

107TH CONGRESS
1ST SESSION

H. R. 2138

To provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2001

Mr. SERRANO (for himself, Mr. LEACH, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Mr. BARCIA, Mr. BISHOP, Mr. BLUMENAUER, Mr. BONIOR, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. GANSKE, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. KUCINICH, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LARGENT, Ms. LEE, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. McNULTY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. RANGEL, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. STARK, Mr. THOMPSON of California, Mr. THUNE, Mr. TIERNEY, Mr. TOWNS, Mr. TURNER, Ms. VELÁZQUEZ, Mr. WALSH, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Ways and Means, and the Judiciary, 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 provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, 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 “Bridges to the Cuban
 5 People Act of 2001”.

6 **TITLE I—FACILITATION OF THE** 7 **EXPORT OF FOOD AND MEDI-** 8 **CINES TO CUBA**

9 **SEC. 101. EXEMPTION FROM PROHIBITIONS AND RESTRIC-** 10 **TIONS ON TRADE WITH CUBA TO PERMIT THE** 11 **EXPORT OF FOOD AND MEDICINES TO CUBA.**

12 (a) IN GENERAL.—Except as provided in subsection
 13 (b), any prohibition or restriction in law or regulation on
 14 trade or financial transactions with Cuba shall not apply
 15 with respect to the export of any agricultural commodity,
 16 farm machinery or equipment, medicine, or medical device,
 17 or with respect to travel incident to the sale or delivery
 18 of any agricultural commodity, farm machinery or equip-
 19 ment, medicine, or medical device, to Cuba.

20 (b) EXCEPTIONS.—Subsection (a) does not apply
 21 to—

1 (1) any prohibition or restriction imposed under
2 the Export Administration Act of 1979 (50 U.S.C.
3 App. 2401 et seq.) or successor statute for goods
4 containing parts or components on which export con-
5 trols are in effect under that section; or

6 (2) any prohibition or restriction imposed under
7 section 203 of the International Emergency Eco-
8 nomic Powers Act (50 U.S.C. 1702) insofar as the
9 prohibition or restriction is exercised to deal with a
10 threat to the national security of the United States
11 by virtue of the technology incorporated in such ma-
12 chinery or equipment.

13 (c) SUPERSEDES EXISTING LAW.—Subsection (a) su-
14 persedes the Trade Sanctions Reform and Export En-
15 hancement Act of 2000 (title IX of H.R. 5426 of the One
16 Hundred Sixth Congress, as enacted into law by section
17 1(a) of Public Law 106–387, and as contained in the ap-
18 pendix of that Act) or any other provision of law.

19 **SEC. 102. REMOVAL OF CERTAIN PROHIBITIONS ON VES-**
20 **SELS ENTERING UNITED STATES PORTS.**

21 Section 1706(b) of the Cuban Democracy Act of
22 1992 (22 U.S.C. 6005(b); prohibiting certain vessels from
23 entering United States ports) shall not apply with respect
24 to vessels that transport to Cuba any item the export of
25 which is permitted under section 101 or 404 of this Act.

1 **SEC. 103. STUDY AND REPORT RELATING TO EXPORT PRO-**
2 **MOTION AND CREDIT PROGRAMS FOR CUBA.**

3 (a) STUDY.—The Secretary of Agriculture shall con-
4 duct a study of United States agricultural export pro-
5 motion and credit programs in effect as of the date of en-
6 actment of this Act to determine how such programs may
7 be carried out to promote the consumption of United
8 States agricultural commodities in Cuba.

9 (b) REPORT.—Not later than 90 days after the date
10 of enactment of this Act, the Secretary of Agriculture shall
11 submit to the Committee on Agriculture of the House of
12 Representatives and the Committee on Agriculture, Nutri-
13 tion, and Forestry of the Senate a report containing—

14 (1) the results of the study conducted under
15 subsection (a); and

16 (2) recommendations for proposed legislation, if
17 any, to improve the ability of the Secretary of Agri-
18 culture to utilize United States agricultural export
19 promotion and credit programs with respect to the
20 consumption of United States agricultural commod-
21 ities in Cuba.

22 **SEC. 104. REPORT TO CONGRESS.**

23 Not later than 6 months after the date of enactment
24 of this Act, the President shall submit to Congress a re-
25 port that sets forth—

1 (1) the extent (expressed in volume and dollar
2 amounts) of sales to Cuba of agricultural commod-
3 ities, farm machinery and equipment, medicines, and
4 medical devices, since the date of enactment of this
5 Act;

6 (2) a description of the types of the goods so
7 exported; and

8 (3) whether there has been any indication that
9 any medicine or medical device exported to Cuba
10 since the date of enactment of this Act—

11 (A) has been used for purposes of torture
12 or other human rights abuses;

13 (B) was reexported; or

14 (C) was used in the production of any bio-
15 technological product.

