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To impose sanctions with respect to any foreign person that the President determines engages in or has engaged in a significant transaction or transactions, or any dealings with, or has provided material support to or for a military or intelligence facility of the People’s Republic of China in Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2023

Mr. RISCH (for himself, Mr. BARRASSO, Mr. HAGERTY, and Mr. RICKETTS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose sanctions with respect to any foreign person that the President determines engages in or has engaged in a significant transaction or transactions, or any dealings with, or has provided material support to or for a military or intelligence facility of the People’s Republic of China in Cuba, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Countering Espionage
3 And Surveillance Entities in Cuba Act” or the “CEASE
4 Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) On January 11, 2021, the Department of
8 State designated the Government of Cuba as a state
9 sponsor of terrorism for repeatedly providing sup-
10 port for acts of international terrorism in granting
11 safe harbor to terrorists, and Cuba remains a sig-
12 nificant national security threat to the United
13 States.

14 (2) The People’s Republic of China and Cuba
15 have maintained close strategic relations since 1960,
16 including through diplomatic, military, economic,
17 and intelligence cooperation, reaffirmed by the Peo-
18 ple’s Republic of China designating Cuba as “good
19 brother, good comrade, good friend”, a title that is
20 not shared by any other country in the world.

21 (3) The relationship between the Government of
22 Cuba and the Government of the People’s Republic
23 of China heightens the national security threat to
24 the United States.

25 (4) A staff research report entitled “China’s
26 Engagement with Latin America and the Carib-

1 bean” published by the by the United States-China
2 Economic and Security Review Commission in Octo-
3 ber 2018 asserts that the military relationship be-
4 tween the People’s Republic of China and Cuba “is
5 characterized by frequent senior-level meetings and
6 technical assistance provided by China’s military to
7 Cuba’s military”.

8 (5) The report also asserts that the People’s
9 Republic of China “has a physical presence at mul-
10 tiple Soviet-era intelligence facilities at Lourdes,
11 Bejucal, and Santiago de Cuba to collect signals in-
12 telligence”.

13 (6) In April 2019, September 2020, and Janu-
14 ary 2021, the Department of State updated the List
15 of Restricted Entities and Subentities Associated
16 with Cuba (commonly known as the “Cuba Re-
17 stricted List”) to include entities and subentities
18 under the control of, or acting for or on behalf of,
19 Cuban military, intelligence, or security services or
20 personnel with which direct financial transactions
21 would disproportionately benefit such services or
22 personnel at the expense of the Cuban people or pri-
23 vate enterprise in Cuba.

24 (7) Recommendations issued in 2022 by the
25 Committee for the Assessment of Foreign Participa-

1 tion in the United States Telecommunications Serv-
2 ices Sector stated that the People’s Republic of
3 China “remains the most sophisticated counterintel-
4 ligence and cyber threat to the United States”.

5 (8) According to the most recent report sub-
6 mitted to Congress by the Director of National In-
7 telligence pursuant to section 108B of the National
8 Security Act of 1947 (50 U.S.C. 3043b) (commonly
9 referred to as the “Annual Threat Assessment”), the
10 People’s Republic of China is expanding its global
11 intelligence and covert influence posture and “rep-
12 resents the broadest, most active, and persistent
13 cyber espionage threat” to the United States.

14 (9) On June 10, 2023, the White House con-
15 firmed reports that the People’s Republic of China
16 has been operating and upgrading intelligence collec-
17 tion facilities in Cuba since at least 2019, and the
18 People’s Republic of China “will keep trying to en-
19 hance its presence in Cuba”.

20 (10) The People’s Republic of China and Cuba
21 have expanded defense relations in recent years, in-
22 cluding “military-to-military strategic mutual trust
23 and practical cooperation”, such as regular institu-
24 tional and senior leader visits between the two coun-

1 tries and the establishment of joint artificial intel-
2 ligence centers.

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

4 It is the sense of Congress that—

5 (1) the growing military and intelligence col-
6 laboration between the Government of People's Re-
7 public of China and the Government of Cuba is a
8 threat to the United States and the peace and sta-
9 bility of the Western Hemisphere;

10 (2) the Secretary of State should ensure that
11 United States diplomatic personnel abroad under-
12 stand, and are communicating with foreign officials,
13 the reasons for concerns of the United States with
14 respect to the military and intelligence partnership
15 between the Government of Cuba and the Govern-
16 ment of the People's Republic of China; and

17 (3) the Secretary of State should ensure that
18 United States diplomatic personnel abroad are urg-
19 ing foreign governments to cooperate more effec-
20 tively to address the threat from military and intel-
21 ligence cooperation between the Government of Cuba
22 and the Government of the People's Republic of
23 China.

