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Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration

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SUMMARY

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Mark P. Sullivan
Specialist in Latin American Affairs

Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration

Political and economic developments in Cuba, a one-party authoritarian state with a poor human rights record, frequently have been the subject of intense congressional concern since the 1959 Cuban revolution. Current Cuban President Miguel Díaz-Canel succeeded Raúl Castro in April 2018, but Castro will continue to head Cuba's Communist Party until the next party congress, scheduled for April 2021. In 2019, a new constitution took effect; it introduced some political and economic reforms but maintained the state's dominance over the economy and the Communist Party's predominant political role. A November 2020 government crackdown on the San Isidro Movement, a civil society group opposed to restrictions on artistic expression, spurred a protest by several hundred Cubans and focused international attention on Cuba's human rights record. The Cuban economy is being hard-hit by the economic effects of the response to the Coronavirus Disease 2019 (COVID-19) pandemic, reduced support from Venezuela, and increased U.S. economic sanctions. The Cuban government maintains the economy contracted 11% in 2020. Over the past decade, Cuba has implemented gradual market-oriented economic policy changes, but the slow pace of these reforms has not fostered sustainable growth. Nevertheless, amid the pandemic, the government eliminated its dual-currency system on January 1, 2021, a major reform that has long been debated.

U.S. Policy

Since the early 1960s, the centerpiece of U.S. policy toward Cuba has been economic sanctions aimed at isolating the Cuban government. Congress has played an active role in shaping policy toward Cuba, including by enacting legislation strengthening—and at times easing—U.S. economic sanctions. In 2014, the Obama Administration initiated a policy shift away from sanctions and toward a policy of engagement. This shift included the restoration of diplomatic relations; the rescission of Cuba's designation as a state sponsor of international terrorism; and an increase in travel, commerce, and the flow of information to Cuba implemented through regulatory changes.

President Trump unveiled a new policy toward Cuba in 2017 that introduced new sanctions and rolled back some of the Obama Administration's efforts to normalize relations. The Administration restricted financial transactions with entities controlled by the Cuban military, intelligence, and security services; the "Cuba restricted list" has been updated several times, most recently in January 2021. In September 2017, the State Department reduced the staff of the U.S. Embassy by about two-thirds in response to unexplained health injuries of members of the U.S. diplomatic community in Havana. The reduction affected embassy operations, especially visa processing. By 2019, the Administration had largely abandoned engagement and had increased sanctions to pressure the Cuban government on human rights and for its support of the Venezuelan government of Nicolás Maduro. The sanctions imposed from 2019 to January 2021 included a wide array of restrictions, especially on travel and remittances, as well as sanctions targeting Venezuela's oil exports to Cuba, other trade and financial transactions, and the designation of the Cuban government as a state sponsor of international terrorism. (See "Key Trump Administration Sanctions and Other Actions," below.)

Legislative Activity in the 116th Congress

The 116th Congress continued to fund Cuba democracy assistance and U.S.-government sponsored broadcasting to Cuba: $20 million for democracy programs and $29.1 million for broadcasting in FY2019 (P.L. 116-6) and $20 million for democracy programs and $20.973 million for broadcasting in FY2020 (P.L. 116-94, Division G). For FY2021 (P.L. 116-260 and its explanatory statement), Congress provided $20 million for Cuba democracy programs and $12.973 million for Cuba broadcasting, and it allowed for the transfer of up to $7 million from an account in the U.S. Agency for Global Media to help manage the cost of Office of Cuba Broadcasting reform. P.L. 116-94 and P.L. 116-260 (and their related reports and explanatory statements) also contained numerous reporting requirements on Cuba.

In other action, P.L. 116-94 (Division J) included benefits for State Department employees and dependents injured while stationed in Cuba. The FY2021 National Defense Authorization Act (P.L. 116-283, Section 1110) extended such benefits to personnel of other federal agencies. The Senate also approved S.Res. 454 in June 2020, calling for the unconditional release of Cuban democracy activist José Daniel Ferrer.

Several bills introduced in the 116th Congress would have eased or lifted U.S. sanctions in Cuba: H.R. 213 (baseball); S. 428 (trade); H.R. 1898/S. 1447 (U.S. agricultural exports); H.R. 2404 (overall embargo); and H.R. 3960/S. 2303 (travel). H.R. 4884 would have directed the Administration to reinstate the Cuban Family Reunification Parole Program. S. 3977 would have required reporting on countries with Cuban medical missions. S. 4635 would have required reporting on Cuba's medical missions and would have reinstated the Cuban Medical Professional Parole (CMMP) program. S. 4973 would have authorized compensation for certain U.S. government personnel who incur disabilities resulting from certain injuries to the brain.

Several resolutions would have addressed various issues: H.Res. 1172, the release of Cuban political prisoner Silverio Portal Contreras (ultimately released December 1, 2020); S.Res. 14 and H.Res. 136, Cuba's medical missions; H.Res. 92 and S.Res. 232, U.S. fugitives from justice in Cuba; S.Res. 215, Cuban religious/political freedom; S.Res. 531, *Las Damas de Blanco* human rights group; and H.Res. 971 and S.Res. 637, the 35th anniversary of Cuba broadcasting. For details on legislative initiatives in the 116th Congress, see **Appendix A**.

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Introduction

Political and economic developments in Cuba and U.S. policy toward the island nation, located 90 miles from the United States, have been significant congressional concerns for many years. Especially since the end of the Cold War, Congress has played an active role in shaping U.S. policy toward Cuba, first with the enactment of the Cuban Democracy Act of 1992 (CDA; P.L. 102-484, Title XVII) and then with the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (P.L. 104-114). Both measures tightened U.S. economic sanctions on Cuba that had first been imposed in the early 1960s; however, both measures also provided road maps for normalization of relations, dependent on significant political and economic changes in Cuba. Congress partially modified its sanctions-based policy toward Cuba when it enacted the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA; P.L. 106-387, Title IX) allowing for U.S. agricultural exports to Cuba.

Over the past decade, much of the debate in Congress over U.S. policy has focused on U.S. sanctions. In 2009, Congress took legislative action in an appropriations measure (P.L. 111-8) to ease restrictions on family travel and travel for the marketing of agricultural exports, marking the first congressional action easing Cuba sanctions in almost a decade. The Obama Administration took further action in 2009 by lifting restrictions on family travel and family remittances and in 2011 by further easing restrictions on educational and religious travel and remittances to other than family members.

Cuba at a Glance

Population: 11.2 million (2018, ONEI)

Area: 42,426 square miles (ONEI), slightly smaller than Pennsylvania

GDP: $106 billion (2019, nominal U.S. $ (EIU)

Real GDP Growth: 2.3% (2018); 0.5% (2019 est.); -8.3% (2020 forecast) (EIU)

Key Trading Partners: Exports (2018): Canada, 22.3%; Venezuela, 19.5%; China, 19.2%; Spain 7.6%. **Imports** (2018): Venezuela, 23%; China, 13.4%; Spain, 10.5%. (ONEI)

Life Expectancy: 78.7 years (2018, UNDP)

Literacy (adult): 99.8% (2018, UNDP)

Legislature: National Assembly of People's Power, currently 605 members (five-year terms elected in March 2018; next due in 2023).

Sources: National Office of Statistics and Information (ONEI), Republic of Cuba; U.N. Development Programme (UNDP); Economist Intelligence Unit (EIU).

President Obama announced a major shift in U.S. policy toward Cuba in December 2014 that moved away from a sanctions-based policy aimed at isolating Cuba toward a policy of engagement and a normalization of relations. The policy shift led to the restoration of diplomatic relations, the rescission of Cuba's designation as a state sponsor of international terrorism, and the easing of some restrictions on travel and commerce with Cuba. There was mixed reaction in Congress, with some Members of Congress supporting the change and others opposing it. Legislative initiatives in the 114th Congress in 2015-2016 reflected this policy divide, with some bills introduced that would have further eased U.S. economic sanctions and others that would have blocked the policy shift and introduced new sanctions; ultimately no action was taken on either policy approach.

President Trump announced a new policy approach toward Cuba in June 2017 that partially rolled back efforts to normalize relations and imposed new sanctions on Cuba, including restrictions on the permissible category of people-to-people educational travel to Cuba and on transactions with companies controlled by the Cuban military. Again, reaction in the 115th Congress in 2017-2018 was mixed, with legislative initiatives reflecting the policy divide between those wanting to tighten sanctions and those wanting to ease them. Ultimately, the only legislative action taken with regard to sanctions was a provision in the 2018 farm bill (P.L. 115-334) that permits funding

for two U.S. agricultural exports promotion programs in Cuba. This marked the first time Congress had eased Cuba sanctions, albeit slightly, in almost a decade.

Beginning in 2019, the Trump Administration significantly expanded U.S. economic sanctions on Cuba by reimposing many restrictions eased under the Obama Administration and imposing a series of strong sanctions designed to pressure the government on its human rights record and for its support for the Nicolás Maduro government in Venezuela. These actions included allowing lawsuits against those trafficking in property confiscated by the Cuban government, tightening restrictions on U.S. travel and remittances to Cuba, attempting to stop Venezuelan oil exports to Cuba, and, in January 2021, designating the Cuban government a state sponsor of international terrorism.

Figure 1. Provincial Map of Cuba

Source: Congressional Research Service.

This report, which will not be updated, examines U.S. policy toward Cuba in the 116th Congress and through the end of the Trump Administration. It is divided into three major sections analyzing (1) Cuba's political and economic environment; (2) U.S. policy toward Cuba; and (3) selected issues in U.S.-Cuban relations, including restrictions on travel and trade, democracy and human rights funding for Cuba, U.S. government-sponsored radio and television broadcasting to Cuba (Radio and T Martí), migration issues, antidrug cooperation, property claims, and U.S. fugitives from justice in Cuba. Relevant legislative initiatives in the 116th Congress are noted throughout the report, and **Appendix A** lists enacted measures and other bills and resolutions. **Appendix B** provides links to U.S. government information and reports on Cuba. Also see CRS In Focus IF10045, *Cuba: U.S. Policy Overview*.

Cuba's Political and Economic Environment

Brief Historical Background[1]

Cuba became an independent nation in 1902. From its discovery by Columbus in 1492 until the Spanish-American War in 1898, Cuba was a Spanish colony. In the 19th century, the country became a major sugar producer, with slaves from Africa brought in increasing numbers to work the sugar plantations. The drive for independence from Spain grew stronger in the second half of the 19th century, but independence came about only after the United States entered the conflict, when the USS *Maine* sank in Havana Harbor after an explosion of undetermined origin. In the aftermath of the Spanish-American War, the United States ruled Cuba for four years until Cuba was granted its independence in 1902. Nevertheless, the United States retained the right to intervene in Cuba to preserve Cuban independence and maintain stability in accordance with the Platt Amendment,[2] which became part of the Cuban Constitution of 1901; the United States established a naval station at Guantanamo Bay, Cuba, in 1903, which continues in operation today.[3] The United States subsequently intervened militarily three times between 1906 and 1921 to restore order, but in 1934, the Platt Amendment was repealed.

Cuba's political system as an independent nation often was dominated by authoritarian figures. Gerardo Machado (1925-1933), who served two terms as president, became increasingly dictatorial until he was ousted by the military. A short-lived reformist government gave way to a series of governments that were dominated behind the scenes by military leader Fulgencio Batista until he was elected president in 1940. Batista was voted out of office in 1944 and was followed by two successive presidents in a democratic era that ultimately became characterized by corruption and increasing political violence. Batista seized power in a bloodless coup in 1952, and his rule progressed into a brutal dictatorship that fueled popular unrest and set the stage for Fidel Castro's rise to power.

Castro led an unsuccessful attack on military barracks in Santiago, Cuba, on July 26, 1953. After a brief jail term, he went into exile in Mexico, where he formed the 26th of July Movement. Castro returned to Cuba in 1956 with the goal of overthrowing the Batista dictatorship. His revolutionary movement was based in the Sierra Maestra Mountains in eastern Cuba, and it joined with other resistance groups seeking Batista's ouster. Batista ultimately fled the country on January 1, 1959, leading to 47 years of rule under Fidel Castro until he stepped down from power provisionally in 2006 because of poor health and ceded power to his brother Raúl Castro.

Although Fidel Castro had promised a return to democratic constitutional rule when he first took power, he instead moved to consolidate his rule, repress dissent, and imprison or execute thousands of opponents. Under the new revolutionary government, Castro's supporters gradually displaced members of less radical groups. Castro moved toward close relations with the Soviet Union, and relations with the United States deteriorated rapidly as the Cuban government

[1] Portions of this background section are drawn from U.S. Department of State, "Background Note: Cuba," April 28, 2011. For further background, see Rex A. Hudson, ed., *Cuba, A Country Study*, Federal Research Division, Library of Congress (Washington, DC: GPO, 2002), at https://www.loc.gov/item/2002018893/; "Country Profile: Cuba," Federal Research Division, Library of Congress, September 2006, at https://www.loc.gov/rr/frd/cs/profiles/Cuba.pdf; Leslie Bethell, ed., *Cuba, A Short History* (Cambridge, UK: Cambridge University Press, 1993); and Hugh Thomas, *Cuba: The Pursuit of Freedom* (New York: Harper & Row, Publishers, 1971).

[2] U.S. Senator Orville Platt introduced an amendment to an army appropriations bill that was approved by both houses and enacted into law in 1901.

[3] For background on the U.S. naval station, see CRS Report R44137, *Naval Station Guantanamo Bay: History and Legal Issues Regarding Its Lease Agreements*, by Jennifer K. Elsea and Daniel H. Else.

expropriated U.S. properties. In April 1961, Castro declared that the Cuban revolution was socialist, and in December 1961, he proclaimed himself to be a Marxist-Leninist. Over the next 30 years, Cuba was a close ally of the Soviet Union and depended on it for significant assistance until the dissolution of the Soviet Union in 1991.

Castro ruled by decree until 1976 when he became the country's president (technically, president of the Council of State) under a new constitution that set forth the Cuban Communist Party (PCC), which Castro headed, as the leading force in state and society. When Fidel stepped down in July 2006 because of poor health, his brother Raúl, Cuba's long-time defense minister and first vice president, became provisional president. In 2008, after Fidel announced that he would not be returning to government, Cuba's National Assembly chose Raúl as president and he went on to serve two five-year terms until April 2018. More than 10 years after stepping down from power, Fidel Castro died in November 2016 at 90 years of age. While out of power, Fidel continued to author essays published in Cuban media that cast a shadow on Raúl Castro's rule, and many observers believe that the former leader encouraged so-called hard-liners in the party and government bureaucracy to slow the pace of economic reforms advanced by Raúl.[4]

Raúl Castro's government (2006-2018) stands out for two significant policy developments. First the government implemented a series of gradual market-oriented economic policy changes including authorization for limited private sector activity, the legalization of property rights, and an opening to further foreign investment. Critics, however, maintain that the government did not go far enough toward enacting deeper reforms needed to stimulate the Cuban economy and foster sustainable economic growth. The second notable policy development was the rapprochement in bilateral relations with the Obama Administration; this rapprochement led to the reestablishment of diplomatic relations and government-to-government engagement and cooperation on a wide range of issues.

Political Conditions

Current President Miguel Díaz-Canel Bermúdez succeeded Raúl Castro in April 2018 after Castro completed his second five-year term. Cuba does not have direct elections for president; instead, Cuba's legislature, the National Assembly of People's Power, selected Díaz-Canel as president of the country's then-31-member Council of State, which, pursuant to Cuba's 1976 constitution (Article 74), made Díaz-Canel Cuba's head of state and government.[5] Most observers saw Díaz-Canel, who had been serving as first vice president since 2013, as the "heir apparent," although Raúl is continuing in his position as first secretary of the PCC until 2021.

Díaz-Canel, currently 60 years old, is an engineer by training. His appointment as first vice president in 2013 made him the official constitutional successor in case Castro died or could not fulfill his duties. His appointment also represented a move toward bringing about generational change in Cuba's political system; Raúl Castro was 86 years old when he stepped down as president. Díaz-Canel became a member of the Politburo in 2003 (the PCC's highest decisionmaking body), held top PCC positions in two provinces, and was higher education minister from 2009 until 2012, when he was tapped to become a vice president on the Council of State.

[4] Simon Gardner and Sarah Marsh, "Fidel Gone and Trump Looming, Cuban Businesses Count on More Reforms," Reuters News, November 29, 2016.

[5] Cuba held elections for the 605-member National Assembly, as well as for 15 provincial assemblies, in March 2018. Candidates were tightly controlled by candidacy commissions, and voters were presented with one candidate for each position.

Cuba's 2018 political transition is notable because it is the first time since the 1959 Cuban revolution that a Castro is not in charge of the government. A majority of Cubans today have only lived under the rule of the Castros. Raúl's departure can be viewed as a culmination of the generational leadership change that began several years ago in the government's lower ranks. It is also the first time that Cuba's head of government is not leader of the PCC. Raúl Castro, however, has indicated that he expects Díaz-Canel to take over as first secretary of the PCC when his term as party leader ends at the next party congress, expected in April 2021.[6]

Another element of the 2018 transition was change in the composition of the then-31-member Council of State. The National Assembly selected 72-year-old Salvador Valdés Mesa as first vice president—not from the younger generation, but also not from the historical revolutionary period. Valdés Mesa, who already had been serving as one of five vice presidents and is on the PCC's Politburo, is the first Afro-Cuban to hold such a high government position. Several older revolutionary-era leaders remained on the council, including Ramiro Valdés, aged 86, who continued as a vice president.[7] Nevertheless, the average age of Council of State members was 54, with 77% born after the 1959 Cuban revolution.[8]

Most observers did not anticipate immediate major policy changes under President Díaz-Canel, but in December 2018 Díaz-Canel made several decisions that appeared to demonstrate his independence from the Castro government and his responsiveness to public concerns and criticisms. He eased forthcoming harsh regulations that were about to be implemented on the private sector; many observers believed these regulations would have shrunk the sector (see "Economic Conditions" section, below). His government eliminated a proposed constitutional change that could have paved the way for same-sex marriage after strong public criticisms of the provision. In a third action, the Díaz-Canel government backed away from full implementation of controversial Decree 349, issued in July 2018 to regulate artistic expression. After the decree triggered a flood of criticism from Cuba's artistic community, the government announced the measure would be implemented gradually and applied with consensus. Nevertheless, opposition to Decree 349 continued to grow in 2019 and 2020, as the government continued its clampdown on artistic expression; this led to a November 2020 government crackdown against the San Isidro Movement, which actively opposes Decree 349. (For more, see "Human Rights" section, below.)

When President Díaz-Canel named his Council of Ministers (or cabinet) in July 2018, a majority of ministers were holdovers from the Castro government, including those occupying key ministries such as defense, interior, and foreign relations. Nine of 26 ministers were new, however, as well as two vice presidents. In January 2019, Díaz-Canel replaced the ministers of finance and transportation, who had been holdovers from the previous government.[9]

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[6] Anthony Failoa, "Castros' Successor, Miguel Díaz-Canel, Takes Over in Cuba, Pledges 'Continuity,'" *Washington Post,* April 19, 2018.

[7] "Members of the Council of State to the Ninth Legislature of the National Assembly of People's Power," *Granma,* April 20, 2018; Mimi Whitefield, "Cuba Diversifies Key Government Posts with Somewhat Younger But Loyal Leadership," *Miami Herald*, April 27, 2018; and Nelson Acosta, "Factbox: Who's Who at the Top of Cuba's New Government," Reuters News, April 19, 2018.

[8] William LeoGrande, "Cuba's New Generation Takes the Helm with an Immediate Test: the Economy," *World Politics Review,* April 24, 2018.

[9] Sarah Marsh, Nelson Acosta, and Marc Frank, "Cuba's New President Names Cabinet Resembling Castro's" Reuters News, July 21, 2018; Mimi Whitefield, "Continuity But Some New Faces as Cuba's Parliament Selects Ministers," *Miami Herald*, July 21 2018; and "Cuban President Replaces Ministers in First Cabinet Reshuffle," Reuters News, January 10, 2019.

Constitutional Changes in 2019

On February 24, 2019, almost 87% of Cubans approved a new constitution in a national referendum. Originally drafted by a commission headed by Raúl Castro and approved by the National Assembly in July 2018, the overhaul of the 1976 constitution was subject to public debate in thousands of workplaces and community meetings into November 2018. After considering public suggestions, the National Assembly made additional changes to the draft constitution, and the National Assembly approved a new version in December 2018. One of the more controversial changes made by the commission was the elimination of a provision that would have redefined matrimony as gender neutral compared to the current constitution, which refers to marriage as the union between a man and a woman. Cuba's evangelical churches orchestrated a campaign against the provision, and Cuban Catholic bishops issued a pastoral message against it.[10] The commission chose to eliminate the proposed provision altogether, with the proposed constitution remaining silent on defining matrimony, and maintained that the issue would be addressed in future legislation within two years.[11]

Among the provisions of the new constitution, which went into effect in April 2019, are the addition of an appointed prime minister as head of government to oversee government operations—to be proposed by the President and designated by the National Assembly (Articles 140 and 141); limits on the president's tenure (two five-year terms) and age (60, beginning first term) (Articles 126 and 127); the right to own private property (Article 22); and the acknowledgement of foreign investment as an important element of the country's economic development (Article 28). The new constitution still ensures the state's control over the economy and the role of centralized planning (Article 19), and the Communist Party is still the only recognized party (Article 5).[12]

Pursuant to the new constitution, Cuba's National Assembly redesignated incumbent Díaz-Canel as president of the republic and Salvador Valdés Mesa as vice president in October 2019. Under the previous constitution, Díaz-Canel served as president of the Council of State; under the new constitution, that body is headed by Juan Esteban Lazo, president of the National Assembly, along with the vice president and the secretary of the National Assembly. The Council of State represents the National Assembly between sessions, including enacting decree laws. In October 2019, the National Assembly selected the members of the new Council of State, which was reduced from 31 to 21 members, including the removal of two long-serving historical revolutionary commanders, Ramiro Valdés and Guillermo Garcia Frias.[13]

President Díaz-Canel appointed Tourism Minister Manuel Marrero Cruz as Cuba's prime minister in December 2019; he reportedly will serve as the president's administrative right-hand man in implementing government policy and heads the Council of Ministers, the country's highest executive and administrative organ. In appointing Marrero to the position, Díaz-Canel cited Marrero's experience with foreign investors and in building the country's tourism sector over his

[10] Nelson Acosta and Sarah Marsh, "In Rare Campaign for Cuba, Churches Advocate Against Gay Marriage," Reuters News, October 16, 2018; Mimi Whitefield, "Cuba Asked for Public Feedback on a New Constitution. Now It's Deciding Which Suggestions to Include," *Miami Herald*, December 3, 2018.

[11] Sasha Ingber, "Cuba Scraps Words Establishing Same-Sex Marriage from Drafted Constitution," NPR, December 19, 2018; Sarah Marsh, "Cuba Panel Closes Door on Gay Marriage Constitutional Amendment," Reuters News, December 19, 2018.

[12] "Constitución de la República de Cuba," *Gaceta Oficial de la República de Cuba*, April 10, 2019.

[13] "Cuba Reshuffles to Improve Governance, Old Guard Removed from Council of State," Reuters News, October 10, 2019. For the membership of the Council of State, see CubaDebate, "Consejo de Estado," at http://www.cubadebate.cu/cuba/consejo-estado/.

16-year tenure as tourism minister.[14] The new Council of Ministers also includes six vice prime ministers (including the retained historical figures, Ramiro Valdés and Ricardo Cabrisas); a secretary; and 26 other ministers and officials, including six new ministers representing a younger generation.[15]

The new Cuban constitution also restored the position of governor (and vice governor) in each of the country's provinces in an effort to devolve more power and responsibility to the local level. President Díaz-Canel selected a single candidate for governor and vice governor for each of the provinces in December; delegates of the country's 168 municipal assemblies then ratified these candidates in January 2020.

Human Rights[16]

The Cuban government has a poor record on human rights, with the government sharply restricting freedoms of expression, association, assembly, movement, and other basic rights since the early years of the Cuban revolution. The government has continued to harass members of human rights and other dissident organizations. These organizations include the Ladies in White (*Las Damas de Blanco*), currently led by Berta Soler, formed in 2003 by the female relatives of the "group of 75" dissidents arrested that year, and the Patriotic Union of Cuba (UNPACU), led by José Daniel Ferrer, established in 2011 by several dissident groups with the goal of working peacefully for civil liberties and human rights. Ferrer was imprisoned from October 2019 until April 2020, when he was released to house arrest; he faced trial on assault charges, but human rights activists assert his detention was related to his activism. In 2020, international attention has focused on a government crackdown on the San Isidro Movement (*Movimiento San Isidro,* or MSI), formed in 2018 to oppose the government's attempt to restrict artistic expression not authorized by the state (see text box below on the MSI). In December 2020, Human Rights Watch issued a report documenting how the Cuban government has used regulations designed to prevent the spread of the Coronavirus Disease 2019 (COVID-19) to harass and imprison government opponents.[17]

Political Prisoners. In October 2018, the State Department's U.S. Mission to the United Nations launched a campaign to call attention to the plight of Cuba's "estimated 130 political prisoners."[18] Secretary of State Mike Pompeo wrote an open letter to Cuban Foreign Minister Bruno Rodriguez in December 2018, asking for a substantive explanation for the continued detention of eight specific political prisoners and an explanation of the charges and evidence against other individuals held as political prisoners.[19]

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[14] "Cuba Names Manuel Marrero Cruz as First Prime Minister Since 1976," Deutsche Welle, December 21, 2019; and "Cuba Names Prime Minister in Move to Lighten Presidential Load," Reuters News, December 21, 2019.

[15] Domingo Amuchastegui, "The New Chief Executive" No Division of Authority, Just a Division of Task," *Cuba Standard Monthly*, December 2019 – January 2020. For the membership of the Council of Ministers, see CubaDebate, "Consejo de Ministros," at http://www.cubadebate.cu/cuba/consejo-ministros/.

[16] Also see separate section on "Trafficking in Persons and Cuba's Foreign Medical Missions."

[17] Human Rights Watch, "Cuba: COVID-19 Rules Used to Intensify Repression," December 7, 2020, at https://www.hrw.org/news/2020/12/07/cuba-covid-19-rules-used-intensify-repression.

[18] U.S. Embassy in Cuba, "U.S. Mission to the United Nations and the Bureau of Democracy, Human Rights, and Labor to Launch Campaign on Cuba's Political Prisoners at the United Nations," press notice, October 12, 2018, at https://cu.usembassy.gov/u-s-mission-to-the-united-nations-and-the-bureau-of-democracy-human-rights-and-labor-to-launch-campaign-on-cubas-political-prisoners-at-the-united/; "Remarks at a U.S. Event Launching the 'Jailed for What?' Campaign Highlighting Cuba's Political Prisoners," October 18, 2018.

[19] U.S. Department of State, Secretary of State Michael Pompeo, "An Open Letter to the Foreign Minister of the

For many years, the Havana-based Cuban Commission for Human Rights and National Reconciliation (CCDHRN) was an authoritative source for information on political prisoners and the level of short-term detentions, but the group has not been active since early 2019. In January 2019, CCDHRN estimated that Cuba held some 130-140 political prisoners.[20] In June 2018, the CCDHRN issued a list with 120 people imprisoned for political reasons, consisting of 96 opponents or those disaffected toward the government (more than 40 were members of UNPACU) and 24 accused of employing or planning some form of force or violence.[21]

More recently, the State Department has begun to cite figures on political prisoners from the Spanish-based human rights organization Cuban Prisoners Defenders. In January 2021, the human rights group issued a report listing 138 political prisoners, including 74 currently imprisoned for "reasons of conscience," 34 released prisoners of conscience still under government restrictions, and 30 other political prisoners.[22]

According to the State Department's human rights report on Cuba covering 2019, issued in March 2020, the lack of governmental transparency, along with systematic violations of due process rights, masked the true nature of criminal charges, investigations, and prosecutions and allowed the government to prosecute peaceful human rights activists for criminal violations or "pre-criminal dangerousness." The report also noted that the Cuban government refused international humanitarian organizations, such as the International Committee of the Red Cross, and the United Nations access to its prisons and detention centers, and that the government closely monitored and often harassed domestic human rights organizations.[23]

Amnesty International (AI) has designated several political dissidents as prisoners of conscience over the years. According to AI, those designated as such represent only a fraction of those likely to be detained solely for the peaceful expression of their opinions or beliefs.[24] Among those AI-designated prisoners of conscience currently imprisoned are Josiel Guía Piloto, president of the Republican Party of Cuba, imprisoned in December 2016 and serving a five-year sentence; Mitzael Díaz Paseiro, member of the Orlando Zapata Tamayo Civic Resistance, imprisoned in November 2017, serving a nearly four-year sentence; and Edilberto Ronal Arzuago Alcalá, UNPACU activist, imprisoned in December 2018.[25]

On November 27, 2020, AI dubbed Cuban performance artist Luis Manuel Otero Alcántara and artist Anamely Ramos González as prisoners of conscience when they were detained (both subsequently released) after a November 26 raid against the MSI (see textbox on the MSI).[26] AI

Republic of Cuba," December 7, 2018, at https://cu.usembassy.gov/an-open-letter-to-the-foreign-minister-of-the-republic-of-cuba/.

[20] Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN), "Cuba: Algunos Actos de Represión Política en el Mes de Diciembre de 2018," January 3, 2019.

[21] CCDHRN, "Lista Parcial de Condenados o Procesados en Cuba por Razones Politicas en Esta Fecha," June 11, 2018, and "En Cuba hay 120 prisioneros por motivos políticos, según la CCDHRN," *14ymedio.com*, June 11, 2018.

[22] Cuban Prisoners Defenders, "Cuban Prisoners Defenders Report," January 4, 2021.

[23] U.S. Department of State, *Country Reports on Human Rights Practices for 2019*, March 11, 2020.

[24] Amnesty International (AI) defines *prisoners of conscience* as those jailed because of their political, religious, or other conscientiously held beliefs, ethnic origin, sex, color, language, national or social origin, economic status, birth, sexual orientation, or other status, provided they have neither used nor advocated violence. Going beyond AI's narrow definition of prisoners of conscience, the Cuban government has held a larger number of political prisoners, generally defined as a person imprisoned for his or her political activities.

[25] AI, "Cuba: A Snapshot of Prisoners of Conscience Under the Government of President Miguel Díaz-Canel," 2019.

[26] AI, "Cuba: Amnesty International Calls for Release of Two San Isidro Prisoners of Conscience," November 27, 2020.

previously had dubbed Otero Alcántara a political prisoner in March 2020, when he was detained for 13 days but released following an outcry by Cuban artists.

The Cuban government has released several AI-designated prisoners of conscience since 2018. On December 1, 2020, the government released Silverio Portal Contreras, a former activist with the Ladies in White human rights group; Portal Contreras had been imprisoned in June 2016 and sentenced to four years in prison. In September 2020, the government released independent journalist Roberto de Jesús Quiñones Haces from prison after serving a one-year sentence; he had been convicted of resistance and disobedience in September 2019, while covering a trial involving homeschooling.[27] In August 2020, UNPACU member Eliécer Bandera Barreras, imprisoned in September 2016 and sentenced to nearly five years, was released on conditional parole. In May 2019, the government released political activist Dr. Eduardo Cardet, leader of the Christian Liberation Movement, after spending more than two years in prison for publicly criticizing Fidel Castro. In 2018, the government released two political prisoners after hunger strikes: in July, Dr. Ariel Ruiz Urquiola, who had been sentenced in May to one year in prison for the crime of disrespecting authority (*desacato*),[28] and, in October, UNPACU activist Tomás Núñez Magdariaga, who had been sentenced to one year in jail for allegedly making threats to a security agent.[29]

Freedom of Expression. In October 2018, the Office of the Special Rapporteur for Freedom of Expression and the Inter-American Commission on Human Rights—two human rights bodies affiliated with the Organization of American States—issued an extensive report on freedom of expression in Cuba. The report concluded that Cuba continues to be the only country in the hemisphere where

San Isidro Movement (MSI)

The San Isidro Movement (MSI) is a civil society group formed in 2018 by independent artists, musicians, writers, and scholars in response to the Cuban government's attempt to impose a decree-law restricting artistic freedom. Named for the Old Havana neighborhood of San Isidro, MSI recently has galvanized international attention on freedom of expression in Cuba, as the government has harassed and repressed the group's members.

