

Enforce existing U.S. laws to hasten the collapse of Cuba's dictatorship: 30 immediate measures

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The President has broad authority, as per the International Emergency Economic Powers Act (IEEPA) of 1977, to impose economic sanctions and restrict trade during peacetime emergencies, and to do so in times of war or declared national emergencies as per the Trading with the Enemy Act of 1917. However, no new executive decrees or legislation are required to enforce existing U.S. laws and immediately neutralize the Cuban regime.

The Cuban Liberty and Democratic Solidarity Act (“Helms Burton law”) entails sanctions that have been systematically violated for years by executive decree and administrative regulations.² Plus, the Trafficking in Persons Victims Act (TVPA) and foundational laws for the State Sponsor of Terrorism (SSTD) designation ordinarily imply measures that have not been enacted for Cuba. Overtly flaunting the law should also be discouraged per se, as it weakens our democratic institutions and rule of law.

The full enforcement of existing U.S. sanctions would greatly curtail the leading sources of revenues sustaining the Cuban dictatorship:

- 1) Cuba's first official source of revenues: service exports from “internationalist” brigades sent overseas as part of the Cuban State's labor trafficking agreements, including medical brigades in partnership with 58 governments.³
- 2) Myriad annual billions from the Cuban diaspora in the United States: in remittances, material aid, telecommunications' revenues, and revenues from family travel authorized under a general license by the Treasury Department: customs and passport fees, hotel stays, car rentals, required travelers' health insurance, assorted visitor expenditures incurred on the Island, and more.⁴
- 3) Additional revenues from travel and other associated services from U.S. visitors traveling under another 11 categories of general licenses, including “educational exchanges.”⁵

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² See the Code of Federal Regulations, Part 515 — Cuban Assets Control Regulations, <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-V/part-515>.

³ Tweet by Cuban President Miguel Díaz-Canel Bermúdez, May 23, 2023, <https://x.com/DiazCanelB/status/1660991669112537090>. For a detailed report on this practice, see *Overview of trafficking in persons in Cuba's medical brigades*, Free Society Project/Cuba Archive, Nov. 15, 2023, <https://cubaarchive.org/wp-content/uploads/2023/11/Overview-of-TIP-in-Cubas-Medical-Brigades-11.2023.pdf>

⁴ Remittances alone were estimated to have grown at an annual rate of \$238.3 million during the Obama years (2009-2016). The Cuban government took 10% of all remittances coming in, which represented \$340 million straight to the government's coffers in 2016 alone. (See Emilio Morales, “Cuba: el mercado de remesas con el crecimiento más dinámico de América Latina,” The Havana Consulting Group, Jun. 23, 2016.

⁵ The Department of Treasury's Office of Foreign Assets Control (OFAC) has issued general licenses for 12 categories of travel: family visits; official business of the U.S. government, foreign governments, and certain intergovernmental organizations; journalistic activity; professional research and professional meetings; educational activities; religious activities; public performances, clinics, workshops, athletic and other competitions, and

Given the grave overall crisis in Cuba, enforcing sanctions would at least greatly reduce the funds flowing to the Cuban military's monopolistic business conglomerate. This would diminish the resources funneled to the small ruling elite enjoying exclusive privileges in the imposed system of apartheid capitalism that forces on the people a centralized socialist model resulting in widespread misery. It would stop enabling other structural socio-economic deformities, including external dependence, and halt the ongoing privatization of capital by the nomenklatura preparing for a Russia-styled "transition." Most importantly, it could well pressure Cuba's ruling elite into: a.) negotiating a peaceful transfer of power and transition to democracy or, b.) fleeing the country, counting on their large overseas assets, plundered systematically for decades.

The prevailing stance that the dictatorship must be engaged and normalized instead of isolated or pressured is a Cuban regime narrative that, thanks to enormous and consistent propaganda and intelligence-diplomatic operations, has become a senseless mantra or act of faith accepted by most of the international community but resulting in no human rights improvements. It is impossible in the short term to counter six decades of consistent work by the Cuban regime to consolidate that storyline. But Cuba is evidently imploding and sending a clear message that the U.S. will not normalize the Cuban dictatorship and is resolved to seeing its demise, might convince certain members of the international community to seize the opportunity to hasten a transition to democracy in Cuba (for any self-serving and/or humanitarian reasons they might perceive).

