

111TH CONGRESS  
1ST SESSION

# H. R. 188

To lift the trade embargo on Cuba, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. SERRANO introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To lift the trade embargo on 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 Reconciliation  
5 Act”.

1 **SEC. 2. REMOVAL OF PROVISIONS RESTRICTING TRADE**  
2 **AND OTHER RELATIONS WITH CUBA.**

3 (a) **AUTHORITY FOR EMBARGO.**—Section 620(a) of  
4 the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a))  
5 is repealed.

6 (b) **TRADING WITH THE ENEMY ACT.**—The authori-  
7 ties conferred upon the President by section 5(b) of the  
8 Trading with the Enemy Act, which were being exercised  
9 with respect to Cuba on July 1, 1977, as a result of a  
10 national emergency declared by the President before that  
11 date, and are being exercised on the day before the effec-  
12 tive date of this Act, may not be exercised on or after  
13 such effective date with respect to Cuba. Any regulations  
14 in effect on the day before such effective date pursuant  
15 to the exercise of such authorities, shall cease to be effec-  
16 tive on such date.

17 (c) **EXERCISE OF AUTHORITIES UNDER OTHER PRO-**  
18 **VISIONS OF LAW.**—

19 (1) **REMOVAL OF PROHIBITIONS.**—Any prohibi-  
20 tion on exports to Cuba that is in effect on the day  
21 before the effective date of this Act under the Ex-  
22 port Administration Act of 1979 shall cease to be ef-  
23 fective on such effective date.

24 (2) **AUTHORITY FOR NEW RESTRICTIONS.**—The  
25 President may, on and after the effective date of this  
26 Act—

1 (A) impose export controls with respect to  
2 Cuba under section 5, 6(j), 6(l), or 6(m) of the  
3 Export Administration Act of 1979 (as contin-  
4 ued in effect under the International Emer-  
5 gency Economic Powers Act); and

6 (B) exercise the authorities he has under  
7 the International Emergency Economic Powers  
8 Act with respect to Cuba pursuant to a declara-  
9 tion of national emergency required by that Act  
10 that is made on account of an unusual and ex-  
11 traordinary threat, that did not exist before the  
12 enactment of this Act, to the national security,  
13 foreign policy, or economy of the United States.

14 (d) CUBAN DEMOCRACY ACT OF 1992.—The Cuban  
15 Democracy Act of 1992 (22 U.S.C. 6001 and following)  
16 is repealed.

17 (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC  
18 SOLIDARITY (LIBERTAD) ACT OF 1996.—

19 (1) REPEAL.—The Cuban Liberty and Demo-  
20 cratic Solidarity (LIBERTAD) Act of 1996 is re-  
21 pealed.

22 (2) CONFORMING AMENDMENTS.—(A) Section  
23 498A of the Foreign Assistance Act of 1961 (22  
24 U.S.C. 2295a) is amended—

1 (i) in subsection (a)(11), by striking “and  
2 intelligence facilities, including the military and  
3 intelligence facilities at Lourdes and Cien-  
4 fuegos,” and inserting “facilities,”;

5 (ii) in subsection (b)—

6 (I) in paragraph (4), by adding “and”  
7 after the semicolon;

8 (II) by striking paragraph (5); and

9 (III) by redesignating paragraph (6)  
10 as paragraph (5); and

11 (iii) by striking subsection (d).

12 (B) Section 498B(k) of the Foreign Assistance  
13 Act of 1961 (22 U.S.C. 2295b(k)) is amended by  
14 striking paragraphs (3) and (4).

15 (C) Section 1611 of title 28, United States  
16 Code, is amended by striking subsection (c).

17 (D) Sections 514 and 515 of the International  
18 Claims Settlement Act of 1949 (22 U.S.C. 1643l  
19 and 1643m) are repealed.

20 (f) TERMINATION OF DENIAL OF FOREIGN TAX  
21 CREDIT WITH RESPECT TO CUBA.—Subparagraph (A) of  
22 section 901(j)(2) of the Internal Revenue Code of 1986  
23 (relating to denial of foreign tax credit, etc., with respect  
24 to certain foreign countries) is amended by adding at the  
25 end thereof the following new flush sentence:

1 “Notwithstanding the preceding sentence, this sub-  
2 section shall not apply to Cuba after the date which is  
3 60 days after the date of the enactment of this sentence.”.

4 (g) SUGAR QUOTA PROHIBITION UNDER FOOD SE-  
5 CURITY ACT OF 1985.—Section 902(c) of the Food Secu-  
6 rity Act of 1985 is repealed.

7 (h) TRADE SANCTIONS REFORM AND EXPORT EN-  
8 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-  
9 form and Export Enhancement Act of 2000 (22 U.S.C.  
10 7201 and following) is amended—

11 (1) in section 906(a)(1)—

12 (A) by striking “Cuba,”; and

13 (B) by inserting “(other than Cuba)” after  
14 “to the government of a country”;

15 (2) in section 908—

16 (A) by striking subsection (b);

17 (B) in subsection (a)—

18 (i) by striking “PROHIBITION” and all  
19 that follows through “(1) IN GENERAL.—  
20 ” and inserting “IN GENERAL.—”;

21 (ii) by striking “for exports to Cuba  
22 or”;

23 (iii) by striking paragraph (2); and

1 (iv) by redesignating paragraph (3) as  
2 subsection (b) (and conforming the margin  
3 accordingly); and

4 (C) in subsection (b) (as redesignated), by  
5 striking “paragraph (1)” and inserting “sub-  
6 section (a)”;

7 (3) by striking section 909; and

8 (4) by striking section 910.

9 (i) **REPEAL OF PROHIBITION ON TRANSACTIONS OR**  
10 **PAYMENTS WITH RESPECT TO CERTAIN UNITED STATES**  
11 **INTELLECTUAL PROPERTY.**—Section 211 of the Depart-  
12 ment of Commerce and Related Agencies Appropriations  
13 Act, 1999 (as contained in section 101(b) of division A  
14 of Public Law 105–277; 112 Stat. 2681–88) is repealed.

15 **SEC. 3. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**  
16 **TIES.**

17 Any common carrier within the meaning of section  
18 3 of the Communications Act of 1934 (47 U.S.C. 153)  
19 is authorized to install, maintain, and repair telecommuni-  
20 cations equipment and facilities in Cuba, and otherwise  
21 provide telecommunications services between the United  
22 States and Cuba. The authority of this section includes  
23 the authority to upgrade facilities and equipment.

1 **SEC. 4. TRAVEL.**

2 (a) IN GENERAL.—Travel to and from Cuba by indi-  
3 viduals who are citizens or residents of the United States,  
4 and any transactions ordinarily incident to such travel,  
5 may not be regulated or prohibited if such travel would  
6 be lawful in the United States.

7 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Any  
8 transactions ordinarily incident to travel which may not  
9 be regulated or prohibited under subsection (a) include,  
10 but are not limited to—

11 (1) transactions ordinarily incident to travel or  
12 maintenance in Cuba; and

13 (2) normal banking transactions involving for-  
14 eign currency drafts, traveler's checks, or other ne-  
15 gotiable instruments incident to such travel.

16 **SEC. 5. DIRECT MAIL DELIVERY TO CUBA.**

17 The United States Postal Service shall take such ac-  
18 tions as are necessary to provide direct mail service to and  
19 from Cuba, including, in the absence of common carrier  
20 service between the 2 countries, the use of charter pro-  
21 viders.

22 **SEC. 6. EFFECTIVE DATE.**

23 This Act, and the amendments made by this Act,  
24 shall take effect 60 days after the date of the enactment  
25 of this Act.

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