

114TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

To promote human rights in Cuba, condition any change in United States-Cuba relations upon the Cuban Government meeting certain human rights milestones, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on .....

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## A BILL

To promote human rights in Cuba, condition any change in United States-Cuba relations upon the Cuban Government meeting certain human rights milestones, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Cuba Human Rights Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; Table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.
- Sec. 4. Statement of policy.
- Sec. 5. United States public diplomacy.
- Sec. 6. Religious freedom.
- Sec. 7. Trafficking in persons.
- Sec. 8. Support for the Cuban people.
- Sec. 9. Annual report.

1        **SEC. 2. FINDINGS.**

2        Congress finds the following:

3        (1) United States' foreign policy towards the  
4        Government of Cuba is governed by a variety of  
5        Federal laws, including the Trading with the Enemy  
6        Act of 1917, the International Claims Act of 1949,  
7        the Foreign Assistance Act of 1961, the Cuba Assets  
8        Control Regulations of 1963, the International Eco  
9        nomic Powers Act of 1977, the Food Security Act  
10       of 1985, the Internal Revenue Code of 1986, the  
11       Cuban Democracy Act of 1992, the Cuban Liberty  
12       and Democratic Solidarity Act of 1996, the Depart  
13       ment of Commerce and Related Agencies Appropria  
14       tions Act of 1999, and the Trade Sanctions Reform  
15       and Export Enhancement Act of 2000.

16       (2) Since 1961, it has been the stated policy of  
17       the United States to institute a commercial and eco  
18       nomic embargo against the Government of Cuba,  
19       supported and buttressed by the Federal laws re  
20       ferred to in paragraph (1), with the Cuban Assets  
21       Control Regulations of 1963 being the principal

1 means through which the United States enforces its  
2 embargo against Cuba. These Federal laws and re  
3 lated regulations regulate commerce, trade, travel,  
4 telecommunications, and investment towards Cuba.

5 (3) The Communist Party of Cuba forbids pub  
6 lic challenge to the legitimacy of its single-party  
7 rule, and relatedly exercises its symbiosis with the  
8 Government of Cuba to restrict freedom of assembly,  
9 association, expression, press, religion, and speech,  
10 as well as tightly limiting access to the Internet and  
11 telecommunications. This includes attempts to jam  
12 access to the Internet and the signals of some for  
13 eign radio and television stations, including the  
14 United States sponsored Radio y Televisi'on Mart'1.

15 (4) The Government of Cuba continues to har  
16 bor fugitives from justice, including Joanne  
17 Chesimard, convicted of slaying a New Jersey state  
18 trooper.

19 (5) The Government of Cuba continues to de  
20 tain, imprison, place under house arrest, convict, or  
21 otherwise restrict its citizens for peacefully express  
22 ing any dissenting political views, deny workers the  
23 right of free association and the related right to or  
24 ganize and collectively bargain outside the state mo  
25 nopoly on power, and limit freedom of religion, re-

1 strict the operations of independent religious organi  
2 zations, and persecute believers whose religious ac  
3 tivities or views the Government of Cuba regards as  
4 a potential threat to its monopoly on power.

5 (6) The Government of Cuba, through its Office  
6 of Religious Affairs of the Central Committee of the  
7 Communist Party of Cuba and the Ministry of Jus  
8 tice, controls all religious activity on the island and  
9 often represses religious freedom, including the har  
10 assment, beating, detainment, and jailing of individ  
11 uals involved in religious activities, typically on a  
12 weekly basis. The Government of Cuba also unjustly  
13 uses treason laws to repress religious freedom by ac  
14 cusing religious peoples of being “counter-revolution  
15 aries” and then illegally harassing, beating, detain  
16 ing, and jailing them.

17 (7) Individuals arrested by the Government of  
18 Cuba because of their political or religious affili  
19 ations and activities are not accorded due legal proc  
20 ess as they lack full access to lawyers of their choice,  
21 may experience closed trials, have often been de  
22 tained for years without trial, and have been sub  
23 jected to the use of torture to admit to crimes that  
24 they did not commit or to falsely denounce others.

1 (8) Cuba continues to be a destination country  
2 for the commercial sexual exploitation of women and  
3 girls in the form of sex tourism, as well as a source  
4 country for the forced labor of individuals who sub  
5 sequently face conditions of debt bondage or forced  
6 labor.

7 (9) The United Nations Commission on Human  
8 Rights and several Latin American countries have  
9 passed resolutions condemning the human rights  
10 abuses of the Government of Cuba.

11 (10) Despite the continued presence of these  
12 aggravating circumstances, President Obama re  
13 cently announced his intention to comprehensively  
14 modify and normalize relations between the United  
15 State and Cuba, all without the advice and consent  
16 of Congress or with any attempt to amend or modify  
17 the myriad of Federal laws and regulations that gov  
18 ern the United States-Cuba relationship or the re  
19 lated embargo.

