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Cuba: U.S. Policy in the 116th Congress

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SUMMARY

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Cuba: U.S. Policy in the 116th Congress

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 Cuban revolution in 1959. Current Cuban President Miguel Díaz-Canel succeeded Raúl Castro in April 2018, but Castro continues to head Cuba's Communist Party. Over the past decade, Cuba has implemented gradual market-oriented economic policy changes, although it has not taken enough action to foster sustainable economic growth. Most observers do not anticipate major policy changes under Díaz-Canel, at least in the short term; the president faces the enormous challenges of reforming the economy and responding to citizens' desires for greater freedom.

U.S. Policy

Since the early 1960s, the centerpiece of U.S. policy toward Cuba has consisted of economic sanctions aimed at isolating the Cuban government. Congress has played an active role in shaping policy toward Cuba, including the enactment of legislation strengthening, and at times easing, U.S. economic sanctions. In 2014, however, the Obama Administration initiated a policy shift moving away from sanctions toward a policy of engagement. This included the restoration of diplomatic relations (July 2015), the rescission of Cuba's designation as a state sponsor of international terrorism (May 2015), 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 increased sanctions and partially rolled back some of the Obama Administration's efforts to normalize relations. In 2017, the State Department reduced the staff of the U.S. Embassy by about two-thirds in response to unexplained injuries of members of the U.S. diplomatic community in Havana; 26 individuals have been affected. The reduction has affected embassy operations, especially visa processing, and has made bilateral engagement more difficult. The most significant Trump Administration policy changes include restrictions on transactions with over 200 entities controlled by the Cuban military, intelligence, and security services (on a "restricted list" maintained by the State Department) and the elimination of people-to-people educational travel for individuals (such travel with a group specializing in educational tours is still permitted). In March 2019, the Administration ratcheted up economic pressure on Cuba by allowing certain lawsuits to go forward against those entities on the "restricted list" for trafficking in confiscated property in Cuba. In light of increased U.S. sanctions against the regime of Nicolás Maduro in Venezuela, the Administration has increased its criticism of Cuba's military and intelligence support for the regime in Caracas.

Legislative Activity in the 116th Congress

In the Consolidated Appropriations Act, 2019 (P.L. 116-6, H.J.Res. 31) enacted in February 2019, Congress 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).

Several legislative initiatives on Cuba have been introduced in the 116th Congress: H.R. 213 would waive certain prohibitions to allows nationals of Cuba to come to the United States to play organized professional baseball; S. 428 would repeal or amend many provisions of law restricting trade and other relations with Cuba; and H.R. 1898 would authorize private financing for U.S. agricultural sales to Cuba. S.Res. 14 and H.Res. 136 would express the sense of the Senate and House, respectively, that Cuba's foreign medical missions constitute human trafficking; and H.Res. 92 would call for the extradition or rendering to the United States all fugitives from U.S. justice receiving safe harbor in Cuba. For more on legislative initiatives in the 116th Congress, see **Appendix A**.

Contents

Introduction 1
Cuba's Political and Economic Environment 3
Brief Historical Background 3
Political Conditions 4
Human Rights 7
Economic Conditions 10
Foreign Relations 14
U.S. Policy Toward Cuba 18
Background on U.S.-Cuban Relations 18
Obama Administration: Shift toward Engagement 20
Trump Administration: Partial Rollback of Engagement and Increased Sanctions 22
Debate on the Direction of U.S. Policy 25
Selected Issues in U.S.-Cuban Relations 27
U.S. Travel to Cuba 27
U.S. Exports and Sanctions 29
Democracy and Human Rights Funding 31
Radio and TV Martí 32
U.S. Response to Health Injuries of U.S. Personnel in Havana 35
Migration Issues 39
Antidrug Cooperation 42
Property Claims and Title III of the LIBERTAD Act 43
U.S. Fugitives from Justice 46
Outlook 47

Figures

Figure 1. Provincial Map of Cuba 2
Figure 2. U.S. Exports to Cuba, 2002-2018 31
Figure 3. Maritime Interdictions of Cubans by the U.S. Coast Guard 41

Appendixes

Appendix A. Legislative Initiatives in the 116th Congress 49
Appendix B. Links to U.S. Government Reports 50

Contacts

Author Information 51

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 (2017, ONEI)

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

GDP: $105.8 billion (2018, nominal U.S. $, EIU est.)

Real GDP Growth: 1.8% (2017); 1.2% (2018, EIU est.)

Key Trading Partners: Exports (2017): Canada, 19.4%; Venezuela, 15.6%; China, 15.2%; Spain 8.6%. **Imports** (2017): Venezuela, 18.1%; China, 16.3%; Spain, 10.8%. (ONEI)

Life Expectancy: 79.9 years (2017, UNDP)

Literacy (adult): 99.8% (2012, most recent available, UNDP)

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

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.

Figure 1. Provincial Map of Cuba

Source: Congressional Research Service.

This report examines U.S. policy toward Cuba in the 116th Congress. 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 an appendix lists enacted measures and other bills and resolutions. A second appendix provides links to U.S. government information and reports on Cuba. For more on Cuba from CRS, see the following:

- CRS In Focus IF10045, *Cuba: U.S. Policy Overview*, by Mark P. Sullivan;
- CRS Report R43888, *Cuba Sanctions: Legislative Restrictions Limiting the Normalization of Relations*, by Dianne E. Rennack and Mark P. Sullivan;
- CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Remittances*, by Mark P. Sullivan; and
- CRS Report R44137, *Naval Station Guantanamo Bay: History and Legal Issues Regarding Its Lease Agreements*, by Jennifer K. Elsea and Daniel H. Else.

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 31-member Council of State, which, pursuant to Cuba's constitution (Article 74), makes 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, who turned 58 a day after becoming president, 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.[6]

Another element of the transition is the composition of the 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. Of the Council of State's members, 45% are new, 48% are women, and 45% are Afro-Cuban or mixed race. Several older revolutionary-era leaders remained on the Council, including Ramiro Valdés, 86 years old, who continues as a vice president.[7] Nevertheless, the average age of Council of State members is 54, with 77% born after the 1959 Cuban revolution.[8]

President Díaz-Canel faces two enormous challenges—reforming the economy and responding to citizens' desires for greater freedom. As noted above, Raúl Castro had managed the opening of Cuba's economy to the world, with diversified trade relations, increased foreign investment, and a growing private sector, but the slow pace of economic reform stunted economic growth and disheartened Cubans yearning for more economic freedom.[9] The liberalization of some individual freedoms that occurred under Raúl Castro (such as legalization of cell phones and personal computers, expansion of internet connectivity, and the elimination of an exit permit to travel abroad) has increased Cubans' appetite for access to information and the desire for more social and political expression. Most observers did not anticipate immediate major policy changes under Díaz-Canel, and after the new president marked his first 100 days in office in July 2018, observers maintained that little had changed politically or economically.

In December 2018, however, President Díaz-Canel made several decisions that appeared to demonstrate his independence from the previous government and indicate that he was more responsive to public concerns and criticisms. Díaz-Canel 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 also backed away from full implementation of controversial Decree 349 that had been issued in July 2018 to regulate artistic expression. After the unpopular decree triggered a flood of criticism from Cuba's artistic community, the government announced that the measure would be implemented gradually and applied with consensus. It remains to be seen, however, whether the government's

[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] Richard E. Feinberg, *Order from Chaos, What Will Be Raúl Castro's Legacy?* December 4, 2017; and "Cuba Tightens Regulations on Nascent Private Sector," Reuters News, December 21, 2017.

action will satisfy those working in Cuba's vibrant arts community.[10] In a third action, the government eliminated a proposed constitutional change that could have paved the way for same-sex marriage after strong public criticisms of the provision (see discussion below on constitutional changes).

