

Cuba: U.S. Policy in the 117th Congress

September 22, 2022

Congressional Research Service

<https://crsreports.congress.gov>

R47246



R47246

September 22, 2022

Mark P. Sullivan
Specialist in Latin
American Affairs

Cuba: U.S. Policy in the 117th 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 1959 Cuban revolution. Cuban President Miguel Díaz-Canel succeeded Raúl Castro as president in 2018 and as head of Cuba's Communist Party in 2021. Cuba adopted a new constitution in 2019 that introduced some reforms but maintained the state's dominance over the economy and the Communist Party's predominant political role. In July 2021, anti-government demonstrations broke out throughout the country, with thousands of Cubans protesting poor economic conditions (e.g., food and medicine shortages, blackouts) and long-standing repression of freedom of expression and other basic rights. The government responded with harsh measures that led to the prosecution of hundreds of protesters. The Cuban economy has been hard-hit by the Coronavirus Disease 2019 (COVID-19) pandemic, reduced support from Venezuela, and increased U.S. economic sanctions.

U.S. Policy

Since the early 1960s, the centerpiece of U.S. policy toward Cuba has been economic sanctions aimed at isolating the Cuban government. Congress has played an active role in shaping policy toward Cuba, including by enacting legislation strengthening—and at times easing—U.S. economic sanctions. In 2014, the Obama Administration initiated a policy shift away from sanctions and toward engagement. This shift included the restoration of diplomatic relations; the rescission of the Cuban government's designation as a state sponsor of international terrorism; and an increase in travel, commerce, and the flow of information to Cuba. The Trump Administration began to reverse course in 2017, introducing new sanctions, including restrictions on transactions with companies controlled by the Cuban military. By 2019, the Trump Administration had largely abandoned engagement and significantly increased sanctions, particularly on travel and remittances.

In its initial months in office, the Biden Administration announced it was conducting a review of policy toward Cuba, with human rights as a core pillar, and would examine policy decisions made by the prior Administration. After the Cuban government's harsh response to the July 2021 protests, the Biden Administration imposed a series of targeted financial sanctions and visa restrictions on those involved. In May 2022, the Administration announced several policy changes aimed at increasing support for the Cuban people. The Administration increased immigrant visa processing at the U.S. Embassy in Havana and said it would reinstate an immigration parole program for Cuban families. It eased travel restrictions by reauthorizing flights to cities beyond Havana and reinstating group people-to-people travel. It also eased restrictions on sending cash remittances by eliminating dollar and frequency limits for family remittances and by reauthorizing donative remittances to Cuban nationals.

Driven by Cuba's difficult economic conditions and political repression, among other factors, irregular Cuban migration to the United States has surged over the past year. U.S. and Cuban officials held migration talks in April 2022, the first since 2018. In September 2022, the Administration announced that the U.S. Embassy in Havana would resume full immigrant visa processing in early 2023 for the first time since 2017.

Legislative Action in the 117th Congress

The 117th Congress has continued to support funding for Cuba democracy programs and broadcasting to Cuba. For FY2022, in the Consolidated Appropriations Act, 2022 (P.L. 117-103, Division K) and its explanatory statement, Congress provided \$12.973 million for Cuba broadcasting, fully funding the Administration's request. The law did not specify an amount for Cuba democracy programs, but an estimated \$20 million (the amount requested) is to be provided. For FY2023, the Administration requested \$20 million for democracy programs and \$13.432 million for broadcasting. The House Appropriations Committee's reported FY2023 foreign aid appropriations bill, H.R. 8282 (H.Rept. 117-401) would provide \$12.973 million for broadcasting; the explanatory statement to the Senate bill (S. 4662) recommends providing \$13.891 million. H.R. 8282 also would provide \$20 million for democracy funding, whereas S. 4662 does not specify an amount for democracy funding.

In other significant action, in July 2022, the House rejected H.Amdt. 300 to H.R. 8294 (a six-bill FY2023 appropriations measure), which would have prevented funding to enforce a prohibition on private financing for U.S. agricultural exports. The House and the Senate also approved several human rights resolutions: H.Res. 760 (November 2021); S.Res. 37 (April 2021); S.Res. 81 (May 2021); S.Res. 310 (August 2021), and S.Res. 489 (January 2022). In addition, the Senate approved S. 2045 in July 2021, which would rename the street in front of the Cuban Embassy after a democracy activist.

Appendix A provides comprehensive information on legislative initiatives on Cuba in the 117th Congress. **Appendix B** provides links to U.S. government information and reports on Cuba. Also see CRS In Focus IF10045, *Cuba: U.S. Policy Overview*; CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Remittances*; and CRS Insight IN11937, *Biden Administration's Cuba Policy Changes*.

Contents

Cuba’s Political and Economic Environment.....	1
Brief Historical Background	1
Political Conditions.....	3
Human Rights	4
Economic Conditions	7
U.S. Policy Toward Cuba	9
Historical Background	9
Policy Shifts Under the Obama and Trump Administrations.....	9
Biden Administration Policy	11
Key U.S. Sanctions	12
Debate on the Direction of U.S. Policy.....	16
Selected Issues in U.S.-Cuban Relations.....	18
U.S. Restrictions on Travel and Remittances	18
U.S. Exports and Sanctions	20
Democracy and Human Rights Funding	22
Radio and TV Martí	24
Migration Issues	25
U.S. Fugitives from Justice	29
Trafficking in Persons and Cuba’s Foreign Medical Missions	31
Outlook.....	33

Figures

Figure 1. Provincial Map of Cuba	2
Figure 2. U.S. Exports to Cuba, 2007-2021	22

Tables

Table 1. Maritime Interdictions of Cubans by the U.S. Coast Guard.....	27
--	----

Appendixes

Appendix A. Legislative Initiatives in the 117 th Congress	34
Appendix B. Links to U.S. Government Reports.....	43

Contacts

Author Information.....	44
-------------------------	----

Cuba's Political and Economic Environment

Brief Historical Background¹

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, Cuba became a major sugar producer, with slaves from Africa brought in 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 became an independent country 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 and was incorporated into a 1903 bilateral treaty; the United States established a naval station at Guantanamo Bay, Cuba, in 1903, which remains in operation today.³ The United States intervened militarily three times between 1906 and 1921 to restore order. In 1934, as part of President Franklin Roosevelt's Good Neighbor Policy toward Latin America, the United States and Cuba negotiated a new bilateral relations treaty that abrogated the 1903 treaty with the Platt Amendment language.⁴

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, ushering in 47 years of rule under Fidel Castro, who stepped down from power in 2006 due to poor health.

¹ Sources for this background section include U.S. Department of State, "Background Note: Cuba," November 7, 2011, at <https://2009-2017.state.gov/outofdate/bgn/cuba/191090.htm>; 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/>; Library of Congress, Federal Research Division, "Country Profile: Cuba," September 2006, at <https://www.loc.gov/item/copr/6711798/>; 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 naval station, see CRS Report R44137, *Naval Station Guantanamo Bay: History and Legal Issues Regarding Its Lease Agreements*.

⁴ National Archives, Milestone Documents, "Platt Amendment (1903)," February 8, 2022, at <https://www.archives.gov/milestone-documents/platt-amendment>.

Figure I. Provincial Map of Cuba

Source: Congressional Research Service.

Although Fidel Castro 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 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 expropriated U.S. properties. In April 1961, Castro declared that the Cuban revolution was socialist; in December 1961, he proclaimed himself a Marxist-Leninist. Over the next 30 years, Cuba was a close ally of the Soviet Union, depending 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, his brother Raúl—Cuba's longtime defense minister and first vice president—became provisional president. In 2008, after Fidel announced he would not be returning to government, Cuba's National Assembly chose Raúl as president. 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.

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 private 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 United States during the Obama Administration, which led to the reestablishment of diplomatic relations and government-to-government engagement and to cooperation on a wide range of issues.

Political Conditions

Cuba remains a one-party authoritarian state with a government that has sharply restricted basic human rights since the early years of the 1959 revolution.⁵ The government does not have direct elections for president; instead, pursuant to Cuba's Constitution, the national legislature—the National Assembly of People's Power—elects the president from among its representatives for a five-year term. Although National Assembly representatives are elected by direct vote, only one candidate is offered for each seat and candidates are chosen by candidacy commissions controlled by the PCC, the only recognized party.

Miguel Díaz-Canel succeeded Raúl Castro as president in April 2018 and as head of the PCC at its eighth party congress in April 2021. The departure of Castro and other older leaders from the PCC's Politburo, the party's highest decisionmaking body, reflects a generational change in Cuban leadership that began during Raúl Castro's rule. Even with his retirement as head of government and head of the PCC, Raúl Castro has remained an important figure and continues to advise President Díaz-Canel. When countrywide protests broke out in July 2021, Raúl Castro attended an emergency meeting of the Politburo and subsequently participated in a mass rally held to show support for the government.⁶

Cuba adopted a new constitution in 2019. The constitution introduced some reforms, including a limitation on the president's age (60 years, beginning first term) and tenure (two five-year terms), the addition of a presidentially appointed prime minister, and some market-oriented economic reforms, such as the right to private property and the promotion of foreign investment. Nevertheless, the new constitution—the nation's second under PCC rule—maintained the state's dominance over the economy and the PCC's predominant political role. In October 2019, the National Assembly reelected Díaz-Canel as president, pursuant to the new constitution. In December 2019, Díaz-Canel appointed then-Tourism Minister Manuel Marrero Cruz as Cuba's prime minister, essentially serving as the president's top administrator in implementing government policy.

Cuba at a Glance

Population: 11.1 million (2021, ONEI)

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

Real GDP Growth: -0.2% (2019); -10.9% (2020); 1.3% (2021 est.); 3.2% (2022 projected) (EIU)

Key Trading Partners: *Exports* (2020): Canada, 27.0%; China, 21.8%; Netherlands, 11.5%; Spain, 8.4%; Venezuela, 7.3%; *Imports* (2020): Venezuela, 14.7%; China, 13.3%; Spain, 11.7% (ONEI)

Life Expectancy: 79 years (2020, WB)

Literacy (adult): 99.8% (2018, UNDP)

Legislature: National Assembly of People's Power, currently 605 members (five-year term, elected in March 2018; next due in 2023).

Sources: National Office of Statistics and Information (ONEI), Republic of Cuba; U.N. Development Programme (UNDP); Economist Intelligence Unit (EIU); and World Bank (WB).

⁵ See Economist Intelligence Unit (EIU), *Democracy Index 2021*, February 2022, which classifies the Cuban government as *authoritarian* based on some 60 indicators; and Freedom House, *Freedom in the World 2022*, March 2021, which classifies Cuba as *not free* based on the government's poor records on political rights and civil liberties, at <https://freedomhouse.org/country/cuba/freedom-world/2022>.

⁶ Mauricio Vicent, "Raúl Castro's Last Mission: Ensuring Cuban Socialism Outlives Its Founders," *El País*, May 9, 2022.

After more than four years in office, President Díaz-Canel's most notable challenges have included the health and economic impacts of the Coronavirus Disease 2019 (COVID-19) pandemic, a shift in U.S. policy away from bilateral engagement toward increased economic sanctions, and increased social unrest emanating from poor economic conditions and repression against those advocating for freedom of expression. Amid these challenges, the Díaz-Canel government has continued to implement some market-oriented economic reforms, including long-awaited currency reform, and developed its own COVID-19 vaccines to combat the pandemic (see textbox on COVID-19 in Cuba below). The government also cracked down severely on artists and civil society activists pressing for freedom of expression and responded harshly to countrywide protests that erupted in July 2021, with hundreds of protesters arrested and prosecuted. Although Díaz-Canel has received criticism internationally for his government's increased use of repressive policies, Cuba's one-party rule does not appear to be in jeopardy, in large part due to the state's domestic security apparatus and control of virtually all media. Nevertheless, additional public protests are possible given the country's poor economic conditions, marked by food and medicine shortages and by electricity outages that have sparked smaller protests around the country.⁷ In August 2022, a massive fire triggered by lightning at Cuba's main oil storage facility increased the frequency of blackouts and resulted in long lines for gasoline.

Human Rights

The Cuban government has sharply restricted freedom of expression and other basic rights since the early years of the Cuban revolution. Over the years, it has harassed members of human rights and other civil society organizations. These organizations currently include the Ladies in White (*Las Damas de Blanco*), formed in 2003 by the female relatives of the "group of 75" dissidents arrested that year; the Patriotic Union of Cuba (*Unión Patriótica de Cuba*, or UNPACU), established in 2011 with the goal of working peacefully for civil liberties and human rights; and the San Isidro Movement (*Movimiento San Isidro*, or MSI), formed in 2018 by independent artists, musicians, writers, and scholars in response to the government's efforts through Decree-law 349 to restrict artistic expression not authorized by the state.⁸ The Cuban government also regularly harasses and restricts the activities of independent journalists critical of the government through arbitrary detentions, threats, and censorship. According to Reporters Without Borders' *2022 World Press Freedom Index*, Cuba ranked near the bottom, 173rd out of 180 countries worldwide.⁹

Amid Cuba's repressive media environment, various independent Cuban blogs and media outlets have been established over the past 15 years. These outlets have benefited from the government's expansion of internet connectivity since 2015. The increase in social media use in Cuba (through foreign platforms such as Facebook, Twitter, and WhatsApp) has opened up a new avenue for freedom of expression. In response, the government has cracked down on those using social media to express critical dissent. The government has interrogated and fined journalists and government critics using social media, citing Decree-law 370, in force since July 2019, which

⁷ Aleiny Sánchez Martínez, "Más Apagones, Más Protestas en Cuba," *El Toque*, August 3, 2022.

⁸ "Decree 349: What Does It Say and What Does It Imply?" *Diario de Cuba*, December 10, 2018; "Cuba: Harassment of San Isidro Movement Exemplifies Ongoing Assault on Freedom of Expression," Amnesty International, November 20, 2020.

⁹ Reports Without Borders, "Cuba," in *2022 World Press Freedom Index*, May 3, 2022, at <https://rsf.org/en/country/cuba>.

prohibits the dissemination of information “contrary to the social interest, morals, good manners, and integrity of people.”¹⁰

Increased Repression. Since late 2020, the human rights situation in Cuba has deteriorated considerably. As described below, the government cracked down on artists and others advocating for freedom of expression beginning in November 2020, harshly responded to countrywide protests that erupted in July 2021, and suppressed an opposition civic march planned for November 2021.

The November 2020 crackdown occurred after Cuban rapper and MSI member Denis Solís González was arrested on November 9, 2020. He was charged with “contempt for public authority” and sentenced to eight months in prison. In response, MSI members conducted a peaceful protest, which authorities disrupted.¹¹ Several MSI members subsequently began a hunger strike at the home of MSI leader Luis Manuel Otero Alcántara. Cuban authorities broke into the home on November 26, alleging violations of COVID-19 protocols, and detained over a dozen people. As word spread by social media, including videos of the government’s repression, several hundred Cubans—many young artists—gathered in protest at the Ministry of Culture overnight on November 27. Several observers dubbed the protest an awakening of civil society energized by social media.¹² The November protest also spurred the creation of 27N, a collective of artists and journalists supportive of MSI. Motivated by the repression of the MSI, in February 2021, a group of well-known Cuban hip-hop artists released a song and music video, *Patria y Vida*, critical of the government. The song became an instant hit and energized Cuban youth to such an extent that the government reacted with a campaign attempting to discredit it.¹³

On July 11, 2021, widespread and largely peaceful anti-government demonstrations broke out in Havana and throughout the country, with thousands of Cubans protesting shortages of food and medicine, daily blackouts, slow progress on COVID-19 vaccinations, and long-standing repression of freedom of expression and other basic rights. The protests were the largest since 1994, when Cuba was in the midst of an economic crisis following the loss of financial support from the collapsed Soviet Union. As with the MSI protest in November 2020, social media proved instrumental in bringing out Cubans to demonstrate.

The Cuban government responded to the July 2021 protests with harsh measures, including widespread arrests and detentions of more than 1,000 protesters, civil society activists, journalists, and bystanders. In a televised address, President Díaz-Canel denounced U.S. sanctions for causing shortages of food, medicines, raw materials, and fuel. He acknowledged that some Cubans who were protesting were experiencing shortages but asserted that a core group of manipulators planned the demonstrations. Díaz-Canel called “for all revolutionaries in our country, all communists, to take to the streets.”¹⁴ Human Rights Watch issued a report in October

¹⁰ Human Rights Watch, *World Report 2022*, January 2022.

¹¹ Solís was released on July 11, 2021. See “Sale de Prisión el Rapero Contestatario Denis Solís,” *14ymedio*, July 12, 2021.

¹² *Economist*, “The Movimiento San Isidro Challenges Cuba’s Regime,” December 5, 2020; and Ed Augustin, Natalie Kitroeff, and Frances Robles, “‘An Awakening’: Cubans’ Access to the Internet Fosters Dissent,” *New York Times*, December 10, 2020.

¹³ Osmel Ramírez Álvarez, “*Patria y Vida* Has Touched Cuban Youth in Particular,” *Havana Times*, March 27, 2021; and Nora Gámez Torres, “A Song Asks Cubans to Drop Castro’s Chant ‘Homeland or Death.’ The Government Is on Edge,” *Miami Herald*, February 23, 2021.