24 **SEC. 4. STATEMENT OF POLICY.**

25 It is the policy of the United States—

1 (1) to hold accountable any foreign person that
2 engages in or has engaged in a significant trans-
3 action or transactions, or any significant dealings
4 with, or has provided, directly or indirectly, material
5 support to a military or intelligence facility of the
6 People’s Republic of China in Cuba;

7 (2) to seek the speedy termination of access by
8 the Government of the People’s Republic of China to
9 military and intelligence facilities in Cuba; and

10 (3) to be prepared to reduce sanctions imposed
11 under section 5 in response to the verifiable termi-
12 nation of access by the Government of the People’s
13 Republic of China to and withdrawal of personnel,
14 including advisers, technicians, and military per-
15 sonnel, from such facilities.

16 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO**
17 **MILITARY AND INTELLIGENCE FACILITIES OF**
18 **THE PEOPLE’S REPUBLIC OF CHINA IN CUBA.**

19 (a) **IN GENERAL.**—The President shall direct the
20 Secretary of State to impose the sanctions described in
21 subsection (b) with respect to any foreign person that the
22 Secretary determines engages in or has engaged in a sig-
23 nificant transaction or transactions, or any significant
24 dealings with, or has provided material support to or for

1 a military or intelligence facility of the People's Republic
2 of China in Cuba.

3 (b) SANCTIONS DESCRIBED.—The sanctions de-
4 scribed in this subsection with respect to a foreign person
5 are the following:

6 (1) ASSET BLOCKING.—The exercise of all pow-
7 ers granted to the President by the International
8 Emergency Economic Powers Act (50 U.S.C. 1701
9 et seq.) to the extent necessary to block and prohibit
10 all transactions in all property and interests in prop-
11 erty of the foreign person if such property and inter-
12 ests in property are in the United States, come with-
13 in the United States, or are or come within the pos-
14 session or control of a United States person.

15 (2) EXCLUSION FROM THE UNITED STATES
16 AND REVOCATION OF VISA OR OTHER DOCUMENTA-
17 TION.—In the case of a foreign person who is an
18 alien, denial of a visa to, and exclusion from the
19 United States of, the alien, and revocation in accord-
20 ance with section 221(i) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1201(i)), of any visa or other
22 documentation of the alien.

23 (c) IMPLEMENTATION; PENALTIES.—

24 (1) IMPLEMENTATION.—The President shall ex-
25 ercise all authorities provided under sections 203

1 and 205 of the International Emergency Economic
2 Powers Act (50 U.S.C. 1702 and 1704) to carry out
3 this section.

4 (2) PENALTIES.—A person that knowingly vio-
5 lates, attempts to violate, conspires to violate, or
6 causes a violation of subsection (b)(2) or any regula-
7 tion, license, or order issued to carry out that sub-
8 section shall be subject to the penalties set forth in
9 subsections (b) and (c) of section 206 of the Inter-
10 national Emergency Economic Powers Act (50
11 U.S.C. 1705) to the same extent as a person that
12 commits an unlawful act described in subsection (a)
13 of that section.

14 (d) EXCEPTIONS.—

15 (1) IMPORTATION OF GOODS.—

16 (A) IN GENERAL.—The authorities and re-
17 quirements to impose sanctions authorized
18 under this section shall not include the author-
19 ity or a requirement to impose sanctions on the
20 importation of goods.

21 (B) GOOD DEFINED.—In this paragraph,
22 the term “good” means any article, natural or
23 manmade substance, material, supply, or manu-
24 factured product, including inspection and test
25 equipment, and excluding technical data.

1 (2) COMPLIANCE WITH UNITED NATIONS HEAD-
2 QUARTERS AGREEMENT.—Sanctions under sub-
3 section (b)(3) shall not apply to an alien if admitting
4 the alien into the United States is necessary to per-
5 mit the United States to comply with the Agreement
6 regarding the Headquarters of the United Nations,
7 signed at Lake Success June 26, 1947, and entered
8 into force November 21, 1947, between the United
9 Nations and the United States, or other applicable
10 international obligations.

11 (e) TERMINATION OF SANCTIONS.—Notwithstanding
12 any other provision of law, this section shall terminate on
13 the date that is 30 days after the date on which the Presi-
14 dent determines and certifies to the appropriate congres-
15 sional committees (and Congress has not enacted legisla-
16 tion disapproving the determination within that 30-day pe-
17 riod) that Cuba has closed and dismantled all military or
18 intelligence facilities of the People’s Republic of China in
19 Cuba.

20 (f) WAIVER.—

21 (1) IN GENERAL.—The President may waive
22 the application of sanctions under this section with
23 respect to a foreign person if the President, not later
24 than 10 days before the waiver is to take effect, de-
25 termines and certifies to the appropriate congres-

1 sional committees that the waiver is in the vital na-
2 tional security interest of the United States.

