

114TH CONGRESS
1ST SESSION

S. 1389

To authorize the exportation of consumer communication devices to Cuba and the provision of telecommunications services to Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2015

Mr. UDALL (for himself, Mr. FLAKE, Mr. DURBIN, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize the exportation of consumer communication devices to Cuba and the provision of telecommunications services to Cuba, 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.**

4 This Act may be cited as the “Cuba Digital and Tele-
5 communications Advancement Act of 2015” or the “Cuba
6 DATA Act”.

1 **SEC. 2. EXPORTATION OF CONSUMER COMMUNICATION DE-**
2 **VICES AND TELECOMMUNICATIONS SERV-**
3 **ICES TO CUBA.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the President may permit any person subject
6 to the jurisdiction of the United States—

7 (1) to export consumer communication devices
8 and other telecommunications equipment to Cuba;

9 (2) to provide telecommunications services in-
10 volving Cuba or persons in Cuba;

11 (3) to establish facilities to provide tele-
12 communications services connecting Cuba with an-
13 other country or to provide telecommunications serv-
14 ices in Cuba;

15 (4) to conduct any transaction incident to car-
16 rying out an activity described in any of paragraphs
17 (1) through (3); and

18 (5) to enter into, perform, and make and re-
19 ceive payments under a contract with any individual
20 or entity in Cuba with respect to the provision of
21 telecommunications services involving Cuba or per-
22 sons in Cuba.

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, and not less frequently than
25 annually thereafter for 4 years, the President shall submit
26 to the Committee on Foreign Relations and the Committee

1 on Appropriations of the Senate and the Committee on
2 Foreign Affairs and the Committee on Appropriations of
3 the House of Representatives a report on—

4 (1) the percentage of individuals in Cuba who
5 are able to access the Internet and the infrastruc-
6 ture that would be needed in Cuba to reach the goal
7 of increasing that percentage to 50 percent by 2020;

8 (2) the ability of individuals in Cuba, including
9 foreign tourists, to access data through the use of
10 cell phones and the infrastructure that would be
11 needed to bring the capability to access that data to
12 rural and urban population centers in Cuba;

13 (3) the impact of access to telecommunications
14 technology on the development of new businesses, co-
15 ops, and educational opportunities in Cuba; and

16 (4) the impact of the telecommunications equip-
17 ment and telecommunications services provided
18 under this section on advancing the human rights
19 objectives of the United States and how such equip-
20 ment and services are being used to advance those
21 objectives.

22 (c) DEFINITIONS.—In this section:

23 (1) CONSUMER COMMUNICATION DEVICES.—
24 The term “consumer communication devices” means
25 commodities and software described in section

1 740.19(b) of title 15, Code of Federal Regulations
2 (or any successor regulation).

3 (2) PERSON SUBJECT TO THE JURISDICTION OF
4 THE UNITED STATES.—The term “person subject to
5 the jurisdiction of the United States” means—

6 (A) any individual, wherever located, who
7 is a citizen or resident of the United States;

8 (B) any person located in the United
9 States;

10 (C) any corporation, partnership, associa-
11 tion, or other organization organized under the
12 laws of the United States or of any State, terri-
13 tory, possession, or district of the United
14 States; and

15 (D) any corporation, partnership, associa-
16 tion, or other organization, wherever organized
17 or doing business, that is owned or controlled
18 by a person described in subparagraph (A), (B),
19 or (C).

20 (3) TELECOMMUNICATIONS SERVICES.—The
21 term “telecommunications services” includes—

22 (A) data, telephone, telegraph, Internet
23 connectivity, radio, television, news wire feeds,
24 and similar services, regardless of the medium

of transmission and including transmission by
satellite;

(B) services incident to the exchange of
communications over the Internet;

(C) domain name registration services; and

(D) services that are related to consumer
communication devices and other telecommuni-
cations equipment to install, repair, or replace
such devices and equipment.

**SEC. 3. REPEAL OF CERTAIN AUTHORITIES PREVENTING
FINANCING AND MARKET REFORM FOR
CUBA.**

(a) CUBAN DEMOCRACY ACT.—

(1) IN GENERAL.—Section 1704 of the Cuban
Democracy Act of 1992 (22 U.S.C. 6003) is re-
pealed.

(2) CONFORMING AMENDMENTS.—Section 204
of the Cuban Liberty and Democratic Solidarity
(LIBERTAD) Act of 1996 (22 U.S.C. 6064) is
amended—

(A) in subsection (b), by amending para-
graph (3) to read as follows:

“(3) sections 1705(d) and 1706 of the Cuban
Democracy Act of 1992 (22 U.S.C. 6004(d) and
6005);”; and

1 (B) in subsection (d), by amending para-
 2 graph (3) to read as follows:

3 “(3) sections 1705(d) and 1706 of the Cuban
 4 Democracy Act of 1992 (22 U.S.C. 6004(d) and
 5 6005) are repealed; and”.

6 (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY
 7 ACT.—

8 (1) IN GENERAL.—Sections 102, 103, 104, 105,
 9 and 108 of the Cuban Liberty and Democratic Soli-
 10 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6032,
 11 6033, 6034, 6035, and 6038) are repealed.

12 (2) CONFORMING AMENDMENT.—Section
 13 109(a) of the Cuban Liberty and Democratic Soli-
 14 darity (LIBERTAD) Act of 1996 (22 U.S.C.
 15 6039(a)) is amended by striking “(including section
 16 102 of this Act)”.

○