

118TH CONGRESS  
1ST SESSION

# S. 504

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2023

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

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## 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  
6 of the Cuban Intelligence Apparatus Act” or the  
7 “DEMOCRACIA Act”.

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

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

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

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

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

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

19 (5) During those protests, Cubans in more than  
20 40 cities held demonstrations chanting “Freedom!”,  
21 “Down with the Dictatorship!”, and “Patria y Vida”  
22 (“Homeland and Life”).

23 (6) Through those protests, the people of Cuba  
24 demanded the end to communism in Cuba and ac-  
25 cess to food, medicine, water, and electricity, basic

1 needs that the communist system in Cuba cannot  
2 provide.

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

12 (8) During the July 11, 2021, protests, the  
13 Cuban Communist Party deployed a wave of terror  
14 throughout Cuba by—

15 (A) unleashing its secret police and some  
16 military forces on peaceful protesters and un-  
17 lawfully detained them, including by—

18 (i) harassing and threatening people  
19 in their homes;

20 (ii) abducting and torturing civil soci-  
21 ety leaders and other Cubans peacefully  
22 exercising their fundamental rights; and

23 (iii) detaining more than 800 Cubans  
24 for peacefully protesting, who have gone  
25 missing since the protests and demonstra-

1            tions began, including leaders from Cuban  
2            civil society groups such as UNPACU, the  
3            San Isidro Movement, the Ladies in White,  
4            and religious leaders; and

5            (B) in a crude and savage effort to silence  
6            the Cuban people, cutting internet connectivity  
7            and mobile services throughout Cuba, which  
8            prevented the Cuban people from organizing  
9            and hid from the outside world images and vid-  
10           eos of the oppressive and brutal crackdown by  
11           the Government of Cuba.

12           (9) In response to these demonstrations and  
13           protests, the regime blocked access to social media,  
14           messaging platforms and cellular services, and ar-  
15           rested and detained hundreds of protesters, activists,  
16           and journalists, according to Cuban human rights  
17           groups.

18           (10) The Human Rights Report on Cuba for  
19           2020 set forth by the Department of State found  
20           that Cuba is an authoritarian state.

21           (11) A new constitution ratified in February  
22           2019 codified that Cuba remains a one-party system  
23           in which the Cuban Communist Party is the only  
24           legal political party. Elections in Cuba were neither  
25           free, fair, nor competitive.

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

12           (13) Significant human rights issues in Cuba  
13 include the following:

14           (A) Unlawful or arbitrary killings by the  
15 Government of Cuba, including extrajudicial  
16 killings.

17           (B) Forced disappearances by the Govern-  
18 ment of Cuba.

19           (C) Torture and cruel, inhuman, and de-  
20 grading treatment of political dissidents, detain-  
21 ees, and prisoners by security forces.

22           (D) Harsh and life-threatening prison con-  
23 ditions.

24           (E) Arbitrary arrests and detentions.

25           (F) The detaining of political prisoners.

1 (G) Significant problems with the inde-  
2 pendence of the judiciary.

3 (H) Arbitrary or unlawful interference  
4 with privacy.

5 (I) Functional lack of freedom of the  
6 press, as criminal libel laws are used against  
7 persons who criticize leadership of the Govern-  
8 ment of Cuba and that Government has en-  
9 gaged in censorship and internet site blocking.

10 (J) Severe limitations on academic and  
11 cultural freedom.

12 (K) Severe restrictions on the right of  
13 peaceful assembly and denial of freedom of as-  
14 sociation, including refusal to recognize inde-  
15 pendent associations.

16 (L) Severe restrictions on religious free-  
17 dom.

18 (M) Restrictions on internal and external  
19 freedom of movement.

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

22 (O) Restrictions on political participation  
23 to members of the ruling party.

24 (P) Corruption by officials of the Govern-  
25 ment of Cuba.

1           (Q) Trafficking in persons, including com-  
2           pulsory labor.