¹⁴ Gladys Leydis Ramos López, “We Defend the Revolution, Above All Else,” *Granma*, July 12, 2021.

2021 documenting “human rights abuses, including arbitrary detentions, ill-treatment in detention, and abusive criminal proceedings” against 130 of the July 2021 protesters.¹⁵

In November 2021, the Cuban government denied permission and disrupted plans for a new civic group, Archipiélago (organized through a Facebook forum), to conduct a countrywide “civic march for change” on November 15. The government used police, state security, and civilian pro-government mobs to thwart the planned protests. Cuban officials also threatened opposition leaders with prosecution, and President Díaz-Canel accused the United States of playing a role in trying to foment protest.¹⁶

Hundreds of the July 11, 2021, protesters have been tried and convicted, including more than 25 minors. As of the end of August 2022, the human rights group Cuban Prisoners Defenders reported that Cuba had 1,016 political prisoners (up from 152 on July 1, 2021). Of these prisoners, 743 were imprisoned and considered prisoners of conscience, 242 were under some form of conditional release, and 31 were imprisoned for other politically motivated acts.¹⁷ Those imprisoned include MSI leader Otero Alcántara (sentenced to five years), Maykel Castillo Pérez (also known as Maykel Osorbo, a musician and hip-hop artist who participated in the *Patria y Vida* video, sentenced to nine years), and UNPACU leader José Daniel Ferrer (home detention revoked in August 2021, ordered to serve remaining four years in prison).

Human Rights Reporting on Cuba

Below is a selection of organizations and publications that regularly report on human rights condition in Cuba.

Amnesty International (AI), Cuba, <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/cuba/>.

Cuban Prisoners Defenders, <https://www.prisonersdefenders.org>.

Human Rights Watch (HRW), <https://www.hrw.org/americas/cuba>.

Inter-American Commission on Human Rights, *Annual Report 2021*, May 26, 2022, Chapter IV has a section on Cuba, at <http://www.oas.org/en/iachr/docs/annual/2021/Chapters/IA2021cap4B.Cuba-en.pdf>.

Inter-American Commission on Human Rights, Special Rapporteur for Freedom of Expression, *Annual Report 2021, Trends on the right to freedom of expression in the Western Hemisphere*, May 26, 2022, Cuba section, pp. 130-139, at <https://www.oas.org/en/iachr/expression/reports/IA2021ENG.pdf>.

U.S. Department of State, *Country Report on Human Rights Practices for 2021*, April 12, 2022, at <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cuba/>.

U.S. Department of State, *2022 Trafficking in Persons Report*, July 2022, Cuba section, pp. 193-195, at https://www.state.gov/wp-content/uploads/2022/08/22-00757-TIP-REPORT_072822-inaccessible.pdf

Selected Cuban Independent Media: **14ymedio.com**, independent digital newspaper, based in Havana, at <http://www.14ymedio.com/>; **El Toque**, an independent multimedia platform focused on diverse topics, at <https://eltoque.com/>; **Periodismo del Barrio**, focusing especially on environmental issues, at <https://www.periodismodebarrio.org/>; and **TremendaNota**, focusing on the LGBT+ community, at <https://www.tremendanota.com/>.

¹⁵ Human Rights Watch, “Cuba: Peaceful Protesters Systematically Detained, Abused,” October 19, 2021.

¹⁶ Frances Robles, “Government Forces Disrupt Planned Protests in Cuba,” *New York Times*, November 16, 2021; Mary Beth Sheridan and Alejandra Ibarra Chaoul, “Cuban Security Forces Throttle Planned Day of Nationwide Demonstrations,” *Washington Post*, November 16, 2021; Marc Frank and Nelson Acosta, “With Cuban Dissidents Wary or in Jail, Call for Fresh Protests Falls Flat,” Reuters News, November 15, 2021; and Nora Gámez Torres, “Government’s Crackdown Intensifies in Cuba Weeks Ahead of a Planned Opposition March,” *Miami Herald*, October 26, 2021.

¹⁷ Cuban Prisoners Defenders, “Informe Mensual de Prisioneros Políticos” y “Lista de Presos Políticos,” September 8, 2022.

Economic Conditions

Although the Cuban government has permitted an expansion of the private sector over the past decade, the state still controls most means of production and employs a majority of the workforce. Key sectors of the economy that generate foreign exchange include the export of professional services (largely medical personnel); tourism, which has grown significantly since the mid-1990s; nickel mining, with the Canadian mining company Sherritt International involved in a joint investment project; and biotechnology and pharmaceuticals, which supply the domestic health care system and has fostered a significant export industry.

The Cuban economy has been hard-hit by the economic shutdown associated with the COVID-19 pandemic (see text box), reduced support from Venezuela due to that country's economic crisis over the past several years, and U.S. economic sanctions. The Cuban government reports the economy contracted by 10.9% in 2020, grew by 1.3% in 2021, and is projected to expand by 4% in 2022.¹⁸ The Economist Intelligence Unit (EIU) forecasts 3.2% growth in 2022 and projects 4.6% growth in 2023.¹⁹ This forecast could change, given the impact of Russia's invasion of Ukraine on the global economy, including increases in food and fuel prices. The August 2022 fire that severely damaged Cuba's main oil storage facility also may affect this forecast.

Cash remittances from relatives living abroad, especially in the United States, remain an important source of hard currency, amounting to \$3.7 billion in 2019.²⁰ In 2020 and 2021, the amount of remittances sent to Cuba declined significantly due to the disruption of flights during the pandemic and increased U.S. sanctions, which caused Western Union to terminate its services to Cuba in November 2020. A Canadian-based remittance-forwarding company estimates that cash remittances to Cuba fell to \$3 billion in 2020 and \$1.9 billion in 2021.²¹

COVID-19 in Cuba

Cuba's public health response to the COVID-19 pandemic initially kept cases and deaths low, but both increased in late 2020 and surged until August 2021. The country experienced another surge in cases in January 2022 due to the Omicron variant, but deaths remained low, partly because of high vaccination rates. As of September 2022, Cuba reported over 8,500 deaths since the pandemic began, with a mortality rate of 75 per 100,000 (lower than many countries in the Americas) and had fully vaccinated 88% of its population, one of the highest vaccination rates worldwide.

Cuba has produced its own COVID-19 vaccines—Abdala, Soberana 2, and Soberana Plus (to be used in combination with Soberana 2)—which it has used (along with the Sinopharm vaccine from China) to vaccinate its population. Cuba has two other vaccines in clinical trials. Although the Cuban vaccines have not yet received World Health Organization authorization, several countries (e.g., Iran, Mexico, Nicaragua, Venezuela, and Vietnam) have authorized their emergency use.

Sources: Johns Hopkins University School of Medicine, Coronavirus Resource Center, "Cuba," September 19, 2022, at <https://coronavirus.jhu.edu/region/cuba>; Sara Reardon, "Cuba's Bet on Home-Grown COVID Vaccines Is Paying Off," *Nature*, November 22, 2021; EFE News Service, "Cuba to Send to WHO Information on Abdala Anti-COVID Vaccine in March," February 15, 2022; and Nelson Acosta, "Cuba Lifts Mask Mandate as Vaccination Rate Soars and Deaths Plummet," *Reuters News*, May 31, 2022.

¹⁸ Agencia EFE, "Cuba Creció un 1,3% en 2021, Según Cifras Oficiales," July 21, 2022; Caribbean Council, "Gil Says Economic Recovery Gradual, Inflation Must Be Better Addressed," *Cuba Briefing*, July 25, 2022.

¹⁹ EIU, *Cuba Country Report*, 3rd quarter 2022, p. 6.

²⁰ Havana Consulting Group and Tech, "COVID-19 puede hacer declinar las remesas a Cuba entre un 30 y 40% en 2020," March 20, 2020.

²¹ RevoluGROUP Canada Inc., "RevoluSEND Remittances Adds Cuba and Morocco Topping 116 Countries," news release, February 18, 2022.

Cuba's tourism sector has been especially affected by the pandemic. Due to pandemic-related travel restrictions, the number of international visitors to Cuba fell sharply, from almost 4.3 million in 2019 to almost 1.1 million in 2020 and fewer than 400,000 in 2021.²² Increased U.S. restrictions on travel to Cuba also contributed to a reduction of visitors (see "U.S. Restrictions on Travel and Remittances," below). These restrictions included changes eliminating people-to-people educational travel, prohibiting cruise ships and private and corporate aircraft from going to Cuba, suspending commercial flights to cities other than Havana, and prohibiting U.S. travelers from staying at over 400 hotels and private residences identified by the State Department as owned or controlled by the Cuban government.

Until 2021, the Díaz-Canel government largely continued a gradualist, cautious approach to economic reform, mainly due to concern about the potential effects on political stability. In December 2020, however, President Díaz-Canel announced in a televised address the elimination of Cuba's dual currency system; on January 1, 2021, the Cuban peso was fixed to a single exchange rate of 24 pesos per U.S. dollar, and the Cuban convertible peso was phased out over several months. Over the medium- to long-term, the currency unification is expected to eliminate economic distortions. To date, however, the move has inflicted significant costs, including high inflation, with estimates ranging from nearly 200%-500% by the end of 2021; inflation has spurred the growth of an informal market for dollars and other convertible currencies. The EIU forecasts that inflation will decline to 59% at the end of 2022 and almost 35% at the end of 2023, but that projection may be jeopardized if the government is unable to resolve shortages.²³

In early August 2022, the government announced the state banking system would begin purchasing (but not selling) dollars and other convertible currencies at nearly five times the current rate with the goal of undercutting the informal market and acquiring foreign currency. The new rate for buying dollars was set at 120 pesos to the dollar (but reportedly would float), compared with the official rate of 24 pesos and the informal market rate of 115 pesos.²⁴ On August 22, 2022, the Cuban government announced it would begin selling dollars and other foreign currency, with some restrictions, with the goal of undercutting the informal market, which it blames for high inflation.²⁵

Among other reforms, the Cuban government partially liberalized the labor market in February 2021 to allow private-sector participation in more than 2,000 professions. In August 2021, the government legalized the establishment of small- and medium-sized businesses with fewer than 100 employees; by May 2022, more than 3,000 such businesses had been approved.²⁶ In another incremental measure announced in mid-August 2022, the Cuban government said it plans to

²² República de Cuba, Oficina Nacional de Estadísticas e Información (ONEI), "Arribo de viajeros. Visitantes internacionales. Al cierre de diciembre 2021," February 4, 2022.

²³ EIU, *Cuba Country Report*, 3rd quarter 2022, pp. 8 and 9; Marc Frank, "Cuban Peso in Free Fall Against the Dollar," Reuters News, January 26, 2022; Pavel Vidal, "Economic Trend Report, Fourth Quarter, 2021," *Cuba Standard, Economic Reports*, March 2022.

²⁴ Marc Frank, "Cuba More Than Quadruples Dollar/Peso Exchange Rate," Reuters News, August 3, 2022. The informal market rate has continued to climb and, as of September 20, 2022, was 180 pesos to the dollar. For the most recent rate, see *El Toque*, "Tasas de Cambio de Moneda en Cuba Hoy," at <https://eltoque.com/tasas-de-cambio-de-moneda-en-cuba-hoy>.

²⁵ Marc Frank, "Cuba to Exchange Some Foreign Currency for Pesos After Two-Year Hiatus," Reuters News, August 23, 2022.

²⁶ BBC News, "Cuba Allows Small- and Medium-Sized Private Businesses," August 7, 2021; Marc Frank and Nelson Acosta, "Cuba's Economic Reforms Allow Small Entrepreneurs to Dream Big," Reuters News, December 7, 2021; EIU, *Cuba Country Report*, 2nd quarter 2022, p. 6; and Pavel Vidal, "Economic Trend Report, First Quarter, 2022," *Cuba Standard, Economic Reports*, June 2022.

allow certain foreign investment in local wholesale and retail trade, although some economists doubt whether this limited step will relieve shortages.²⁷

U.S. Policy Toward Cuba

Historical Background²⁸

In the early 1960s, U.S.-Cuba 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.-Cuba 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 in 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.

Since the early 1960s, U.S. policy toward Cuba—long a significant congressional concern—has consisted largely of seeking to isolate the island nation through comprehensive economic sanctions, including an embargo on trade and financial transactions. Especially since the end of the Cold War, Congress has actively shaped U.S. policy toward Cuba. Much of the congressional debate has focused on economic sanctions, 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 Act of 1996 (LIBERTAD Act; P.L. 104-114). Both measures tightened U.S. economic sanctions on Cuba that were first imposed in the early 1960s; however, both measures also provided road maps for the 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, albeit with severely restrictive financing options. Congress also has funded U.S. government-sponsored broadcasting to Cuba since the 1980s and Cuba democracy and human rights programs since the 1990s.

Policy Shifts Under the Obama and Trump Administrations²⁹

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. At the time, President Obama said his

²⁷ Marc Frank, “Cuba Cracks Open Door to Foreign Investment in Domestic Trade, Reuters News, August 16, 2022; and Nora Gámez Torres, “As Food Crisis Deepens, Cuba to Allow Some Foreign Investment in Wholesaling and Retail,” *Miami Herald*, August 16, 2022.

²⁸ For additional background, see CRS Report RL30386, *Cuba-U.S. Relations: Chronology of Key Events 1959-1999*. For an extensive review of the history of bilateral relations, see Ada Ferrer, *Cuba: An American History* (New York: Scribner, 2021).

²⁹ For more on Obama Administration policy, see CRS Report R43926, *Cuba: Issues and Actions in the 114th Congress*, and for more on Trump Administration policy, see CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration*.

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, “we can do more to support the Cuban people and promote our values through engagement.”³⁰

The policy shift led in July 2015 to the restoration of diplomatic relations, which had been severed in January 1961 by the Eisenhower Administration. It also led to the May 2015 rescission of the Cuban government’s designation as a state sponsor of international terrorism, a designation that dated to 1982, and to the easing of some restrictions on travel and commerce with Cuba in 2015 and 2016. The restoration of relations resulted in increased government-to-government engagement, with over 20 bilateral agreements on issues such as counternarcotics cooperation, oil spill preparedness and response, civil aviation, health cooperation, maritime issues, and environmental cooperation. It also led to a broad economic dialogue and numerous dialogues on regulatory issues, law enforcement, counterterrorism issues, property claims, and human rights, among other topics.

President Trump unveiled his Administration’s Cuba policy in June 2017, introducing new sanctions and rolling back the Obama Administration’s efforts to normalize relations. President Trump signed a national security presidential memorandum (NSPM) replacing President Obama’s October 2016 presidential policy directive laying out objectives for the normalization process.³¹ New sanctions included a prohibition on certain financial transactions with companies controlled by the Cuban military, intelligence, or security services. In September 2017, the State Department reduced the staff of the U.S. Embassy in Havana by about two-thirds in response to unexplained health

Anomalous Health Incidents

Between late 2016 and May 2018, 26 U.S. Embassy Havana community members suffered a series of unexplained injuries, including hearing loss and cognitive issues. In December 2020, the National Academies of Sciences, Engineering, and Medicine released a report concluding the most plausible mechanism for the source of the health symptoms was directed pulsed radio frequency energy. U.S. officials maintain that investigations into the cause or source of these anomalous health incidents have not reached a conclusion. A number of U.S. government and military officials worldwide have reported these symptoms since 2016.

In January 2022, press reports maintained that an interim Central Intelligence Agency (CIA) report concluded that a majority of cases worldwide are unlikely to have been caused by a foreign adversary, although it noted that some two dozen cases remain unexplained. In early February 2022, a panel of experts convened by the Director of National Intelligence and the CIA Deputy Director reported that pulsed radio frequency energy could plausibly explain the health symptoms but maintained that information gaps remain.

Congress enacted legislation (P.L. 117-46) in September 2021 authorizing payment to CIA and State Department personnel who experience certain brain injuries. The National Defense Authorization Act for FY2022 (P.L. 117-81), approved in December 2021, has provisions to address health care and treatment, national security challenges, and U.S. government coordination of the response to the incidents.

Sources: Office of the Director of National Intelligence, “Complementary Efforts on Anomalous Health Incidents,” February 2, 2022; Julian E. Barnes, “Most ‘Havana Syndrome’ Cases Unlikely Caused by Foreign Power, CIA Says,” *New York Times*, January 20, 2022; David A. Relman and Julie A. Pavlin, eds., *An Assessment of Illness in U.S. Government Employees and Their Families at Overseas Embassies*, National Academies of Sciences, Engineering, and Medicine, 2020.

³⁰ White House, “Statement by the President on Cuba Policy Changes,” December 17, 2014, at <https://obamawhitehouse.archives.gov/the-press-office/2014/12/17/statement-president-cuba-policy-changes>.

