

114TH CONGRESS  
1ST SESSION

# H. R. 2937

To strengthen support for the Cuban people and prohibit financial transactions with the Cuban military, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2015

Mr. NUNES (for himself, Mr. THORNBERRY, Mr. FRELINGHUYSEN, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. CURBELO of Florida, Mr. ALLEN, Mr. BOUSTANY, Mr. COLE, Mr. CRENSHAW, Mr. DESANTIS, Mr. HARDY, Mr. HOLDING, Mr. YOUNG of Iowa, Ms. JENKINS of Kansas, Mr. KING of New York, Mr. LAMBORN, Mr. MARINO, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MOONEY of West Virginia, Mr. MURPHY of Pennsylvania, Mr. POMPEO, Mr. TOM PRICE of Georgia, Mr. RIGELL, Mr. SALMON, Mr. SIRES, Mr. STEWART, Mr. TIBERI, Mr. UPTON, Mr. VALADAO, Mrs. MIMI WALTERS of California, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To strengthen support for the Cuban people and prohibit financial transactions with the Cuban military, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Cuban Military Transparency Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Statement of policy.

Sec. 4. Prohibitions on financial transactions with the Ministry of the Revolutionary Armed Forces or the Ministry of the Interior of Cuba.

Sec. 5. Inclusion in Department of State rewards program of rewards for information leading to the arrest or conviction of individuals responsible for the February 24, 1996, attack on United States aircraft.

Sec. 6. Coordination with INTERPOL.

Sec. 7. Report on the role of the Ministry of the Revolutionary Armed Forces and the Ministry of the Interior of Cuba in the economy and foreign relationships of Cuba.

Sec. 8. Report on use and ownership of confiscated property.

Sec. 9. Termination.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) In his December 17, 2014, announcement  
9 to pursue the normalization of relations with Cuba,  
10 President Barack Obama stated, “I believe that  
11 more resources should be able to reach the Cuban  
12 people. So we’re significantly increasing the amount  
13 of money that can be sent to Cuba, and removing  
14 limits on remittances that support humanitarian  
15 projects, the Cuban people, and the emerging Cuban  
16 private sector.”.

17 (2) In his January 14, 2011, comments on the  
18 easing of travel sanctions, President Barack Obama

1 also stated, “These measures will increase people-to-  
2 people contact; support civil society in Cuba; en-  
3 hance the free flow of information to, from, and  
4 among the Cuban people; and help promote their  
5 independence from Cuban authorities.”.

6 (3) Article 18 of the 1976 Constitution of Cuba  
7 reads, “The State directs and controls foreign com-  
8 merce.”.

9 (4) The largest company in Cuba is the Grupo  
10 Gaesa (Grupo de Administración Empresarial S.A.),  
11 founded by General Raul Castro Ruz in the 1990s,  
12 controlled and operated by the Cuban military,  
13 which oversees all investments, and run by General  
14 Raul Castro’s son-in-law, General Luis Alberto  
15 Rodriguez Lopez-Callejas.

16 (5) On June 3, 2015, the United States House  
17 of Representatives voted overwhelmingly in support  
18 of a provision prohibiting exports to the Cuban mili-  
19 tary and security services in the Fiscal Year 2016  
20 Commerce, Justice, and Science Appropriations bill  
21 (H.R. 2578), with a recorded vote of 153 to 273 in  
22 opposition to House Amendment 308 to strike that  
23 provision.

24 (6) The Cuban military, through its tourism  
25 conglomerates, is currently operating resort facilities

1 in properties confiscated from United States citi-  
2 zens.

3 (7) In 2003, a United States grand jury in-  
4 dicted General Ruben Martinez Puente, head of the  
5 Cuban Air Force, and two Cuban Air Force pilots,  
6 Col. Lorenzo Alberto Perez-Perez and Francisco  
7 Perez-Perez, on four counts of murder, two counts  
8 of destruction of aircraft, and one count of con-  
9 spiracy to kill United States nationals for their roles  
10 in the February 24, 1996, attack by Cuban military  
11 jets over international waters on two United States  
12 civilian Cessna planes operated by the Brothers To  
13 The Rescue humanitarian organization.

14 (8) The 2003 United States indictment against  
15 Cuban military officials is the only outstanding in-  
16 dictment against senior military officials from a  
17 country designated by the United States as a “state  
18 sponsor of terrorism” for the murder of United  
19 States nationals.