16 **SEC. 105. DEFINITIONS.**

17 In this title:

18 (1) **AGRICULTURAL COMMODITY.**—The term
19 “agricultural commodity”—

20 (A) has the meaning given the term in sec-
21 tion 102 of the Agricultural Trade Act of 1978
22 (7 U.S.C. 5602); and

23 (B) includes fertilizer.

24 (2) **MEDICAL DEVICE.**—The term “medical de-
25 vice” has the meaning given the term “device” in

1 section 201 of the Federal Food, Drug, and Cos-
2 metic Act (21 U.S.C. 321).

3 (3) MEDICINE.—The term “medicine” has the
4 meaning given the term “drug” in section 201 of the
5 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
6 7321).

7 **TITLE II—EASING OF RESTRIC-**
8 **TIONS ON TRAVEL BY UNITED**
9 **STATES NATIONALS TO CUBA**

10 **SEC. 201. TRAVEL TO CUBA.**

11 (a) IN GENERAL.—

12 (1) FREEDOM OF TRAVEL FOR UNITED STATES
13 NATIONALS AND LAWFUL PERMANENT RESIDENT
14 ALIENS.—

15 (A) IN GENERAL.—Subject to subsection
16 (b), the President shall not regulate or prohibit,
17 directly or indirectly—

18 (i) travel to, from, or within Cuba by
19 nationals of the United States or aliens
20 lawfully admitted for permanent residence
21 in the United States; or

22 (ii) any of the transactions incident to
23 such travel that are set forth in paragraph
24 (2).

1 (B) SUPERSEDES EXISTING LAW.—Sub-
2 paragraph (A) supersedes any other provision
3 of law.

4 (2) TRANSACTIONS INCIDENT TO TRAVEL.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the transactions referred to
7 in paragraph (1) are—

8 (i) any transaction ordinarily incident
9 to travel to or from Cuba, including the
10 importation into Cuba or the United States
11 of accompanied baggage for personal use
12 only;

13 (ii) any transaction ordinarily incident
14 to travel or maintenance within Cuba, in-
15 cluding the payment of living expenses and
16 the acquisition of goods or services for per-
17 sonal use;

18 (iii) any transaction ordinarily inci-
19 dent to the arrangement, promotion, or fa-
20 cilitation of travel to, from, or within
21 Cuba;

22 (iv) any transaction incident to non-
23 scheduled air, sea, or land voyages, except
24 that this clause does not authorize the car-

riage of articles into Cuba or the United States except accompanied baggage; and

(v) any normal banking transaction incident to any activity described in any of the preceding clauses, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments.

(B) EXCLUSION OF CERTAIN GOODS FOR PERSONAL CONSUMPTION.—The transactions described in subparagraph (A) do not include the importation into the United States of goods for personal consumption acquired in Cuba in excess of the amount established by the Secretary of the Treasury pursuant to section 321 of the Tariff Act of 1930 (19 U.S.C. 1321) or otherwise authorized by law.

(b) EXCEPTIONS.—The prohibition contained in subsection (a)(1) does not apply in a case in which—

(1) the United States is at war with Cuba;

(2) armed hostilities between the two countries are in progress or imminent; or

(3) there is a credible threat to the public health or the physical safety of nationals of the

1 United States who are traveling to, from, or within
2 Cuba.

3 (c) APPLICABILITY.—This section applies to actions
4 taken by the President before the date of enactment of
5 this Act that are in effect on such date, and to actions
6 taken on or after such date.

7 (d) REPEALS.—There are repealed the following pro-
8 visions of law:

9 (1) Section 102(h) of Public Law 104–114 (22
10 U.S.C. 6032(h)).

11 (2) Section 910 of the Trade Sanctions Reform
12 and Export Enhancement Act of 2000 (title IX of
13 H.R. 5426 of the One Hundred Sixth Congress, as
14 enacted into law by section 1(a) of Public Law 106–
15 387, and as contained in the appendix of that Act).

16 (e) DEFINITIONS.—In this section:

17 (1) LAWFULLY ADMITTED FOR PERMANENT
18 RESIDENCE.—The term “lawfully admitted for per-
19 manent residence” has the meaning given the term
20 in section 101(a)(20) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1101(a)(20)).

22 (2) NATIONAL OF THE UNITED STATES.—The
23 term “national of the United States” has the mean-
24 ing given the term in section 101(a)(22) of the Im-

1 migration and Nationality Act (8 U.S.C.
2 1101(a)(22)).

3 **TITLE III—SCHOLARSHIPS FOR**
4 **CERTAIN CUBAN NATIONALS**

5 **SEC. 301. SCHOLARSHIPS FOR GRADUATE STUDY.**

6 (a) AUTHORITY.—

7 (1) IN GENERAL.—The President is authorized
8 to provide scholarships under section 102 of the Mu-
9 tual Educational and Cultural Exchange Act of
10 1961 (22 U.S.C. 2452) for nationals of Cuba who
11 seek to undertake graduate study in public health,
12 public policy, economics, law, or other field of social
13 science.

14 (2) SUPERSEDING EXISTING LAW.—The author-
15 ity of paragraph (1) shall be exercised without re-
16 gard to any other provision of law.

