

118TH CONGRESS
1ST SESSION

S. 538

To prohibit the removal of Cuba from the list of state sponsors of terrorism until Cuba satisfies certain conditions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2023

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

A BILL

To prohibit the removal of Cuba from the list of state sponsors of terrorism until Cuba satisfies certain conditions, 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 TITLES.**

4 This Act may be cited as the “Fighting Oppression
5 until the Reign of Castro Ends Act” or the “FORCE
6 Act”.

7 **SEC. 2. STATEMENT OF POLICY.**

8 It shall be the policy of the United States—

1 (1) to support the Cuban people’s desire to hold
2 free and fair elections, which are supervised by re-
3 spected international observers that respect the peo-
4 ple of Cuba’s desire for freedom and democracy;

5 (2) to encourage the international community
6 to raise their voices in support of the Cuban people’s
7 desire to live freely; and

8 (3) to demand the release of all political pris-
9 oners in Cuba.

10 **SEC. 3. PROHIBITION ON REMOVAL.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, neither the President nor the Secretary of
13 State may remove Cuba from the list of state sponsors
14 of terrorism until the President makes the determination
15 described in section 205 of the Cuban Liberty and Demo-
16 cratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C.
17 6065).

18 (b) DEFINED TERM.—In this section, the term “state
19 sponsor of terrorism” means a country the government of
20 which the Secretary of State determines has repeatedly
21 provided support for international terrorism pursuant
22 to—

23 (1) section 1754(c)(1)(A) of the Export Control
24 Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

1 (2) section 620A of the Foreign Assistance Act
2 of 1961 (22 U.S.C. 2371);

3 (3) section 40 of the Arms Export Control Act
4 (22 U.S.C. 2780); or

5 (4) any other provision of law.

6 **SEC. 4. REPORT.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the President shall sub-
9 mit a report to the Committee on Foreign Relations of
10 the Senate, the Select Committee on Intelligence of the
11 Senate, the Committee on Foreign Affairs of the House
12 of Representatives, and the Permanent Select Committee
13 on Intelligence of the House of Representatives that iden-
14 tifies all terrorists and fugitives who—

15 (1)(A) have been convicted for a terrorism-re-
16 lated offense in a United States court;

17 (B) fled the United States after being indicted
18 for a terrorism-related offense, but before standing
19 trial; or

20 (C) are members of a foreign terrorist organiza-
21 tion; and

22 (2) are being provided safe haven in Cuba.

23 (b) FORM.—Each report submitted under this section
24 shall be submitted in unclassified form, but may include
25 a classified annex.

1 **SEC. 5. PROHIBITION OF FINANCIAL TRANSACTIONS BENE-**
2 **FITTING THE CUBAN REGIME.**

3 (a) IN GENERAL.—No person subject to the jurisdic-
4 tion of the United States may engage in a direct financial
5 transaction, including electronic remittances, with any en-
6 tity or subentity that the Secretary of State, in consulta-
7 tion with the Secretary of the Treasury, determines to be
8 under the control of, or acting for or on behalf of, the
9 Cuban military, intelligence, or security services or per-
10 sonnel with which direct financial transactions would dis-
11 proportionately benefit such services or personnel at the
12 expense of the Cuban people or private enterprise in Cuba.

13 (b) SENSE OF CONGRESS REGARDING SANCTIONS.—
14 It is the sense of Congress that the Secretary of the Treas-
15 ury should expand and tighten sanctions programs to en-
16 sure beneficial ownership disclosure and material support
17 clauses to penalize tax havens for entities used by sanc-
18 tioned countries, as was recently disclosed in the OpenLux
19 investigation of the Cuban military’s use of destinations
20 such as Liechtenstein, Luxembourg, and Hong Kong.

21 **SEC. 6. IMPLEMENTATION.**

22 (a) UPDATE AND PUBLICATION OF ENTITY LIST.—
23 Not later than 90 days after the date of the enactment
24 of this Act, and annually thereafter, the Secretary of State
25 shall—

1 (1) in furtherance of the regulatory changes de-
2 scribed in this section, identify the entities or sub-
3 entities, as appropriate, that are under the control
4 of, or act for or on behalf of, the Cuban military, in-
5 telligence, or security services or personnel, including
6 GAESA, its affiliates, subsidiaries, and successors;

7 (2) update a list of the entities and subentities
8 identified pursuant to paragraph (1) with which di-
9 rect financial transactions would disproportionately
10 benefit such services or personnel at the expense of
11 the Cuban people or private enterprise in Cuba; and

12 (3) make the list updated pursuant to para-
13 graph (2) available to the public.

14 (b) LIMITATION.—

15 (1) PROHIBITED TRANSACTIONS.—Except as
16 provided in subsection (a) and section 8, the regu-
17 latory changes described in this section shall prohibit
18 direct financial transactions with any entity or sub-
19 entity on the list updated pursuant to subsection
20 (a)(2).