20 (9) In a December 17, 2014, article in Politico,  
21 United States Representative James McGovern (D-  
22 MA) stated that General Raul Castro admitted to  
23 giving the order to shoot down the United States ci-  
24 vilian planes that resulted in the murder of those

1 United States nationals in 1996. “I gave the order.  
2 I’m the one responsible.”, Castro told McGovern.

3 (10) One of the Cuban spies exchanged in the  
4 December 17, 2014, deal by President Obama with  
5 the Cuban regime was Gerardo Hernandez, who was  
6 serving a life sentence for murder conspiracy in the  
7 deaths of three United States citizens, Armando  
8 Alejandro, Jr., Carlos Costa, Mario de la Pena, and  
9 permanent resident of the United States, Pablo Mo-  
10 rales.

11 (11) According to a July 16, 2013, article in  
12 The New York Times, the Cuban military played a  
13 central role in the 2013 trafficking incident that in-  
14 volved more than 240 metric tons of heavy weapons,  
15 including fully fueled MiG fighter jets, missiles, and  
16 air defense systems, to North Korea.

17 (12) A United Nations panel of experts found  
18 that the trafficking incident described in paragraph  
19 (11) violated United Nations Security Council sanc-  
20 tions and was the largest weapons cache ever inter-  
21 cepted being transported to or from North Korea.  
22 The Cuban military refused to cooperate with  
23 United Nations investigators.

24 (13) According to a March 5, 2015, article in  
25 The Washington Times, in February 2015, the Co-

1        lombian authorities intercepted a Chinese-flagged  
2        vessel carrying a clandestine shipment of war mate-  
3        riel destined for the Cuban military, via one of its  
4        shadow companies, TecnoImport S.A. The shipment,  
5        disguised as grain products, included 99 rockets,  
6        3,000 cannon shells, 100 tons of military-grade dy-  
7        namite and 2,600,000 detonators.

8            (14) According to a March 25, 2014, article in  
9        The New York Times and an April 15, 2014, Finan-  
10        cial Times article, the Cuban military has provided  
11        military intelligence, weapons training, strategic  
12        planning, and security logistics to the military and  
13        security forces of Venezuela, which has contributed  
14        to the subversion of democratic institutions and vio-  
15        lent suppression of peaceful protests in Venezuela.

16            (15) The Cuba 2013 Human Rights Report  
17        prepared by the Department of State states that  
18        “the military maintained effective control over the  
19        security forces, which committed human rights  
20        abuses against civil rights activists and other citi-  
21        zens alike.”.

22        **SEC. 3. STATEMENT OF POLICY.**

23        It is the policy of the United States—

24            (1) to support the efforts of the people of Cuba  
25        to promote the establishment of basic freedoms in

1 Cuba, including a democratic political system in  
2 which the military and other security forces are  
3 under the control of democratically elected civilian  
4 leaders;

5 (2) to ensure that legal travel and trade with  
6 Cuba by citizens and residents of the United States  
7 does not serve to enrich or empower the military or  
8 other security forces of Cuba run by the Castro fam-  
9 ily;

10 (3) to support the emergence of a government  
11 in Cuba that does not oppress the people of Cuba  
12 and does not use its military or other security forces  
13 to persecute, intimidate, arrest, imprison, or assas-  
14 sinate dissidents;

15 (4) to bring to justice in the United States the  
16 officials of Cuba involved in the February 24, 1996,  
17 attack of two United States civilian Cessna aircraft  
18 by Cuban military jets over international waters; and

19 (5) to counter the efforts of Cuba, through mili-  
20 tary and other assistance, to promote repression  
21 elsewhere in the Western Hemisphere, especially in  
22 Venezuela.

1 **SEC. 4. PROHIBITIONS ON FINANCIAL TRANSACTIONS WITH**  
2 **THE MINISTRY OF THE REVOLUTIONARY**  
3 **ARMED FORCES OR THE MINISTRY OF THE**  
4 **INTERIOR OF CUBA.**

5 (a) IN GENERAL.—Except as provided in subsection  
6 (b), beginning on the date that is 30 days after the date  
7 of the enactment of this Act, and notwithstanding any  
8 other provision of law, a United States person shall not  
9 engage in any financial transaction with, or transfer of  
10 funds to, any of the following:

11 (1) The Ministry of the Revolutionary Armed  
12 Forces of Cuba, the Ministry of the Interior of  
13 Cuba, or any subdivision of either such Ministry.