17 (b) ALLOCATION OF FUNDS.—Of the amounts au-
18 thorized to be appropriated to carry out the Mutual Edu-
19 cational and Cultural Exchange Act of 1961 (22 U.S.C.
20 2451 et seq.) for fiscal years 2002 through 2006, the fol-
21 lowing amounts are authorized to be available to carry out
22 subsection (a):

23 (1) For fiscal year 2002, \$1,400,000 for not to
24 exceed 20 scholarships.

1 (2) For fiscal year 2003, \$1,750,000 for not to
2 exceed 25 scholarships.

3 (3) For fiscal year 2004, \$2,450,000 for not to
4 exceed 35 scholarships.

5 (4) For fiscal year 2005, \$2,450,000 for not to
6 exceed 35 scholarships.

7 (5) For fiscal year 2006, \$2,450,000 for not to
8 exceed 35 scholarships.

9 **TITLE IV—MISCELLANEOUS**
10 **PROVISIONS**

11 **SEC. 401. WAIVER AUTHORITY WITH RESPECT TO THE PUB-**
12 **LIC LAW 104–114.**

13 (a) WAIVER OF SANCTIONS AND RESTRICTIONS ON
14 ASSISTANCE.—Notwithstanding any other provision of
15 law, the President may waive any provision of title I or
16 title II of Public Law 104–114 (22 U.S.C. 6021 et seq.)
17 if the President determines that to do so will promote the
18 peaceful transition to democracy in Cuba.

19 (b) WAIVER OF GROUNDS OF INADMISSIBILITY OF
20 CERTAIN ALIENS.—Notwithstanding any other provision
21 of law or regulation, the President may waive provisions
22 of title IV of Public Law 104–114 (22 U.S.C. 6021 et
23 seq.; relating to the inadmissibility of certain aliens) if the
24 President determines that to do so will further the na-
25 tional economic interest of the United States.

1 **SEC. 402. PROHIBITION ON LIMITING ANNUAL REMIT-**
2 **TANCES.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), the Secretary of the Treasury may not limit the
5 amount of remittances to Cuba that may be made by any
6 person who is subject to the jurisdiction of the United
7 States, and the Secretary shall rescind all regulations in
8 effect on the date of enactment of this Act that so limit
9 the amount of those remittances.

10 (b) STATUTORY CONSTRUCTION.—Nothing in sub-
11 section (a) may be construed to prohibit the prosecution
12 or conviction of any person committing an offense de-
13 scribed in section 1956 of title 18, United States Code
14 (relating to the laundering of monetary instruments) or
15 section 1957 of such title (relating to engaging in mone-
16 tary transactions in property derived from specific unlaw-
17 ful activity).

18 **SEC. 403. IMPORTATION OF CERTAIN MEDICINES.**

19 (a) DEFINITIONS.—In this section:

20 (1) COVERED MEDICAL ARTICLE.—The term
21 “covered medical article” means a medicine or med-
22 ical device that—

23 (A) is of Cuban origin;

24 (B) is or has been located in or trans-
25 ported from or through Cuba; or

1 (C) is made or derived in whole or in part
2 of any article which is the growth, produce, or
3 manufacture of Cuba.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Health and Human Services.

6 (b) IN GENERAL.—Notwithstanding any other provi-
7 sion of law (including section 515.204 of title 31, Code
8 of Federal Regulations, or any other related or successor
9 regulation), a covered medical article may be imported into
10 the United States to the extent otherwise authorized by
11 law, including any authorization under the Federal Food,
12 Drug, and Cosmetic Act, if the Secretary makes a deter-
13 mination, in accordance with subsection (c), that there is
14 a medical need in the United States for the covered med-
15 ical article that is not being met by any medicine or med-
16 ical device in commercial distribution in the United States.

17 (c) DETERMINATIONS OF MEDICAL NEED.—With re-
18 spect to a determination of medical need under subsection
19 (b) regarding a covered medical article:

20 (1) The Secretary may upon request make the
21 determination prior to the submission of an applica-
22 tion or other document (as applicable) regarding
23 commercial distribution of such article pursuant to
24 the Federal Food, Drug, and Cosmetic Act.

1 (2) The determination of the Secretary shall
2 not be affected by the subsequent commercial dis-
3 tribution in the United States of another medicine
4 or medical device (as the case may be) that meets
5 the same medical need as such article.

6 (3) The Secretary shall by regulation establish
7 criteria regarding the determination, including cri-
8 teria for a request under paragraph (1).

9 **SEC. 404. PROHIBITION ON UNILATERAL SANCTIONS ON**
10 **GOODS OR SERVICES INTENDED FOR EXCLU-**
11 **SIVE USE OF CHILDREN.**

12 Funds made available under any provision of law may
13 not be used to administer or enforce any sanction by the
14 United States on exports of goods or services intended for
15 the exclusive use of children (other than a sanction im-
16 posed pursuant to an agreement with one or more other
17 countries).

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