Looking ahead, another important question may be the extent of influence that Castro and other revolutionary figures might have on current government policy. As noted, Raúl will head the PCC until 2021. The former president also headed a commission drafting proposed changes to Cuba's 1976 constitution (see discussion below). In July 2018, President Díaz-Canel named his Council of Ministers or Cabinet, but a majority of ministers were holdovers from the Castro government, including those occupying key ministries such as defense, interior, and foreign relations; 9 of 26 ministers were new, as well as 2 vice presidents.[11] In January 2019, however, Díaz-Canel replaced the ministers of finance and transportation that had been holdovers from the previous government.[12]

Constitutional Changes. 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 proposed overhaul of the 1976 constitution was subject to public debate in thousands of workplaces and community meetings into November. 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.[13] 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.[14]

Among the provisions of the new constitution are the addition of an appointed prime minster as head of government to oversee government operations—to be proposed by the President and designated by the National Assembly (Articles 140 and 141); an age limit of 60 to become president (Article 127) with a limit of two five-year terms (Article 126); 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

[10] Amnesty International, "Cuba: New Administration's Decree 349 Is a Dystopian Prospect for Cuba's Artists," August 24, 2018; "El Gobierno frena la aplicación total del Decreto 349 y propone que sea gradual," *14ymedio.com*, December 8, 2018; Santiago Pérez, "Cuba's New Leader Tightens Screws on Art," *Wall Street Journal*, December 27, 2018.

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

[12] Problems with the transportation system in Havana have been a key complaint among those living in the capital. "Cuban President Replaces Ministers in First Cabinet Reshuffle," Reuters News, January 10, 2019.

[13] 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.

[14] 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.

control over the economy and the role of centralized planning (Article 19), and the Communist Party still would be the only recognized party (Article 5).[15]

Human Rights

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. Another is 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. In August 2018, the Cuban government imprisoned Ferrer arbitrarily for 11 days with no access to his family, according to Amnesty International. In past years, several political prisoners conducted hunger strikes, including two who died, Orlando Zapata Tamayo in 2010 and Wilman Villar Mendoza in 2012. In 2017, Hamel Santiago Maz Hernández, a member of UNPACU, died in prison; he had been imprisoned in 2016 after being accused of *descato* (lack of respect for the government).[16]

Although the human rights situation in Cuba remains poor, the country has made some advances in recent years. In 2008, Cuba lifted a ban on Cubans staying in hotels that previously had been restricted to foreign tourists in a policy that had been pejoratively referred to as "tourist apartheid." In recent years, as the government has enacted limited economic reforms, it has been much more open to debate on economic issues. In 2013, Cuba eliminated its long-standing policy of requiring an exit permit and letter of invitation for Cubans to travel abroad. The change has allowed prominent dissidents and human rights activists to travel abroad and return to Cuba. In recent years, the Cuban government has moved to expand internet connectivity through "hotspots" first begun in 2015 and through the launching of internet capability on cellphones in late 2018. As noted below, short-term detentions for political reasons declined significantly in 2017 and 2018, although there were still almost 2,900 such detentions in 2018.

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."[17] 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.[18]

In January 2019, the Havana-based Cuban Commission for Human Rights and National Reconciliation (CCDHRN) estimated that Cuba held some 130-140 political prisoners.[19] In June

[15] Marc Frank, "Cuba's Proposed New Constitution: What Will Change," Reuters News, August 13, 2018.

[16] "La CCDHRN denuncia la muerte de un preso politico a la espera de juicio," *14ymedio.com*, March 7, 2017.

[17] 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.

[18] U.S. Department of State, Secretary of State Michael Pompeo, "An Open Letter to the Foreign Minister of the Republic of Cuba," December 7, 2018, at https://www.state.gov/j/drl/rls/other/2018/287993.htm.

[19] Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN), "Cuba: Algunos Actos de

2018, the CCDHRN made public a list with 120 who are prisoners for political reasons, consisting of 96 opponents or those disaffected toward the regime (more than 40 are members of UNPACU) and 24 accused of employing or planning some form of force or violence.[20]

According to the State Department's human rights report on Cuba covering 2018, issued in March 2019, the government refused international humanitarian organizations and the United Nations access to its prisons and detention centers, and closely monitored and often harassed domestic human rights organizations. The report noted the lack of governmental transparency, along with its systematic violations of due process rights, which masked the nature of criminal charges and prosecutions and allowed the government to prosecute peaceful human rights activists for criminal violations or "pre-criminal dangerousness."[21]

Political activist Dr. Eduardo Cardet, designated by Amnesty International (AI) as a "prisoner of conscience," has been imprisoned since November 2016 for publicly criticizing Fidel Castro and was sentenced to three years in prison. AI maintains that Cardet, a leader in the dissident Christian Liberation Movement, was sent to prison solely for peacefully exercising his right to freedom of expression and has called for his immediate release.[22] In 2018, the Cuban government released two political prisoners after hunger strikes: in July, AI-designated prisoner of conscience Dr. Ariel Ruiz Urquiola, who had been sentenced to a year in prison in May 2018 for the crime of disrespecting authority (*desacato*);[23] and in October, UNPACU activist Tomás Núñez Magdariaga who had been sentenced to a year in jail for allegedly making threats to a security agent.[24]

Short-Term Detentions. Short-term detentions for political reasons increased significantly from 2010 through 2016, a reflection of the government's change of tactics in repressing dissent away from long-term imprisonment. The CCDHRN reports that the number of such detentions grew annually from at least 2,074 in 2010 to at least 8,899 in 2014. The CCDHRN reported a slight decrease to 8,616 short-term detentions in 2015, but this figure increased again to at least 9,940 detentions for political reasons in 2016, the highest level recorded by the human rights organization.

Since 2017, however, the CCDHRN has reported a significant decline in short-term detentions. In 2017, the number of short-term detentions fell to 5,155, almost half the number detained in 2016 and the lowest level since 2011. The decline in short-term detentions continued in 2018, with 2,873 reported short-term detentions, almost a 45% decline from 2017 and the lowest level since 2010.[25]

Represión Política en el Mes de Diciembre de 2018," January 3, 2019.

[20] 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.

[21] U.S. Department of State, *Country Reports on Human Rights Practices for 2018*, March 13, 2019.

[22] 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. AI, "Urgent Action, Prisoner of Conscience Attacked in Prison," UA: 32/17, January 22, 2018; and AI, "Urgent Action, Family of Prisoner of Conscience Denied Visits," June 7, 2018.

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

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

[25] CCDHRN, "Cuba: Algunos Actos de Represión Política en el Mes de Diciembre de 2018," January 2, 2019.

Bloggers, Civil Society Groups, and Independent Media. Numerous independent Cuban blogs have been established over the past dozen years. 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 May 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.[26]

Estado de SATS, a forum founded in 2010 by human rights activist Antonio Rodiles, has had the goal of encouraging open debate on cultural, social, and political issues. The group has hosted numerous events and human rights activities over the years, but it and its founder have also been the target of government harassment.

Other notable online forums and independent or alternative media that have developed include *Cuba Posible* (founded by two former editors of the Catholic publication *Espacio Laical*), *Periodismo del Barrio* (focusing especially on environmental issues), *El Toque*, *OnCuba* (a Miami-based digital magazine with a news bureau in Havana), and *Tremenda Nota* (focusing on the LGBT community).[27]

Trafficking in Persons. The State Department released its 2018 *Trafficking in Persons (TIP) Report* in June 2018, and for the fourth consecutive year Cuba was placed on the Tier 2 Watch List (in prior years, Cuba had Tier 3 status).[28] Tier 3 status 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. In contrast, Tier 2 Watch List status refers to countries whose governments, despite making significant efforts, do not fully comply with the minimum standards and still have some specific problems (e.g., an increasing number of victims or failure to provide evidence of increasing antitrafficking efforts) or whose governments have made commitments to take additional antitrafficking steps over the next year. Normally, a country is automatically downgraded to Tier 3 status if it is on the Tier 2 Watch List for three consecutive years unless the Secretary of State authorizes a waiver. The State Department issued such a waiver for Cuba in 2017 because the government had devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards for the elimination of trafficking. In the 2018 TIP report, the State Department again issued a waiver for Cuba allowing it to remain on the Tier 2 Watch List for the fourth consecutive year. Such a waiver, however, is only permitted for two years. After the third year, the country must either go up to Tier 2 or down to Tier 3.

In its 2018 TIP report, the State Department noted the Cuban government's significant efforts to prosecute and convict more traffickers, create a directorate to provide specialized attention to child victims of crime and violence, including trafficking, and publish its antitrafficking plan for 2017-2020. The State Department also noted, however, that the Cuban government did not demonstrate increasing efforts compared to the previous reporting period. It maintained that the government did not criminalize most forms of forced labor or sex trafficking for children ages 16

[26] Sánchez's blog is available at http://generacionyen.wordpress.com/, and her online digital newspaper is available at http://www.14ymedio.com/. Access to both sites is usually blocked in Cuba by the government. For a listing of other notable blogs from Cuba, see the website of the Cuba Study Group at http://www.cubastudygroup.org/index.cfm/blogs-from-cuba.