³¹ 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), at <https://www.federalregister.gov/documents/2017/10/20/2017-22928/strengthening-the-policy-of-the-united-states-toward-cuba>; White House, “Presidential Policy Directive—United States-Cuba Normalization,” October 14, 2016, at <https://obamawhitehouse.archives.gov/the-press-office/2016/10/14/presidential-policy-directive-united-states-cuba-normalization>.

injuries of members of the U.S. diplomatic community in Havana (see text box). The embassy staff reduction led to the suspension of most visa processing at the embassy and made it difficult to carry out other embassy functions, including on-the-ground reporting on significant economic and political developments in Cuba and outreach to civil society and human rights activists.

Beginning in 2019, the Trump Administration significantly expanded U.S. sanctions on Cuba. It reimposed some restrictions eased under the Obama Administration and imposed a series of new sanctions designed to pressure the Cuban government on its human rights record and over its support of the Nicolás Maduro government in Venezuela. The Trump Administration also allowed lawsuits against those trafficking in property confiscated by the Cuban government; tightened restrictions on U.S. travel and remittances to Cuba; and, in January 2021, again designated the Cuban government as state sponsor of international terrorism.

Biden Administration Policy

In its initial months in office, the Biden Administration announced it was conducting a review of policy toward Cuba, with human rights a core pillar, and would review policy decisions made by the prior Administration, including the decision to designate Cuba as a state sponsor of terrorism.³²

In the aftermath of the Cuban government's harsh response to the July 2021 protests, the Biden Administration expressed solidarity with the Cuban protesters and criticized the Cuban government for its repression. President Biden issued a statement asserting, "We stand with the Cuban people and their clarion call for freedom and relief from the tragic grip of the pandemic and from the decades of repression and economic suffering to which they have been subjected by Cuba's authoritarian regime."³³ Secretary of State Antony Blinken declared, "We join partners across the hemisphere and around the world in urging the Cuban regime to respect the rights of the Cuban people to determine their own future, something they have been denied for far too long."³⁴

The Administration imposed targeted sanctions on Cuban officials involved in the repression. In July and August 2021, the Treasury Department imposed financial sanctions on three Cuban security entities and eight officials. Between November 2021 and July 2022, the State Department announced four rounds of visa restrictions against 50 individuals involved in repressing protesters. (For more details, see "Key U.S. Sanctions," below.)

In May 2022, the Administration announced several Cuba policy changes aimed at increasing support for the Cuban people. The changes, which emanated from a policy review begun in 2021, fall into four broad areas—facilitating family reunification, expanding authorized travel, easing restrictions on remittances, and supporting Cuba's private sector. According to a State Department spokesperson, the changes are to provide Cubans with "additional tools to pursue life free from Cuban government oppression and to seek greater economic opportunities."³⁵

The Biden Administration has begun implementing the policy changes through various steps and regulatory changes undertaken by relevant U.S. departments and agencies. The Administration

³² U.S. Department of State, "Press Briefing by Press Secretary Jen Psaki and Deputy Director of the National Economic Council Bharat Ramamurti," March 9, 2021.

³³ White House, "Statement by President Joseph R. Biden, Jr. on Protests in Cuba," July 12, 2021.

³⁴ U.S. Department of State, "Secretary Antony J. Blinken Remarks to the Press on Release of the 2021 Congressional Report Pursuant to the Elie Wiesel Genocide and Atrocities Prevention Act," July 12, 2021.

³⁵ U.S. Department of State, "Biden Administration Expands Support to the Cuban People," press statement, May 16, 2022.

began increasing immigrant visa processing at the U.S. Embassy in Havana in May 2022 and said it would reinstate the Cuban Family Reunification Parole Program, which was suspended in 2017 amid the drawdown of staff at the U.S. Embassy in Havana. In September 2022, the Administration announced it would resume full immigration visa processing at the embassy in early 2023, the first time since 2017. Driven by Cuba's difficult economic conditions and political repression, among other factors, irregular Cuban migration to the United States has surged over the past year (see "Migration Issues," below).

With regard to travel and remittances, the Biden Administration partially eased restrictions, although it kept some Trump Administration restrictions in place. Among the changes, the Biden Administration reauthorized scheduled and charter flights to locations beyond Havana, reinstated group people-to-people educational travel, eliminated dollar and frequency limits for family remittances, and restored the category of donative remittances (sometimes referred to as non-family remittances) to any Cuban national (see "U.S. Restrictions on Travel and Remittances"). The Administration also announced it would increase support for independent Cuban entrepreneurs by authorizing greater access to U.S. internet services, applications, and e-commerce platforms and by expanding access to microfinance and training.³⁶

At the same time, the Administration has continued to speak out about human rights abuses in Cuba and officials maintain that human rights issues will remain at the center of U.S. policy toward Cuba.³⁷ On the first anniversary of the July 11, 2021, protests, Secretary of State Blinken issued a press statement asserting, "the United States recognizes the determination and courage of the Cuban people as they continue to fight for respect for human rights" and that "it is unacceptable that today, one year after these demonstrations, over 700 protesters remain behind bars."³⁸

Key U.S. Sanctions

Since the early 1960s, when the United States imposed a trade embargo on Cuba, the centerpiece of U.S. policy toward Cuba has been economic sanctions aimed at isolating the Cuban government and influencing its behavior. President Kennedy proclaimed an embargo on trade between the United States and Cuba in February 1962,³⁹ citing Section 620(a) of the Foreign Assistance Act of 1961 (FAA; P.L. 87-195), which authorizes the President "to establish and maintain a total embargo upon all trade between the United States and Cuba."⁴⁰ 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.⁴¹ The authority for the embargo was expanded in March 1962 to include the Trading with the Enemy Act (TWEA, P.L. 65-91, as amended).⁴² In July 1963, the Treasury Department revoked the Cuban Import Regulations and

³⁶ U.S. Department of State, "Biden Administration Measures to Support the Cuban People," fact sheet, May 16, 2022.

³⁷ White House, "Background Press Call by Senior Administration Officials on New Cuba Policy," press briefing via teleconference, May 16, 2022.

³⁸ U.S. Department of State, Secretary of State Antony J. Blinken, "The First Anniversary of July 11, 2021, Protests," press statement, July 11, 2022.

³⁹ Presidential Documents, "Proclamation 3447, Embargo on All Trade with Cuba," 27 *Federal Register* 1085, February 7, 1962.

⁴⁰ 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.

⁴¹ U.S. Department of the Treasury, 27 *Federal Register* 1116, February 7, 1962.

⁴² U.S. Department of the Treasury, 27 *Federal Register* 2765-2766, March 24, 1962.

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.⁴³

The CACR remain the main body of Cuba embargo regulations and have been amended repeatedly over the years to reflect changes in U.S. policy. The regulations, administered by the Treasury Department’s Office of Foreign Assets Control, prohibit most financial transactions with Cuba, including transactions related to trade, travel, and remittances, and they block Cuban government assets in the United States. The CACR also require all exports to Cuba to be licensed or otherwise authorized by the Department of Commerce, Bureau of Industry and Security, under the terms of the Export Administration Regulations (EAR), at 15 C.F.R. Parts 730-744.⁴⁴ (For more details on certain sanctions, see sections on “U.S. Restrictions on Travel and Remittances” and “U.S. Exports and Sanctions,” below.)

Congress strengthened sanctions on Cuba with enactment of the CDA, LIBERTAD Act, and TSRA. 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 the international financial institutions.⁴⁵

- 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.⁴⁶
- The LIBERTAD Act, enacted in the aftermath of Cuba’s shooting down two U.S. civilian planes in February 1996, combines various measures to increase pressure on Cuba and provides a plan to assist Cuba once it begins the transition to democracy. Most significantly, the act codifies the Cuban embargo as permanent law, including all restrictions imposed by the executive branch under the CACR. This provision is noteworthy because of its long-lasting effect on U.S. policy options toward Cuba. The provision prohibits the executive branch 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. 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.

⁴³ 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.

⁴⁴ 31 C.F.R. §515.533. In the Export Administration Regulations (EAR), see especially 15 C.F.R. §746.2 on Cuba. The EAR are authorized, in large part, by the Export Control Reform Act of 2018 (P.L. 115-232, Title XVII, Subtitle B) and the three retained sections of the otherwise repealed Export Administration Act of 1979 (P.L. 96-72).

⁴⁵ These include several other provisions restricting assistance to Cuba in the Foreign Assistance Act of 1961 (FAA; P.L. 87-195), as well as sanctions provisions in the Export-Import Bank Act of 1945, the International Development Association Act, the Inter-American Development Bank Act, the Breton Woods Agreements Act, 1978, the Tariff Classification Act of 1962, the Trade Act of 1974, the Food Security Act of 1985, and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Division A, Title II, Section 211, P.L. 105-277). See CRS Report R43888, *Cuba Sanctions: Legislative Restrictions Limiting the Normalization of Relations*.

⁴⁶ 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 EAR, be designated as EAR 99, meaning the items are not on the Commerce Control List. According to the Commerce Department, EAR items generally consist of low-technology consumer goods. U.S. Department of the Treasury, “Cuban Assets Control Regulations,” 81 *Federal Register* 71372-71378, October 17, 2016.

federal court.⁴⁷ Title IV denies admission to the United States to aliens involved in the trafficking of confiscated U.S. property in Cuba.

- TSRA authorizes U.S. commercial agricultural exports to Cuba (with 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.

Under the Trump Administration, the United States introduced additional sanctions, discussed below, that have continued under the Biden Administration. These sanctions include restrictions on transactions with entities identified as controlled by the Cuban military, a prohibition on staying at accommodations in Cuba identified as controlled by the Cuban government or by certain prohibited government or PCC officials or their close relatives, and two terrorism-related designations. In addition, both the Trump and Biden Administrations imposed targeted sanctions on Cuban officials and entities, including financial sanctions and visa restrictions, for involvement in human rights abuses.

Cuba Restricted List. Pursuant to President Trump’s NSPM, the State Department in 2017 identified entities controlled by the Cuban military, intelligence, or security services or personnel and published a list of entities with which direct financial transactions would disproportionately benefit those services or personnel at the expense of the Cuban people or private enterprise in Cuba. The State Department has updated this “Cuba Restricted List” several times, most recently on January 8, 2021. The CACR, as amended by the Treasury Department, prohibits financial transactions with entities on the list, with certain exceptions, including transactions related to air or sea operations supporting permissible travel, cargo, or trade; the sale of agricultural and medical commodities; and direct telecommunications or internet access for the Cuban people.⁴⁸ The list currently includes 231 entities and sub-entities, including 2 ministries, 5 holding companies and 55 of their sub-entities (including the Mariel Special Development Zone), 111 hotels, 2 tourist agencies, 5 marinas, 10 stores in Old Havana, and 41 entities serving defense and security sectors.⁴⁹

Cuba Prohibited Accommodations List. In September 2020, the Treasury Department amended the CACR to prohibit most categories of authorized travelers to Cuba from lodging, paying for lodging, or making any reservation for or on behalf of a third party to lodge at any property in Cuba that the Secretary of State has identified as a property owned or controlled by the Cuban government, a prohibited Cuban government official, a prohibited member of the Communist Party, or a close relative of either.⁵⁰ The State Department subsequently issued a “Cuba Prohibited

⁴⁷ Effective May 2, 2019, the Trump Administration allowed the right to file lawsuits against those trafficking in confiscated property in Cuba pursuant to Title III. Lawsuits can be brought by any U.S. national, including those who were not U.S. nationals at the time of the confiscation. For background, see section on “Property Claims and Title III and IV of the LIBERTAD Act,” in CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration*. Some 44 lawsuits have been filed, including 15 involving claimants certified by the Foreign Claims Settlement Commission (out of 5,913 claims) and 29 noncertified claims against U.S. and foreign companies. Several of the lawsuits have been dismissed. See U.S.-Cuba Trade and Economic Council, Inc. “LIBERTAD Act Filing Statistics,” accessed August 29, 2022, at <https://www.cubatrade.org/s/Libertad-Act-Filing-Statistics-bh8j.pdf>.

⁴⁸ U.S. Department of the Treasury, “Treasury, Commerce, and State Implement Changes to the Cuba Sanctions Rules,” fact sheet, November 8, 2017; and U.S. Department of the Treasury, “Cuban Assets Control Regulations,” 82 *Federal Register* 51998-52004, November 9, 2017.

⁴⁹ U.S. Department of State, “Updating the State Department’s List of Entities and Sub-entities Associated with Cuba (Cuba Restricted List),” 86 *Federal Register* 1561-1564, January 8, 2021. The list is also available on the State Department’s website at <https://www.state.gov/cuba-restricted-list/list-of-restricted-entities-and-subentities-associated-with-cuba-effective-january-8-2021/>.

⁵⁰ U.S. Department of the Treasury, “Cuban Assets Control Regulations,” 85 *Federal Register* 60068-60072,

Accommodations List” that included over 400 hotels as well as privately owned residences for rent (*casas particulares*).⁵¹

Terrorism Designations. Since 2020, pursuant to Section 40A of the Arms Export Control Act (P.L. 90-629, as amended), Cuba has been on the annual list of countries certified by the Secretary of State as *not cooperating fully* with U.S. anti-terrorism efforts, a status that prohibits U.S. exports of defense articles and services to the designated foreign government. In May 2020, then-Secretary of State Michael Pompeo added Cuba to the annual list for the first time since 2015. Secretary of State Antony Blinken has continued to include Cuba on the list, most recently in May 2022.⁵²

The Cuban government also is designated as a state sponsor of acts of international terrorism pursuant to provisions in several laws, with sanctions that restrict foreign assistance and non-emergency food aid, ban defense exports and sales, and impose certain controls over exports of dual-use items and other miscellaneous financial restrictions.⁵³ Under the Trump Administration, then-Secretary of State Pompeo designated the government of Cuba as a state sponsor of international terrorism, effective January 12, 2021. The State Department cited Cuba’s harboring from justice of 10 leaders of Colombia’s National Liberation Army (ELN; a U.S.-designated foreign terrorist organization), who had traveled to Cuba in 2017 to engage in peace talks with the Colombian government, and several U.S. fugitives since the 1970s (see “U.S. Fugitives from Justice” section, below).⁵⁴ In August 2022, new Colombian President Gustavo Petro said he was suspending extradition requests for ELN members in Colombia as part of an effort to restart peace talks, which collapsed in 2019.⁵⁵

Targeted Human Rights Sanctions. Since 2019, the United States has imposed targeted sanctions on Cuban officials and entities linked to or responsible for human rights abuses. These sanctions include visa restrictions and financial sanctions blocking assets and property, as well as a prohibition against U.S. persons dealing with the blocked individuals or entities.

In 2019 and 2020, under the Trump Administration, the State Department imposed visa restrictions on three high-ranking Cuban officials and their immediate family members for credible information of their involvement in gross violation of human rights, barring them from

September 24, 2020.

⁵¹ U.S. Department of State, “Cuba Prohibited Accommodations List Initial Publication,” September 28, 2020, at <https://www.state.gov/cuba-sanctions/cuba-prohibited-accommodations-list/cuba-prohibited-accommodations-list-initial-publication/>.

⁵² U.S. Department of State, “Determination and Certification of Countries Not Cooperating Fully with Anti-terrorism Efforts,” 85 *Federal Register* 33772, June 2, 2020; and U.S. Department of State, “Determination and Certification of Countries Not Cooperating Fully with Anti-terrorism Efforts,” 87 *Federal Register* 31051, May 20, 2022.

⁵³ The provision of laws is Section 620A of the FAA, Section 40 of the Arms Export Control Act (P.L. 90-629, as amended), and Section 1754(c) of the Exports Controls Act of 2018 (in P.L. 117-232, the John S. McCain National Defense Act for Fiscal Year 2019). See CRS Report R43835, *State Sponsors of Acts of International Terrorism—Legislative Parameters: In Brief*; and U.S. Department of State, “State Sponsors of Terrorism,” at <https://www.state.gov/state-sponsors-of-terrorism/>.

⁵⁴ U.S. Department of State, Secretary of State Michael R. Pompeo, “U.S. Announces Designation of Cuba as a State Sponsor of Terrorism,” January 11, 2021. Previously, the State Department designated Cuba as a state sponsor in 1982 because of the country’s alleged ties to international terrorism; this designation was rescinded under the Obama Administration in 2015. For background on Cuba’s initial designation, see CRS Report RL32251, *Cuba and the State Sponsors of Terrorism List*, August 22, 2006. For background on the rescission of Cuba’s state sponsor designation, see “State Sponsor of Terrorism Designation,” in CRS Report R43926, *Cuba: Issues and Actions in the 114th Congress*.

