

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the United States Congress to adopt S. 2990, H.R. 5557, the DEMOCRACIA Act, or similar legislation to support freedom and democracy for the people of Cuba and to restrict or reduce the financial resources of the Cuban dictatorship

Resolution No. R-1116-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
11-16-21

RESOLUTION NO. _____ R-1116-21

RESOLUTION URGING THE UNITED STATES CONGRESS
TO ADOPT S. 2990, H.R. 5557, THE DEMOCRACIA ACT, OR
SIMILAR LEGISLATION TO SUPPORT FREEDOM AND
DEMOCRACY FOR THE PEOPLE OF CUBA AND TO
RESTRICT OR REDUCE THE FINANCIAL RESOURCES OF
THE CUBAN DICTATORSHIP

WHEREAS, in 1959, Fidel Castro took power in Cuba, establishing a brutal Communist regime that has resulted in more than six decades of human rights violations that include, but are not limited to, thousands of politically motivated executions, the theft of private property, and shortages of basic life-sustaining materials (such as food and medicine) that have spawned generations of human misery; and

WHEREAS, more than 60 years later, human rights violations persist; for example, Cuban democracy activists such as Las Damas de Blanco (the “Ladies in White”), a group of wives and relatives of political prisoners, prisoners of conscience, and peaceful activists in Cuba, are routinely repressed, censured, beaten, and unjustly imprisoned by Cuba’s dictatorial regime; and

WHEREAS, in the summer of 2021, fueled by the despair caused by decades of oppression, the Cuban people took to the streets, calling for an end to communism in Cuba and for access to the basic life-sustaining needs that they have lacked—food, medicine, water, and electricity—because of the failed communist policies of the Cuban regime; and

WHEREAS, as the Cubans exercised their natural right to assemble and express their opinions, the Cuban regime used its secret police and military apparatus to unleash a brutal program of oppression, including harassing and threatening protesters and their families, abducting and torturing protestors and those leading the civil demonstrations, and detaining and disappearing protestors; and

WHEREAS, to quash the momentum that the protests were gaining, Cuban authorities cut internet and cellular services, limiting the ability of the Cuban people to spread their message of freedom throughout the island and abroad; and

WHEREAS, the interruption of internet and cellular services also shielded Cuban authorities from accountability for their repressive actions, allowing them to violate the human rights of the Cuban people without global scrutiny for their unlawful acts of repression; and

WHEREAS, a 2020 human rights report prepared by the United States Department of State describes Cuba as an authoritarian state where there is only one legal political party, the Cuban Communist Party; and

WHEREAS, according to that report, Cuba’s repressive security apparatus—led by the Ministry of the Interior—has committed numerous human rights abuses, including human trafficking, compulsory labor, “unlawful or arbitrary killings, including extrajudicial killings, by the government; forced disappearance by the government; torture and cruel, inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; political prisoners; significant problems with the independence of the judiciary; and arbitrary and unlawful interference with privacy”; and

WHEREAS, the report further notes that freedom of the press does not exist, and criminal libel laws are used against those who criticize the government; as an additional attack on the free sharing of truthful information, the Cuban government engages in internet blocking, limits academic and cultural freedom, severely restricts the free practice of religion, and restricts internal and external movement of persons in addition to restricting the right of peaceful assembly and freedom of association; and

WHEREAS, these abuses are sanctioned by the Cuban government, whose officials direct or personally conduct the aforementioned human rights abuses and fail to investigate or prosecute those persons who commit the abuses; and

WHEREAS, as if it were not enough to conduct their crimes against humanity within their own territory, the Cuban government exports its repressive practices to other countries in Latin America, such as Nicaragua and Venezuela, where victims of torture have identified Cubans as the supervising their torture; and

WHEREAS, in addition, Cuba is the place of origin for a series of unexplained attacks in 2016 against American diplomats, which in addition to violating international law, has left these diplomats with permanent hearing loss and resulted in an interruption of diplomatic activity between the United States and Cuba and the loss of consular services to Cubans; and

WHEREAS, Cuba is also a safe haven for those who seek to escape the reaches of American justice, including one fugitive who executed a police officer during a routine traffic stop in May 1973; and

WHEREAS, on January 12, 2021, the United States Department of State determined that Cuba has repeatedly provided support of acts of international terrorism and the Cuban government was thereby designated as a state sponsor of terrorism; and