[27] *Cuba Posible*, at https://cubaposible.com/; *Periodismo del Barrio*, at https://www.periodismodebarrio.org/; *El Toque*, at https://eltoque.com/; *OnCuba*, at https://oncubamagazine.com/en/; and *Tremenda Nota*, at https://www.tremendanota.com/.

[28] U.S. Department of State, *Trafficking in Persons Report 2018*, Cuba, June 28, 2018, at https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282640.htm.

or 17, and did not report providing specialized services to identified victims. The State Department also made several recommendations for Cuba to improve its antitrafficking efforts, including the enactment of a comprehensive antitrafficking law that prohibits and sufficiently punishes all forms of trafficking. (Also see discussions of Cuba's medical missions, which some observer consider forced labor, in the "Foreign Relations" and "Migration Issues" sections below.)

Engagement between U.S. and Cuban officials on antitrafficking issues has increased 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.[29] Subsequently, in January 2017, 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.[30] 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.[31]

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 Diciembre de 2018," January 3, 2019, at https://www.14ymedio.com/nacional/Informe-arbitrarios-correspondientes-diciembre-CCDHRN_CYMFIL20190102_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.

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 *2019 World Report* maintains that "the Cuban government continues to repress dissent and punish public criticism," at https://www.hrw.org/world-report/2019/country-chapters/cuba.

Inter-American Commission on Human Rights, *Annual Report 2018*, March 21, 2019, Chapter IV has a section on Cuba, at http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.4b.CU-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

U.S. Department of State, *Country Report on Human Rights Practices for 2018*, March 13, 2019, at https://www.state.gov/documents/organization/289532.pdf.

Economic Conditions

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

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

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

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

generate foreign exchange include the export of professional services (largely medical personnel to Venezuela); tourism, which has grown significantly since the mid-1990s, with an estimated 4.75 million tourists visiting Cuba in 2018; 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. Remittances from relatives living abroad, especially from the United States, also have become an important source of hard currency, amounting to some $3.5 billion in 2017.[32]

The once-dominant sugar industry has declined significantly over the past 20 years. Because of drought, damage from Hurricane Irma, and subsequent months of heavy rains, the 2017-2018 sugar harvest dropped by almost 44% to just over 1 million metric tons (MT), compared to 1.8 million MT the previous year. The outlook for the 2018-2019 harvest is 1.5 million MT, almost a 50% improvement; for comparison, in 1990, Cuba produced 8.4 million MT of sugar.[33]

For almost 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, has 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. Cuba now reportedly receives between 40,000-50,000 barrels of oil per day from Venezuela, about one-third of its consumption.[34]

The government of Raúl Castro implemented a number of economic policy changes, but 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."[35] A number of Cuba's economists have pressed the government to enact more far-reaching reforms and embrace competition for key parts of the economy and state-run enterprises. These economists criticize the government's continued reliance on central planning and its monopoly on foreign trade.

Economic Growth. The Cuban government reports that the economy grew 1.8% in 2017 and an estimated 1.2% in 2018. President Díaz-Canel has said that austerity measures begun in 2016 will continue in 2019. The economy has been hurt by reduced support from Venezuela over the past several years and the unexpected December 2018 ending of Cuba's program sending medical

[32] U.S. Department of State, "U.S. Relations with Cuba," February 8, 2019; Mimi Whitefield, "This Will Be Record Year for International Visitors, But Barely," *Miami Herald,* December 28, 2018;

[33] Marc Frank, "Cuba Sees Sugar Recovery, More Exports, After Bitter Harvest," Reuters News, December 24, 2018; and Jeremy Smith, "Cuba's Sugar Industry in Uphill Struggle," Reuters News, February 26, 1997.

[34] 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.

[35] 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.

professionals to Brazil, which had provided Cuba with some $400 million a year.[36] The Economist Intelligence Unit (EIU) predicts economic growth will slow to 0.7% in 2019 and 0.3% in 2020 because of reduced aid and oil shipments from Venezuela.[37]

Private Sector. The Cuban government employs a majority of the labor force, but the government has been allowing 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, but declined to almost 581,000 at the end of 2018.[38] 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.[39]

Beginning in mid-2017, the government took several steps that restricted private-sector development. It temporarily stopped issuing new licenses for 27 private-sector occupations, including for private restaurants and for renting private residences, closed a fast-growing cooperative that had provided accounting and business consultancy services, and put restrictions on construction cooperatives. 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 July 2018, the government released regulations that were to take effect in December 2018 that would have limited an individual to one business license, reduced and consolidated the permissible 200 categories of work to 123 categories, and limited the size of private restaurants.[40] 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, but many observers believed the regulations were aimed at stifling private-sector growth because of the government's concerns regarding that sector's independence from the government.

Two days before the regulations were to go into effect, President Díaz-Canel did an about-face and announced that some aspects of the regulations viewed as especially egregious by the private sector would be eliminated or eased. Most significantly, individuals would not be limited to one licensed activity; restaurants, bars, and cafeterias would not be subject to a limit of 50 seats; and requirements for maintaining a minimum balance in bank accounts would be reduced from the equivalent of three months of tax payments to two months and would apply to just six of the 123

[36] Marc Frank and Nelson Acosta, "Cuba Sees 1.5 Percent Growth Next Year After Hard 2018," Reuters News, December 21, 2018; "Austerity Set to Deepen in 2019," *Cuba Briefing,* The Caribbean Council, January 7, 2019.

[37] "Country Report, Cuba," EIU, February 2019.

[38] "Cuba Economy: Quick View–Number of Self-Employed Shrinks in 2018," EIU ViewsWire, February 14, 2019.

[39] "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.

[40] Raúl Castro Ruz, "We Will Continue to Advance Along the Path Freely Chose By Our People; Full Text of Speech by Raúl Castro Ruz During the Closing Session of the National Assembly of People's Power, July 14," *Granma* (Havana) July 17, 2017; Mimi Whitefield, "Cuba Reins in Entrepreneurs Who Take Free Enterprise Too Far," *Miami Herald*, July 31, 2017; "Castro: Time-Out for Small Business and Co-ops," *Cuba Standard Monthly,* August 2017; Nora Gámez Torres, "Fear Is Driving Raúl Castro to Punish Cuba's New Entrepreneurial Class, Experts Say," *Miami Herald*, August 2, 2017; Sarah Marsh, "Communist-Run Cuba Puts Brakes on Private Sector Expansion," Reuters News, August 1, 2017; "Cuba Tightens Regulations on Nascent Private Sector," Reuters News, December 21, 2017; Andrea Rodriguez, "Castro Freezes Cuban Private Sector, Throws Future in Doubt," *World Press Review,* February 1, 2018; and "Cuban Draft Rules Propose Curtailing Fledging Private Sector," Reuters News, February 23, 2018.

categories of employment.[41] Analysts generally view the backtracking as an indication that President Díaz-Canel is willing to make policy changes in response to public opinion and as a sign that the government does not want to shrink the private sector.

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/.

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

Richard E. Feinberg, *Cuba's Economy after Raúl Castro: A Tale of Three Worlds*, February 2018, at https://www.brookings.edu/research/cubas-economy-after-raul-castro-a-tale-of-three-worlds/.

Caitlyn Davis and Ted Piccone, *Sustainable Development: The Path to Economic Growth in Cuba*, June 28, 2017, at https://www.brookings.edu/research/sustainable-development-the-path-to-economic-growth-in-cuba/.

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

Revista Temas (Havana), links to the Cuban journal's articles on economy and politics, in Spanish, at http://temas.cult.cu/.

Oficina Nacional de Estadísticas e Información, 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 http://www.cubatrade.org/.

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.[42]

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 43 investment projects, which are at various stages of development.[43] 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 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 Cuba's Minister of Foreign Trade and Investment Rodrigo Malmierca, Cuba has 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. The actual amount invested reportedly is much less, estimated at $500 million annually.[44] In November 2018, the Cuban government updated its wish list for foreign investment, which includes 525 projects representing potential

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

[42] "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.

[43] Mariel Special Development Zone, at http://www.zedmariel.com/en.