⁵⁵ Julia Symmes Cobb, “Colombia Suspends ELN Rebel Arrest Warrants, Extradition Orders to Restart Peace Talks,” Reuters News, August 20, 2022.

entry into the United States, pursuant to a long-standing and annually renewed provision in the Department of State, Foreign Operations, and Related Programs Appropriations Act (SFOPS; currently in Section 7031(c) of P.L. 117-103, Division K). The officials were Raúl Castro, then-Minister of the Interior Julio Cesar Gandarilla Bermejo (who died in 2020), and then-Cuban Defense Minister Leopoldo Cintra Frias (who was replaced in 2021).⁵⁶ In September 2020, the Treasury Department imposed, pursuant to the CACR, financial sanctions on Luis Alberto Rodríguez López-Calleja, Raúl Castro's former son-in-law, who headed a holding company of the Cuban military (López-Calleja died in July 2022).⁵⁷ In January 2021, Treasury designated for sanctions Cuba's Ministry of the Interior (MININT) and its minister, General Lazaro Alberto Álvarez Casas, pursuant to authorities to deter human rights abuses and public corruption enacted in the Global Magnitsky Human Rights Accountability Act (P.L. 114-328, Title XII, Subtitle F) and implemented by Executive Order 13818.⁵⁸

In the aftermath of Cuba's harsh repression of protests in July 2021, the Biden Administration has imposed targeted visa restrictions, pursuant to Presidential Proclamation 5377, on 50 Cuban officials and financial sanctions, pursuant to Executive Order 13818, on three Cuban security entities and eight officials involved in the repression. Although the Cuban officials whose visas were restricted are unnamed, according to the State Department, they include high-ranking officials of MININT, the Ministry of Revolutionary Armed Forces (MINFAR), and the PCC. They also include officials connected to unfair trials, unjust sentencing, and imprisonment of peaceful protesters and officials who work in the state communications and media sectors.⁵⁹ The three security entities sanctioned by the Treasury Department are MINFAR's *Tropas de Prevención*, MININT's *Brigada Especial Nacional* (Special National Brigade), and the *Policia Nacional Revolucionaria* (PNR). Cuban officials sanctioned by Treasury include Minister of Defense Álvaro López Miera and officials of MININT, MINFAR, and the PNR.⁶⁰

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 it reforms while continuing U.S. 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 hurt the Cuban people and move toward engaging the Cuban government in dialogue in key areas of U.S. interest. Still

⁵⁶ U.S. Department of State, Secretary of State Michael R. Pompeo, "Public Designation of Raúl Castro, Due to Involvement in Gross Violations of Human Rights," press statement, September 26, 2019, "Public Designation of Julio Cesar Gandarilla Bermjeo Under Section 7031(c) of the FY2019 Department of State, Foreign Operations List," press statement, November 16, 2019; and "Public Designation of Leopoldo Cintra Frias Due to Involvement in Gross Violations of Human Rights," press statement, January 2, 2020.

⁵⁷ U.S. Department of the Treasury, "Notice of OFAC Sanctions Action," 85 *Federal Register*, October 5, 2020.

⁵⁸ U.S. Department of the Treasury, "Treasury Sanctions the Cuban Ministry of the Interior and Its Leader for Serious Human Rights Abuse," press release, January 15, 2021.

⁵⁹ U.S. Department of State, Secretary of State Antony J. Blinken, "Announcement of Visa Restrictions Against Cuban Officials," press statement, November 30, 2021; "Visa Restrictions Against Cuban Officials," press statement, January 6, 2022; "State Department Takes Steps to Impose Visa Restrictions Against Cuban Officials," press statement, June 16, 2022; and "Announcement of Visa Restrictions Against Cuban Officials," press statement, July 9, 2022.

⁶⁰ U.S. Department of State, "Cuba Sanctions," at <https://www.state.gov/cuba-sanctions/>.

others have called for a swift normalization of U.S.-Cuban relations by lifting U.S. economic sanctions.

The Obama Administration's December 2014 change of U.S. policy—moving from isolation toward engagement and the normalization of relations—highlighted divisions in Congress over Cuba policy. Some Members of Congress lauded the Administration's actions as being in the best interests of the United States and a better way to influence change in Cuba; other Members criticized the Administration 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. Several legislative provisions of House appropriations bills would have blocked some of the Administration's policy changes toward Cuba, and several provisions of Senate appropriations bills would have further eased sanctions on Cuba; ultimately, none of these provisions (or other legislative initiatives on either side of the policy divide) were enacted.⁶¹

The Trump Administration's approach of rolling back some Obama-era policy changes and introducing new sanctions on Cuba also highlighted divisions in Congress over Cuba policy. Some Members supported the President's action because of Cuba's lack of progress on human rights; others opposed it due to its negative effects on the Cuban people and U.S. business interests. Aside from congressional enactment of a provision in the 2018 farm bill (P.L. 115-334) authorizing funding for two U.S. agricultural export promotion programs in Cuba, Congress did not approve legislative initiatives to ease or further tighten U.S. sanctions. Congress did, however, reject the Administration's attempts to cut democracy funding for Cuba, instead appropriating \$20 million each fiscal year (the same amount appropriated annually since FY2014).⁶²

The Biden Administration's partial lifting of the Trump-era Cuba policy tightening restrictions on travel and remittances has elicited mixed reactions from Congress. Those Members advocating sustained pressure on Cuba have criticized the Administration's actions as providing support for the Cuban government, and those advocating engagement or support for the Cuban people have lauded the policy change as a step forward. Cuba's increased repression over the past year, including its harsh response to the July 2021 countrywide protests, appears to have eroded congressional support for measures easing economic sanctions on Cuba in the near term. Illustrative of this shift was the House's July 20, 2022, rejection of an amendment to a six-bill FY2023 appropriations measure (H.Amdt. 300 to H.R. 8294) that would have prohibited funding to enforce a sanction in U.S. law prohibiting private financing for U.S. agricultural exports to Cuba. Both houses also have approved human rights resolutions on Cuba, and, as in past Congresses, funding for democracy programs and U.S.-government sponsored broadcasting to Cuba has continued.

⁶¹ For background on legislative initiatives after the Obama Administration announced its change of policy toward Cuba, see CRS Report R43926, *Cuba: Issues and Actions in the 114th Congress*.

⁶² For background on legislative initiatives on Cuba during the Trump Administration, see CRS Report R44822, *Cuba: U.S. Policy in the 115th Congress* and CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration*.

Selected Issues in U.S.-Cuban Relations

U.S. Restrictions on Travel and Remittances⁶³

Travel Restrictions. Restrictions on travel to Cuba have been a key and often contentious component of U.S. efforts to isolate Cuba's communist government. The embargo regulations set forth in the CACR do not ban travel itself but restrict financial transactions related to Cuba. Numerous changes to the restrictions have occurred over time. For five years, from 1977 until 1982, there were no restrictions on travel. In 2000, Congress prohibited the authorization of transactions related to U.S. travel to Cuba solely for tourist activities when it enacted TSRA; a provision in the law defined "tourist activities" as any activity not expressly authorized in the 12 categories of travel in the CACR (see text box). The George W. Bush Administration (2001-2009) tightened U.S. restrictions on Cuba travel and the enforcement of travel restrictions. 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).

The Obama Administration (2009-2017) significantly eased restrictions on travel to Cuba. In 2009, the Administration lifted restrictions on family travel. In 2011, it eased restrictions on certain other categories of travel, including group people-to-people educational travel, and allowed all U.S. international airports to become eligible for licensed charter flights to and from Cuba (previously, charter flights were limited to international airports in Miami, Los Angeles, and New York). In 2016, the Obama Administration eased restrictions by authorizing general licenses for the existing 12 categories of travel to Cuba (before the change, travelers under several of these categories had to apply for a specific license) and by authorizing individual people-to-people educational travel.⁶⁴ In 2016, the Administration increased transportation opportunities to Cuba with regular commercial air service (as opposed to charter flights) and cruise ship service to Cuba from the United States.

Current Permissible Cuba Travel: 12 Categories

- Family Visits
- Official Government Business
- Journalistic Activities
- Professional Research and Professional Meetings
- Educational Activities (currently includes group 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
- Authorized Export Transactions

Source: 31 C.F.R. §515.560, at <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-V/part-515/subpart-E/section-515.560>.

The Trump Administration (2017-2021) reimposed certain restrictions on travel and limited transportation to Cuba from the United States. In 2017, it eliminated an authorization for individual people-to-people education travel (under the travel category of educational activities), and in 2019, it eliminated group people-to-people travel. Also in 2019, the Administration

⁶³ For more information, see CRS Report RL31139, *Cuba: U.S. Restrictions on Travel and Remittances*.

⁶⁴ A general license provides the authority to engage in a transaction without the need to apply to the Treasury 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.

prohibited cruise ships, sailboats, fishing boats, and private and corporate aircraft from going to Cuba from the United States. That same year, the Administration restricted regularly scheduled flights to Havana (prohibiting flights to other Cuban cities); in 2020, the Administration also restricted charter flights to Havana. Also in 2020, the Administration eliminated general licenses for attending or organizing professional meetings or conferences in Cuba and for participating in public performances, clinics, workshops, certain athletic or nonathletic competitions, and exhibitions. In addition, as noted above, the Administration's introduction of a "Cuba Restricted List" in 2017 prohibited most categories of authorized travelers from direct financial transaction with certain hotels, tourist agencies, marinas, and stores. The Administration's subsequent introduction of a "Cuba Prohibited Accommodations List" in 2020 prohibited most authorized travelers from lodging at over 400 hotels and privately owned residences for rent.

The Biden Administration has rolled back some of the travel restrictions imposed by the Trump Administration. In June 2022, the Biden Administration reauthorized regularly scheduled and charter flights to Cuban cities other than Havana. It also reinstated group (but not individual) people-to-people educational travel and a general license authorization for attending or organizing professional meetings or conferences in Cuba.

According to Cuban government statistics, the number of travelers from the United States to Cuba reached almost 1.2 million in 2018 but fell slightly to 1.1 million in 2019. Travel declined significantly in 2020 and 2021 to around 188,000 and 36,000 travelers, respectively, largely due to COVID-19-related travel restrictions but also because of U.S. travel restrictions imposed in 2019 and 2020. In the first seven months of 2022, as pandemic-related travel restrictions eased, travel to Cuba from the United States began to pick up, with over 200,000 travelers.⁶⁵

Restrictions on Remittances. Much like restrictions on travel, restrictions on sending cash remittances to Cuba have been part of the U.S. sanctions regime and have changed over time. The Obama Administration significantly eased restrictions on remittances. In 2009, it lifted limitations on the amount and frequency of family remittances. It authorized remittances to any Cuban national (up to \$500 per quarter) in 2011 and lifted the dollar limit for such donative remittances in 2015. It also authorized by general license remittances to individuals and independent nongovernmental organizations to support humanitarian projects; a rapid peaceful transition to democracy; the strengthening of civil society; and the development of private businesses, including small farms.

In contrast, the Trump Administration imposed restrictions on remittances. In 2019, it capped family remittances to any one Cuban national to \$1,000 per quarter, eliminated the category of donative remittances to Cuban nationals, and prohibited family remittances to close family members of prohibited Cuban government officials and Cuban Communist Party officials. In 2020, it added to the "Cuba Restricted List" two Cuban financial services companies—*Financiera Cimex* (FINCIMEX) and American International Services—involved in facilitating the processing of foreign remittances to Cuba. In the same year, it amended the CACR to prohibit the processing of remittances through any entities on the "Cuba Restricted List." These actions led Western Union, which had partnered with FINCIMEX since 2016, to announce termination of its remittances services to Cuba in November 2020.⁶⁶ Western Union had been the major financial

⁶⁵ República de Cuba, Oficina Nacional de Estadísticas e Información (ONEI), *Anuario Estadístico de Cuba 2020*, Capítulo 15: Turismo (Edición 2021); ONEI, *Turismo Internacional Indicadores Seleccionados*, Enero- Diciembre 2019 (Edición Marzo 2020), Enero-Diciembre 2020 (Edición May 2021), and Enero-Diciembre 2021 (Edición Marzo 2022); and ONEI, "Turismo, Arribo de Viajeros y Visitantes Internacionales, Información Preliminar," Julio 2022.

⁶⁶ Western Union, "Cuba: A Letter to Our Customers," November 13, 2020, at <https://www.westernunion.com/blog/a-letter-to-our-cuba-customers/>.

services company used for transmitting remittances to Cuba, with more than 400 offices on the island.

The Biden Administration has partially lifted restrictions on remittances. In June 2022, by amending the CACR, it eliminated the dollar and frequency limits for family remittances and restored the category of donative remittances. The Administration maintained that it would not remove entities from the “Cuba Restricted List,” so that remittances through FINCIMEX remain prohibited.⁶⁷

Legislative Initiatives. In the 117th Congress, two introduced bills would lift economic sanctions on Cuba, including restrictions on travel and remittances: S. 249 (Wyden), the United States-Cuba Trade Act of 2021, introduced in February 2021, and H.R. 3625 (Rush), the United States-Cuba Relations Normalization Act, introduced in May 2021.

U.S. Exports and Sanctions⁶⁸

U.S. commercial medical exports to Cuba have been authorized since the early 1990s pursuant to the CDA (P.L. 102-484, Title XVII), and commercial agricultural exports have been authorized since 2001 pursuant to TSRA (P.L. 106-387, Title IX), albeit 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 to sell 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) 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 CACR and EAR provisions in 2015-2016 under the Obama Administration included several actions designed to facilitate commercial exports to Cuba (some of these provisions were subsequently further amended during the Trump Administration). The regulatory changes in 2015-2016

- Permitted U.S. financial institutions to open correspondent accounts at Cuban financial institutions to facilitate the processing of authorized transactions (31 C.F.R. §515.584).
- Permitted U.S. private export financing for all authorized export trade to Cuba, except for agricultural goods exported pursuant to TSRA (31 C.F.R. §515.584).
- Revised the definition of the term *cash in advance* for payment for U.S. exports to Cuba to specify that it means *cash before transfer of title*. The change meant that payment may occur before an export shipment is offloaded in Cuba rather than before the shipment leaves a U.S. port (31 C.F.R. §515.533).
- Authorized commercial exports to Cuba of certain goods and services to support the Cuban people by improving their living conditions and supporting

⁶⁷ U.S. Department of State, “Background Press Call by Senior Administration Officials on New Cuba Policy,” press briefing via teleconference, May 16, 2022.

⁶⁸ For additional background on U.S. agricultural exports to Cuba, see CRS Report R46791, *U.S. Agricultural Trade with Cuba: Current Limitations and Future Prospects*.

independent economic activity; strengthening civil society; and improving the free flow of information to, for, and among the Cuban people (15 C.F.R. §740.21).

- Included licenses for certain categories of exports 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 (e.g., insecticides, pesticides, herbicides) that fall outside the scope of those exports already allowed under TSRA (15 C.F.R. §746.2). In 2019, the Commerce Department amended the EAR to exclude the export or reexport of aircraft leased to state-owned airlines from its general policy of approval.⁶⁹
- Considered licenses for exports on a case-by-case basis, including certain items exported to state-owned enterprises, agencies, and other organizations of the Cuban government that provide goods and services for the use and benefit of the Cuban people (15 C.F.R. §746.2). In 2017, the Commerce Department amended the EAR to stipulate that export licenses for exports to state-owned enterprises generally would be denied for use by entities on the State Department’s “Cuba Restricted List” associated with the Cuban military, police, intelligence, or security services.⁷⁰

Cuba purchased over \$6.8 billion in U.S. products, largely agricultural, from 2001 through 2021. U.S. exports to Cuba rose from about \$7 million in 2001 to a high of \$718 million in 2008, far higher than in previous years. This increase was due in part to the rise in food prices and in part to 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 have declined from that highpoint and fluctuated over the years, reaching a low of \$177 million in 2020 as the Cuban economy deteriorated amid the COVID-19 pandemic. U.S. exports to Cuba rose to \$327 million in 2021, however, increasing 85% over the previous year (see **Figure 2**). In the first half of 2022, U.S. exports to Cuba were valued at \$154 million, slightly lower than the same period in 2021. Looking at the composition of U.S. exports to Cuba, the leading products in 2021 were poultry (86%), soybeans (3.9%), and articles and medicines donated for relief or charity by individuals or private agencies (3.4%).⁷¹

Legislative Initiatives. In legislative action in the 117th Congress, on July 20, 2022, the House rejected (163-260) an amendment (H.Amdt. 300, Tlaib) to H.R. 8294, a six-bill FY2023 appropriations measure, which would have prevented any funds from being used to enforce a provision in TSRA (Section 908(b)) prohibiting private financing for U.S. agricultural exports.

