

116TH CONGRESS  
2D SESSION

# S. 3977

To require the Department of State to publish a list of countries that contract with the Government of Cuba for their medical missions program and ensure that such contracts are considered as factors in considering Trafficking in Persons report rankings, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

Mr. SCOTT of Florida (for himself, Mr. RUBIO, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To require the Department of State to publish a list of countries that contract with the Government of Cuba for their medical missions program and ensure that such contracts are considered as factors in considering Trafficking in Persons report rankings, 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 “Cut Profits to the  
5 Cuban Regime Act of 2020”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The Department of State declared in Sep-  
4 tember 2019 that Cuba’s overseas medical missions  
5 program, known as the “Cuban doctor’s program,”  
6 employs up to 50,000 healthcare professionals in  
7 more than 60 countries, and are a major source of  
8 income for the Cuban regime. However, former par-  
9 ticipants describe coercion, non-payment of wages,  
10 withholding of their passports, and restrictions on  
11 their movement. The Department of State has docu-  
12 mented indicators of human trafficking in Cuba’s  
13 overseas medical missions each year since the 2010  
14 Trafficking in Persons Report (TIP Report), includ-  
15 ing in the 2019 TIP Report and remain deeply con-  
16 cerned about these abuses. The Department of State  
17 urges host country governments and civil society to  
18 examine the practices in Cuba’s medical missions in  
19 their countries and ensure the rights of healthcare  
20 professionals are protected.

21 (2) According to the Department of State, the  
22 Government of Cuba collected \$7,200,000,000 in a  
23 single year from the export of professional services  
24 through programs like the foreign medical missions  
25 and, while those services were ongoing, refused to

1 provide even a living wage to those who were partici-  
2 pating in it.

3 (3) The Department of State estimates that  
4 globally there are 24,900,000 victims of human traf-  
5 ficking, also commonly referred to as modern slav-  
6 ery.

7 (4) In the United States, Congress has led ef-  
8 forts to eliminate severe forms of trafficking in per-  
9 sons domestically and internationally, particularly  
10 with its enactment of the Victims of Trafficking and  
11 Violence Protection Act of 2000 (Public Law 106–  
12 386). Division A of that Act, the Trafficking Victims  
13 Protection Act of 2000 (TVPA), established United  
14 States antitrafficking policy to—

15 (A) prevent trafficking;

16 (B) protect trafficking victims; and

17 (C) prosecute and punish traffickers  
18 (known as the three Ps).

19 (5) A key element of the TVPA’s foreign policy  
20 objectives involved a new requirement for the Sec-  
21 retary of State to produce an annual report on  
22 human trafficking and to rank foreign governments  
23 based on their antitrafficking efforts. In the ensuing  
24 reports, which the Department of State titled as  
25 Trafficking in Persons (TIP) reports, the Depart-

1        ment developed a ranking system in which the best-  
 2        ranked countries were identified as Tier 1 and the  
 3        worst-ranked as Tier 3. Moreover, the TVPA stipu-  
 4        lated that the worst performers (Tier 3 countries) in  
 5        the TIP Report could be subject to potential restric-  
 6        tions on certain types of United States foreign aid  
 7        and other United States and multilateral funds—a  
 8        policy that is intended to motivate countries to avoid  
 9        Tier 3 by prioritizing antitrafficking efforts.

10    **SEC. 3. ACCOUNTABILITY FOR COUNTRIES THAT USE THE**  
 11                                    **CUBAN DOCTOR'S PROGRAM.**

12        (a) REQUIREMENT REPORT ON COUNTRIES THAT  
 13        USE THE CUBAN DOCTOR'S PROGRAM.—The Secretary of  
 14        State shall include in the report required under section  
 15        110(b) of the Trafficking Victims Protection Act of 2000  
 16        (22 U.S.C. 7107(b)) a list of countries that contract with  
 17        the Government of Cuba to use that country's medical  
 18        missions program, known as the “Cuban doctor's pro-  
 19        gram”.

20        (b) CONSEQUENCES FOR ENABLING TRAFFICKING IN  
 21        PERSONS.—Section 110(b) of the Trafficking Victims  
 22        Protection Act of 2000 (22 U.S.C. 7107(b)) is amended  
 23        by adding at the end the following new paragraph:

24                                    “(5) CONSEQUENCES FOR ENABLING TRAF-  
 25        FICKING IN PERSONS.—In preparing the report

1 under this subsection, including determining which  
2 countries to include on the lists pursuant to para-  
3 graph (1), the Secretary of State shall consider  
4 whether the government of a country enables the  
5 trafficking in persons in another country, including  
6 by participating in programs with foreign govern-  
7 ments and organizations that involve or enable traf-  
8 ficking in persons.”.

9 (c) RECOGNITION OF EFFORTS TO PREVENT FUND-  
10 ING GOVERNMENT OF CUBA.—A country’s ranking for  
11 purposes of section 110(b)(1) of the Trafficking Victims  
12 Protection Act of 2000 (22 U.S.C. 7107(b)(1)) shall not  
13 be adversely affected as a result of a country’s contracting  
14 with a doctor’s program if the country using the pro-  
15 gram—

16 (1) compensates medical professionals (or any  
17 service professional) directly rather than through the  
18 government of a country or an organization that is  
19 sponsoring them and pays foreign medical profes-  
20 sionals and personnel the same compensation as do-  
21 mestic medical professionals and personnel are paid  
22 for similar work;

23 (2) ensures such professionals retain control of  
24 their passports and earnings;

1           (3) makes public the terms of the agreement  
2           with the government or sponsoring organization;

3           (4) ensures medical professionals are allowed to  
4           bring their family (particularly spouses and minor  
5           children) with them;

6           (5) ensures medical professional's (and their  
7           family's) travel are not restricted and that their ac-  
8           tivities and speech are not monitored while in the  
9           host country;

10          (6) ensures humane and safe working and living  
11          conditions, in accordance with international law; and

12          (7) ensures that the country providing the pro-  
13          gram is not receiving any additional compensation  
14          from the host country or any organization for the  
15          work of the medical professionals.

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