Arrested on November 9, 2020, Cuban rapper and MSI member Denís Solís González was charged with "contempt for public authority" and sentenced to eight months in prison, prompting MSI members to conduct a peaceful protest that was disrupted by authorities. Several MSI members subsequently began a hunger strike at the home of an MSI founder, Luis Manuel Otero Alcántara. Cuban authorities broke into the home on November 26, alleging violations of Coronavirus Disease 2019 (COVID-19) protocols, and detained over a dozen people. As word spread by social media, including videos of the government's repression, several hundred Cubans, many young artists, gathered in protest at the Ministry of Culture overnight on November 27. Several observers have dubbed the protest an awakening of civil society energized by social media.

The government initially responded by meeting with a protestor delegation and agreeing to continue talks, urgently review the case against Solís, and ensure independent artists would not be harassed. This agreement quelled the protest, but the government backtracked on its commitments within hours and launched an assault on state media against MSI, maintaining the protest was instigated by the United States. Artists and other activists who participated in the protest have been targeted for harassment and defamation, and some have been detained or subject to house detention.

Sources: "The Movimiento San Isidro Challenges Cuba's Regime," *Economist*, December 5, 2020; Marc Frank, "Cuban Government Backtracks on Deal with Protesters," Reuters News, November 29, 2020; and Ed Augustin, Natalie Kitroeff, and Frances Robles, "'An Awakening': Cubans' Access to the Internet Fosters Dissent," *New York Times*, December 10, 2020.

[27] AI, "Cuba 2019," at https://www.amnesty.org/en/countries/americas/cuba/report-cuba/; and AI, "Cuba: Prisoner of Conscience Released: Roberto Quiñones Haces," September 28, 2020.

[28] AI, "Urgent Action, Environmentalist Conditionally Released," July 11, 2018.

[29] "Antes de morirme tengo que ver a mi país libre," 14ymedio.com (Havana), October 16, 2018.

there are no guarantees for the exercise of the right to freedom of expression. According to the report, the Cuban government has a monopoly on the media; legally prohibits the establishment of private media; and uses arbitrary detentions, threats, and acts of harassment or censorship against journalists who disseminate ideas, opinion, and information critical of the government.[30] The 2019 annual report of the Office of the Special Rapporteur for Freedom of Expression maintained the Díaz-Canal administration has intensified the "harassment and systematic persecution of independent journalists, human rights activists, and dissidents who disseminate information and opinions on matters of public interest outside the control of the state."[31] According to Reporters Without Borders' 2020 World Press Freedom Index, Cuba ranked near the bottom, 171st out of 180 countries worldwide.[32]

Amid Cuba's repressive media environment, various independent Cuban blogs and independent media have been established over the past dozen years, although these outlets often are threatened and harassed by government security agents. Cuban blogger Yoani Sánchez has received considerable international attention since 2007 for her website, *Generación Y*, which includes commentary critical of the Cuban government. In 2014, Sánchez launched an independent digital newspaper in Cuba, *14 y medio*, available on the internet, but distributed through a variety of methods in Cuba, including CDs, USB flash drives, and DVDs.[33]

Other notable online forums and independent or alternative media that have developed in recent years include *Periodismo del Barrio* (focusing especially on environmental issues), *El Toque*, *OnCuba* (a Miami-based digital magazine and website with a news bureau in Havana), and *Tremenda Nota* (focusing on the LGBT community).[34] Another online forum, *Cuba Posible* (founded by two former editors of the Catholic publication *Espacio Laical*), began operations in 2015 but closed in 2019 because of intense pressure and difficult conditions in Cuba.[35]

In recent years, the Cuban government has moved to expand internet connectivity through "hotspots" first begun in 2015, the launching of internet capability on cellphones with 3G technology in 2018, and the legalization of private Wi-Fi networks to access the internet and connect computers in 2019. The increase in social media use in Cuba has opened up a new avenue for freedom of expression and provided a means for Cubans to communicate their concerns and complaints to government officials. Social media spurred an impromptu gay rights march in June 2019 after the government cancelled its annual gay pride march, and, in November 2020, was instrumental in bringing together several hundred Cubans to protest targeted repression against the San Isidro Movement.[36]

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[30] Office of the Special Rapporteur for Freedom of Expression and the Inter-American Commission on Human Rights, *Freedom of Expression in Cuba*, October 31, 2018, at http://www.oas.org/en/iachr/expression/docs/reports/Cuba-en.pdf.

[31] Office of the Special Rapporteur for Freedom of Expression and the Inter-American Commission on Human Rights, *Annual Report of the Inter-American Commission on Human Rights*, Volume II, *Annual Report of the Special Rapporteur for Freedom of Expression*," February 24, 2020.

[32] Reports Without Borders, 2020 World Press Freedom Index, Cuba, at https://rsf.org/en/cuba.

[33] Sánchez's blog is available at https://generacionyen.wordpress.com/, and her online digital newspaper is available at https://www.14ymedio.com/. Access to both sites is usually blocked in Cuba by the government.

[34] *Periodismo del Barrio*, at https://www.periodismodebarrio.org/; *El Toque*, at https://eltoque.com/; *OnCuba*, at https://oncubanews.com/; and *Tremenda Nota*, at https://www.tremendanota.com/.

[35] *Cuba Posible*, at https://cubaposible.com/; "Cuba Posible disuelve su junta directiva por circunstancias 'demasiado difíciles,'" *14ymedio.com*, May 20, 2019.

[36] Anthony Failoa, "With 3G and Twitter, Cubans Unafraid to Complain," *Washington Post*, July 8, 2019; and Ed Augustin, Natalie Kitroeff, and Frances Robles, "On Social Media, There Are Thousands': In Cuba, Internet Fuels Rare Protests," *New York Times*, December 9, 2020.

Human Rights Reporting on Cuba

Amnesty International (AI), Cuba, https://www.amnesty.org/en/countries/americas/cuba/.

Cuban Commission for Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional, CCDHRN), an independent Havana-based human rights organization that produces a monthly report on short-term detentions for political reasons.

CCDHRN, "Cuba: Algunos Actos de Represión Política en el Mes de Marzo de 2019," April 3, 2019, at https://www.14ymedio.com/nacional/OVERVIEW-MARZO_CYMFIL20190409_0001.pdf.

CCDHRN, "Lista Parcial de Condenados o Procesados en Cuba por Razones Politicas en Esta Fecha," June 11, 2018, at https://www.14ymedio.com/nacional/LISTA-PRESOS-JUNIO_CYMFIL20180611_0001.pdf.

Cuban Prisoners Defenders, https://www.prisonersdefenders.org.

14ymedio.com, independent digital newspaper, based in Havana, at http://www.14ymedio.com/.

Human Rights Watch (HRW), https://www.hrw.org/americas/cuba.

HRW's *2020 World Report* maintains that "the Cuban government continues to repress dissent and punish public criticism," at https://www.hrw.org/world-report/2020/country-chapters/cuba.

Inter-American Commission on Human Rights, *Annual Report 2019*, April 6, 2020, Chapter IV has a section on Cuba, at https://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4bCU-en.pdf.

Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression.

Special Report on the Situation of Freedom of Expression in Cuba, October 2018, at http://www.oas.org/en/iachr/expression/docs/reports/Cuba-en.pdf.

Annual Report, 2019, Report of the Office of the Special Rapporteur for Freedom of Expression, February 24, 2020, at http://www.oas.org/en/iachr/expression/reports/ENGIA2019.pdf.

U.S. Department of State, *Country Report on Human Rights Practices for 2019*, March 10, 2020, at https://www.state.gov/wp-content/uploads/2020/02/CUBA-2019-HUMAN-RIGHTS-REPORT.pdf.

2020 Trafficking in Persons Report: Cuba, June 25, 2020, at https://www.state.gov/reports/2020-trafficking-in-persons-report/cuba/.

Economic Conditions amid COVID-19

Cuba's economy continues to be largely state-controlled, with the government owning most means of production and employing a majority of the workforce. Key sectors of the economy that generate foreign exchange include the export of professional services (largely medical personnel); tourism, which has grown significantly since the mid-1990s, with an estimated 4.7 million tourists visiting Cuba in 2018 (although this figure declined to almost 4.3 million in 2019 due to increased U.S. travel restrictions); nickel mining, with the Canadian mining company Sherritt International involved in a joint investment project; and a biotechnology and pharmaceutical sector that supplies the domestic health care system and has fostered a significant export industry. Cash remittances from relatives living abroad, especially from the United States, also have become an important source of hard currency, amounting to some $3.7 billion in 2019 (although remittances have fallen in 2020 due to COVID-19 restrictions that have disrupted international travel). The once-dominant sugar industry has declined significantly over the past three decades; for the 2019-2020 harvest, Cuba produced just 1.2 million metric tons and likely will produce less than that for the 2020-2021 harvest (for comparison, Cuba produced 8.4 million MT of sugar in 1990).[37]

[37] U.S. Department of State, "U.S. Relations with Cuba," November 22, 2019; Oficina Nacional de Estadística e Información (ONEI), República de Cuba, "Turismo. Llegadas de visitantes internacionales," December 2019; "COVID-19 puede hacer decliner las remesas a Cuba entre un 30 y 40% en 2020," The Havana Consulting Group and Tech, March 20, 2020; and Marc Frank, "Cuban Sugar Harvest Gets Underway Amid Crisis," Reuters News, December 4, 2020.

For 20 years, Cuba has depended heavily on Venezuela for its oil needs. In 2000, the two countries signed a preferential oil agreement (essentially an oil-for-medical-personnel barter arrangement) that provided Cuba with some 90,000-100,000 barrels of oil per day, about two-thirds of its consumption. Cuba's goal of becoming a net oil exporter with the development of its offshore deepwater oil reserves was set back in 2012, when the drilling of three exploratory oil wells was unsuccessful. This setback, combined with Venezuela's economic difficulties, raised Cuban concerns about the security of the support received from Venezuela. Since 2015, Venezuela has cut the amount of oil that it sends to Cuba, and Cuba has increasingly turned to other suppliers for its oil needs, such as Algeria and Russia. In early 2019, Cuba reportedly received between 40,000 and 50,000 barrels of oil per day from Venezuela, about one-third of its consumption.[38] Since April 2019, U.S. economic sanctions aimed at oil tankers and companies involved in delivering Venezuelan oil to Cuba have further disrupted oil imports, leading to gas shortages that have negatively affected economic activity, including the agriculture sector.[39]

The government of Raúl Castro implemented a number of market-oriented economic policy changes that were welcomed, although economists were generally disappointed that more far-reaching reforms were not undertaken. At the PCC's seventh party congress, held in April 2016, Raúl Castro reasserted that Cuba would move forward with updating its economic model "without haste, but without pause."[40]

Even before the COVID-19 pandemic, the Cuban economy was in poor shape, because of reduced support from Venezuela over the past several years and increased U.S. economic sanctions under the Trump Administration. The Cuban economy grew 1.8% in 2017, 2.3% in 2018, and an estimated 0.5% in 2019, according to the Economist Intelligence Unit (EIU). In December 2020, the EIU projected a steep decline of 8.3% due to the extended shutdown of economic activity, including the tourism sector, whereas the Cuban government reported further decline,

COVID-19 in Cuba

Cuba's public health response to the pandemic generally has been effective, although the number of cases and deaths began to increase in late 2020. As of January 19, 2021, Cuba reported 180 deaths and 19,122 confirmed cases, according to Cuba's Ministry of Public Health (https://salud.msp.gob.cu/). Cuba's COVID-19 mortality rate as measured by deaths per 100,000 people was among the lowest in the Western Hemisphere, according to the Johns Hopkins University (https://coronavirus.jhu.edu/data/mortality).

Cuba imposed stringent COVID-19 restrictions in March 2020, banning foreign tourists from entering the island. In early April 2020, Cuba suspended the arrival and departure of international passenger flights. (The U.S. State Department arranged several humanitarian charter flights for U.S. citizens and eligible lawful permanent residents to leave Cuba.) Cuba began to loosen restrictions in October, and in November it opened its main international airport to all commercial flights. In mid-January 2021, however, the Cuban capital went back into lockdown as coronavirus cases increased.

Sources: "Cuba Opens Most of Country to Tourism as Enters 'New Normality,'" Reuters News, October 8 2020; "Cuba Reopens Havana Airport Ahead of Tourism High Season," Reuters, December 4, 2020; and "Havana Goes Back into Lockdown after Record Number of COVID-29 Cases in Cuba," *Miami Herald*, January 14, 2021.

[38] John Otis, "Venezuela Upheaval Fuels Cuban Concerns–Potential Collapse of Maduro Regime Would Threaten to End Crucial Oil-Barter Agreement," *Wall Street Journal*, February 27, 2019; Nora Gámez Torres, "U.S. Considers Sanctions on Firms Facilitating Oil to Cuba," *Miami Herald*, March 15, 2019.

[39] "Cuba Economy: Quick View – Gas Shortages Affect Agriculture and Domestic Activity." Economist Intelligence Unit (EIU) ViewsWire, February 20, 2020.

[40] Raúl Castro Ruz, "Full Text of Central Report: The development of the national economy, along with the struggle for peace, and our ideological resolve, constitute the Party's principal missions," *Granma*, April 18, 2016, at http://en.granma.cu/cuba/2016-04-18/the-development-of-the-national-economy-along-with-the-struggle-for-peace-and-our-ideological-resolve-constitute-the-partys-principal-missions.

estimating an 11% contraction in 2020.[41] Key factors that will affect Cuba's post-COVID-19 economic recovery in 2021 include the global pace of economic recovery, the status of U.S. sanctions, and the Cuban government's efforts to advance substantive structural reforms.

Until recently, the Díaz-Canel government largely continued a gradualist and cautious approach toward economic reform, largely due to concern about the potential effects on political stability. Amid the economy's precipitous decline in 2020 because of the COVID-19 pandemic, the government announced reforms in July. These reforms included authorizing the private sector to conduct certain foreign trade operations, introducing adjustments to rules governing state-owned enterprises, lifting the 10% tax on U.S. dollars, and opening dozens of stores allowing convertible currency to be used to buy food and other goods. Most significantly, the government announced it was preparing for the long-awaited unification of Cuba's dual currency system in the shortest possible time.[42]

On December 10, 2020, in a televised address, President Díaz-Canel announced, beginning January 1, 2021, the elimination of Cuba's dual currency system, a reform that had been discussed for some 20 years. As of that date, the Cuban peso was fixed to a single exchange rate of 24 pesos per U.S. dollar, and the Cuban convertible peso was eliminated.[43] The reform could have high costs in the short term, marked by price instability and inflationary pressure, along with shocks to supply chains and threats to the social safety net and social stability. Over the long term, however, the action is expected to be positive for the economy, boosting productivity and development.[44]

Private Sector. The Cuban government employs a majority of the labor force, but the government over the past decade, the government has permitted more private-sector activities. In 2010, the government opened up a wide range of activities for self-employment and small businesses to almost 200 categories of work. The number of self-employed, or *cuentapropistas,* rose from 144,000 in 2009 to about 591,000 in May 2018 and, after a slight decline in 2018, stood at almost 596,000 in June 2019 (although this number is likely significantly lower because of the COVID-19 pandemic).[45] Analysts contend that the government needs to do more to aid the development of the private sector, including an expansion of authorized activities to include more white-collar occupations and state support for credit to support small businesses.[46]

In 2017, the Castro government took several steps that restricted private-sector development. It closed a fast-growing cooperative that had provided accounting and business consultancy

[41] "Country Report, Cuba," EIU, December 2020; and Marc Frank, "Cuban Economy Shrank 11% in 2020, Government Says," Reuters News, December 17, 2020.

[42] Sources for the information in this paragraph include the following: "Country Report, Cuba," EIU, December 2020; "Díaz-Canel outlines phase one of 'economic transformation process," *Cuba Briefing,* The Caribbean Council, July 20, 2020, Issue 1061; "Malmierca details new export/import regime for non-state enterprises," *Cuba Briefing,* The Caribbean Council, July 27, 2020, Issue 1062; Ricardo Torres, "Cuba: Pursuing Halfway Economic Reforms," AULABLOG, December 9, 2020; William M. Leogrande, "Cuba's Economic Crisis Is Spurring Much-Needed Action on Reforms," *World Politics Review*, November 17, 2020; and Pavel Vidal and Johannes Werner, "Economic Trends Report, Third Quarter, 2020," *Cuba Standard, Economic Reports,* 2020.

[43] Marc Frank, "Cuba Announces First Devaluation Since Revolution from January," Reuters News, December 11, 2020.

[44] "Country Report, Cuba," EIU, December 2020

[45] "Cuba Economy: Quick View–Number of Self-Employed Shrinks in 2018," EIU ViewsWire, February 14, 2019; and "Cuba Cuenta Ya Con Casi 600.000 Trabajadores Privados," EFE, June 21, 2019.

[46] "Cuba: Stuck in the Past," *The Economist,* April 1, 2017; Nora Gámez Torres," Fear is Driving Raúl Castro to Punish Cuba's New Entrepreneurial Class," *Miami Herald*, August 2, 2017; and "Cuba Tightens Regulations on Nascent Private Sector," Reuters News, December 21, 2017.

services, put restrictions on construction cooperatives, and temporarily stopped issuing new licenses for 27 private-sector occupations, including for private restaurants and for renting private residences. The government maintains that it took the actions to "perfect" the functioning of the private sector and curb illicit activities, such as the sale of stolen state property, tax evasion, and labor violations.

In December 2018, the Díaz-Canel government implemented regulations that, among other provisions, reduced and consolidated the permissible 200 categories of work to 123 categories. The government had released regulations earlier in the year that would have limited an individual to one business license; limited the size of private restaurants, bars, and cafeterias to 50 seats; and required the self-employed to maintain a minimum balance in bank accounts equivalent to three months of tax payments. However, before the regulations were to go into effect in December 2018, President Díaz-Canel eliminated the limitations on business licenses and the size of restaurants and eased the requirement for maintaining a reserve for tax payments.[47] The aims of the new regulations were to increase taxation oversight of the private sector and to control the concentration of wealth and rising inequality. Many observers, however, believed the regulations were aimed at stifling private-sector growth because of the government's concerns regarding that sector's independence from the government.

Increased U.S. restrictions on travel to Cuba negatively affected Cuba's nascent private sector, since many small businesses sprang up to cater to increased American visitors. As discussed below in the section on "Travel Restrictions," the elimination of cruise ship travel, flights to and from Cuban cities other than Havana, and people-to-people travel led to almost a 22% drop in U.S. visitors to Cuba in 2019 (not including Cuban Americans visiting their families) compared with the previous year. In the first two months of 2020, U.S. visitor travel to Cuba declined 64% compared with the same period in 2019. Moreover, the economic fallout of the COVID-19 pandemic, with the shutdown of the tourist sector and related activity, hit Cuba's private and overall economy hard, with some $3 billion in lost revenue.[48]

Foreign Investment. The Cuban government adopted a new foreign investment law in 2014 with the goal of attracting increased levels of foreign capital to the country. The law cut taxes on profits by half, to 15%, and exempts companies from paying taxes for the first eight years of operation. It also eliminated employment or labor taxes, although companies still must hire labor through state-run companies, with agreed wages. A fast-track procedure for small projects reportedly streamlines the approval process, and the government agreed to improve the transparency and time of the approval process for larger investments.[49]

A Mariel Special Development Zone (ZED Mariel) was established in 2014 near the port of Mariel to attract foreign investment. To date, ZED Mariel has approved some 55 investment projects at various stages of development, with 31 operating.[50] In November 2017, Cuba approved a project for Rimco (the exclusive dealer for Caterpillar in Puerto Rico, the U.S. Virgin Islands, and the Eastern Caribbean) to become the first U.S. company to be located in the ZED

[47] "Government 'Rectifies' Self-Employment Regulations Following Disquiet," *Cuba Briefing*, The Caribbean Council, December 10, 2018.

[48] William M. Leogrande, "Cuba's Economic Crisis Is Spurring Much-Needed Action on Reforms," *World Politics Review*, November 17, 2020.

[49] "Cuba Approves New Foreign Investment Law," *Latin American Regional Report: Caribbean & Central America*, April 2014; "What's Changed in Cuba's New Foreign Investment Law," Reuters News, March 29, 2014.

[50] Yosley Carrero, "Roundup: Cuba Launches 2020-2021 Business Opportunities Portfolio," Xinhua News Agency, December 10, 2020.

Mariel. Rimco plans to set up a warehouse and distribution center to distribute Caterpillar equipment. In September 2018, the Roswell Park Comprehensive Cancer Center of Buffalo, NY, announced it was entering into a joint venture with Cuba's Center for Molecular Immunology focused on the development of cancer therapies; the joint venture will be located in the ZED Mariel.

According to Minister of Foreign Trade and Investment Malmierca, Cuba has the goal of attracting $2 billion-$2.5 billion in foreign investment projects annually. In November 2018, Malmierca said Cuba had signed more than 200 investment projects valued at $5.5 billion since it made changes to its investment law in 2014, with $1.5 billion of that in 2018, although some observers maintain that the actual amount invested was much less.[51] In November 2019, Malmierca said Cuba has attracted $1.7 billion over the past year, with 25 investment projects; in December 2020, the minister said Cuba had attracted $1.9 billion in investment over the past year, with 34 projects approved.[52] The Cuban government also updated its wish list for foreign investment in December 2020, including 503 projects representing potential investment of $12.1 billion in such high-priority areas as tourism, energy, and food production.[53] Malmierca also announced in early December 2020 that Cuba would permit foreign investments with Cuban minority participation and would permit the participation of investment funds.[54]

For Additional Reading on the Cuban Economy

Association for the Study of the Cuban Economy, annual proceedings, at http://www.ascecuba.org/publications/annual-proceedings/.

Carmelo Mesa-Lago, "The Cuban Economy After Six Decades of Socialism: Changes, Continuities and the Worsening Crisis," in Cuba in Transition: Volume 29, July 2019, at https://www.ascecuba.org/c/wp-content/uploads/2020/01/v29-asce_2019_04mesolago.pdf.

Brookings Institution, at https://www.brookings.edu/topic/cuba/.

The Cuban Economy, La Economia Cubana, website maintained by Arch Ritter, from Carlton University, Ottawa, Canada, available at https://thecubaneconomy.com/.

Oficina Nacional de Estadísticas e Información (ONEI), República de Cuba (Cuba's National Office of Statistics and Information), at http://www.one.cu/.

U.S.-Cuba Trade and Economic Council, Inc., website at https://www.cubatrade.org/.

Foreign Relations

During the Cold War, Cuba had extensive relations with, and support from, the Soviet Union, which provided billions of dollars in annual subsidies to sustain the Cuban economy. This subsidy system helped to fund an activist foreign policy and support for guerrilla movements and revolutionary governments in Latin America and Africa. With an end to the Cold War, the dissolution of the Soviet Union, and the loss of Soviet financial support, Cuba was forced to abandon its revolutionary activities abroad. As its economy reeled from the loss of Soviet support,

[51] "Cuba Says Investor Interest Up Despite U.S. Hostility," Voice of America News, October 31, 2018.

[52] Sarah Marsh, "Cuba Attracts $1.7 Billion in Foreign Investment Despite U.S. Sanctions," Reuters News, November 6, 2019; and "Cuba Attracts $1.9 Bln in Foreign Investment Despite U.S. Sanctions," Postmedia Breaking News, December 8, 2020.

[53] Yosley Carrero, "Roundup: Cuba Launches 2020-2021 Business Opportunities Portfolio," Xinhua News Agency, December 10, 2020.

[54] Mario J. Pentón, "Cuba Says It Will Open Its Economy to Majority-Owned Foreign Investments," *Miami Herald*, December 10, 2020.

Cuba was forced to open up its economy and engage in economic relations with countries worldwide.

In ensuing years, Cuba diversified its trading partners, although Venezuela under populist leftist President Hugo Chávez (1999-2013) became one of Cuba's most important partners, leading to Cuba's dependence on Venezuela for oil imports. In 2018, the leading sources of Cuba's imports in terms of value were Venezuela (23%), China (13.4%), and Spain (10.5%); the leading destinations of Cuban exports were Canada (22.3%), Venezuela (19.5%), China (19.2%), and Spain (7.6%).[55]

Russia. Relations with Russia, which had diminished significantly in the aftermath of the Cold War, have strengthened somewhat in recent years. In 2014, Russia agreed to write off 90% of Cuba's $32 billion Soviet-era debt, with some $3.5 billion to be paid back by Cuba over a 10-year period that would fund Russian investment projects in Cuba.[56] Trade relations between Russia and Cuba have not been significant. Although Russian exports to Cuba grew from $87 million in 2015 to almost $373 million in 2018, led by motor vehicles (and parts) and oil, they declined to $187 million in 2019.[57] Russian energy companies Zarubezhneft and Rosneft are currently involved in oil exploration in Cuba, and in 2017, Rosneft began shipping oil to Cuba amid Cuba's efforts to diversify its foreign oil sources because of Venezuela's diminished capacity.[58]

Russian officials publicly welcomed the improvement in U.S.-Cuban relations under the Obama Administration, although some analysts viewed the change in U.S. policy as a setback for Russian overtures in the region. As U.S.-Cuban normalization talks were beginning in Havana in January 2015, a Russian intelligence ship docked in Havana (the ship also docked in Havana in 2014, 2017, and 2018).[59] In December 2016, Russia and Cuba signed a bilateral cooperation agreement for Russia's support to help Cuba modernize its defense sector.[60]

Reports indicate that as U.S. relations with Cuba have deteriorated under the Trump Administration, Russia has been attempting to increase its ties, including high-level meetings between government officials and increased economic, military, and cultural engagement.[61] For Cuba, a deepening of relations with Russia could help economically, especially regarding oil, and could serve as a counterbalance to the Trump Administration's return to a sanctions-based policy instead of engagement.[62] President Díaz-Canel visited Russia in November 2018, and press

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[55] Statistics drawn from Oficina Nacional de Estadística e Información, República de Cuba, Anuario Estadístico de Cuba 2018, Sector Externo, Edición 2019.

[56] Anna Andrianova and Bill Faries, "Russia Forgives $32B of Debt, Wants to Do Business in Cuba," Bloomberg News, July 13, 2014.

[57] Statistics from Federal Customs Service of Russia, as presented by Global Trade Atlas.

[58] "Russia Resumes Oil Shipments to Cuba, Helps Fill Venezuelan Breach," Reuters News, May 3, 2017; "Zarubezhneft Starts Drilling in Cuba," *NEFTE Compass*, October 10, 2019; and Marc Frank, "Russia Moves In to Fill Cuba's U.S. Void," *Financial Times*, January 2, 2020.

[59] Defense Intelligence Agency (DIA), "Russia: Defense Cooperation with Cuba, Nicaragua, and Venezuela," report to Congress, February 4, 2019.

[60] "Russia to Help Cuba Upgrade Armed Forces," TASS World Service Wire, December 15, 2016; "Russia, Cuba Sign Program on Defense Technology Cooperation," Sputnik News Service, December 8, 2016.

[61] Nora Gámez Torres, "Amidst Growing Tensions with the U.S., Cuba Gets Cozier with Russia," *Miami Herald*, October 13, 2017; Nora Gámez Torres and Antonio Maria Delgado, "Goodbye Venezuela, Hello Russia. Can Vladimir Putin Save Cuba?" *Miami Herald*, December 26, 2017; and Marc Frank, "Russia Moves In to Fill Cuba's U.S. Void," *Financial Times*, January 2, 2020.

[62] "Cuba Looks More to Russia as the Prospects for Better U.S. Ties Fade Under Trump," (interview with William M. LeoGrande) *World Politics Review*, January 2, 2018.

reports indicate that Cuba received a $50 million credit line for purchases of Russian military weapons and spare parts, as well as contracts to modernize three power plants and a metal processing plant and to upgrade Cuba's railway system.[63] Díaz-Canel returned to Moscow in October 2019 and praised Russia for its support amid escalating "U.S. aggression."[64]

There has been concern in Congress about the role of Russia in Latin America, including in Cuba. The conference report to the John S. McCain National Defense Authorization Act for FY2019, P.L. 115-232 (H.R. 5515) required the Defense Intelligence Agency to submit a report to Congress on security cooperation between Russia and Cuba (as well as between Russia and Nicaragua and Venezuela). Among the areas of cooperation noted in the report, which was submitted to Congress in February 2019, was a Russian-Cuban announcement in 2017 of a plan to construct a GLONASS satellite navigation station in Cuba, and a 2013 Russia-Cuba agreement permitting Russian military vessels to refuel and resupply in Cuban ports. According to the report, the Russian Navy currently uses Cuban ports for maintenance, minor repairs, and refueling, and may seek to establish a permanent naval logistics facility in the country.[65]

China. During the Cold War, Cuba and China did not have close relations because of Sino-Soviet tensions, but bilateral relations with China have grown closer over the past 15 years, resulting in a notable increase in trade. Since 2004, Chinese leaders have made a series of visits to Cuba and Cuban officials in turn have visited China, including a November 2018 visit by President Díaz-Canel. During the visit, Chinese President Xi Jinping called for a long-term plan to promote the development of China-Cuba ties and welcomed Cuba's participation in the Belt and Road Initiative (BRI), which is focused on infrastructure development around the world. President Xi called on both countries to enhance cooperation on trade, energy, agriculture, tourism, and biopharmaceutical manufacturing.[66] While Cuba's relationship with China undoubtedly has an ideological component since both are the among the world's remaining communist governments, economic linkages and cooperation appear to be the most significant component of bilateral relations.

According to Chinese trade statistics, total Cuba-China trade in in 2019 was valued at almost $1.3 billion, down almost 18% from 2018 (and continuing a downward trend since a 2015 high of $2.3 billion in total trade). In 2019, Cuban exports to China were valued at $480 million (up 2.5% from 2018), whereas Cuban imports from China were almost $790 million (down 27% from 2018). The decline in imports from China reflects Cuba's difficult economic situation, as Venezuelan support has diminished. In response to a cash crunch, the Cuban government has cut imports and reduced the use of fuel and electricity.[67]

China reportedly had been reluctant to invest in Cuba because of the uninviting business environment, but recently that has begun to change. In 2015, the Chinese cellphone company Huawei reached an agreement with the Cuban telecommunications company ETECSA to set up Wi-Fi hotspots at public locations, and is helping to wire homes.[68] In 2016, the Chinese company

[63] Scott B. McDonald, "Why Cuba Isn't Getting Much from Russia or China," *The National Interest*, November 27, 2018.

[64] "Cuban Leader Hails Russian Support During Meeting with Putin," Radio Free Europe Documents and Publications, October 29, 2019.

[65] Russia also inaugurated a GLONASS station in Nicaragua in 2017. See DIA, *Russia: Defense Cooperation with Cuba, Nicaragua, and Venezuela*, report to Congress, February 4, 2019.

[66] "China Focus: Xi Holds Talks with Cuban President to Advance Ties," Xinhua, November 8, 2018.

[67] "China's Exports to Cuban Slump as Island's Cash Crunch Deepens," Reuters News, December 6, 2017; and "Chinese Exports to Cuba Hit Lowest Level in Decade Last Year," Reuters News, January 27, 2020.