14 (2) Any agency, instrumentality, or other entity  
15 that is operated or controlled by an entity specified  
16 in paragraph (1).

17 (3) Any agency, instrumentality, or other entity  
18 owned by an entity specified in paragraph (1) in a  
19 percentage share exceeding 25 percent.

20 (4) An individual who is a senior member of the  
21 Ministry of the Revolutionary Armed Forces of Cuba  
22 or the Ministry of the Interior of Cuba.

23 (5) Any agency, instrumentality, or other entity  
24 that is operated or controlled by an individual speci-  
25 fied in paragraph (4).

26 (6) Any individual or entity—



1 (A) for the purpose of avoiding a financial  
2 transaction with, or transfer of funds to, an in-  
3 dividual or entity specified in any of paragraphs  
4 (1) through (5); or

5 (B) for the benefit of an individual or enti-  
6 ty specified in any of paragraphs (1) through  
7 (5).

8 (b) EXCEPTIONS.—The prohibitions on financial  
9 transactions and transfers of funds under subsection (a)  
10 shall not apply with respect to—

11 (1) the sale of agricultural commodities, medi-  
12 cines, and medical devices sold to Cuba consistent  
13 with the Trade Sanctions Reform and Export En-  
14 hancement Act of 2000 (22 U.S.C. 7201 et seq.);

15 (2) a remittance to an immediate family mem-  
16 ber;

17 (3) payments in furtherance of the lease agree-  
18 ment, or other financial transactions necessary for  
19 maintenance and improvements of the military base  
20 at Guantanamo Bay, Cuba, including any adjacent  
21 areas under the control or possession of the United  
22 States;

23 (4) assistance or support in furtherance of de-  
24 mocracy-building efforts for Cuba described in sec-  
25 tion 109 of the Cuban Liberty and Democratic Soli-

1       darity (LIBERTAD) Act of 1996 (22 U.S.C. 6039);  
2       or

3             (5) customary and routine financial trans-  
4       actions necessary for the maintenance, improve-  
5       ments, or regular duties of the United States Inter-  
6       ests Section in Havana, including outreach to the  
7       pro-democracy opposition.

8       (c) IMPLEMENTATION; PENALTIES.—

9             (1) IMPLEMENTATION.—The President shall ex-  
10       ercise all authorities under sections 203 and 205 of  
11       the International Emergency Economic Powers Act  
12       (50 U.S.C. 1702 and 1704) to carry out this section,  
13       except that the President—

14             (A) shall not issue any general license au-  
15       thorizing, or otherwise authorize, any activity  
16       prohibited under subsection (a); and

17             (B) shall require any United States person  
18       seeking to engage in a financial transaction or  
19       transfer of funds prohibited under subsection  
20       (a) to submit a written request to the Office of  
21       Foreign Assets Control of the Department of  
22       the Treasury.

23             (2) PENALTIES.—A person that violates, at-  
24       tempts to violate, conspires to violate, or causes a  
25       violation of subsection (a) or any regulation, license,

1 or order issued to carry out subsection (a) shall be  
2 subject to the penalties set forth in subsections (b)  
3 and (c) of section 206 of the International Emer-  
4 gency Economic Powers Act (50 U.S.C. 1705) to the  
5 same extent as a person that commits an unlawful  
6 act described in subsection (a) of that section.

7 (d) UNITED STATES PERSON DEFINED.—In this sec-  
8 tion, the term “United States person” means—

9 (1) a United States citizen or alien admitted for  
10 permanent residence to the United States; and

11 (2) an entity organized under the laws of the  
12 United States or any jurisdiction within the United  
13 States.