3           (R) Outlawing of independent trade  
4           unions.

5           (14) Officials of the Government of Cuba, at  
6           the direction of their superiors, have committed most  
7           human rights abuses. As a matter of policy, officials  
8           failed to investigate or prosecute the individuals who  
9           committed those abuses. Impunity for the perpetra-  
10          tors has remained widespread.

11          (15) The United States Commission on Inter-  
12          national Religious Freedom recommended in its  
13          2021 Annual Report that the United States Govern-  
14          ment again place Cuba on the special watch list  
15          under section 402(b)(1)(A)(iii) of the International  
16          Religious Freedom Act of 1998 (22 U.S.C.  
17          6442(b)(1)(A)(iii)) and recommended imposing sanc-  
18          tions on the Office of Religious Affairs of Cuba.

19          (16) In the report specified in paragraph (15),  
20          the United States Commission on International Reli-  
21          gious Freedom raised concerns regarding the denial  
22          in Cuba of religious freedom for human rights activ-  
23          ists, independent journalists, and protesters, particu-  
24          larly in the wake of demonstrations that started on

1 November 13, 2020, calling for greater freedom of  
2 expression in Cuba.

3 (17) Cuba was ground zero for a series of yet  
4 unexplained attacks in 2016 on members of the dip-  
5 lomatic community of the United States in Havana,  
6 Cuba.

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

14 (19) The Trade Sanctions Reform and Export  
15 Enhancement Act of 2000 (22 U.S.C. 7201 et seq.)  
16 prohibits the President from imposing unilateral ag-  
17 ricultural or medical sanctions against Cuba.

18 (20) The defense, security, and intelligence sec-  
19 tors of Cuba are the primary perpetrators of beat-  
20 ings, arrests, detainments, and unjust  
21 imprisonments of the Cuban people.

22 (21) The Cuban Communist Party has a long  
23 history of racism.

24 (22) No high level positions within the Cuban  
25 Communist Party are occupied by Afro-Cubans.



1           (23) Many Cubans who suffered the worst  
2           treatment at the hands of the security forces of the  
3           Cuban Communist Party are Afro-Cuban, such as  
4           Dr. Óscar Elías Biscet, Jorge Luis Garcia Pérez,  
5           Berta Soler of Las Damas de Blanco, Guillermo  
6           Fariñas Hernández, Orlando Zapata Tamayo, Luis  
7           Manuel Otero Alcántara, and Iván Hernández  
8           Carrillo.

9           (24) On January 12, 2021, the Department of  
10          State determined that Cuba has repeatedly provided  
11          support for acts of international terrorism and was  
12          designated a state sponsor of terrorism.

13          (25) On May 14, 2021, Secretary of State  
14          Antony Blinken determined and certified to Con-  
15          gress that Cuba is not cooperating fully with United  
16          States antiterrorism efforts.

17          (26) The Cuban Communist Party continues to  
18          support international terrorist groups such as the  
19          Revolutionary Armed Forces of Colombia (FARC)  
20          and the National Liberation Army (ELN).

21          (27) Commercial engagement with the defense,  
22          security, and intelligence sectors of Cuba empowers  
23          the human rights abuses, racism against Afro-Cu-  
24          bans, and support for international terrorism by the  
25          Cuban Communist Party.

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

3 (1) reaffirms subsection (a) of section 1704 of  
4 the Cuban Democracy Act of 1992 (22 U.S.C.  
5 6003), which states that the President should en-  
6 courage foreign countries to restrict trade and credit  
7 relations with Cuba in a manner consistent with the  
8 purposes of that Act; and

9 (2) urges the President to take immediate steps  
10 to apply the sanctions described in subsection (b)(1)  
11 of that section with respect to countries assisting  
12 Cuba.