Many will allege that sanctions are counterintuitive because they hurt the people, however, the Cuba sanctions specifically target those in power and provide for humanitarian relief. Importantly, in any event, an enduring dictatorship would guarantee greater human suffering. Having the regime face its inevitable final collapse is the most viable way to avoid the continuing decline of an already near-apocalyptic scenario and is the more lasting solution to Cuba's extensive ills. Preventing a protracted unraveling would avert a worsening crisis of graver consequences and the growing potential for widespread turmoil and violence.

The following measures could be implemented quickly.

I. The Helms Burton Act

The intended purpose of the sanctions mandated by the Cuban Liberty and Democratic Solidarity Act (Helms Burton Act) is to help the people of Cuba attain their freedom and provide for the national security of the United States. Yet, an enormous and constantly growing money flow to Cuba from the diaspora in the U.S. has become one of the greatest impediments —if not the greatest— to regime change. The amounts have grown exponentially, as sanctions have not been applied as travelers from the U.S. and a growing and huge stream of migrants bankroll the regime.

Humanitarian assistance (remittances and material aid) from the diaspora satisfies basic needs the Cuban State would have to provide its citizens. Moreover, the funding —in remittances, gifts of consumer goods, telecommunications, travel services, and tourism— are captured, to different

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; and certain authorized export transactions. ("§ 515.560 Travel-related transactions to, from, and within Cuba by persons subject to U.S. jurisdiction," Code of Federal Regulations, <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-V/part-515/subpart-E/section-515.560>.)

degrees, by the government, diminishing pressure on the dictatorship to reform the failed economic model.

The recent mass exodus from Cuba is of historic proportions. In fiscal years 2008 to 2022, at least 929,339 Cubans were admitted into the U.S.⁶ Just in the three fiscal years from October 1, 2021 to September 30, 2024, U.S. Customs and Border Patrol reported 642,509 encounters with Cubans — most were presumably admitted. Around 110,000 more Cubans have benefited from humanitarian parole since the Biden administration started this program in January 2023 and still more have emigrated legally with other types of visas.⁷ After gaining admittance based on claims of political persecution, most Cuban migrants quickly start traveling back to the Island, some several times a year. In 2018 and 2019, over 620 thousand Cubans living abroad traveled back, of which around 83%, over 521 thousand, were reportedly from the U.S.⁸ This travel has dropped post-pandemia (to 333,191 in 2022), but the effects of the 2022-2024 historic exodus are yet to be felt.

In 2008 to 2019, just in direct aid, Cuba's diaspora reportedly sent back home \$57.3 billion, consisting of \$29.9 billion in cash remittances (90% from the U.S.) and \$27.3 billion in merchandise.^{9/10} Although cash remittances have decreased considerably in recent years, they have been replaced by all sorts of material aid and consumer goods sent through overseas fast-delivery retail online enterprises¹¹ reportedly controlled by Cuba's top ruling elite¹² and whose hefty sales revenues remain mostly overseas.

In 2020, Cuba reported telecommunications' revenues of \$807 million, most paid from the U.S. Having since decreased,¹³ as internet calls have proliferated, internet rates by Cuba's telecommunications monopoly, ETECSA, are very high and generally fronted by family overseas.

“Educational exchanges” for U.S. professionals, scholars, and students to study, work, or visit the Island¹⁴ have proliferated with the issuance of general licenses that skirt mandated sanctions. These provide financial resources for the dictatorship, facilitate partnerships with official state institutions, and lack objectivity or real “exchange” with Cubans not affiliated to the government. Most generally parrot official narratives, discourage or disallow unfiltered contact with “real” Cubans, and serve as a tool of pro-regime and anti-U.S. propaganda and disinformation.

⁶ Yearbook of Immigration Statistics for several years, U.S. Department of Homeland Security.

⁷ “More than 111,000 Cubans have been authorized to travel to the U.S. with humanitarian parole,” *CiberCuba*, Oct. 24, 2024. (Nicaraguans and Venezuelans are also benefitted by this program.)

⁸ 600,305 Cubans living abroad traveled to Cuba in 2018, 83% reportedly from the U.S.; in 2019 623,972 traveled. (Oficina Nacional de Estadísticas de Cuba, onei.gob.cu; and “Señor ministro de Economía,” op. cit.)