[68] The final report of the Cuba Internet Task Force (established by the State Department in 2018) describes China as

Haier set up a plant assembling laptops and tablets in Cuba. Over the past two years, Chinese financing has been supporting the modernization of a port in Santiago. Other planned Chinese investment projects reportedly include pharmaceuticals as well as the tourism sector involving two hotels and a golf course.[69] In May 2019, Cuban officials identified three areas for cooperation within the BRI framework: renewable energy, cybersecurity and technology, and biotechnology.[70]

European Union. After two years of talks, the European Union (EU) and Cuba reached a Political Dialogue and Cooperation Agreement in 2016 covering political, trade, and development issues. The agreement was submitted to the European Parliament, which overwhelmingly endorsed the agreement in July 2017, welcoming it as a framework for relations and emphasizing the importance of the human rights dialogue between the EU and Cuba. Although the agreement will enter into force in full after it has been ratified in all EU member states, the provisional application of the agreement began in November 2017.[71] In March 2020, Secretary of State Pompeo and some Members of Congress urged the government of Lithuania, the remaining EU state to ratify the agreement, to oppose the agreement, citing concerns about Cuba's human rights violations.[72]

The new cooperation agreement replaces the EU's 1996 Common Position on Cuba, which stated that the objective of EU relations with Cuba included encouraging "a process of transition to pluralist democracy and respect for human rights and fundamental freedoms." The position also had stipulated that full EU economic cooperation with Cuba would depend upon improvements in human rights and political freedom.[73] Nevertheless, the new agreement states that a human rights dialogue will be established within the framework of the overall political dialogue and has numerous provisions related to democracy, human rights, and good governance. In October 2018, the EU and Cuba held their first human rights dialogue under the agreement, with the meeting addressing issues related to civil, political, economic, social and cultural rights, and multilateral cooperation.[74] A second human rights dialogue under the agreement took place in October 2019, with both sides discussing freedom of expression, access to information, gender equality, and the rights of vulnerable people; the two sides reportedly agreed to collaborate through the exchange

playing a major role in Cuba's telecommunications sector market. See U.S. Department of State, *Cuba Internet Task Force: Final Report*, June 16, 2019.

[69] "Cuba Welcomes More Chinese Investment, Visitors to Boost Tourism," Xinhua, September 20, 2018; "China Piles into Cuba as Venezuela Fades and Trump Looms," Reuters News, February 14, 2017; Nathan Hodge and Josh Chin, "China Apt to Fill U.S.-Cuba Breach," *Wall Street Journal*, November 30, 2016; "Feature: China Helps Convert Santiago de Cuba into Modernized Port," Xinhuanet, August 8, 2017; and Ted Piccone, "The Geopolitics of China's Rise in Latin America," Brookings, November 2016, pp. 18-19.

[70] "Cuban Official Highlights Key Areas for Belt & Road Cooperation," Belt & Road News, May 2, 2019.

[71] European Council, Council of the European Union, "EU-Cuba: Council Opens New Chapter in Relations," press release, December 6, 2016, at http://www.consilium.europa.eu/en/press/press-releases/2016/12/06-eu-cuba-relations/; and European Parliament, "EU-Cuba Relations: A New Chapter Begins," July 18, 2017, at http://www.europarl.europa.eu/RegData/etudes/IDAN/2017/570485/EXPO_IDA(2017)570485_EN.pdf.

[72] "U.S. Secretary of State, Senators Call on Lithuania Not to Ratify EU-Cuba Pact," Baltic News Service, March 7, 2020; and U.S. Senate, Office of Marco Rubio, "Rubio Leads Bipartisan Letter to Lithuanian Ambassador Urging Him to Stand with Cuban People," press release, March 3, 2020.

[73] European Union, Official Journal of the European Commission, "Common Position of 2 December 1996, Defined by the Council on the Basis of Article J.2 of the Treaty on European Union, on Cuba," (96/697/CFSP), December 2, 1996.

[74] "First EU-Cuba In-Depth Exchange on Human Rights Takes Place," *Cuba Briefing*, The Caribbean Council, October 15, 2018; European Parliament, Policy Department for External Relations, Directorate General for External Policies of the Union, "Rule of Law and Human Rights in Cuba and Venezuela and EU Engagement," November 2018.

of best practices, including on combating violence against women and improving access to the internet.

Venezuela. For 20 years, Venezuela has been a significant source of support for Cuba. Dating back to 2000 under populist President Hugo Chávez, Venezuela began providing subsidized oil and investment to Cuba. For its part, Cuba has sent thousands of professional personnel to Venezuela. Estimates of the number of Cuban personnel in Venezuela vary, but a 2014 Brookings study estimated that there were some 40,000 Cuban professionals in Venezuela, with 75% of those being health care workers.[75] The roughly 30,000 health care personnel included doctors and nurses, while the balance of Cuban personnel in Venezuela reportedly included teachers, sports instructors, military advisers, and intelligence operatives. According to the Brookings study, various sources estimate that the number of Cuban military and intelligence advisers in Venezuela ranged from hundreds to thousands, coordinated by Cuba's military attaché in Venezuela. Some Cuban medical personnel in Venezuela allege that their services were used to secure votes for the Maduro government.[76] The extent to which the overall level of Cuban personnel in Venezuela has declined because of the drop in Venezuelan oil exports to Cuba and Venezuela's economic crisis is uncertain, but the EIU estimates that Venezuela has currently has around 20,000 medical personnel in Venezuela.[77]

Since the death of Chávez in 2013, Cuba has been concerned about the future of Venezuelan financial support. Cuba's concerns have intensified since 2014 as Venezuela's mounting economic and political challenges have grown under the authoritarian rule of President Nicolás Maduro. Oil imports from Venezuela have declined, due to both Venezuela's severe economic deterioration and U.S. sanctions aimed at impeding exports to Cuba, leading to Cuba's imposition of austerity measures and economic decline.

International and Regional Organizations. Cuba is an active participant in international forums, including the United Nations (U.N.) and has received support over the years from the United Nations Development Programme and the United Nations Educational, Scientific, and Cultural Organization, both of which have offices in Havana. Cuba is also a member of the U.N. Economic Commission for Latin America and the Caribbean (ECLAC, also known by its Spanish acronym, CEPAL), one of the five regional commissions of the U.N., and hosted ECLAC's 37th session in May 2018. U.N. Secretary-General António Guterres attended the opening of the conference, and ECLAC's Executive Secretary reaffirmed the organization's commitment to help Cuba in its efforts toward achieving sustainable development.[78]

Since 1991, the U.N. General Assembly (UNGA) has approved a resolution annually criticizing the U.S. embargo and urging the United States to lift it. In 2016, for the first time, the United States abstained instead of voting against the resolution, but in 2017, the United States returned to opposing the resolution. On November 1, 2018, the UNGA again approved the resolution by a vote of 189-2, with Israel again joining the United States in opposing it. The United States also

[75] Ted Piccone and Harold Trinkunas, "The Cuba-Venezuela Alliance: The Beginning of the End?" Latin America Initiative Policy Brief, Brookings, June 2014, p. 3.

[76] Nicholas Casey and Andrea Zarate, "Trading Lifesaving Treatment for Maduro Votes," *New York Times*, March 17, 2019.

[77] Harold Trinkunas, Stanford University, testimony before the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, hearing on "The Venezuela Crisis: The Malicious Influence of State and Criminal Actors," September 13, 2017, at http://docs.house.gov/meetings/FA/FA07/20170913/106398/HHRG-115-FA07-Wstate-TrinkunasH-20170913.pdf; and "Country Report Cuba," EIU, May 2020.

[78] U.N. Economic Commission for Latin America and the Caribbean, "ECLAC and Cuba Join in a Dialogue About Its Path to Sustainable Development," press release, May 7, 2018.

proposed eight amendments to the 2018 resolution criticizing Cuba's human rights record, but the amendments were defeated by wide margins. In November 2019, for the 28th consecutive year, the UNGA adopted another resolution calling for an end to the economic, commercial, and financial embargo imposed by the United States on Cuba. Brazil and Israel joined the United States in opposing the resolution, and 187 U.N. member states supported the measure.[79] In 2020, a UNGA vote on the embargo planned for October 2020 was postponed until May 2021 due to the COVID-19 pandemic.[80]

Among other international organizations, Cuba was a founding member of the World Trade Organization, but it is not a member of the International Monetary Fund, the World Bank, or the Inter-American Development Bank. Cuba is a member of the Community of Latin American and Caribbean States (CELAC), officially established in December 2011 to boost regional cooperation, but without the participation of the United States or Canada.

Cuba was excluded from participation in the Organization of American States (OAS) in 1962 because of its identification with Marxism-Leninism. In 2009, however, the OAS overturned that policy in a move that eventually could lead to Cuba's reentry into the regional organization in accordance with the practices, purposes, and principles of the OAS. Although the Cuban government welcomed the OAS vote to overturn the 1962 resolution suspending Cuba's OAS participation, it asserted that it would not return to the OAS.[81]

U.S. Policy Toward Cuba

Background on U.S.-Cuban Relations[82]

In the early 1960s, U.S.-Cuban relations deteriorated sharply when Fidel Castro began to build a repressive communist dictatorship and moved his country toward close relations with the Soviet Union. The often tense and hostile nature of the U.S.-Cuban relationship is illustrated by such events and actions as U.S. covert operations to overthrow the Castro government culminating in the ill-fated April 1961 Bay of Pigs invasion; the October 1962 missile crisis, in which the United States confronted the Soviet Union over its attempt to place offensive nuclear missiles in Cuba; Cuban support for guerrilla insurgencies and military support for revolutionary governments in Africa and the Western Hemisphere; the 1980 exodus of around 125,000 Cubans to the United States in the so-called Mariel boatlift; the 1994 exodus of more than 30,000 Cubans who were interdicted and housed at U.S. facilities in Guantanamo Bay, Cuba, and Panama; and the 1996 shootdown by Cuban fighter jets of two U.S. civilian planes operated by the Cuban-American group Brothers to the Rescue, which resulted in the deaths of four U.S. crew members.

Beginning in the early 1960s, U.S. policy toward Cuba consisted largely of seeking to isolate the island nation through comprehensive economic sanctions, including an embargo on trade and financial transactions. President Kennedy proclaimed an embargo on trade between the United

[79] "Cuba: U.N. Members Overwhelmingly Support End of U.S. Embargo, as Brazil Backs Washington," U.N. News, November 7, 2019.

[80] "Cuba Says U.S. Trade Embargo Cost More than $5 Bln Last Year," Reuters, October 22, 2020.

[81] For further background, see section on "Cuba and the OAS" in CRS Report R40193, *Cuba: Issues for the 111th Congress*, by Mark P. Sullivan; also see CRS Report R42639, *Organization of American States: Background and Issues for Congress*, by Peter J. Meyer.

[82] For additional background, see CRS Report RL30386, *Cuba-U.S. Relations: Chronology of Key Events 1959-1999*, by Mark P. Sullivan.

States and Cuba in February 1962,[83] citing Section 620(a) of the Foreign Assistance Act of 1961 (FAA), which authorizes the President "to establish and maintain a total embargo upon all trade between the United States and Cuba."[84] At the same time, the Treasury Department issued the Cuban Import Regulations to deny the importation into the United States of all goods imported from or through Cuba.[85] The authority for the embargo was later expanded in March 1962 to include the Trading with the Enemy Act (TWEA).[86]

In July 1963, the Treasury Department revoked the Cuban Import Regulations and replaced them with the more comprehensive Cuban Assets Control Regulations (CACR)—31 C.F.R. Part 515—under the authority of TWEA and Section 620(a) of the FAA.[87] The CACR, which include a prohibition on most financial transactions with Cuba and a freeze of Cuban government assets in the United States, remain the main body of Cuba embargo regulations and have been amended many times over the years to reflect changes in policy. They are administered by the Treasury Department's Office of Foreign Assets Control (OFAC) and prohibit financial transactions as well as trade transactions with Cuba. The CACR also require that all exports to Cuba be licensed or otherwise authorized by the Department of Commerce, Bureau of Industry and Security (BIS), under the provisions of the Export Administration Act of 1979, as amended (P.L. 96-72; 50 U.S.C. Appendix 2405(j)).[88] The Export Administration Regulations (EAR) are found at 15 C.F.R. Sections 730-774.[89]

Congress subsequently strengthened sanctions on Cuba with enactment of the Cuban Democracy Act of 1992 (CDA; P.L. 102-484, Title XVII), the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (P.L. 104-114), and the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA; P.L. 106-387, Title IX).

- Among its provisions, the CDA prohibits U.S. foreign subsidiaries from engaging in trade with Cuba and prohibits entry into the United States for any seaborne vessel to load or unload freight if it has been involved in trade with Cuba within the previous 180 days unless licensed by the Treasury Department.[90]
- The LIBERTAD Act, enacted in the aftermath of Cuba's shooting down two U.S. civilian planes in February 1996, combines a variety of measures to increase pressure on Cuba and provides for a plan to assist Cuba once it begins the transition to democracy. Most significantly, the act codified the Cuban embargo as permanent law, including all restrictions imposed by the executive branch under the CACR. This provision is noteworthy because of its long-lasting effect

[83] Presidential Documents, "Proclamation 3447, Embargo on All Trade with Cuba," 27 *Federal Register* 1085, February 7, 1962.

[84] In October 1960 under the Eisenhower Administration, exports to Cuba were strictly controlled under the authority of the Export Control Act of 1949 in response to the expropriation of U.S. properties. This action in effect amounted to an embargo on exports of all products with the exception of certain foods, medicines, and medical supplies.

[85] U.S. Department of the Treasury, 27 *Federal Register* 1116, February 7, 1962.

[86] U.S. Department of the Treasury, 27 *Federal Register* 2765-2766, March 24, 1962.

[87] U.S. Department of the Treasury, "Control of Financial and Commercial Transactions Involving Cuba or Nationals Thereof," 28 *Federal Register* 6974-6985, July 9, 1963.

[88] 31 C.F.R. §515.533.

[89] See especially 15 C.F.R. §746.2 on Cuba, which refers to other parts of the EAR.

[90] Pursuant to an October 2016 regulatory change, the Obama Administration eased the 180-day rule by issuing a general license waiving the restriction if the items carried to Cuba would, if subject to the Export Administration Regulations, be designated as EAR 99, meaning that the items are not on the Commerce Control List. According to the Commerce Department, EAR items generally consist of low-technology consumer goods. 81 *Federal Register* 71372-71378, October 17, 2016.

on U.S. policy options toward Cuba. The executive branch is prevented from lifting the economic embargo without congressional concurrence through legislation until certain democratic conditions set forth in the law are met, although the President retains broad authority to amend the regulations therein. Two other significant sanctions include Title III of the law, which holds any person or government that traffics in property confiscated by the Cuban government liable for monetary damages in U.S. federal court, and Title IV, which denies admission to the United States to aliens involved in the trafficking of confiscated U.S. property in Cuba. (For additional information, including Trump Administration action on these sanctions, see "Property Claims and Titles III and IV of the LIBERTAD Act," below.)

- TSRA authorizes U.S. commercial agricultural exports to Cuba, but it also includes prohibitions on U.S. assistance and private financing and requires "payment of cash in advance" or third-country financing for the exports. The act also prohibits tourist travel to Cuba.

In addition to these acts, Congress enacted numerous other provisions of law over the years that imposed sanctions on Cuba, including restrictions on trade, foreign aid, and support from international financial institutions. The State Department also designated the government of Cuba as a state sponsor of international terrorism in 1982 under Section 6(j) of the Export Administration Act and other laws because of the country's alleged ties to international terrorism, although as noted below, the Obama Administration rescinded Cuba's designation in 2015.[91]

Beyond sanctions, another component of U.S. policy has consisted of support measures for the Cuban people. This support includes U.S. private humanitarian donations, medical exports to Cuba under the terms of the CDA, U.S. government support for democracy-building efforts, and U.S.-sponsored radio and television broadcasting to Cuba. The enactment of TSRA by the 106th Congress also led to the United States becoming one of Cuba's largest commercial suppliers of agricultural products. Authorization for purposeful travel to Cuba and cash remittances to Cuba has constituted an important means to support the Cuban people, although significant congressional debate has occurred over these issues for many years.

Despite the poor state of U.S.-Cuban relations, several examples of bilateral cooperation took place over the years in areas of shared national interest. Three areas that stand out are alien migrant interdiction (with migration accords negotiated in 1994 and 1995), counternarcotics cooperation (with increased cooperation dating back to 1999), and cooperation on oil spill preparedness and prevention (since 2011).

Obama Administration: Shift Toward Engagement

In December 2014, the Obama Administration initiated a major policy shift in U.S. policy toward Cuba, moving away from sanctions toward a policy of engagement and the normalization of relations. President Obama said that his Administration would "end an outdated approach that, for decades, has failed to advance our interests." He maintained that the United States would continue to raise concerns about democracy and human rights in Cuba but stated that "we can do more to support the Cuban people and promote our values through engagement."[92]

[91] See CRS Report R43835, *State Sponsors of Acts of International Terrorism—Legislative Parameters: In Brief*, by Dianne E. Rennack.

[92] White House, "Statement by the President on Cuba Policy Changes," December 17, 2014.

The policy change included three major steps: (1) the rescission of Cuba's designation as a state sponsor of international terrorism in May 2015; (2) the restoration of diplomatic relations in July 2015 (relations had been severed in January 1961 by the Eisenhower Administration); and (3) steps to increase travel, commerce, and the flow of information to Cuba. The third step required the Treasury and Commerce Departments to amend the CACR and EAR respectively; the two agencies issued five rounds of amendments to the regulations in 2015-2016 that eased restrictions on travel, remittances, trade, telecommunications, and banking and financial services. They also authorized certain U.S. companies or other entities to have a physical presence in Cuba, such as an office, retail outlet, or warehouse.

After the restoration of relations, U.S. and Cuban officials negotiated numerous bilateral agreements, including in the following areas: marine protected areas (November 2015); environmental cooperation on a range of issues (November 2015); direct mail service (December 2015); civil aviation (February 2016); maritime issues related to hydrography and maritime navigation (February 2016); agriculture (March 2016); health cooperation (June 2016); counternarcotics cooperation (July 2016); federal air marshals (September 2016); cancer research (October 2016); seismology (December 2016); meteorology (December 2016); wildlife conservation (December 2016); animal and plant health (January 2017); oil spill preparedness and response (January 2017); law enforcement cooperation (January 2017); and search and rescue (January 2017). The United States and Cuba also signed a bilateral treaty in January 2017 delimiting their maritime boundary in the eastern Gulf of Mexico. Bilateral dialogues were held on all of these issues as well as on other issues including counterterrorism, claims (U.S. property, unsatisfied court judgments, and U.S. government claims), economic and regulatory issues, human rights, renewable energy and efficiency, trafficking in persons, and migration.

President Obama visited Cuba in March 2016 with the goals of building on progress toward normalizing relations and expressing support for human rights. In a press conference with Raúl Castro, President Obama said that the United States would "continue to speak up on behalf of democracy, including the right of the Cuban people to decide their own future."[93] During a speech that was televised to the Cuban nation, President Obama spoke out for advancing human rights, stating his belief that citizens should be free to speak their minds without fear and that the rule of law should not include arbitrary detentions.[94] In October 2016, President Obama issued a presidential policy directive on the normalization of relations with Cuba. The directive set forth the Administration's vision for normalization of relations and laid out six medium-term objectives: (1) government-to-government interaction; (2) engagement and connectivity; (3) expanded commerce; (4) economic reform; (5) respect for universal human rights, fundamental freedoms, and democratic values; and (6) Cuba's integration into international and regional systems.[95]

In January 2017, the Obama Administration also announced another significant policy change toward Cuba. The Administration ended the so-called wet foot/dry foot policy, under which thousands of unauthorized Cuban migrants had entered the United States since the mid-1990s. Pursuant to a 1995 bilateral migration accord, Cuban migrants intercepted at sea attempting to reach the United States were returned to Cuba, whereas those who successfully reached U.S. shore were generally permitted to stay in the United States. Under the 2017 change in policy,

[93] White House, "Remarks by President Obama and President Raúl Castro of Cuba in a Joint Press Conference," March 21, 2016.

[94] White House, "Remarks by President Obama to the People of Cuba," March 22, 2016.

[95] White House, "Presidential Policy Directive–United States-Cuba Normalization," October 14, 2016, at https://www.whitehouse.gov/the-press-office/2016/10/14/presidential-policy-directive-united-states-cuba-normalization.

Cuban nationals who attempt to enter the United States illegally and do not qualify for humanitarian relief are now subject to removal. (For more, see "Migration Issues," below.)

Trump Administration: Increased Sanctions

President Trump unveiled a new policy toward Cuba in 2017, introducing new sanctions and rolling back some of the Obama Administration's efforts to normalize relations. By 2019, however, the Trump Administration had largely abandoned engagement by increasing economic sanctions significantly to pressure the Cuban government on its human rights record and its support for the rule of Nicolás Maduro in Venezuela.

Initial Policy Changes and Some Continuity in 2017-2018

In June 2017, President Trump set forth his Administration's policy in a speech in Miami, FL, where he signed a national security presidential memorandum (NSPM) on Cuba replacing President Obama's October 2016 presidential policy directive that had laid out objectives for the normalization process. The President called for the Cuban government to end the abuse of dissidents, release political prisoners, stop jailing innocent people, and return U.S. fugitives from justice in Cuba. He stated that "any changes to the relationship between the United States and Cuba will depend on real progress toward these and other goals." Once Cuba takes concrete steps in these areas, President Trump said "we will be ready, willing and able to come to the table to negotiate that much better deal for Cubans, for Americans."[96]

The new policy left many of the Obama-era policy changes in place, including the reestablishment of diplomatic relations and a variety of eased sanctions to increase travel and commerce with Cuba. The new policy also kept in place the Obama Administration's action ending the so-called wet foot/dry foot policy toward Cuban migrants, which, according to the NSPM, had "encouraged untold thousands of Cuban nationals to risk their lives to travel unlawfully to the United States."[97]

The most significant policy changes set forth in President Trump's 2017 NSPM included (1) restrictions on financial transactions with companies controlled by the Cuban military, intelligence, or security services or personnel and (2) the elimination of people-to-people educational travel by individuals. In November 2017, the Treasury and Commerce Departments issued amended regulations to implement the new policy.[98]

In a demonstration of continuity in policy between the Trump and Obama Administrations, the U.S. and Cuban governments continued to engage on various bilateral issues through meetings and dialogues in 2017 and 2018. The two countries continued to hold semiannual migration talks, which, since 1995, provided a forum to review and coordinate efforts to ensure safe, legal, and orderly migration between Cuba and the United States; talks were held in April and December 2017, and in July 2018.

The United States and Cuba also continued to hold Bilateral Commission meetings that began under the Obama Administration in which the two governments reviewed priorities and areas for

[96] White House, "Remarks by President Trump on the Policy of the United States Toward Cuba," June 16, 2017.

[97] Ibid; and U.S. Department of State, "Strengthening the Policy of the United States Toward Cuba," 82 *Federal Register* 48875-48878, October 20, 2017 (consists of the text of National Security Presidential Memorandum, NSPM-5, issued by the President on June 16, 2017).

[98] U.S. Department of the Treasury, "Cuban Assets Control Regulations," 82 *Federal Register* 51998-52004, November 9, 2017; and U.S. Department of Commerce, "Amendments to Implement United States Policy Toward Cuba," 82 *Federal Register*, 51983-51986, November 9, 2017.

engagement. Officials held a sixth Bilateral Commission meeting in September 2017 and a seventh meeting in June 2018. According to the State Department, at the June 2018 meeting, the two countries reviewed such areas for engagement as trafficking in persons, civil aviation safety, law enforcement matters, agriculture, maritime safety and search and rescue, certified claims, and environmental challenges. The State Department maintained that the United States reiterated the urgent need to identify the source of the "attacks" on U.S. diplomats and to ensure they cease (see discussion below), expressed continued concerns about the arbitrary detention of independent journalists and human rights defenders, and acknowledged Cuba's progress in repatriating Cubans with final removal orders while also emphasizing that Cuba needs to accept greater numbers of returnees.[99] Cuba's Ministry of Foreign Affairs maintained the meeting provided an opportunity to review areas of exchange and cooperation, but it also criticized several aspects of U.S. policy, including the "intensification" of the U.S. embargo and what Cuba viewed as the "political manipulation of the alleged health cases" that became a "pretext" to reduce staff and therefore affect embassy operations in both countries.[100]

In this period, both countries continued engagement on other bilateral issues. The U.S. Coast Guard and the Cuban Border Guard participated in professional exchanges in July 2017 and January 2018 covering a variety of topics, including search and rescue. The U.S. Departments of State, Justice, and Homeland Security participated in law enforcement dialogues with Cuban counterparts in September 2017 and July 2018; the 2018 dialogue included such topics as fugitives and the return of Cuban nationals with final orders of removal. Additional bilateral meetings and exchanges were held in 2018 on such topics as cybersecurity and cybercrime, counternarcotics efforts, and counterterrorism in January; anti-money laundering efforts and trafficking in persons in February; search and rescue in March; and agriculture and scientific cooperation related to environmental disaster in April.[101]

Increased Sanctions from 2019 to 2021

Beginning in 2019, the Administration ramped up economic sanctions significantly to pressure the Cuban government on its human rights record and its support for the government of Nicolás Maduro in Venezuela. In particular, the Administration maintained it was targeting Cuba's sources of revenue (tourism and Cuba's foreign medical missions) because of Cuba's involvement in Venezuela. According to a State Department official in January 2020:

> The United States will cut off Cuba's remaining sources of revenue in response to its intervention in Venezuela. We've already eliminated visits to Cuba via passenger and recreational vehicles. We suspended U.S. air carriers' authority to operate scheduled air service between the U.S. and all Cuban airports other than Havana. This will further restrict the Cuban regime from using resources to support its repression of the people of Cuba. Countries in the region have also taken action regarding the Cuban Government's program which traffics thousands of Cuban doctors around the world in order to enrich the regime. Brazil insisted on paying the doctors directly at a fair wage. The Cuban regime in response withdrew the doctors from Brazil. Doctors have also now left Ecuador and Bolivia.[102]

The more confrontational policy stance was foreshadowed by a November 2018 address by then-National Security Adviser John Bolton in Miami, FL, that strongly criticized the Cuban

[99] U.S. Department of State, "United States and Cuba Hold Seventh Bilateral Commission Meeting," June 14, 2018.

[100] Ministry of Foreign Affairs of Cuba, "Seventh Meeting of the Cuba-United States Bilateral Commission Held in Washington D.C.," June 14, 2018.

[101] See Ministry of Foreign Affairs of Cuba, Embassy of Cuba in USA, at http://misiones.minrex.gob.cu/en/usa.

[102] U.S. Department of State, "Senior State Department Official on State Department 2019 Successes in the Western Hemisphere Region," special briefing, January 8, 2020.

government on human rights, stating that "we will only engage with a Cuban government that is willing to undertake necessary and tangible reforms—a government that respects the interests of the Cuban people." Bolton's speech, full of anti-communist political discourse reminiscent of the Cold War era, referred to Cuba, Venezuela, and Nicaragua as a "troika of tyranny" and the "cause of immense human suffering, the impetus of enormous regional instability, and the genesis of a sordid cradle of communism in the Western Hemisphere." He referred to the three countries' leaders as "three stooges of socialism" and as "clownish pitiful figures." Bolton asserted that the Venezuelan regime's repression has been "enabled by the Cuban dictatorship."[103]

As the political situation in Venezuela deteriorated in 2019 and the United States increased sanctions on the Maduro government, the Trump Administration increased its criticism of Cuba's support for the regime. In a March 11, 2019, press briefing, Secretary of State Pompeo asserted that "Cuban military and intelligence services are deeply entrenched in the Venezuelan state", and provide physical protection and other support to President Maduro and those around him. Pompeo maintained that Cuba has trained Venezuela's secret police "torture tactics, domestic spying techniques, and mechanisms of repression that Cuban authorities have wielded against their own people for decades."[104] In April 2019, President Trump threatened a "full and complete embargo" on Cuba and "highest-level sanctions" unless Cuba ceased its military support for Maduro's rule.[105]

Then-National Security Adviser Bolton subsequently stated in numerous interviews that Cuba has some 20,000-25,000 security forces in Venezuela; regional experts say the figure is likely much smaller and the Cubans there do not have combat capability.[106] Cuban officials assert that the vast majority of the Cuban personnel in Venezuela are medical workers.[107] In a May 5, 2019, television interview, Secretary Pompeo referred to a smaller number of 2,300 Cuban security personnel in Venezuela, maintaining they were providing security for Maduro.[108]

U.S. sanctions imposed on Cuba from 2019 to January 2021 included a wide array of restrictions overturning some of the easing under the Obama Administration as well as new prohibitions and limitations. Restrictions on travel included eliminating people-to-people educational travel, limiting air travel between the United States and Cuba, prohibiting cruise ship travel, and prohibiting U.S. travelers from staying at over 400 hotels and private residences for rent. Restrictions on remittances limited family remittances, eliminated the category of donative remittances, and implemented new regulations that resulted in Western Union (the major company used for transmitting remittances to Cuba) ceasing its operations in Cuba. Other trade and financial sanctions restricted Cuba's access to leased commercial aircraft, reimposed a license requirement for third-country companies exporting goods to Cuba with more than 10%

[103] The White House, "Remarks by National Security Advisor Ambassador John R. Bolton on the Administration's Policies in Latin America," November 2, 2018.

[104] U.S. Department of State, Michael R. Pompeo, Secretary of State, "Remarks to the Press," March 11, 2019. For background on Venezuela, see CRS In Focus IF10230, *Venezuela: Political Crisis and U.S. Policy*, by Clare Ribando Seelke.

[105] Franco Ordoñez, "Trump Threatens 'Full and Complete Embargo' against Cuba for Meddling in Venezuela," *Miami Herald*, April 30, 2019.

[106] Adam Taylor, "How Many Cuban Troops Are There in Venezuela? The U.S. Says Over 20,000. Cuba Says Zero." *Washington Post*, May 2, 2019; and Karen DeYoung, "U.S. Officials Weigh Options for Venezuela, as Trump Describes 'Positive' call with Putin," *Washington Post*, May 3, 2019.

[107] Matthew Lee and Michael Weissenstein, "No Cuban Troops in Venezuela, Cuban Diplomat Tells AP," Associated Press, May 1, 2019.

[108] U.S. Department of State, Secretary of State Michael R. Pompeo, "Interview with Margaret Brennan of CBS Face the Nation," May 5, 2019.

U.S. origin, and eliminated the use of U-turn transactions that allowed banking institutions to process certain funds transfers originating and terminating outside the United States. Sanctions also targeted Venezuela's oil exports to Cuba. Pursuant to the LIBERTAD Act, the Administration allowed lawsuits to go forward against those alleged to be trafficking in confiscated property in Cuba. Visa restrictions also were imposed on several high-ranking Cuban officials, including Raul Castro, for human rights violations. One of the Trump Administration's final actions on Cuba was the January 2021 designation of the Cuban government as a state sponsor of international terrorism. (For more details, see "Key Trump Administration Sanctions and Other Actions," below.)

U.S. Sanctions and the COVID-19 Pandemic. Amid the COVID-19 pandemic, U.N. officials, including the U.N. High Commissioner for Human Rights Michelle Bachelet, called on the United States to ease or lift restrictions that make it difficult for Cuba to acquire needed equipment, supplies, and medicines to confront the pandemic.[109] Eight nongovernmental organizations supporting engagement with Cuba called for a temporary suspension of sanctions to facilitate the flow of needed humanitarian and medical supplies.[110] U.S. officials, however, indicated that the sanctions would not be eased, maintaining that U.S. sanctions already allow for such exports. According to a press report, Secretary of State Pompeo stated in a call to reporters on April 14, 2020, that "there are no restrictions on humanitarian assistance going into [Cuba]."[111] The Treasury Department subsequently issued a fact sheet providing guidance highlighting general and specific licensing available in the Cuban Assets Control Regulations to allow for humanitarian relief and assistance to the Cuban people.[112]

Some Members of Congress, however, expressed concern about reports that some foreign companies were deterred from providing humanitarian items to Cuba because of burdensome regulatory and reporting requirements and fear of prosecution or penalty under U.S. law. In a letter, 27 members of the Senate and House called on the Secretary of State and the Secretary of the Treasury to confirm that "companies and humanitarians around the world are not precluded under U.S. law, regulation, or policy from providing medical equipment, food, other humanitarian items, and public health information to Cuba."[113]

Key Trump Administration Sanctions and Other Actions

- **Restrictions on Transactions with the Cuban Military.** Pursuant to the NSPM, the State Department was tasked with identifying entities controlled by the Cuban military, intelligence, or security services or personnel and publishing a list of entities with which direct financial transactions would disproportionately benefit those services or personnel at the expense of the Cuban people or private

[109] "Ease Sanctions Against Countries Fighting COVID-19; UN Human Rights Chief," *UN News*, March 24, 2020; and "Lift Cuba Embargo or Risk Many Lives Lost to COVID-19, UN Rights Experts Warn US," UN News, April 30, 2020.