3 (2) JUSTIFICATION.—The President shall in-
4 clude with a certification submitted under paragraph
5 (1) with respect to a waiver a detailed justification
6 explaining the reasons for the waiver.

7 (g) DEFINITIONS.—In this section:

8 (1) ALIEN.—The term “alien” has the meaning
9 given that term in section 101 of the Immigration
10 and Nationality Act (8 U.S.C. 1101).

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” includes—

14 (A) the Committee on Foreign Relations
15 and the Select Committee on Intelligence of the
16 Senate; and

17 (B) the Committee on Foreign Affairs and
18 the Permanent Select Committee on Intelligence
19 of the House of Representatives.

20 (3) FOREIGN PERSON.—The term “foreign per-
21 son” means a person that is not a United States
22 person.

23 (4) PERSON.—The term “person” means an in-
24 dividual or entity.

1 (5) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) an individual who is a United States
4 citizen or an alien lawfully admitted for perma-
5 nent residence to the United States;

6 (B) an entity organized under the laws of
7 the United States or any jurisdiction within the
8 United States, including a foreign branch of
9 such an entity; or

10 (C) any person in the United States.

11 **SEC. 6. REPORT ON ASSISTANCE BY THE PEOPLE’S REPUB-**
12 **LIC OF CHINA FOR THE GOVERNMENT OF**
13 **CUBA.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of the enactment of this Act, and annually thereafter,
16 the Secretary of State shall submit to the appropriate con-
17 gressional committees a report describing—

18 (1) diplomatic engagement between the Govern-
19 ment of the People’s Republic of China and the Gov-
20 ernment of Cuba;

21 (2) the military and intelligence activities of the
22 Government of the People’s Republic of China in
23 Cuba, including any military or intelligence facilities
24 used by that government in Cuba;

1 (3) the purposes for which the Government of
2 the People’s Republic of China conducts those activi-
3 ties and uses those facilities in Cuba;

4 (4) the extent to which the Government of the
5 People’s Republic of China provides payment or gov-
6 ernment credits to the Government of Cuba for the
7 continued use of those facilities in Cuba; and

8 (5) any progress toward the verifiable termi-
9 nation of access by the Government of the People’s
10 Republic of China to those facilities and withdrawal
11 of personnel, including advisers, technicians, and
12 military personnel, from those facilities.

13 (b) FORM.—The report required by subsection (a)
14 shall be submitted in unclassified form and shall include
15 a classified annex.

16 (c) DEFINITIONS.—In this section:

17 (1) AGENCY OR INSTRUMENTALITY OF THE
18 GOVERNMENT OF CUBA.—The term “agency or in-
19 strumentality of the Government of Cuba” means an
20 agency or instrumentality of a foreign state as de-
21 fined in section 1603(b) of title 28, United States
22 Code, with each reference in that section to “a for-
23 eign state” deemed to be a reference to “Cuba”.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” includes—

4 (A) the Committee on Foreign Relations
5 and the Select Committee on Intelligence of the
6 Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Permanent Select Committee on Intelligence
9 of the House of Representatives.

10 (3) GOVERNMENT OF CUBA.—The term “Gov-
11 ernment of Cuba” includes the government of any
12 political subdivision of Cuba and any agency or in-
13 strumentality of the Government of Cuba.

14 **SEC. 7. REPORT ON SPECIFIC LICENSES THAT AUTHORIZE**
15 **TRANSACTIONS WITH SANCTIONED PERSONS.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, and every 90 days there-
18 after, the Secretary of the Treasury, in coordination with
19 the Secretary of State, shall submit to the committees
20 specified in subsection (c) a report that includes—

21 (1) a list of specific licenses issued by the Sec-
22 retary of the Treasury during the period specified in
23 subsection (b) that authorize any transaction with a
24 person with respect to which sanctions have been im-

1 posed under section 5 or any relevant Executive
2 order; and

3 (2) a copy of each such license.

4 (b) PERIOD SPECIFIED.—The period specified in this
5 subsection is—

6 (1) in the case of the first report required by
7 paragraph (1), the 180-day period preceding submis-
8 sion of the report; and

9 (2) in the case of any subsequent report re-
10 quired by that paragraph, the 90-day period pre-
11 ceding submission of the report.

12 (c) COMMITTEES SPECIFIED.—The committees speci-
13 fied in this subsection are—

14 (1) the Committee on Banking, Housing, and
15 Urban Affairs and the Committee on Foreign Rela-
16 tions of the Senate; and

17 (2) the Committee on Financial Services and
18 the Committee on Foreign Affairs of the House of
19 Representatives.

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