14 **SEC. 5. INCLUSION IN DEPARTMENT OF STATE REWARDS**

15 **PROGRAM OF REWARDS FOR INFORMATION**

16 **LEADING TO THE ARREST OR CONVICTION**

17 **OF INDIVIDUALS RESPONSIBLE FOR THE**

18 **FEBRUARY 24, 1996, ATTACK ON UNITED**

19 **STATES AIRCRAFT.**

20 Section 36(b) of the State Department Basic Au-  
21 thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

22 (1) in paragraph (9), by striking “; or” and in-  
23 serting a semicolon;

24 (2) in paragraph (10), by striking the period at  
25 the end and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(11) the arrest or conviction in any country of  
3 any individual responsible for committing, conspiring  
4 or attempting to commit, or aiding or abetting in  
5 the commission of the attack on the aircraft of  
6 United States persons in international waters by the  
7 military of Cuba on February 24, 1996.”.

8 **SEC. 6. COORDINATION WITH INTERPOL.**

9 The Attorney General, in coordination with the Sec-  
10 retary of State, shall seek to coordinate with the Inter-  
11 national Criminal Police Organization (INTERPOL) to  
12 pursue the location and arrest of United States fugitives  
13 in Cuba, including current and former members of the  
14 military of Cuba, such as those individuals who com-  
15 mitted, conspired or attempted to commit, or aided or  
16 abetted in the commission of the attack on the aircraft  
17 of United States persons in international waters by the  
18 military of Cuba on February 24, 1996, with a view to  
19 extradition or similar lawful action, including through the  
20 circulation of international wanted notices (commonly re-  
21 ferred to as “Red Notices”).

1 **SEC. 7. REPORT ON THE ROLE OF THE MINISTRY OF THE**  
2 **REVOLUTIONARY ARMED FORCES AND THE**  
3 **MINISTRY OF THE INTERIOR OF CUBA IN THE**  
4 **ECONOMY AND FOREIGN RELATIONSHIPS OF**  
5 **CUBA.**

6 (a) IN GENERAL.—Not later than 180 days after the  
7 date of the enactment of this Act, and annually thereafter  
8 for three years, the President shall submit to Congress  
9 a report on the role of the Ministry of the Revolutionary  
10 Armed Forces and the Ministry of the Interior of Cuba  
11 with respect to the economy of Cuba.

12 (b) ELEMENTS.—The report required by subsection  
13 (a) shall include the following:

14 (1) An identification of entities the United  
15 States considers to be owned, operated, or con-  
16 trolled, in whole or in part, by the Ministry of the  
17 Revolutionary Armed Forces or the Ministry of the  
18 Interior of Cuba or any senior member of the Min-  
19 istry of the Revolutionary Armed Forces or the Min-  
20 istry of the Interior of Cuba.

21 (2) An assessment of the business dealings with  
22 countries and entities outside of Cuba conducted by  
23 entities identified under paragraph (1) and officers  
24 of the Ministry of the Revolutionary Armed Forces  
25 or the Ministry of the Interior of Cuba.

1           (3) An assessment of the relationship of the  
2           Ministry of the Revolutionary Armed Forces and the  
3           Ministry of the Interior of Cuba with the militaries  
4           of foreign countries, including whether either such  
5           Ministry has conducted joint training, exercises, fi-  
6           nancial dealings, or weapons purchases or sales with  
7           such militaries or provided advisors to such mili-  
8           taries.

9           (c) FORM OF REPORT.—Each report submitted  
10          under subsection (a) shall be submitted in unclassified  
11          form, but may include a classified annex.

12       **SEC. 8. REPORT ON USE AND OWNERSHIP OF CON-**  
13                               **FISCATED PROPERTY.**

14          (a) IN GENERAL.—Not later than 90 days after the  
15          date of the enactment of this Act, and annually thereafter  
16          for three years, the President shall submit to Congress  
17          a report on the confiscation of property and the use of  
18          confiscated property by the Ministry of the Revolutionary  
19          Armed Forces and the Ministry of the Interior of Cuba.

20          (b) DEFINITIONS.—In this section, the terms “con-  
21          fiscated” and “confiscation” have the meanings given  
22          those terms in section 401 of the Cuban Liberty and  
23          Democratic Solidarity (LIBERTAD) Act of 1996 (22  
24          U.S.C. 6091).

1 **SEC. 9. TERMINATION.**

2       The provisions of this Act shall terminate on the date  
3 on which the President submits to Congress a determina-  
4 tion under section 203(c)(3) of the Cuban Liberty and  
5 Democratic Solidarity (LIBERTAD) Act of 1996 (22  
6 U.S.C. 6063(c)(3)) that a democratically elected govern-  
7 ment in Cuba is in power.

○