Other legislative initiatives introduced in the 117th Congress would lift restrictions on trade with Cuba. Two broad bills, S. 249 (Wyden), the United States-Cuba Trade Act of 2021, introduced in February 2021, and H.R. 3625 (Rush), the United States-Cuba Relations Normalization Act, introduced in May 2021, would repeal or amend provisions of law restricting trade and other relations with Cuba and would extend nondiscriminatory trade treatment to the products of Cuba. S. 1694 (Klobuchar), the Freedom to Export to Cuba Act of 2021, introduced in May 2021, would

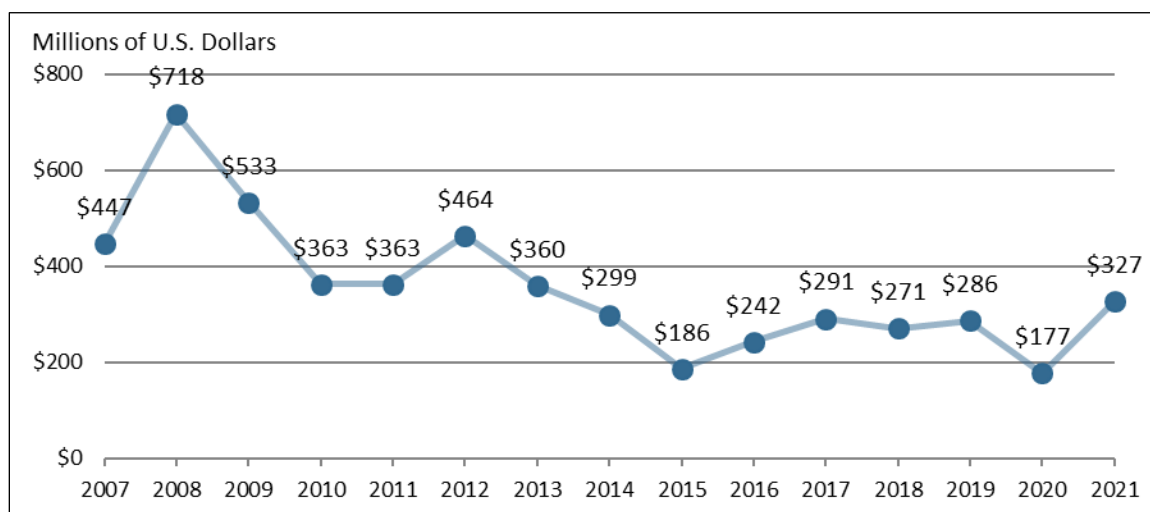
⁶⁹ U.S. Department of Commerce, “Restricting Additional Exports and Reexports to Cuba,” 84 *Federal Register* 56117-56121, October 21, 2019.

⁷⁰ U.S. Department of Commerce, “Amendments to Implement United States Policy Toward Cuba,” 82 *Federal Register* 51983-51986, November 9, 2017.

⁷¹ Trade statistics in this section are from the U.S. Department of Commerce, as presented by Trade Data Monitor.

repeal or amend provisions of law restricting trade and other relations with Cuba, including certain restrictions in the CDA, LIBERTAD Act, and TSRA.

Figure 2. U.S. Exports to Cuba, 2007-2021



Source: Created by CRS using Commerce Department statistics as presented by Trade Data Monitor.

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 SFOPS bill.

From FY2014 through FY2022, this funding included \$20 million in each fiscal year. The Trump Administration, as part of its efforts to reduce U.S. foreign assistance worldwide, attempted to cut assistance for Cuba democracy and human rights programs. The Administration did not request any funding for Cuba programs for FY2018 and requested \$10 million for FY2019, \$6 million for FY2020, and \$10 million for FY2021. Congress continued to appropriate \$20 million for each of those years.

Since FY2015, the State Department has administered a little over two-thirds of the Cuba democracy and human rights funding, a portion of which is implemented by NED, and USAID has administered the balance. For example, in the State Department's May 2021 notification to Congress for the obligation of FY2020 assistance for Cuba programs, the State Department was to administer \$13.75 million (including \$6.25 million implemented by NED) and USAID was to administer \$6.25 million. The assistance funds three program areas to strengthen independent Cuban civil society; promote the flow of independent media and the free flow of information; and promote the realization and protection of human rights, including the provision of basic assistance (food and medicine) to political prisoners and their families.⁷²

⁷² U.S. Department of State, "Congressional Notification 21-133: Cuba," May 21, 2021. Also see USAID's website for information on its Cuba program, at <https://www.usaid.gov/cuba>.

NED is not a U.S. government agency but an independent nongovernmental organization and has received about one-third of Cuba democracy and human rights funding in recent years. NED provides funding to a wide variety of human rights and pro-democracy civil society groups worldwide and in Cuba.⁷³

FY2022 Appropriations. For FY2022, the Biden Administration requested \$20 million in ESF to support independent civil society organizations in Cuba that promote democratic values, human rights, and fundamental freedoms. According to the budget request, the programs provide basic needs assistance to political prisoners and their families; strengthen the capacity of civil society groups; and promote the free flow of uncensored information to, from, and within Cuba.⁷⁴

Congress completed final action on FY2022 SFOPS appropriations in March 2022 in the Consolidated Appropriations Act, 2022 (P.L. 117-103, Division K). Although the measure did not specify an amount for Cuba democracy programming, the Administration estimates an allocation of \$20 million, the amount originally requested by the Administration.

The House-passed version of the FY2022 SFOPS bill, H.R. 4373, would have provided not more than \$20 million in ESF for democracy programs for Cuba (the amount requested by the Administration) in Section 7045(c); of these funds, not less than \$5 million would have been made available for programs to support free enterprise, private business organizations, and people-to-people educational and cultural activities. In contrast, Section 7045(c) of the Senate version of the FY2022 SFOPS bill, S. 3075, would have provided for \$5 million for such activities in addition to \$20 million in democracy funding.

FY2023 Appropriations. For FY2023, the Biden Administration again requested \$20 million to support democracy programs that align with Administration's goal of supporting the Cuban people, including their economic and political well-being and human rights. According to the request, programs will support independent groups and civil society organizations that promote democratic values, human rights, and fundamental freedoms. The programs will include basic needs assistance for persecuted activists, political prisoners, and their families. Support also will seek to enhance internet freedom and promote the flow of uncensored information to, from, and within the island.⁷⁵

The House Appropriations Committee's reported FY2023 SFOPS bill, H.R. 8282 (H.Rept. 117-401), would provide \$20 million for democracy programs, with not less than \$5 million to support private enterprise, private business organizations, and people-to-people educational and cultural activities. The introduced Senate SFOPS bill, S. 4662, and its explanatory statement do not specify an amount for Cuba democracy programs.

⁷³ See the National Endowment for Democracy's website for a listing of its Cuba grants in 2021, at <https://www.ned.org/region/latin-america-and-caribbean/cuba-2021/>, published February 12, 2022.

⁷⁴ U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Fiscal Year 2022, Appendix 2*, p. 264.

⁷⁵ U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Fiscal Year 2023, Appendix 2*, p. 296.

Radio and TV Martí⁷⁶

U.S.-government-sponsored radio and television broadcasting to Cuba—Radio and TV Martí—began in 1985 and 1990, respectively.⁷⁷ Until October 1999, U.S.-government-funded international broadcasting programs were a primary function of the United States Information Agency (USIA). When USIA was abolished and its functions merged into the Department of State at the beginning of FY2000, the Broadcasting Board of Governors 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 2018, the Broadcasting Board of Governors officially changed its name to the U.S. Agency for Global Media (USAGM).⁷⁸

OCB, which has been headquartered in Miami, FL, since 1998, manages Radio and TV Martí's multimedia services, which include radio (shortwave and AM), social media platforms (YouTube, Facebook, Instagram, and Twitter), and an online platform with streaming audio and video.⁷⁹ OCB provides 24-hour daily broadcasts to Cuba via its medium-wave transmitting station in Marathon, FL, and 18-hour daily broadcasts via USAGM's shortwave transmitting station in Greenville, NC. OCB content is also provided through flash drives, emails, DVDs, and SMS texts to help reach its Cuban audience.⁸⁰ According to USAGM's *2023 Congressional Budget Justification*, the OCB had a weekly audience of 1 million Cubans in FY2021. During the July 11, 2021, protests in Cuba, USAGM maintains that despite the government's disruption to social media platforms, circumvention tools helped 3.2 million people consume OCB content on Facebook.⁸¹

FY2022 Appropriations. For FY2022, the Biden Administration requested \$12.973 million for OCB funding. USAGM stated in its budget request that OCB would “continue to rigorously follow its fiscal, technological, and editorial reforms” and noted that as OCB continues its reform efforts, a primary focus is to deliver accurate news coverage in Cuba and provide a platform for diverse voices throughout the island. USAGM maintained that OCB would work closely with USAGM and the independent nonprofit Open Technology Fund to increase circumvention of Cuban government censorship.⁸²

In the Consolidated Appropriations Act, 2022 (P.L. 117-103, Division K), and its explanatory statement, Congress fully funded the Administration's OCB request. (Both the report to the House-passed FY2022 SFOPS bill (H.Rept. 117-84 to H.R. 4373) and the explanatory statement to the Senate-introduced bill, S. 3075, recommended fully funding the request.) The joint explanatory statement accompanying the law required the State Department to update a Cuba

⁷⁶ For background on U.S. international broadcasting, including Radio and TV Martí, see CRS Report R46968, *U.S. Agency for Global Media: Background, Governance, and Issues for Congress*.

⁷⁷ The Radio Broadcasting to Cuba Act (P.L. 98-111) was signed into law in October 1983. The Television Broadcasting to Cuba Act (P.L. 101-246, Title II, Part D) was signed into law in February 1990.

⁷⁸ With the new name, the agency also changed its website to <https://www.usagm.gov/>.

⁷⁹ The Radio and TV Martí website is at <https://www.radiotelevisionmarti.com/>.

⁸⁰ U.S. Agency for Global Media (USAGM), Office of Cuba Broadcasting (OCB), at <https://www.usagm.gov/networks/ocb/>.

⁸¹ USAGM, *FY2023 Congressional Budget Justification*, May 28, 2021, pp. 30, 93.

⁸² USAGM, *FY2022 Congressional Budget Justification*, May 28, 2021, p. 30. OCB's reform efforts, begun in 2019, emanated from a review by an outside panel of experts and an internal USAGM review of OCB's journalistic standards, editorial processes, and personnel practices. The reviews were prompted by media reports in 2018 of a TV Martí program with anti-Semitic content. For background, see section on “Radio and TV Martí” in CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration*.

internet access report required by Section 7045 of S.Rept. 115-282. In addition, the joint explanatory statement directed federal departments and agencies to comply with reporting requirements in H.Rept. 117-84. One such requirement was that USAGM, in consultation with OCB, produce a report within 90 days of enactment that outlined

- reforms taken to address deficiencies identified in the USAGM-commissioned internal and external reviews of OCB's editorial policies and oversight procedures,
- implementation of recommendations identified in the State Department Office of the Inspector General's report in December 2020,⁸³ and
- plans for aligning OCB's personnel and activities with the budget request level.

FY2023 Appropriations. For FY2023, the Administration requested \$13.432 million for OCB. According to the request, OCB will target digitally connected Cubans where circumvention of the regime's censorship proves possible and will continue to align its content production, workforce structure, and skillsets with ongoing reforms aimed at improving content quality, strengthening journalist integrity, and reaching Cuban audiences more effectively. USAGM maintains that OCB will enhance circumvention tools to more effectively reach a larger audience and continue to work with the Open Technology Fund to explore emerging circumvention technologies and alternative methods for content distribution.⁸⁴

The House Appropriations Committee's reported FY2023 SFOPS bill, H.R. 8282 (H.Rept. 117-401), would provide \$12.973 million for OCB (same as provided for FY2022); an explanatory statement to the Senate bill, S. 4662, would recommend \$13.891 million.⁸⁵ The report to the House bill would require a report, within 90 days of enactment, similar to that required for FY2022 on reforms taken by USAGM, implementation of State Department Inspector General recommendations, and plans for aligning OCB's personnel and activities with the budget request level. The explanatory statement to the Senate bill maintains that the Senate Appropriations Committee continues to support the reform of broadcasting standards at OCB, as outlined in USAGM's *Embarking on Reform of the Office of Cuba Broadcasting* from May 2019. It also calls for the USAGM, in consultation with OCB, to continue to provide quarterly updates to the Committees on Appropriations on implementation of OCB reforms.⁸⁶

Migration Issues

Irregular Cuban migration to the United States has surged over the past year, driven by Cuba's difficult economic conditions and political repression, as well as by the drawdown of staffing at the U.S. Embassy in Havana since 2017 (which reduced access to legal immigration avenues). Congressional concerns have included the status of consular services provided at the U.S. Embassy in Havana and the Cuban Family Reunification Parole (CFRP) Program, which was suspended in 2017. In April 2022, U.S. and Cuban officials held migration talks—the first such talks since 2018—on the implementation of bilateral migration accords. On September 8-9, 2022,

⁸³ U.S. Department of State, Office of Inspector General, *Targeted Inspection of the U.S. Agency for Global Media: Journalistic Standards and Principles*, December 2020, at <https://www.stateoig.gov/reports/10801>.

⁸⁴ USAGM, *FY2023 Congressional Budget Justification*, March 28, 2022, pp. 29-33.

⁸⁵ The explanatory statement to S. 4662 is available from the Senate Appropriations Committee at <https://www.appropriations.senate.gov/download/sfopsfy23rpt>.

⁸⁶ USAGM, *Embarking on Reform of the Office of Cuba Broadcasting*, May 21, 2019, at <https://www.usagm.gov/wp-content/uploads/2019/05/Embarking-on-OCB-Reform-English.pdf>.

the U.S. Coast Guard and Cuban Border Guard held technical talks in Havana on operational cooperation to confront the illegal trafficking of migrants and illicit drug trafficking.⁸⁷ On September 21, 2022, the Administration announced that it would resume full immigrant visa processing at the U.S. Embassy in Havana in early 2023 for the first time since 2017.⁸⁸

Background on U.S.-Cuban Migration Accords. Since 1984, the United States has entered into four bilateral migration agreements with Cuba that are collectively known as the *Migration Accords*. In 1984—in the aftermath of the 1980 Mariel boatlift, in which 125,000 Cubans fled to the United States with the approval of Cuban officials—the United States negotiated an agreement to resume normal immigration procedures. The United States agreed to grant immigrant visas for up to 20,000 immigrants per year in addition to immigrant visas for parents, spouses, and unmarried children of U.S. citizens.⁸⁹

In 1994 and 1995, Cuba and the United States reached two additional migration agreements designed to stem another mass exodus of Cubans attempting to reach the United States by boat. In August 1994, amid escalating numbers of fleeing Cubans, 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. In September 1994, Cuba and the United States reached a second bilateral migration agreement in which both countries agreed to facilitate safe, legal, and orderly Cuban migration to the United States, consistent with the earlier 1984 migration accord. The United States agreed to ensure 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.⁹⁰ In May 1995, the two countries reached a third migration agreement in 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.⁹¹

In January 2017, the United States entered into a fourth migration agreement with Cuba. This agreement ended the so-called *wet foot/dry foot* policy under which thousands of unauthorized Cuban migrants had entered the United States since the mid-1990s. Under that policy, Cuban migrants interdicted at sea—even in U.S. coastal waters—generally were returned to Cuba, whereas those who reached U.S. land were allowed entrance into the United States and generally were permitted to stay. Cubans who reached the U.S. shore and were admitted or granted immigration parole were allowed to apply for permanent resident status in one year, pursuant to the Cuban Adjustment Act of 1966 (P.L. 89-732). Some criticized this policy as encouraging Cubans to risk their lives to make it to the United States and as encouraging alien smuggling. The January 2017 migration agreement that ended the wet foot/dry foot policy specified that Cuban nationals who attempted to enter the United States illegally and did not qualify for humanitarian

⁸⁷ CE NoticiasFinancieras, “U.S. and Cuban Authorities Discuss Migrant Smuggling in Havana,” September 10, 2022.

⁸⁸ U.S. Embassy in Cuba, “U.S. Embassy in Havana Prepares for Full Resumption of Immigrant Visa Services in Cuba, Will Accelerate Processing of Cuban Family Reunification,” September 21, 2022.

⁸⁹ U.S. Department of State, “Cuba Immigration, Joint Communiqué on Immigration Matters, with Minute on Implementation,” TIAS 11057, December 14, 1984.

⁹⁰ U.S. Department of State, “Cuba, Normalizing Migration Procedures; Joint Communiqué Concerning Normalizing Migration Procedures,” Temp. State Dept. No. 94-232, September 9, 1994.

⁹¹ U.S. Department of State, “Cuba, Normalizing Migration Procedures, Joint Statement Regarding Normalization of Migration Procedures,” May 2, 1995.

relief were subject to removal. The Cuban government agreed to begin accepting the return of Cuban migrants who had been ordered removed.⁹²

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. 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 both Cuba and the United States. Interdictions reached over 5,000 in FY2016, 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 significantly. Since Cuba's economic and political situation began to deteriorate in 2021, interdictions have grown significantly, with over 800 Cubans interdicted and returned to Cuba in FY2021, and over 5,600 in FY2022, as of September 15, 2022 (see **Table 1**).

Table 1. Maritime Interdictions of Cubans by the U.S. Coast Guard
(FY2016-FY2022)

	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022 ^a
Migrants	5,396	1,468	259	313	49	838	5,689

Source: United States Coast Guard, 7th District Southeast, news releases.

a. Interdiction statistics for FY2022 are through September 15, 2022.

Unauthorized Cuban Migration by Land. Beginning around FY2013, Cuban migrants without valid entry documentation began to favor land-based routes to enter the United States, especially via Southwest border ports of entry. With the January 2017 change in U.S. immigration policy toward Cubans, the number of Cuban migrants entering the United States by land declined. It began to increase again in FY2021.

According to data from U.S. Customs and Border Protection, nationwide encounters of Cuban migrants rose from 14,105 in FY2020 to 39,303 in FY2021 to almost 198,000 in the first 11 months of FY2022 (through August 2022), with the overwhelming majority at the Southwest land border.⁹³ The surge is caused by several factors. Notable factors include Cuba's difficult economic conditions, marked by shortages of food and medicine, high inflation, and electricity outages; increased political repression; and the 2017 suspension of immigration interviews and processing at the U.S. Embassy in Havana (these only recently resumed on a limited basis). Another factor that has facilitated irregular Cuban migration by land is that Nicaragua lifted visa requirements for Cubans in November 2021, spurring thousands of Cubans to use that country as the first stop on their journey to the U.S. border.