20 **SEC. 3. SENSE OF CONGRESS.**

21 It is the sense of Congress that the United States-  
22 Cuba relationship should not be changed, nor should any  
23 Federal law or regulation be amended, until the Govern  
24 ment of Cuba ceases violating the human rights of the  
25 people of Cuba, including making substantial, sustained

1 progress towards protecting the human rights of the peo  
2 ple of Cuba.

3 **SEC. 4. STATEMENT OF POLICY.**

4 It should be the policy of the United States to—

5 (1) continue to vigorously oppose the human  
6 rights violations of the Government of Cuba;

7 (2) maintain the status quo of Federal law with  
8 respect to the Government of Cuba, including sanc  
9 tions and embargo, on the Government of Cuba so  
10 long as it continues to violate the human rights of  
11 the people of Cuba;

12 (3) seek the cooperation of other democratic  
13 countries in this policy;

14 (4) make clear to other countries that, in deter  
15 mining its relations with them, the United States  
16 will take into account their willingness to cooperate  
17 in such a policy; and

18 (5) not amend the Federal laws and regulations  
19 referred to in section 2(1) and not reduce the sanc  
20 tions against the Government of Cuba until the Gov  
21 ernment of Cuba ceases violating and, in fact, pro  
22 tects, the human rights of the people of Cuba in  
23 measurable, substantial, and sustained ways, include  
24 ing—

25 (A) releasing all political and religious prisoners;

1 (B) making measurable, substantial, and  
2 sustained progress towards—  
3 (i) respecting the right to freedom of  
4 religion, including the right to participate  
5 in religious activities and institutions with  
6 out interference, harassment, or involve  
7 ment of the Government of Cuba for all of  
8 Cuba’s religious communities; and  
9 (ii) returning estates and properties  
10 confiscated from churches and religious  
11 communities;  
12 (C) making measurable, substantial, and  
13 sustained progress toward respecting the right  
14 to freedom of assembly, association, expression,  
15 press, and speech, including releasing all inde  
16 pendent journalists, bloggers, and democracy  
17 and labor activists;  
18 (D) making measurable, substantial, and  
19 sustained progress toward repealing or revising  
20 laws that criminalize peaceful dissent, inde  
21 pendent media, unsanctioned religious activity,  
22 and nonviolent demonstrations and rallies, in  
23 accordance with international standards and  
24 treaties to which Cuba is a party;

1 (E) making measurable, substantial, and  
2 sustained progress toward allowing Cuban na  
3 tionals free and open access to United States  
4 refugee programs;

5 (F) making measurable, substantial, and  
6 sustained progress toward respecting the  
7 human rights of members of all racial and eth  
8 nic minorities, including Afro-Cubans, who face  
9 discrimination;

10 (G) taking all appropriate steps to end any  
11 complicity of officials of the Government of  
12 Cuba or companies wholly or partly owned or  
13 controlled by the Government of Cuba in  
14 human rights violations, including severe forms  
15 of trafficking in persons, and vigorously inves  
16 tigating, prosecuting, convicting, and sentencing  
17 such officials and the complicit individuals in in  
18 such companies for such conduct;

19 (H) satisfying, to the satisfaction of the in  
20 dividual claims holders, all claims outstanding  
21 under the International Claims Act of 1949 and  
22 the Cuban Liberty and Democratic Solidarity  
23 Act of 1996, which now total almost \$20 bil  
24 lion;

1 (I) returning all fugitives from justice con  
2 victed in the United States of crimes, including  
3 Joanne Chesimard, Guillermo Morales, Victor  
4 Manuel Gerena, and Charles Hill; and  
5 (J) ceasing the sponsorship of terrorist or  
6 ganizations abroad or otherwise giving support  
7 and refuge to such terrorist organizations, in  
8 cluding the Fuerzas Armadas Revolucionarias  
9 (FARC) of Colombia, the Basque separatist  
10 group Euskadi Ta Askatasuna (ETA), and the  
11 Fuerzas Armadas de Liberaci3n Nacional  
12 (FALN) of the Commonwealth of Puerto Rico.

13 **SEC. 5. UNITED STATES PUBLIC DIPLOMACY.**

14 (a) **RADIO Y TELEVISI3N MART3I TRANSMISSIONS TO**  
15 **CUBA.**—It is the sense of Congress that the United States  
16 should take measures to overcome the jamming of all radio  
17 and television signals of the Radio y Televisi3n Mart3i by  
18 the Government of Cuba and that the Broadcasting Board  
19 of Governors should not cut staffing, funding, or broad  
20 cast hours for Radio y Televisi3n Mart3i.

21 (b) **UNITED NATIONS HUMAN RIGHTS COUNCIL.**—  
22 It is the sense of Congress that if the conditions described  
23 in section 4 are not met, the United States Permanent  
24 Representative to the United Nations should strongly op  
25 pose, and encourage other Member States of the United

1 Nations to strongly oppose, Cuba's continued membership  
2 on the United Nations Human Rights Council which acts  
3 as an affront to the legitimacy of such Council.

4 **SEC. 6. RELIGIOUS FREEDOM.**

5 It is the sense of Congress that if the conditions de  
6 scribed in clause (i) of section 4(5)(B) are not met, Cuba  
7 should be designated as a country of particular concern  
8 for religious freedom pursuant to subsection (b) of section  
9 402 of the International Religious Freedom Act of 1998  
10 (22 U.S.C. 6442).