[110] "Organizations Call for Cuba Sanctions Suspension to Facilitate Humanitarian and Medical Supplies amid COVID-19 Pandemic," Washington Office on Latin America, March 26, 2020.

[111] Nora Gámez Torres, "U.S. Won't Offer Sanctions Relief to Cuba Amid Coronavirus Pandemic, Here Is Why," *Miami Herald*, April 16, 2020.

[112] U.S. Department of the Treasury, Office of Foreign Assets Control, "Fact Sheet: Provision of Humanitarian Assistance and Trade to Combat COVID-19," April 16, 2020, at https://home.treasury.gov/system/files/126/covid19_factsheet_20200416.pdf.

[113] U.S. Senate, Office of Patrick Leahy, "Leahy And McGovern Lead Members Of Congress In Pressing Pompeo And Mnuchin To Confirm That U.S. Policy Does Not Preclude Shipments Of Medical Equipment To Cuba To Combat COVID-19," press release, May 5, 2020.

enterprise in Cuba. The NSPM specifically identified the *Grupo de Administración Empresarial S.A*. (GAESA), a holding company of the Cuban military involved in most sectors of the Cuban economy, particularly the tourism sector. The State Department issued a list of restricted entities in 2017, referred to as the "Cuba restricted list," which has been updated several times, most recently January 8, 2021. The Treasury Department forbids financial transactions with these entities, with certain exceptions, including transactions related to air or sea operations supporting permissible travel, cargo, or trade; the sale of agricultural and medical commodities; direct telecommunications or internet access for the Cuban people; and authorized remittances.[114] The list currently includes 231 entities and sub-entities, including two ministries, five holding companies and 55 of their sub-entities (including the Mariel Special Development Zone), 111 hotels, two tourist agencies, five marinas, 10 stores in Old Havana, and 41 entities serving defense and security sectors.[115]

- **Restrictions on Travel.** With regard to people-to-people educational travel, the Treasury Department initially amended the CACR in November 2017 to require that such travel take place under the auspices of an organization specializing in such travel, with travelers accompanied by a representative of the organization. Individuals were no longer authorized to engage in such travel on their own.[116] In June 2019, the Treasury Department eliminated people-to-people educational travel altogether, and the Commerce Department generally prohibited cruise ships, private and corporate aircraft, sailboats, and fishing boats from going to Cuba.[117] The Transportation Department suspended commercial flights to cities other than Havana in December 2019; charter flights to cities other than Havana in January 2020; and private charter flights to Havana in October 2020. In September 2020, the Treasury Department prohibited U.S. travelers from staying at properties identified by the State Department as owned or controlled by the Cuban government.[118] (See "Travel Restrictions," below.)
- **Restrictions on Remittances.** In September 2019, the Treasury Department capped family remittances, which previously were not limited, to $1,000 per quarter per Cuban national and prohibited such remittances to close family members of prohibited Cuban officials and members of the Cuban Communist Party. The Treasury Department also eliminated the category of donative remittances.[119] In June and September 2020, the State Department added to its

[114] U.S. Department of the Treasury, "Treasury, Commerce, and State Implement Changes to the Cuba Sanctions Rules," fact sheet, November 8, 2017 (effective November 9, 2017), at https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_fact_sheet_11082017.pdf.

[115] U.S. Department of State, "Updating the State Department's List of Entities and Subentities Associated with Cuba (Cuba Restricted List)," 86 *Federal Register* 1561-1564, January 8, 2021.

[116] U.S. Department of the Treasury, "Cuban Assets Control Regulations," 82 *Federal Register* 51998-52004, November 9, 2017.

[117] U.S. Department of the Treasury, "Cuban Assets Control Regulations," 84 *Federal Register* 25995-25993, June 5, 2019; and U.S. Department of Commerce, "Restricting the Temporary Sojourn of Aircraft and Vessels to Cuba," 84 *Federal Register* 25986-25989, June 5, 2019.

[118] U.S. Department of the Treasury, "Cuban Assets Control Regulations," 85 *Federal Register* 60068-60072, September 24, 2020; and U.S. Department of State, "The State Department's Cuba Prohibited Accommodations List," 85 *Federal Register* 60855-60862, September 28, 2020.

[119] U.S. Department of the Treasury, "Cuban Assets Control Regulations," 84 *Federal Register* 47121-47123, September 9, 2019.

"Cuba restricted list" two Cuban companies that facilitate the processing of remittances. On October 27, 2020, the Treasury Department prohibited, effective November 26, the processing of remittances through any entities on the "Cuba restricted list."[120] This resulted in Western Union—the major financial services company used to transmit remittances to Cuba—announcing on November 13 that November 22 would be the last day to send money to Cuba until a solution could be found to keep its services open. (See "Restrictions on Remittances" section, below.)

- **Efforts to Stop Venezuelan Oil Exports to Cuba.** Beginning in April 2019, the Treasury Department imposed sanctions on several shipping companies and vessels that transported Venezuelan oil to Cuba.[121] In July 2019, it imposed sanctions on Cuba's state-run oil import and export company, Cubametales.[122]
- **Lawsuits Related to Confiscated Property.** Effective May 2, 2019, the Administration allowed the right to file lawsuits against those trafficking in confiscated property in Cuba pursuant to Title III of the LIBERTAD Act (P.L. 104-114). Lawsuits can be brought by any U.S. national, including those who were not U.S. nationals at the time of the confiscation. Some 32 lawsuits have been filed against U.S. and foreign companies to date, although several lawsuits have been dismissed. (For more, see "Property Claims and Titles III and IV of the LIBERTAD Act," below.)
- **Efforts, Including Visa Restrictions, Against Cuba's Medical Missions.** Beginning in 2019, the Trump Administration increased efforts to highlight internationally allegations of coercive labor practices in Cuba's foreign medical missions, a major foreign exchange contributor to Cuba's economy. In June 2019 and June 2020, the State Department placed Cuba on the Tier 3 in its *Trafficking in Persons Reports*, a status referring governments that do not fully comply with the minimum standards for combatting trafficking in persons and are not making significant efforts to do so. The reports maintained that the Cuban government did not take action to address allegations of forced labor in the country's foreign medical mission program. The State Department also announced in 2019 that it had imposed visa restrictions on certain Cuban officials for the alleged exploitative and coercive labor practices associated with Cuba's overseas medical mission. Beginning in 2019, the State Department ramped up its criticism of Cuba for these labor practices and warned other countries that might be considering hosting Cuban medical personnel. (See section on "Trafficking in Persons and Cuba's Foreign Medical Missions," below.)
- **Other Trade and Financial Sanctions.** In September 2019, the Treasury Department ended the use of U-turn transactions, which allowed banking institutions to process certain funds transfers originating and terminating outside

[120] U.S. Department of the Treasury, "Cuban Assets Control Regulations," 85 *Federal Register* 67988-67989, October 27, 2020.

[121] U.S. Department of State, "Venezuela-Related Sanctions," at https://www.state.gov/venezuela-related-sanctions/, for several press releases on sanctions against companies and vessels transporting Venezuelan oil to Cuba, including, Secretary of State Michael R. Pompeo, "The United States Takes Action Against the Movement of Venezuelan Oil to Cuba," press statement, December 3, 2019.

[122] U.S. Department of the Treasury, "Treasury Targets Cuban Support for the Illegitimate Venezuelan Regime," press release, July 3, 2019.

the United States.[123] In October 2019, the Commerce Department restricted Cuba's access to leased commercial aircraft; reimposed a 10% de minimis rule (from 25%) requiring a third-country-based company exporting goods to Cuba with more than 10% U.S.-origin content to apply for a license; and imposed licensing requirements for the export of certain donated items to organizations controlled by the Cuban government or Communist Party and exported items for telecommunications infrastructure (unless it was for individual Cubans or the Cuban private sector).[124]

- **Sanctions Related to Alleged Human Rights Abuses.** In 2019 and 2020, pursuant to a long-standing provision in the Department of State, Foreign Operations, and Related Programs Appropriations Act (SFOPS, currently in Section 7031(c) of P.L. 116-94, Division G), the State Department imposed visa restrictions on three high-ranking Cuban officials and their immediate family members for credible information of their involvement in gross violation of human rights, barring them from entry into the United States.[125] In September 2019, the State Department imposed visa restrictions on Raúl Castro (and his four children) for human rights violations in Cuba and in Venezuela under the Maduro government.[126] Further 7031(c) visa restrictions were imposed on Cuban Interior Minister Julio Cesar Gandarilla Bermejo (and his two children) in November 2019 (until the minister's death in November 2020) and on Cuban Defense Minister Leopoldo Cintra Frias (and his two children) in January 2020 for gross human rights violations in Venezuela.[127] In September 2020, the Treasury Department added Luis Alberto Rodríguez López-Calleja, Raúl Castro's former son-in-law and head of GAESA (a holding company of the Cuban military) to its listing of sanctioned individuals for human right abuses, blocking all assets and property.[128] On January 15, 2021, the Treasury Department designated Cuba's Ministry of the Interior (MININT) and its minister, General Lazaro Alberto Álvarez Casas, for serious human rights abuses pursuant to Executive Order 13818, blocking all assets and property of the ministry and the minister.[129]
- **Visa Restrictions Related to Alleged Trafficking in Confiscated Property.** In February 2020, the Spanish hotel chain Meliá confirmed its chief executive officer is prohibited from entering the United States pursuant to Title IV of the

[123] U.S. Department of the Treasury, "Cuban Assets Control Regulations," 84 *Federal Register* 47121-47123, September 9, 2019.

[124] U.S. Department of Commerce, "Restricting Additional Exports and Reexports to Cuba," 84 *Federal Register* 56117-56121, October 21, 2019.

[125] For background on Section 7031(c), see CRS In Focus IF10905, *FY2020 Foreign Operations Appropriations: Targeting Foreign Corruption and Human Rights Violations*, by Liana W. Rosen and Michael A. Weber.

[126] U.S. Department of State, Secretary of State Michael R. Pompeo, "Public Designation of Raúl Castro, Due to Involvement in Gross Violations of Human Rights," press statement, September 26, 2019.

[127] U.S. Department of State, Secretary of State Michael R. Pompeo, "Public Designation of Julio Cesar Gandarilla Bermjeo Under Section 7031(c) of the FY2019 Department of State, Foreign Operations List," press statement, November 16, 2019, and "Public Designation of Leopoldo Cintra Frias Due to Involvement in Gross Violations of Human Rights," press statement, January 2, 2020,

[128] U.S. Department of the Treasury, "Notice of OFAC Sanctions Action," 85 *Federal Register*, October 5, 2020.

[129] U.S. Department of the Treasury, "Treasury Sanctions the Cuban Ministry of the Interior and Its Leader for Serious Human Rights Abuse," press release, January 15, 2021.

LIBERTAD Act, related to the trafficking of property confiscated in Cuba. (For more, see "Property Claims and Titles III and IV of the LIBERTAD Act," below.)

- **Internet Task Force.** Pursuant to the NSPM, in January 2018, the State Department announced the establishment of a Cuba Internet Task Force (CITF), composed of U.S. government and non-U.S. government representatives, to examine the technological challenges and opportunities for expanding internet access and independent media in Cuba.[130] The task force held two public meetings in February and December 2018 and formed two subcommittees to develop recommendations on the role of media and freedom of information in Cuba and to explore technological challenges and opportunities for expanding internet access in Cuba.[131] The CITF issued its final report in June 2019 that identified four key challenges to internet access in Cuba and recommendations to overcome those challenges. One of the identified challenges was related to U.S. entry into the Cuban market. The report noted that China's major role in the telecommunications sector is a challenge to U.S. firms looking to enter the market, and that U.S. companies maintain "they are often deterred from entering the market by frequent changes to U.S. regulations" and that banks are reluctant "to process payments in Cuba due to the U.S. embargo."[132]
- **Response to Health Injuries of U.S. Personnel in Havana.** From November 2016 to May 2018, 26 U.S. Embassy community members suffered a series of unexplained injuries, including hearing loss and cognitive issues. The State Department maintains the U.S. investigation has not reached a definitive conclusion regarding possible cause of the injuries, although in early December 2020, the National Academies of Sciences, Engineering and Medicine publicly released a report concluding that the most plausible mechanism for the health symptoms was directed pulsed radio frequency energy. In response to the injuries, the State Department ordered the departure of nonemergency personnel from the U.S. Embassy in September 2017 to minimize the risk of their exposure to harm; embassy staff was reduced by about two-thirds. In October 2017, the State Department ordered the departure of 15 diplomats from the Cuban Embassy in Washington, DC. According to then-Secretary of State Rex Tillerson, the action was taken because of Cuba's failure to protect U.S. diplomats in Havana and to ensure equity in the impact on diplomatic operations. Cuba strongly denies responsibility for the injuries. The staff reduction at the U.S. Embassy affected embassy operations, especially visa processing, and made bilateral engagement more difficult. (For more, see "U.S. Response to Health Injuries of U.S. Personnel in Havana," below.)
- **Terrorism Designations.** In May 2020, the Secretary of State (pursuant to Section 40A of the Arms Export Control Act) added Cuba to the annual list of countries certified as *not cooperating fully* with U.S. antiterrorism efforts for the first time since 2015.[133] On January 11, 2021, the Secretary designated the

[130] U.S. Department of State, "Creation of the Cuba Internet Task Force," January 23, 2018.

[131] U.S. Department of State, "Inaugural Meeting of the Cuba Internet Task Force," February 7, 2018.

[132] U.S. Department of State, Cuba Internet Task Force: Final Report, report, June 16, 2019, available at https://www.state.gov/cuba-internet-task-force-final-report/. Also see "U.S. Sanctions Put Telecoms Firms Off Cuba, Internet Task Force Says," Reuters News, June 25, 2019.

[133] U.S. Department of State, "Determination and Certification of Countries Not Cooperating Fully with Antiterrorism

government of Cuba as a state sponsor of international terrorism (the previous such designation for Cuba was rescinded in 2015). The State Department cited Cuba's harboring from justice of 10 leaders of Colombia's National Liberation Army (a U.S.-designated foreign terrorist organization), who had traveled to Cuba in 2017 to engage in peace talks with the Colombian government, and several U.S. fugitives since the 1970s (see "U.S. Fugitives from Justice" section, below).[134] The new determinations likely will have little effect, as the economic sanctions required by each decision are, in large part, redundant to other U.S. sanctions already in effect. A terrorism designation, however, requires the Commerce Department to place Cuba on its most restrictive export licensing list, which could impede transactions related to technology. Some sectors, seeking to avoid any perception of sanctions violations, may become more risk averse in transactions with Cuba.[135]

Debate on the Direction of U.S. Policy

Over the years, although U.S. policymakers have agreed on the overall objectives of U.S. policy toward Cuba—to help bring democracy and respect for human rights to the island—there have been different schools of thought about how to achieve those objectives. Some have advocated a policy of keeping maximum pressure on the Cuban government until reforms are enacted, while continuing efforts to support the Cuban people. Others have argued for an approach, sometimes referred to as constructive engagement, that would lift some U.S. sanctions that they believe are hurting the Cuban people and would move toward engaging Cuba in dialogue. Still others have called for a swift normalization of U.S.-Cuban relations by lifting the U.S. embargo.

In light of Fidel Castro's departure as head of government in 2006 and the gradual economic changes made by Raúl Castro, some observers had called for a reexamination of U.S. policy toward Cuba. In this new context, two broad policy approaches were advanced to contend with change in Cuba: an approach that called for maintaining the U.S. dual-track policy of isolating the Cuban government while providing support to the Cuban people and an approach aimed at influencing the attitudes of the Cuban government and Cuban society through increased contact and engagement.

The Obama Administration's change of U.S. policy from isolation to engagement and movement toward the normalization of relations highlighted divisions in Congress over Cuba policy. Some Members of Congress lauded the Administration's actions as in the best interests of the United States and a better way to support change in Cuba, whereas other Members strongly criticized the President for not obtaining concessions from Cuba to advance human rights. Some Members vowed to oppose the Administration's efforts toward normalization, whereas others introduced legislation to normalize relations with Cuba by lifting the embargo in its entirety or in part by easing some aspects of it.

The Trump Administration's policy of rolling back some of the Obama-era changes and introducing new sanctions on Cuba also has highlighted divisions in Congress over Cuba policy,

Efforts," 85 *Federal Register* 33772, June 2, 2020.

[134] U.S. Department of State, Secretary of State Michael R. Pompeo, "U.S. Announces Designation of Cuba as a State Sponsor of Terrorism," January 11, 2021.

[135] Michael Crowley, Ed Augustin, and Kirk Semple, "Pompeo Returns Cuba to Terrorism Sponsor List, Constraining Biden's Plans," *New York Times*, January 11, 2021; and Nora Gámez Torres and Michael Wilner, "Trump Adds Cuba Back to List of States Sponsoring Terrorism as Final Move," *Miami Herald*, January 11, 2021.

with some Members supporting the President's action because of Cuba's lack of progress on human rights and others opposing it because of the potential negative effect on the Cuban people and U.S. business interests.

Public opinion polls have shown a majority of Americans support normalizing relations with Cuba.[136] Among the Cuban American community in South Florida, however, a 2018 poll by Florida International University showed an increase in those supporting a continuation of the U.S. embargo compared to a 2016 poll. In the 2018 poll, although a majority of Cuban Americans in South Florida supported diplomatic relations and unrestricted travel to Cuba by all Americans, 51% polled favored continuing the embargo and 49% opposed it. This contrasts with 2016, when 63% of Cuban Americans in South Florida favored ending the embargo and 37% supported it.[137]

In general, those who advocate easing U.S. sanctions on Cuba make several policy arguments. They assert that if the United States moderated its policy toward Cuba—through increased travel, trade, and dialogue—then the seeds of reform would be planted, which would stimulate forces for peaceful change on the island. They stress the importance to the United States of avoiding violent change in Cuba, with the prospect of a mass exodus to the United States. They argue that since the demise of Cuba's communist government does not appear imminent (despite almost 60 years of sanctions), the United States should espouse a more pragmatic approach in trying to bring about change in Cuba. Supporters of changing policy also point to broad international support for lifting the U.S. embargo, to the missed opportunities for U.S. businesses because of the unilateral nature of the embargo, and to the increased suffering of the Cuban people because of the embargo. Proponents of change also argue that the United States should be consistent in its policies with the world's few remaining communist governments, including China and Vietnam.

On the other side, opponents of lifting U.S. sanctions maintain that the policy of isolating Cuba but reaching out to the Cuban people through measures of support is the best means for realizing political change in Cuba. They point out that the LIBERTAD Act sets forth the steps that Cuba must take for the United States to normalize relations. They argue that softening U.S. policy without concrete Cuban reforms boosts Cuba's communist regime, politically and economically, and facilitates its survival. Opponents of softening U.S. policy argue that the United States should stay the course in its commitment to democracy and human rights in Cuba and that sustained sanctions can work. Critics of loosening U.S. sanctions further argue that Cuba's failed economic policies, not the U.S. embargo, are the causes of Cuba's difficult living conditions. More recently, those supporting stronger sanctions on Cuba point to the Cuban government's strong support for the Maduro government in Venezuela, particularly military advisers and intelligence assistance.

[136] See, for example, Pew Research Center, "Growing Public Support for U.S. Ties with Cuba–And an End to the Trade Embargo," July 21, 2015; Dalia Sussman, "Most Americans Support Ending the Embargo, Times Poll Finds," *New York Times*, March 21, 2016; and Florida International University, Cuba, 2016 FIU Cuba Poll, *How Cuban Americans in Miami View U.S. Policies Toward Cuba*, September 2016, at https://cri.fiu.edu/events/2016/the-2016-fiu-cuba-poll/cuba-poll-web.pdf.

[137] See the Florida International University's Cuba polls at https://cri.fiu.edu/research/cuba-poll/.

Selected Issues in U.S.-Cuban Relations

U.S. Restrictions on Travel and Remittances[138]

Travel Restrictions

Restrictions on travel to Cuba have been a key and often contentious component of U.S. efforts to isolate Cuba's communist government for more than 50 years. The embargo regulations set forth in the CACR do not ban travel itself, but place restrictions on financial transactions related to Cuba. Numerous changes to the restrictions have occurred over time, and for five years, from 1977 until 1982, there were no restrictions on travel. In 2000, Congress prohibited travel to Cuba solely for tourist activities when it enacted TSRA (P.L. 106-387, Title IX); a provision in the law prohibits travel-related transaction for tourist activities, which are defined as any activity not expressly authorized in the 12 categories of travel in the CACR). Under the George W. Bush Administration, enforcement of U.S. restrictions on Cuba travel increased and restrictions on travel were tightened.

Permissible Cuba Travel: 12 Categories

- Family Visits
- Official Government Business
- Journalistic Activities
- Professional Research and Professional Meetings
- Educational Activities
- Religious Activities
- Public Performances, Clinics, Workshops, Athletic and other Competitions, and Exhibitions
- Support for the Cuban People
- Humanitarian Projects
- Activities of Private Foundations or Research or Educational Institutes
- Exportation, Importation, or Transmission of Information or Informational Materials
- Authorized Export Transactions

Source: 15 C.F.R. 515.560

Congress took legislative action in March 2009 to ease restrictions on family travel and on travel related to U.S. agricultural and medical sales to Cuba (P.L. 111-8, Sections 620 and 621 of Division D). In April 2009, the Obama Administration went further when the President announced that he was lifting all restrictions on family travel. In 2011, the Obama Administration further eased travel related to religious, journalistic and educational activities, including people-to-people travel exchanges, and allowed U.S. international airports to become eligible for licensed charter flights to and from Cuba.

The Obama Administration's December 2014 shift in U.S. policy toward Cuba included an easing of U.S. restrictions on travel to Cuba. As part of the change in policy, the Treasury Department amended the CACR in 2015 to include general licenses for the 12 existing categories of permissible travel to Cuba set forth in the regulations (see text box above). Before the policy change, travelers under several of these categories had to apply for a specific license.[139] Under the regulations, both travel agents and airlines are able to provide services for travel to Cuba without the need to obtain a specific license.

In 2016, the Obama Administration further eased restrictions on travel to Cuba and increased transportation opportunities between the United States and Cuba. In January, the Treasury authorized travel and related transactions for professional media or artistic productions in Cuba

[138] For more information, see CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Remittances*, by Mark P. Sullivan.

[139] A general license provides the authority to engage in a transaction without the need to apply to the Treasury Department for a license. In contrast, a specific license is a written document issued by the Treasury Department to a person or entity authorizing a particular transaction in response to a written license application.

(movies, television, music recordings, and creation of artworks). In March, the Treasury Department amended the travel regulations to permit travel to Cuba for individual people-to-people educational travel. Regular air service between the United States and Cuba began in November 2016 following the signing of a U.S.-Cuba bilateral arrangement earlier in that year permitting regularly scheduled air flights as opposed to charter flights. Cruise ship service to Cuba from the United States also began in 2016, and expanded significantly with some 10 companies offering cruises.

In contrast, the Trump Administration reimposed certain restrictions on travel and limited transportation to Cuba from the United States. As noted, the Trump Administration terminated people-to-people educational travel (under the travel category of educational activities) that the Obama Administration restored in 2011.[140] As part of that policy change, in November 2017, the Treasury Department eliminated the authorization for people-to-people travel for individuals, requiring such travel to be under the auspices of an organization specializing in people-to-people travel. Then, in June 2019, the Treasury Department eliminated people-to-people travel altogether. Also in June 2019, the Commerce Department generally prohibited cruise ship travel to Cuba from the United States and prohibited private and corporate aircraft, sailboats, and fishing boats from going to Cuba. The Transportation Department suspended commercial flights to cities other than Havana in December 2019, charter flights to cities other than Havana in January 2020), and all private charter flights to Havana in October 2020 (public charter flights to Havana remain permitted).

In September 2020, the Trump Administration took two actions that further restricted visits to Cuba. First, the Treasury Department prohibited U.S. travelers from staying at properties identified by the State Department as owned or controlled by the Cuban government. The ban includes over 400 hotels (essentially all Cuban hotels) and privately owned residences for rent (*casas particulares*), if they are controlled by a prohibited government official or Communist Party member (or a close relative). Second, the Treasury Department eliminated general licenses for attending or organizing professional meetings or conferences in Cuba and for participating in public performances, clinics, workshops, certain athletic or nonathletic competitions, and exhibitions. (A general license remains, however, for amateur and semiprofessional international sports federation competitions.) Specific licenses may be issued on a case-by-case basis for transactions related to the above activities, although the amended regulations do not refer to organizing professional meetings.

U.S. Travelers to Cuba. According to Cuban government statistics, the number of Americans traveling to Cuba increased from 92,325 in 2014 to 637,907 in 2018. This figure is in addition to thousands of Cuban Americans who visit family in Cuba each year; in 2018, almost 600,306 Cubans living outside the country visited Cuba, the majority from the United States.[141]

Beginning in 2019, the number of Americans traveling to Cuba began to fall significantly, as the Trump Administration eliminated people-to-people travel, prohibited cruise ship travel to Cuba, and restricted flights to Cuba. In 2019, the number of U.S. visitors traveling to Cuba declined by almost 22% (to 498,067 travelers), although the number of Cubans visiting from abroad increased by almost 4% (to 623,972 travelers). In the first two months of 2020, before the imposition of

[140] The Clinton Administration had introduced people-to-people travel under a specific license in the CACR in 1999 until the George W. Bush Administration eliminated it in 2003. The Obama Administration reauthorized people-to-people travel in 2011 under a specific license, permitted such travel under a general in 2015, and then permitted such travel for individuals in 2016,

[141] República de Cuba, Oficina Nacional de Estadísticas e Información (ONEI), Anuario Estadístico de Cuba 2018, Capítulo 15: Turismo, Edición 2019;

travel restrictions because of the COVID-19 pandemic, U.S. travel to Cuba declined by 64% and travel by Cubans living abroad declined by almost 4% compared with the same period in 2019.[142]

Legislative Initiatives. In the 116th Congress, three bills were introduced that would have lifted restrictions on travel to Cuba. Identical bills H.R. 3960 (McGovern) and S. 2303 (Leahy) would have prohibited most restrictions on travel to or from Cuba by U.S. citizens and legal residents or any transactions incident to such travel. H.R. 2404 (Rush) would have lifted the overall embargo on Cuba, including travel restrictions.

Restrictions on Remittances

Much like U.S. restrictions on travel, U.S. restrictions on sending cash remittances to Cuba have been part of the U.S. sanctions regime and have changed over time. Cash remittances to Cuba reportedly increased from almost $1.7 billion in 2009 to $3.7 billion in 2019, but they are expected to decline to $2.9 billion in 2020 because of COVID-19 restrictions that closed Cuban airports for months.[143] In 2019, some 45% of remittances to Cuba reportedly were carried by individuals; the remainder went through remittance forwarding companies.[144]

The Obama Administration took significant action to ease restrictions on remittances to Cuba. In 2009, the Treasury Department lifted the previous limitation of no more than $300 per quarter for family remittances, imposing no limitation on the amount and frequency of these remittances. In 2011, the Treasury Department authorized remittances to any Cuban national (up to $500 per quarter) and made it easier for religious institutions to send remittances for religious activities. In 2015, the Treasury Department lifted the dollar limit for remittances to any Cuban national, referring to such remittances as "donative remittances to Cuban nationals." The Treasury Department also authorized by general license remittances to individuals and independent nongovernmental organizations to support humanitarian projects; a rapid peaceful transition to democracy; the strengthening of civil society;, and the development of private businesses, including small farms. In 2016, the Treasury Department narrowed the definition of "prohibited Cuban government officials" and "prohibited members of the Cuban Communist party," a significant move because of the prohibition in the CACR against providing remittances to these individuals.

By contrast, the Trump Administration took actions to restrict remittances to Cuba. In 2017, the Treasury Department expanded the definition of "prohibited Cuban government officials," resulting in the prohibition of remittances for such individuals. In 2019, the Treasury Department eliminated the category of donative remittances to Cuban nationals, capped family remittances to any one Cuban national to $1,000 per quarter, and prohibited family remittances to close family members of prohibited Cuban government officials and Cuban Communist Party officials.

In 2020, the Trump Administration further restricted the flow of cash remittances to Cuba. In June and September 2020, respectively, the State Department added to its "Cuba restricted list" two Cuban financial services companies—FINCIMEX and American International Services—involved in facilitating the processing of foreign remittances to Cuba. In October 2020, the Treasury Department amended the CACR to prohibit, effective November 26, 2020, the

[142] República de Cuba, ONEI, "Turismo, Llegadas de visitantes internacionales," December 2019 and February 2020.

[143] "COVID-19 puede hacer decliner las remesas a Cuba entre un 30 y 40% en 2020," The Havana Consulting Group and Tech, March 20, 2020; and "El envoi de remesas a Cuba cayó el 54.14% en 2020 pro la covid-19, Agencia EFE, November 24, 2020.

[144] "COVID-19 Crushes the 'Mule' Business," Havana Consulting Group and Tech, May 28, 2020.

processing of remittances through any entities on the "Cuba restricted list." The new regulations resulted in Western Union, which has partnered with FINCIMEX since 2016, to announce that November 22 would be the last day to send money to Cuba until a solution could be found to keep its services open.[145] Western Union has been the major financial services company used for transmitting remittances to Cuba, with more than 400 offices on the island.

Legislative Initiatives. In the 116th Congress, H.R. 2404 (Rush) would have lifted the overall embargo on Cuba, including restrictions on remittances.

U.S. Exports and Sanctions

U.S. commercial medical exports to Cuba have been authorized since the early 1990s pursuant to the Cuban Democracy Act of 1992 (CDA), and commercial agricultural exports have been authorized since 2001 pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA), but with numerous restrictions and licensing requirements. For medical exports to Cuba, the CDA requires on-site verification that the exported item is to be used for the purpose for which it was intended and only for the use and benefit of the Cuban people. TSRA allows for one-year export licenses for selling agricultural commodities to Cuba, although no U.S. government assistance, foreign assistance, export assistance, credits, or credit guarantees are available to finance such exports. TSRA also denies exporters access to U.S. private commercial financing or credit; all transactions must be conducted in cash in advance or with financing from third countries. The 2018 farm bill, P.L. 115-334 (H.R. 2) permits funding for two U.S. agricultural export promotion programs—the Market Access Program and the Foreign Market Development Cooperation Program—for U.S. agricultural products in Cuba.