13 **SEC. 3. STATEMENT OF POLICY.**

14 It shall be the policy of the United States—

15 (1) to support the desire of the people of Cuba  
16 for freedom and democracy; and

17 (2) to work with allies and the international  
18 community to seek to restrict and reduce the finan-  
19 cial resources of the Cuban dictatorship, which sup-  
20 ports terrorism and perpetrates injustice and human  
21 rights abuses against the Cuban people, that being  
22 the Cuban military, security, and intelligence sec-  
23 tors.

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

4 (a) IMPOSITION OF SANCTIONS.—

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

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

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

20 (B) an agency, instrumentality, or other  
21 entity owned by an entity that is part of or as-  
22 sociated with a covered sector, entity, or indi-  
23 vidual described in subparagraph (A) in a per-  
24 centage share exceeding 25 percent;

25 (C) an individual who is a senior official of  
26 a covered sector or entity described in subpara-

1 graph (A) (including an immediate adult family  
2 member of such individual);

3 (D) an agency, instrumentality, or other  
4 entity operated or controlled by a covered sec-  
5 tor, entity, or individual described in subpara-  
6 graph (A);

7 (E) an entity or individual—

8 (i) for the purpose of avoiding a fi-  
9 nancial transaction with, or the transfer of  
10 funds to, an entity or individual specified  
11 in any of subparagraphs (A) through (D);

12 or

13 (ii) for the benefit of an entity or indi-  
14 vidual specified in any of subparagraphs  
15 (A) through (D);

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

21 (G) a foreign person subject to sanctions  
22 pursuant to the International Emergency Eco-  
23 nomic Powers Act (50 U.S.C. 1701 et seq.) or  
24 the Trading with the Enemy Act (50 U.S.C.  
25 4301 et seq.) with respect to Cuba or any other

1 provision of law that imposes sanctions or other  
2 economic restrictions or limitations with respect  
3 to Cuba.

4 (3) EXCEPTIONS.—The following activities en-  
5 gaged in by a foreign person shall not be considered  
6 to be activities described in paragraph (2) for pur-  
7 poses of imposing sanctions described in subsection  
8 (b) with respect to the person:

9 (A) The sale of agricultural commodities,  
10 medicines, and medical devices sold to Cuba  
11 consistent with the Trade Sanctions Reform  
12 and Export Enhancement Act of 2000 (22  
13 U.S.C. 7201 et seq.).

14 (B) A remittance to an immediate family  
15 member, other than—

16 (i) an individual who is a high-level  
17 member of the Cuban Communist Party;  
18 or

19 (ii) an individual who is an immediate  
20 family member of an individual described  
21 in clause (i).

22 (C) A payment in furtherance of the lease  
23 agreement for, or other financial transactions  
24 necessary for maintenance and improvements  
25 of, the military base at Guantanamo Bay,

1 Cuba, including any adjacent areas under the  
2 control or possession of the United States.

3 (D) Assistance or support in furtherance  
4 of democracy-building efforts for Cuba de-  
5 scribed in section 109 of the Cuban Liberty and  
6 Democratic Solidarity (LIBERTAD) Act of  
7 1996 (22 U.S.C. 6039).

8 (E) Customary and routine financial trans-  
9 actions necessary for the maintenance, improve-  
10 ments, or regular duties of the United States  
11 Embassy in Havana, Cuba, including outreach  
12 to the pro-democracy opposition.

13 (F) Accessing the internet or providing cel-  
14 lular services if the internet and cellular serv-  
15 ices have been restored, are without interference  
16 from the Cuban regime, and do not include any  
17 technology, services, or communications backed  
18 by the Communist Party of the People's Repub-  
19 lic of China.

20 (4) SENSE OF CONGRESS.—It is the sense of  
21 Congress that the President should, in making a de-  
22 termination of whether a foreign person engages in  
23 an activity described in paragraph (2), consider the  
24 provision of loans, credits, or export credits by the  
25 person to be a form of significant financial, material,

1 or technological support as described in such para-  
2 graph.