⁹ Emilio Morales, of *The Havana Consulting Group*, reported this amount for the prior eleven years to March 2019. (“Señor ministro de economía de Cuba, aquí algunas recomendaciones para usted si Maduro cae.” Madrid, *Diario de Cuba*, Mar. 8, 2019).

¹⁰ To comprehend the significance of this amount of money for Cuba's economy, annual remittances from a single emigrant (~\$1,689) were at the time equivalent to the annual salary of 56 Cuban workers (the average wage is \$30 per month). (Ibid.) Today, with a very devalued peso, it is much more. (Ibid.)

¹¹ See, for instance Supermarket23.com and Katapulc.com.

¹² Claudia Padrón Cueto, “El negocio de las tiendas online: quién está detrás de Supermarket23,” *CubaNet*, May 30, 2022.

¹³ Cuba reported that telecommunications revenues had decreased abruptly from \$807.2 million in 2020 to \$159.4 million in 2021 and \$127.6 million in 2022. (Oficina Nacional de Estadísticas de Cuba, onei.gob.cu.)

¹⁴ See, for instance, <https://casa.education/havana/casa-in-havana> and <https://medicc.org/ns/gateways/>

The following aspects of the HB Act¹⁵ could be fully implemented immediately:

1. Require delivery of the annual report that the President must provide the Congress by each January 1st regarding third country commerce and assistance to Cuba during the preceding 12-month period, and impose sanctions accordingly.¹⁶
2. Apply restrictions requiring for the government of Cuba to allow the unfettered operation of fully empowered small businesses before general licenses can be issued for family remittances and only permit strictly humanitarian remittances with effective controls.
3. Apply restrictions requiring specific licenses for remittances over \$500 if 2.) above is allowed.
4. Apply the guidance that general travel licenses to Cuba by U.S. residents are not allowed until the U.S. government first insists on the release of political prisoners, the recognition of the right of association and other fundamental freedoms, and the abrogation of sanctions for departure from Cuba by refugees. This would end general licensing for educational and cultural “exchanges”¹⁷ and require case-by-case reviews before specific licenses may be issued based on criteria that requires programs offering objective background materials including human rights reports and real access to independent actors in Cuba and the diaspora.
5. Apply the guidance that requires for a transition government to be in place before all restrictions can be removed on family travel; only allow travel for very strict humanitarian reasons.
6. Apply the conditions for authorizing “an exchange of news bureaus”: full reciprocity and no interference with transmissions or distribution in Cuba of the bureaus’ publication.¹⁸
7. Rescind the U.S. vote (during the Obama Administration) that welcomed Cuba back to the OAS, in clear violation of the instruction for the U.S. government to oppose terminating Cuba’s suspension until a democratically-elected government is in power in Cuba.
8. The Treasury Department applies the civil penalties of up to \$50,000 on individuals who violate licenses, orders, rules, or regulations issued in compliance with the HB Act.

II. The Trafficking in Persons Victims Act (TVPA)

Cuba generated export services from medical missions of around \$4.4 billion in 2023 (the last reported year) and around \$90 billion in 2003 to 2023.¹⁹ The TVPA calls for combatting human trafficking

¹⁵ See the Annex for more details on the Helms Burton law.

¹⁶ The report must include information on aid, commerce, joint ventures, debt owed by the Cuban government, steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the US market, the purchase of arms or military or agreements with a military application. Labor trafficking agreements should also be included.

¹⁷ See, for instance, <https://casa.education/havana/casa-in-havana>; <https://www.cubagrouptour.com/legal-cuba-travel/license-categories>.

¹⁸ This should mean that the Cuban government may not censor or control U.S. journalists, as it normally does. See, “EFE’s expulsion from Cuba is not an exception,” Cuba Archive, Nov. 14, 2021; “Partial list of actions by Cuban authorities against journalists and filmmakers working for foreign outlets,” Cuba Archive, May 2023.