[44] Marc Frank, "Cuba Says Investor Interest Up Despite U.S. Hostility," Reuters News, October 31, 2018.

investment of $11.6 billion in such high-priority areas as tourism, agriculture and food production, oil, the industrial sector, and biotechnology.[45]

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, 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 2017, the leading sources of Cuba's imports in terms of value were Venezuela (18.1%, down from 40% in 2014), China (16.3%), and Spain (10.8%); the leading destinations of Cuban exports were Canada (19.4%), Venezuela (15.6%), Spain (8.6%), and China (5.2%).[46]

Russia. Relations with Russia, which had diminished significantly in the aftermath of the Cold War, have strengthened somewhat over the past several 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.[47] Trade relations between Russia and Cuba have not been significant, although Russian exports to Cuba have grown over the past three years, amounting to almost $373 million in 2018, led by motor vehicles (and parts) and oil.[48] 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.[49]

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).[50] In December 2016, Russia and Cuba signed a bilateral cooperation agreement for Russia's support to help Cuba modernize its defense sector until 2020.[51] Some reports indicate

[45] República de Cuba, Ministerio del Comercio Exterior y La Inversión Extranjera, *Cuba, Portfolio of Opportunities for Foreign Investment, 2018-2919,* November 2018, link to the study available at https://www.cubatrade.org/blog/2018/11/2/cuba-releases-2018-2019-portfolio-of-opportunities-for-foreign-investment.

[46] Statistics drawn from Oficina Nacional de Estadística e Información, República de Cuba, Anuario Estadístico de Cuba 2017, Sector Externo, Edición 2018.

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

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

[49] "Russia Resumes Oil Shipments to Cuba, Helps Fill Venezuelan Breach," Reuters News, May 3, 2017.

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

[51] "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.

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.[52]

For Cuba, a deepening of relations with Russia could help economically, especially regarding oil, and also could serve as a counterbalance to the partial rollback of U.S. engagement policy by the Trump Administration.[53] However, President Díaz-Canel's three-day trip to Russia in November 2018 reportedly did not yield significant results. Press reports indicate that Cuba received a $50 million credit line for purchases of Russian military weapons and spare parts and contracts to modernize three power plants and a metal processing plant and upgrade Cuba's railway system.[54]

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.[55]

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. He said that China would welcome Cuba's participation in the Belt and Road Initiative, 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.[56] While Cuba's relationship with China undoubtedly has an ideological component since both are the among the world's remaining communist regimes, economic linkages and cooperation appear to be the most significant component of bilateral relations.

According to Cuban trade statistics, total Cuba-China trade in 2017 was valued at almost $2 billion (accounting for 16.1% of Cuba's trade worldwide), with Cuba exporting $364 million to China and importing almost $1.7 billion. This was a 21% drop from 2016, when total Cuba-China trade almost reached $2.6 billion, and an almost 30% drop in Cuba's imports from China compared to 2016.[57] The fall in imports from China reflects Cuba's difficult economic situation

[52] Nora Gámez Torres, "Amidst Growing Tensions with the U.S., Cuba Gets Cozier with Russia," *Miami Herald*, October 13, 2017; and Nora Gámez Torres and Antonio Maria Delgado, "Goodbye Venezuela, Hello Russia. Can Vladimir Putin Save Cuba?" *Miami Herald*, December 26, 2017.

[53] "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.

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

[55] 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.

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

[57] ONEI, República de Cuba, *Anuario Estadístico de Cuba 2017*, Edición 2018.

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.[58]

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. In 2016, the Chinese company 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.[59]

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.[60]

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.[61] 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.[62]

Venezuela. For more than 15 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,

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[58] "China's Exports to Cuban Slump as Island's Cash Crunch Deepens," Reuters News, December 6, 2017.

[59] "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.

[60] 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.

[61] 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.

[62] The Caribbean Council, "First EU-Cuba In-Depth Exchange on Human Rights Takes Place," *Cuba Briefing*, 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.

with 75% of those being healthcare workers.[63] The roughly 30,000 healthcare 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 regime.[64] The extent to which the level of Cuban personnel in Venezuela has declined because of the drop in Venezuelan oil exports to Cuba and Venezuela's deepening economic crisis is uncertain.[65]

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 regime of President Nicolás Maduro. As noted above, oil imports from Venezuela have declined, leading to Cuba's imposition of austerity measures and sluggish economic growth.

Brazil. For many years, Cuba and Brazil had friendly relations. Brazil helped finance development of the port of Mariel, west of Havana, from 2009 to 2014, although beginning in 2018, Cuba has missed payments to Brazil's development bank on loans for the project. In 2013, Cuba began deploying thousands of doctors to rural Brazil in a program known as *Mais Médicos*, with Cuba earning hard currency for supplying the medical personnel.

Relations have taken a turn for the worse under new right-wing populist Brazilian President Jair Bolsonaro, inaugurated in January 2019. Even before his inauguration, Bolsonaro espoused a more confrontational policy approach toward Cuba by warning 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. Although Bolsonaro and other critics have labeled the medical workers as "slave labor," others contend that the Cuban medical personnel understand the conditions they will be working in and sign contracts for the work. Cuba has a long history of providing medical personnel overseas.[66]

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

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

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

[65] 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.

[66] "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.

conference, and ECLAC's Executive Secretary reaffirmed the organization's commitment to help Cuba in its efforts toward achieving sustainable development.[67]

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 proposed eight amendments to the 2018 resolution criticizing Cuba's human rights record, but the amendments were defeated by wide margins.

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.[68]

U.S. Policy Toward Cuba

Background on U.S.-Cuban Relations[69]

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

[67] 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.

[68] 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.

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

financial transactions. President Kennedy proclaimed an embargo on trade between the United States and Cuba in February 1962,[70] 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."[71] 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.[72] The authority for the embargo was later expanded in March 1962 to include the Trading with the Enemy Act (TWEA).[73]

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.[74] 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)).[75] The Export Administration Regulations (EAR) are found at 15 C.F.R. Sections 730-774.[76]

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.[77]
- 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

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

[71] 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.

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

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

[74] 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.

[75] 31 C.F.R. §515.533.

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

[77] 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.

under the CACR. This provision is noteworthy because of its long-lasting effect 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. Another significant sanction in Title III of the law holds any person or government that traffics in property confiscated by the Cuban government liable for monetary damages in U.S. federal court. Until recently, all Administrations, acting under provisions of the law, had suspended the implementation of Title III at six-month intervals, but in early March, the Trump Administration provided a limited opening for the right to file lawsuits. (For additional information, see section on "Property Claims and Title III 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.[78]

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."[79]

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

[79] 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."[80] 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.[81] 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.[82]

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 undocumented 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,

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

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

[82] 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: Partial Rollback of Engagement and Increased Sanctions

President Trump unveiled his Administration's policy on Cuba in June 2017. The policy partially rolls back some of the Obama Administration's efforts to normalize relations with Cuba, and also includes new sanctions. The President 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. President Trump 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."[83]

The new policy leaves 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 keeps 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."[84]

The most significant policy changes set forth in President Trump's NSPM include (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.[85]

As expected, the Cuban government's reaction to President Trump's June 2017 speech announcing Cuba policy changes was critical, but the government also reiterated its willingness to continue a respectful and cooperative dialogue on issues of mutual interest and the negotiation of outstanding issues, although it maintained that Cuba would not make concessions to its sovereignty and independence.[86]

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 those entities with which direct financial

[83] White House, "Remarks by President Trump on the Policy of the United States Toward Cuba," June 16, 2017, at https://www.whitehouse.gov/the-press-office/2017/06/16/remarks-president-trump-policy-united-states-towards-cuba.

[84] 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).

[85] 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.

[86] Ministry of Foreign Affairs of Cuba, "Statement by the Revolutionary Government of Cuba," June 17, 2017, at http://www.minrex.gob.cu/en/statement-revolutionary-government-cuba-0.

transactions would disproportionately benefit those services or personnel at the expense of the Cuban people or private 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 November 2017 and updated the list with additional entries in November 2018 and March 2019. Currently, there are 210 entities on the list, including two ministries, five holding companies (including GAESA) and 47 of their subentities (including the Mariel Special Development Zone), 99 hotels (with 28 in Havana), two tourist agencies, five marinas, 10 stores in Old Havana, and 40 entities serving the defense and security sectors.[87] The Treasury Department forbids financial transactions with those 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.[88] The new prohibitions limit U.S. economic engagement with Cuba, particularly in travel-related transactions and potential investment opportunities.

