

114TH CONGRESS
1ST SESSION

H. R. 1782

To promote human rights in Cuba, urge the Cuban Government to meet certain human rights milestones, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2015

Mr. SMITH of New Jersey (for himself, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. SIRES, Mr. CURBELO of Florida, Mr. LANCE, Mr. MACARTHUR, Mr. MEADOWS, Mr. FRELINGHUYSEN, and Mr. LoBIONDO) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote human rights in Cuba, urge the Cuban Government to meet 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 Cuban As-
 8 sets Control Regulations of 1963, the International
 9 Economic Powers Act of 1977, the Food Security
 10 Act 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
 22 means through which the United States enforces its

1 embargo against Cuba. These Federal laws and re-
2 lated regulations regulate commerce, trade, travel,
3 and telecommunications with Cuba.

4 (3) The Cuban regime, which is effectively syn-
5 onymous with the Communist Party of Cuba, forbids
6 public challenge to the legitimacy of its single-party
7 rule, and restricts freedom of assembly, association,
8 expression, press, religion, and speech, as well as
9 tightly limits access to the Internet and tele-
10 communications. This includes attempts to jam ac-
11 cess to the Internet and the signals of some foreign
12 radio and television stations, including the United
13 States sponsored Radio y Televisión Martí.

14 (4) The Government of Cuba continues to har-
15 bor fugitives wanted in the United States, such as
16 Joanne Chesimard, who is on the top of the Federal
17 Bureau of Investigation's Most Wanted Terrorist
18 List. Chesimard, also known as Assata Shakur, was
19 convicted of murdering New Jersey State trooper
20 Werner Foerster. After escaping prison, Chesimard
21 fled to Cuba, where Fidel Castro granted her polit-
22 ical asylum. This deplorable failure to extradite has
23 caused ongoing suffering and stress to Mr.
24 Foerster's surviving family and friends.

1 (5) The Government of Cuba continues to de-
2 tain, imprison, place under house arrest, convict, or
3 otherwise restrict its citizens for peacefully express-
4 ing any dissenting political views, deny workers the
5 right of free association and the related right to or-
6 ganize and collectively bargain outside the state mo-
7 nopoly on power, and limit freedom of religion, re-
8 strict the operations of independent religious organi-
9 zations, and persecute believers whose religious ac-
10 tivities or views the Government of Cuba regards as
11 a potential threat to its monopoly on power.

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

24 (7) Individuals arrested by the Government of
25 Cuba because of their political or religious affili-

1 ations and activities are not accorded due legal proc-
2 ess as they lack full access to lawyers of their choice,
3 may experience closed trials, have often been de-
4 tained for years without trial, and have been sub-
5 jected to the use of torture to admit to crimes that
6 they did not commit or to falsely denounce others.

7 (8) Cuba continues to be a destination country
8 for the commercial sexual exploitation of women and
9 young girls in the form of sex tourism, as well as a
10 source country for the forced labor of individuals
11 who subsequently face conditions of debt bondage or
12 forced labor.

13 (9) The United Nations Commission on Human
14 Rights and several Latin American countries have
15 passed resolutions condemning the human rights
16 abuses of the Government of Cuba.

17 (10) In anticipation of the Summit of the
18 Americas in Panama, on April 8, 2015, persons af-
19 filiated with the Castro regime attacked Cuban pro-
20 democracy activists Jorge Luis Garcia Perez
21 “Antunez”, Yris Perez Aguilera, Juan Carlos
22 González Leyva, Leticia Ramos Herrería, and
23 Rolando Rodríguez Lobaina and United States citi-
24 zens Orlando Gutierrez, Silvia Iriondo, and Gus
25 Monge during a peaceful gathering.

1 (11) According to media reports, Colonel Alexis
2 Frutos Weeden, who is the head of Cuban intel-
3 ligence in Venezuela, was identified as one of the as-
4 sailants in Panama who attacked the Cuban pro-de-
5 mocracy activists and United States citizens.