WHEREAS, on May 14, 2021, United States Secretary of State Anthony Blinken determined and certified to the United States Congress that Cuba is not fully cooperating with the United States' antiterrorism efforts; and

WHEREAS, consistent with the determination, the Cuban government continues to perpetrate crimes against its own people and support international terrorist groups outside of its boundaries; and

WHEREAS, commercial engagement with the defense, security, and intelligence sectors of Cuba empowers the Cuban government in its domestic and international human rights abuses; and

WHEREAS, consequently on October 12, 2021, United States Representative Byron Donalds (R-FL) and co-sponsoring Representatives Mario Diaz-Balart (R-FL), Carlos A. Gimenez (R-FL), Alexander X. Mooney (R-WV), Maria Elvira Salazar (R-FL), Brian Babin (R-FL), and Nicole Malliotakis (R-NY) introduced H.R. 5557, known as the “Denying Earnings to the Military Oligarchy in Cuba and Restricting Activities of the Cuban Intelligence Apparatus Act” (the “DEMOCRACIA Act”) for consideration during the 117th Congress; and

WHEREAS, on October 18, 2021, United States Senator Rick Scott (R-FL) and co-sponsoring Senators Mike Braun (R-IN), Tommy Tuberville (R-AL), Marco Rubio (R-FL), and Roger Marshall (R-KS) introduced S. 2990, the companion bill to H.R. 5557; and

WHEREAS, the DEMOCRACIA Act establishes it as the policy of the United States to “support the desire of the people of Cuba for freedom and democracy” and “work with allies in the international community to seek to restrict and reduce the financial resources of the Cuban dictatorship, which supports terrorism and perpetrates injustice and human rights abuses against the Cuban people, that being the Cuban military, security, and intelligence sectors”; and

WHEREAS, in furtherance of these objectives, the DEMOCRACIA Act imposes sanctions on foreign persons who provide financial, material, or technological support to, or engage in transactions with persons or entities that lend support to, the Cuban government; and

WHEREAS, the DEMOCRACIA Act includes certain exceptions that would allow, among other things, the sale of agricultural commodities, medicines, or medical devices; remittances to family members (other than high-ranking members of the Cuban Communist Party

or others who are subject to sanctions); assistance for democracy-building efforts; and access to internet and cellular services, unless those services do not include technology, services, or communications backed by the Communist Party of the People's Republic of China; and

WHEREAS, the sanctions imposed by the DEMOCRACIA Act entail the blocking of transactions in property and interests of persons covered by the sanctions and the revocation of visas, admissions, or parole for persons covered by the sanctions; and

WHEREAS, these same sanctions apply broadly to persons who are responsible for or complicit (directly or indirectly) in causing serious human rights abuses in Cuba, including, among others, current or former officials of the Cuban government or persons acting on their behalf and members of the Communist Party of Cuba; and

WHEREAS, the DEMOCRACIA Act also requires the President of the United States to "use all means possible to provide unrestricted, reliable internet service to the people of Cuba that is not censored, blocked, or otherwise restricted by the Government of Cuba and does not include any technology, services, or communications backed by the Communist Party of the People's Republic of China"; and

WHEREAS, this Board desires to support passage of the DEMOCRACIA Act as it is an important tool in holding accountable those responsible for human rights abuses in Cuba and providing a means for the Cuban people to receive accurate information from non-governmental sources and to disseminate their message of freedom, domestically and abroad,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Adopts and incorporates herein the foregoing recitals.

Section 2. Urges the United States Congress to adopt S. 2990, H.R. 5557, the DEMOCRACIA Act, or similar legislation to support freedom and democracy for the people of Cuba and to restrict or reduce the financial resources of the Cuban dictatorship.

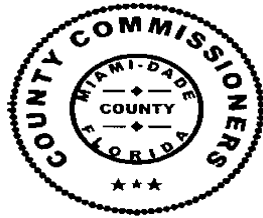
Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to United States Senators Rick Scott, Mike Braun, Tommy Tuberville, Marco Rubio, and Roger Marshall, United States Representatives Byron Donalds, Mario Diaz-Balart, Carlos A. Gimenez, Alexander X. Mooney, Maria Elvira Salazar, Brian Babin, and Nicole Malliotakis, and the remaining Members of the Florida Congressional Delegation.

Section 4. Directs the County’s federal lobbyists to advocate for the legislation set forth in section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 Federal Legislative Package to include this item and to include this item in the 2022 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	absent	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of November, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MAG

Miguel A. Gonzalez