H. R. 255

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2011

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, Financial Services, the Judiciary, 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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cuba Reconciliation Act”.
SEC. 2. REMOVAL OF PROVISIONS RESTRICTING TRADE
AND OTHER RELATIONS WITH CUBA.

(a) Authority for embargo.—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is repealed.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 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 he 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 OF 1992.—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) 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 thereof the following new flush sentence:
“Notwithstanding the preceding sentence, this subsection shall not apply to Cuba after the date which is 60 days after the date of the enactment of this sentence.”.

(g) Sugar Quota Prohibition Under Food Security Act of 1985.—Section 902(c) of the Food Security Act of 1985 is repealed.


(1) in section 906(a)(1)—
- (A) by striking “Cuba,”; and
- (B) by inserting “(other than Cuba)” after “to the government of a country”;

(2) in section 908—
- (A) by striking subsection (b);
- (B) in subsection (a)—
  - (i) by striking “PROHIBITION” and all that follows through “(1) IN GENERAL.—” and inserting “IN GENERAL.—”;
  - (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; and

(4) by striking section 910.

(i) Repeal of Prohibition on Transactions or Payments with Respect to Certain United States Intellectual Property.—Section 211 of the Department 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.

SEC. 3. 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. 4. TRAVEL.

(a) IN GENERAL.—Travel to and from Cuba by individuals 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 which 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 foreign currency drafts, traveler’s checks, or other negotiable instruments incident to such travel.

SEC. 5. DIRECT MAIL DELIVERY TO CUBA.

The United States Postal Service shall take such actions 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 providers.

SEC. 6. EFFECTIVE DATE.

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