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

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that the United States-
17 Cuba relationship should not be changed, nor should any
18 Federal law or regulation be amended, until the Govern-
19 ment of Cuba ceases violating the human rights of the
20 people of Cuba.

21 **SEC. 4. STATEMENT OF POLICY.**

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

23 (1) continue to vigorously oppose and denounce
24 the human rights violations of the Government of
25 Cuba;

1 (2) maintain the status quo of Federal law with
2 respect to the Government of Cuba, including sanc-
3 tions and embargo, on the Government of Cuba so
4 long as it continues to violate the human rights of
5 the people of Cuba, and to deny the Government of
6 Cuba any embassy or consulates in the United
7 States due to security concerns stemming from past
8 illicit espionage activities;

9 (3) seek the cooperation of other democratic
10 countries in this policy;

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

15 (5) not amend the Federal laws and regulations
16 referred to in section 2(1) and not reduce the sanc-
17 tions against the Government of Cuba until the Gov-
18 ernment of Cuba ceases violating and, in fact, pro-
19 tects, the human rights of the people of Cuba, in-
20 cluding—

21 (A) releasing all political and religious
22 prisoners;

23 (B) respecting the right to freedom of reli-
24 gion, including the right to participate in reli-
25 gious activities and institutions without inter-

ference, harassment, or involvement of the Government of Cuba for all of Cuba's religious communities;

(C) returning estates and properties confiscated from churches and religious communities;

(D) respecting the right to freedom of assembly, association, expression, press, and speech, including releasing all independent journalists, bloggers, and democracy and labor activists;

(E) repealing or revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity, and nonviolent demonstrations and rallies, in accordance with international standards and treaties to which Cuba is a party;

(F) allowing Cuban nationals free and open access to United States refugee programs;

(G) respecting the human rights of members of all racial and ethnic minorities, including Afro-Cubans, who face discrimination;

(H) taking all appropriate steps to end any complicity of officials of the Government of Cuba or companies wholly or partly owned or

1 controlled by the Government of Cuba in
2 human rights violations, including severe forms
3 of trafficking in persons, and vigorously inves-
4 tigating, prosecuting, convicting, and sentencing
5 such officials and the complicit individuals in
6 such companies for such conduct;

7 (I) satisfying, to the satisfaction of the in-
8 dividual claims holders, all claims outstanding
9 under the International Claims Act of 1949 and
10 the Cuban Liberty and Democratic Solidarity
11 Act of 1996, which now total roughly \$7 billion;

12 (J) returning all fugitives from justice con-
13 victed in the United States of crimes, including
14 Joanne Chesimard, Guillermo Morales, Victor
15 Manuel Gerena, and Charles Hill; and

16 (K) ceasing the sponsorship of terrorist or-
17 ganizations abroad or otherwise giving support
18 and refuge to such terrorist organizations, in-
19 cluding the Fuerzas Armadas Revolucionarias
20 (FARC) of Colombia, the Basque separatist
21 group Euskadi Ta Askatasuna (ETA), and the
22 Fuerzas Armadas de Liberación Nacional
23 (FALN) of the Commonwealth of Puerto Rico.

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

2 (a) RADIO Y TELEVISIÓN MARTÍ TRANSMISSIONS TO
3 CUBA.—It is the sense of Congress that the United States
4 should take all necessary measures to overcome the jam-
5 ming of all radio and television signals of the Radio y
6 Televisión Martí by the Government of Cuba and that the
7 Broadcasting Board of Governors should not cut staffing,
8 funding, or broadcast hours for Radio y Televisión Martí.

9 (b) UNITED NATIONS HUMAN RIGHTS COUNCIL.—
10 It is the sense of Congress that if the conditions described
11 in section 4 are not met, the United States Permanent
12 Representative to the United Nations should strongly op-
13 pose, and encourage other Member States of the United
14 Nations to strongly oppose, Cuba's continued membership
15 on the United Nations Human Rights Council which acts
16 as an affront to the legitimacy of such Council.

