

106TH CONGRESS
1ST SESSION

H. R. 230

To make an exception to the United States embargo on trade with Cuba for the export of food, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. RANGEL (for himself, Mr. LEACH, Mr. SHAYS, Mr. PAUL, Mr. CONDIT, Ms. LEE, Mr. CONYERS, Mr. FARR of California, Mr. CAMPBELL, Mr. NADLER, Mr. RODRIGUEZ, Mr. BOUCHER, Ms. WOOLSEY, Mr. HALL of Ohio, and Ms. MCKINNEY) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Ways and Means, 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 make an exception to the United States embargo on trade with Cuba for the export of food, medicines, medical supplies, medical instruments, or medical equipment, 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 “Cuban Humanitarian
5 Trade Act of 1999”.

1 **SEC. 2. AMENDMENT TO EMBARGO AUTHORITY IN THE**
2 **FOREIGN ASSISTANCE ACT OF 1961.**

3 Section 620(a)(1) of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting be-
5 fore the period at the end of the second sentence the fol-
6 lowing: “, except that any such embargo shall not apply
7 with respect to the export of any food, medicines, medical
8 supplies, medical instruments, or medical equipment, or
9 with respect to travel incident to the delivery of food,
10 medicines, medical supplies, medical instruments, or medi-
11 cal equipment”.

12 **SEC. 3. LIMITATION ON EXISTING RESTRICTIONS ON**
13 **TRADE WITH CUBA.**

14 Upon the enactment of this Act, any regulation, proc-
15 lamation, or provision of law, including Presidential Proc-
16 lamation 3447 of February 3, 1962, the Export Adminis-
17 tration Regulations (15 CFR 730 and following), and the
18 Cuban Assets Control Regulations (31 CFR 515), that
19 prohibits exports to Cuba or transactions involving exports
20 to Cuba and that is in effect on the date of the enactment
21 of this Act, shall not apply with respect to the export to
22 Cuba of food, medicines, medical supplies, medical instru-
23 ments, or medical equipment, or with respect to travel in-
24 cident to the delivery of food, medicines, medical supplies,
25 medical instruments, or medical equipment.

1 **SEC. 4. LIMITATION ON THE FUTURE EXERCISE OF AU-**
2 **THORITY.**

3 After the enactment of this Act, the President may
4 not restrict the exportation to Cuba of food, medicines,
5 medical supplies, medical instruments, or medical
6 equipment—

7 (1) under the Export Administration Act of
8 1979, except to the extent such restrictions would be
9 permitted under section 5 of that Act for goods con-
10 taining parts or components on which export con-
11 trols are in effect under that section; or

12 (2) under section 203 of the International
13 Emergency Economic Powers Act, except to the ex-
14 tent the authorities under that section are exercised
15 to restrict the export of medical instruments or med-
16 ical equipment to deal with a threat to the national
17 security of the United States by virtue of the tech-
18 nology incorporated in such instruments or equip-
19 ment.

20 **SEC. 5. CONFORMING AMENDMENTS.**

21 (a) SANCTIONS UNDER CUBAN DEMOCRACY ACT OF
22 1992.—Section 1705 of the Cuban Democracy Act of
23 1992 (22 U.S.C. 6004) is amended—

24 (1) in subsection (b)—

25 (A) in the subsection caption by striking “,
26 DONATIONS” and inserting “, EXPORTS”; and

1 (B) by striking “donations of food to non-
2 governmental organizations or individuals in
3 Cuba” and inserting “exports of food to Cuba”;
4 (2) by amending subsection (c) to read as fol-
5 lows:

6 “(c) EXPORTS OF MEDICINES AND MEDICAL SUP-
7 PLIES TO CUBA.—Exports of medicines, medical supplies,
8 medical instruments, or medical equipment to Cuba shall
9 not be restricted—

10 “(1) except to the extent such restrictions
11 would be permitted—

12 “(A) under section 5 of the Export Admin-
13 istration Act of 1979 for goods containing parts
14 or components on which export controls are in
15 effect under that section; or

16 “(B) under clause (A), (B), or (C) of sec-
17 tion 203(b)(2) of the International Emergency
18 Economic Powers Act;

19 “(2) except in a case in which there is a reason-
20 able likelihood that the item to be exported will be
21 used for purposes of torture or other human rights
22 abuses;

23 “(3) except in a case in which there is a reason-
24 able likelihood that the item to be exported will be
25 reexported; and

1 “(4) except in a case in which the item to be
2 exported could be used in the production of any bio-
3 technological product.

4 Before imposing restrictions under this subsection, the
5 President shall submit to the Congress a report describing
6 the restrictions to be imposed and the reasons for the re-
7 strictions.”; and

8 (3) by striking subsection (d) and redesignating
9 subsections (e), (f), and (g) as subsections (d), (e),
10 and (f), respectively.

11 (b) INTERNATIONAL COOPERATION.—Section
12 1704(b)(2)(C)(i) of the Cuban Democracy Act of 1992 (22
13 U.S.C. 6003(b)(2)(C)(i)) is amended to read as follows:

14 “(i) exports of food to Cuba; or”.

15 **SEC. 6. APPLICATION OF DENIAL OF FOREIGN TAX CREDIT**
16 **WITH RESPECT TO CUBA.**

17 Subparagraph (A) of section 901(j)(2) of the Internal
18 Revenue Code of 1986 (relating to denial of foreign tax
19 credit, etc., with respect to certain foreign countries) is
20 amended by adding at the end thereof the following new
21 flush sentence:

22 “Notwithstanding the preceding sentence, this
23 subsection shall not apply to Cuba with respect
24 to income, war profits, or excess profits taxes
25 paid to Cuba that are attributable to activities

1 with respect to articles permitted to be exported
2 to Cuba, or travel incident thereto that is per-
3 mitted, by virtue of the enactment of the Cuban
4 Humanitarian Trade Act of 1999. The preced-
5 ing sentence shall apply after the date which is
6 60 days after the date of the enactment of this
7 sentence.”.

8 **SEC. 7. INAPPLICABILITY OF OTHER RESTRICTIONS.**

9 This Act and the amendments made by this Act apply
10 notwithstanding section 102(h) of the Cuban Liberty and
11 Democratic Solidarity (LIBERTAD) Act of 1996 (22
12 U.S.C. 6032(h)).

13 **SEC. 8. REPORT TO CONGRESS.**

14 Not later than 6 months after the date of the enact-
15 ment of this Act, the President shall transmit to the Con-
16 gress a report that sets forth—

17 (1) the extent (expressed in volume and dollar
18 amounts) of sales to Cuba of food, medicines, medi-
19 cal supplies, medical instruments, and medical
20 equipment, since the enactment of this Act;

21 (2) a description of the types and end users of
22 the goods so exported; and

23 (3) whether there has been any indication that
24 any medicines, medical supplies, medical instru-

1 ments, or medical equipment exported to Cuba since
2 the enactment of this Act—

3 (A) have been used for purposes of torture
4 or other human rights abuses;

5 (B) were reexported; or

6 (C) were used in the production of any bio-
7 technological product.

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