Consular Services at the U.S. Embassy in Havana. As noted, the Biden Administration restarted limited immigrant visa processing at the U.S. Embassy in Havana in May 2022 and said

⁹² 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; and U.S. Department of State, "Joint Statement Between the United States of America and Cuba," TIAS 17-112, January 12, 2017.

⁹³ U.S. Department of Homeland Security, U.S. Customs and Border Protection, "Nationwide Encounters," at <https://www.cbp.gov/newsroom/stats/nationwide-encounters>. Enforcement encounters include Title 8 apprehensions (the temporary detainment of a person who is not lawfully in the United States), Title 8 inadmissibles (foreign nationals encountered at a port of entry who seek lawful admission into the United States but who U.S. authorities determine to be inadmissible), and Title 42 expulsions (public health-related expulsions).

it would reinstate the CFRP Program, which was suspended in 2017; in September 2022, it announced that the U.S. Embassy in Havana would resume full immigrant visa services in Cuba in early 2023. The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS), which established the CFRP Program in 2007, began conducting interviews at the U.S. Embassy in Havana in August 2022, focusing on pending CFRP Program applications.⁹⁴ When the CFRP Program was established, it aimed to help the United States meet its annual obligation of 20,000 travel documents under the 1994 bilateral migration agreement. The program allows certain U.S. citizens and permanent residents with approved petitions for family members in Cuba to apply for immigration parole for those individuals. If a CFRP application is approved, family members in Cuba are issued documentation to enable them to travel to the United States. Until its suspension, around 75% of the immigrant travel documents issued annually for Cuban nationals were issued under the CFRP Program.⁹⁵ Because of the suspension of immigrant visa services at the U.S. Embassy in Havana, the United States has not met its 20,000 commitment under the accord since FY2017.

Limited immigrant visa processing at the U.S. Embassy in Havana began in May 2022, prioritizing IR-5 (parent of a U.S. citizen) cases. Currently, the U.S. Embassy in Georgetown, Guyana, remains the primary processing location for the majority of Cuban immigrant visa applications.⁹⁶ When the Biden Administration announced the resumption of limited immigration visa processing and the reinstatement of the CFRP Program, U.S. officials indicated they wanted "to staff up so that that we can begin processing the full 20,000 immigrant visas out of Havana as quickly as possible."⁹⁷ When the Administration announced in September 2022 that it was preparing to fully resume immigrant visa services at the U.S. Embassy in Havana in early 2023, it noted that the change will "eliminate the need for Cubans applying for immigrant visas in family preference categories to travel outside of Cuba to Georgetown, Guyana for their interviews."⁹⁸

Most temporary nonimmigrant visa processing at the U.S. Embassy in Havana remains suspended, except for diplomatic or official visas and for medical emergencies.⁹⁹ Cubans applying for other categories of nonimmigrant visas must go to a U.S. embassy or consulate in another country. In March 2019, the State Department announced it would no longer issue multiple-entry five-year B-2 visas (for tourism, family visits, medical treatment, and similar travel purposes) for Cuban nationals; instead, it would issue only single-entry B-2 visas for a stay of two months, with the possibility of a 30-day extension.¹⁰⁰ That change has made family travel from Cuba more difficult and has made it harder for those traveling from Cuba to buy supplies for their private-sector businesses.

⁹⁴ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), "USCIS Resumes Cuban Family Reunification Parole Operations," September 1, 2022.

⁹⁵ For background on the Cuban Family Reunification Parole Program, see USCIS, "The Cuban Family Reunification Parole Program," at <https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-family-reunification-parole-program>.

⁹⁶ U.S. Embassy in Cuba, "Havana Immigrant Visa Processing FAQs," April 6, 2022, at <https://cu.usembassy.gov/havana-immigrant-visa-processing-faqs/>.

⁹⁷ U.S. Department of State, "Background Press Call by Senior Administration Officials on New Cuba Policy," press briefing via teleconference, May 16, 2022.

⁹⁸ U.S. Embassy in Cuba, "U.S. Embassy in Havana Prepares for Full Resumption of Immigrant Visa Services in Cuba, Will Accelerate Processing of Cuban Family Reunification," September 21, 2022.

⁹⁹ U.S. Embassy in Cuba, "Nonimmigrant Visas," at <https://cu.usembassy.gov/visas/nonimmigrant-visas/>.

¹⁰⁰ U.S. Embassy in Cuba, "Decreasing B2 Visa Validity for Cuban Nationals," media note, March 15, 2019.

Legislative Initiatives. In the 117th Congress, the joint explanatory statement to the Consolidated Appropriations Act, 2022 (P.L. 117-103, Division K), required an updated State Department report on consular services at the U.S. Embassy in Havana, originally required in S.Rept. 116-126. For FY2023, the explanatory statement to S. 4662 would require a State Department report, within 60 days of enactment, on consular personnel at the U.S. Embassy in Havana and statistics on visas granted to Cubans by type.

Three other introduced bills touch on Cuban immigration issues. H.R. 2684 (Diaz-Balart), introduced in April 2021, would amend the Immigration and Nationality Act (P.L. 82-414, as amended) to establish a Cuban family reunification parole program. H.R. 6907 (Wasserman Schultz), introduced in March 2022, would direct the Secretary of Homeland Security to reinstate the processing of applications for parole under the CFRP Program. S. 2138 (Menendez), introduced in June 2021, would require the Secretary of Homeland Security, in coordination with the Secretary of State, to reinstate the Cuban Medical Professional Parole Program to authorize the admission into the United States of Cuban medical personnel conscripted to study or work in a third country under the Cuban government's direction.¹⁰¹

U.S. Fugitives from Justice

Cuba has provided safe haven to several U.S. fugitives from justice, including convicted murderers and hijackers. Most of these fugitives entered Cuba in the 1970s and early 1980s. 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 1984.¹⁰² 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. 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.¹⁰³

In addition to Chesimard and Morales, several other U.S. fugitives in Cuba are named in the State Department's *Country Reports on Terrorism 2020* (issued in December 2021).¹⁰⁴ Ishmael Muslim Ali (Ronald LaBeet) is wanted for the 1984 hijacking of a flight to Cuba from the U.S. Virgin Islands, where he had received eight life sentences after being convicted of killing eight tourists in 1972.¹⁰⁵ Charles Lee Hill is wanted for his alleged involvement in several violent crimes in

¹⁰¹ Established in 2006 and administered by the Department of Homeland Security, the Cuban Medical Professional Parole Program allowed Cuban medical professionals in third countries to be approved for entry into the United States. The program was terminated in January 2017. See U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, "Cuban Medical Professional Parole (CMPP) Program," January 19, 2017, at <https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-medical-professional-parole-cmpp-program>.

¹⁰² Federal Bureau of Investigation (FBI), "Most Wanted Terrorists: Joanne Deborah Chesimard," poster, at http://www.fbi.gov/wanted/wanted_terrorists/joanne-deborah-chesimard/view.

¹⁰³ 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.

¹⁰⁴ U.S. Department of State, *Country Report on Terrorism 2020: Cuba*, December 16, 2022, at <https://www.state.gov/reports/country-reports-on-terrorism-2020/cuba/>.

¹⁰⁵ FBI, "Most Wanted: Ishmael Muslim Ali," poster, at <https://www.fbi.gov/wanted/dt/ishmael-muslim-ali>; and Azam

1971, including the shooting death of a New Mexico State Police officer and the hijacking of a plane to avoid prosecution.¹⁰⁶ Ambrose Henry Montfort is wanted for the hijacking of a passenger aircraft to Cuba in 1983.¹⁰⁷ Victor Manuel Gerena, a member of a Puerto Rican militant separatist group, is wanted for the 1983 armed robbery of a security company in West Hartford, CT.

With the resumption of diplomatic relations with Cuba in 2015, the United States held several law enforcement dialogues that reportedly included discussion of the issue of U.S. fugitives from justice; the most recent such dialogue was in July 2018.¹⁰⁸ As noted, in January 2021, then-Secretary of State Pompeo designated the government of Cuba as a state sponsor of international terrorism, citing Cuba's harboring of several U.S. fugitives from justice among the reasons for designation.¹⁰⁹

Although the United States and Cuba signed an extradition treaty in 1904 (which entered into force in 1905 and was amended by an additional extradition treaty in 1926), the treaty has not been used under the current Cuban government. Instead, Cuba has returned fugitives to the United States on a case-by-case basis. For example, in 2018, Cuba returned a New Jersey man wanted on murder charges and a long-sought U.S. fugitive from justice wanted in connection with ecoterrorism who had stopped in Cuba on his way to Russia.¹¹⁰ Generally, however, Cuba has refused to render to U.S. justice any fugitive judged by Cuba to be "political," such as Chesimard, who Cuba contends could not receive a fair trial in the United States.

Legislative Initiatives. In the 117th Congress, S. 4715, introduced in August 2022, would call for the immediate extradition and return to the United States of U.S. fugitives receiving safe haven in Cuba. It also would require a State Department report identifying steps taken to secure the extradition or return to the United States of U.S. fugitives residing in Cuba and, to the extent feasible, include an estimate of the number of U.S. fugitives receiving safe haven in Cuba. In addition, the bill would prohibit the use of International Narcotics Control and Law Enforcement assistance for programs or initiatives in Cuba until Cuba fulfills certain conditions regarding its extradition obligations and other broad political and other conditions set forth in the LIBERTAD Act of 1996.

Two other bills have been introduced related to fugitives from Cuba. S. 689, introduced in March 2021, would, among other provisions, require the President to submit a report to certain committees that identifies terrorists and fugitives being provided safe haven in Cuba. H.R. 8651, introduced in August 2022, would require the President to submit an annual report to Congress on fugitives currently residing in other countries whose extradition is sought by the United States. The bill also would express the sense of Congress that in meeting foreign officials, U.S. officials should prioritize advocacy in fulfilling U.S. extradition requests, including that for Joanne Chesimard.

Ahmed, "Convicted of Murder and Now Swept Up in U.S.-Cuba Shift," *New York Times*, July 8, 2017.

¹⁰⁶ FBI, "Most Wanted: Charles Lee Hill," poster, at <https://www.fbi.gov/wanted/murders/charles-lee-hill>.

¹⁰⁷ FBI, "Most Wanted: Ambrose Henry Montfort," poster, at <https://www.fbi.gov/wanted/dt/ambrose-henry-montfort>.

¹⁰⁸ U.S. Department of State, "United States and Cuba Hold Fourth Law Enforcement Dialogue in Washington, DC," media note, July 10, 2018.

¹⁰⁹ U.S. Department of State, Secretary of State Michael R. Pompeo, "U.S. Announces Designation of Cuba as a State Sponsor of Terrorism," January 11, 2021.

¹¹⁰ CBS News, "Suspected Eco-Terrorist Arrested in Cuba After 20 Years as a Fugitive," August 11, 2018; and Mimi Whitefield, "Cuba Extradites a 55-Year-Old American Lawyer to Face Murder Charges in N.J.," *Miami Herald*, November 7, 2018.

Trafficking in Persons and Cuba's Foreign Medical Missions

In 2022, for the fourth consecutive year, the State Department placed Cuba on Tier 3 in its annual *Trafficking in Persons Report* (TIP report), a status that 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.¹¹¹ According to the State Department's 2022 TIP report, issued in July 2022, "there was a government policy or pattern to profit from labor export programs with strong indications of forced labor, particularly in its foreign medical missions' program."¹¹² As noted in the report, Cuba has over 30,000 medical workers involved in missions in more than 60 countries and overseas territories worldwide. Amid the COVID-19 pandemic, Cuba's emergency medical contingent of nearly 5,000 medical workers has provided assistance to more than 40 countries.

Cuba's foreign medical diplomacy has long been a source of national pride and an example of Cuba's soft power worldwide to promote humanitarianism and generate political goodwill. The diplomacy has included short-term initiatives for disaster relief and epidemic control as well as longer-term initiatives, such as providing primary health care, staffing hospitals, and establishing health care facilities.¹¹³

Cuba's foreign medical mission program is not a solely humanitarian-based grant but a program in which the Cuban government benefits economically from countries that can pay for the medical services. Cuban government statistics show that in 2020 (latest year available), the export of health services accounted for 58% of Cuba's services exports, making it a major foreign exchange earner. The U.S. State Department maintains that the Cuban government collects between \$6 billion and \$8 billion annually from its foreign medical missions.¹¹⁴

Cuba's medical missions program has received growing criticism in recent years for its labor practices and alleged exploitation of medical personnel.¹¹⁵ The State Department's 2022 TIP report alleges that the Cuban government continued to deploy medical workers to foreign countries using deceptive and coercive tactics and failed to address labor violations and trafficking crimes, despite an increasing number of allegations about abuses from credible nongovernmental organizations, former participants, and foreign governments. According to the report, the Cuban government failed to inform participants of the terms of their contracts, only paid them a portion of their salaries, and threatened medical professionals and their family members with retaliation if participants left the program.¹¹⁶

¹¹¹ From 2015 through 2018, Cuba was on the Tier 2 Watch List, a status that refers to countries whose governments, despite making significant efforts, do not fully comply with the minimum standards and still have some specific problems or whose governments have made commitments to take additional anti-trafficking steps over the next year.

¹¹² U.S. Department of State, *Trafficking in Persons Report*, July 2022, pp. 193-195.

¹¹³ For further background on the development of Cuba's foreign medical missions, see Julie M. Feinsilver, "Fifty Years of Cuba's Medical Diplomacy: From Idealism to Pragmatism," *Cuban Studies*, vol. 41 (2010), pp. 85-104; John M. Kirk, "Cuba's Medical Internationalism: Development and Rationale," *Bulletin of Latin American Research*, vol. 28, no. 4, 2009, pp. 497-511; Sarah A. Blue, "Cuban Medical Internationalism: Domestic and International Impacts," *Journal of Latin American Geography*, vol. 9, no. 1, 2010, pp. 31-49; Pascal Fletcher, "Cuban Medics a Big Force on Haiti Cholera Frontline," Reuters News, December 10, 2010; and Monica Mark, "Cuba Leads Fights Against Ebola in Africa as West Frets About Border Security," *Guardian*, October 11, 2014.

¹¹⁴ ONEI, República de Cuba, Anuario Estadístico de Cuba 2021, Sector Externo, Edición 2022, p. 47; and U.S. Department of State, *Trafficking in Persons Report*, July 2022, p. 195.

¹¹⁵ For example, see "Cuba: Repressive Rules for Doctors Working Abroad," Human Rights Watch, July 23, 2020.

¹¹⁶ U.S. Department of State, *Trafficking in Persons Report*, July 2022, p. 195.

The Cuban government has spoken out against criticism of its foreign medical missions, alleging that U.S. influence and actions led to the termination of missions in some countries, such as Brazil and Ecuador. The Cuban government maintains that its “technicians and professionals who participate in these programs do so absolutely of their own free will.” The government asserts that Cuban medical professionals on foreign missions “continue to receive their full salary in Cuba, and also a stipend in the country of destination, along with other benefits.” It also maintains that when Cuba receives compensation from host countries, the funding contributes to the sustainability of Cuba’s health care system and covers the costs for its foreign medical missions, which provide health care services at no cost to many countries worldwide.¹¹⁷ Cuba’s foreign minister has denounced what he characterizes as U.S. lies about Cuba’s medical missions.¹¹⁸

Many countries view Cuban doctors as a key resource for their overwhelmed health care systems, although hiring Cuban medical personnel can lead to criticisms due to concerns over Cuba’s labor practices. In August 2022, the regional government of Calabria in Italy announced that it hired almost 500 doctors from Cuba.¹¹⁹ In May 2022, Mexican President Andrés Manuel López Obrador announced that Mexico would hire 500 Cuban doctors to help fill shortages; the first contingent of these doctors arrived in Mexico in July. Some in Mexico’s medical community have criticized the hiring of Cuban doctors, maintaining there are unemployed Mexican doctors who could do the job and questioning the qualifications of the Cuban medical personnel.¹²⁰

Legislative Initiatives. In the 117th Congress, the joint explanatory statement to the Consolidated Appropriations Act, 2022 (P.L. 117-103, Division K), required State Department compliance with a directive in H.Rept. 117-84 related to Cuba’s foreign medical mission. H.Rept. 117-84 directs the State Department to assess the Pan American Health Organization’s (PAHO’s) involvement in Cuba’s foreign medical missions program and to update the Committees on Appropriations on its findings, as well as on steps taken to improve PAHO’s transparency, internal oversight, and risk management.¹²¹ (In the 116th Congress, the Further Consolidated Appropriations Act, 2020 [P.L. 116-94] and the explanatory statement to the Consolidated Appropriations Act, 2021 [P.L. 116-260], referenced S.Rept. 116-126 and required State Department reports on PAHO’s role in facilitating agreements between foreign medical professionals from the Cuban government and other countries.)