Restrictions on People-to-People Travel. With regard to people-to-people educational travel, the Treasury Department amended the CACR 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 are no longer authorized to engage in such travel on their own. The Obama Administration had authorized such individual travel in March 2016, which, combined with the beginning of regular commercial flights and cruise ship service, led to an increase in Americans visiting Cuba. With the new Treasury Department regulations issued, the level of U.S. travel to Cuba has fallen. (Also see "U.S. Travel to Cuba," below.)

Internet Task Force. Pursuant to the NSPM, in January 2018, the State Department announced the establishment of a Cuba Internet Task Force, 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.[89] The task force held its first meeting in February 2018, with two subcommittees formed to develop recommendations—one to explore the role of media and freedom of information in Cuba and the other to explore internet access in Cuba.[90]

Continued Engagement in Some Areas. In a demonstration of continuity in policy between the Trump and Obama Administrations, the U.S. and Cuban governments have continued to engage on various bilateral issues through meetings and dialogues. The two countries have continued to hold semiannual migration talks, which, since 1995, have 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 most recently in July 2018.

The United States and Cuba also have continued to hold Bilateral Commission meetings that began under the Obama Administration in which the two governments review priorities and areas for engagement. Officials held a sixth Bilateral Commission meeting in September 2017 and a

[87] U.S. Department of State, "List of Restricted Entities and Subentities Associated With Cuba as of March 12, 2019," at https://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/290163.htm.

[88] 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.

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

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

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.[91] 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.[92]

Both countries also have 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.[93]

Health Injuries of U.S. Personnel in Havana. According to the Department of State, 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 that the U.S. investigation has not reached a definitive conclusion regarding possible causes, sources, or technologies that might have been used.

In response to the number of 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 has affected embassy operations, especially visa processing, and has made bilateral engagement more difficult. (For further background, see "U.S. Response to Health Injuries of U.S. Personnel in Havana" below.)

"Troika of Tyranny." In a November 2018 address in Miami, FL, National Security Adviser John Bolton strongly criticized the Cuban government on human rights, stating that "we will only engage with a Cuban government that is willing to undertake necessary and tangible reforms—a

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

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

[93] See U.S. Department of State, Releases Pertaining to Cuba, at https://www.state.gov/p/wha/ci/cu/rls/index.htm; and Ministry of Foreign Affairs of Cuba, Embassy of Cuba in USA, at http://misiones.minrex.gob.cu/en/usa.

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."[94]

In 2019, as the political situation in Venezuela has deteriorated and the United States has ramped up sanctions on the Maduro regime, the Trump Administration has 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."[95]

Title III of the LIBERTAD Act. The Trump Administration ratcheted up U.S. sanctions on Cuba on March 4, 2019, when Secretary of State Pompeo, pursuant to Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (P.L. 104-114), allowed certain lawsuits to go forward against those trafficking in confiscated property in Cuba. Since 1996, pursuant to the provisions of Title III, all Administrations have suspended, at six-month intervals, the right to file such lawsuits. The next six-month suspension was due by February 1, 2019, but on January 16, Secretary Pompeo suspended the right to file lawsuits for an additional 45 days, maintaining that the extension would permit a careful review taking into account U.S. national interests and efforts to expedite a transition to democracy in Cuba. Then, on March 4, 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 subentity on the State Department's "Cuba Restricted List" controlled by the Cuban military, intelligence, or security services. Lawsuits can be brought by any U.S. national, including those who were not U.S. nationals at the time of the confiscation. However, lawsuits may not be brought against third-country foreign investors in Cuba. (For more, see "Property Claims and Title III of the LIBERTAD Act" below.)

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.

[94] The White House, "Remarks by National Security Advisor Ambassador John R. Bolton on the Administration's Policies in Latin America," November 2, 2018, at https://www.whitehouse.gov/briefings-statements/remarks-national-security-advisor-ambassador-john-r-bolton-administrations-policies-latin-america/.

[95] 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.

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, 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.[96] 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.[97]

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 more than 50 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

[96] 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.

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

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 regime in Venezuela, particularly military advisers and intelligence assistance.

Selected Issues in U.S.-Cuban Relations

U.S. Travel to Cuba[98]

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. Under the George W. Bush Administration, enforcement of U.S. restrictions on Cuba travel increased and restrictions on travel were tightened. 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.

Permissible Cuba Travel: 12 Categories

Family Visits

Official Government Business

Journalistic Activities

Professional Research and Professional Meetings

Educational Activities, including People-to-People Travel

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

Export Transactions

Source: 15 CFR 515.560

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.[99]

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

[99] A general license provides the authority to engage in a transaction without the need to apply to the Treasury

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. Authorized travelers no longer have a per diem limit for expenditures, as in the past, and can bring back goods from Cuba as accompanied baggage for personal use, including alcohol and tobacco.

In January 2016, the Treasury Department made additional changes to the travel regulations. Among the changes, authorization for travel and related transactions now include professional media or artistic productions in Cuba (movies, television, music recordings, and creation of artworks). Authorization for travel and other transactions for professional meetings, public performances, clinics, workshops, athletic and nonathletic competitions, and exhibitions now includes permission to organize these events, not just participate in them.

In March 2016, the Treasury Department had amended the travel regulations to permit travel to Cuba for individual people-to-people educational travel, but as noted above, President Trump directed the Treasury Department in June 2017 to eliminate the authorization for such travel for individuals. As set forth in amended regulations issued in November 2017, people-to-people educational travel must take place under the auspices of an organization specializing in such travel, with travelers accompanied by a representative of the organization.

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 since then has expanded significantly with 10 companies now offering cruises.

Travel to Cuba solely for tourist activities, however, remains prohibited. Section 910(b) of TSRA 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.

U.S. Travelers to Cuba. According to Cuban government statistics, the number of U.S. travelers increased from 91,254 in 2014 to 619,523 in 2017. This figure is in addition to thousands of Cuban Americans who visit family in Cuba each year; in 2017, almost 454,000 Cubans living outside the country visited Cuba, the majority from the United States.[100] The number of U.S. visitors began to slow in the latter half of 2017 in the aftermath of Hurricane Irma, which struck in September, the Trump Administration's tighter restrictions on people-to-people travel and restrictions on transactions with the Cuban military (which keeps a number of hotels off limits to U.S. visitors), and the U.S. travel warning issued in September 2017 related to the unexplained health injuries to U.S. diplomatic personnel in Cuba.

In the first half of 2018, the number of U.S. visitors to Cuba, not including Cuban Americans, reportedly declined by 24% compared to the same period in 2017.[101] By the end of 2018, however, U.S. travel to Cuba reportedly had recovered, with a growth of 1% over 2017. The recovery was spurred by a 48% increase in cruise ship arrivals (which bring in less revenue than land-based travelers).[102] Another factor in the recovery in travel could be the August 2018 change

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.

[100] República de Cuba, Oficina Nacional de Estadísticas e Información, Anuario Estadístico de Cuba 2016, Capítulo 15: Turismo, Edición 2017; "Over One Million U.S. Citizens Visited Cuba in 2017," *Granma*, January 9, 2018; and "Cuba Tourism Slides in Wake of Hurricane Irma," Reuters News, January 30, 2018.

[101] Marc Frank, "U.S. Tourism to Cuba Revives after Months-Long Trump Slump-Sources," Reuters News, July 17, 2018.

[102] Mimi Whitefield, "This Will Be a Record Year for International Visitors to Cuba, But Barely," *Miami Herald*,

in the U.S. travel advisory for Cuba from Level 3 (reconsider travel) to Level 2 (exercise increased caution). Some U.S. schools with academic exchange programs reportedly do not allow travel to a country with a Level 3 advisory, so the easing of the advisory to Level 2 allows schools to once again include Cuba as part of their exchange programs.[103]

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.
- U.S. private export financing is permitted for all authorized export trade to Cuba, except for agricultural goods exported pursuant to TSRA.
- 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.
- 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, goods for use by private-sector Cuban entrepreneurs, and agricultural equipment for small farmers.
- 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 those exports already allowed under TSRA.
- 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

December 28, 2018; Marc Frank, "Americans Venture Back to Cuba as Hurricane Memories, U.S. Tensions Fade," Reuters News, December 11, 2018.

