

107TH CONGRESS
1ST SESSION

S. 400

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2001

Mr. BAUCUS (for himself, Mr. ROBERTS, Mrs. LINCOLN, and Mr. DORGAN)
introduced the following bill; which was read twice and referred to the
Committee on Finance

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—

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

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

7 (3) in the former Soviet Union, the Eastern
 8 bloc countries, China, and Vietnam, the United
 9 States is using economic, cultural, academic, and
 10 scientific engagement to support its policy of pro-
 11 moting democratic and human rights reforms; and

12 (4) the United States can best support demo-
 13 cratic change in Cuba by promoting trade and com-
 14 merce, travel, communications, and cultural, aca-
 15 demic, and scientific exchanges.

16 **SEC. 3. REMOVAL OF PROVISIONS RESTRICTING TRADE**
 17 **AND OTHER RELATIONS WITH CUBA.**

18 (a) **AUTHORITY FOR EMBARGO AND SUGAR**
 19 **QUOTA.**—Section 620(a) of the Foreign Assistance Act of
 20 1961 (22 U.S.C. 2370(a)) is repealed.

21 (b) **TRADING WITH THE ENEMY ACT.**—The authori-
 22 ties conferred upon the President by section 5(b) of the
 23 Trading With the Enemy Act, which were being exercised
 24 with respect to Cuba on July 1, 1977, as a result of a
 25 national emergency declared by the President before that

1 date, and are being exercised on the day before the effective date of this Act, may not be exercised on or after
2 such effective date with respect to Cuba. Any regulations
3 in effect on the day before such effective date pursuant
4 to the exercise of such authorities shall cease to be effective on such date.

7 (c) EXERCISE OF AUTHORITIES UNDER OTHER PROVISIONS OF LAW.—

9 (1) REMOVAL OF PROHIBITIONS.—Any prohibition on exports to Cuba that is in effect on the day
10 before the effective date of this Act under the Export Administration Act of 1979 shall cease to be effective on such effective date.

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

17 (A) impose export controls with respect to
18 Cuba under section 5, 6(j), 6(l), or 6(m) of the
19 Export Administration Act of 1979, and

20 (B) exercise the authorities he has under
21 the International Emergency Economic Powers
22 Act with respect to Cuba pursuant to a declaration of national emergency required by that Act
23 that is made on account of an unusual and extraordinary threat, that did not exist before the
24
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1 enactment of this Act, to the national security,
 2 foreign policy, or economy of the United States.

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

6 (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC
 7 SOLIDARITY (LIBERTAD) ACT OF 1996.—

8 (1) REPEAL.—The Cuban Liberty and Demo-
 9 cratic Solidarity (LIBERTAD) Act of 1996 is re-
 10 pealed.

11 (2) CONFORMING AMENDMENTS.—(A) Section
 12 498A of the Foreign Assistance Act of 1961 (22
 13 U.S.C. 2295a) is amended—

14 (i) in subsection (a)(11) by striking “and
 15 intelligence facilities, including the military and
 16 intelligence facilities at Lourdes and Cien-
 17 fuegos,” and inserting “facilities,”;

18 (ii) in subsection (b)—

19 (I) in paragraph (4) by adding “and”
 20 after the semicolon;

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

22 (III) by redesignating paragraph (6)
 23 as paragraph (5); and

24 (iii) by striking subsection (d).

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

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

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

9 (f) TRADE SANCTIONS REFORM AND EXPORT EN-
 10 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-
 11 form and Export Enhancement Act of 2000 (title IX of
 12 H.R. 5426, as enacted into law by section 1(a) of Public
 13 Law 106–387, and as contained in the appendix of such
 14 Public Law) is amended—

15 (1) in section 906(a)(1)—

16 (A) by striking “to Cuba or”; and

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

19 (2) in section 908—

20 (A) by striking subsection (b);

21 (B) in subsection (a)—

22 (i) by striking “PROHIBITION” and all
 23 that follows through “(1) IN GENERAL.—
 24 ” and inserting “IN GENERAL.—”

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 conforming the margin
6 accordingly); and

7 (C) in subsection (b) (as redesignated), by
8 striking “paragraph (1)” and inserting “sub-
9 section (a)”;

10 (3) by striking section 909;

11 (4) by striking section 910; and

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

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

19 (h) TERMINATION OF DENIAL OF FOREIGN TAX
20 CREDIT WITH RESPECT TO CUBA.—Subparagraph (A) of
21 section 901(j)(2) of the Internal Revenue Code of 1986
22 (relating to denial of foreign tax credit, etc., with respect
23 to certain foreign countries) is amended by adding at the
24 end thereof the following new flush sentence:

1 “Notwithstanding the preceding sentence, this
2 subsection shall not apply to Cuba after the
3 date which is 60 days after the date of the en-
4 actment of this sentence.”.

5 (i) SUGAR QUOTA PROHIBITION UNDER FOOD SECU-
6 RITY ACT OF 1985.—Section 902(c) of the Food Security
7 Act of 1985 is repealed.

8 **SEC. 4. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**
9 **TIES.**

10 Any common carrier within the meaning of section
11 3 of the Communications Act of 1934 (47 U.S.C. 153)
12 is authorized to install, maintain, and repair telecommuni-
13 cations equipment and facilities in Cuba, and otherwise
14 provide telecommunications services between the United
15 States and Cuba. The authority of this section includes
16 the authority to upgrade facilities and equipment.

17 **SEC. 5. TRAVEL.**

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

23 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Any
24 transactions ordinarily incident to travel which may not

1 be regulated or prohibited under subsection (a) include,
2 but are not limited to—

3 (1) transactions ordinarily incident to travel or
4 maintenance in Cuba; and

5 (2) normal banking transactions involving for-
6 eign currency drafts, traveler’s checks, or other ne-
7 gotiable instruments incident to such travel.

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

9 The United States Postal Service shall take such ac-
10 tions as are necessary to provide direct mail service to and
11 from Cuba, including, in the absence of common carrier
12 service between the 2 countries, the use of charter pro-
13 viders.

14 **SEC. 7. NEGOTIATIONS WITH CUBA.**

15 (a) NEGOTIATIONS.—The President should take all
16 necessary steps to conduct negotiations with the Govern-
17 ment of Cuba—

18 (1) for the purpose of settling claims of nation-
19 als of the United States against the Government of
20 Cuba for the taking of property by such government;
21 and

22 (2) for the purpose of securing the protection of
23 internationally recognized human rights.

24 (b) DEFINITIONS.—As used in this section, the terms
25 “national of the United States” and “property” have the

1 meanings given those terms in section 502 of the Inter-
2 national Claims Settlement Act of 1949 (22 U.S.C.
3 1643a).

4 **SEC. 8. EFFECTIVE DATE.**

5 This Act shall take effect 60 days after the date of
6 the enactment of this Act.

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