In addition, S. 2138 (Menendez), introduced in June 2021, would require an annual State Department report identifying countries hosting Cuba’s foreign medical missions and a determination as to whether such personnel are subject to conditions that qualify as severe forms of trafficking in persons. The bill also would provide for the reinstatement of the Cuban Medical Professional Parole Program, and require a joint State Department and Health and Human Services Department report reviewing the findings of the role of PAHO in Brazil’s *Mais Médicos* program from 2013 to 2019, a summary of corrective actions to be taken by PAHO, and recommendations for further corrective actions.

¹¹⁷ Ministry of Foreign Affairs of Cuba, “The U.S. Crusade Against Cuba’s International Medical Cooperation, Declaration of the Ministry of Foreign Affairs of Cuba,” December 5, 2019.

¹¹⁸ Ministry of Foreign Affairs of Cuba, “Cuban FM Denounces the United States’ Lies About Medical Missions,” April 29, 2020; and CE NoticiasFinancieras, “Cuba Says U.S. ‘Deliberately Lies’ in Accusing It of Trafficking,” July 19, 2022.

¹¹⁹ Reuters News, “Cuba to Send Hundreds of Doctor’s to Italy’s Calabria Region,” August 19, 2022.

¹²⁰ *Latin News Weekly Report*, “Mexico: Cuban Medical Assistance Prompts Pushback,” May 19, 2022; and Paloma Duran, “Cuban Doctors Arrive in Mexico to Address Medical Deficit,” *Mexico Business News*, July 26, 2022.

¹²¹ The Pan American Health Organization is the specialized international health agency for the Americas and serves as the regional office for the Americas of the World Health Organization.

Outlook

Cuba is experiencing one of its most difficult economic and political periods since the end of the Cold War and the cutoff of assistance from the former Soviet Union in the early 1990s. Even before the country's massive oil storage fire in early August 2022, shortages of basic commodities and electricity outages were common. The fire further increased blackouts and long lines for gasoline and has spurred protests, although not at the level of the July 11, 2021, protests that the government harshly repressed. The difficult economic situation and continued political repression also has spurred a migration exodus to the United States via the U.S. Southwest border.

Looking ahead, Cuba's post-pandemic economic recovery likely will be constrained by damage to the country's main oil storage facility and its effect on the already frail, oil-dependent, electric power system. The state's continued domination of the economy, along with continued U.S. economic sanctions, also dims prospects for major economic improvement. Although additional social unrest is possible, it appears the country's one-party rule is strongly buoyed by its domestic security apparatus and control of most media.

When President Biden took office, many observers expected an early reversal of sanctions imposed on Cuba during the previous Administration and a return to a U.S. policy focused on engagement. Early on, the Biden Administration said it was reviewing policy decisions made by the prior Administration and announced that human rights would be a pillar of U.S. policy toward Cuba. As the human rights situation deteriorated and Cuba harshly repressed the July 2021 protests, the Biden Administration condemned Cuba's action and responded with targeted sanctions against those Cuban officials and security entities involved in the repression. The Administration ultimately unveiled several Cuba policy changes in May 2022, with the goal of increasing support to the Cuban people. These changes included efforts to facilitate family reunification and to ease some restrictions on travel and remittances, although many sanctions remain in place.

The 117th Congress has supported continued funding for Cuban democracy programs and U.S. broadcasting to Cuba. It also has expressed heightened concern about the human rights situation in Cuba through the approval of several resolutions. As in the past, Members of Congress maintain diverse opinions regarding the appropriate U.S. policy approach toward Cuba. Numerous legislative initiatives have been introduced to either increase or ease U.S. sanctions on Cuba (**Appendix A**). In July 2022, the House rejected a sanctions-easing amendment to an appropriations measure that would have prohibited funding to enforce a prohibition on private financing for U.S. agricultural exports to Cuba. The vote appears to demonstrate the effect of Cuba's harsh repression on congressional consideration of legislative initiatives on Cuba sanctions.

Appendix A. Legislative Initiatives in the 117th Congress

This appendix provides a listing of Cuba-related legislation and legislative initiatives in the 117th Congress, including enacted measures and resolutions, bills that received some congressional action, and bills and resolutions that were introduced. This report does not discuss the U.S. Naval Station at Guantanamo Bay, Cuba, with the exception of including in this appendix legislative provisions to prohibit funding from being used for the closure or relinquishment of control of the naval station. For information on the naval base, see CRS Report R44137, *Naval Station Guantanamo Bay: History and Legal Issues Regarding Its Lease Agreements*, by Jennifer K. Elsea.

Enacted Measures and Approved Resolutions

P.L. 117-46 (S. 1828). Helping American Victims Afflicted by Neurological Attacks Act of 2021, or the Havana Act of 2021. Introduced May 25, 2021, and referred to the Senate Committee on Homeland Security and Governmental Affairs. (In the House, a similar bill, H.R. 3356, was introduced May 19, 2021, and referred to House Committee on Foreign Affairs, and to the Permanent Select Committee on Intelligence.) Senate passed S. 1828 by Unanimous Consent June 7, 2021; House passed S. 1828 September 21, 2021, by a vote of 427-0. Signed into law October 8, 2021. The measure provided additional authority to the Central Intelligence Agency and the State Department to provide financial support to those serving abroad who experience traumatic brain injuries.

P.L. 117-81 (S. 1605). National Defense Authorization Act (NDAA) for Fiscal Year 2022. Originally approved by the Senate in June 2021 as a bill to designate the National Pulse Memorial Orlando, FL, S. 1605 became the vehicle for the FY2022 NDAA in December 2021. House passed (363-70), amended, December 7, 2021; Senate agreed (88-11) to the House amendment December 15, 2021. Signed into law December 27, 2021. Section 1035 extended a prohibition through FY2022 on the use of funds to close or relinquish control of the U.S. Naval Station, Guantanamo Bay, Cuba. Section 1338 required a report by the Secretary of State, in coordination with the Secretary of Defense, on efforts by China to expand its presence and influence in Latin America and the Caribbean, including, among its various requirements, a detailed description of the relationship between the governments of China and Cuba.

The measure included four provisions related to anomalous health incidents:

- Section 732, providing U.S. government employees and family members access to certain Department of Defense medical facilities for assessment and treatment;
- Section 910, requiring the Secretary of Defense to establish a cross-functional team to address national security challenges posed by such incidents and ensure individuals affected by such incidents receive timely, comprehensive care and treatment;
- Section 4501, authorizing \$30 million for anomalous health incidents health care; and
- Section 6603, requiring the President to designate a senior official as Anomalous Health Incidents Interagency Coordinator to coordinate the response of the U.S. government to such incidents, including equitable and timely access to assessment and care for those affected, adequate training and education for U.S. government personnel, U.S. government technological and research efforts, and

the development of options to prevent, mitigate, and deter suspected attacks presenting as such incident.

P.L. 117-103 (H.R. 2471). Consolidated Appropriations Act, 2022. Originally introduced in April 2021 as the Haiti Development, Accountability, and Institutional Transparency Initiative Act, the bill became the vehicle for the Consolidated Appropriations Act, 2022, approved in March 2022. It included 12 regular appropriations bills funding federal agencies for FY2022.

Division C (Department of Defense Appropriations Act, 2022), in Section 8148, prohibited the use of funds in the act from being used to carry out the closure or realignment of the U.S. Naval Station at Guantanamo Bay, Cuba.

Division J (Military Construction, Veteran Affairs, and Related Agencies Appropriations Act, 2022), in Section 140, prohibited the use of funds in the act to close or realign the U.S. Naval Station at Guantanamo Bay, Cuba.

Division K (Department of State, Foreign Operations, and Related Programs Appropriations, 2022) continued two long-standing provisions: Section 7007 prohibited direct funding for the government of Cuba, including direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents; and Section 7015(f) prohibited the obligation or expenditure of assistance for Cuba except through the regular notification procedures of the Committees on Appropriations. The explanatory statement to the bill allocated, as requested by the Administration, \$12.973 million for the Office of Cuba Broadcasting.

The joint explanatory statement to Division K included several State Department reporting requirements on Cuba: an update of a report on the condition of the U.S. Embassy in Havana, Cuba, originally required by S.Rept. 116-126; updated reports on consular services (including nonimmigrant visas) and on the causes and responsibility of health illnesses suffered by U.S. government personnel originally required in Section 7035 of S.Rept. 116-126; and an update of a Cuba internet access report required by Section 7045 of S.Rept. 115-282. The explanatory statement also required the Secretary of State to consult with the Committees on Appropriations on implementation of the Helping American Victims Afflicted by Neurological Attacks Act of 2021 (P.L. 117-46).

In addition, the joint explanatory statement directed federal departments and agencies to comply with reporting requirements and directives contained in H.Rept. 117-84 accompanying H.R. 4373, the FY2022 Department of State, Foreign Operations, and Related Programs Appropriations Act (SFOPS) bill passed by the House in July 2021, including

- a directive for the State Department to assess the Pan American Health Organization's (PAHO's) involvement in Cuba's foreign medical missions program and to update the Committees on Appropriations on its findings and on steps taken to improve PAHO's transparency, internal oversight, and risk management;
- a required U.S. Agency for Global Media (USAGM) report, in consultation with the Office of Cuba Broadcasting (OCB), within 90 days of enactment, outlining reforms taken to address deficiencies identified in USAGM-commissioned internal and external reviews of OCB's editorial policies and procedures, implementation of recommendations identified in a December 2020 State Department Office of Inspector General report, and plans for aligning OCB's personnel and activities with the budget request level; and
- a required report within 45 days of enactment detailing the results of the Administration's Cuba policy review that is to address the steps necessary to

advance the normalization of bilateral relations, recommendations for supporting the growth of a Cuban private sector independent of government control, the extent to which the government of Cuba has cooperated over the previous fiscal year on anti-terrorism efforts, and a timeline for safely restoring staffing levels at the U.S. Embassy in Havana.

S.Res. 37 (Menendez). The resolution expressed solidarity with the San Isidro Movement, condemned escalated attacks against artistic freedoms in Cuba, and called for the repeal of laws that violate freedom of expression and the immediate release of arbitrarily detained artists, journalists, and activists. Introduced February 8, 2021, and reported by Senate Committee on Foreign Relations with an amendment in the nature of a substitute March 24. Senate passed, amended, by unanimous consent April 15, 2021.

S.Res. 81 (Rubio). The resolution honored *Las Damas de Blanco*, a women-led nonviolent movement in support of freedom and human rights in Cuba, and called for the release of all political prisoners in Cuba. Introduced March 1, 2021, and reported by Senate Committee on Foreign Relations March 24. Senate passed by unanimous consent May 12, 2021.

S.Res. 310 (Menendez). The resolution expressed solidarity with Cuban citizens demonstrating peacefully for fundamental freedoms, condemned the Cuban regime's acts of repression, and called for the immediate release of arbitrarily detained Cuban citizens. Introduced July 21, 2021, and reported by Senate Committee on Foreign Relations July 28. Senate passed, amended, by unanimous consent August 3, 2021.

S.Res. 489 (Scott, Rick)/ H.Res. 867 (Diaz-Balart). The resolution commended the actions of Cuban human rights and democracy activist José Daniel Ferrer Garcia and all pro-democracy and human rights activists in demanding fundamental civil liberties in Cuba and speaking out against Cuba's brutal, totalitarian communist regime. S.Res. 489 introduced January 12, 2022; Senate agreed to without amendment by unanimous consent January 12, 2022. H.Res. 867 introduced January 12, 2022; referred to the House Committee on Foreign Affairs.

H.Res. 760 (Wasserman Schultz). The resolution expressed solidarity with the Cuban people participating in peaceful protests, condemned Cuba's repression of peaceful protesters and journalists, called on Cuba to end efforts to block internet access or restrict access to certain websites or applications, called on Cuban military and security forces not to arrest or detain peaceful protesters and to release all political prisoners and arbitrarily detained individuals, and urged certain U.S. government actions to support the Cuban people. Introduced and referred to the House Committee on Foreign Affairs November 1, 2021; House considered under suspension of rules and passed (382-40, 4 present) November 3, 2021.

S.Con.Res. 14. Concurrent resolution setting forth the congressional budget for the U.S. government for FY2022 and setting forth budgetary levels for FY2023 through FY2031. Introduced August 9, 2021; Senate passed (50-49), amended, August 11, 2021. House passed August 24, 2021, pursuant to the provisions of H.Res. 601 (approved by a vote of 220-212). As approved, Section 3010 provided for a deficit-neutral reserve fund relating to facilitating improved internet service for Cuban citizens; the provision was added by S.Amdt. 3097 (Rubio), which the Senate approved by voice vote on August 10, 2021.

Other Bills with Legislative Action

H.R. 4373 (Lee, Barbara)/S. 3075 (Coons). Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022. H.R. 4373 introduced and reported by House

Committee on Appropriations (H.Rept. 117-84) July 6, 2021. House passed (217-212) July 28, 2021. S. 3075 introduced October 26, 2021.

Both bills would have continued two long-standing Cuba provisions: Section 7007 would have prohibited direct funding for the government of Cuba, including direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents, and Section 7015(f) would have prohibited obligating or expending assistance for Cuba except through the regular notification procedures of the Committees on Appropriations.

With regard to democracy funding, both bills would have fully funded the Administration's \$20 million request. However, Section 7045(c) of the House bill would have provided that of the \$20 million, not less than \$5 million would be made available for programs to support free enterprise, private business organizations, and people-to-people educational and cultural activities. In contrast, Section 7045(c) of the Senate bill would have provided for \$5 million for such activities in addition to the \$20 million in democracy funding. In both bills, Section 7045(c) also would have provided that funds under Title I of the act be made available for the operation of, and infrastructure and security improvements to, U.S. diplomatic facilities in Cuba and for costs associated with additional U.S. diplomatic personnel in Cuba.

With regard to U.S.-government sponsored broadcasting to Cuba, the report to the House bill, H.Rept. 117-84, and the explanatory statement to the Senate bill recommended \$12.973 million for OCB, the same as the Administration's request.

For final action on FY2022 foreign operations appropriations, see Consolidated Appropriations Act, 2022 (P.L. 117-103, Division K), which included several reporting requirements that originated in H.Rept. 117-84 to H.R. 4373 and the explanatory statement to S. 3075.

H.R. 4350 (Smith, Adam)/S. 2792 (Reed). National Defense Authorization Act for Fiscal Year 2022. H.R. 4350 introduced July 2, 2021; reported (H.Rept. 117-118) by the House Committee on Armed Services September 17, 2021; House passed (316-113) September 23, 2021. S. 2792 introduced and reported (S.Rept. 117-39) by the Senate Armed Services Committee September 22, 2021. In November 2021, the Senate began consideration of H.R. 4350, substituting its own version of the bill, but did not complete action when lawmakers could not agree on which amendments to consider for floor action. As approved by the House, H.R. 4350 had a provision (Section 1246) that would require a report on efforts by China to expand its presence and influence, including on the relationship between China and the governments of Venezuela and Cuba. As reported, S. 2792 had a provision (Section 1034) that would extend a prohibition on the use of funds to close or relinquish control of the U.S. Naval Station at Guantanamo Bay, Cuba. For final action on the FY2022 NDAA, see P.L. 117-81 (S. 1605), above.

H.R. 7900 (Smith, Adam)/S. 4543(Reed). National Defense Authorization Act for Fiscal Year 2023. H.R. 7900 introduced May 27, 2022; reported (H.Rept. 117-397) by the House Committee on Armed Services July 1, 2022. House passed (329-101) July 14, 2022. S. 4543 introduced and reported (S.Rept. 117-130) by the Senate Armed Services Committee. As passed, H.R. 7900 included a provision (Section 1235) requiring a report on efforts by Russia to expand its presence and influence in Latin America and the Caribbean, including on the relationship between the Russian government and the governments of Cuba, Bolivia, Nicaragua, and Venezuela). As reported, S. 4543 had a provision (Section 1034) that would extend a prohibition on the use of funds to close or relinquish control of the U.S. Naval Station at Guantanamo Bay, Cuba.

H.R. 8282 (Lee, Barbara)/S. 4662 (Coons). Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023. H.R. 8282 introduced and reported by House Committee on Appropriations (H.Rept. 117-401) July 1, 2022. S. 4662 introduced July 28, 2022; referred to Senate Committee on Appropriations. The House bill would provide \$20 million for

Cuba democracy programs, with not less than \$5 million to support private enterprise, private business organizations, and people-to-people educational and cultural activities; the bill also would provide for the operation of, and improvements to, U.S. diplomatic facilities in Cuba and for costs associated with additional U.S. diplomatic personnel.

With regard to Cuba broadcasting, H.Rept. 117-401 would recommend \$12.973 million for the OCB and the explanatory statement to the Senate bill would recommend \$13.891 million. H.Rept. 117-401 also would require a report, within 90 days of enactment, similar to that required for FY2022 on reforms taken by USAGM, implementation of State Department Inspector General recommendations, and plans for aligning OCB's personnel and activities with the budget request level. The explanatory statement to the Senate bill maintains that the Senate Appropriations Committee continues to support the reform of broadcasting standards at OCB, as outlined in USAGM's *Embarking on Reform of the Office of Cuba Broadcasting* from May 2019, and calls for the USAGM, in consultation with OCB, to continue to provide quarterly updates to the Committees on Appropriations on implementation of OCB reforms.