Regulatory changes made to the CACR and EAR in 2015-2016 include several actions designed to facilitate commercial exports to Cuba:

- U.S. financial institutions are permitted to open correspondent accounts at Cuban financial institutions to facilitate the processing of authorized transactions (31 C.F.R. 515.584).
- U.S. private export financing is permitted for all authorized export trade to Cuba, except for agricultural goods exported pursuant to TSRA (31 C.F.R. 515.584).
- The definition of the term *cash in advance* for payment for U.S. exports to Cuba was revised to specify that it means *cash before transfer of title*. The change means that payment can occur before an export shipment is offloaded in Cuba rather than before the shipment leaves a U.S. port (31 C.F.R. 515.533).
- Commercial exports to Cuba of certain goods and services to empower Cuba's nascent private sector are authorized, including for certain building materials for private residential construction, and goods for use by private-sector Cuban entrepreneurs (15 C.F.R. 740.21).
- Licenses for certain categories of exports are included under a "general policy of approval." These categories include exports for civil aviation and commercial aircraft safety, telecommunications, U.S. news bureaus, human rights organizations and nongovernmental organizations, environmental protection of U.S. and international air quality, waters, and coastlines, and agricultural inputs (such as insecticides, pesticides, and herbicides) that fall outside the scope of

[145] Western Union, "Cuba: A Letter to Our Customers," November 13, 2020, at https://www.westernunion.com/blog/a-letter-to-our-cuba-customers/.

those exports already allowed under TSRA (15 C.F.R. 746.2). In October 2019, however, the Commerce Department amended the EAR to exclude the export or reexport of aircraft leased to state-owned enterprise from its general policy of approval for the export of items for civil aviation and commercial aircraft safety and imposed licensing requirements for the export of certain donated items to organizations controlled by the Cuban government or Communist Party and exported items for telecommunications infrastructure (unless it was for individual Cubans or the Cuban private sector).[146]

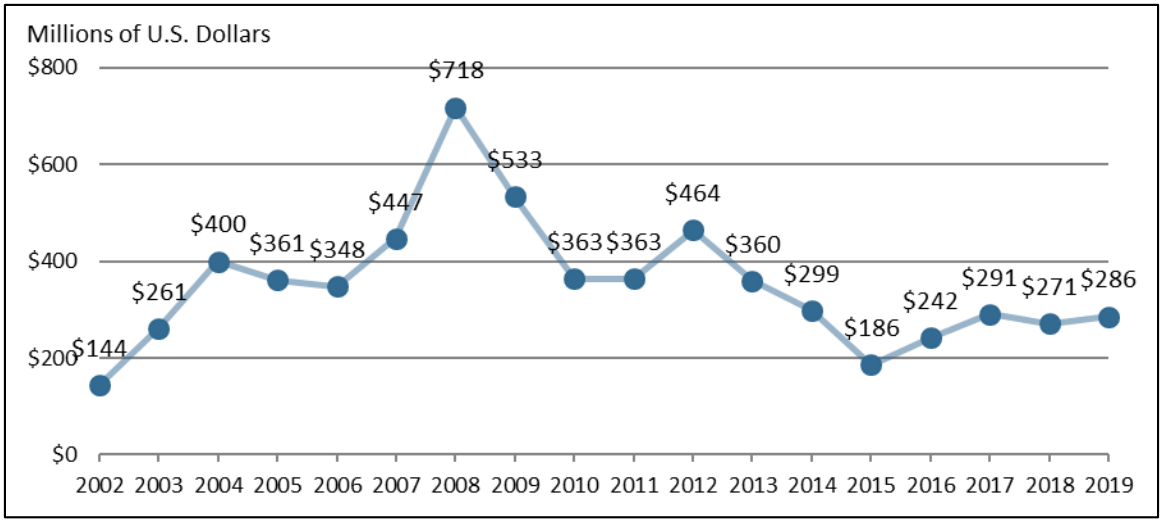
- Licenses for exports that will be considered on a case-by-case basis include certain items exported to state-owned enterprises, agencies, and other organizations of the Cuban government that provide goods and services for the use and benefit of the Cuban people (15 C.F.R. 746.2). In November 2017, however, the Commerce Department amended the EAR to stipulate that export licenses for exports to state-owned enterprises will generally be denied to export items for use by entities or sub-entities on the State Department's list of restricted entities associated with the Cuban military, police, intelligence, or security services.
- Companies exporting authorized goods to Cuba are authorized to have a physical presence in Cuba, such as an office, retail outlet, or warehouse (31 C.F.R. 515.573).
- Persons subject to U.S. jurisdiction generally are authorized to enter into certain contingent contracts for transactions currently prohibited by the embargo (31 515.534).
- Certain consumer goods sold directly to eligible individuals in Cuba for their personal use generally are authorized (15 C.F.R. 740.21).

Cuba purchased $6.3 billion in U.S. products from 2001 to 2019, largely agricultural products. For many of those years, the United States was Cuba's largest supplier of agricultural products. U.S. exports to Cuba rose from about $7 million in 2001 to a high of $718 million in 2008, far higher than in previous years. This increase was in part because of the rise in food prices and because of Cuba's increased food needs in the aftermath of several hurricanes and tropical storms that severely damaged the country's agricultural sector. U.S. exports to Cuba declined considerably from 2009 through 2011, rose again in 2012, and fell every year through 2015, when U.S. exports amounted to $186 million. U.S. exports increased in years after that, amounting to $287 million in 2019 (see **Figure 2**.) In 2020, however, as Cuba's economic situation has deteriorated amid the COVID-19 pandemic, U.S. exports to Cuba have declined 49% from January to September compared with the same period in 2019.[147]

[146] U.S. Department of Commerce, "Restricting Additional Exports and Reexports to Cuba," 84 *Federal Register* 56117-56121, October 21, 2019.

[147] Trade statistics in this section are from the U.S. Department of Commerce, as presented by Trade Data Monitor.

Figure 2. U.S. Exports to Cuba, 2002-2019



Source: Created by CRS using Commerce Department statistics as presented by Trade Data Monitor.

Looking at the composition of U.S. exports to Cuba from 2012 to 2019, the leading products were poultry, soybean oilcake and other solid residue, soybeans, corn, and soybean oil. Poultry has been the leading U.S. export to Cuba since 2012. Beyond agricultural products, other categories of products in recent years have been parts for steam turbines, civilian aircraft engines and parts, pesticides, calcium phosphates, and electrical apparatus and parts for telephone lines. In 2019, leading U.S. exports to Cuba were poultry (66%), soybean oilcake (11%), soybeans (5%), and parts for steam turbines (4%).

U.S. International Trade Commission (USTIC) Reports. The USITC has issued three studies since 2007 examining the effects of U.S. restrictions on trade with Cuba, with its most recent report issued in April 2016.[148] According to the findings of its 2016 report, U.S. restrictions on trade and travel reportedly have shut U.S. suppliers out of a market in which they could be competitive on price, quality, and proximity. The most problematic U.S. restrictions cited are the inability to offer credit, travel to or invest in Cuba, and use funds sourced and administered by the U.S. government. Cuban nontariff measures and other factors also may limit U.S. exports to and investment in Cuba if U.S. restrictions are lifted, according to the report. These factors include Cuban government control of trade and distribution, legal limits on foreign investment and property ownership, and politically motivated decisionmaking regarding trade and investment. Absent U.S. restrictions, U.S. exports in several sectors likely would increase somewhat in the short term, with prospects for larger increases in the longer term, subject to changes in Cuban policy and economic growth. U.S. exports could increase further if Cuban import barriers were lowered. If U.S. restrictions were removed, U.S. agricultural and manufactured exports to Cuba could increase to almost $1.8 billion annually; if both U.S. restrictions were removed and Cuban barriers were lowered, U.S. exports could approach $2.2 billion annually.

[148] U.S. International Trade Commission (USITC), *U.S. Agricultural Sales to Cuba: Certain Economic Effects of U.S. Restrictions*, USITC Publication 3932, July 2007, at http://www.usitc.gov/publications/332/pub3932.pdf; USITC, *U.S. Agricultural Sales to Cuba: Certain Economic Effects of U.S. Restrictions, An Update*, Office of Industries Working Paper, by Jonathan R. Coleman, No. ID-22, June 2009, at http://www.usitc.gov/publications/332/ID-22.pdf; and USITC, "Overview of Cuban Imports of Goods and Services and Effects of U.S. Restrictions," March 2016, Publication 4597, released April 18, 2016, at http://www.usitc.gov/publications/332/pub4597.pdf.

Legislative Initiatives. In the 116th Congress, several bills were introduced related to restrictions on exports to Cuba. S. 428 (Klobuchar) would have repealed certain provisions in the CDA, the LIBERTAD Act, and TSRA as well as regulatory provisions in the CACR and EAR that restrict trade with Cuba. H.R. 1898 (Crawford) would have modified the prohibition on U.S. assistance and financing for certain exports to Cuba under TSRA. S. 1447 (Bennet) would have amended TSRA to allow for the private financing by U.S. entities of agricultural commodities to Cuba. H.R. 2404 (Rush) would have lifted the overall embargo on Cuba.

Democracy and Human Rights Funding

Since 1996, the United States has provided assistance—through the U.S. Agency for International Development (USAID), the State Department, and the National Endowment for Democracy (NED)—to increase the flow of information on democracy, human rights, and free enterprise to Cuba. USAID and State Department efforts are funded largely through Economic Support Funds (ESF) in the annual foreign operations appropriations bill. From FY1996 to FY2019, Congress appropriated some $364 million in funding for Cuba democracy efforts.[149] In recent years, this funding included $20 million in each fiscal year from FY2014 through FY2019. For FY2018, the Trump Administration, as part of its attempt to cut foreign assistance levels, did not request any democracy and human rights assistance funding for Cuba, but Congress ultimately provided $20 million. For FY2019, the Trump Administration requested $10 million to provide democracy and civil society assistance for Cuba, but Congress again provided $20 million.

Although USAID received the majority of this funding for many years, the State Department began to receive a portion of the funding in FY2004 and in recent years has been allocated more funding than USAID. The State Department generally has transferred a portion of the Cuba assistance that it administers to NED.

USAID's Cuba program has supported a variety of U.S.-based nongovernmental organizations with the goals of promoting a rapid, peaceful transition to democracy, helping to develop civil society, and building solidarity with Cuba's human rights activists.[150]

NED is not a U.S. government agency but an independent nongovernmental organization that receives U.S. government funding. Its Cuba program is funded by the organization's regular appropriations by Congress as well as by funding from the State Department. According to information provided by NED on its website, its Cuba funding from FY2016 through FY2019 amounted to $19.2 million.[151]

FY2019 Appropriations. For FY2019, the Trump Administration requested $10 million for democracy and civil society assistance in support of the Administration's Cuba policy. In the 115th Congress, the House Appropriations Committee's State Department and Foreign Operations appropriations bill, H.R. 6385 (H.Rept. 115-829), would have provided $30 million to promote democracy and strengthen civil society in Cuba, with not less than $8 million for the National Endowment for Democracy. The report to the bill would have prohibited the obligation of funds for business promotion, economic reform, entrepreneurship, or any other assistance that was not democracy-building. It also stipulated that grants exceeding $1 million, or grants to be

[149] The U.S. Government Accountability Office (GAO) reports that Congress appropriated $205 million for Cuba democracy programs from FY1996 through FY2011. See U.S. GAO, *Cuba Democracy Assistance, USAID's Program Is Improved, But State Could Better Monitor Its Implementing Partners*, GAO-13-285, January 2013.

[150] U.S. Agency for International Development, "Cuba," at https://www.usaid.gov/cuba.

[151] See the grants database of the National Endowment for Democracy at https://www.ned.org/wp-content/themes/ned/search/grant-search.php.

implemented over a period of 12 months, would be awarded only to organizations with experience promoting democracy inside Cuba. The Senate Appropriations version of the bill, S. 3108, would have provided $15 million for democracy programs in Cuba. Since the 115th Congress did not complete action on FY2019 appropriations, the task was left to the 116th Congress, which in February 2019, enacted the Consolidated Appropriations Act, 2019 (P.L. 116-6, H.J.Res. 31, conference report H.Rept. 116-9), which ultimately provided $20 million for Cuba democracy funding.

FY2020 Appropriations. For 2020, the Trump Administration requested $6 million for Cuba democracy funding, which would have been a 70% cut from the $20 million provided annually since FY2014. Both House and Senate FY2020 foreign aid appropriations bills included $20 million in democracy funding for Cuba: H.R. 2839 (H.Rept. 116-78), included as Division D of the House-passed minibus H.R. 2740, approved in June 2019; and S. 2583 (S.Rept. 116-126). Ultimately, Congress appropriated $20 million for Cuba democracy programs in the Further Consolidated Appropriations, 2020 (P.L. 116-94, Division G), enacted in December 2019.

FY2021 Appropriations. For FY2021, the Trump Administration requested $10 million for Cuba democracy programs, a 50% decrease from the amount appropriated in FY2020. In the Consolidated Appropriations Act, 2021 (P.L. 116-260), and its explanatory statement, Congress provided $20 million for Cuba democracy programs, the same amount appropriated over the past several years.

Radio and TV Martí[152]

U.S.-government-sponsored radio and television broadcasting to Cuba—Radio and TV Martí—began in 1985 and 1990, respectively.[153] Until October 1999, U.S.-government-funded international broadcasting programs had been a primary function of the United States Information Agency (USIA). When USIA was abolished and its functions merged into the Department of State at the beginning of FY2000, the Broadcasting Board of Governors (BBG) became an independent agency that included such entities as the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, and the Office of Cuba Broadcasting (OCB). In August 2018, the BBG officially changed its name to the U.S. Agency for Global Media (USAGM).[154]

Today, OCB, which has been headquartered in Miami, FL, since 1998, manages Radio and TV Martí, the *radiotelevisionmart.com* website and its social media platforms on YouTube, Facebook, Instagram, and Twitter.[155] According to the BBG's *2021 Congressional Budget Justification*, the Martís reached 11.1% of Cubans on a weekly basis in 2017, with shortwave, medium waver, direct-to-home satellite, satellite radio, internet, social media, flash drives, and DVDs to help reach Cuban audiences. OCB administers a USAGM shortwave transmitting station in Greenville, NC, which is being upgraded with refurbished transmitters that will lower cost and increase reliability.[156]

[152] For background on U.S. international broadcasting, including Radio and TV Martí, see CRS Report R43521, *U.S. International Broadcasting: Background and Issues for Reform*, by Matthew C. Weed.

[153] The Radio Broadcasting to Cuba Act (P.L. 98-111) was signed into law in October 1983, and the Television Broadcasting to Cuba Act (P.L. 101-246, Title II, Part D) was signed into law in February 1990.

[154] With the new name, the agency also changed its website to https://www.usagm.gov/.

[155] Available at https://www.martinoticias.com/, and now at https://www.radiotelevisionmarti.com/.

[156] See U.S. Agency for Global Media (USAGM), United States Broadcasting Board of Governors (BBG), *FY2021 Congressional Budget Justification*, February 10, 2020.

Congressional Funding. From FY1984 through FY2019, Congress appropriated about $911 million for broadcasting to Cuba. Funding amounted to some $27-$29 million in each fiscal year from FY2014 to FY2019. For FY2018, Congress provided $28.936 million for Cuba broadcasting, $5.28 million more than requested, in the Consolidated Appropriations Act, 2018 (P.L. 115-141; explanatory statement, Division K). For FY2019, the Trump Administration requested $13.656 million for the OCB, $15.3 million less than the amount provided in FY2017. The rationale for the proposed cut was to find efficiencies between OCB and the Voice of America's Latin American division.[157] Congress ultimately took final action on FY2019 appropriations in February 2019 by enacting the Consolidated Appropriations Act, 2019 (P.L. 116-6, H.J.Res. 31, conference report H.Rept. 116-9) that provided $29.1 million for Cuba broadcasting.

For FY2020, the Administration requested $12.973 million for Cuba broadcasting, a 55% cut from FY2019, with the proposed program decreases from staffing and contract reductions.[158] The House-passed FY2020 Department of State, Foreign Operations, and Related Programs (SFOPS) bill, Division D of H.R. 2740 (which references H.Rept. 116-78 to H.R. 2839) would have fully funded the Administration's request, whereas the Senate Appropriations Committee's SFOPS bill, S. 2583 (S.Rept. 116-126) would provide $20.973 million. Ultimately, in the Further Consolidated Appropriations Act, 2020 (P.L. 116-94, Division G), Congress went with the amount in the Senate bill and provided $20.973 million for Cuba broadcasting.

For FY2021, the Administration again requested $12.973 million for Cuba broadcasting. USAGM's budget request indicated that in FY2020 and FY2021, OCB would work to ensure that its content production, workforce structure, and skillset align with ongoing reforms (discussed below) aimed at improving content quality, strengthening journalistic integrity, and reaching Cuban audiences effectively. Both the House-passed FY2021 SFOPS bill, Division A of H.R. 7608 (H.Rept. 116-444), approved in July 2020, and the Senate Appropriations Committee's FY2021 draft SFOPS bill and explanatory statement would have fully funded the broadcasting request at $12.973 million.

Ultimately, in the Consolidated Appropriations Act. 2021 (P.L. 116-260, Division K), and its explanatory statement, Congress provided $12.973 million for Cuba broadcasting in FY2021 and allowed for the transfer of up to $7 million from the U.S. Agency for Global Media's Buying Power Maintenance Account (BMPA) to help manage the cost of Office of Cuba Broadcasting reform begun in 2019. According to the explanatory statement, the reporting and briefing requirements under the "Office of Cuba Broadcasting" heading in S.Rept. 116-126 are to remain in effect for FY2021. Those required the USAGM chief executive officer (CEO), in consultation with the OCB Director, to (1) provide quarterly updates to the appropriate congressional committees on implementation of OCB reforms to broadcasting standards and (2) brief such committees on reform efforts. As noted in the explanatory statement, each report shall include the amount planned for transfer from the BMPA pursuant to the transfer authority and justification for the transfer.

2018 Anti-Semitic TV Martí Program and Subsequent Reform Efforts for OCB. In October 2018, media reports highlighted a disturbing TV Martí program originally aired in May 2018 (which remained on Radio and Television Martí's website) that referred to U.S. businessman and philanthropist George Soros as "the multimillionaire Jew of Hungarian origin" and as a "non-believing Jew of flexible morals." The program espoused a number of conspiracy theories about

[157] BBG, *2019 Congressional Budget Justification*, February 12, 2018.

[158] USAGM, BBG, *FY2020 Congressional Budget Justification*, March 18, 2019.

Soros, including that he was the architect of the 2008 financial crisis.[159] Then-Senator Jeff Flake spoke out against the TV Martí program, which he referred to as "taxpayer-funded anti-Semitism."[160] He sent a letter to John Lansing, then-CEO of USAGM, asking for an investigation into the program, including its evolution from initial inception to final approval, who produced the program, and what review process was in place to ensure it met Voice of America journalistic standards. Flake also called for those approving anti-Semitic content to be removed from their positions immediately, asserting that "lack of action on this matter will further denigrate the United States as a credible voice overseas, the repercussion of which will be severe."[161]

Then-OCB Director Tomás Regalado responded by pulling the original program and related shorter segments from the OCB's online website and acknowledging that the program "did not have the required balance."[162] USAGM's CEO Lansing took further action by issuing a statement that the program about Soros "is inconsistent with our professional standards and ethics." He stated that those deemed responsible for the production would be immediately placed on administrative leave pending an investigation into their apparent misconduct. Lansing also directed "an immediate, full content audit to identify any patterns of unethical reporting at the network" and asked Regalado to "require ethics and standards refresher training for all OCB journalists."[163]

Lansing wrote a letter of apology to Soros in November 2018 in which he said that the program "was based on extremely poor and unprofessional journalism," and "was utterly offensive in its anti-Semitism and clear bias." Lansing also stated in the letter that he had instructed OCB Director Regalado "to remove the offensive story from the TV Martí website and social media" and "to hire a full time 'standards and practices' editor to oversee all outgoing content with strict adherence to the highest professional standards of

Office of Cuba Broadcasting and Broadcast Standards

The TV Martí program raised significant concerns about the Office of Cuba Broadcasting's (OCB's) adherence to broadcast standards and questions about the program's intended audience. TV Martí's authorizing legislation, the Television Broadcasting to Cuba Act (P.L. 101-246, Title II, Part D, 22 U.S.C. 1465bb), has a provision stating that television broadcasting to Cuba "shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views."

U.S. law sets forth the following principles for Voice of America (VOA) broadcasts: (1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive; (2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions; and (3) VOA will present the polices of the United States clearly and effectively and will present responsible discussion and opinion on these policies. These VOA principles and broader U.S. international broadcasting standards and principles are set forth in 22 U.S.C. 6202 (P.L. 103-236, Title III, Section 303, and P.L. 103-415).

[159] The original 15-minute program and shorter segments promoting it were taken down from the Radio and Television Martí website after the media report of October 26, 2018, although portions of it are available on YouTube. Initially, a Cuba policy research blog reported on the program. See "George Soros, the Multimillionaire Jew," The Cuban Triangle, October 26, 2018, at http://cubantriangle.blogspot.com/2018/10/george-soros-multimillionaire-jew.html.

[160] Jeff Flake @Jeff Flake, Twitter, October 27, 2018, at https://twitter.com/JeffFlake/status/1056356869264920576.

[161] U.S. Senator Jeff Flake, letter to John F. Lansing, Chief Executive Officer and Director, U.S. Agency for Global Media, October 29, 2018.

[162] Regalado's comments were made to the publication *Mother Jones* in an email. See Aaron Wiener, "U.S. Government-Funded News Network Ran a Hit Piece on Soros That Called Him a 'Multimillionaire Jew,'" *Mother Jones*, October 26, 2018. Also see Felicia Sonmez, "U.S. Agency Vows to Investigate Broadcast Report that Called George Soros a 'Multimillionaire Jew," *Washington Post*, October 30, 2018.

[163] USAGM, "CEO Statement on Office of Cuba Broadcasting piece on George Soros," October 29, 2018, at https://www.usagm.gov/2018/10/29/ceo-statement-on-office-of-cuba-broadcasting-piece-on-george-soros/.

journalism."[164] The audit of reporting at the network reportedly uncovered an earlier story about Soros that included anti-Semitic language as well as an anti-Muslim opinion piece published in September 2018, that were also removed from the website.

In February 2019, Lansing reported that one employee and three contractors had been terminated because of the anti-Semitic video segment and that the agency had initiated the standard disciplinary process for four additional OCB employees. Lansing also noted that USAGM commissioned a team of independent experts to conduct an objective third-party assessment of OCB's coverage in Spanish across all platform.[165]

USAGM issued its third-party assessment in May 2019, which included a panel of independent experts examining "an extensive sample to identify and address any patterns of unethical, unprofessional, biased, or sub-standard journalism."[166] The assessment highly criticized OCB's radio and television news shows and "the steady daily diet of political talk shows and background reports" that were "peppered with bad journalism" and were "ineffective propaganda." In its review, the panel of experts made three substantive findings regarding OCB's coverage:

- well-established norms of objectivity in journalism are routinely disregarded in favor of overtly propagandistic communications tactics;
- the content presentation on radio, via video, and online seems unlikely to succeed in promoting freedom and democracy given the demography, culture, and political circumstances of Cuba today; and
- shortcomings in both intention and implementation reflect the extent to which Martí operates as an anachronism.

In response to the panel of experts' review and an internal USAGM review of OCB's journalist standards editorial processes and personnel practices, then-CEO Lansing established a joint USAGM-OCB working group to reform OCB. The working group focused on five areas: (1) updating journalistic standards, reinforcing editorial processes, and producing relevant, engaging, and balanced journalism; (2) clarifying strategy and strengthening leadership; (3) bolstering workforce planning and personnel management; (4) ensuring the right balance of media platforms and effective distribution of content into Cuba; and (5) deepening coordination and collaboration with USAGM and its other networks.[167]

U.S. Response to Health Injuries of U.S. Personnel in Havana

As noted above, the State Department reported that 26 members of the U.S. diplomatic community in Havana suffered a series of unexplained health injuries, including hearing loss and cognitive issues, from November 2016 to May 2018. Twenty-four of the cases occurred from November 2016 to August 2017, and in June 2018, two new cases stemming from occurrences in May 2018 were confirmed after medical evaluations.[168] According to the State Department, the

[164] Letter from USAGM CEO Lansing to George Soros, November 7, 2018. Also see Felicia Sonmez, "U.S. Agency Apologizes to George Soros after Broadcast Called Him 'Multimillionaire Jew,'" *Washington Post*, November 29, 2018.

[165] USAGM, "Statement from USAGM CEO John F. Lansing on OCB Soros Issue," February 27, 2019. Also see Aaron C. Davis, "Firings Sought Over Anti-Soros Broadcasts," *Washington Post*," February 28, 2019.

[166] USAGM, BBG, "Embarking on Reform of the Office of Cuba Broadcasting," May 21, 2019.

[167] USAGM, BBG, "Embarking on Reform of the Office of Cuba Broadcasting," May 21, 2019.

[168] U.S. Department of State, DipNote, "Department of State Revises Assessment of Personnel Affected in Cuba," October 20, 2017; U.S. Department of State, Press Briefing, June 21, 2018; U.S. Department of State, Heather Nauert,

U.S. government personnel suffered from "attacks of an unknown nature," at U.S. diplomatic residences and hotels where temporary duty staff were staying, with symptoms including "ear complaints, hearing loss, dizziness, headache, fatigue, cognitive issues, and difficulty sleeping."[169] U.S. officials maintain that they do not know the mechanism used to cause the health injuries, the source, who is responsible, or the motive behind the alleged "attacks."[170]

In response to the health incidents, in September 2017, the U.S. Department of State ordered the departure of nonemergency personnel assigned to the U.S. Embassy in Havana, as well as their families, to minimize the risk of their exposure to harm.[171] As a result, the embassy's U.S. staffing level, which numbered over 50, was reduced by about two-thirds. In March 2018, the State Department began a permanent staffing plan at the U.S. Embassy in Havana, operating it as an "unaccompanied post" without family members. The change took place because the temporary "ordered departure" status for the embassy had reached its maximum allowable days. According to the State Department, "the embassy will continue to operate with the minimum personnel necessary to perform core diplomatic and consular functions, similar to the level of emergency staffing maintained during ordered departure."[172]

The staff reduction at the U.S. Embassy in Havana has had implications for bilateral relations. Most visa processing at the U.S. Embassy in Havana has been suspended. Most Cubans applying for nonimmigrant visas must go to a U.S. embassy or consulate in another country, and applications and interviews for immigrant visas are currently being handled at the U.S. Embassy in Georgetown, Guyana. (For additional information, see "Migration Issues" below.)

In addition to downsizing U.S. Embassy Havana operations, in October 2017, the State Department ordered the departure of 15 Cuban diplomats from the Cuban Embassy in Washington, DC. According to then-Secretary of State Rex Tillerson, the decision was made because of Cuba's failure to protect U.S. diplomats in Havana and to ensure equity in the impact on respective diplomatic operations.[173] State Department officials maintained that the United States would need full assurances from the Cuban government that the "attacks" will not continue before contemplating the return of diplomatic personnel.[174]

The State Department initially issued a travel warning in September 2017 advising U.S. citizens to avoid travel to Cuba because of the potential risk of being subject to injury; in January 2018, when the State Department revamped its travel advisory system, it set the advisory for Cuba at Level 3, recommending that travelers reconsider travel to Cuba. By August 2018, however, the

Spokesperson, Tweet, June 28, 2018; and Mimi Whitefield, "Mystery Deepens in Havana as U.S. Confirms a 26th Diplomat in Cuba Suffered Health Symptoms," *Miami Herald*, June 28, 2018.

[169] Ibid and U.S. Department of State, "Background Briefing: State Department Official on Cuba," Special Briefing, October 3, 2017; and Anne Gearan, "State Department Reports New Instance of American Diplomats Harmed in Cuba," *Washington Post*, September 1, 2017.

[170] House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, Hearing on U.S. Policy Toward Cuba, "Testimony by Kenneth Merten, Principle Deputy Assistant Secretary of State, Bureau of Western Hemisphere Affairs, and Ambassador Peter W. Bodde, Health Incidents Response Task Force," September 6, 2018, available at http://docs.house.gov/meetings/FA/FA07/20180906/108652/HHRG-115-FA07-Wstate-MertenK-20180906.pdf.

[171] U.S. Department of State, Remarks by Secretary of State Rex W. Tillerson, "Actions Taken in Response to Attacks on U.S. Government Personnel in Cuba," September 29, 2017.

[172] U.S. Department of State, "End of Ordered Departure at U.S. Embassy Havana," March 2, 2018.

[173] U.S. Department of State, Secretary of State Rex W. Tillerson, "On the Expulsion of Cuban Officials from the United States," press statement, October 3, 2017.

[174] U.S. Department of State, "Background Briefing: State Department Official on Cuba," Special Briefing, October 3, 2017.

State Department eased its travel advisory to Level 2, recommending that travelers exercise increased caution.[175]

In 2017 and 2018, 14 Canadians (diplomats, spouses and dependents) in Havana also experienced similar health symptoms such as dizziness, headaches, nausea, and difficulty concentrating, with another case confirmed in January 2019 after medical testing. In April 2018, the Canadian government changed the designation of its embassy in Havana to an "unaccompanied post," similar to the status of the U.S. embassy. In January 2019, the government announced that it would reduce by half its diplomatic staff in Havana, maintaining that "the Canadian government continues to investigate the potential causes of the unusual health symptoms" but "to date, no cause has been identified."[176]

In 2018, several U.S. government personnel serving at the U.S. Consulate in Guangzhou, China, reported health incidents and symptoms similar to those experienced by members of the U.S. diplomatic community in Havana. In response, Secretary of State Pompeo announced the establishment of a multiagency Health Incidents Response Task Force to serve as a coordinating body for State Department and interagency activities, including identification and treatment of affected personnel and family members abroad, investigation and risk mitigation, messaging, and diplomatic outreach.[177] In October 2020, Secretary of State Pompeo stated that "there is not yet any complete U.S. Government analysis which definitively tells us precisely how these [injuries] all came to be, whether they're part of a single cohort."[178]

Potential Causes of the Health Incidents. In February 2018, an article in the *Journal of the American Medical Association* (*JAMA*) reported that University of Pennsylvania physicians who evaluated individuals from the U.S. Embassy community in Havana maintained that the individuals "appeared to have sustained injury to widespread brain networks without an associated history of head trauma." The study, however, found no conclusive evidence of the cause of the brain injuries. An accompanying editorial in *JAMA* cautioned about drawing conclusions from the study, noting that the evaluations were conducted an average of 203 days after the onset of the symptoms and that it was unclear whether individuals who developed symptoms were aware of earlier reports by others.[179] In August 2018, *JAMA* published several letters that raised additional questions concerning the February 2018 study, including one that asserted mass psychogenic illness could not be discounted; the study's authors, however, pushed

[175] The State Department's August 23, 2018 travel advisory stated "Exercise increased caution in Cuba due to attacks targeting U.S. Embassy Havana employees resulting in the drawdown of embassy staff" and that travelers should avoid the Hotel Nacional and the Hotel Capri, where some of the incidents occurred. On November 21, 2019, the State Department updated its advisory without using the word "attacks."

[176] Government of Canada, Global Affairs Canada, "Statement by Global Affairs Canada on Ongoing Health and Security Situation of Canadian Diplomatic Staff and Dependents in Havana," April 16, 2018, "Statement on the Health and Security of Canadian Diplomatic Staff in Havana, Cuba," November 18, 2018, and "Statement on Health and Security of Canadian Diplomatic Staff in Havana, Cuba," January 30, 2019.

[177] U.S. Department of State, "Establishment of the Health Incidents Response Task Force," June 5, 2018.

[178] U.S. Department of State, "Secretary Michael R. Pompeo at a Press Availability," remarks, October 21, 2020; and "Pompeo Says U.S. Still Working to Determine What Caused 'Havana Syndrome,' Reuters, October 21, 2020.

