The President may waive the applica-
2 tion of sanctions under this section with respect to a per-
3 son if the President determines that such a waiver is in
4 the national security interests of the United States.

5 (f) NO PRIOR NOTICE.—The President, the Sec-
6 retary of the Treasury, the Secretary of State, and the
7 Attorney General, and any other official of the United
8 States Government are not required to provide any prior
9 notice of a determination made under subsection (a) or
10 of any other determination to impose sanctions under this
11 section.

12 (g) DEFINITIONS.—In this section:

13 (1) ADMITTED; ALIEN.—The terms “admitted”
14 and “alien” have the meanings given those terms in
15 section 101 of the Immigration and Nationality Act
16 (INA) (8 U.S.C. 1101).

17 (2) ENTITY.—The term “entity” means a part-
18 nership, association, trust, joint venture, corpora-
19 tion, group, subgroup, or other organization.

20 (3) FOREIGN PERSON.—The term “foreign per-
21 son” means a person that is not a United States
22 person.

23 (4) PERSON.—The term “person” means an in-
24 dividual or entity.

1 (5) UNITED STATES PERSON.—the term
2 “United States person” means—

3 (A) a United States citizen or an alien law-
4 fully admitted to the United States for perma-
5 nent residence;

6 (B) an entity organized under the laws of
7 the United States or any jurisdiction within the
8 United States (including any foreign branch of
9 such an entity); and

10 (C) any person in the United States.

11 **SEC. 6. TERMINATION OF SANCTIONS.**

12 (a) IN GENERAL.—The authority to impose sanctions
13 under sections 4 and 5 shall terminate if—

14 (1) the President submits to Congress a deter-
15 mination and certification that the Government of
16 Cuba—

17 (A) has legalized all political activity;

18 (B) has released all political prisoners and
19 allowed for investigations of Cuban prisons by
20 appropriate international human rights organi-
21 zations;

22 (C) has dissolved the Department of State
23 Security in the Cuban Ministry of the Interior
24 in place as of the date of the enactment of this
25 Act, including the Committees for the Defense

1 of the Revolution and the Rapid Response Bri-
2 gades;

3 (D) has made public commitments to orga-
4 nizing free and fair elections for a new govern-
5 ment—

6 (i) to be held in a timely manner with-
7 in a period not to exceed 18 months after
8 such certification;

9 (ii) with the participation of multiple
10 independent political parties that have full
11 access to the media on an equal basis, in-
12 cluding (in the case of radio, television, or
13 other telecommunications media) in terms
14 of allotments of time for such access and
15 the times of day such allotments are given;
16 and

17 (iii) to be conducted under the super-
18 vision of reputable internationally recog-
19 nized observers, such as the Organization
20 of American States, the United Nations,
21 and other election monitors;

22 (E) has ceased any interference with Radio
23 Marti or Television Marti broadcasts;

24 (F) has made public commitments to and
25 is making demonstrable progress in—

1 (i) establishing an independent judi-
2 ary;

3 (ii) respecting internationally recog-
4 nized human rights and basic freedoms as
5 set forth in the Universal Declaration of
6 Human Rights, to which Cuba is a signa-
7 tory nation; and

8 (iii) allowing the establishment of
9 independent trade unions as set forth in
10 conventions 87 and 98 of the International
11 Labor Organization, and allowing the es-
12 tablishment of independent social, eco-
13 nomic, and political associations;

14 (G) does not include Raul Castro or his
15 immediate family;

16 (H) has given adequate assurances that it
17 will allow the speedy and efficient distribution
18 of assistance to the people of Cuba;

19 (I) is demonstrably in transition from a
20 communist totalitarian dictatorship to a rep-
21 resentative democracy;

22 (J) has made public commitments to and
23 is making demonstrable progress in—

24 (i) effectively guaranteeing the rights
25 of free speech and freedom of the press, in-

1 cluding granting permits to privately
2 owned media and telecommunications com-
3 panies to operate in Cuba;

4 (ii) permitting the reinstatement of
5 citizenship to Cuban-born persons return-
6 ing to Cuba;