[103] Mimi Whitefield, "U.S. Travel to Cuba Starts to Show Signs of Recovery," *Miami Herald*, October 8, 2018.

use and benefit of the Cuban people. 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 subentities on the State Department's list of restricted entities associated with the Cuban military, police, intelligence, or security services.

- The commercial export of certain consumer communication devices, related software, applications, hardware, and services, and items for the establishment and update of communications-related systems is authorized; previously such exports were limited to donations. The export of items for telecommunications, including access to the internet, use of internet services, infrastructure creation, and upgrades, also is authorized.
- Companies exporting authorized goods to Cuba are authorized to have a physical presence in Cuba, such as an office, retail outlet, or warehouse.
- Persons subject to U.S. jurisdiction generally are authorized to enter into certain contingent contracts for transactions currently prohibited by the embargo.
- Certain consumer goods sold directly to eligible individuals in Cuba for their personal use generally are authorized.

Cuba purchased about $6 billion in U.S. products from 2001 to 2018, 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 $712 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 $180 million.[104] Reversing that trend, U.S. exports to Cuba increased to $245 million in 2016 and $283 million in 2017. In 2018, U.S. exports to Cuba amounted to almost $276 million, about a 5% decrease from 2017. (See **Figure 2**.)

Looking at the composition of U.S. exports to Cuba from 2012 to 2018, 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; in 2018, for example, it accounted for about 56% of U.S. exports. Beyond agricultural products, other categories of products that have increased over the past several years are parts for steam turbines, civilian aircraft engines and parts, pesticides, calcium phosphates, and electrical apparatus and parts for telephone lines.

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.[105] 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

[104] Trade statistics in this section are from the U.S. Department of Commerce, as presented by Global Trade Atlas.

[105] 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.

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.

Figure 2. U.S. Exports to Cuba, 2002-2018

Source: Created by CRS using Commerce Department statistics as presented by Global Trade Atlas.

Legislative Initiatives. To date in the 116th Congress, two bills have been introduced related to restrictions on exports to Cuba. S. 428 (Klobuchar) would repeal 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 modify the prohibition on U.S. assistance and financing for certain exports to Cuba under TSRA.

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.[106] 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

[106] 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.

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.[107]

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 FY2014 through FY2017 amounted to $15.9 million.[108]

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 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 has requested $6 million for Cuba democracy funding, which would be a 70% cut from the $20 million amount provided annually since FY2014.

Radio and TV Martí[109]

U.S.-government-sponsored radio and television broadcasting to Cuba—Radio and TV Martí—began in 1985 and 1990, respectively.[110] 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

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

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

[109] 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.

[110] 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.

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).[111]

Today, OCB, which has been headquartered in Miami, FL, since 1998, manages Radio and TV Martí and the *Martínoticiaas.com* website and its social media platforms on YouTube, Google, and Facebook.[112] According to the BBG's *2019 Congressional Budget Justification*, the Martís reach 11.1% of Cubans on a weekly basis with audio, video, and digital content delivered by radio, satellite TV, online, and on distinctly Cuban digital "packages" (*paquetes*).[113] The largest audiences reportedly are for Radio Martí and TV Martí, with weekly audiences respectively reaching 8% and 6.8% of Cubans, while online content reaches a smaller audience of 5.3%. OCB also administers a shortwave transmitting station in Greenville, NC. Additional newer transmitters at Greenville reportedly have helped increase Radio Martí's presence in Cuba, and the increase in the number of frequencies has made it harder for the Cuban government to interfere with the radio broadcasts.[114]

Funding. From FY1984 through FY2019, Congress appropriated about $911 million for broadcasting to Cuba. In recent years, funding has 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.[115] 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.

Concerns About TV Martí Program in 2018. 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 Soros, including that he was the architect of the 2008 financial crisis.[116] Then-Senator Jeff Flake spoke out against the TV Martí program, which he referred to as "taxpayer-funded anti-Semitism."[117] He sent a letter to John

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

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

[113] See Broadcasting Board of Governors (BBG), *2019 Congressional Budget Justification*, February 21, 2018, at https://www.bbg.gov/wp-content/media/2018/02/BBGBudget_FY19_CBJ_2-7-18_Final.pdf. For information on additional methods that have been used to deliver Martí programming to Cuba, see Nora Gámez Torres, "Radio and TV Martí Sneaked in Same Forbidden Technology that Landed Alan Gross in Cuban Jail," *Miami Herald*, March 20, 2018.

[114] BBG, *2019 Congressional Budget Justification*, February 21, 2018, p. 30.

[115] Broadcasting Board of Governors, *2019 Congressional Budget Justification*, February 12, 2018.

[116] 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. The blog has continued to report on the issue.

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

Lansing, chief executive officer (CEO) of the 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 VOA 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."[118]

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."[119] 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."[120]

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 journalism."[121] 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.

At the end of 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 stated that USAGM commissioned a team of independent experts to conduct an objective third-party-audit of OCB's coverage in Spanish across all platform. He said that a final report is expected in three months and would be made public.[122]

The TV Martí program raised significant concerns about the 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."

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

[119] 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.

[120] U.S. Agency for Global Media, "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/.

[121] Letter from USAGM CEO Lansing to George Soros, November 7, 2018, as published by the *Washington Post* at https://www.washingtonpost.com/apps/g/page/politics/us-agency-apologizes-to-george-soros-after-program-that-called-him-multimillionaire-jew/2349/?tid=a_inl_manual.

[122] 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.

U.S. law sets forth the following principles for 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 also 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).

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.[123] According to the State Department, the 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."[124] 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."[125]

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.[126] 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."[127]

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

[123] U.S. Department of State, DipNote, "Department of State Revises Assessment of Personnel Affected in Cuba," October 20, 2017, at https://blogs.state.gov/stories/2017/10/20/en/week-state-october-20-2017; U.S. Department of State, Press Briefing, June 21, 2018; U.S. Department of State, Heather Nauert, 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.

[124] 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.

[125] 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.

[126] 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.

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

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.[128] 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.[129]

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 State Department eased its travel advisory to Level 2, recommending that travelers exercise increased caution.[130]

In May 2018, the State Department announced that a U.S. government employee serving in Guangzhou, China, experienced a health incident similar to that 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.[131]

Since 2017, 14 Canadians diplomats and their family members in Havana also have experienced similar health symptoms such as dizziness, headaches, nausea, and difficulty concentrating, with the most recent 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, and in January 2019, the government announced that it would reduce by half its diplomatic staff in Havana.[132]

Cause of the Health Incidents Unknown. When the incidents were first made public by the State Department in August 2017, numerous press reports referred to them as being caused by some type of sonic device.[133] Yet scientists and experts in acoustics have cast doubt on this

[128] 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.

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

[130] The State Department's travel advisory states that travelers should avoid the Hotel Nacional and the Hotel Capri, where some of the incidents occurred, and should immediately move to another area if they experience any acute auditory or sensory phenomena. See U.S. Department of State, Cuba Travel Advisory, August 23, 2018, at https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/cuba-travel-advisory.html .

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

[132] 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.

[133] For example, see Gardiner Harris, "16 Americans Sickened After Attack on Embassy Staff in Havana," *New York Times,* August 24, 2017; and Josh Lederman and Michael Weissenstein, "Dangerous Sound? What Americans Heard in Cuba Attacks?" Associated Press, October 13, 2017.

possibility, arguing that the laws of physics render it unlikely that the use of ultrasound, which they see as the most plausible type of acoustic employed, could be effectively used to harm personnel. They add that some of the reported symptoms individuals have encountered would not have resulted from the use of such a device. Some point to other possible scenarios, such as personnel coming into contact with toxins that damage hearing, or even the spread of anxiety or other psychogenic contributors capable of triggering symptoms. Some scientists assert that data regarding the potential effects of an ultrasound weapon on human health is currently slim.[134]

An article in the *Journal of the American Medical Association* (*JAMA*), published in February 2018, 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.[135] 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 back against the criticism, maintaining that a complex constellation of neurological symptoms was consistent across the cohort that was studied.[136]

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.[137]

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.[138]

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.

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[134] Carl Zimmer, "A 'Sonic Attack' on Diplomats in Cuba? These Scientists Doubt It," *New York Times*, October 5, 2017; and Hannah Devlin, "How Could the 'Sonic Attack' on US Diplomats in Cuba Have Been Carried Out?," *The Guardian*, August 25, 2017.

