

# U.S. Cuba Policy: Recent Developments and the 119<sup>th</sup> Congress

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U.S.-Cuba policy has been a focus of both presidential and congressional attention in the early weeks of 2025. On January 14, 2025, President Biden [issued](#) several executive actions modifying U.S. policy toward Cuba. Six days later, on the first day of his second term in office, President Trump reversed course. Bills introduced in the early weeks of the 119<sup>th</sup> Congress reflect divergence over the best approach to improve political and socioeconomic conditions in Cuba, with some Members appearing to prefer increased engagement with Cuba and others supporting increased pressure on the Cuban government. (For background on Cuba, see CRS In Focus IF10045, *Cuba: U.S. Policy Overview*, by Joshua Klein.)

## Biden Announcements

On January 14, 2025, President Biden announced three changes to U.S.-Cuba policy:

- **Cuba’s Designation as a State Sponsor of Terrorism (SSOT).** President Biden [proposed](#) the rescission of the U.S. designation of Cuba as an SSOT, a status that Cuba has held [since 2021](#) and previously held from 1982-2015. In a step toward lifting the designation, President Biden certified in a presidential memorandum to Congress that the Cuban government had not provided any support for international terrorism during the preceding six months, and that the Cuban government had provided assurances that it would not support acts of international terrorism in the future. Such a [certification to Congress](#) is required 45 days prior to the rescission of a country’s SSOT status.
- **Transactions with the Cuban Military, Limits to U.S. Tourism to Cuba, and Redefining “Prohibited Officials of the Government of Cuba.”** President Biden [revoked](#) National Security Presidential Memorandum 5 (NSPM-5), originally issued by President Trump in his first term on June 16, 2017. NSPM-5 directed the Secretary of State to identify entities controlled by the Cuban military, intelligence, or security services (known as the “Cuba restricted list”) and prohibit direct financial transactions with such entities. NSPM-5 also tightened the statutory ban on U.S. tourism to Cuba and extended restrictions pertaining to Cuban government officials to cover a broader set of officials. In National Security Memorandum 29, President Biden directed the Secretary of

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State to “immediately rescind” the Cuba restricted list and “initiate the process to adjust current regulations as a result of this revocation of NSPM-5.”

- **Suspension of Lawsuits Under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.** President Biden [announced](#) his intention to temporarily suspend for six months (effective January 29, 2025) the private right of action, pursuant to Title III of the LIBERTAD Act of 1996 (P.L. 104-114), against those who traffic in U.S. property expropriated by the Cuban government. Pursuant to Section 306(c)(1)(B) of the LIBERTAD Act, President Biden [submitted](#) to appropriate congressional committees (15 days prior to the suspension taking effect) his determination that such a suspension was “necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.” Between 1996 and 2019, successive administrations had suspended the right to bring an action under Title III of the LIBERTAD Act. Then-Secretary of State Mike Pompeo [ended the suspension](#) during President Trump’s first term, and President Biden did not seek to reinstate it until the final days of his Administration.

The Biden Administration [stated](#) that it was making these changes to support the Cuban people and bolster an ongoing dialogue between the Cuban government and the Holy See. On the same day, Cuba’s foreign ministry [announced](#) a decision to gradually release 553 Cuban prisoners, citing its discussions with the Vatican. The Biden Administration’s January 14 announcements followed [earlier changes](#) to U.S.-Cuba policy, announced in May 2022, intended to facilitate family reunification, travel, and remittances, and to [support](#) Cuba’s private sector.

## Trump Reversals

The Trump Administration announced the following changes to U.S.-Cuba policy:

- **Cuba’s SSOT Designation.** President Trump [revoked](#) President Biden’s January 14 presidential memorandum that certified the rescission of Cuba’s designation as an SSOT. In effect, Cuba remains an SSOT unless an executive decision were to be made to restart the [process](#) for removing Cuba from the list.
- **Transactions with the Cuban Military, Limits to U.S. Tourism to Cuba, and Redefining “Prohibited Officials of the Government of Cuba.”** President Trump [revoked](#) President Biden’s January 14 presidential memorandum that revoked NSPM-5. Although the State Department rescinded the Cuba restricted list on January 16, Secretary of State Marco Rubio [approved](#) its re-creation on January 31. Secretary Rubio also [directed](#) the addition of Orbit, S.A.—a state-owned entity that had partnered with [Western Union](#) and other financial services companies to process remittances to Cuba—to the restricted list.
- **Withdrawal of Suspension of Private Rights of Action, Pursuant to Title III of the LIBERTAD Act.** On January 31, Secretary Rubio publicly [announced](#) that he had submitted to Congress a letter withdrawing President Biden’s previous letter on suspending the right to bring an action under Title III of the LIBERTAD Act.

During President Trump’s [first term](#), his Administration tightened existing sanctions and implemented new restrictions it said were intended to influence the Cuban government to improve human rights conditions and halt its support for Venezuela’s authoritarian government. At his January 2025 [nomination hearing](#), then-Secretary of State nominee Marco Rubio stated that Cuba meets the criteria for designation as an SSOT, asserting several factors, including Cuban government support for illegal armed groups in Colombia; ties to Hamas, Hezbollah, and Iran; and hosting Russian and Chinese intelligence collection facilities.

The Cuban government [characterized](#) the Trump Administration’s policy reversals as a “new act of aggression.” Although Cuban leader Díaz-Canel [portrayed](#) the commitment to release prisoners as a unilateral decision, some human rights groups have [expressed concern](#) that the policy reversals could negatively affect the Cuban government’s release of prisoners. Between January 14 and January 20, a human rights group reported that Cuba had released [162 political prisoners](#).

## Developments in the 119<sup>th</sup> Congress

Members of Congress appear to hold different views on Cuba policy. Some Members favor increased engagement with Cuba and welcomed the Biden Administration’s policy shift, asserting that it was lifting [outdated](#) measures that exacerbate [deteriorating economic conditions](#) in Cuba and advancing U.S. foreign policy objectives in the region. Other Members [denounced](#) the move as detrimental to U.S. national security interests and to the Cuban people, partly because it could provide an economic lifeline to the Cuban government. In the 119<sup>th</sup> Congress, Members have introduced legislation (H.R. 450) that would prohibit the removal of Cuba’s SSOT designation until the President determines that a transitional government in Cuba is in place. Other Members have introduced legislation (S. 136) to repeal statutes that codify the U.S. embargo on Cuba and to normalize trade relations.

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