H. R. 1887

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

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2011

Mr. Rangel (for himself, Mr. Towns, Ms. Clarke of New York, and Ms. McCollum) 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.

A BILL

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

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

This Act may be cited as the “Free Trade With Cuba Act”.

3 SEC. 2. FINDINGS.

The Congress finds that—
(1) with the end of the Cold War and the collapse of the Soviet Union, Cuba is no longer a threat to the United States or the Western Hemisphere;

(2) the continuation of the embargo on trade between the United States and Cuba that was declared in February of 1962 is counterproductive, adding to the hardships of the Cuban people while making the United States the scapegoat for the failures of the communist system;

(3) in the countries of the former Soviet Union and the former Eastern bloc, China, and Vietnam, the United States is using economic, cultural, academic, and scientific engagement to support its policy of promoting democratic and human rights reforms; and

(4) the United States can best support democratic change in Cuba by promoting trade and commerce, travel, communications, and cultural, academic, and scientific exchanges.

SEC. 3. REMOVAL OF PROVISIONS RESTRICTING TRADE AND OTHER RELATIONS WITH CUBA.

(a) Authority for Embargo and Sugar Quota.—Section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed.
(b) TRADING WITH THE ENEMY ACT.—The authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act, which were being exercised with respect to Cuba on July 1, 1977, as a result of a national emergency declared by the President before that date, and are being exercised on the day before the effective date of this Act, may not be exercised on or after such effective date with respect to Cuba. Any regulations in effect on the day before such effective date pursuant to the exercise of such authorities shall cease to be effective on such date.

(c) EXERCISE OF AUTHORITIES UNDER OTHER PROVISIONS OF LAW.—

(1) REMOVAL OF PROHIBITIONS.—Any prohibition on exports to Cuba that is in effect on the day before the effective date of this Act under the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act) shall cease to be effective on such effective date.

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

(A) impose export controls with respect to Cuba under section 5, 6(j), 6(l), or 6(m) of the
Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act); and

(B) exercise the authorities the President has under the International Emergency Economic Powers Act with respect to Cuba pursuant to a declaration of national emergency required by that Act that is made on account of an unusual and extraordinary threat, that did not exist before the enactment of this Act, to the national security, foreign policy, or economy of the United States.

(d) Cuban Democracy Act.—The Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following) is repealed.

(e) Repeal of Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.—

(1) Repeal.—The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 is repealed.

(2) Conforming Amendments.—(A) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended—

(i) in subsection (a)(11), by striking “and intelligence facilities, including the military and
intelligence facilities at Lourdes and Cienfuegos,'’ and inserting ‘‘facilities,’’;

(ii) in subsection (b)—

(I) in paragraph (4), by adding ‘‘and’’ after the semicolon;

(II) by striking paragraph (5); and

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

(iii) by striking subsection (d).

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

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

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

(f) TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) is amended—

(1) in section 906(a)(1) (22 U.S.C. 7205(a)(1))—

(A) by striking ‘‘Cuba,’’; and
(B) by inserting “(other than Cuba)” after “to the government of a country”;
(2) in section 908 (22 U.S.C. 7207)—
   (A) by striking subsection (b);
   (B) in subsection (a)—
   (i) by striking “PROHIBITION” and all that follows through “(1) IN GENERAL.—Notwithstanding” and inserting “IN GENERAL.—Notwithstanding”;
   (ii) by striking “for exports to Cuba or”;
   (iii) by striking paragraph (2); and
   (iv) by redesignating paragraph (3) as subsection (b) (and conforming the margin accordingly); and
   (C) in subsection (b) (as redesignated), by striking “paragraph (1)” and inserting “subsection (a)”;
(3) by striking section 909 (22 U.S.C. 7208);
(4) by striking section 910 (22 U.S.C. 7209);
and
(5) by redesignating section 911 as section 909.
(g) REPEAL OF PROHIBITION ON TRANSACTIONS OR PAYMENTS WITH RESPECT TO CERTAIN UNITED STATES INTELLECTUAL PROPERTY.—Section 211 of the Depart-
ment of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–88) is repealed.

(h) Termination of Denial of Foreign Tax Credit With Respect to Cuba.—Subparagraph (A) of section 901(j)(2) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., with respect to certain foreign countries) is amended by adding at the end the following new flush sentence:

"Notwithstanding the preceding sentence, this subsection shall not apply to Cuba after the date that is 60 days after the date of the enactment of this sentence."

(i) Sugar Quota Prohibition Under Food Security Act of 1985.—Section 902(c) of the Food Security Act of 1985 is repealed.

SEC. 4. TELECOMMUNICATIONS EQUIPMENT AND FACILITIES.

Any common carrier within the meaning of section 3 of the Communications Act of 1934 (47 U.S.C. 153) is authorized to install, maintain, and repair telecommunications equipment and facilities in Cuba, and otherwise provide telecommunications services between the United States and Cuba. The authority of this section includes the authority to upgrade facilities and equipment.
SEC. 5. TRAVEL.
(a) IN GENERAL.—Travel to and from Cuba by indi-
viduals who are citizens or residents of the United States,
and any transactions ordinarily incident to such travel,
may not be regulated or prohibited if such travel would
be lawful in the United States.
(b) TRANSACTIONS INCIDENT TO TRAVEL.—Any
transactions ordinarily incident to travel that may not be
regulated or prohibited under subsection (a) include, but
are not limited to—
(1) transactions ordinarily incident to travel or
maintenance in Cuba; and
(2) normal banking transactions involving for-
egn currency drafts, traveler’s checks, or other ne-
gotiable instruments incident to such travel.
SEC. 6. DIRECT MAIL DELIVERY TO CUBA.
The United States Postal Service shall take such ac-
tions as are necessary to provide direct mail service to and
from Cuba, including, in the absence of common carrier
service between the 2 countries, the use of charter pro-
viders.
SEC. 7. NEGOTIATIONS WITH CUBA.
(a) NEGOTIATIONS.—The President should take all
necessary steps to conduct negotiations with the Govern-
ment of Cuba—
(1) for the purpose of settling claims of nationals of the United States against the Government of Cuba for the taking of property by such government; and

(2) for the purpose of securing the protection of internationally recognized human rights.

(b) DEFINITIONS.—As used in this section, the terms “national of the United States” and “property” have the meanings given those terms in section 502 of the International Claims Settlement Act of 1949 (22 U.S.C. 1643a).

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 60th day after the date of the enactment of this Act.