The explanatory statement to the Senate bill also would require an update of a State Department report on the condition of the U.S. Embassy in Havana originally required in S.Rept. 116-126 and a State Department report, within 60 days of enactment, on consular personnel at the U.S. Embassy in Havana and statistics on visas granted Cubans by type.

H.Amdt. 300 (Tlaib) to H.R. 8294. Amendment to prevent funds made available by this act from being made available to implement, administer, or enforce Section 908(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA; 22 U.S.C. §7207(b)), a prohibition on financing of agricultural sales to Cuba. Amendment failed (163-260) July 20, 2022.

S. 2045 (Cruz)/H.R. 6867 (Diaz-Balart). The bills would designate the area between the intersections of 16th Street Northwest and Fuller Street Northwest and 16th Street Northwest and Euclid Street Northwest in Washington, DC, as "Oswaldo Payá Way." S. 2045 introduced June 14, 2021, and discharged by Senate Committee on Homeland Security and Governmental Affairs by unanimous consent July 30, 2021. Senate passed by unanimous consent July 30, 2021. H.R. 6867 introduced February 28, 2022; referred to the House Committee on Oversight and Reform.

Other Introduced Resolutions and Bills

H.Res. 440 (Malliotakis). The resolution would commend Lithuania for refusing to ratify the European Union's Political Dialogue and Cooperation Agreement with Cuba. Introduced May 25, 2021; referred to the House Committee on Foreign Affairs.

H.Res. 527 (Diaz-Balart). The resolution would express solidarity with the Cuban people in their demands for freedom and respect for human rights. Introduced July 13, 2021; referred to the House Committee on Foreign Affairs.

H.Res. 529 (Malliotakis). The resolution would express that the House of Representatives stands in solidarity with the people of Cuba and their fight to achieve freedom, democracy, and human rights. Introduced July 13, 2021; referred to the House Committee on Foreign Affairs.

H.Res. 534 (Wasserman Schultz). The resolution would express solidarity with Cuban citizens demonstrating peacefully for fundamental freedoms, would condemn the Cuban regime's acts of repression, and would call for the immediate release of arbitrarily detained Cuban citizens. Introduced July 16, 2021; referred to the House Committee on Foreign Affairs.

S.Res. 116 (Rubio)/ H.Res. 278 (Diaz-Balart). Similar resolutions would commemorate the 60th anniversary of the Bay of Pigs operation and would remember the members of Assault Brigade

2506. S.Res. 116 introduced March 16, 2021; referred to the Senate Committee on Foreign Relations. H.Res. 278 introduced March 26, 2021; referred to the House Committee on Foreign Affairs.

S.Res. 173 (Scott, Rick). The resolution would commend the actions of Cuban democracy and human rights activist José Daniel Ferrer García and the pro-democracy and human rights group the Patriotic Union of Cuba (UNPACU) to uphold fundamental freedoms and condemn Cuba's brutal communist regime. Introduced April 22, 2021; referred to the Senate Committee on Foreign Relations.

S.Res. 303 (Rubio). The resolution would express support for the people of Cuba in their demands for freedom and the fulfillment of basic needs and would condemn the communist regime in Cuba. Introduced July 15, 2021; referred to the Senate Committee on Foreign Relations.

S.Res. 717 (Rubio). The resolution would honor the life and legacy of Oswaldo Payá Sardiñas and his contributions to promote democracy and human rights in Cuba on the 10th anniversary of his death. Introduced July 21, 2022; referred to the Senate Committee on Foreign Relations.

S.Res. 728 (Scott, Rick)/H.Res. 1304 (Diaz-Balart). Identical resolutions would commend the bravery, courage, and resolve of human rights and pro-democracy activists in Cuba one year after the historic march of July 11, 2021. S.Res. 728 introduced July 28, 2022; referred to the Senate Committee on Foreign Relations. H.Res. 1304 introduced July 29, 2022; referred to the House Committee on Foreign Affairs.

H.R. 198 (Cohen). 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 5, 2021; referred to the Committee on Foreign Affairs and in addition to the Committee on the Judiciary.

H.R. 287 (Salazar)/S. 689 (Rubio). Fighting Oppression Until the Reign of Castro Ends Act, or the FORCE Act. Both bills would prohibit the removal of Cuba from the list of state sponsors of terrorism until the President makes a determination (subject to certain requirements and factors) described in Section 205 of the Cuban Liberty and Democratic Solidarity Act of 1996 (LIBERTAD Act; P.L. 104-114) that a transitional government in Cuba is in place. S. 689 also would require the President to submit a report to certain committees that identifies terrorists and fugitives being provided safe haven in Cuba. H.R. 287 introduced January 13, 2021, and referred to the House Committee on Foreign Affairs. S. 689 introduced March 10, 2021, and referred to the Senate Committee on Foreign Relations.

H.R. 2684 (Diaz-Balart). Cuban Family Reunification Modernization Act of 2021. The bill would amend the Immigration and Nationality Act (P.L. 82-414, as amended) to establish a Cuban family reunification parole program. Introduced April 20, 2021; referred to the House Committee on the Judiciary.

H.R. 3625 (Rush). United State-Cuba Relations Normalization Act. The bill would remove provisions of law restricting trade and other relations with Cuba; authorize common carriers to install and repair telecommunications equipment and facilities in Cuba and to otherwise provide telecommunications services between the United States and Cuba; prohibit restrictions on travel to and from Cuba and on transactions incident to such travel; call on the President to conduct negotiations with Cuba for the purpose of settling claims of U.S. nationals for the taking of property by the Cuban government and to engage in bilateral dialogue with the Cuban government to secure the protection of internationally recognized human rights; extend nondiscriminatory trade treatment to the products of Cuba; and prohibit limits on remittances to

Cuba. Introduced May 28, 2021; referred to the Committee on Foreign Affairs and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Agriculture, and Financial Services.

H.R. 3455 (Wasserman Schultz)/S. 1748 (Menendez). No Stolen Trademarks Honored in America Act. Identical bills would modify a 1998 prohibition (Section 211 of Division A, Title II, P.L. 105-277) on recognition by U.S. courts of certain rights to certain marks, trade names, or commercial names. The bills would apply a fix so the sanction would apply to all nationals and would bring the sanction into compliance with a 2002 World Trade Organization dispute settlement ruling. H.R. 3455 introduced May 20, 2021; referred to House Committee on the Judiciary. S. 1748 introduced May 20, 2021; referred to Senate Committee on the Judiciary.

H.R. 5069 (Tenney). Championing Uncensored Bandwidths Access Act of 2021, or CUBA Act of 2021. The bill would direct the Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Commissioner of the Federal Communications Commission, to develop and implement a strategy to establish internet resiliency and deliver internet access in Cuba. Introduced August 20, 2021; referred to the House Committee on Foreign Affairs.

H.R. 5557 (Donalds)/S. 2990 (Scott, Rick). Denying Earnings to the Military Oligarchy in Cuba and Restricting Activities of the Cuban Intelligence Apparatus Act, or the DEMOCRACIA Act. H.R. 5557 introduced October 12, 2021; referred to the Committee on Foreign Affairs and in addition to the Committees on the Judiciary and Rules. S. 2990 introduced October 18, 2021; referred to the Committee on Foreign Relations.

Among the bills' provisions, Section 4 would require the President to impose sanctions (asset blocking and visa restrictions) on foreign persons determined to be providing financial, material, or technological support or engaging in transactions related to the defense, security, and intelligence sectors of Cuba or any sector certified by the President as involved in carrying out human rights abuses or providing support for international terrorism. Section 5 would require the President to impose sanctions on foreign persons determined to be responsible for or complicit in, or directly or indirectly engaged in, serious human rights abuses or corruption in Cuba or who have materially assisted, sponsored, or provided financial, material, or technological support or goods in services in support of any such activity. Section 5 also would require sanctions on a wide range of Cuban government officials and employees and members of the Cuban Communist Party. Section 6 would require, for the termination of sanctions set forth in Sections 4 and 5, a presidential determination and certification of numerous Cuban government actions and the enactment into law of a joint resolution approving the President's determination and certification. Section 7 would require the President to take actions to provide unrestricted internet service to Cuba, including the establishment of an interagency task force to develop a long-term solution.

H.R. 6907 (Wasserman Schultz). Cuban Family Reunification Parole Act of 2022. The bill would direct the Secretary of Homeland Security to reinstate the processing of applications for parole under the Cuban Family Reunification Parole Program. Introduced March 2, 2022; referred to the House Committee on the Judiciary.

H.R. 7579 (Green, Mark). Western Hemisphere Nearshoring Act. Among its provisions, the bill would provide for the use of U.S. International Development Finance Corporation funds to finance moving expenses and necessary workforce development costs incurred by companies moving from China to Latin America or the Caribbean and would provide authority for the President to extend duty-free treatment for goods and services of companies moving from China to Latin America or the Caribbean. As defined in the bill, the term *Latin American or Caribbean country* shall include Cuba (or Venezuela) only if the Secretary of State determines and certifies

that the prior authorities of such country have renounced their illegitimate claim to power and if the government of such country has fulfilled certain conditions. Introduced April 26, 2022; referred to House Committee on Ways and Means and in addition to the Committee on Foreign Affairs.

H.R. 8651 (Smith, Christopher). Walter Patterson and Werner Foerster Justice and Extradition Act. The bill would direct the President to submit to Congress a report, not later than 270 days after enactment (and each 12-month period thereafter), on fugitives currently residing in other countries whose extradition is sought by the United States and related matters. The bill also would express the sense of Congress that in meetings with foreign officials from which the United States seeks the extradition of fugitives, U.S. ambassadors and other senior officials should prioritize advocacy on fulfilling U.S. extradition requests, including for Joanne Chesimard, an escaped convict and the murderer of New Jersey State Trooper Werner Foerster. Introduced August 2, 2022; referred to House Committee on Foreign Affairs.

S. 249 (Wyden). United States-Cuba Trade Act of 2021. The bill, among its provisions, would repeal or amend provisions of law restricting trade and other relations with Cuba; authorize common carriers to install, maintain, and repair telecommunications equipment and facilities in Cuba and provide telecommunications services between the United States and Cuba; prohibit restrictions on travel to Cuba; call for the President to take all necessary steps to advance negotiations with the Cuban government for settling property claims of U.S. nationals and for securing the protection of internationally recognized human rights; extend nondiscriminatory trade treatment to Cuba; prohibit restrictions on remittances to Cuba; and require a presidential determination reported to Congress prior to the denial of foreign tax credit with respect to certain foreign countries. Introduced February 4, 2021; referred to the Senate Committee on Finance.

S. 1694 (Klobuchar). Freedom to Export to Cuba Act of 2021. The bill would repeal or amend provisions of law restricting trade and other relations with Cuba, including certain restrictions in the Cuban Democracy Act of 1992, the LIBERTAD Act of 1996, and the TSRA. Introduced May 19, 2021; referred to the Senate Committee on Banking, Housing, and Urban Affairs.

S. 2138 (Menendez). Combating Trafficking of Cuban Doctors Act of 2021. The bill would require the Secretary of State to submit an annual report to Congress identifying countries hosting Cuban medical personnel who are participating in Cuban government foreign medical missions and determining whether such personnel in each country are subjected to conditions that qualify as severe forms of trafficking in persons. It also would require the Secretary of Homeland Security, in coordination with the Secretary of State, to reinstate the Cuban Medical Professional Parole Program and the Secretaries of State and Health and Human Services to submit a report to Congress that includes a review and findings of the role of PAHO in Brazil's Mais Médicos program between 2013 and 2019, corrective actions taken by PAHO, and recommendations for further corrective actions. In addition, it would require the Secretaries of State and Health and Human Services to take all necessary steps to ensure PAHO undertakes governance reforms that strengthen internal oversight and risk management for future programs. Introduced June 17, 2021; referred to the Senate Committee on the Judiciary.

S. 3468 (Risch). The bill would limit the removal of the Cuban government from the state sponsors of terrorism list until the President submits to Congress a determination and certification regarding certain actions by the Cuban government and until a joint resolution approving the determination and certification is enacted into law. The actions required by the determination and certification are that the Cuban government is cooperating fully with U.S. anti-terrorism efforts; has ceased to provide support to international terrorist groups; has ceased to provide support for acts of international terrorism; has extradited or otherwise rendered to the United States all persons sought by the U.S. Department of Justice for crimes committed in the United States; and

has ceased to provide support, including defense, intelligence, and security assistance, to the illegitimate regime of former President Nicolás Maduro in Venezuela. Introduced January 10, 2022; placed on Senate Legislative Calendar under General Orders.

S. 4715 (Menendez). Trooper Werner Foerster and Frank Connor Justice Act. Section 3 of the bill would express the sense of Congress that Joanne Chesimard, William “Guillermo” Morales, and all other fugitives receiving safe haven in Cuba must be extradited or returned immediately to the United States and that the Secretary of State and the Attorney General should leverage all appropriate diplomatic tools to secure the timely extradition or return of all U.S. fugitives from justice residing in Cuba. Section 4 would require a State Department report, within 180 days of enactment, that identifies steps taken to advance efforts to secure the extradition or return of U.S. fugitives residing in Cuba; includes a determination as to whether Cuba is fulfilling its obligations under bilateral extradition treaties; and, to the extent feasible, includes an estimate of the number of U.S. fugitives from justice who are receiving safe haven in Cuba. Section 5 would prohibit the use of International Narcotics Control and Law Enforcement assistance for programs or initiatives in Cuba until Cuba is actively fulfilling its extradition obligations, is returning U.S. fugitives from justice residing in Cuba, and is complying with conditions set for the resumption of economic activity between the United States and Cuba pursuant to law, including the LIBERTAD Act of 1996. Introduced August 2, 2022; referred to the Senate Committee on Foreign Relations.

S. 4285 (Menendez). Upholding the Inter-American Democratic Charter Act of 2022. Among its provisions, Section 8 of the bill would require the Secretary of State to develop a plan for addressing threats to democratic governance posed by corruption and criminality and the malign activities of nondemocratic states, including Cuba (as well as the People’s Republic of China, Russia, and Iran). Introduced May 19, 2022; referred to the Senate Committee on Foreign Relations.

Appendix B. Links to U.S. Government Reports

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

Date: November 22, 2019

Link: <https://www.state.gov/r/pa/ei/bgn/2886.htm>

Congressional Budget Justification for Foreign Operations FY2022, Appendix 2, Department of State

Date: July 6, 2021

Link: <https://www.state.gov/wp-content/uploads/2021/06/FY-2022-C-J-Appendix-2-FINAL-6-25-2021.pdf>

Congressional Budget Justification for Foreign Operations FY2023, Appendix 2, Department of State

Date: May 13, 2022

Link: <https://www.state.gov/wp-content/uploads/2022/05/FY-2023-Congressional-Budget-Justification-Appendix-2-final-5-9-2022.pdf>

Congressional Budget Justification FY2022, U.S. Agency for Global Media

Date: May 28, 2021

Link: <https://www.usagm.gov/wp-content/uploads/2021/06/USAGM-FY-2022-CBJ-Final-05.26.2021.pdf>

Congressional Budget Justification FY2023, U.S. Agency for Global Media

Date: March 28, 2022

Link: https://www.usagm.gov/wp-content/uploads/2022/03/USAGMBudget_FY23_CBJ_03-25-22-FINAL.pdf

Country Reports on Human Rights Practices for 2021, Cuba, Department of State

Date: April 12, 2022

Link: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cuba/>

Country Reports on Terrorism 2020, Cuba, Department of State

Date: December 16, 2021

Link: <https://www.state.gov/reports/country-reports-on-terrorism-2020/cuba/>

Cuba web page, Department of State

Link: <https://www.state.gov/countries-areas/cuba/>

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 State

Link: <https://www.state.gov/cuba-sanctions/>

Cuba Sanctions web page, Department of the Treasury, Office of Foreign Assets Control

Link: <https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/cuba-sanctions>

International Religious Freedom Report for 2021, Cuba, Department of State

Date: June 2, 2022

Link: <https://www.state.gov/reports/2021-report-on-international-religious-freedom/cuba/>

International Narcotics Control Strategy Report 2022, Volume I, Drug and Chemical Control, p. 110, Department of State

Date: March 1, 2022

Link: <https://www.state.gov/wp-content/uploads/2022/03/22-00767-INCSR-2022-Vol-1.pdf>

International Narcotics Control Strategy Report 2022, Volume II, Money Laundering, pp. 78-80, Department of State

Date: March 1, 2022

Link: <https://www.state.gov/wp-content/uploads/2022/03/22-00768-INCSR-2022-Vol-2.pdf>

Trafficking in Persons Report 2022, Cuba, pp. 193-195, Department of State

Date: July 2022

Link: https://www.state.gov/wp-content/uploads/2022/08/22-00757-TIP-REPORT_072822-inaccessible.pdf

Author Information

Mark P. Sullivan
Specialist in Latin American Affairs

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.