17 **SEC. 6. RELIGIOUS FREEDOM.**

18 It is the sense of Congress that if the conditions de-
19 scribed in subparagraph (B) of section 4(5) are not met,
20 Cuba should be designated as a country of particular con-
21 cern for religious freedom pursuant to subsection (b) of
22 section 402 of the International Religious Freedom Act
23 of 1998 (22 U.S.C. 6442).

24 **SEC. 7. TRAFFICKING IN PERSONS.**

25 It is the sense of Congress that the annual report
26 to Congress required under paragraph (1) of section

1 110(b) of the Trafficking Victims Protection Act of 2000
2 (22 U.S.C. 7101(b); Public Law 106–386) should include
3 an in-depth analysis of the facilitation of or involvement
4 in severe forms of human trafficking by any type of official
5 of the Government of Cuba or of companies wholly or par-
6 tially owned by the Government of Cuba, including wheth-
7 er such officials or companies were involved in providing
8 minors for commercial sex in the tourism industry.

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

10 Nothing in this Act may be construed as—

11 (1) prohibiting the donation of food to non-
12 governmental organizations or individuals in Cuba;

13 (2) restricting the export of medicine or medical
14 supplies, instruments, or equipment to Cuba as spec-
15 ified in the Cuban Democracy Act of 1992 or any
16 other applicable Federal law;

17 (3) abrogating any requirement that the exports
18 described in paragraph (2) be verified in conformity
19 with the Cuban Democracy Act of 1992 or any other
20 applicable federal law; or

21 (4) prohibiting or restricting any other form of
22 assistance specified in the Cuban Democracy Act of
23 1992, including telecommunications, mail, and sup-
24 port for democracy.

1 **SEC. 9. ANNUAL REPORT.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of the enactment of this Act and annually thereafter,
4 the Secretary of State shall submit to Congress a report
5 on the following:

6 (1) Whether the conditions described in sub-
7 paragraphs (A) through (K) of section 4(5) have
8 been met, as applicable.

9 (2) Efforts by the United States to promote ac-
10 cess by the Cuban people to Radio y Televisión
11 Martí transmissions.

12 (3) Lists of persons believed to be imprisoned,
13 detained, or placed under house arrest, tortured, or
14 otherwise persecuted by the Government of Cuba
15 due to their pursuit of internationally recognized
16 human rights. In compiling such lists, the Secretary
17 shall exercise appropriate discretion, including con-
18 cerns regarding the safety and security of, and ben-
19 efit to, the persons who may be included on such
20 lists and their families, but if such persons are not
21 identified by name then they shall disclosed in cam-
22 era to the Committee on Foreign Affairs of the
23 House of Representatives or the Committee on For-
24 eign Relations of the Senate if requested. In addi-
25 tion, the Secretary shall include a list of such per-

1 sons and their families who may qualify for protec-
2 tions under United States refugee programs.

3 (4) A description of the development of the rule
4 of law in Cuba, including information on the fol-
5 lowing:

6 (A) Progress toward the development of in-
7 stitutions of democratic governance.

8 (B) Processes by which statutes, regula-
9 tions, rules, and other legal acts of the Govern-
10 ment of Cuba are developed and become bind-
11 ing within Cuba.

12 (C) The extent to which statutes, regula-
13 tions, rules, administrative and judicial deci-
14 sions, and other legal acts of the Government of
15 Cuba are published and are made accessible to
16 the public.

17 (D) The extent to which administrative
18 and judicial decisions are supported by state-
19 ments of reasons that are based upon written
20 statutes, regulations, rules, and other legal acts
21 of the Government of Cuba.

22 (E) The extent to which individuals are
23 treated equally under the laws of Cuba without
24 regard to citizenship, race, religion, political
25 opinion, or current or former associations.

1 (F) The extent to which administrative
2 and judicial decisions are independent of polit-
3 ical pressure or governmental interference and
4 are reviewed by entities of appellate jurisdic-
5 tion.

6 (G) The extent to which laws in Cuba are
7 written and administered in ways that are con-
8 sistent with international human rights stand-
9 ards, including the rights enumerated in the
10 International Covenant on Civil and Political
11 Rights.

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

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