

116TH CONGRESS
1ST SESSION

S. _____

To allow United States citizens and legal residents to travel between the United States and Cuba.

IN THE SENATE OF THE UNITED STATES

Mr. LEAHY (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Ms. COLLINS, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. JONES, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MARKEY, Mr. MERKLEY, Mr. MORAN, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To allow United States citizens and legal residents to travel between the United States and Cuba.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom for Ameri-
5 cans to Travel to Cuba Act of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) During the more than 50 years since the
4 United States initially restricted travel by Americans
5 to Cuba—

6 (A) the Soviet Union has dissolved into a
7 dozen independent states; and

8 (B) the United States has resumed diplo-
9 matic and trade relations with the communist
10 governments of China and of Vietnam.

11 (2) There are no such restrictions on travel by
12 Americans to any other country except North Korea.

13 (3) While restrictions on travel by Cuban Amer-
14 icans were lifted in 2009, continuing restrictions on,
15 and requirements of licenses for, travel by non-
16 Cuban Americans are discriminatory and without
17 justification.

18 (4) Since 2013, the Government of Cuba—

19 (A) has ended restrictions on foreign travel
20 for most Cubans;

21 (B) has permitted Cubans to buy and sell
22 real property;

23 (C) has permitted hundreds of thousands
24 of Cubans to work as private entrepreneurs;
25 and

1 (D) has greatly expanded public access to
2 the Internet.

3 (5) Restrictions on travel by Americans to Cuba
4 have resulted in a significant loss of revenue for pri-
5 vate Airbnb hosts, restaurants, taxi drivers, and
6 other small businesses in Cuba.

7 (6) Many companies in Europe, Canada, Rus-
8 sia, and other countries regularly send their rep-
9 resentatives to Cuba, while American companies can-
10 not do so, preventing American companies, including
11 banks and credit card companies, from providing
12 services to Americans who travel to Cuba under a
13 general license issued by the Office of Foreign As-
14 sets Control of the Department of the Treasury.

15 (7) A majority of Americans from every region
16 of the country and in both major political parties
17 consistently support normalizing travel by Americans
18 to Cuba.

19 (8) Ending restrictions on travel to Cuba, and
20 transactions incident to such travel would—

21 (A) pose no threat to the security of the
22 United States;

23 (B) advance United States national inter-
24 ests in the hemisphere; and

1 (C) foster free enterprise and democracy in
2 Cuba.

3 **SEC. 3. TRAVEL TO CUBA.**

4 Subject to section 4, on or after the date of the enact-
5 ment of this Act—

6 (1) the President may not prohibit or otherwise
7 restrict travel to or from Cuba by United States citi-
8 zens or legal residents, or any of the transactions in-
9 cident to such travel, including banking transactions;
10 and

11 (2) any law, regulation, or policy in effect on
12 such date of enactment that prohibits or otherwise
13 restricts travel to or from Cuba by United States
14 citizens or legal residents, or any of the transactions
15 incident to such travel, including banking trans-
16 actions, shall cease to have any force or effect.

17 **SEC. 4. EXCEPTIONS.**

18 (a) SAVINGS PROVISIONS.—Nothing in this Act may
19 be construed to limit the authority of the President to re-
20 strict travel described in section 3, or any transaction inci-
21 dent to such travel, on a case-by-case basis, if the Presi-
22 dent determines that such restriction—

23 (1) is necessary to protect the national security
24 of the United States; or

1 (2) is necessary to protect the health or safety
2 of United States citizens or legal residents resulting
3 from traveling to or from Cuba.

4 (b) WRITTEN JUSTIFICATION.—Not later than 5
5 days before restricting travel described in section 3 or a
6 transaction incident to such travel, pursuant to the au-
7 thority referred to in subsection (a), the President shall
8 submit a written justification for such restriction to—

9 (1) the Committee on Foreign Relations of the
10 Senate;

11 (2) the Committee on Appropriations of the
12 Senate;

13 (3) the Committee on Foreign Affairs of the
14 House of Representatives; and

15 (4) the Committee on Appropriations of the
16 House of Representatives.

17 **SEC. 5. INAPPLICABILITY.**

18 The provisions of this Act shall apply notwith-
19 standing section 102(h) of the Cuban Liberty and Demo-
20 cratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C.
21 6032(h)) and section 910(b) of the Trade Sanctions Re-
22 form and Export Enhancement Act of 2000 (22 U.S.C.
23 7209(b)).