21 (2) ALLOWED TRANSACTIONS.—The regulatory
22 changes described in this section may not prohibit
23 any transaction that the Secretary of the Treasury
24 or the Secretary of Commerce, in coordination with
25 the Secretary of State, determines is consistent with

1 the policy of the United States, including trans-
2 actions concerning—

3 (A) Federal Government operations, in-
4 cluding operations at the Naval Station at
5 Guantanamo Bay and at the United States mis-
6 sion in Havana;

7 (B) programs seeking to build democracy
8 in Cuba;

9 (C) air and sea operations that support
10 permissible travel, cargo, or trade;

11 (D) the acquisition of visas for permissible
12 travel;

13 (E) the expansion of direct telecommuni-
14 cations and internet access for the Cuban peo-
15 ple;

16 (F) the sale of agricultural commodities,
17 medicines, and medical devices sold to Cuba in
18 accordance with the Trade Sanctions Reform
19 and Export Enhancement Act of 2000 (22
20 U.S.C. 7201 et seq.) and the Cuban Democracy
21 Act of 2002 (22 U.S.C. 6001 et seq.);

22 (G) sending, processing, or receiving au-
23 thorized remittances that do not wholly, or in
24 any part, benefit any entity or subentity on the
25 list updated pursuant to subsection (a)(2);

1 (H) furthering the national security or for-
2 eign policy interests of the United States; or

3 (I) any other activity that is required by
4 law.

5 (c) PROTECTION OF NATIONAL INTERESTS.—Any ac-
6 tivity conducted pursuant to subsection (a) or (b) shall
7 be carried out in a manner that furthers the national in-
8 terests of the United States, including by appropriately
9 protecting sensitive sources, methods, and operations of
10 the Federal Government.

11 **SEC. 7. REPORTING REQUIREMENTS.**

12 (a) DEFINED TERM.—In this section, the term “ap-
13 propriate congressional committees” means—

14 (1) the Committee on Foreign Relations of the
15 Senate;

16 (2) the Select Committee on Intelligence of the
17 Senate;

18 (3) the Committee on Homeland Security and
19 Governmental Affairs of the Senate;

20 (4) the Committee on Foreign Affairs of the
21 House of Representatives;

22 (5) the Permanent Select Committee on Intel-
23 ligence of the House of Representatives; and

24 (6) the Committee on Homeland Security of the
25 House of Representatives.

1 (b) REPORT ON THE INVOLVEMENT OF FIDEL CAS-
 2 TRO, RAÚL CASTRO, AND MIGUEL DÍAZ-CANEL IN PUB-
 3 LIC CORRUPTION AND OTHER ILLICIT ACTIVITIES.—Not
 4 later than 60 days after the date of the enactment of this
 5 Act, the Secretary of State, acting through the Bureau
 6 of Intelligence and Research of the Department of State,
 7 and in coordination with the Director of National Intel-
 8 ligence, shall submit a report to the appropriate congres-
 9 sional committees that describes—

10 (1) significant acts of public corruption in Cuba
 11 that—

12 (A) involve—

13 (i) members of El Partido Comunista
 14 de Cuba; or

15 (ii) senior officials of the Cuban re-
 16 gime, including members of La Asamblea
 17 Nacional del Poder Popular, GAESA, and
 18 the Ministerio del Interior;

19 (B) pose challenges for United States na-
 20 tional security and regional stability;

21 (C) impede the realization of freedom of
 22 expression; or

23 (D) infringe upon the fundamental free-
 24 doms of civil society and political opponents in
 25 Cuba; and

1 (2) activities of the Maduro regime in Ven-
2 ezuela taking place in Cuba, including—

3 (A) cooperation between Venezuela and
4 Cuba’s military personnel, intelligence services,
5 and security forces;

6 (B) cooperation related to telecommuni-
7 cations and satellite navigation;

8 (C) other political and economic coopera-
9 tion with the Government of Cuba; and

10 (D) the threats and risks that such activi-
11 ties pose to United States national interests
12 and national security.

13 (c) NOTIFICATION OF ANY ENGAGEMENT OF THE
14 UNITED STATES WITH CUBA.—The Secretary of State,
15 in coordination with the Secretary of the Treasury, the
16 Secretary of Defense, the Attorney General, the Secretary
17 of Commerce, and the Secretary of Homeland Security,
18 shall notify the appropriate congressional committees of
19 any engagement of the United States with Cuba not later
20 than 14 days after such engagement to ensure that such
21 engagement is advancing the interests of the United
22 States.

23 **SEC. 8. TERMINATION.**

24 The limitation set forth in section 6(b)(1) shall termi-
25 nate on the date that is 90 days after the date on which

1 the President certifies to Congress that the Government
2 of Cuba—

3 (1) has taken the necessary steps to begin an
4 electoral process that is transparent, free, and fair
5 in accordance with sections 205 and 206 of the
6 Cuban Liberty and Democratic Solidarity
7 (LIBERTAD) Act of 1996 (Public Law 104–114);
8 and

9 (2) has met the requirements for the termi-
10 nation of the economic embargo set forth in section
11 204 of such Act.

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