

114TH CONGRESS  
1ST SESSION

# H. R. 403

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2015

Mr. RANGEL (for himself, Ms. NORTON, Ms. JACKSON LEE, Mr. MEEKS, Mr. JOHNSON of Georgia, Mr. ELLISON, Ms. LEE, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. PETERSON, Ms. BASS, Mr. NOLAN, Mr. POLIS, Mr. COHEN, Mr. CLAY, Mr. FATAH, Mr. SERRANO, and Ms. SCHAKOWSKY) 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 “Free Trade With Cuba  
5 Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

1           (1) with the end of the Cold War and the col-  
2           lapse of the Soviet Union, Cuba is no longer a threat  
3           to the United States or the Western Hemisphere;

4           (2) the continuation of the embargo on trade  
5           between the United States and Cuba that was de-  
6           clared in February of 1962 is counterproductive,  
7           adding to the hardships of the Cuban people while  
8           making the United States the scapegoat for the fail-  
9           ures of the communist system;

10          (3) in the countries of the former Soviet Union  
11          and the former Eastern bloc, China, and Vietnam,  
12          the United States is using economic, cultural, aca-  
13          demic, and scientific engagement to support its pol-  
14          icy of promoting democratic and human rights re-  
15          forms;

16          (4) the United States can best support demo-  
17          cratic change in Cuba by promoting trade and com-  
18          merce, travel, communications, and cultural, aca-  
19          demic, and scientific exchanges; and

20          (5) on December 17, 2014, the President an-  
21          nounced new steps to increase travel, commerce, and  
22          the free flow of information to Cuba, and main-  
23          tained that he looked forward to engaging Congress  
24          about lifting the embargo.

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

3 (a) **AUTHORITY FOR EMBARGO AND SUGAR**  
4 **QUOTA.**—Section 620(a) of the Foreign Assistance Act of  
5 1961 (22 U.S.C. 2370(a)) 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 (as continued in ef-  
23 fect under the International Emergency Economic  
24 Powers Act) shall cease to be effective on such effec-  
25 tive date.

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

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

9           (B) exercise the authorities the President  
10      has under the International Emergency Eco-  
11      nomic Powers Act with respect to Cuba pursu-  
12      ant to a declaration of national emergency re-  
13      quired by that Act that is made on account of  
14      an unusual and extraordinary threat, that did  
15      not exist before the enactment of this Act, to  
16      the national security, foreign policy, or economy  
17      of the United States.

18      (d) CUBAN DEMOCRACY ACT.—The Cuban Democ-  
19      racy Act of 1992 (22 U.S.C. 6001 and following) is re-  
20      pealed.

21      (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC  
22      SOLIDARITY (LIBERTAD) ACT OF 1996.—

23           (1) REPEAL.—The Cuban Liberty and Demo-  
24      cratic Solidarity (LIBERTAD) Act of 1996 is re-  
25      pealed.

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

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

8                   (ii) in subsection (b)—

9                           (I) in paragraph (4), by adding “or”  
10                           after the semicolon;

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

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

14                   (iii) by striking subsection (d).

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

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

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

23           (f) TRADE SANCTIONS REFORM AND EXPORT EN-  
24           HANCEMENT ACT OF 2000.—The Trade Sanctions Re-

1 form and Export Enhancement Act of 2000 (22 U.S.C.  
2 7201 et seq.) is amended—

3 (1) in section 906(a)(1) (22 U.S.C.  
4 7205(a)(1))—

5 (A) by striking “Cuba,”; and

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

8 (2) in section 908 (22 U.S.C. 7207)—

9 (A) by striking subsection (b);

10 (B) in subsection (a)—

11 (i) by striking “PROHIBITION” and all  
12 that follows through “(1) IN GENERAL.—  
13 Notwithstanding” and inserting “IN GEN-  
14 ERAL.—Notwithstanding”;

15 (ii) by striking “for exports to Cuba  
16 or”;

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

18 (iv) by redesignating paragraph (3) as  
19 subsection (b) (and conforming the margin  
20 accordingly); and

21 (C) in subsection (b) (as redesignated), by  
22 striking “paragraph (1)” and inserting “sub-  
23 section (a)”;

24 (3) by striking section 909 (22 U.S.C. 7208);

1 (4) by striking section 910 (22 U.S.C. 7209);

2 and

3 (5) by redesignating section 911 as section 909.

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

10 (h) TERMINATION OF DENIAL OF FOREIGN TAX  
11 CREDIT WITH RESPECT TO CUBA.—Subparagraph (A) of  
12 section 901(j)(2) of the Internal Revenue Code of 1986  
13 (relating to denial of foreign tax credit, etc., with respect  
14 to certain foreign countries) is amended by adding at the  
15 end the following new flush sentence:

16 “Notwithstanding the preceding sentence, this  
17 subsection shall not apply to Cuba after the  
18 date that is 60 days after the date of the enact-  
19 ment of this sentence.”.

20 (i) SUGAR QUOTA PROHIBITION UNDER FOOD SECUR-  
21 ITY ACT OF 1985.—Section 902(c) of the Food Security  
22 Act of 1985 is repealed.

1 **SEC. 4. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**  
2 **TIES.**

3 Any common carrier within the meaning of section  
4 3 of the Communications Act of 1934 (47 U.S.C. 153)  
5 is authorized to install, maintain, and repair telecommuni-  
6 cations equipment and facilities in Cuba, and otherwise  
7 provide telecommunications services between the United  
8 States and Cuba. The authority of this section includes  
9 the authority to upgrade facilities and equipment.

10 **SEC. 5. TRAVEL.**

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

16 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Any  
17 transactions ordinarily incident to travel that may not be  
18 regulated or prohibited under subsection (a) include, but  
19 are not limited to—

20 (1) any transactions ordinarily incident to trav-  
21 el to or from Cuba, including the importation into  
22 Cuba or the United States of accompanied baggage  
23 for personal use only;

24 (2) any transactions ordinarily incident to trav-  
25 el or maintenance within Cuba, including the pay-



1       ment of living expenses and the acquisition of goods  
2       or services for personal use;

3           (3) any transactions ordinarily incident to the  
4       arrangement, promotion, or facilitation of travel to,  
5       from, or within Cuba;

6           (4) any transactions incident to nonscheduled  
7       air, sea, or land voyages, except that this paragraph  
8       does not authorize the carriage of articles into Cuba  
9       or the United States except accompanied baggage;  
10      and

11          (5) normal banking transactions incident to the  
12      activities described in the preceding provisions of  
13      this subsection, including the issuance, clearing,  
14      processing, or payment of checks, drafts, travelers  
15      checks, credit or debit card instruments, or similar  
16      instruments.

17 **SEC. 6. DIRECT MAIL DELIVERY TO CUBA.**

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

1 **SEC. 7. NEGOTIATIONS WITH CUBA.**

2 (a) NEGOTIATIONS.—The President should take all  
3 necessary steps to conduct negotiations with the Govern-  
4 ment of Cuba—

5 (1) for the purpose of settling claims of nation-  
6 als of the United States against the Government of  
7 Cuba for the taking of property by such government;  
8 and

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

11 (b) DEFINITIONS.—As used in this section, the terms  
12 “national of the United States” and “property” have the  
13 meanings given those terms in section 502 of the Inter-  
14 national Claims Settlement Act of 1949 (22 U.S.C.  
15 1643a).

16 **SEC. 8. EFFECTIVE DATE.**

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

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