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

5 (A) the defense sector;

6 (B) the security sector;

7 (C) the intelligence sector; or

8 (D) any other sector of the Government of  
9 Cuba beginning 15 days after the date on which  
10 the President certifies to Congress that such  
11 sector is involved in carrying out human rights  
12 abuses or providing support for international  
13 terrorism.

14 (b) SANCTIONS DESCRIBED.—

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

18 (A) BLOCKING OF PROPERTY.—The Presi-  
19 dent shall exercise all of the powers granted to  
20 the President under the International Emer-  
21 gency Economic Powers Act (50 U.S.C. 1701 et  
22 seq.) and the Trading with the Enemy Act (50  
23 U.S.C. 4301 et seq.) to the extent necessary to  
24 block and prohibit all transactions in property  
25 and interests in property of the foreign person

1 if such property and interests in property are in  
2 the United States, come within the United  
3 States, or are or come within the possession or  
4 control of a United States person.

5 (B) ALIENS INELIGIBLE FOR VISAS, AD-  
6 MISSION, OR PAROLE.—

7 (i) VISAS, ADMISSION, OR PAROLE.—

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

14 (I) inadmissible to the United  
15 States;

16 (II) ineligible to receive a visa or  
17 other documentation to enter the  
18 United States; and

19 (III) otherwise ineligible to be  
20 admitted or paroled into the United  
21 States or to receive any other benefit  
22 under the Immigration and Nation-  
23 ality Act (8 U.S.C. 1101 et seq.).

24 (ii) CURRENT VISAS REVOKED.—



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

13 (II) EFFECT OF REVOCATION.—  
14 A revocation under subclause (I)—

15 (aa) shall take effect imme-  
16 diately; and

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

21 (2) PENALTIES.—The penalties provided for in  
22 subsections (b) and (c) of section 206 of the Inter-  
23 national Emergency Economic Powers Act (50  
24 U.S.C. 1705) shall apply to a person that violates,  
25 attempts to violate, conspires to violate, or causes a

1 violation of any regulation, license, or order issued  
2 to carry out paragraph (1)(A) to the same extent  
3 that such penalties apply to a person that commits  
4 an unlawful act described in subsection (a) of that  
5 section.

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

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

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

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

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

12          (e) 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           (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. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
12 **HUMAN RIGHTS ABUSE AND CORRUPTION IN**  
13 **CUBA.**

14           (a) IN GENERAL.—The President shall impose the  
15 sanctions described in subsection (b) with respect to the  
16 following persons:

17           (1) Any foreign person determined by the Sec-  
18 retary of the Treasury, in consultation with the Sec-  
19 retary of State and the Attorney General—

20           (A) to be responsible for or complicit in, or  
21 to have directly or indirectly engaged in, serious  
22 human rights abuse in Cuba;

23           (B) to be a current or former official of  
24 the Government of Cuba, or a person acting for  
25 or on behalf of such an official, who is respon-

1           sible for or complicit in, or has directly or indi-  
2           rectly engaged in—

3                   (i) corruption, including the misappro-  
4                   piation of state assets, the expropriation  
5                   of private assets for personal gain, corrup-  
6                   tion related to government contracts or the  
7                   extraction of natural resources, or bribery;  
8                   or

9                   (ii) the transfer or the facilitation of  
10                  the transfer of the proceeds of corruption;

11                 (C) to be or have been a leader or official  
12                 of—

13                   (i) an entity, including a government  
14                   entity, that has engaged in, or whose mem-  
15                   bers have engaged in, any of the activities  
16                   described in subparagraph (A) or (B) re-  
17                   lating to the tenure of the leader or offi-  
18                   cial; or

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

23                 (D) to have materially assisted, sponsored,  
24                 or provided financial, material, or technological

1 support for, or goods or services to or in sup-  
2 port of—

3 (i) any activity described in subpara-  
4 graph (A) or (B) that is conducted by a  
5 foreign person;

6 (ii) any person whose property and in-  
7 terests in property are blocked under sub-  
8 section (b)(1); or