[179] Randel L. Swanson II, DO, PhD, et al., "Neurological Manifestations Among US Government Personnel Reporting Directional Audible and Sensory Phenomena in Havana, Cuba," *JAMA*, March 20, 2018 (published online February 15, 2018); Christopher C. Muth, MD and Steven L. Lewis, MD, "Neurological Symptoms Among US Diplomats in Cuba," editorial, *JAMA*, March 20, 2018 (published online February 15, 2018); Karen DeYoung, "Neurological Injuries Found in U.S. Staff in Cuba," *Washington Post*, February 15, 2018; and Gina Kolata, "Diplomats in Cuba Suffered Brain Injuries, Experts Still Don't Know Why," *New York Times*, February 16, 2018.

back against the criticism, maintaining that a complex constellation of neurological symptoms was consistent across the cohort that was studied.[180]

In July 2019, *JAMA* published a follow-up study by University of Pennsylvania researchers who conducted brain-imaging studies of the effected U.S. Embassy community members compared with healthy individuals. The study found significant differences in the volume and connectivity in the auditory and visuospatial areas of the brain but not in the executive control network of the brain. The study itself noted that the clinical importance of the brain differences was uncertain and may require further study.[181] A *JAMA* editor's note also stated that the clinical relevance of the brain-image differences was uncertain and that the exact nature of any potential exposure and the underlying cause of the patients' symptoms remain unclear.[182]

Several other studies examined various aspects of the health incidents. A March 2018 University of Michigan report by three computer scientists concluded that the sounds recorded in Cuba could have been caused by two eavesdropping devices placed in close proximity to each other. The study concluded that the sounds could have been inadvertently produced without malicious intent.[183] In December 2018, a group of doctors from the University of Miami and the University of Pittsburgh published a study maintaining that those diplomats exhibiting symptoms suffered from ear damage as opposed to brain injury.[184] In January 2019, a group of biologists from the University of California Berkeley and the U.K's University of Lincoln issued a study on a recording of the alleged sounds heard by some U.S. Embassy employees that had been released by the Associated Press in October 2017. The study maintains that the sound matched the echoing call of a Caribbean cricket.[185] In October 2019, a study in the *Journal of the Royal Society of Medicine* argued that high levels of stress among the diplomats contributed to psychogenic illness.[186]

On December 5, 2020, the National Academies of Sciences, Engineering and Medicine (NASEM) publicly released a report, requested by the Department of State, examining potential explanations for the health effects suffered by personnel associated with the U.S Embassy in Havana.[187]

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[180] "Neurological Symptoms in US Government Personnel in Cuba," *JAMA*, August 12, 2018. Also see Ian Sample, "Cuban 'Acoustic Attack' Report on US Diplomats Flawed, Say Neurologists," *The Guardian*, August 14, 2018.

[181] Ragini Verma PhD, et al, "Neuroimaging Findings in U.S. Government Personnel With Possible Exposure to Directional Phenomena in Havana, Cuba," *JAMA*, July 23/30, 2019.

[182] Christopher C. Muth, MD and Phil B. Fontanaros, MD, MBA, "Advanced Neuroimaging Findings in U.S. Government Personnel With Possible Directional Phenomenon Exposure in Havana, Cuba," editor's note, *JAMA*, July 23/30, 2019. Also see Benedict Carey, "Study Reports Trauma In Brains of Diplomats," *New York Times*, July 24, 2019; Brianna Abbot, "Brain Images Deepen Mystery of Diplomat Ills," *Wall Street Journal*, July 24, 2019; and "Scans Show Changes to Brains of 'Injured' Havana U.S. Embassy Workers," Reuters, July 23, 2019.

[183] Chen Yan, Kevin, Fu, and Wenyuan Xu, *On Cuba, Diplomats, Ultrasound, and Intermodulation Distortion*, University of Michigan, Technical Report CSE-TR-001-18, March 1, 2018.

[184] Frances Robles, "'These People Were Injured,' Doctors Conclude, After Studying U.S. Diplomats," *New York Times*, December 13, 2018; Doug Stanglin, "U.S. Staff in Cuba Suffered Ear Damage, Study Says," *USA Today*, December 14, 2018; Michael E. Hoffer, "Acute Findings in an Acquired Neurosensory Dysfunction," *Laryngoscope Investigative Otolaryngology*, December 2018.

[185] Josh Lederman, "Scientists Say Recording of Sound Heard by U.S. Diplomats in Cuba Matches Crickets," NBC News, January 8, 2019, at https://www.nbcnews.com/politics/national-security/scientists-say-recording-sound-heard-u-s-diplomats-cuba-matches-n956441.

[186] Robert E. Bartholomew and Robert W. Baloh, "Challenging the Diagnosis of 'Havana Syndrome' as a Novel Clinical Entity," *Journal of the Royal Society of Medicine*, January 2020 (first published October 31, 2019). Also see Elizabeth Payne, "Case of the Cuban Conundrum; New Paper Adds to Havana Syndrome Mystery, Suggest Cause Was Stress," *Ottowa Sun*, November 25, 2019.

[187] National Academies of Sciences, Engineering, and Medicine (NASEM), *An Assessment of Illness in U.S.*

According to several press articles from October 2020, the NASEM submitted the report to the State Department in early August 2020 and the report's authors expressed frustration that the report had not been released to Congress or the public.[188] Significantly, the NASEM study concluded the most plausible mechanism for the health symptoms was directed pulsed radio frequency energy.[189]

The NASEM report does not cover who might be responsible for such directed attacks, although it notes there was significant research in Russia (Soviet Union) into the effects of pulsed radio frequency exposure.[190] Various press articles have raised the specter of Russia's potential involvement in the health injuries, including allegations by a former Central Intelligence Agency official who maintains he was targeted in Moscow in 2017.[191]

Cuba's Response. The Cuban government denies responsibility for the injuries of U.S. personnel, maintaining that it would never allow its territory to be used for any action against accredited diplomats or their families.[192] In the aftermath of the order expelling its diplomats, Cuba's Ministry of Foreign Affairs issued a statement strongly protesting the U.S. action, asserting that it was motivated by politics and arguing that ongoing investigations have reached no conclusion regarding the incidents or the causes of the health problems.[193] The statement noted that Cuba had permitted U.S. investigators to visit Cuba and reiterated the government's willingness to continue cooperating on the issue.

In September 2018, a delegation of Cuban scientists visited the United States to have meetings with the State Department, the National Academy of Sciences, and on Capitol Hill. The director of the Cuban Neuroscience Center, Dr. Mitchell Joseph Valdés-Sosa, maintains that there could be various reasons why the diplomats became sick (such as hypertension, stress, other preexisting conditions, and psychogenesis) but that Cuban scientists have not seen any credible evidence that some type of high-tech weapon was used. The Cuban delegation expressed disappointment that U.S. officials have not shared more medical and clinical data on the illnesses experienced by the U.S. diplomats.[194] In November 2018, Dr. Valdés-Sosa coauthored a letter in *Science* magazine

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Government Employees and Their Families at Overseas Embassies, David A. Relman and Julie A. Pavlin, Editors, 2020, 76 pages, (hereinafter NASEM report), available at https://www.nationalacademies.org/news/2020/12/new-report-assesses-illnesses-among-us-government-personnel-and-their-families-at-overseas-embassies. Cases from China were also to be covered, but as noted in the report (p. 9) information made available from the China cases was "too sparse and fragmentary to be able to draw any substantive conclusions."

[188] Ana Swanson, Edward Wong, and Julian E. Barnes, "As U.S. Diplomats Fell Sick, Washington Minimized the Danger," *New York Times*, October 21, 2020; Amy Mackinnon and Robbie Gramer, "What's Behind the Mysterious Illness of U.S. Diplomats and Spies?" *Foreign Policy*, October 21, 2020; and Julia Ioffe, "The Mystery of the Immaculate Concussion," *GQ*, October 20, 2020.

[189] NASEM report, p. 2.

[190] NASEM report, p. 18.

[191] Ana Swanson, Edward Wong, and Julian E. Barnes, "As U.S. Diplomats Fell Sick, Washington Minimized the Danger," *New York Times*, October 21, 2020; Julia Ioffe, "The Mystery of the Immaculate Concussion," *GQ*, October 20, 2020; Ben Macintyre, "Is Russia Microwaving American Spies?" *The Times* (London), October 31, 2020; and "NBC: Russia the Main Suspect in US Diplomats' Illness in Cuba," *Voice of America News*, September 11, 2018.

[192] Ministry of Foreign Affairs of Cuba, "Statement by the Ministry of Foreign Affairs of Cuba," August 9, 2017, at http://www.minrex.gob.cu/en/statement-ministry-foreign-affairs-cuba-1.

[193] Ministry of Foreign Affairs of Cuba, "Declaration by the Ministry of Foreign Affairs of Cuba," October 10, 2017, at http://www.minrex.gob.cu/en/declaration-ministry-foreign-affairs-cuba.

[194] Mimi Whitefield, "Cuban Scientists Visit U.S., Say, Yes, U.S. Diplomats Were Sick but there were No Attacks," *Miami Herald*, September 14, 2018; Gardiner Harris, "Cuban Experts Insist No Proof Exists of Attack on Diplomats," *New York Times*, September 14, 2018; and Katanga Johnson, "U.S., Cuba Officials Discuss Mysterious Embassy Health Incidents," Reuters News, September 13, 2018. Also see Republic of Cuba, Ministry of Foreign Affairs of

with a professor from the University of Pennsylvania's Department of Bioengineering maintaining that some "scientists have allowed speculation about the causes of these health issue to outpace the evidence" and that "there is insufficient evidence to guess about the cause of the sounds."[195]

The Cuban government also responded to the July 2019 study by University of Pennsylvania researches published in *JAMA*. Dr. Valdés-Sosa maintained that the study does not prove the diplomats serving in Cuba suffered brain damage. He reiterated that, although there may be sick individuals, there needs to be more coherent scientific explanations. He also called for transparent scientific discussion and exchanges. The Deputy Director General for the United States at Cuba's Ministry of Foreign Affairs, Johana Tablada, called for the U.S. government "to put an end to the manipulation and use of this issue as a pretext to impose more new measures of aggression against the integrity of our country, its economy, and its people."[196]

Legislative Action. In the 116th Congress, a provision in the Further Consolidated Appropriations Act, 2020 (P.L. 116-94, Division J, Title IX, Section 901), signed into law in December 2019, includes benefits for Department of State personnel injured while stationed in Cuba (or China). The FY2021 National Defense Authorization Act (P.L. 116-283, §1110) extended such benefits to personnel of other federal agencies under chief of mission authority in Cuba (or China).

In December 2020, a bipartisan group of 10 Senators introduced S. 4973, which would have authorized the provision of compensation to personnel of the Central Intelligence Agency and the Department of State who incur disabilities resulting from certain injuries to the brain.[197]

P.L. 116-94, in Section 7019(e), also included several reporting requirements set forth in H.Rept. 116-78 to H.R. 2839, the House Appropriations Committee's version of the FY2020 SFOPS bill, and in S.Rept. 116-126 to S. 2583, the Senate Appropriations Committee's version of the SFOPS bill.

- H.Rept. 116-78 directed the State Department to submit a strategy for U.S. businesses operating in Cuba, including a timeline for the safe return of staff at the U.S. Embassy in Havana to previous levels. As submitted to Congress in March 2020, the State Department strategy stated that "until the Department knows more about how the injuries to our personnel occurred, it is not possible to say when Embassy Havana can expect to return to normal staffing levels." The State Department also maintained that its "response continues to be guided by medical facts" and that "world-class specialists and other scientists at the University of Pennsylvania, the National Institutes of Health, and the Centers for Disease Control and Prevention continue to examine the medical data to gain a

Cuba, "Executive Summary of the Assessment by the Cuban Scientific Panel of Medical Reports Regarding the Health of U.S. Diplomats and Their Families Previously Stationed in Havana," September 13, 2018, at http://misiones.minrex.gob.cu/en/articulo/executive-summary-assessment-cuban-scientific-panel-medical-reports-regarding-health-us.

[195] Mitchell Joseph Valdés-Sosa and Kenneth R. Foster, "Halt Speculation on U.S. Embassy in Cuba," *Science*, November 19, 2018, at http://science.sciencemag.org/content/362/6416/758.2.

[196] Ministry of Foreign Affairs of Cuba, "Cuba reiterates to the government of the United States to put an end to the manipulation and use of health symptoms as an excuse to impose new measures against its economy and its people," July 24, 2019.

[197] Office of Senator Susan Collins, "Bipartisan Group Introduces Bill to Support Victims of 'Havana Syndrome," press release, December 8, 2020, at https://www.collins.senate.gov/newsroom/bipartisan-group-introduces-bill-support-victims-'havana-syndrome'.

better understanding of the nature and mechanism of injury that caused these patients' symptoms."[198]

- S.Rept. 116-126 required the Secretary of State, not later than 90 days after enactment, to submit a report to the committee, in classified form if necessary, detailing any evidence of those responsible for, and the cause or causes of, the health illnesses suffered by U.S. government personnel in Cuba.

The explanatory statement to Consolidated Appropriations Act, 2021 (P.L. 116-260), included several reporting requirements related to the U.S. Embassy in Havana and health illnesses suffered by U.S. personnel in Cuba.

- The Secretary of State is to update a report originally required by S.Rept. 116-126 for an assessment on the physical condition of the U.S. Embassy in Havana, Cuba, including plans and cost estimates to address any maintenance or security needs.
- The Secretary of State is to update reports concerning "Consular Services" at the U.S. Embassy in Havana and "United States Government Personnel" (regarding any evidence of those responsible for, and the cause or causes of, the health illnesses suffered by U.S. government personnel in Cuba) required by S.Rept. 116-126.
- According to the explanatory statement, federal departments are directed to comply with the directives and reporting requirements contained in H.Rept. 116-444 to H.R. 7608. With regard to Cuba, that report directed the Secretary of State to update a report on steps taken to implement the comprehensive strategy on Cuba policy directed in H.Rept. 116-78, including progress toward returning staffing levels at the U.S. Embassy in Havana to previous levels and the impact of the reduction on embassy operations, including visa processing.

Migration Issues[199]

In January 2017, the Obama Administration ended the so-called "wet foot/dry foot" policy under which thousands of unauthorized Cuban migrants entered the United States since the mid-1990s. Under that policy, Cuban migrants interdicted at sea generally were returned to Cuba whereas those reaching U.S. land were allowed entrance into the United States and generally permitted to stay. Under the new policy, Cuban nationals who attempt to enter the United States illegally and do not qualify for humanitarian relief are now subject to removal. The Cuban government agreed to begin accepting the return of Cuban migrants who have been ordered removed.[200] President Trump's NSPM on Cuba stated that the Administration would not reinstate the "wet foot/dry foot" policy, maintaining that the policy had "encouraged untold thousands of Cuban nationals to risk their lives to travel unlawfully to the United States."[201]

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[198] U.S. Department of State, "Strategy for Providing Certainty for U.S. Businesses Legally Operating in Cuba," report to Congress, March 4, 2020.

[199] For additional background, see CRS Report R44714, *U.S. Policy on Cuban Migrants: In Brief*, by Andorra Bruno.

[200] White House, "Statement by the President on Cuban Immigration Policy," January 12, 2017; U.S. Department of Homeland Security, "Statement by Secretary Johnson on the Continued Normalization of our Migration Relationship with Cuba," January 12, 2017; U.S Department of Homeland Security, "Fact Sheet: Changes to Parole and Expedited Removal Policies Affecting Cuban Nationals," January 12, 2017.

[201] U.S. Department of State, "Strengthening the Policy of the United States Toward Cuba," 82 *Federal Register*

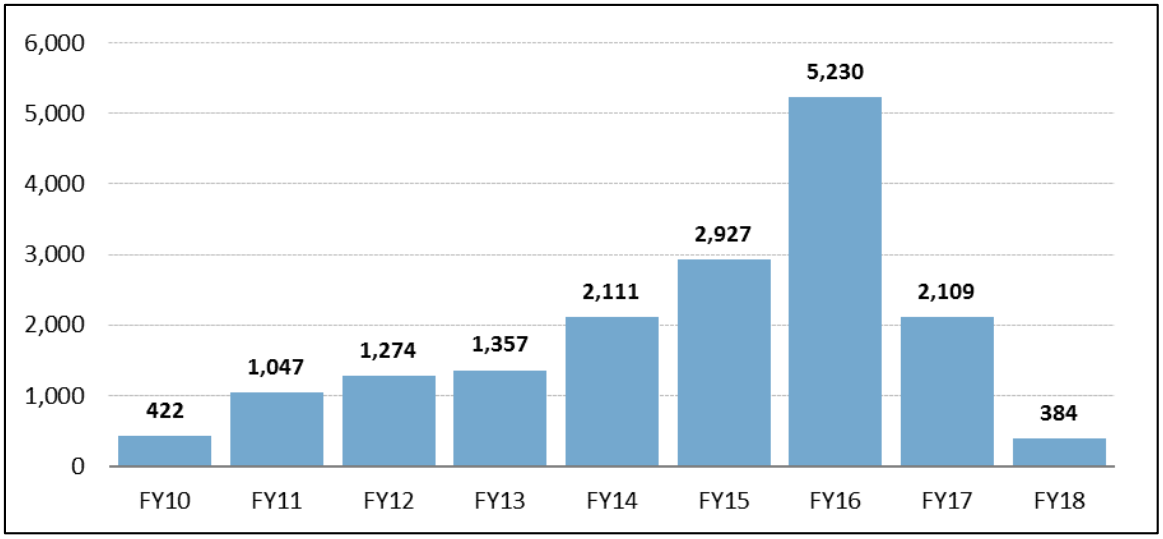
Background on the 1994 and 1995 Migration Accords. Cuba and the United States reached two migration accords in 1994 and 1995 designed to stem the mass exodus of Cubans attempting to reach the United States by boat. On the minds of U.S. policymakers was the 1980 Mariel boatlift, in which 125,000 Cubans fled to the United States with the approval of Cuban officials. In response to Fidel Castro's threat to unleash another Mariel, U.S. officials reiterated U.S. resolve not to allow another exodus. Amid escalating numbers of fleeing Cubans, in August 1994, President Clinton abruptly changed U.S. immigration policy, under which Cubans attempting to flee their homeland were allowed into the United States; he announced that the U.S. Coast Guard and Navy would take Cubans rescued at sea to the U.S. Naval Station at Guantanamo Bay, Cuba. Despite the change in policy, Cubans continued to flee in large numbers.

As a result, in early September 1994, Cuba and the United States began talks that culminated in a bilateral agreement to stem the flow of Cubans fleeing to the United States by boat. In the agreement, the United States and Cuba agreed to facilitate safe, legal, and orderly Cuban migration to the United States, consistent with a 1984 migration agreement. The United States agreed to ensure that total legal Cuban migration to the United States would be a minimum of 20,000 each year, not including immediate relatives of U.S. citizens.

In May 1995, the United States reached another accord with Cuba under which the United States would parole the more than 30,000 Cubans housed at Guantanamo into the United States but would intercept future Cuban migrants attempting to enter the United States by sea and return them to Cuba. In January 1996, the Department of Defense announced that the last of some 32,000 Cubans intercepted at sea and housed at Guantanamo had left the U.S. naval station, most having been paroled into the United States.

Figure 3. Maritime Interdictions of Cubans by the U.S. Coast Guard

(FY2010-FY2018)



Source: Created by CRS using information provided to CRS by the U.S. Coast Guard, July 2018, and "U.S. Department of State, *Cuban Compliance with the Migration Accords, (April 2019 to October 2019)*, report to Congress, October 8, 2019.

48875-48878, October 20, 2017 (consists of the text of National Security Presidential Memorandum, NSPM-5, issued by the President on June 16, 2017).

Maritime Interdictions. Since the 1995 migration accord, the U.S. Coast Guard has interdicted thousands of Cubans at sea and returned them to their country. Until the change in U.S. policy toward Cuban migrants in January 2017, those Cubans who reached the U.S. shore were allowed to apply for permanent resident status in one year, pursuant to the Cuban Adjustment Act of 1966 (P.L. 89-732). In short, under the wet foot/dry foot policy, most interdictions resulted in a return to Cuba, even those in U.S. coastal waters, whereas those Cubans who touched shore were allowed to stay in the United States. Some had criticized this policy as encouraging Cubans to risk their lives to make it to the United States and as encouraging alien smuggling.

Over the years, the number of Cubans interdicted at sea by the U.S. Coast Guard has fluctuated annually, influenced by several factors, including the economic situations in Cuba and the United States. From FY2010 through FY2016, the number of Cubans interdicted by the Coast Guard increased each year, from 422 in FY2010 to an all-time high of 5,230 in FY2016. The increase in the flow of maritime migrants in 2015 and 2016 was driven by concerns among Cubans that the favorable treatment granted to Cuban migrants would end. With the change in U.S. immigration policy toward Cuba in January 2017, the number of Cubans interdicted by the Coast Guard dropped significantly. In FY2017, the Coast Guard interdicted over 2,000 Cubans, with the majority of these interdictions occurring before the policy change; by FY2018, that number decreased to over 300 Cubans interdicted at sea.[202] (See **Figure 3**.)

Unauthorized Cuban Migrants. Beginning around FY2013, according to the State Department, unauthorized Cuban migrants began to favor land-based routes to enter the United States, especially via U.S. ports of entry from Mexico. Since that time and until the change in U.S. immigration policy in January 2017, the number of unauthorized Cubans arriving by land increased significantly, with a majority entering through the Southwest border.[203] According to statistics from the Department of Homeland Security, the number of unauthorized Cubans entering the United States both at U.S. ports of entry and between ports of entry rose from almost 8,170 in FY2010 to a high of 58,269 in FY2016. In FY2017, that number declined to 20,955, with the majority entering before the change in U.S. immigration policy. In FY2018, 7,355 unauthorized Cubans arrived in the United States at or between ports of entry, about a 65% decline from FY2017.[204]

The number of unauthorized Cubans arriving by land again increased significantly in FY2019 but fell in FY2020. Statistics from U.S. Customs and Border Protection (CBP) show that the number of inadmissible Cubans arriving at ports of entry at the Southwest border increased from 7,079 in FY2018 to 21,499 in FY2019, over a 200% increase. In FY2020, however, the number of inadmissible Cubans arriving at Southwest border ports of entry declined significantly. CBP statistics show 3,461 inadmissible Cubans reported in the first seven months of FY2020 (through April 2020), with decreasing amounts each month.[205] The decline stems from a new U.S. policy

[202] U.S. Department of State, "Cuban Compliance with the Migration Accords, (April 2019 to October 2019)," report to Congress, October 8, 2019.

[203] U.S. Department of State, *Cuban Compliance with the Migration Accords*, reports to Congress, May 7, 2014; November 6, 2014; April 30, 2015; November 3, 2015; April 29, 2016; and October 21, 2016.

[204] U.S. Department of Homeland Security, U.S. Customs and Border Protection, Office of Congressional Affairs, April 10, 2017; and U.S. Department of State, *Cuban Compliance with the Migration Accords*, reports to Congress, October 18, 2017, April 12, 2018, October 4, 2018, April 30, 2019, and October 8, 2019.

[205] U.S. Customs and Border Protection (CBP), "Southwest Border Inadmissibles by Field Office Fiscal Year 2020," May 7, 2020, at https://web.archive.org/web/20200516090914/https://www.cbp.gov/newsroom/stats/sw-border-migration/ofo-sw-border-inadmissibles. According to CBP, "inadmissibles refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for

requiring asylum seekers who arrive at the Southwest border to wait in Mexico while their claims are being processed. The policy change led to thousands of Cubans waiting in Mexican cities such as Ciudad Juárez.[206] Moreover, in response to the COVID-19 pandemic, CBP and the Centers for Disease Control and Prevention issued orders in March 2020 that further restricted the entrance of certain foreign nationals into the United States at U.S. borders.[207]

Meanwhile, U.S. deportations of Cubans have increased. According to statistics from U.S. Immigration and Customs Enforcement (ICE), 1,179 Cubans were deported in FY2019, compared with 463 in FY2018.[208] Press reports indicate that in FY2020, as of February 24, 2020, ICE had removed 1,208 Cubans, more than in all of FY2019.[209] Approximately 41,000 Cuban nationals in the United States have final orders of removal.[210]

Cuban Medical Professional Parole Program. In January 2017, at the same time that it ended the "wet foot/dry foot policy," the Obama Administration announced that it was ending the special Cuban Medical Professional Parole (CMPP) program. Established in 2006 and administered by U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS), the CMPP program allowed Cuban medical professionals in third countries to be approved for entry into the United States.[211] The program reportedly benefitted more than 8,000 Cuban medical professionals who defected from Cuba's medical missions in third countries.[212] (For information regarding allegations of forced labor in Cuba's foreign medical mission program, see "Trafficking in Persons and Cuba's Foreign Medical Missions" section, below.)

Effect of Downsizing of U.S. Embassy. As noted above, most visa processing at the U.S. Embassy in Havana was suspended because of the U.S. Embassy staff reduction in 2017. USCIS suspended operations at its field office at the embassy in 2017, and then permanently closed its offices in Havana in December 2018.[213] Most Cubans applying for nonimmigrant visas must go to a U.S. embassy or consulate in another country, and all applications and interviews for immigrant visas are currently being handled at the U.S. Embassy in Georgetown, Guyana.

The suspension of most nonimmigrant visa processing in Havana made it more difficult and expensive for Cubans visiting family in the United States and for Cuban *cuentapropistas* (private sector workers) traveling to the United States to bring back inputs for their businesses. In 2013, the United States had begun granting multiple entry visas, good for five years, for Cubans visiting

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admission and return to their countries of origin within a short timeframe." U.S. CBP, "CBP Enforcement Statistic Fiscal Year 2020," at https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2020.

[206] Mary Beth Sheridan, "At Border, Cubans Face a Reversal," *Washington Post*, November 7, 2019. Also see Guadalupe Correa-Cabrera and Elliot Spagat, *U.S. Immigration Policy for Cubans: From Revolution to COVID-19*, The Wilson Center, October 2020.

[207] See CRS Insight IN11308, *COVID-19: Restrictions on Travelers at U.S. Land Borders*, by Audrey Singer.

[208] U.S. Immigration and Customs Enforcement, "U.S. Immigration and Customs Enforcement Fiscal Year 2019 Enforcement and Removal Operations Report," December 11, 2019.

[209] Monique P. Madan, "Feds Deport 119 Cubans Back to Havana on Miami Flight," *Miami Herald*, March 3, 2020.

[210] U.S. Department of State, *Cuban Compliance with the Migration Accords*, report to Congress, October 6, 2020.

[211] For information from the Department of Homeland Security on the termination of the program, see https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-medical-professional-parole-cmpp-program.

[212] Mario J. Pentón, "Cuban Physicians Still Abandoning Missions Abroad Despite End to U.S. Parole Program," *Miami Herald*, March 12, 2018.

[213] USCIS, "USCIS Closes Havana Field Office on Dec. 10, 2018," December 10, 2018; U.S. Embassy in Cuba, "U.S. Embassy Havana on USCIS Announcement," media note, December 12, 2018.

the United States. As those visas expire, Cubans need to travel to a third country to request a new visa if they want to visit the United States.

In addition, the State Department announced that as of March 18, 2019, it would no longer issue multiple entry B2 visas (for tourism, family visit medical treatment, and similar travel purposes) for Cuban nationals; instead would issue only single-entry B2 visas for a stay of two months, with the possibility of a 30-day extension.[214] The action has made family travel from Cuba more difficult, and it has made it harder for those traveling from Cuba to support their private sector businesses.

The embassy staff reduction negatively affected the United States' ability to meet its commitment under the 1994 bilateral migration accord to issue travel documents for 20,000 Cubans annually (not including immediate relatives). As a result, the United States did not meet its annual commitment in FY2018 or FY2019. For FY2020, as of the end of June 2020, 2,866 Cubans received travel documents under the migration accords.[215] In past years, around 75% of the immigrant travel documents issued annually for Cuban nationals pursuant to the 1994 accord were issued under the Cuban Family Reunification Parole Program (CFRP), a program established in 2007 by USCIS to help the United States meet its annual obligation of travel documents.[216]

Legislative Initiatives. In the 116th Congress, H.R. 4884 (Mucarsel-Powell) would have directed the Secretary of State, in coordination with the Secretary of Homeland Security, to reinstate the CFRP and, to the extent practicable, to make available to applicants under the program video teleconference capabilities. The bill also would have required the Secretary of State to assign appropriate temporary duty personnel to the U.S. Embassy in Havana to support the reinstatement of the parole program.

Some Members of Congress also called on the Trump Administration to reestablish the CMPP program. In the 116th Congress, one bill, S. 4635 (Menendez) would have, among its provisions, reinstated the CMPP. Two resolutions, S.Res. 14 (Menendez) and H.Res. 136 (Sires), would have expressed the sense of the Senate and House, respectively, that the CMPP program should be reestablished. (For more, see "Trafficking in Persons and Cuba's Foreign Medical Missions" section, below.)

Antidrug Cooperation

Cuba is not a major producer or consumer of illicit drugs, but its location and extensive shoreline make it susceptible to narcotics-smuggling operations. Drugs that enter the Cuban market are largely the result of onshore wash-ups from smuggling by high-speed boats moving drugs from Jamaica to the Bahamas, Haiti, and the United States, or by small aircraft from clandestine airfields in Jamaica. For a number of years, Cuban officials have expressed concerns about the use of their waters and airspace for drug transit and about increased domestic drug use. The Cuban government has taken a number of measures to deal with the drug problem, including legislation to stiffen penalties for traffickers, increased training for counternarcotics personnel, and cooperation with a number of countries on antidrug efforts. Since 1999, Cuba's Operation Hatchet has focused on maritime and air interdiction and the recovery of narcotics washed up on

[214] U.S. Department of State, U.S. Embassy in Cuba, "Decreasing B2 Visa Validity for Cuban Nationals," media note, March 15, 2019.

[215] U.S. Department of State, *Cuban Compliance with the Migration Accords*, report to Congress, October 6, 2020.

[216] For background on the CFRP program, see USCIS, "The Cuban Family Reunification Parole Program," at https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-family-reunification-parole-program.

Cuban shores. Since 2003, Cuba has aggressively pursued an internal enforcement and investigation program against its incipient drug market with an effective nationwide drug prevention and awareness campaign.

Over the years, there have been varying levels of U.S.-Cuban cooperation on antidrug efforts. In 1996, Cuban authorities cooperated with the United States in the seizure of almost six metric tons of cocaine aboard the Miami-bound *Limerick*, a Honduran-flag ship. Cuba turned over the cocaine to the United States and cooperated fully in the investigation and subsequent prosecution of two defendants in the case in the United States. Cooperation has increased since 1999, when U.S. and Cuban officials met in Havana to discuss ways of improving antidrug cooperation. Cuba accepted an upgrading of the communications link between the Cuban Border Guard and the U.S. Coast Guard as well as the stationing of a U.S. Coast Guard drug interdiction specialist at the U.S. Interests Section in Havana. The Coast Guard official was posted to the U.S. Interests Section in September 2000.

After the reestablishment of diplomatic relations with Cuba in 2015, U.S. antidrug cooperation increased further, with several dialogues and exchanges on counternarcotics issues. In December 2015, U.S. and Cuban officials held talks at the headquarters of the Drug Enforcement Administration (DEA) in Washington, DC, with delegations discussing ways to stop the illegal flow of narcotics and exploring ways to cooperate on the issue.[217] In April 2016, Cuban security officials toured the U.S. Joint Interagency Task Force South (JIATF-South) based in Key West, FL. JIATF-South has responsibility for detecting and monitoring illicit drug trafficking in the region and for facilitating international and interagency interdiction efforts. At a July 2016 dialogue in Havana with U.S. officials from the State Department, DEA, the U.S. Coast Guard, and Immigration and Customs Enforcement/Homeland Security Investigations, Cuba and the United States signed a counternarcotics arrangement to facilitate cooperation and information sharing.[218] Technical exchanges between the U.S. Coast Guard and Cuba's Border Guard on antidrug efforts and other areas of cooperation also occurred periodically, with the most recent exchange on antidrug efforts in January 2018.[219]

According to the State Department's 2020 *International Narcotics Control Strategy Report* (INCSR), issued in March 2020, Cuba has 40 bilateral agreements for antidrug cooperation with countries worldwide, which includes the 2016 U.S.-Cuban agreement noted above.[220] According to the 2020 INCSR, Cuban authorities and the U.S. Coast Guard share information related to vessels transiting through Cuban territorial waters suspected of trafficking and coordinate responses between operation command centers. The report maintained that Cuban and U.S. law enforcement officials maintain some working-level communications and that Cuba continues to cooperate with U.S. authorities on some law enforcement matters.

