

116TH CONGRESS
1ST SESSION

S. 428

To lift the trade embargo on Cuba.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Ms. KLOBUCHAR (for herself, Mr. ENZI, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To lift the trade embargo on Cuba.

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 “Freedom to Export
5 to Cuba Act of 2019”.

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

8 (a) **AUTHORITY FOR EMBARGO.—**

9 (1) **IN GENERAL.**—Section 620(a) of the For-
10 eign Assistance Act of 1961 (22 U.S.C. 2370(a)) is
11 amended by striking “(1) No assistance” and all

1 that follows through “(2) Except” and inserting
2 “Except”.

3 (2) CONFORMING AMENDMENT.—Section 1709
4 of the Cuban Democracy Act of 1992 (22 U.S.C.
5 6008) is amended by striking “section 620(a)(2)”
6 and inserting “section 620(a)”.

7 (b) TRADING WITH THE ENEMY ACT.—

8 (1) IN GENERAL.—The authorities conferred
9 upon the President by section 5(b) of the Trading
10 With the Enemy Act (50 U.S.C. 4305(b)), which
11 were being exercised with respect to Cuba on July
12 1, 1977, as a result of a national emergency de-
13 clared by the President before that date, and are
14 being exercised on the day before the date of the en-
15 actment of this Act, may not be relied upon on or
16 after such date of enactment to continue the imposi-
17 tion of direct restrictions on trade with Cuba.

18 (2) REGULATIONS.—Any regulation that im-
19 poses direct restrictions on trade with Cuba in effect
20 on the day before the date of the enactment of this
21 Act pursuant to the exercise of authorities described
22 in paragraph (1) shall cease to be effective for that
23 purpose on and after such date of enactment.

24 (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-
25 VISIONS OF LAW.—

1 (1) REMOVAL OF PROHIBITIONS.—Any prohibi-
2 tion on exports to Cuba that is in effect on the day
3 before the date of the enactment of this Act under
4 the Export Administration Act of 1979 or the Ex-
5 port Control Reform Act of 2018 (50 U.S.C. 4801
6 et seq.) shall cease to be effective on and after such
7 date of enactment.

8 (2) AUTHORITY FOR NEW RESTRICTIONS.—The
9 President may, on and after the date of the enact-
10 ment of this Act—

11 (A) impose export controls with respect to
12 Cuba under section 1753 or 1754(c) of the Ex-
13 port Control Reform Act of 2018 (50 U.S.C.
14 4812 and 4813(c)); and

15 (B) exercise the authorities the President
16 has under the International Emergency Eco-
17 nomic Powers Act (50 U.S.C. 1701 et seq.)
18 with respect to Cuba pursuant to a declaration
19 of national emergency required by that Act that
20 is made on account of an unusual and extraor-
21 dinary threat to the national security, foreign
22 policy, or economy of the United States, that
23 did not exist before the date of the enactment
24 of this Act.

25 (d) CUBAN DEMOCRACY ACT.—

1 (1) IN GENERAL.—The Cuban Democracy Act
2 of 1992 (22 U.S.C. 6001 et seq.) is amended—

3 (A) by striking section 1704 (22 U.S.C.
4 6003);

5 (B) in section 1705(e) (22 U.S.C.
6 6004(e))—

7 (i) by striking paragraph (5); and

8 (ii) by redesignating paragraph (6) as
9 paragraph (5);

10 (C) by striking section 1706 (22 U.S.C.
11 6005); and

12 (D) by striking section 1708 (22 U.S.C.
13 6007).

14 (2) CONFORMING AMENDMENT.—Paragraph (3)
15 of section 204(b) of the Cuban Liberty and Demo-
16 cratic Solidarity (LIBERTAD) Act of 1996 (22
17 U.S.C. 6064(b)) is amended to read as follows:

18 “(3) section 1705(d) of the Cuban Democracy
19 Act of 1992 (22 U.S.C. 6004(d));”.

20 (e) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY
21 ACT.—

22 (1) IN GENERAL.—The Cuban Liberty and
23 Democratic Solidarity (LIBERTAD) Act of 1996
24 (22 U.S.C. 6021 et seq.) is amended—

25 (A) by striking sections 101 through 108;

1 (B) in section 109(a) (22 U.S.C. 6039(a)),
2 by striking “(including section 102 of this
3 Act)”;

4 (C) by striking sections 110 through 116;
5 and

6 (D) by striking title II (22 U.S.C. 6061 et
7 seq.).

8 (2) CONFORMING AMENDMENT.—Section 606
9 of the Illegal Immigration Reform and Immigrant
10 Responsibility Act of 1996 (Public Law 104–208; 8
11 U.S.C. 1255 note) is repealed.

12 (f) TRADE SANCTIONS REFORM AND EXPORT EN-
13 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-
14 form and Export Enhancement Act of 2000 (22 U.S.C.
15 7201 et seq.) is amended—

16 (1) in section 906(a)(1) (22 U.S.C.
17 7205(a)(1)), by striking “Cuba,”;

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

19 (A) by striking subsection (b);

20 (B) in subsection (a)—

21 (i) by striking “PROHIBITION” and all
22 that follows through “(1) IN GENERAL.—
23 Notwithstanding” and inserting “IN GEN-
24 ERAL.—Notwithstanding”;

- 1 (ii) by striking “for exports to Cuba
2 or”;
- 3 (iii) by striking paragraph (2); and
- 4 (iv) by redesignating paragraph (3) as
5 subsection (b) and by moving such sub-
6 section, as so redesignated, 2 ems to the
7 left; and
- 8 (C) in subsection (b), as redesignated by
9 subparagraph (B)(iv), by striking “paragraph
10 (1)” and inserting “subsection (a)”; and
11 (3) by striking section 909 (22 U.S.C. 7208).

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