[135] Randel L. Swanson II et al., "Neurological Manifestations Among US Government Personnel Reporting Directional Audible and Sensory Phenomena in Havana, Cuba," *JAMA*, February 15, 2018; Christopher C. Muth, MD and Steven L. Lewis, MD, "Neurological Symptoms Among US Diplomats in Cuba," editorial, *JAMA*, 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.

[136] "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.

[137] 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.

[138] 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.

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.[139]

Even though the cause of the health injuries to U.S. personnel in Cuba is unknown, there has been widespread speculation regarding potential responsibility. These include such possibilities as a rogue faction of Cuba's security services or a third country, such as Russia, with the apparent motivation of wanting to disrupt U.S.-Cuban relations. Some maintain that Cuba's strong security apparatus makes it unlikely that a third country would be involved without the Cuban government's acquiescence. Others stress that there has been no evidence implicating a third country and that it would be highly unusual for a rogue Cuban security faction to operate contrary to the interests of the Cuban government.[140]

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.[141] 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.[142] 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.[143] In November 2018, Dr. Valdés-Sosa coauthored a letter in *Science* magazine 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

[139] 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.

[140] See for example, Gardiner Harris, Julie Hirschfeld Davis, and Ernesto Londoño, "U.S. Expels 15 Cuban Diplomats from Embassy," *New York Times*, October 4, 2017; and Tim Golden and Sebastian Rotella, *ProPublica*, February 14, 2018.

[141] 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.

[142] 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.

[143] 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 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.

to outpace the evidence" and that "there is insufficient evidence to guess about the cause of the sounds."[144]

Migration Issues[145]

In January 2017, the Obama Administration ended the so-called "wet foot/dry foot" policy under which thousands of undocumented 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.[146] 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."[147]

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.

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[144] 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.

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

[146] 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.

[147] 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).

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 to a trickle. For FY2017, the Coast Guard interdicted 2,109 Cubans, with the majority of these interdictions occurring before the policy change, and for FY2018, the Coast Guard interdicted 384 Cubans at sea.[148] (See **Figure 3**.)

Arrival of Undocumented Cuban Migrants. Beginning around FY2013, according to the State Department, undocumented 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 undocumented Cubans entering by land increased significantly, with a majority entering through the Southwest border.[149] According to statistics from the Department of Homeland Security, the number of undocumented 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, as of August 21, 2018, 6,044 undocumented Cubans arrived in the United States at or between ports of entry, about a 70% decline from FY2017.[150]

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.[151] The program reportedly benefitted more than 8,000 Cuban medical professionals who defected from Cuba's medical missions in third countries.[152]

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[148] U.S. Department of State, "Cuban Compliance with the Migration Accords, (April 2018 to October 2018)," report to Congress, October 4, 2018; and "Coast Guard Repatriates 11 Migrants to Cuba," US Fed News, November 29, 2018.

[149] 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.

[150] 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, and October 4, 2018.

[151] 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.

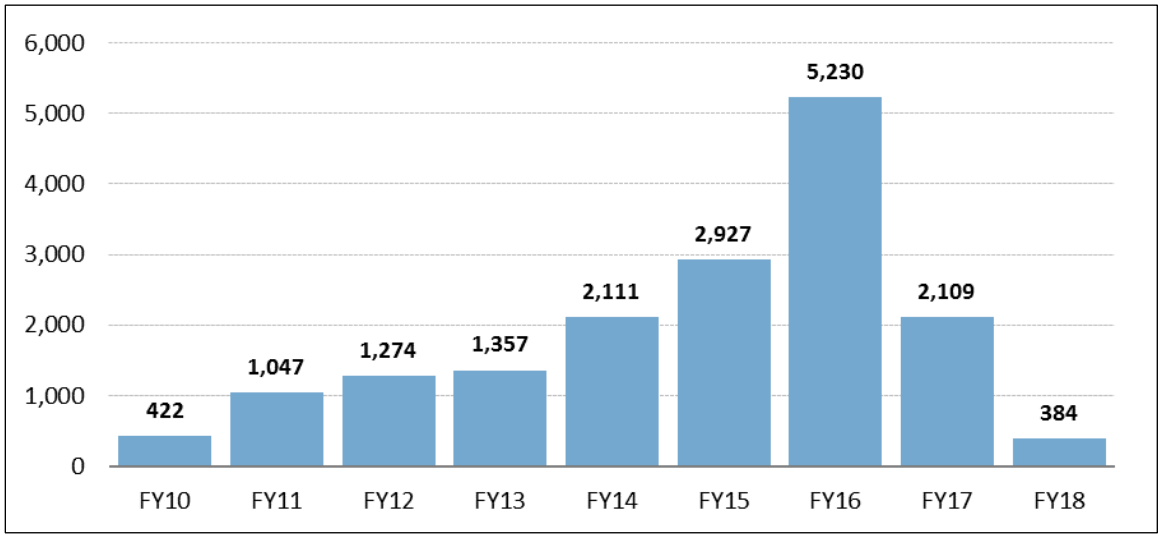
[152] Mario J. Pentón, "Cuban Physicians Still Abandoning Missions Abroad Despite End to U.S. Parole Program," *Miami Herald*, March 12, 2018.

Some Members of Congress have called on the Trump Administration to reestablish the CMPP program. In the 116th Congress, two resolutions, S.Res. 14 (Menendez) and H.Res. 136 (Sires), would express the sense of the Senate and House, respectively, that the CMPP program should be reestablished. They also call on the State Department to downgrade Cuba to Tier 3 status in its annual *Trafficking in Persons (TIP) Report* because of its treatment of Cuban medical professionals in the country's foreign medical missions and because the Cuban government has not criminalized most forms of forced labor.

In its 2018 TIP report, the State Department included mixed information on the CMPP program. It noted that some participants in Cuba's foreign medical missions alleged that Cuban officials forced or coerced participation in the program, and that some observers alleged that Cuban authorities coerced some participants to remain in the program through various tactics, including the withholding of passports. On the other hand, the report also noted that the Cuban government and some of the program's participants maintained that postings were voluntary and well paid compared to jobs within Cuba.[153] (Also see discussion of trafficking in persons in the "Human Rights" section above.)

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 "Coast Guard Repatriates 11 Migrants to Cuba," US Fed News, November 29, 2018.

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.[154] 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 has made it more difficult and expensive for Cubans visiting family in the United States and for Cuban *cuentapropistas* (private

[153] U.S. Department of State, *Trafficking in Persons Report 2018*, Cuba, June 28, 2018.

[154] 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.

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 the United States. As those visas expire, Cubans will 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, but instead would only issue single entry B2 visas for a stay of two months, with the possibility of a 30-day extension.[155] The action will likely have a significant effect on family travel from Cuba and those traveling from Cuba to support their private sector businesses, and could also negatively affect U.S.-Cuban academic, cultural, and civil society engagement.[156]

The embassy staff reduction has 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). While the United States met its commitment in FY2017, the State Department issued travel documents for just 4,060 Cubans in FY2018 in categories under the migration accord.[157] 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.[158] Since the embassy staff reduction, information posted on the website of the U.S. Embassy in Havana has stated that the State Department and DHS are determining arrangements for processing applications under the CFRP.[159]

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 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

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

[156] Mario Pentón, "Visas for Cubans Have a New Limit," *Miami Herald*, March 18, 2019; and Marc Frank, "Cubans Frustrated over U.S. Move to End Five-year Visitor Visas," Reuters News, March 18, 2019.

[157] CRS correspondence with the Department of State, U.S. Department of State, Bureau of Consular Affairs, Congressional Liaison Office, October 30, 2018.

[158] 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.

[159] U.S. Embassy in Cuba, Visas, at https://cu.usembassy.gov/visas/.

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.

Since the reestablishment of diplomatic relations with Cuba in 2015, U.S. antidrug cooperation has 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.[160] 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.[161] Technical exchanges between the U.S. Coast Guard and Cuba's Border Guard on antidrug efforts and other areas of cooperation occur periodically.

According to the State Department's 2019 *International Narcotics Control Strategy Report* (INCSR), issued in March 2019, Cuba has 40 bilateral agreements for antidrug cooperation with countries worldwide, including the 2016 U.S.-Cuban agreement noted above.[162] The report also stated that Cuban authorities and the U.S. Coast Guard share tactical information related to vessels transiting through Cuban territorial waters suspected of trafficking and coordinate responses. In addition, as noted in the report, 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. Since then, according to the INCSR, the DEA has 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 INCSR reports that Cuba has provided assistance to U.S. state and federal prosecutions by providing evidence and information, and has demonstrated a willingness to cooperate on law enforcement matters. The report noted that the United States and Cuba continue to hold bilateral discussion on law enforcement and drug control cooperation.