9 (iii) any entity, including a govern-  
10 ment entity, that has engaged in, or whose  
11 members have engaged in, any of the ac-  
12 tivities described in subparagraph (A) or  
13 (B) of paragraph (1), if the activity is con-  
14 ducted by a foreign person;

15 (E) to have received any contribution or  
16 provision of funds, goods, or services from any  
17 person whose property and interests in property  
18 are blocked under subsection (b)(1);

19 (F) to be owned or controlled by, or to  
20 have acted or purported to act for or on behalf  
21 of, directly or indirectly, any person whose  
22 property and interests in property are blocked  
23 under subsection (b)(1);

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

4 (H) to be an official of the Government of  
5 Cuba who works with the Ministry of Justice or  
6 the Office of the Attorney General and who vio-  
7 lates due process rights of an individual in  
8 Cuba; or

9 (I) to have attempted to engage in any of  
10 the activities described in subparagraph (A) or  
11 (B).

12 (2) Members of the Communist Party of Cuba,  
13 including—

14 (A) members of the Politburo;

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

17 (C) secretaries and first secretaries of the  
18 provincial party central committees; and

19 (D) members of the Office of Religious Af-  
20 fairs.

21 (3) Members of the Council of State.

22 (4) Members of the Council of Ministers.

23 (5) Members of the Committees for the Defense  
24 of the Revolution.

25 (6) The Revolutionary Armed Forces of Cuba.

1           (7) The Ministry of the Interior of Cuba, in-  
2           cluding the National Revolutionary Police Force.

3           (8) The Office of the President of Cuba.

4           (9) The spouse and children of any individual  
5           subject to sanctions under this section.

6           (b) SANCTIONS DESCRIBED.—

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

10           (A) BLOCKING OF PROPERTY.—The Presi-  
11           dent shall exercise all of the powers granted to  
12           the President under the International Emer-  
13           gency Economic Powers Act (50 U.S.C. 1701 et  
14           seq.) to the extent necessary to block and pro-  
15           hibit all transactions in property and interests  
16           in property of the foreign person if such prop-  
17           erty and interests in property are in the United  
18           States, come within the United States, or are or  
19           come within the possession or control of a  
20           United States person.

21           (B) ALIENS INELIGIBLE FOR VISAS, AD-  
22           MISSION, OR PAROLE.—

23           (i) VISAS, ADMISSION, OR PAROLE.—

24           An alien who the Secretary of State or the  
25           Secretary of Homeland Security (or a des-



1           ignee of one of such Secretaries) knows, or  
2           has reason to believe, is a foreign person  
3           subject to subsection (a) is—

4                   (I) inadmissible to the United  
5                   States;

6                   (II) ineligible to receive a visa or  
7                   other documentation to enter the  
8                   United States; and

9                   (III) otherwise ineligible to be  
10                  admitted or paroled into the United  
11                  States or to receive any other benefit  
12                  under the Immigration and Nation-  
13                  ality Act (8 U.S.C. 1101 et seq.).

14           (ii) CURRENT VISAS REVOKED.—

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

1 visa or other entry documentation is  
2 issued.

3 (II) EFFECT OF REVOCATION.—

4 A revocation under subclause (I)—

5 (aa) shall take effect imme-  
6 diately; and

7 (bb) shall automatically can-  
8 cel any other valid visa or entry  
9 documentation that is in the  
10 alien's possession.

11 (2) PENALTIES.—The penalties provided for in  
12 subsections (b) and (c) of section 206 of the Inter-  
13 national Emergency Economic Powers Act (50  
14 U.S.C. 1705) shall apply to a person that violates,  
15 attempts to violate, conspires to violate, or causes a  
16 violation of any regulation, license, or order issued  
17 to carry out paragraph (1)(A) to the same extent  
18 that such penalties apply to a person that commits  
19 an unlawful act described in subsection (a) of that  
20 section.