¹⁹ Official data from Serie Estadística, Sector Externo, Oficina Nacional de Estadísticas e Información, República de Cuba (ONEI), onei.gob.cu. Cuba Archive has estimated gross revenues from medical service exports

through measures that have yet to be applied to Cuba.²⁰ The following could be immediately implemented:

9. Impose visa restrictions on Cuba's high authorities and all Ministers of Health of countries partnering with the Cuban State in the forced labor/trafficking in persons of Cuban export medical workers.²¹ As a second step, target high officials enabling trafficking partnerships that exploit other Cuban export workers as sailors, educators, musicians, scientists, and others.
10. Stop funding the World Health Organization (WHO) and Panamerican Health Organization (PAHO) unless they discontinue supporting and encouraging the trafficking of Cuban health workers.
11. Condition humanitarian assistance to other countries on their preclusion of trafficking of Cuban workers (by governmental or private entities).²²
12. Declare Mexico in violation of the United States-Mexico-Canada Agreement for its participation in the exploitation of a Cuban medical brigade of several thousand workers.²³
13. Lead joint efforts to stop the trafficking with governments upholding high anti-trafficking standards, such as Canada's and those of the European Union, and offer alternative solutions to the host countries that do need foreign medical workers (most hosting brigades apparently don't).

III. State Sponsor of Terrorism Designation

Cuba has a State Sponsor of Terrorism designation (SSTD) since 2021 and had a prior designation in 1982-2015. Certain measures that amplify the political, economic, and legal isolation of the designated country beyond the statutory restrictions of SSTD foundational laws have not been implemented for Cuba. Aside from tightening the licensed travel categories and cancelling collaborations and

for 2003 to 2023 using ONEI data on service exports and the average percentage of total exports they represent according to scattered media reports over time by high Cuban authorities.

²⁰ See *2024 Trafficking in Persons Report: Cuba*, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, <https://www.state.gov/reports/2024-trafficking-in-persons-report/cuba/>; and "Sanctions Programs Targeting Human Traffickers: In Brief," Congressional Research Services, Apr. 22, 2021, <https://crsreports.congress.gov/product/pdf/R/R46771>

²¹ This is further enhanced by a "clear instruction on denying visas to governments and international organizations involved with the trafficking of Cuban doctors," included in the Further Consolidated Appropriations Act, 2024 (H.R. 2882) passed by the House on March 22, 2024, approved by the Senate and signed into law on March 23, 2024. ("Chairman Díaz-Balart's Statement on Passage of the FY24 Appropriations Legislation for the Six Remaining Funding Bills," Press Release, Washington, March 22, 2024, <https://mariodiazbalart.house.gov/media-center/press-releases/chairman-diaz-balarts-statement-passage-fy24-appropriations-legislation>; Senate agreed to House amendment (03/23/2024), Further Consolidated Appropriations Act, 2024, <https://www.congress.gov/bill/118th-congress/house-bill/2882>

²² Recommendations for Ambassador Cindy Dyer, Director of the Office to Monitor and Combat Trafficking in Persons Office, U.S. Department of State, Nov. 7, 2023.

²³ "México desembolsa por cada uno de los 3.101 médicos cubanos más de 5.000 dólares mensuales," Ciudad de México, *Diario de Cuba*, Oct. 10, 2024.

exchanges, as detailed above, additional measures could mimic those implemented on other SSTD countries and terrorist groups.²⁴ Immediate measures could include:

14. Dedicate adequate resources to developing a robust vetting system and establishing appropriate controls to effectively deny visas and border entries to repressors and high-ranking officials of the government or Communist Party of Cuba.²⁵ (Prison directors, judges, members of State Security, and others responsible for maintaining the dictatorship have been admitted into the U.S.²⁶)
15. Enhance visa restrictions to include individuals at high levels in state-controlled fields such as science, health, academia, and allegedly independent non-governmental organizations.
16. Fully implement the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, which requires rescinding visa waivers for travelers to SSTD countries. Citizens of Canada and Bermuda would also stop benefitting from special entry privileges to the U.S.²⁷
17. Review all bilateral agreements with Cuba entered into by past administrations and cancel those not conforming to U.S. laws or preserving of U.S. security interests.
18. Forbid funding by U.S. individuals and entities to all Cuban state institutions and affiliated entities.
19. Issue extended export controls prohibiting dual use exports such as virus strains for biotechnology or advanced computing technologies.
20. Issue State Department travel advisories that adequately alert on the perils of visiting Cuba.
21. Allocate counterintelligence resources that effectively neutralize Cuba's intelligence services.
22. Control the number of Cuban diplomats accredited to the national territory as well as their access and geographical reach²⁸ and refuse to hire staff for the U.S. embassy in Cuba through Cuban state entities.

