

108TH CONGRESS
2D SESSION

H. R. 4457

To require congressional renewal of trade and travel restrictions on Cuba.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. OTTER (for himself, Mr. FLAKE, Mr. DELAHUNT, Mr. NETHERCUTT, Mr. FARR, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Rules, Ways and Means, Energy and Commerce, Financial Services, 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

A BILL

To require congressional renewal of trade and travel
restrictions 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 “Cuba Sanctions Re-
5 form Act of 2004”.

6 **SEC. 2. DURATION OF SANCTIONS RELATED TO CUBA.**

7 (a) CONTINUATION OF SANCTIONS.—

1 (1) EXPIRATION.—Notwithstanding any other
2 provision of law, the restrictions described in section
3 3(a) shall, with respect to Cuba, expire 1 year from
4 the date of enactment of this Act unless renewed
5 pursuant to paragraph (2) and subsection (b).

6 (2) RESOLUTION BY CONGRESS.—The restric-
7 tions contained in section 3(a) may be renewed an-
8 nually for a 1-year period if, prior to the anniversary
9 of the date of enactment of this Act, and each year
10 thereafter, a renewal resolution is enacted into law
11 in accordance with subsection (b).

12 (b) RENEWAL RESOLUTIONS.—

13 (1) IN GENERAL.—For purposes of this section,
14 the term “renewal resolution” means a joint resolu-
15 tion of the two Houses of Congress, the sole matter
16 after the resolving clause of which is as follows:
17 “That Congress approves the renewal of the restric-
18 tions contained in section 3(a) of the Cuba Sanc-
19 tions Reform Act of 2004.”.

20 (2) PROCEDURES.—

21 (A) IN GENERAL.—A renewal resolution—

22 (i) may be introduced in either House
23 of Congress by any member of such House
24 at any time within the 90-day period be-

1 fore the expiration of the restrictions de-
 2 scribed in section 3(a); and

3 (ii) the provisions of subparagraph
 4 (B) shall apply.

5 (B) EXPEDITED CONSIDERATION.—The
 6 provisions of section 152 (b), (c), (d), (e), and
 7 (f) of the Trade Act of 1974 (19 U.S.C. 2192
 8 (b), (c), (d), (e), and (f)) apply to a renewal
 9 resolution under this Act as if such resolution
 10 were a resolution described in section 152(a) of
 11 the Trade Act of 1974.

12 **SEC. 3. PROVISIONS RESTRICTING TRADE AND OTHER RE-**
 13 **LATIONS WITH CUBA.**

14 (a) PROVISIONS SUBJECT TO RENEWAL.—The re-
 15 strictions described in this subsection that are subject to
 16 renewal as described in section 2 are as follows:

17 (1) The prohibition or termination of assistance
 18 contained in section 620(a) of the Foreign Assist-
 19 ance Act of 1961 (22 U.S.C. 2370(a)).

20 (2) The authorities conferred upon the Presi-
 21 dent by section 5(b) of the Trading with the Enemy
 22 Act (50 U.S.C. App. 5(b)), which were being exer-
 23 cised with respect to Cuba on July 1, 1977, as a re-
 24 sult of a national emergency declared by the Presi-

1 dent before that date, and are being exercised on the
2 day before the date of enactment of this Act.

3 (3) Any prohibition on exports to Cuba that is
4 in effect on the day before the date of enactment of
5 this Act under the Export Administration Act of
6 1979 (50 U.S.C. App. 2401 et seq.).

7 (4) The sanctions contained in section 1704
8 and section 1706 of the Cuban Democracy Act of
9 1992 (22 U.S.C. 6003 and 6005).

10 (5) The sanctions contained in the Cuban Lib-
11 erty and Democratic Solidarity (LIBERTAD) Act of
12 1996 (22 U.S.C. 6021 et seq.).

13 (6) The prohibitions relating to Cuba contained
14 in sections 908, 909, and 910 of the Trade Sanc-
15 tions Reform and Export Enhancement Act of 2000
16 (title IX of Public Law 106–387; 22 U.S.C. 7207,
17 7208, and 7209).

18 (7) Subparagraph (A) of section 901(j)(2) of
19 the Internal Revenue Code of 1986 (relating to de-
20 nial of foreign tax credit, etc., with respect to certain
21 foreign countries).

22 (8) The prohibition relating to sugar imports
23 established under section 902(c) of the Food Secu-
24 rity Act of 1985 (7 U.S.C. 1446g note; Public Law
25 99–198).

1 (9) The restrictions on common carriers, as de-
2 fined in section 3(10) of the Communications Act of
3 1934 (47 U.S.C. 153(10)), related to Cuba, includ-
4 ing restrictions regarding the installation, mainte-
5 nance, repair, and upgrading of telecommunications
6 equipment and facilities, and the provision of tele-
7 communications services between the United States
8 and Cuba.

9 (b) AUTHORITY FOR NEW RESTRICTIONS.—The
10 President may, on or after the date of enactment of this
11 Act—

12 (1) impose export controls with respect to Cuba
13 under section 5, 6(j), 6(l), or 6(m) of the Export
14 Administration Act of 1979; and

15 (2) exercise the authority of the President
16 under the International Emergency Economic Pow-
17 ers Act (50 U.S.C. 1701 et seq.) with respect to
18 Cuba pursuant to a declaration of national emer-
19 gency required by that Act that is made on account
20 of an unusual and extraordinary threat to the na-
21 tional security, foreign policy, or economy of the
22 United States, that is not the basis for sanctions
23 that exist before the date of the enactment of this
24 Act.

1 **SEC. 4. TRAVEL.**

2 (a) IN GENERAL.—Restrictions related to travel to
3 and from Cuba by individuals who are citizens or residents
4 of the United States, and any transactions ordinarily inci-
5 dent to such travel, that may be regulated or prohibited
6 shall be subject to expiration, and renewal by joint resolu-
7 tion of the two Houses of Congress, as described in section
8 2.

9 (b) TRANSACTIONS INCIDENT TO TRAVEL.—For pur-
10 poses of subsection (a), the term “any transactions ordi-
11 narily incident to travel” includes—

12 (1) transactions ordinarily incident to travel or
13 maintenance in Cuba; and

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

17 **SEC. 5. ANNUAL REMITTANCES.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), any limit the Secretary of the Treasury may place
20 on the amount of remittances to Cuba made by any person
21 who is subject to the jurisdiction of the United States,
22 shall be subject to expiration, and renewal by joint resolu-
23 tion of the two Houses of Congress, as described in section
24 2.

25 (b) STATUTORY CONSTRUCTION.—Nothing in sub-
26 section (a) may be construed to prohibit the prosecution

1 or conviction of any person committing an offense de-
2 scribed in section 1956 of title 18, United States Code
3 (relating to the laundering of monetary instruments) or
4 section 1957 of such title (relating to engaging in mone-
5 tary transactions in property derived from specific unlaw-
6 ful activity).

