

117TH CONGRESS
1ST SESSION

S. 2990

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 SENATE OF THE UNITED STATES

OCTOBER 18, 2021

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

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-

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

(D) an agency, instrumentality, or other entity operated or controlled by a covered sector, entity, or individual described in subparagraph (A);

(E) an entity or individual—

(i) for the purpose of avoiding a financial transaction with, or the transfer of funds to, an entity or individual specified in any of subparagraphs (A) through (D);

or

(ii) for the benefit of an entity or individual specified in any of subparagraphs (A) through (D);

(F) a foreign person that is a military contractor, mercenary, or a paramilitary force knowingly operating in a military, security, or intelligence capacity for or on behalf of the Government of Cuba; or

(G) a foreign person subject to sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. 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 priation 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, has knowingly en-
3 gaged in any activity described in sub-
4 section (a)(2) is—

5 (I) inadmissible to the United
6 States;

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

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

15 (ii) CURRENT VISAS REVOKED.—

16 (I) IN GENERAL.—The issuing
17 consular officer, the Secretary of
18 State, or the Secretary of Homeland
19 Security (or a designee of one of such
20 Secretaries) shall, in accordance with
21 section 221(i) of the Immigration and
22 Nationality Act (8 U.S.C. 1201(i)),
23 revoke any visa or other entry docu-
24 mentation issued to an alien described
25 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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