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[217] U.S. Department of State, "United States and Cuba Hold Counter-Narcotics Dialogue," media note, December 2, 2015.

[218] U.S. Department of State, "Counternarcotics Arrangement Signed During Third Counternarcotics Technical Exchange Between the United States and Cuba," media note, July 22, 2016.

[219] Ministry of Foreign Affairs of Cuba, "Technical Exchange Held Between Cuba's Border Guard Troops and the U.S. Coast Guard Service," January 24, 2018. In March 2018, the Coast Guard also participated in a search-and-rescue tabletop exercise with Cuban officials and a meeting with Cuban officials on cooperation against maritime spills (hydrocarbons and other hazardous substances). In addition, the United States and Cuba held an exchange on cooperation to prevent and combat money laundering in February 2018 and a broader law enforcement dialogue in July 2018 that included the topic of drug trafficking.

[220] U.S. Department of State, *International Narcotics Control Strategy Report 2020*, Volume I: Drug and Chemical Control, March 2020, p. 129.

The State Department's 2019 INCSR, issued in March 2019, provided more detail on U.S.-Cuban law enforcement cooperation related to drug trafficking.[221] The report noted that direct communications were established in July 2016 between the U.S. DEA and Cuban counterparts within the Ministry of Interior's National Anti-Drug Directorate; as a result, DEA had received approximately 20 requests for information related to drug investigations in addition to cooperation leading to Cuba's arrest of a fugitive wanted in the United States. More broadly, the State Department reported in the 2019 INCSR that Cuba provided assistance to U.S. state and federal prosecutions by providing evidence and information, and demonstrated a willingness to cooperate on law enforcement matters.

Property Claims and Titles III and IV of the LIBERTAD Act

An important issue in the process of normalizing relations is Cuba's compensation for the expropriation of thousands of properties of U.S. companies and citizens in Cuba dating back to the 1960s. The Foreign Claim Settlement Commission (FCSC), an independent agency within the Department of Justice, has certified 5,913 claims for expropriated U.S. properties in Cuba valued at $1.9 billion in two different claims programs; with accrued interest, the properties' value would be some $8 billion. In 1972, the FCSC certified 5,911 claims of U.S. citizens and companies that had their property confiscated by the Cuban government through April 1967, with 30 U.S. companies accounting for almost 60% of the claims.[222] In 2006, the FCSC certified two additional claims in a second claims program covering property confiscated after April 1967. Many of the companies that originally filed claims have been bought and sold numerous times. There are a variety of potential alternatives for restitution or compensation schemes to resolve the outstanding claims, but resolving the issue likely would entail considerable negotiation and cooperation between the two governments.[223]

Although Cuba has maintained that it would negotiate compensation for the U.S. claims, it does not recognize the FCSC valuation of the claims or accrued interest. Instead, Cuba has emphasized using declared taxable value as an appraisal basis for expropriated U.S. properties, which would amount to almost $1 billion, instead of the $1.9 billion certified by the FCSC.[224] Moreover, Cuba generally has maintained that any negotiation should consider losses that Cuba has accrued from U.S. economic sanctions. Cuba estimated cumulative damages of the U.S. embargo at $144 billion in current prices as of March 2020.[225]

U.S. and Cuban officials held three meetings on claims issues between December 2015 and January 2017. The first meeting took place in December 2015 in Havana, with talks including discussions of the FCSC-certified claims of U.S. nationals, claims related to unsatisfied U.S. court judgments against Cuba (reportedly 10 U.S. state and federal judgments totaling about $2

[221] U.S. Department of State, *International Narcotics Control Strategy Report 2019*, Volume I: Drug and Chemical Control, March 2019, p. 146.

[222] "A Road Map for Restructuring Future U.S. Relations with Cuba," policy paper, Atlantic Council, June 1995, Appendix D.

[223] Matías F. Travieso-Díaz, "Alternative Recommendations for Dealing with Expropriated U.S. Property in Post-Castro Cuba," in *Cuba in Transition, Volume 12*, Association for the Study of the Cuban Economy, 2002.

[224] Timothy Ashby, "U.S. Certified Claims Against Cuba: Legal Reality and Likely Settlement Mechanisms," *Inter-American Law Review*, March 2009.

[225] Republic of Cuba, Ministry of Foreign Relations, Cuba vs. Blockade, Cuba's Report On Resolution 74/7 of the United Nations General Assembly, "Necessity of Ending the Economic, Commercial and Financial Blockade Imposed by the United States of America Against Cuba," July 2020, at http://www.minrex.gob.cu/en/report-cuba-resolution-747-united-nations-general-assembly-necessity-ending-economic-commercial-and.

billion), and some claims of the U.S. government. The Cuban delegation raised the issue of claims against the United States related to the U.S. embargo.[226] A second claims meeting was held in July 2016, in Washington, DC. According to the State Department, the talks allowed for an exchange of views on historical claims-settlement practices and processes going forward.[227] A third claims meeting was held in Havana in January 2017.

Title III Lawsuits. As noted above, Title III of the LIBERTAD Act holds any person or government that traffics in property confiscated by the Cuban government liable for monetary damages in U.S. federal court. Until January 2019, pursuant to provisions of the law, all Administrations suspended the right to file law suits at six-month intervals. For the suspension, the President (since 2013, the Secretary of State) must determine that it is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. In June 2018, Secretary of State Pompeo made a determination effective from August 1, 2018, through January 2019.[228]

On January, 16, 2019, Secretary Pompeo issued another determination suspending the right to file lawsuit, but for only an additional 45 days, as opposed to six months, as provided in the law. Pompeo maintained that the extension would permit a careful review that would include such factors as "the Cuban regime's brutal oppression of human rights and fundamental freedoms and its indefensible support for increasingly authoritarian and corrupt regimes in Venezuela and Nicaragua."[229]

On March 4, 2019, Secretary Pompeo partially suspended the right to file lawsuits for an additional 30 days (through April 17) but allowed lawsuits, beginning March 19, against an entity or sub-entity on the State Department's "Cuba restricted list" controlled by the Cuban military, intelligence, or security service. In its announcement, the State Department stated that they would continue to study the impact of the suspension on the human rights situation in Cuba.[230] Lawsuits could be brought by any U.S. national, including those who were not U.S. nationals at the time of the confiscation. However, lawsuits could not be brought against third-country foreign investors in Cuba. State Department officials acknowledged that they engaged with allies in the European Union, Canada, and elsewhere, and that these countries' concerns were a factor in Secretary Pompeo's decision-making process.[231]

Nevertheless, on April 17, 2019, Secretary Pompeo announced that, effective May 2, 2019, the Administration would allow the right to file lawsuits against all those trafficking in confiscated property in Cuba pursuant to Title III of the LIBERTAD Act, not limiting lawsuits to those against entities on the "Cuba Restricted List."[232] In addition, as noted above, lawsuits can be brought by any U.S. national, including those who were not U.S. nationals at the time of the

[226] U.S. Department of State, "United States and Cuba Hold Claims Talks in Havana," media note, December 7, 2015; Frances Robles, "Competing Claims in Havana," *New York Times*, December 14, 2015.

[227] U.S. Department of State, "United States and Cuba Hold Claims Discussion," *Miami Herald*, July 28, 2016.

[228] U.S. Department of State, "Secretary's Determination of Six Months' Suspension Under Title III of LIBERTAD Act," June 28, 2018.

[229] U.S. Department of State "Secretary's Determination of 45-Day Suspension Under Title III of LIBERTAD Act." January 16, 2019.

[230] U.S. Department of State, "Secretary Enacts 30-Day Suspension of Title III (LIBERTAD Act) With an Exception," March 4, 2019.

[231] U.S. Department of State, "Western Hemisphere: Senior State Department Official on Title III of the LIBERTAD Act," special briefing, March 4, 2019.

[232] U.S. Department of State, Secretary of State Michael R. Pompeo, "Remarks to the Press," April 17, 2019.

confiscation. The European Union and Canada criticized the Administration's action, vowing to ban enforcement or recognition of any judgement, allow counterclaims in European and Canadian courts, and potentially seek action in the World Trade Organization.

To date, some 32 lawsuits have been filed by both FCSC-certified and noncertified claimants against U.S. and Cuban and other foreign companies, including cruise ship operators, airlines, travel booking companies, and hotels; several lawsuits have been dismissed by federal courts or by plaintiffs.[233] The first lawsuits were filed in May 2019 against the Miami-based Carnival Corporation by descendants of two families who owned port facilities in Cuba confiscated in 1960 and against Cuba's state-owned oil company and a state-owned holding company by Exxon Mobil Corporation (formerly Standard Oil) for the expropriation of an oil refinery, product terminals, and service stations in 1960.

Before the full implementation of Title III, some observers expressed concerns that U.S. federal courts could be flooded with lawsuits if Title III were fully allowed to be implemented. In addition to the claims of thousands of certified U.S. claimants, a 1996 report to Congress by the State Department required by the LIBERTAD Act estimated that there could be some 75,000 to 200,000 claims by Cuban Americans with the value running into the tens of billions of dollars.[234] As defined in the LIBERTAD Act, however, the term property does not include "real property used for residential purposes" (unless the claim is a certified claim held by a U.S national), and there is a $50,000 threshold for the amount in controversy for the right to file a lawsuit under Title III. While the small number of lawsuits filed to date is somewhat surprising, some observers maintain that plaintiffs' lawyers may not be willing to file high-cost lawsuits for smaller claims and that some potential plaintiffs may be unwilling to sue companies with whom they have or hope to have a business relationship.[235]

When the LIBERTAD Act was enacted in 1996, the intent of Title III was to prevent foreign investment in properties confiscated by the Cuban government. However, since some U.S. companies have entered into transactions or investment projects with Cuban companies in recent years as a result of the U.S. engagement process with Cuba, those U.S. companies could be susceptible to Title III legal action. A significant number of the lawsuits filed to date have been cases against U.S. companies or against at least one American defendant.[236]

When the LIBERTAD Act was passed in 1996, several foreign governments strongly objected, and some (Canada, EU, and Mexico) enacted countermeasures to block enforcement of the U.S. sanctions. The EU had pursued WTO dispute against the LIBERTAD Act, which it suspended in 1998 when it reached an understanding on the issue with the United States that included the presumption of continued suspension of Title III.[237]

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[233] For information on the lawsuits, see the website of the U.S.-Cuba Trade and Economic Council at https://www.cubatrade.org/.

[234] U.S. Department of State, Settlement of Outstanding United States Claims to Confiscated Property in Cuba, Report to Congress Under Section 207 of the Cuban Liberty and Democratic Solidarity Act of 1996, September 1996.

[235] John B Bellinger, III, John P. Barker, Tal R. Machnes, Tom McSorley, Elizabeth T.M. Fitzpatrick, "Calm Before the Storm? What We Can Learn From the Slow Start to Helms-Burton Cases," Arnold & Porter, July 17, 2019.

[236] John B. Bellinger, III et al., "The Helms-Burton Act's Unexpected Boomerang Effect: Most Lawsuits Have Targeted U.S. Companies," Arnold & Porter, March 4, 2020.

[237] Peters, Phil, "Activating Title III: Yet Another Trade Dispute–and Much More," *Cuba Standard Monthly*, 9/2018, Vol. 26, No. 9. For background on the EU-U.S. understanding, see Joaquín Roy, "The 'Understanding' Between the European Union and the United States Over Investments in Cuba," *Cuba in Transition: Volume 10*, Association for the Study of the Cuban Economy, Papers and Proceedings of the Tenth Annual Meeting, 2000.

Title IV Visa Restrictions. Title IV of the LIBERTAD Act denies admission to the United States to aliens involved in the confiscation of U.S. property in Cuba or in the trafficking of confiscated U.S. property in Cuba. This includes corporate officers, principals, or shareholders with a controlling interest in an entity involved in the confiscation of U.S. property or trafficking of U.S. property. It also includes the spouse, minor child, or agent of aliens who would be excludable under the provision. Current Title IV visa restrictions against executives of Sherritt International Corporation, a Canadian mining and energy company date to 1996. More recently, in February 2020, the Spanish hotel chain Meliá confirmed that its chief executive officer is prohibited from entering the United States pursuant to Title IV.[238]

U.S. Fugitives from Justice

U.S. fugitives from justice in Cuba include convicted murderers and numerous hijackers, most of whom entered Cuba in the 1970s and early 1980s.[239] For example, Joanne Chesimard, also known as Assata Shakur, was added to the Federal Bureau of Investigation's (FBI's) Most Wanted Terrorist list in May 2013. Chesimard was part of militant group known as the Black Liberation Army. In 1977, she was convicted for the 1973 murder of a New Jersey State Police officer and sentenced to life in prison. Chesimard escaped from prison in 1979 and, according to the FBI, lived underground before fleeing to Cuba in 1984.[240] Another fugitive, William "Guillermo" Morales, who was a member of the Puerto Rican militant group known as the Armed Forces of National Liberation, reportedly has been in Cuba since 1988 after being imprisoned in Mexico for several years. In 1978, both of his hands were maimed by a bomb he was making. He was convicted in New York on weapons charges in 1979 and sentenced to 10 years in prison and 5 years' probation, but he escaped from prison the same year.[241] In addition to Chesimard and other fugitives from the past, a number of U.S. fugitives from justice wanted for Medicare and other types of insurance fraud have fled to Cuba in recent years.[242]

With the resumption of diplomatic relations with Cuba in 2015, the United States held several law enforcement dialogues that reportedly included discussion of the issue of U.S. fugitives from justice; the most recent dialogue was held in July 2018.[243] The State Department's *Country Reports on Terrorism 2019*, issued in June 2020, stated that Cuba "harbors several U.S. fugitives from justice wanted on charges of political violence, many of who have resided in Cuba for decades." The report raised the Chesimard and Morales cases (noted above) and three other fugitive cases.[244] As noted above, on January 11, 2021, Secretary of State Pompeo designated the

[238] "Melia Hotels Says CEO Banned from U.S. Over Hotels in Cuba," Reuter News, February 5, 2020.

[239] U.S. Department of State, *Country Reports on Terrorism 2007*, April 30, 2008.

[240] FBI, Most Wanted Terrorists, Joanne Deborah Chesimard, poster, at http://www.fbi.gov/wanted/wanted_terrorists/joanne-deborah-chesimard/view.

[241] James Anderson, "Living in Exile, Maimed Guerrilla Maintains Low-Key Profile in Cuba," *Fort Worth Star-Telegram*, January 16, 2000; Vanessa Bauza, "FBI's Fugitive Is Cuba's Political Refugee," *South Florida Sun-Sentinel*, May 26, 2002; Mary Jordan, "Fugitives Sought by U.S. Find a Protector in Cuba," *Washington Post*, September 2, 2002; FBI, Wanted by the FBI, William "Guillermo" Morales, poster, at https://www.fbi.gov/wanted/dt/william-guillermo-morales.

[242] For example, see the U.S. Attorney's Office, Southern District of Florida, "Thirty-Three Defendants Charged in Staged Automobile Accident Scheme," press release, May 16, 2013; and Jay Weaver, "Grandma Rips Off Medicare, Skips Town, Latest Fraud Fugitive Likely Fled to Cuba," *Miami Herald*, January 5, 2017.

[243] U.S. Department of State, "United States and Cuba Hold Fourth Law Enforcement Dialogue in Washington, DC," media note, July 10, 2018.

[244] U.S. Department of State, *Country Reports on Terrorism 2019*, June 2020, "Cuba section" at https://www.state.gov/reports/country-reports-on-terrorism-2019/cuba/.

government of Cuba as a state sponsor of international terrorism, citing Cuba's harboring of several U.S. fugitives from justice (as well as several members of Colombia's National Liberation Army, a U.S.-designated foreign terrorist organization).[245]

Although the United States and Cuba have an extradition treaty in place dating to 1905, in practice the treaty has not been used. Instead, for more than a decade, Cuba has returned wanted fugitives to the United States on a case-by-case basis. For example, in 2011, U.S. Marshals picked up a husband and wife in Cuba who were wanted for a 2010 murder in New Jersey,[246] and in April 2013, Cuba returned a Florida couple who allegedly had kidnapped their own children (who were in the custody of the mother's parents) and fled to Havana.[247] In August 2018, Cuba arrested and returned to the United States a long-sought U.S. fugitive from justice wanted in connection with ecoterrorism who had stopped in Cuba on his way to Russia.[248] In November 2018, Cuba returned to the United States a New Jersey man wanted on murder charges.[249] In another case demonstrating U.S.-Cuban law enforcement cooperation, Cuba successfully prosecuted a Cuban national in February 2018 who had fled to Cuba after murdering a doctor in Florida in 2015—the main witness was a Palm Beach detective.[250]

Cuba generally, however, has refused to render to U.S. justice any fugitive judged by Cuba to be "political," such as Chesimard, who they believe could not receive a fair trial in the United States. In the past, Cuba has responded to U.S. extradition requests by making approval contingent upon the United States returning wanted Cuban criminals from the United States.

Legislative Initiatives. In the 116th Congress, H.Res. 92 (King) and S.Res. 232 (Menendez) would have called for the immediate extradition or rendering to the United States of convicted felons William Morales, Joanne Chesimard, and all other fugitives from justice who are receiving safe harbor in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States.

Trafficking in Persons and Cuba's Foreign Medical Missions

In 2019 and 2020, the State Department placed Cuba on Tier 3 in its annual *Trafficking in Persons Report* (TIP report), a status that refers to countries whose governments do not fully comply with the minimum standards for combatting trafficking and are not making significant efforts to do so.[251] According to the State Department's 2020 TIP report, human trafficking

[245] U.S. Department of State, Secretary of State Michael R. Pompeo, "U.S. Announces Designation of Cuba as a State Sponsor of Terrorism," January 11, 2021.

[246] George Mast, "Murder Suspects Caught in Cuba," *Courier-Post* (New Jersey), September 30, 2011.

[247] Paul Haven and Peter Orsi, "Cuba Says It Will Give U.S. Florida Couple Who Allegedly Kidnapped Children," Associated Press, April 9, 2013.

[248] "Suspected Eco-Terrorist Arrested in Cuba after 20 Years as a Fugitive," *CBS News*, August 11, 2018.

[249] Mimi Whitefield, "Cuba Extradites a 55-Year-Old American Lawyer to Face Murder Charges in New Jersey," *Miami Herald*, November 7, 2018.

[250] Mimi Whitefield, "This Florida Murder Case Was Tried in Cuba. And Local Prosecutors Got to Watch," *Miami Herald*, August 30, 2018.

[251] U.S. Department of State, *Trafficking in Persons Report 2019*, Cuba, June 24, 2019, at https://www.state.gov/reports/2019-trafficking-in-persons-report-2/cuba/, and *Trafficking in Persons Report 2020*, Cuba, June 25, 2020, at https://www.state.gov/reports/2020-trafficking-in-persons-report/cuba/. For more information, see CRS Report R44953, *The State Department's Trafficking in Persons Report: Scope, Aid Restrictions, and Methodology*, by Michael A. Weber, Katarina C. O'Regan, and Liana W. Rosen. From 2015 through 2018, Cuba had been placed on the Tier 2 Watch List, a status that refers to countries whose governments, despite making significant efforts, do not fully comply with the minimum standards and still have some specific problems or whose governments have made commitments to take additional anti-trafficking steps over the next year.

problems include sex trafficking in Cuba and Cuban government-sponsored labor export programs. The 2020 TIP report stated that the Cuban government took some steps to investigate, prosecute, and convict sex traffickers and sex tourists, as well as to identify and assist victims. In contrast, the 2020 TIP report maintained there were strong indications of forced labor in the government's foreign medical missions. The report alleged the Cuban government did not improve the transparency of the foreign medical missions program or address labor and trafficking concerns, despite allegations from observers, former participants, and foreign governments. The Cuban government reportedly failed to inform participants of the terms of their contracts, confiscated their documents and salaries, and threatened participants and their family members if participants left the program. As described in the 2020 TIP report, the Cuban government has said it employs between 34,000 and 50,000 health care professionals in more than 60 countries in Africa, the Americas, Asia, the Middle East, and Europe through contracts with foreign governments and, in some countries, international organizations serving as intermediaries.

Cuba's foreign medical diplomacy has long been a source of national pride and an example of Cuba's soft power worldwide to promote humanitarianism and generate political goodwill. The diplomacy has included short-term initiatives for disaster relief and epidemic control as well as longer-term initiatives, such as providing primary health care, staffing hospitals, and establishing health care facilities.

Cuba's first medical support abroad dates to 1960, when Cuba sent a medical brigade to Chile following an earthquake; a long-term medical aid program in Algeria began in 1963. By 1978, Cuba had some 2,300 medical personnel abroad; by 2008, that number had increased to over 37,000. In 1998, Cuba responded with medical brigades in the aftermath of Hurricane Mitch in Central America. In 1999, Cuba began training Central Americans in Cuba to become doctors; this was the origin of the current-day Latin American School of Medicine (or ELAM) that graduated its first class in 2005 and has graduated thousands of doctors from countries worldwide, including from the United States. Cuba's medical support to Haiti began in 1998 and ramped up significantly in the aftermath of the country's 2010 earthquake and subsequent cholera outbreak. Cuban medical teams played an important role in the 2014 worldwide effort to combat Ebola in West Africa. Cuba's largest medical support program abroad has been in Venezuela. The program began under populist President Chávez, who in 2003 established social missions providing free health and eye care clinics in historically marginalized areas staffed by thousands of Cuban medical personnel. In exchange, Venezuela has provided Cuba with extensive financial support, largely in the form of oil.[252]

Cuba's foreign medical mission program is not a solely humanitarian-based grant but a program in which the Cuban government benefits economically from countries that that can pay for the medical services. Cuban government statistics show that in 2018 (latest year available) Cuba generated $6.4 billion for the export of health services, making it the country's largest earner of foreign exchange.[253] Cuba maintains that the proceeds from the foreign medical missions are used

[252] Sources for this paragraph include Julie M. Feinsilver, "Fifty Years of Cuba's Medical Diplomacy: From Idealism to Pragmatism," *Cuban Studies*, Vol. 41 (2010), pp. 85-104; John M. Kirk, "Cuba's Medical Internationalism: Development and Rationale," *Bulletin of Latin American Research*, Vol. 28, No. 4, 2009, pp. 497-511; Sarah A. Blue, "Cuban Medical Internationalism: Domestic and International Impacts," *Journal of Latin American Geography*, Volume 9, No. 1, 2010, pp. 31-49; Pascal Fletcher, "Cuban Medics a Big Force on Haiti Cholera Frontline," Reuters News, December 10, 2010; and Monica Mark, "Cuba Leads Fights Against Ebola in Africa as West Frets about Border Security," *The Guardian*, October 11, 2014.

[253] ONEI, República de Cuba, Anuario Estadístico de Cuba 2018, Sector Externo, Edición 2019.

to fund Cuba's domestic health care system as well as the foreign medical missions offered to many countries for which it receives no payment.[254] According to the World Bank, Cuba has 8.4 physicians per 1,000 people (2018, latest available), far higher than most countries worldwide.[255]

Critics of Cuba's medical diplomacy program argue that Cuba is exploiting its medical personnel by forcing their participation in the program, with some critics, including OAS Secretary General Luis Almagro, dubbing the program a form of modern slavery.[256] The Spanish-based human rights group Cuban Prisoners Defenders alleges, based on information from over 100 Cuban medical personnel who served abroad, that a majority of participants in the medical missions were watched over by Cuban security officials while on their mission and asked to report information about their colleagues. Of these medical personnel, 41% said their passports were withheld during their time of service, over half said the mission was not voluntary, and 39% said they felt strongly pressured to serve abroad.[257]

While Cuban medical personnel serving abroad are compensated significantly more than those working in Cuba, in most cases they are paid far less than other medical personnel in the countries where they work. In Qatar, for example, Cuban officials reportedly make just over $1,000 a month, about 10% of what other foreign medical professionals can make while working in Qatar.[258] Cuban medical personnel also generally receive far less in compensation than what host governments pay the Cuban government. For example, in Brazil, before Cuba's medical personnel left the country in 2018, they reportedly were being paid 25% of what the Brazilian government paid the Cuban government for each worker (see text box).

Engagement between U.S. and Cuban officials on anti-trafficking

Cuba's Medical Mission in Brazil, 2013-2018

In 2013, Cuba began deploying thousands of doctors to rural areas and underserved poor urban areas in Brazil in a program known as *Mais Médicos*, facilitated by the Pan American Health Organization (PAHO), with Cuba earning hard currency for supplying the medical personnel.

Cuban-Brazilian relations have changed considerably under right-wing populist Brazilian President Jair Bolsonaro, inaugurated in January 2019. Before his inauguration, Bolsonaro espoused a more confrontational policy approach toward Cuba; he warned that he may break diplomatic relations with Cuba and abolish the medical assistance program. Bolsonaro strongly criticized the medical program, maintaining that Cuban doctors should be able to receive 100% of the money Brazil pays Cuba for them (instead of the 25% they receive) and should be able to bring their families with them to Brazil. Cuba responded by ending the program and bringing its more than 8,000 medical personnel home by late December 2018.

A provision in P.L. 116-94, Division G, Section 7019(e) (which references S.Rept. 116-126) required the Secretary of State, not later than 90 days after enactment, to submit a report to the appropriate congressional committees on the Pan American Health Organization's role, if any, in facilitating agreements between foreign medical professionals from Cuba and other countries.

Sources: "Life in 'Slavery' or as a Refugee? Cuban Doctors' Stark Choice in Brazil," Reuters News, December 12, 2018; and "Cuba Says Nearly All Its Doctors Have Returned from Brazil," Reuters News, December 21, 2018.

[254] Ministry of Foreign Affairs of Cuba, "The U.S. Crusade Against Cuba's International Medical Cooperation, Declaration of the Ministry of Foreign Affairs of Cuba," December 5, 2019.

[255] World Bank, Word Development Indicators, at https://databank.worldbank.org/source/world-development-indicators.

[256] "'Basta ya!': medicos denuncian en la OEA 'trabjo escalvo' en misiones cubanas," *Infobae*, December 18, 2019. The OAS hosted a conference in December 2019 entitled "The Dark Reality Behind the Cuban Medical Missions."

[257] "The Hidden World of the Doctors Cuba Sends Overseas," BBC, May 14, 2019. More recently, Cuban Prisoners Defenders also issued a statement on Cuba's medical missions. See "Institutional Statement Regarding Slavery in the Internationalization Missions of Cuba" Cuban Prisoners Defenders, March 12, 2020.

[258] Peter Pattisson, "Cuba's Secret Deal with Qatar to Take up to 90% of Doctor's Wages," *The Guardian*, November

issues had been increasing in recent years. In January 2017, U.S. officials met with Cuban counterparts in their fourth such exchange to discuss bilateral efforts to address human trafficking.[259] Later that month, the United States and Cuba signed a broad memorandum of understanding on law enforcement cooperation in which the two countries stated their intention to collaborate on the prevention, interdiction, monitoring, and prosecution of transnational or serious crimes, including trafficking in persons.[260] In February 2018, the State Department and the Department of Homeland Security hosted meetings in Washington, DC, with Cuban officials on efforts to combat trafficking in persons.[261]

In 2019, the Trump Administration pressed a campaign to shed light on allegations of coercive labor practices in Cuba's foreign medical missions.[262] The State Department called for countries that host Cuba's medical missions to ensure that labor rights are protected; it hosted a Foreign Press Center briefing on the issue in New York in September 2019.[263] In addition to downgrading Cuba to Tier 3 in its June 2019 TIP report, the State Department imposed targeted visa restrictions against Cuban officials. In July and September 2019, the State Department announced, pursuant to Section 212(a)(3)(C) of the Immigration and Nationality Act, that it had imposed visa restrictions against certain Cuban officials for alleged "exploitative and coercive labor practices" associated with Cuba's overseas medical missions programs.[264]

Amid the ongoing COVID-19 pandemic, Cuba dispatched over 3,700 medical personnel to almost 40 countries worldwide, an action that was criticized by the Trump Administration and some Members of Congress. In April 2020, Secretary Pompeo asserted that the Cuban government "has taken advantage of the COVID-19 pandemic to continue its exploitation of Cuban medical workers"; praised Brazil, Ecuador, and Bolivia for "not turning a blind eye to these abuses"; and asked all countries to do the same, including South Africa and Qatar.[265] In late April 2020, the State Department issued a fact sheet warning countries that might host Cuban medical personnel to consider questions about the alleged "abusive conditions" under which the personnel work.[266] Some Members of Congress also criticized Cuba's foreign medical missions and called for the State Department to deliver a demarche to governments that have accepted Cuba's medical missions in recent months "to inform them about the Cuban regime's forced labor

8, 2019.

[259] U.S. Department of State, "United States and Cuba to Hold Meeting to Fight Trafficking in Persons," media note, January 11, 2017.

[260] U.S. Department of State, "United States and Cuba to Sign Law Enforcement Memorandum of Understanding," media note, January 16, 2017.

[261] U.S. Department of State, "Western Hemisphere: United States and Cuba Meet to Combat Trafficking in Persons," February 14, 2018.

[262] Peter Beaumont and Ed Augustin, "Trump Puts Cuban Doctors in Firing Line as Heat Turned up on Island Economy," *The Guardian*, February 11, 2020.

[263] U.S. Department of State, "A Call to Action: First-Hand Accounts of Abuses in Cuba's Overseas Medical Missions," Foreign Press Center Briefing, September, 26, 2019.

[264] U.S. Department of State, Secretary of State Michael R. Pompeo, "Visa Actions Against Cuban Officials," press statement, July 26, 2019, and "Visa Actions Against Cuban Officials Exploiting Cuban Doctors," press statement, September 30, 2019. In September 2019, the Cuban government maintained that the Trump Administration denied a visa to its health minister to attend a Pan-American Health Organization meeting in Washington D.C. See Sarah Marsh, "U.S. Denies Cuba Health Minister Visa to Attend Health Meeting in Washington," Reuters News, September 30, 2019.

[265] U.S. Department of State, "Secretary Michael R. Pompeo at a Press Availability," remarks to the press, April 29, 2020.

[266] U.S. Department of State, "The Truth About Cuba's Medical Missions," April 27, 2020, at https://share.america.gov/the-truth-about-cubas-medical-missions/ .

practices."[267] For many countries, however, Cuban doctors are viewed as a key resource for their overwhelmed health care systems, and many have turned to Cuba because of its track record of providing such humanitarian support.[268]

The Cuban government has spoken out against the Trump Administration's campaign of criticism of its foreign medical missions, alleging that U.S. influence and actions led to the termination of missions in Brazil, Ecuador, and Bolivia. A December 2019 Cuban foreign ministry statement maintains that the "Cuban technicians and professionals who participate in these programs do so absolutely of their own free will." It notes that during the performance of their foreign missions, Cuban medical professionals "continue to receive their full salary in Cuba, and also a stipend in the country of destination, along with other benefits." The statement maintains that when Cuba receives compensation from host countries, the funding contributes to the sustainability of Cuba's health care system and covers the costs for its foreign medical missions that provide health care services at no cost to many countries worldwide.[269] In April 2020, Cuban Foreign Minister Bruno Rodriguez denounced what he characterized as U.S. lies about Cuba's medical missions, maintaining that "in the context of COVID-19, they threaten other people's health instead of joining cooperative efforts for the good of all."[270]

Legislative Initiatives. In the 116th Congress, two bills and two resolutions were introduced related to Cuba's foreign medical missions. S. 4635 (Menendez) would have, among its provisions, reinstated the CMPP program, which from 2006 to 2017 allowed Cuban medical professionals in third countries to be approved for entry into the United States (see "Migration Issues," above.) The bill also would have required two reports: (1) an annual State Department report identifying countries that host Cuban government foreign medical missions and determining whether Cuban personnel are subjected to conditions that qualify as severe forms of trafficking in persons and (2) a State Department/Health and Human Services Department report reviewing the Pan American Health Organization's (PAHO's) role in Cuba's involvement in Brazil's Mais Médicos program, corrective actions taken by PAHO, and recommendations for further corrective actions. S. 3977 (Scott, Rick) would have required the State Department to publish a list of countries that contract with Cuba's medical mission program and to consider, when determining a country's ranking for the annual TIP report, whether the country participated in programs with foreign governments and organizations that involve or enable trafficking in persons.