11 **SEC. 7. TRAFFICKING IN PERSONS.**

12 It is the sense of Congress that the annual report  
13 to Congress required under paragraph (1) of section  
14 110(b) of the Trafficking Victims Protection Act of 2000  
15 (22 U.S.C. 7101(b); Public Law 106–386) should include  
16 an in-depth analysis of the facilitation of or involvement  
17 in severe forms of human trafficking by any type of official  
18 of the Government of Cuba or of companies wholly or par  
19 tially owned by the Government of Cuba, including wheth  
20 er such officials or companies were involved in providing  
21 minors for commercial sex in the tourism industry.

22 **SEC. 8. SUPPORT FOR THE CUBAN PEOPLE.**

23 Nothing in this Act may be construed as—  
24 (1) prohibiting the donation of food to non  
25 governmental organizations or individuals in Cuba;

1 (2) restricting the export of medicine or medical  
2 supplies, instruments, or equipment to Cuba as spec  
3 ified in the Cuban Democracy Act of 1992 or any  
4 other applicable Federal law;  
5 (3) abrogating any requirement that the exports  
6 described in paragraph (2) be verified in conformity  
7 with the Cuban Democracy Act of 1992 or any other  
8 applicable federal law; or  
9 (4) prohibiting or restricting any other form of  
10 assistance specified in the Cuban Democracy Act of  
11 1992, including telecommunications, mail, and sup  
12 port for democracy.

13 **SEC. 9. ANNUAL REPORT.**

14 (a) **IN GENERAL.**—Not later than 90 days after the  
15 date of the enactment of this Act and annually thereafter,  
16 the Secretary of State shall submit to Congress a report  
17 on the following:

18 (1) Whether the conditions described in sub  
19 paragraphs (A) through (J) of section 4(5) have  
20 been met, as applicable.

21 (2) Efforts by the United States to promote ac  
22 cess by the Cuban people to Radio y Televisi'ón  
23 Mart'í transmissions.

24 (3) Efforts to ensure that programs with Cuba  
25 promote the policy specified in section 102 of the

1 Human Rights, Refugee, and Other Foreign Policy  
2 Provisions Act of 1996 regarding participation in  
3 programs of educational and cultural exchange.  
4 (4) Lists of persons believed to be imprisoned,  
5 detained, or placed under house arrest, tortured, or  
6 otherwise persecuted by the Government of Cuba  
7 due to their pursuit of internationally recognized  
8 human rights. In compiling such lists, the Secretary  
9 shall exercise appropriate discretion, including con  
10 cerns regarding the safety and security of, and ben  
11 efit to, the persons who may be included on such  
12 lists and their families, but if such persons are not  
13 identified by name then they shall disclosed in cam  
14 era to the Committee on Foreign Affairs of the  
15 House of Representatives or the Committee on For  
16 eign Relations of the Senate if requested. In addi  
17 tion, the Secretary shall include a list of such per  
18 sons and their families who may qualify for protect  
19 tions under United States refugee programs.  
20 (5) A description of the development of the rule  
21 of law in Cuba, including information on the fol  
22 lowing:  
23 (A) Progress toward the development of in  
24 stitutions of democratic governance.

1 (B) Processes by which statutes, regula  
2 tions, rules, and other legal acts of the Govern  
3 ment of Cuba are developed and become bind  
4 ing within Cuba.

5 (C) The extent to which statutes, regula  
6 tions, rules, administrative and judicial deci  
7 sions, and other legal acts of the Government of  
8 Cuba are published and are made accessible to  
9 the public.

10 (D) The extent to which administrative  
11 and judicial decisions are supported by state  
12 ments of reasons that are based upon written  
13 statutes, regulations, rules, and other legal acts  
14 of the Government of Cuba.

15 (E) The extent to which individuals are  
16 treated equally under the laws of Cuba without  
17 regard to citizenship, race, religion, political  
18 opinion, or current or former associations.

19 (F) The extent to which administrative  
20 and judicial decisions are independent of polit  
21 ical pressure or governmental interference and  
22 are reviewed by entities of appellate jurisdic  
23 tion.

24 (G) The extent to which laws in Cuba are  
25 written and administered in ways that are con

1 sistent with international human rights stand  
2 ards, including the rights enumerated in the  
3 International Covenant on Civil and Political  
4 Rights.

5 (b) CONTACTS WITH OTHER ORGANIZATIONS.—In  
6 preparing the reports required under subsection (a), the  
7 Secretary of State shall seek out and maintain contacts  
8 with nongovernmental organizations and human rights ad  
9 vocates (including Cuban-Americans and human rights  
10 advocates in Cuba), in order to receive and evaluate re  
11 ports and updates from such advocates and organizations.  
12 The Secretary shall also consult with the United States  
13 Commission on International Religious Freedom when  
14 preparing such reports and make all efforts to accommo  
15 date the Commission's input in the final version of such  
16 reports.