21 (3) EXCEPTION TO COMPLY WITH INTER-  
22 NATIONAL OBLIGATIONS.—Sanctions under para-  
23 graph (1)(B) shall not apply with respect to an alien  
24 if admitting or paroling the alien into the United  
25 States is necessary to permit the United States to

1       comply with the Agreement regarding the Head-  
2       quarters of the United Nations, signed at Lake Suc-  
3       cess June 26, 1947, and entered into force Novem-  
4       ber 21, 1947, between the United Nations and the  
5       United States, or other applicable international obli-  
6       gations.

7       (c) IMPLEMENTATION.—The President shall exercise  
8       all authorities under sections 203 and 205 of the Inter-  
9       national Emergency Economic Powers Act (50 U.S.C.  
10      1702 and 1704) to carry out this section, except that the  
11     President—

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

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

20       (d) HUMANITARIAN EXCEPTION.—The President  
21       may not impose sanctions under this section with respect  
22       to any person for—

23             (1) donating food or agricultural commodities  
24             to—

1 (A) an independent, nongovernmental or-  
2 ganization not controlled by the Government of  
3 Cuba; or

4 (B) individuals in Cuba who are not high-  
5 level members of the Communist Party of Cuba  
6 or the immediate family member of any such  
7 individual; or

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

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

16 (f) NO PRIOR NOTICE.—The President, the Sec-  
17 retary of the Treasury, the Secretary of State, and the  
18 Attorney General, and any other official of the United  
19 States Government are not required to provide any prior  
20 notice of a determination made under subsection (a) or  
21 of any other determination to impose sanctions under this  
22 section.

23 (g) DEFINITIONS.—In this section:

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

1 section 101 of the Immigration and Nationality Act  
2 (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.

21 **SEC. 6. TERMINATION OF SANCTIONS.**

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

1           (1) the President submits to Congress a deter-  
2           mination and certification that the Government of  
3           Cuba—

4                   (A) has legalized all political activity;

5                   (B) has released all political prisoners and  
6           allowed for investigations of Cuban prisons by  
7           appropriate international human rights organi-  
8           zations;

9                   (C) has dissolved the Department of State  
10          Security in the Cuban Ministry of the Interior  
11          in place as of the date of the enactment of this  
12          Act, including the Committees for the Defense  
13          of the Revolution and the Rapid Response Bri-  
14          gades;

15                  (D) has made public commitments to orga-  
16          nizing free and fair elections for a new govern-  
17          ment—

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

21                   (ii) with the participation of multiple  
22                  independent political parties that have full  
23                  access to the media on an equal basis, in-  
24                  cluding (in the case of radio, television, or  
25                  other telecommunications media) in terms

1 of allotments of time for such access and  
2 the times of day such allotments are given;  
3 and

4 (iii) to be conducted under the super-  
5 vision of internationally recognized observ-  
6 ers, such as the Organization of American  
7 States, the United Nations, and other elec-  
8 tion monitors;

9 (E) has ceased any interference with Radio  
10 Marti or Television Marti broadcasts;

11 (F) has made public commitments to and  
12 is making demonstrable progress in—

13 (i) establishing an independent judici-  
14 ary;

15 (ii) respecting internationally recog-  
16 nized human rights and basic freedoms as  
17 set forth in the Universal Declaration of  
18 Human Rights, to which Cuba is a signa-  
19 tory nation; and

20 (iii) allowing the establishment of  
21 independent trade unions as set forth in  
22 conventions 87 and 98 of the International  
23 Labor Organization, and allowing the es-  
24 tablishment of independent social, eco-  
25 nomic, and political associations;

1 (G) does not include Raul Castro or his  
2 immediate family;

3 (H) has given adequate assurances that it  
4 will allow the speedy and efficient distribution  
5 of assistance to the people of Cuba;

6 (I) is demonstrably in transition from a  
7 communist totalitarian dictatorship to a rep-  
8 resentative democracy;