Similar resolutions S.Res. 14 (Menendez) and H.Res. 136 (Sires) would have affirmed that Cuba's medical missions constitute human trafficking. The resolutions also would have called on the State Department to downgrade Cuba to Tier 3 in its annual TIP report (an action the Administration took in June 2019) and would have called for the reestablishment of the CMMP program.

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[267] "Menendez, Rubio Raise Concerns about Cuba's Forced Labor Scheme, Urge Pompeo to Direct U.S. Embassies to Engage Host Government," Congressional Documents and Publications, U.S. Government Publishing Office, May 6, 2020.

[268] Nora Gámez Torres and Jacqueline Charles, "Despite U.S. Warnings, Cuba's Medical Diplomacy Triumphs in the Caribbean During Pandemic," *Miami Herald*, April 15, 2020; Carlos Batista and Moises Avila, "Pandemic Gives Shot in the Arm to Cuba's Medical Missions," Agence France Presse, April 9, 2020; and Andrea Rodriguez, "Cuban Docs Fighting Coronavirus Around World, Defying U.S.," *Palm Beach Daily Business Review*, April 7, 2020.

[269] Ministry of Foreign Affairs of Cuba, "The U.S. Crusade Against Cuba's International Medical Cooperation, Declaration of the Ministry of Foreign Affairs of Cuba," December 5, 2019.

[270] Ministry of Foreign Affairs of Cuba, "Cuban FM Denounces the United States' Lies About Medical Missions," April 29, 2020.

Outlook

When Miguel Díaz-Canel, currently 60 years of age, succeeded Raúl Castro as president in April 2018, a leader from a new generation came to power. However, Raúl Castro, currently 89 years of age, remained in the politically influential position of first secretary of Cuba's Communist Party. Castro is expected to step down from that position at the next party congress, scheduled for April 2021, and Díaz-Canel is expected to become the new head of the party. Cuba's next national elections are to take place in 2023, and Díaz-Canel would be eligible for a second five-year presidential term.

Cuba enacted a new constitution in 2019 that included some market-oriented economic reforms, such as the right to private property and the promotion of foreign investment. The new constitution, however, also ensured the state's dominance over the economy and the Communist Party's predominant role. The constitution refers to numerous complementary laws that will have to be enacted, such as a new electoral law, criminal code, family code, and business law, which could establish a role for small and medium-sized businesses; to date, implementation of these reforms has been slow.

The Cuban economy is being been hard-hit by the economic effects of the COVID-19 pandemic, reduced support from Venezuela, and increased U.S. economic sanctions. The Cuban government estimates an economic contraction of 11% for 2020. Cuba's gradual economic recovery will depend on such factors as the pace of a post-COVID global economic recovery, Cuba's economic reform efforts, and the direction of U.S. sanctions policy under the new U.S. Administration. For many years, the Cuban government has been extremely cautious in implementing reforms that could jeopardize the power of the state and the party. The currency unification that began in January 2021, however, is a major reform that many economists have been advocating for years to lay the foundation for increased productivity and development. Nevertheless, the move will likely bring increased economic stress to Cubans in the short term (in the forms of inflation, bankruptcy of inefficient state enterprises, and potential threats to the social safety net), at a time when the country is facing a very difficult economic situation.

The Cuban government's strong crackdown on the San Isidro Movement in late 2020 spurred hundreds of Cubans to engage in peaceful protest and demonstrated the power of access to the internet and social media that has been growing in Cuba in recent years. The crackdown also focused world attention on the government's continued poor human rights record and its suppression of freedom of expression.

The Trump Administration's ramped-up sanctions on Cuba—aimed at punishing Cuba for its human rights record and deterring Cuba's support for Venezuela—have heightened tensions in bilateral relations, stymied U.S. business engagement in Cuba, and negatively affected Cuba's nascent private sector. The downsizing of the staff at the U.S. Embassy in Havana, done in response to the unexplained injuries to U.S. diplomatic personnel in Cuba, resulted in the suspension of most visa processing at the embassy and reduced other embassy operations.

As in past Congresses, there were diverse opinions in the 116th Congress regarding the appropriate U.S. policy approach toward Cuba, with some Members supporting the Trump Administration's actions and others preferring a policy of engagement. With the exception of congressional opposition to funding cuts for Cuba democracy programs in annual appropriations measures, no congressional action was taken opposing the Trump Administration's imposition of various sanctions on Cuba.

Most observers expect the incoming Biden Administration to shift U.S. policy toward Cuba back to focusing on engagement. During the U.S. election campaign, Biden said he would reverse

Trump Administration policies, maintaining that they harmed the Cuban people without advancing democracy and human rights.[271] In the 117th Congress, such changes will likely be the subject of debate, oversight, and a variety of legislative initiatives reflecting different approaches in U.S. policy toward Cuba.

[271] "Joe Biden Answers 10 Questions on Latin America," *Americas Quarterly,* March 2, 2020 (updated October 29, 2020), at https://www.americasquarterly.org/article/updated-2020-candidates-answer-10-questions-on-latin-america/.

Appendix A. Legislative Initiatives in the 116th Congress

Enacted Measures and Approved Resolutions

P.L. 116-6 (H.J.Res. 31**).** Consolidated Appropriations Act, 2019. Introduced January 22, 2019. House passed (231-180) January 24; Senate passed, amended, by voice vote January 25. Conference report (H.Rept. 116-9) filed February 13, 2019. House approved conference (300-128) February 14; Senate approved conference (83-16) February 14. Signed into law February 15, 2019. The conference report provided $20 million in Cuba democracy assistance ($10 million more than requested) and $29.1 million for Cuba broadcasting ($15.4 million more than requested). In Division F, the measure continued two long-standing Cuba provisions: Section 7007 prohibited direct funding for the government of Cuba, including direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents; Section 7015(f) prohibited the obligation or expending of assistance for Cuba except through the regular notification procedures of the Committees on Appropriations.

P.L. 116-92 (S. 1790). National Defense Authorization Act for Fiscal Year 2020. Introduced June 11, 2019. Conference report, H.Rept. 116-333, approved by the House and Senate in December 2019. Signed into law December 20, 2019. Section 1045 extended the prohibition on the use of funds to close or relinquish control of the U.S. Naval Station at Guantanamo Bay, Cuba.

P.L. 116-93 (H.R. 1158). Consolidated Appropriations Act, 2020. Originally introduced as the DHS Cyber Incident Response Act of 2019, this bill became the vehicle for the Consolidated Appropriations Act, 2020, which the House and Senate approved in December 2020. Signed into law December 20, 2019. In Division A (Department of Defense Appropriations Act, 2020), Section 8122 provided that none of the funds made available by the act may be used to carry out the closure or realignment of the U.S. Naval Station at Guantanamo Bay, Cuba.

P.L. 116-94 (H.R. 1865). Further Consolidated Appropriations Act, 2020. Originally introduced as the National Law Enforcement Museum Commemorative Coin Act in March 2019, this bill also became the vehicle for the Further Consolidated Appropriations Act, 2020, in December 2019. House passed October 28, 2019; Senate passed, amended, November 12, 2019; House agreed (297-120) to the Senate amendment December 17, 2019, with an additional amendment incorporating language from seven appropriations bills; Senate agreed (71-23) to the House amendment December 19, 2019. Signed into law December 20, 2019.

Division F (Military Construction, Veterans Affairs, and Related Programs Appropriations Act, 2020), Section 127, provided that none of the funds made available by the act may be used to carry out the closure or realignment of the U.S. Naval Station at Guantanamo Bay, Cuba.

In Division G (Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020), the measure continued two long-standing provisions: Section 7007 prohibited direct funding for the government of Cuba, including direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents; Section 7015(f) prohibited the obligation or expending of assistance for Cuba except through the regular notification procedures of the Committees on Appropriations. The joint explanatory statement to the measure provided $20 million for Cuba democracy programs and $20.973 million for Cuba broadcasting for FY2020.

In Division J, Title I (Venezuela), Section 164, the measure required, not later than 90 days after enactment, a classified briefing to the appropriate congressional committees on activities of

certain foreign governments and actors in Venezuela, including the full extent of cooperation by Cuba (as well as Russia, China, and Iran) with the Maduro regime in Venezuela.

Division J, Title IX (Other Matters), Section 901, included benefits for Department of State personnel and dependents injured while stationed in Cuba.

The measure, in Section 7019(e), also included by reference several directives and reporting requirements set forth in H.Rept. 116-78 to H.R. 2839, the House Appropriations Committee's version of the FY2020 State Department, Foreign Operations, and Related Programs Appropriations (SFOPS) bill, and in S.Rept. 116-126 to S. 2583, the Senate Appropriations Committee's version of the SFOPS bill.

- H.Rept. 116-78 directed the State Department, not later than 90 days after enactment, to submit a clear and concise strategy for providing certainty for U.S. businesses operating in Cuba, consistent with the objective of avoiding negative impacts on U.S. businesses. The strategy was to include (1) how the State Department intends to ensure that U.S.-Cuban engagement advances the interest of the United States and the Cuban people, including encouraging the growth of a Cuban private sector independent of government control; (2) the impact of the U.S. Embassy Havana staff reduction on embassy operations, including visa processing; and (3) a timeline for the safe return of staff at the U.S. Embassy in Havana to previous levels.
- S.Rept. 116-126, under the heading "United States Embassy in Havana, Cuba," required a report, not later than 90 days after enactment, from the Secretary of State to the appropriate congressional committees that assessed the physical condition of the embassy and detailed plans, including cost estimates, to address any maintenance or security needs.
- S.Rept. 116-126, under the heading "Broadband Access in Cuba," required a report from the chief executive officer (CEO) of the U.S. Agency for Global Media (USAGM), not later than 90 days after enactment, to the appropriate congressional committees on the feasibility and cost of delivering satellite-based broadband internet services to the Cuban people and on the establishment of a Martí website to serve as an access point and news aggregator service. The report was also to review the potential for, and cost effectiveness of, increasing access to firewall circumvention tools and providing space-based communications technologies that are resistant to jamming.
- S.Rept. 116-126, under the heading "Office of Cuba Broadcasting," required the USAGM CEO, in consultation with the Director of the Office of Cuba Broadcasting (OCB), to (1) provide quarterly updates to the appropriate congressional committees on implementation of OCB reforms to broadcasting standards and (2) brief such committees on reform efforts. The report also required, prior to the obligation of funds appropriated for OCB, the OCB Director and the USAGM CEO to certify and report in writing to the appropriate congressional committees that USAGM and OCB were implementing reforms necessary to ensure OCB was adhering to the journalistic values of accuracy, fairness, and balance.
- S.Rept. 116-126 required the Secretary of State, not later than 90 days after enactment, to submit a report to the appropriate congressional committees on the Pan American Health Organization's (PAHO's) role, if any, in facilitating agreements between foreign medical professionals from Cuba and other

countries. The report was to include (1) a description of the contracts signed by the parties to such foreign medical professional missions; (2) proceeds received by PAHO, if any; (3) a description of the medial activities and health services provided during missions; and (4) and other relevant records related to such agreements.

- S.Rept. 116-126 required the Secretary of State, not later than 90 days after enactment, to report to the committee on the impact that the closure of consular services in Havana, Cuba, had on Cubans' ability to obtain nonimmigrant visas to the United States, including the number of Cubans granted such visas in 2019 compared with the number in 2017.
- S.Rept. 116-126 required the Secretary of State, not later than 90 days after enactment, to update the report on Cuba required in S.Rept. 115-282 related to internet access.
- S.Rept. 116-126 required the Secretary of State, not later than 90 days after enactment, to submit a report to the committee, in classified form if necessary, detailing any evidence of those responsible for, and the cause or causes of, the health illnesses suffered by U.S. government personnel in Cuba.

P.L. 116-260 (H.R. 133). Consolidated Appropriations Act, 2021. Originally introduced in 2019 as a measure to promote economic partnership and cooperation between the United States and Mexico, H.R. 133 became the vehicle for the FY2021 omnibus appropriations measure and other legislative acts in December 2020. Both the House and Senate approved the final measure on December 21, 2020, and the measure was signed into law December 27, 2020. As approved,

In Division C (Department of Defense Appropriations Act, 2021), Section 8120 extends a prohibition from FY2020 providing that none of the funds made available by the act may be used to carry out the closure or realignment of the United States Naval Station at Guantánamo Bay, Cuba.

In Division J (Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2021), Section 130 extended a prohibition from FY2020 providing that none of the funds made available by the act may be used to carry out the closure or realignment of the United States Naval Station at Guantánamo Bay, Cuba.

In Division K (Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021), Section 7007 extended a prohibition against direct funding for the government of Cuba, including direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents; and Section 7007(f) extended a prohibition against the obligation or expending of assistance for Cuba except through the regular notification procedures of the Committees on Appropriations. The explanatory statement to the bill (Division K) provided $20 million for Cuba democracy programs, $12.973 million for Cuba broadcasting, and allowed for the transfer to up to $7 million from the U.S. Agency for Global Media's Buying Power Maintenance Account (BPMA) to help manage the cost of the Office of Cuba Broadcasting reform.

The explanatory statement to the also include several reporting requirements.

- The Secretary of State is to update a report originally required by S.Rept. 116-126 for an assessment on the physical condition of the U.S. Embassy in Havana, Cuba, including plans and cost estimates to address any maintenance or security needs.
- The reporting and briefing requirements under the "Office of Cuba Broadcasting" heading in S.Rept. 116-126 are to remain in effect for FY2021. As described

above, S.Rept. 116-126 required the USAGM CEO, in consultation with the OCB Director to (1) provide quarterly updates to the appropriate congressional committees on implementation of OCB reforms to broadcasting standards and (2) brief such committees on reform efforts. As noted in the explanatory statement to P.L. 116-260, each report shall include the amount planned for transfer from the BMPA pursuant to the transfer authority and justification for the transfer.

- The Secretary of State is to update reports concerning "Cuba's Foreign Medical Mission [involving PAHO], Consular Services, and United States Government Personnel" contained under the Cuba heading in "Section 7035. Latin America and the Caribbean" of S.Rept. 116-126, all described above in P.L. 116-94.
- The Secretary of State also is to update the "Internet Access Report" originally required under the "Cuba" heading in S.Rept. 115-282. That report required details on (1) the percentage of individuals in Cuba able to access the internet and the infrastructure that would be needed in Cuba to significantly increase that percentage, (2) the ability of individuals to in Cuba to access data through the use of cell phones and the infrastructure that would be required to bring the capability to access such data to rural and urban areas in Cuba, (3) the impact that universal access to telecommunications technology would have on the development of increased political and economic opportunities in Cuba, and (4) the impact telecommunications development would have on improving human rights in Cuba.
- According to the explanatory statement, federal departments were directed to comply with the directives and reporting requirements contained in H.Rept. 116-444 to H.R. 7608 (the House Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021, discussed below). With regard to Cuba, that report directed the Secretary of State to update a report within 90 days after enactment of the act on steps taken during FY2020 to implement the comprehensive strategy on Cuba policy directed in H.Rept. 116-78, including how such strategy avoided negative impacts on American businesses and supported the growth of a Cuban private sector independent of government control. The report also was required to provide updates on progress toward returning staffing levels at the U.S. Embassy in Havana to previous levels and on the impact of the reduction on embassy operations, including visa processing.

P.L. 116-283 (H.R. 6395). National Defense Authorization Act for Fiscal Year 2021. H.R. 6395 introduced March 26, 2020; House passed (295-125) July 21, 2020. S. 4049 introduced June 23, 2020; Senate passed (86-14) July 23, 2020. On November 16, 2020, the Senate approved H.R. 6395, amended, by voice vote, substituting the language of S. 4049. Conference report, H.Rept. 116-617, to H.R. 6395 filed December 3. House agreed (335-78) to the conference report December 8. Senate agreed (84-13) to the conference on December 11, 2020. Vetoed by President December 23. House passed (322-87) over veto December 28, 2020; Senate passed (81-13) over veto, and the measure became public law, on January 1, 2021.

The conference report included several Cuba-related provisions:

- Section 1044 extended a prohibition on the use of funds to close or relinquish control of the U.S. Naval Station at Guantanamo Bay, Cuba.
- Section 1110 extended workers' compensation payments for federal government personnel under chief of mission authority in Cuba (and China) working for other federal agencies beyond the Department of State.

- Section 1299Q, among its provisions, expressed the sense of Congress that the OCB should remain an independent entity of the USAGM and continue taking steps to ensure OCB is fulfilling its core mission of promoting freedom and democracy by providing the people of Cuba with objective news and information programming. The section also required annual content reviews of OCB and provided that the head of OCB may be appointed or removed only if such action has been approved by a majority of the Advisory Board.

S.Res. 454 (Menendez). Resolution called for the immediate release of Cuban democracy activist José Daniel Ferrer, commended his efforts to promote human rights and fundamental freedoms in Cuba, and called for the immediate and unconditional release of all members of the Patriotic Union of Cuba (UNPACU) arbitrarily imprisoned. S.Res. 454 introduced December 12, 2019; Senate approved, amended, June 11, 2020. A similar resolution, H.Res. 774 (Diaz-Balart), was introduced in the House December 19, 2019, and referred to the Committee on Foreign Affairs.

Bills

H.R. 213 (Serrano). Baseball Diplomacy Act. The bill would have waived certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball. Introduced January 3, 2019; referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary.

H.R. 1683 (Wasserman Schultz)/S. 756 (Menendez). No Stolen Trademarks Honored in America Act. Identical bills would have modified a 1998 prohibition (Section 211 of Division A, Tile II, P.L. 105-277) on recognition by U.S. courts of certain rights to certain marks, trade names, or commercial names. The bill would have applied a fix so the sanction would apply to all nationals and would bring the sanction into compliance with a 2002 World Trade Organization dispute settlement ruling. H.R. 1683 introduced March 12, 2019; referred to Committee on the Judiciary. S. 756 introduced March 12, 2019; referred to Committee on the Judiciary.

H.R. 1898 (Crawford). Cuba Agricultural Exports Act. The bill would have modified the prohibition on U.S. assistance and financing for certain exports to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA; P.L. 106-387, Title IX) and would have permitted persons subject to U.S. jurisdiction to make an investment with respect to the development of an agricultural business in Cuba under certain conditions. Introduced March 27, 2019; referred to the Committee on Foreign Affairs and in addition to the Committees on Financial Services and Agriculture.

H.R. 2404 (Rush). United States-Cuba Relations Normalization Act. The bill would have removed provisions of law restricting trade and other relations with Cuba; authorized common carriers to install and repair telecommunications equipment and facilities in Cuba and otherwise provide telecommunications services between the United States and Cuba; prohibited restrictions on travel to and from Cuba and on transactions incident to such travel; called on the President to conduct negotiations with Cuba for the purpose of settling claims of U.S. nationals for the taking of property by the Cuban government and engage in bilateral dialogue with the Cuban government to secure the protection of internationally recognized human rights; extended nondiscriminatory trade treatment to the products of Cuba; and prohibited limits on remittances to Cuba. Introduced May 20, 2019; referred to the Committee on Foreign Affairs and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Agriculture, and Financial Services.

H.R. 2839 (Lowey)/H.R. 2740 (DeLauro) and S. 2583 (Graham). Department of State, Foreign Operations, and Related Programs (SFOPS) Appropriations Act, 2020. H.R. 2839 introduced and

reported by the House Appropriations Committee May 20, 2019, H.Rept. 116-78. House passed a "minibus" measure, H.R. 2740, on June 19, 2019, which included FY2020 SFOPS legislation in Division D and referred to H.Rept. 116-78. S. 2583 introduced and reported by Senate Appropriations Committee on September 26, 2019, S.Rept. 116-126.

H.R. 2839/H.R. 2740 would have provided $12.973 million for Cuba broadcasting, the same as the Administration's request, while S. 2583 would have provided $20.973 million. H.R. 2839/H.R. 2740 and S. 2583 would have provided $20 Cuba democracy programs ($14 million more than the Administration's request). Both H.Rept. 116-78 and S.Rept. 116-126 also contained several directives and reporting requirements regarding Cuba. For final action, see Further Consolidated Appropriations Act, 2020 (P.L. 116-94), above.

H.R. 3960 (McGovern)/S. 2303 (Leahy). Freedom for Americans to Travel to Cuba Act of 2019. Identical bills would have prohibited most restrictions on travel to or from Cuba by U.S. citizens and legal residents or any transactions incident to such travel. H.R. 3960 introduced July 25, 2019; referred to the Committee on Foreign Affairs. S. 2303 introduced July 29, 2019; referred to the Committee on Foreign Relations.

H.R. 4884 (Mucarsel-Powell). Cuban Family Reunification Act. The bill would have directed the Secretary of State, in coordination with the Secretary of Homeland Security, to reinstate the Cuban Family Reunification Program, and to the extent practicable, make available to applicants under the program video teleconference capabilities. The bill also would have required the Secretary of State to assign appropriate temporary duty personnel to the U.S. Embassy in Havana to support the reinstatement of the parole program. Introduced October 28, 2019; referred to the Committee on the Judiciary.

H.R. 7608 (Lowey)/ Senate draft bill (Graham). State, Foreign Operations, Agriculture, Rural Development, Interior, Environment, Military Construction, and Veterans Affairs Appropriations Act, 2021. Originally introduced and reported by the Appropriations Committee on July 13, 2020 (H.Rept. 116-444), as the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021, the SFOPS bill subsequently became the vehicle for three other appropriations measures. House passed (224-189) July 24, 2020. As approved, in Division A, Section 7007 would continue a provision prohibiting direct funding for the government of Cuba and Section 7015(f) would continue a provision prohibiting the obligation of funding for Cuba except through the regular notification procedures of the Committees on Appropriations.

The report to the House bill would provide $20 million for democracy programs and $12.973 million for Cuba broadcasting. The report also would direct the Secretary of State to update a required report from H.Rept. 116-78 on implementing a comprehensive strategy on Cuba, including how the strategy avoids negative impacts on American businesses and supports the growth of a Cuban private sector independent of government control; in addition, the report is to update progress toward returning staffing levels at the U.S. Embassy in Havana to previous levels and the impact of the reduction on embassy operations, including visa processing.

The Senate Appropriations Committee released its draft FY2021 bill on November 10, 2020. Similar to the House bill, the Senate bill would, in Section 7007, continue a provision prohibiting direct funding for the government of Cuba and, in Section 7015(f), continue a provision prohibiting the obligation of funding for Cuba except through the regular notification procedures of the Committees on Appropriations. The Senate bill also would appropriate $12.973 for Cuba broadcasting, and the draft explanatory statement accompanying the bill would recommend $20 million for Cuba democracy programs.

The draft explanatory statement to the Senate bill also would support the reform of broadcasting standards at the Office of Cuba Broadcasting begun in 2019 and require the USAGM CEO, in

consultation with the OCB Director, to provide quarterly updates to the appropriate congressional committees about the implementation of OCB reforms, brief such committees on the reforms, and submit a cost-benefit analysis of relocating all or part of OCB operations to USAGM headquarters in Washington, DC. The explanatory statement would require the State Department to update several reports required in S.Rept. 116-126 for FY2020 (see P.L. 116-94 above) regarding the physical condition of the U.S. Embassy in Havana; Cuban foreign medical missions; consular services; internet access;, and any evidence of those responsible for, and the causes of, the health illnesses suffered by U.S. government personnel in Cuba.

For final action, see Consolidated Appropriations Act, 2021 (P.L. 116-260), above.

S. 428 (Klobuchar). Freedom to Export to Cuba Act of 2019. The bill would have repealed or amended many provisions of law restricting trade and other relations with Cuba, including certain restrictions in the Cuban Democracy Act of 1992 (CDA; P.L. 102-484, Title XVII), the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (P.L. 104-114), and TSRA. Introduced February 7, 2019; referred to the Committee on Banking, Housing, and Urban Affairs.

S. 1447 (Bennet). Agricultural Export Expansion Act of 2019. The bill would have amended TSRA to allow private financing by U.S. persons of sales of agricultural commodities to Cuba. Introduced May 14, 2019; referred to Senate Committee on Banking, Housing, and Urban Affairs.

S. 3977 (Scott, Rick). Cut Profits to the Cuban Regime Act of 2020. Introduced June 17, 2020; referred to the Committee on Foreign Relations. The bill would have required the State Department to publish a list of countries that contract with Cuba's medical mission program and to consider, when determining a country's ranking for the annual Trafficking in Persons Report, whether the country participated in programs with foreign governments and organizations that involve or enable trafficking in persons.

S. 4635 (Menendez). Combating Trafficking of Cuban Doctors Act of 2020. Introduced September 21, 2020; referred to the Committee on the Judiciary. The bill would have required

- the Secretary of State to submit an annual report to Congress identifying countries hosting Cuban medical personnel who are participating in Cuban government foreign medical missions and determining whether such personnel in each country are subjected to conditions that qualify as severe forms of trafficking in persons;
- the Secretary of Homeland Security, in coordination with the Secretary of State, to reinstate the Cuban Medical Professional Parole (CMMP) program;
- the Secretary of State and the Secretary of Health and Human Services to submit a report to Congress that included a review and findings of the role of the Pan American Health Organization (PAHO) in Brazil's Mais Médicos program between 2013 and 2019, corrective actions taken by PAHO, and recommendations for further corrective actions; and
- the Secretary of State and the Secretary of Health and Human Services to take all necessary steps to ensure PAHO undertakes governance reforms that strengthen internal oversight and risk management for future programs.

S. 4973 (Collins). The bill would have authorized the provision of compensation to personnel of the Central Intelligence Agency and the Department of State who incur disabilities resulting from certain injuries to the brain. Introduced December 8, 2020; referred to Committee on Homeland Security and Governmental Affairs.

Resolutions

S.Res. 14 (Menendez)/H.Res. 136 (Sires). Similar resolutions would have affirmed that Cuba's medical missions constitute human trafficking. The resolutions would have expressed the sense of each respective body that the State Department should downgrade Cuba to Tier 3 in its annual *Trafficking in Persons Report* and should reestablish the Cuban Medical Professional Parole program. S.Res. 14 introduced January 10, 2019; referred to the Committee on Foreign Relations. H.Res. 136 introduced February 14; referred to the Committee on Foreign Affairs.

H.Res. 92 (King, Peter)/ S.Res. 232 (Menendez). Similar but not identical resolutions would have called for the immediate extradition or rending to the United States of all fugitives from justice who are receiving safe harbor in Cuba, urged the international community to continue to press for the immediate extradition or rendering of all fugitives from justice that are receiving safe harbor in Cuba, and called on the Secretary of State and the Attorney General to continue to press for the immediate extradition or rendering of all fugitives from U.S. justice so they could be tried and, if convicted, serve out their sentences. H.Res. 92 introduced January 30, 2019; referred to House Committee on Foreign Affairs. S.Res. 232 introduced June 5, 2019; referred to the Senate Committee on Foreign Relations.

H.Res. 971 (Diaz-Balart)/S.Res. 637 (Rubio). Similar but not identical resolutions would have commemorated the 35th anniversary of U.S. broadcasting to Cuba. H.Res. 971 introduced May 15, 2020; referred to the Committee on Foreign Affairs. S.Res. 637 introduced June 23, 2020; referred to the Committee on Foreign Relations.

H.Res. 1172 (Mucarsel-Powell). Resolution would have called for the release of Cuban political prisoner Silverio Portal Contreras and the provision of urgently needed medical attention; condemned the politically motivated imprisonment of dissidents in Cuba and called for the release of all those who have been arbitrarily detained due to their advocacy for human rights and democracy; and urged the lifting of all legal restrictions that impose limitations on the exercise of freedom of expression and association in Cuba. Introduced October 1, 2020; referred to the Committee on Foreign Affairs. (Note: Silverio Portal Contreras was released from prison on December 1, 2020.)

S.Res. 215 (Braun). Resolution would have called for greater religious and political freedom in Cuba and for other purposes, including for the continued implementation of the Cuban Liberty and Democratic Solidarity Act of 1996. Introduced May 21, 2019; referred to Committee on Foreign Relations.

S.Res. 531 (Rubio). Resolution would have honored *Las Damas de Blanco* for their work in support of freedom and human rights in Cuba and would have called for the release of all political prisoners in Cuba. Introduced March 5, 2020; referred to the Committee on Foreign Relations.

Appendix B. Links to U.S. Government Reports

U.S. Relations with Cuba, Fact Sheet, Department of State

Date: November 22, 2019
Link: https://www.state.gov/r/pa/ei/bgn/2886.htm

Congressional Budget Justification for Foreign Operations FY2020, Appendix 2, Department of State

Date: May 22, 2019
Link: https://www.state.gov/wp-content/uploads/2019/05/State-and-USAID-Appendix-2.pdf

Congressional Budget Justification for Foreign Operations, FY2021, Appendix 2

Date: August 2020
Link: https://www.state.gov/wp-content/uploads/2021/01/FY21-CBJ-Appendix-2-FINAL-508-Version.pdf

Congressional Budget Justification FY2021, U.S. Agency for Global Media, United States Broadcasting Board of Governors

Date: February 10, 2020
Link: https://www.usagm.gov/wp-content/uploads/2020/02/FINAL-USAGM-FY-2021-Congressional-Budget-Justification_2_9_2020.pdf

Country Reports on Human Rights Practices for 2019, Cuba, Department of State

Date: March 11, 2020
Link: https://www.state.gov/wp-content/uploads/2020/02/CUBA-2019-HUMAN-RIGHTS-REPORT.pdf

Country Reports on Terrorism 2019, Cuba, Department of State

Date: June 24, 2020
Link: https://www.state.gov/reports/country-reports-on-terrorism-2019/cuba/

Cuba web page, Department of State

Link: https://www.state.gov/countries-areas/cuba/

Cuba web page, Department of Commerce, Bureau of Industry and Security

Link: https://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations/cuba

Cuba web page, Department of Agriculture, Foreign Agricultural Service

Link: https://www.fas.usda.gov/regions/cuba

Cuba Sanctions web page, Department of State

Link: https://www.state.gov/cuba-sanctions/

Cuba Sanctions web page, Department of the Treasury, Office of Foreign Assets Control

Link: https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/cuba-sanctions

International Religious Freedom Report for 2019, Cuba, Department of State

Date: June 10, 2020
Link: https://www.state.gov/reports/2019-report-on-international-religious-freedom/cuba/

International Narcotics Control Strategy Report 2020, Volume I, Drug and Chemical Control, p. 129, Department of State

Date: March 2, 2020
Link: https://www.state.gov/wp-content/uploads/2020/03/Tab-1-INCSR-Vol.-I-Final-for-Printing-2-25-20-508.pdf

International Narcotics Control Strategy Report 2020, Volume II, Money Laundering, pp. 86-88, Department of State

Date: March 2, 2020
Link: https://www.state.gov/wp-content/uploads/2020/03/Tab-2-INCSR-Vol-2-508.pdf

Overview of Cuban Imports of Goods and Services and Effects of U.S. Restrictions, U.S. International Trade Commission, Publication 4597

Date: March 2016
Link: https://www.usitc.gov/sites/default/files/publications/332/pub4597_0.pdf

Trafficking in Persons Report 2019, Cuba, Department of State

Date: June 24, 2019
Link: https://www.state.gov/reports/2019-trafficking-in-persons-report-2/cuba/

Trafficking in Persons Report 2020, Cuba, Department of State

Date: June 25 2020
Link: https://www.state.gov/reports/2020-trafficking-in-persons-report/cuba/

Author Information

Mark P. Sullivan
Specialist in Latin American Affairs

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