²⁴ Some of the measures listed are taken from "The Cuban regime is a threat and must end," Letter from six former high officers of the Cuban regime, Dec. 29, 2023, <https://cubaarchive.org/wp-content/uploads/2024/05/Letter-from-former-Cuban-officials.pdf>

²⁵ *This is also called for by the HB Act.*

²⁶ Nora Gámez Torres, "People who repressed dissidents in Cuba are moving to the U.S., human-rights group says," *The Miami Herald*, Aug. 27, 2024.

²⁷ The Visa Waiver Program (VWP) permits citizens of many countries to travel to the U.S. for business or tourism for up to 90 days without a visa by applying on the Electronic System for Travel Authorization (ESTA). Otherwise, entry into the US requires a visa and in-person interview at a U.S. embassy or consulate (exceptions would include persons in military or diplomatic service and dual nationals). See list of participating countries at <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visa-waiver-program.html>

²⁸ Cuba has an excessive number of diplomats at its UN Mission in New York, entirely disproportionate to its size and economic standing, which, according to defectors, is a center for Cuba's Directorate of Intelligence. (See "Cuba's diplomatic presence - comparative table," Cuba Archive, June 2022, <https://cubaarchive.org/wp-content/uploads/2023/12/Table-Comparative-diplomatic-presence.pdf>; and "Estimated number of Cuba's intelligence relationships working against the United States, Cuba Archive, March 2024, <https://cubaarchive.org/wp-content/uploads/2024/04/No.-Intelligence-relations-decided-to-US-3.2024.pdf>)

23. Optimize the security clearance review process and adequately train all U.S. diplomats, legislators, and other government officials involved in Cuban foreign policy regarding the historical and security context, especially those who travel to Cuba officially or unofficially.
24. Provide wider public dissemination of the country's inclusion on the SSTD list to alert scientific, academic, cultural, and other institutions, businesses, and other governments engaging with the Cuban regime on the methodologies of surveillance, blackmail, and recruitment used by Cuba's intelligence services, especially targeting visitors to Cuba.
25. Coordinate with allies the sharing of intelligence on Cuba's international subversion and its nefarious alliances with rogue states, terrorist groups, and drug cartels.

IV. Other measures stemming from existing laws and standard practice

26. Sanction more Cubans under the Global Magnitsky Act.²⁹
27. Revoke residence in the U.S. issued on the basis of political asylum from Cubans returning to the Island on visits, which invalidates a legitimate claim of persecution.³⁰
28. Stop funding and participating in the UN Human Rights Council if Cuba is elected as a member.³¹
29. Demand that the UN effectively assume its "responsibility to protect" the oppressed people of Cuba.³²
30. Have U.S. diplomatic personnel understand and communicate to allied nations and international organizations the reasons for the sanctions on Cuba and urge them to cooperate; at the very least, request that any aid to Cuba is conditioned to security issues and real advances on specific human rights' issues.

²⁹ Seven high Cuban officials were sanctioned in 2021. (Department of State, Public Notice 12027, <https://www.federalregister.gov/documents/2023/03/29/2023-06464/2021-global-magnitsky-human-rights-accountability-act-annual-report>)

³⁰ The Cuban Adjustment Act grants Cubans residence one year after receiving a parole. (See "1966: The Cuban Adjustment Act of 1966," A Latinx Resource Guide: Civil Rights Cases and Events in the United States, Library of Congress, <https://guides.loc.gov/latinx-civil-rights/cuban-adjustment-act>)

³¹ Cuba currently holds one of eight seats for Latin America and the Caribbean as member of the UN Human Rights Council. It has been a member of the Council on several occasions and its current three-year term expires in 2026. (See <https://www.ohchr.org/en/hr-bodies/hrc/members-by-group>)

³² In 2005, the UN enshrined its responsibility to protect "should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity." Intervention by peaceful means may be in diplomacy, mediation, or sanctions, and, as a last resort, through collective action, including the use of force under the UN Charter. ("About the responsibility to protect," Office on Genocide Prevention and the Responsibility to Protect, United Nations, www.un.org; Resolution adopted by the General Assembly on Sep. 16, 2005, 2005 World Summit Outcome, United Nations.)