9 (J) has made public commitments to and  
10 is making demonstrable progress in—

11 (i) effectively guaranteeing the rights  
12 of free speech and freedom of the press, in-  
13 cluding granting permits to privately  
14 owned media and telecommunications com-  
15 panies to operate in Cuba;

16 (ii) permitting the reinstatement of  
17 citizenship to Cuban-born persons return-  
18 ing to Cuba;

19 (iii) assuring the right to private  
20 property; and

21 (iv) taking appropriate steps to return  
22 to United States citizens, and entities that  
23 are 50 percent or more beneficially owned  
24 by United States citizens, property taken  
25 by the Government of Cuba from such citi-



1           zens and entities on or after January 1,  
2           1959, or to provide equitable compensation  
3           to such citizens and entities for such prop-  
4           erty;

5           (K) has extradited or otherwise rendered  
6           to the United States all persons sought by the  
7           Department of Justice of the United States for  
8           crimes committed in the United States; and

9           (L) has permitted the deployment through-  
10          out Cuba of independent and unfettered inter-  
11          national human rights monitors; and

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

16          (b) CONGRESSIONAL PROCEDURES.—

17           (1) REFERRAL TO COMMITTEES.—Joint resolu-  
18          tions described in subsection (a)(2) that are intro-  
19          duced in the House of Representatives shall be re-  
20          ferred to the Committee on Foreign Affairs and  
21          joint resolutions described in subsection (a)(2) that  
22          are introduced in the Senate shall be referred to the  
23          Committee on Foreign Relations.

24          (2) PROCEDURES.—

1           (A) SENATE.—Any joint resolution de-  
2           scribed in subsection (a)(2) shall be considered  
3           in the Senate in accordance with the provisions  
4           of section 601(b) of the International Security  
5           Assistance and Arms Export Control Act of  
6           1976 (Public Law 94–329; 90 Stat. 765).

7           (B) HOUSE OF REPRESENTATIVES.—For  
8           the purpose of expediting the consideration and  
9           enactment of a joint resolution described in  
10          subsection (a)(2), a motion to proceed to the  
11          consideration of any such joint resolution after  
12          it has been reported by the appropriate com-  
13          mittee shall be treated as highly privileged in  
14          the House of Representatives.

15          (C) LIMITATION.—Not more than one joint  
16          resolution described in subsection (a)(2) may be  
17          considered in the House of Representatives and  
18          the Senate during the 6-month period beginning  
19          on the date on which the President submits to  
20          Congress a determination and certification  
21          under subsection (a)(1).

22 **SEC. 7. PROVISION OF UNRESTRICTED INTERNET SERVICE**  
23 **FOR THE PEOPLE OF CUBA.**

24          (a) IN GENERAL.—Effective immediately upon the  
25          date of the enactment of this Act, the President shall use

1 all means possible to provide unrestricted, reliable internet  
2 service to the people of Cuba that is not censored, blocked,  
3 or otherwise restricted by the Government of Cuba and  
4 does not include any technology, services, or communica-  
5 tions backed by the Communist Party of the People's Re-  
6 public of China.

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

11 (c) INTERAGENCY TASK FORCE.—

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

18 (2) REPORT.—Not later than 180 days after  
19 the date of the enactment of this Act, the inter-  
20 agency task force established under paragraph (1)  
21 shall submit to the President and the appropriate  
22 committees of Congress a report that outlines the  
23 best long-term solutions of the interagency task  
24 force for providing reliable internet service to the

1 people of Cuba that is not censored, blocked, or oth-  
2 erwise restricted by the Government of Cuba.

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

6 (1) the Committee on Homeland Security and  
7 Governmental Affairs, the Committee on Foreign  
8 Relations, and the Select Committee on Intelligence  
9 of the Senate; and

10 (2) the Committee on Homeland Security, the  
11 Committee on Foreign Affairs, and the Permanent  
12 Select Committee on Intelligence of the House of  
13 Representatives.

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