

112TH CONGRESS
1ST SESSION

H. R. 1887

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

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2011

Mr. RANGEL (for himself, Mr. TOWNS, Ms. CLARKE of New York, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and 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. 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—

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

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

10 (3) in the countries of the former Soviet Union
11 and the former Eastern bloc, China, and Vietnam,
12 the United States is using economic, cultural, aca-
13 demic, and scientific engagement to support its pol-
14 icy of promoting democratic and human rights re-
15 forms; and

16 (4) the United States can best support demo-
17 cratic change in Cuba by promoting trade and com-
18 merce, travel, communications, and cultural, aca-
19 demic, and scientific exchanges.

20 **SEC. 3. REMOVAL OF PROVISIONS RESTRICTING TRADE**
21 **AND OTHER RELATIONS WITH CUBA.**

22 (a) **AUTHORITY FOR EMBARGO AND SUGAR**
23 **QUOTA.**—Section 620(a) of the Foreign Assistance Act of
24 1961 (22 U.S.C. 2370(a)) is repealed.

1 (b) TRADING WITH THE ENEMY ACT.—The authori-
2 ties conferred upon the President by section 5(b) of the
3 Trading With the Enemy Act, which were being exercised
4 with respect to Cuba on July 1, 1977, as a result of a
5 national emergency declared by the President before that
6 date, and are being exercised on the day before the effec-
7 tive date of this Act, may not be exercised on or after
8 such effective date with respect to Cuba. Any regulations
9 in effect on the day before such effective date pursuant
10 to the exercise of such authorities shall cease to be effec-
11 tive on such date.

12 (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-
13 VISIONS OF LAW.—

14 (1) REMOVAL OF PROHIBITIONS.—Any prohibi-
15 tion on exports to Cuba that is in effect on the day
16 before the effective date of this Act under the Ex-
17 port Administration Act of 1979 (as continued in ef-
18 fect under the International Emergency Economic
19 Powers Act) shall cease to be effective on such effec-
20 tive date.

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

24 (A) impose export controls with respect to
25 Cuba under section 5, 6(j), 6(l), or 6(m) of the

1 Export Administration Act of 1979 (as contin-
2 ued in effect under the International Emer-
3 gency Economic Powers Act); and

4 (B) exercise the authorities the President
5 has under the International Emergency Eco-
6 nomic Powers Act with respect to Cuba pursu-
7 ant to a declaration of national emergency re-
8 quired by that Act that is made on account of
9 an unusual and extraordinary threat, that did
10 not exist before the enactment of this Act, to
11 the national security, foreign policy, or economy
12 of the United States.

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

16 (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC
17 SOLIDARITY (LIBERTAD) ACT OF 1996.—

18 (1) REPEAL.—The Cuban Liberty and Demo-
19 cratic Solidarity (LIBERTAD) Act of 1996 is re-
20 pealed.

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

24 (i) in subsection (a)(11), by striking “and
25 intelligence facilities, including the military and

1 intelligence facilities at Lourdes and Cien-
2 fuegos,” and inserting “facilities,”;

3 (ii) in subsection (b)—

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

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

7 (III) by redesignating paragraph (6)
8 as paragraph (5); and

9 (iii) by striking subsection (d).

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

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

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

18 (f) TRADE SANCTIONS REFORM AND EXPORT EN-
19 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-
20 form and Export Enhancement Act of 2000 (22 U.S.C.
21 7201 et seq.) is amended—

22 (1) in section 906(a)(1) (22 U.S.C.
23 7205(a)(1))—

24 (A) by striking “Cuba,”; and

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

3 (2) in section 908 (22 U.S.C. 7207)—

4 (A) by striking subsection (b);

5 (B) in subsection (a)—

6 (i) by striking “PROHIBITION” and all
7 that follows through “(1) IN GENERAL.—
8 Notwithstanding” and inserting “IN GEN-
9 ERAL.—Notwithstanding”;

10 (ii) by striking “for exports to Cuba
11 or”;

12 (iii) by striking paragraph (2); and

13 (iv) by redesignating paragraph (3) as
14 subsection (b) (and conforming the margin
15 accordingly); and

16 (C) in subsection (b) (as redesignated), by
17 striking “paragraph (1)” and inserting “sub-
18 section (a)”;

19 (3) by striking section 909 (22 U.S.C. 7208);

20 (4) by striking section 910 (22 U.S.C. 7209);

21 and

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

23 (g) REPEAL OF PROHIBITION ON TRANSACTIONS OR
24 PAYMENTS WITH RESPECT TO CERTAIN UNITED STATES
25 INTELLECTUAL PROPERTY.—Section 211 of the Depart-

1 ment of Commerce and Related Agencies Appropriations
2 Act, 1999 (as contained in section 101(b) of division A
3 of Public Law 105–277; 112 Stat. 2681–88) is repealed.

4 (h) TERMINATION OF DENIAL OF FOREIGN TAX
5 CREDIT WITH RESPECT TO CUBA.—Subparagraph (A) of
6 section 901(j)(2) of the Internal Revenue Code of 1986
7 (relating to denial of foreign tax credit, etc., with respect
8 to certain foreign countries) is amended by adding at the
9 end the following new flush sentence:

10 “Notwithstanding the preceding sentence, this
11 subsection shall not apply to Cuba after the
12 date that is 60 days after the date of the enact-
13 ment of this sentence.”.

14 (i) SUGAR QUOTA PROHIBITION UNDER FOOD SECUR-
15 ITY ACT OF 1985.—Section 902(c) of the Food Security
16 Act of 1985 is repealed.

17 **SEC. 4. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**
18 **TIES.**

19 Any common carrier within the meaning of section
20 3 of the Communications Act of 1934 (47 U.S.C. 153)
21 is authorized to install, maintain, and repair telecommuni-
22 cations equipment and facilities in Cuba, and otherwise
23 provide telecommunications services between the United
24 States and Cuba. The authority of this section includes
25 the authority to upgrade facilities and equipment.

1 **SEC. 5. TRAVEL.**

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

7 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Any
8 transactions ordinarily incident to travel that may not be
9 regulated or prohibited under subsection (a) include, but
10 are not limited to—

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

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

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

17 The United States Postal Service shall take such ac-
18 tions as are necessary to provide direct mail service to and
19 from Cuba, including, in the absence of common carrier
20 service between the 2 countries, the use of charter pro-
21 viders.

22 **SEC. 7. NEGOTIATIONS WITH CUBA.**

23 (a) NEGOTIATIONS.—The President should take all
24 necessary steps to conduct negotiations with the Govern-
25 ment of Cuba—

1 (1) for the purpose of settling claims of nation-
2 als of the United States against the Government of
3 Cuba for the taking of property by such government;
4 and

5 (2) for the purpose of securing the protection of
6 internationally recognized human rights.

7 (b) DEFINITIONS.—As used in this section, the terms
8 “national of the United States” and “property” have the
9 meanings given those terms in section 502 of the Inter-
10 national Claims Settlement Act of 1949 (22 U.S.C.
11 1643a).

12 **SEC. 8. EFFECTIVE DATE.**

13 This Act and the amendments made by this Act shall
14 take effect on the 60th day after the date of the enactment
15 of this Act.

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