

United States Senate
WASHINGTON, DC 20510-0908

December 20, 2022

President Joe Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

We write to emphasize the importance of current prohibitions on U.S. companies engaging in business transactions with the Cuban military and the designation of Cuba as a State Sponsor of Terrorism. These policies are important tools the United States uses to hold the communist regime in Cuba accountable for human rights abuses and its sponsorship of international terrorism that continues to destabilize neighboring countries. In furtherance of the United States' national security and historic support for the Cuban people's pursuit for freedom, democracy and respect for basic human rights, your administration should not rescind these policies.

Both the *Cuban Democracy Act of 1992* (P.L. 102-484, Title XVII) and the *Cuban Liberty and Democracy Solidarity (LIBERTAD) Act of 1996* (P.L. 104-114) dictated that economic restrictions on Cuba could only be lifted when Cuba holds free and fair elections, shows respect for basic civil liberties and human rights, releases all political prisoners and establishes a free market economic system. While congressional action is required to amend these objectives, the President has limited waiver authority in order to support a transition to democracy.

The experience of the Obama Administration has shown that one-sided concessions only further contribute to the dismal human rights situation on the island. According to the Cuban Commission for Human Rights and National Reconciliation, the monthly average for arbitrary detentions in Cuba increased from 172 in 2010, before the start of the Obama Administration policies, to 827 in 2016, during the last year of those policies. At no point during the Obama Administration did the regime make efforts to respect the freedom of expression, hold free and fair elections, or undo its egregious forced labor programs for medical professionals, which merits the Tier 3 status per the U.S. Department of State Trafficking in Persons report.

In recognition of the Castro/Díaz-Canel regime's blatant human rights abuses, on January 18, 2018, the United States barred U.S. persons from engaging in direct financial transactions with entities and sub-entities under the control of, or acting on behalf of, the regime's military, intelligence and security services. Delisting companies from the Restricted Entity List, or discarding the list entirely, even as the Cuban military and intelligence agencies continue to seek bloody reprisals against the Cubans that took part in the unprecedented nationwide July 11, 2021 demonstrations, will be seen as rewarding the regime for its oppression

of peaceful demonstrators, including minors, and demoralize those who continue to fight for freedom on the island.

Beyond the island, the communist regime in Cuba continues to sponsor terrorist attacks on America's allies in the Western Hemisphere. The regime allows the National Liberation Army (ELN) Revolutionary Armed Forces of Colombia (FARC) dissidents, organizations designated as Foreign Terrorist Organizations (FTOs) by the United States, to use the island to plan terrorist attacks in Colombia. Last week, Colombia's Human Rights ombudsman, Carlos Camargo, announced that this past year saw 199 killings of social leaders and human rights defenders, the highest since 2016. According to the Colombian government, the majority of these killings were in areas where the ELN and FARC dissidents operate narcotics trafficking routes and grow illegal drugs. Sixty-six of these killings, or a third of the total, have occurred in the four months since President Gustavo Petro assumed office, even as Petro pursues negotiations with the ELN and other criminal groups.

Moreover, the regime in Cuba still offers safe haven to individuals on the Federal Bureau of Investigation's Most Wanted Terrorist List. This includes Joanne Chesimard, who murdered New Jersey State Troop Werner Foerster in 1973 and Ishmael LaBeet, who killed eight Americans in the U.S. Virgin Islands in 1972. So long as the Cuban regime sponsors designated FTOs, and harbors fugitives responsible for the death of Americans, U.S. policy should continue to recognize the regime as one of the world's foremost state sponsors of terrorism.

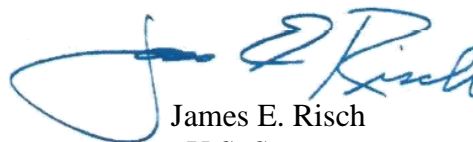
At the start of your presidency, your administration announced a foreign policy "that is centered on the defense of democracy and the protection of human rights." On December 9, 2022, you pledged to "continue holding accountable Cuban officials responsible for violence against peaceful protests." The American and Cuban people yearning for the respect of human rights on the island expect you to live up to these promises.

We thank you in advance for your attention to this matter.

Sincerely,



Marco Rubio
U.S. Senator



James E. Risch
U.S. Senator



Rick Scott
U.S. Senator