7 (iii) assuring the right to private
8 property; and

9 (iv) taking appropriate steps to return
10 to United States citizens, and entities that
11 are 50 percent or more beneficially owned
12 by United States citizens, property taken
13 by the Government of Cuba from such citi-
14 zens and entities on or after January 1,
15 1959, or to provide equitable compensation
16 to such citizens and entities for such prop-
17 erty;

18 (K) has extradited or otherwise rendered
19 to the United States all persons sought by the
20 Department of Justice of the United States for
21 crimes committed in the United States; and

22 (L) has permitted the deployment through-
23 out Cuba of independent and unfettered inter-
24 national human rights monitors; and

1 (2) a joint resolution approving the determina-
2 tion and certification of the President submitted
3 under paragraph (1) is enacted into law in accord-
4 ance with the procedures described in subsection (b).

5 (b) CONGRESSIONAL PROCEDURES.—

6 (1) REFERRAL TO COMMITTEES.—Joint resolu-
7 tions described in subsection (a)(2) that are intro-
8 duced in the House of Representatives shall be re-
9 ferred to the Committee on Foreign Affairs and
10 joint resolutions described in subsection (a)(2) that
11 are introduced in the Senate shall be referred to the
12 Committee on Foreign Relations.

13 (2) PROCEDURES.—

14 (A) SENATE.—Any joint resolution de-
15 scribed in subsection (a)(2) shall be considered
16 in the Senate in accordance with the provisions
17 of section 601(b) of the International Security
18 Assistance and Arms Export Control Act of
19 1976 (Public Law 94–329; 90 Stat. 765).

20 (B) HOUSE OF REPRESENTATIVES.—For
21 the purpose of expediting the consideration and
22 enactment of a joint resolution described in
23 subsection (a)(2), a motion to proceed to the
24 consideration of any such joint resolution after
25 it has been reported by the appropriate com-

1 mittee shall be treated as highly privileged in
2 the House of Representatives.

3 (C) LIMITATION.—Not more than one joint
4 resolution described in subsection (a)(2) may be
5 considered in the House of Representatives and
6 the Senate during the 6-month period beginning
7 on the date on which the President submits to
8 Congress a determination and certification
9 under subsection (a)(1).

10 **SEC. 7. PROVISION OF UNRESTRICTED INTERNET SERVICE**
11 **FOR THE PEOPLE OF CUBA.**

12 (a) IN GENERAL.—Effective immediately upon the
13 date of the enactment of this Act, the President shall use
14 all means possible to provide unrestricted, reliable internet
15 service to the people of Cuba that is not censored, blocked,
16 or otherwise restricted by the Government of Cuba and
17 does not include any technology, services, or communica-
18 tions backed by the Communist Party of the People’s Re-
19 public of China.

20 (b) NOTIFICATION.—The President shall notify the
21 appropriate committees of Congress once an internet con-
22 nection has been established to provide unrestricted, reli-
23 able internet service under subsection (a).

24 (c) INTERAGENCY TASK FORCE.—

1 (1) ESTABLISHMENT.—Not later than 90 days
2 after the date of the enactment of this Act, the
3 President shall establish an interagency task force to
4 develop a long-term solution for providing reliable
5 internet service to the people of Cuba that is not
6 censored or blocked by the Government of Cuba.

7 (2) REPORT.—Not later than 180 days after
8 the date of the enactment of this Act, the inter-
9 agency task force established under paragraph (1)
10 shall submit to the President and the appropriate
11 committees of Congress a report that outlines the
12 best long-term solutions of the interagency task
13 force for providing reliable internet service to the
14 people of Cuba that is not censored, blocked, or oth-
15 erwise restricted by the Government of Cuba.

16 (d) APPROPRIATE COMMITTEES OF CONGRESS.—In
17 this section, the term “appropriate committees of Con-
18 gress” means—

19 (1) the Committee on Homeland Security and
20 Governmental Affairs, the Committee on Foreign
21 Relations, and the Select Committee on Intelligence
22 of the Senate; and

23 (2) the Committee on Homeland Security, the
24 Committee on Foreign Affairs, and the Permanent

- 1 Select Committee on Intelligence of the House of
- 2 Representatives.

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