Annex

**H.R.927. Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996,
enrolled as agreed to or passed by both House and Senate, Codified in Title 22,
Sections 6021-6091 of the U.S. Code), P.L. 104-114.**

WHAT SANCTIONS APPLY?

The H.B. Act states that all restrictions under part 515 of title 31, Code of Federal Regulations in effect upon the enactment of the H.B. Act on March 1, 1996 “shall remain in effect, subject to section 204 of this Act.”

HOW DOES THE H.B. ACT DEFINE A TRANSITION GOVERNMENT IN CUBA IN ORDER TO PERMIT THE LIFTING OF SANCTIONS?

Sec. 205 spells out the following requirements for the government of Cuba:

- has legalized all political activity;
- has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;
- has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;
- has made public commitments to organizing free and fair elections for a new government;
- has ceased any interference with Radio Marti or Television Marti broadcasts;
- makes public commitments to and is making demonstrable progress in:
 - a) establishing an independent judiciary;
 - b) respecting internationally recognized human rights and basic freedoms;
 - c) allowing the establishment of independent trade unions and independent social, economic, and political associations;
- the government does not include Fidel Castro or Raul Castro;
- has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;
- “Additional factors” that the President shall take into account:
 - demonstrable progress in effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;
 - assuring the right to private property;
 - taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government ... or to provide equitable compensation to such citizens and entities for such property;
 - has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States;
 - has permitted the deployment throughout Cuba of independent and unfettered international human rights monitors.

III. PERTINENT EXCERPTS OF THE H.B. LAW

I. Violations of the purpose and spirit of the law

SEC. 3. PURPOSES.

The purposes of this Act are--

- (1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;
- (2) to strengthen international sanctions against the Castro government;
- (3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals by the Castro government, and the political manipulation by the Castro government of the desire of Cubans to escape that results in mass migration to the United States;
- (4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;
- (5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and
- (6) to protect United States nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

TITLE I--STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that--

- (1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;
- (3) any resumption of efforts by any independent state of the former Soviet Union to make operational any nuclear facilities in Cuba, and any continuation of intelligence activities by such a state from Cuba that are targeted at the United States and its citizens will have a detrimental impact on United States assistance to such state;

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY--

(1) RESTRICTIONS BY OTHER COUNTRIES- The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states that the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) SANCTIONS ON OTHER COUNTRIES- The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS- The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS- The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT-

(1) CIVIL PENALTIES- Subsection (b) of section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102-484, is amended to read as follows:

(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

(e) DENIAL OF VISAS TO CERTAIN CUBAN NATIONALS- It is the sense of the Congress that the President should instruct the Secretary of State and the Attorney General to enforce fully existing regulations to deny visas to Cuban nationals considered by the Secretary of State to be officers or employees of the Cuban Government or of the Communist Party of Cuba.

(g) TELECOMMUNICATIONS SERVICES- Section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)) is amended by adding at the end the following new paragraphs:

(5) PROHIBITION ON INVESTMENT IN DOMESTIC TELECOMMUNICATIONS SERVICES- Nothing in this subsection shall be construed to authorize the investment by any United States person in the domestic telecommunications network within Cuba. For purposes of this paragraph, an 'investment' in the domestic telecommunications network within Cuba includes the contribution (including by donation) of funds or anything of value to or for, and the making of loans to or for, such network.

(6) REPORTS TO CONGRESS- The President shall submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

(h) CODIFICATION OF ECONOMIC EMBARGO- The economic embargo of Cuba, as in effect on March 1, 1996, including all restrictions under part 515 of title 31, Code of Federal Regulations, shall be in effect upon the enactment of this Act, and shall remain in effect, subject to section 204 of this Act.

II. Violations or seeming violations of the law

SEC. 105. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE CUBAN GOVERNMENT FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban Government from participation in the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 108. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED- Not later than 90 days after the date of the enactment of this Act, and by January 1 of each year thereafter until the President submits a determination under section 203(c)(1), the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS- Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national.

(5) A determination of the amount of debt of the Cuban Government that is owed to each foreign country, including--

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed the foreign country that has been exchanged, forgiven, or reduced in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including--

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 110. IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS.

