

109TH CONGRESS
1ST SESSION

H. R. 579

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. PAUL introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, 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 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. REMOVAL OF PROVISIONS RESTRICTING**
4 **TRADE AND OTHER RELATIONS WITH CUBA.**

5 (a) **AUTHORITY FOR EMBARGO AND SUGAR**
6 **QUOTA.**—Section 620(a) of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2370(a)) is repealed.

8 (b) **TRADING WITH THE ENEMY ACT.**—The authori-
9 ties conferred upon the President by section 5(b) of the
10 Trading with the Enemy Act, which were being exercised

1 with respect to Cuba on July 1, 1977, as a result of a
2 national emergency declared by the President before that
3 date, and are being exercised on the day before the effec-
4 tive date of this Act, may not be exercised on or after
5 such effective date with respect to Cuba. Any regulations
6 in effect on the day before such effective date pursuant
7 to the exercise of such authorities, shall cease to be effec-
8 tive on such date.

9 (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-
10 VISIONS OF LAW.—

11 (1) REMOVAL OF PROHIBITIONS.—Any prohibi-
12 tion on exports to Cuba that is in effect on the day
13 before the effective date of this Act under the Ex-
14 port Administration Act of 1979 shall cease to be ef-
15 fective on such effective date.

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

19 (A) impose export controls with respect to
20 Cuba under section 5, 6(j), 6(l), or 6(m) of the
21 Export Administration Act of 1979 (as contin-
22 ued in effect under the International Emer-
23 gency Economic Powers Act), and

24 (B) exercise the authorities he has under
25 the International Emergency Economic Powers

1 Act with respect to Cuba pursuant to a declara-
2 tion of national emergency required by that Act
3 that is made on account of an unusual and ex-
4 traordinary threat, that did not exist before the
5 date of the enactment of this Act, to the na-
6 tional security, foreign policy, or economy of the
7 United States.

8 (d) CUBAN DEMOCRACY ACT.—The Cuban Democ-
9 racy Act of 1992 (22 U.S.C. 6001 et seq.) is repealed.

10 (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC
11 SOLIDARITY (LIBERTAD) ACT OF 1996.—

12 (1) REPEAL.—The Cuban Liberty and Demo-
13 cratic Solidarity (LIBERTAD) Act of 1996 is re-
14 pealed.

15 (2) CONFORMING AMENDMENTS.—(A) Section
16 498A of the Foreign Assistance Act of 1961 (22
17 U.S.C. 2295a) is amended—

18 (i) in subsection (a)(11), by striking “and
19 intelligence facilities, including the military and
20 intelligence facilities at Lourdes and Cien-
21 fuegos,” and inserting “facilities,”;

22 (ii) in subsection (b)—

23 (I) in paragraph (4), by adding “and”
24 after the semicolon;

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

1 (III) by redesignating paragraph (6)
2 as paragraph (5); and
3 (iii) by striking subsection (d).

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

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

9 (D) Sections 514 and 515 of the International
10 Claims Settlement Act of 1949 (22 U.S.C. 1643l
11 and 1643m) are 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)—

17 (A) by striking “Cuba,”; and

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

20 (2) in section 908—

21 (A) by striking subsection (b);

22 (B) in subsection (a)—

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

11 (4) by striking section 910.

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

18 (h) TERMINATION OF DENIAL OF FOREIGN TAX
19 CREDIT WITH RESPECT TO CUBA.—Subparagraph (A) of
20 section 901(j)(2) of the Internal Revenue Code of 1986
21 (relating to denial of foreign tax credit, etc., with respect
22 to certain foreign countries) is amended by adding at the
23 end thereof the following new flush sentence: “Notwith-
24 standing the preceding sentence, this subsection shall not

1 apply to Cuba after the date which is 60 days after the
2 date of the enactment of this sentence.”.

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

6 **SEC. 2. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**
7 **TIES.**

8 Any common carrier within the meaning of section
9 3 of the Communications Act of 1934 (47 U.S.C. 153)
10 is authorized to install, maintain, and repair telecommuni-
11 cations equipment and facilities in Cuba, and otherwise
12 provide telecommunications services between the United
13 States and Cuba. The authority of this section includes
14 the authority to upgrade facilities and equipment.

15 **SEC. 3. TRAVEL.**

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

21 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Any
22 transactions ordinarily incident to travel which may not
23 be regulated or prohibited under subsection (a) include,
24 but are not limited to—

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

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

6 **SEC. 4. DIRECT MAIL DELIVERY TO CUBA.**

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

12 **SEC. 5. PROHIBITION ON FEDERAL ASSISTANCE.**

13 (a) PROHIBITION.—No Federal funds may be used
14 to provide any assistance to Cuba.

15 (b) DEFINITIONS.—For purposes of subsection (a)—

16 (1) the term “assistance to Cuba” includes, but
17 is not limited to—

18 (A) assistance to or for the benefit of Cuba
19 that is provided by grant, commercial sale,
20 guaranty, or insurance, or by any other means
21 on terms more favorable than that generally
22 available in the applicable market, whether in
23 the form of a loan, lease, credit, or a reserve,
24 including, but not limited to—

1 (i) insurance, financing, extensions of
2 credit, or participation in extensions of
3 credit provided by the Export-Import Bank
4 of the United States for exports to or im-
5 ports from Cuba;

6 (ii) insurance, reinsurance, financing,
7 or equity investment provided by the Over-
8 seas Private Investment Corporation for
9 projects in Cuba;

10 (iii) any export credit, credit guar-
11 anty, bonus, or other payment carried out
12 through the Commodity Credit Corporation
13 in support of export sales of agricultural
14 commodities to Cuba;

15 (iv) assistance under any provision of
16 the Agricultural Trade and Development
17 Assistance Act of 1954 to, or in support
18 of, export sales of agricultural commodities
19 to, Cuba;

20 (v) financing or other assistance
21 under the Agricultural Trade Act of 1978
22 in support of export sales of agricultural
23 commodities to Cuba; and

24 (vi) any loan, credit, or other financ-
25 ing provided by any department or agency

1 of the United States to any person for the
2 purpose of financing transactions involving
3 confiscated property (within the meaning
4 of section 4 of the Cuban Liberty and
5 Democratic Solidarity (LIBERTAD) Act
6 of 1996), as in effect on the day before the
7 date of the enactment of this Act); and

8 (B) an exchange, reduction, or forgiveness
9 of Cuban debt owed in return for a grant of an
10 equity interest in a property, investment, or op-
11 eration of the Government of Cuba (including
12 the government of any political subdivision of
13 Cuba, and any agency or instrumentality of the
14 Government of Cuba) or of a Cuban national;
15 and

16 (2) the term “agency or instrumentality of the
17 Government of Cuba” means an agency or instru-
18 mentality of a foreign state as defined in section
19 1603(b) of title 28, United States Code, with each
20 reference in such section to “a foreign state”
21 deemed to be a reference to Cuba.

1 **SEC. 6. EFFECTIVE DATE.**

2 This Act, and the amendments made by this Act,
3 shall take effect 60 days after the date of the enactment
4 of this Act.

○