

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To authorize the exportation of consumer communication devices to Cuba and the provision of telecommunications services to Cuba, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. UDALL (for himself, Mr. FLAKE, Mr. DURBIN, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To authorize the exportation of consumer communication devices to Cuba and the provision of telecommunications services to 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Cuba Digital and Tele-  
5       communications Advancement Act of 2015” or the “Cuba  
6       DATA Act”.

1 **SEC. 2. EXPORTATION OF CONSUMER COMMUNICATION DE-**  
2 **VICES AND TELECOMMUNICATIONS SERV-**  
3 **ICES TO CUBA.**

4 (a) IN GENERAL.—Notwithstanding any other provi-  
5 sion of law, the President may permit any person subject  
6 to the jurisdiction of the United States—

7 (1) to export consumer communication devices  
8 and other telecommunications equipment to Cuba;

9 (2) to provide telecommunications services in-  
10 volving Cuba or persons in Cuba;

11 (3) to establish facilities to provide tele-  
12 communications services connecting Cuba with an-  
13 other country or to provide telecommunications serv-  
14 ices in Cuba;

15 (4) to conduct any transaction incident to car-  
16 rying out an activity described in any of paragraphs  
17 (1) through (3); and

18 (5) to enter into, perform, and make and re-  
19 ceive payments under a contract with any individual  
20 or entity in Cuba with respect to the provision of  
21 telecommunications services involving Cuba or per-  
22 sons in Cuba.

23 (b) REPORT.—Not later than 180 days after the date  
24 of the enactment of this Act, and not less frequently than  
25 annually thereafter for 4 years, the President shall submit  
26 to the Committee on Foreign Relations and the Committee

1 on Appropriations of the Senate and the Committee on  
2 Foreign Affairs and the Committee on Appropriations of  
3 the House of Representatives a report on—

4 (1) the percentage of individuals in Cuba who  
5 are able to access the Internet and the infrastruc-  
6 ture that would be needed in Cuba to reach the goal  
7 of increasing that percentage to 50 percent by 2020;

8 (2) the ability of individuals in Cuba, including  
9 foreign tourists, to access data through the use of  
10 cell phones and the infrastructure that would be  
11 needed to bring the capability to access that data to  
12 rural and urban population centers in Cuba;

13 (3) the impact of access to telecommunications  
14 technology on the development of new businesses, co-  
15 ops, and educational opportunities in Cuba; and

16 (4) the impact of the telecommunications equip-  
17 ment and telecommunications services provided  
18 under this section on advancing the human rights  
19 objectives of the United States and how such equip-  
20 ment and services are being used to advance those  
21 objectives.

22 (c) DEFINITIONS.—In this section:

23 (1) CONSUMER COMMUNICATION DEVICES.—  
24 The term “consumer communication devices” means  
25 commodities and software described in section

1       740.19(b) of title 15, Code of Federal Regulations  
2       (or any successor regulation).

3               (2) PERSON SUBJECT TO THE JURISDICTION OF  
4       THE UNITED STATES.—The term “person subject to  
5       the jurisdiction of the United States” means—

6               (A) any individual, wherever located, who  
7       is a citizen or resident of the United States;

8               (B) any person located in the United  
9       States;

10              (C) any corporation, partnership, associa-  
11       tion, or other organization organized under the  
12       laws of the United States or of any State, terri-  
13       tory, possession, or district of the United  
14       States; and

15              (D) any corporation, partnership, associa-  
16       tion, or other organization, wherever organized  
17       or doing business, that is owned or controlled  
18       by a person described in subparagraph (A), (B),  
19       or (C).

20              (3) TELECOMMUNICATIONS SERVICES.—The  
21       term “telecommunications services” includes—

22              (A) data, telephone, telegraph, Internet  
23       connectivity, radio, television, news wire feeds,  
24       and similar services, regardless of the medium

1 of transmission and including transmission by  
2 satellite;

3 (B) services incident to the exchange of  
4 communications over the Internet;

5 (C) domain name registration services; and

6 (D) services that are related to consumer  
7 communication devices and other telecommuni-  
8 cations equipment to install, repair, or replace  
9 such devices and equipment.

10 **SEC. 3. REPEAL OF CERTAIN AUTHORITIES PREVENTING**  
11 **FINANCING AND MARKET REFORM FOR**  
12 **CUBA.**

13 (a) CUBAN DEMOCRACY ACT.—

14 (1) IN GENERAL.—Section 1704 of the Cuban  
15 Democracy Act of 1992 (22 U.S.C. 6003) is re-  
16 pealed.

17 (2) CONFORMING AMENDMENTS.—Section 204  
18 of the Cuban Liberty and Democratic Solidarity  
19 (LIBERTAD) Act of 1996 (22 U.S.C. 6064) is  
20 amended—

21 (A) in subsection (b), by amending para-  
22 graph (3) to read as follows:

23 “(3) sections 1705(d) and 1706 of the Cuban  
24 Democracy Act of 1992 (22 U.S.C. 6004(d) and  
25 6005);”; and

1 (B) in subsection (d), by amending para-  
2 graph (3) to read as follows:

3 “(3) sections 1705(d) and 1706 of the Cuban  
4 Democracy Act of 1992 (22 U.S.C. 6004(d) and  
5 6005) are repealed; and”.

6 (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY  
7 ACT.—

8 (1) IN GENERAL.—Sections 102, 103, 104, 105,  
9 and 108 of the Cuban Liberty and Democratic Soli-  
10 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6032,  
11 6033, 6034, 6035, and 6038) are repealed.

12 (2) CONFORMING AMENDMENT.—Section  
13 109(a) of the Cuban Liberty and Democratic Soli-  
14 darity (LIBERTAD) Act of 1996 (22 U.S.C.  
15 6039(a)) is amended by striking “(including section  
16 102 of this Act)”.