(a) PROHIBITION ON IMPORT OF AND DEALINGS IN CUBAN PRODUCTS- The Congress notes that section 515.204 of title 31, Code of Federal Regulations, prohibits the entry of, and dealings outside the United States in, merchandise that--

(1) is of Cuban origin;

(2) is or has been located in or transported from or through Cuba; or

(3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

SEC. 112. REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA.

It is the sense of the Congress that the President should--

(1)(A) before considering the reinstatement of general licenses for family remittances to Cuba, insist that, prior to such reinstatement, the Cuban Government permit the unfettered operation of small businesses fully empowered with the right to hire others to whom they may pay wages and to buy materials necessary in the operation of the businesses, and with such other authority and freedom as are required to foster the operation of small businesses throughout Cuba; and

(B) if licenses described in subparagraph (A) are reinstated, require a specific license for remittances described in subparagraph (A) in amounts of more than \$500; and

(2) before considering the reinstatement of general licenses for travel to Cuba by individuals resident in the United States who are family members of Cuban nationals who are resident in Cuba, insist on such actions by the Cuban Government as abrogation of the sanction for departure from Cuba by refugees, release of political prisoners, recognition of the right of association, and other fundamental freedoms.

SEC. 113. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official contacts with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

SEC. 114. NEWS BUREAUS IN CUBA.

(a) ESTABLISHMENT OF NEWS BUREAUS- The President is authorized to establish and implement an exchange of news bureaus between the United States and Cuba, if the exchange meets the following conditions:

(1) The exchange is fully reciprocal.

(2) The Cuban Government agrees not to interfere with the establishment of news bureaus or with the movement in Cuba of journalists of any United States-based news organizations, including Radio Marti and Television Marti.

(3) The Cuban Government agrees not to interfere with decisions of United States-based news organizations with respect to individuals assigned to work as journalists in their news bureaus in Cuba.

(4) The Department of the Treasury is able to ensure that only accredited journalists regularly employed with a news gathering organization travel to Cuba under this subsection.

(5) The Cuban Government agrees not to interfere with the transmission of telecommunications signals of news bureaus or with the distribution within Cuba of publications of any United States-based news organization that has a news bureau in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE- In implementing this section, the President shall take all necessary steps to ensure the safety and security of the United States against espionage by Cuban journalists it believes to be working for the intelligence agencies of the Cuban Government.

(c) FULLY RECIPROCAL- As used in subsection (a)(1), the term 'fully reciprocal' means that all news services, news organizations, and broadcasting services, including such services or organizations that receive financing, assistance, or other support from a governmental or official source, are permitted to establish and operate a news bureau in the United States and Cuba.

TITLE II--ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(2) TYPES OF ASSISTANCE- Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT-

(iii) Only after a transition government in Cuba is in power, freedom of individuals to travel to visit their relatives without any restrictions shall be permitted.

SEC. 205. REQUIREMENTS AND FACTORS FOR DETERMINING A TRANSITION GOVERNMENT.

(a) REQUIREMENTS- For the purposes of this Act, a transition government in Cuba is a government that--

- (1) has legalized all political activity;
- (2) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;
- (3) has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and
- (4) has made public commitments to organizing free and fair elections for a new government--
 - (A) to be held in a timely manner within a period not to exceed 18 months after the transition government assumes power;
 - (B) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and
 - (C) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;
- (5) has ceased any interference with Radio Marti or Television Marti broadcasts;
- (6) makes public commitments to and is making demonstrable progress in--
 - (A) establishing an independent judiciary;
 - (B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;
 - (C) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;
- (7) does not include Fidel Castro or Raul Castro; and
- (8) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people.

(b) ADDITIONAL FACTORS- In addition to the requirements in subsection (a), in determining whether a transition government in Cuba is in power, the President shall take into account the extent to which that government--

- (1) is demonstrably in transition from a communist totalitarian dictatorship to representative democracy;
- (2) has made public commitments to, and is making demonstrable progress in--
 - (A) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;
 - (B) permitting the reinstatement of citizenship to Cuban-born persons returning to Cuba;
 - (C) assuring the right to private property; and
 - (D) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;
- (3) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States; and
- (4) has permitted the deployment throughout Cuba of independent and unfettered international human rights monitors.