Property Claims and Title III 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

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

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

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

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.[163] 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.[164]

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.[165] Moreover, Cuba generally has maintained that any negotiation should consider losses that Cuba has accrued from U.S. economic sanctions. Cuba estimates cumulative damages of the U.S. embargo at $134.5 billion in current prices as of 2018.[166]

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 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.[167] 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.[168] A third claims meeting was held in Havana in January 2017.

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 have 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.[169] On January, 16,

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

[164] 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.

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

[166] Republic of Cuba, Ministry of Foreign Relations, Cuba vs. Blockade, Cuba's Report On Resolution 72/4 of the United Nations General Assembly Entitled "Necessity of Ending the Economic, Commercial and Financial Blockade Imposed by the United States of America Against Cuba," June 2018.

[167] 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.

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

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

2019, however, Secretary Pompeo issued another determination suspending the right to file lawsuits for only an additional 45 days (as opposed to six months, as provided in the law), maintaining 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."[170]

Then, 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 subentity 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.[171] Lawsuits can be brought by any U.S. national, including those who were not U.S. nationals at the time of the confiscation. However, lawsuits may 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.[172] At this juncture, it is unclear how many lawsuits will go forward against entities on the "Cuba Restricted List."

Looking ahead, some in the U.S. business community and foreign companies abroad that have invested in Cuba have concerns about the potential for Title III being fully implemented in the future. 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, some could be susceptible to legal action if the Administration did not continue to suspend the right to file lawsuits. Fully lifting the suspension of the right to file lawsuits under Title III could have a significant effect on foreign companies conducting business in Cuba because of the potential risk emanating from such lawsuits. 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 also could revive a 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.[173]

Some observers also have expressed concerns about U.S. federal courts being 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.[174] As defined in the

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

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

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

[173] 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.

[174] U.S. Department of State, Settlement of Outstanding United States Claims to Confiscated Property in Cuba, Report

LIBERTAD Act, however, the term trafficking does not include "transactions and uses of property incident to lawful travel to Cuba," 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.

U.S. Fugitives from Justice

An issue that had been mentioned for many years in the State Department's annual terrorism report was Cuba's harboring of fugitives wanted in the United States. The most recent mention of the issue was in the 2014 terrorism report (issued in April 2015), which stated that Cuba "does continue to harbor fugitives wanted to stand trial or to serve sentences in the United States for committing serious violations of U.S. criminal laws, and provides some of these individuals limited support, such as housing, food ration books, and medical care."[175] With the resumption of diplomatic relations with Cuba, the United States have held several law enforcement dialogues that reportedly have included discussion of the issue of 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.[176] 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.[177] 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.[178] 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.[179]

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,[180] and in April 2013, Cuba returned a Florida couple who allegedly had kidnapped their own children

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to Congress Under Section 207 of the Cuban Liberty and Democratic Solidarity Act of 1996, September 1996.

[175] U.S. Department of State, *Country Reports on Terrorism 2014*, April 2015.

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

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

[178] 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.

[179] 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.

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

(who were in the custody of the mother's parents) and fled to Havana.[181] 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.[182] In November 2018, Cuba returned to the United States a New Jersey man wanted on murder charges.[183] 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.[184]

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. Moreover, in the past Cuba has responded to U.S. extradition requests by stating that approval would be contingent upon the United States returning wanted Cuban criminals from the United States.

In the 116th Congress, H.Res. 92 (King) would call 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

Outlook

When Miguel Díaz-Canel succeeded Raúl Castro as president in April 2018, a leader from a new generation came to power—Díaz-Canel is 58 years old. Nevertheless, Raúl Castro, currently 87 years old, is continuing as first secretary of Cuba's Communist Party until 2021, and he headed the commission that drafted Cuba's new constitution approved by a public referendum in February 2019. Although the new constitution locks in some market-oriented economic reforms that have been introduced in recent years (private property, private sector, and foreign investment), it also ensures the state sector's dominance over the economy and the predominate role of the Communist Party in Cuba's political system. In late 2018, Díaz-Canel took actions that appeared to demonstrate his independence from the previous Castro government and his responsiveness to public concerns, but his government faces a difficult economic outlook, one that could become bleaker if oil supplies from Venezuela are cut. Looking ahead, President Díaz-Canel faces two major challenges—moving forward with economic reforms that produce results and responding to desires for greater freedom.

President Trump's partial rollback of the Obama engagement policy and the introduction of new economic sanctions has limited opportunities for U.S. business engagement in Cuba and increased tensions in bilateral relations. The U.S. decision to downsize the diplomatic staff of the U.S. Embassy in Havana in response to 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, which has made bilateral engagement and existing areas of government-to-government cooperation more difficult. The Administration's decision in March 2019 to partially implement Title III of the LIBERTAD Act along with its use of strong Cold War-era political

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

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

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

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

rhetoric toward Cuba has provoked a change in Cuba's own political rhetoric toward the United States. The current outlook for positive government-to-government engagement appears dim.

Just as there were diverse opinions in the 115th Congress over U.S. policy toward Cuba, debate over Cuba policy is likely to continue in the 116th Congress, especially with regard to U.S. economic sanctions. The human rights situation likely will remain a key concern in the future, although there are diverse views regarding the best approach to influence the Cuban government.

Appendix A. Legislative Initiatives in the 116th Congress

Enacted Measures

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 (State, Foreign Operations, and Related Programs), the measure continues two longstanding Cuba provisions: Section 7007 prohibits 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) prohibits the obligation or expending of assistance for Cuba except through the regular notification procedures of the Committees on Appropriations.

Bills

H.R. 213 (Serrano). Baseball Diplomacy Act. The bill would waive 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. 1898 (Crawford). The bill would modify the prohibition on U.S. assistance and financing for certain exports to Cuba under TSRA. Introduced March 27, 2019; referred to the Committee on Foreign Affairs and in additional to the Committees on Financial Services and Agriculture.

S. 428 (Klobuchar). Freedom to Export to Cuba Act of 2019. The bill would repeal or amend many provisions of law restricting trade and other relations with Cuba, including certain restrictions in the CDA, the LIBERTAD Act, and TSRA. Introduced February 7, 2019; referred to the Committee on Banking, Housing, and Urban Affairs.

Resolutions

H.Res. 92 (King). The resolution would call for the immediate extradition or rendering to the United States of convicted felons William Morales, Joanne Chesimard, and all other fugitives from justices who are receiving safe harbor in Cuba to escape prosecution or confinement for criminal offenses committed in the United States. Introduced January 30, 2019; referred to the Committee on Foreign Affairs.

S.Res. 14 (Menendez)/H.Res. 136 (Sires). Similar resolutions would affirm that Cuba's medical missions constitute human trafficking. The resolutions express 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.

Appendix B. Links to U.S. Government Reports

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

Date: February 8, 2019
Full Text: https://www.state.gov/r/pa/ei/bgn/2886.htm

Congressional Budget Justification for Foreign Operations FY2019, Appendix 2, pp. 474-475, Department of State

Date: March 14, 2018
Full Text: https://www.state.gov/documents/organization/279517.pdf

Country Reports on Human Rights Practices for 2018, Cuba, Department of State

Date: March 13, 2019
Full Text: https://www.state.gov/documents/organization/289532.pdf

Cuba web page, Department of State

Link: https://www.state.gov/p/wha/ci/cu/index.htm

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 the Treasury, Office of Foreign Assets Control

Link: https://www.treasury.gov/resource-center/sanctions/Programs/Pages/cuba.aspx

International Religious Freedom Report for 2017, Cuba, Department of State

Date: May 29, 2018
Full Text: https://www.state.gov/documents/organization/281308.pdf

International Narcotics Control Strategy Report 2019, Volume I, Drug and Chemical Control, p. 146, Department of State

Date: March 2019
Link: http://www.state.gov/documents/organization/290501.pdf

International Narcotics Control Strategy Report 2018, Volume II, Money Laundering, pp. 85-87, Department of State

Date: March 2018
Link: http://www.state.gov/documents/organization/278760.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 2018, Cuba, Department of State

Date: June 2018
Link: https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282640.htm

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