

112TH CONGRESS
1ST SESSION

H. R. 1888

To facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2011

Mr. RANGEL (for himself, Mr. JONES, 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, the Judiciary, Agriculture, and Financial Services, 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 facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States legal residents, to establish an agricultural export promotion program with respect to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Promoting American
3 Agricultural and Medical Exports to Cuba Act of 2011”.

4 **SEC. 2. CLARIFICATION OF PAYMENT TERMS UNDER THE**
5 **TRADE SANCTIONS REFORM AND EXPORT EN-**
6 **HANCEMENT ACT OF 2000.**

7 Section 908(b)(4) of the Trade Sanctions Reform and
8 Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(4))
9 is amended—

10 (1) in subparagraph (B), by striking “and” at
11 the end;

12 (2) in subparagraph (C), by striking the period
13 at the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(D) the term ‘payment of cash in ad-
16 vance’ means, notwithstanding any other provi-
17 sion of law, the payment by the purchaser of an
18 agricultural commodity or product and the re-
19 ceipt of such payment by the seller prior to—

20 “(i) the transfer of title of such com-
21 modity or product to the purchaser; and

22 “(ii) the release of control of such
23 commodity or product to the purchaser.”.

1 **SEC. 3. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN**
2 **CUBAN AND UNITED STATES FINANCIAL IN-**
3 **STITUTIONS UNDER THE TRADE SANCTIONS**
4 **REFORM AND EXPORT ENHANCEMENT ACT**
5 **OF 2000.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, the President may not restrict direct transfers
8 from a Cuban depository institution to a United States
9 depository institution executed in payment for a product
10 authorized for sale under the Trade Sanctions Reform and
11 Export Enhancement Act of 2000 (22 U.S.C. 7201 et
12 seq.).

13 (b) DEPOSITORY INSTITUTION DEFINED.—In this
14 section, the term “depository institution” means any enti-
15 ty that is engaged primarily in the business of banking
16 (including a bank, savings bank, savings association, cred-
17 it union, trust company, or bank holding company).

18 **SEC. 4. ESTABLISHMENT OF AGRICULTURAL EXPORT PRO-**
19 **MOTION PROGRAM WITH RESPECT TO CUBA.**

20 (a) IN GENERAL.—The Secretary of Agriculture shall
21 establish a program to provide information and technical
22 assistance to United States agricultural producers, cooper-
23 ative organizations, or State agencies that promote the
24 sale of agricultural commodities, in order to promote and
25 facilitate United States exports of agricultural products

1 to Cuba as authorized by the Trade Sanctions Reform and
2 Export Enhancement Act of 2000.

3 (b) TECHNICAL ASSISTANCE TO FACILITATE EX-
4 PORTS.—The Secretary shall maintain on the Web site of
5 the Department of Agriculture information to assist ex-
6 porters and potential exporters of United States agricul-
7 tural commodities with respect to Cuba.

8 (c) AUTHORIZATION OF FUNDS.—The Secretary is
9 authorized to expend such sums as may be available in
10 the Agricultural Export Promotion Trust Fund estab-
11 lished under section 9512 of the Internal Revenue Code
12 of 1986 (as added by section 9(b) of this Act).

13 **SEC. 5. ISSUANCE OF VISAS TO CONDUCT ACTIVITIES IN**
14 **ACCORDANCE WITH THE TRADE SANCTIONS**
15 **REFORM AND EXPORT ENHANCEMENT ACT**
16 **OF 2000.**

17 (a) ISSUANCE OF VISAS.—Notwithstanding any other
18 provision of law, in the case of a Cuban national whose
19 itinerary documents an intent to conduct activities, includ-
20 ing phytosanitary inspections, related to purchasing
21 United States agricultural goods under the provisions of
22 the Trade Sanctions Reform and Export Enhancement
23 Act of 2000, a consular officer (as defined in section
24 101(a)(9) of the Immigration and Nationality Act (8
25 U.S.C. 1101(a)(9))) may issue a nonimmigrant visa under

1 section 101(a)(15)(B) of such Act (8 U.S.C.
2 1101(a)(15)(B)) to the national, if the national is not in-
3 admissible to the United States under section 212 of such
4 Act (8 U.S.C. 1182).

5 (b) PERIODIC REPORTS.—

6 (1) IN GENERAL.—Not later than 45 days after
7 the date of enactment of this Act and every 3
8 months thereafter the Secretary of State shall sub-
9 mit to the Committees on Finance, Agriculture, Nu-
10 trition, and Forestry, and Foreign Relations of the
11 Senate and the Committees on Agriculture, Ways
12 and Means, and Foreign Affairs of the House of
13 Representatives a report on the issuance of visas de-
14 scribed in subsection (a).

15 (2) CONTENT OF REPORTS.—Each report shall
16 contain a full description of each application received
17 from a Cuban national to travel to the United States
18 to engage in purchasing activities pursuant to the
19 Trade Sanctions Reform and Export Enhancement
20 Act of 2000 and shall describe the disposition of
21 each such application.

1 **SEC. 6. ADHERENCE TO INTERNATIONAL AGREEMENTS**
2 **FOR THE MUTUAL PROTECTION OF INTEL-**
3 **LECTUAL PROPERTY.**

4 (a) REPEAL OF PROHIBITION ON TRANSACTIONS OR
5 PAYMENTS WITH RESPECT TO CERTAIN UNITED STATES
6 INTELLECTUAL PROPERTY.—Section 211 of the Depart-
7 ment of Commerce and Related Agencies Appropriations
8 Act, 1999 (section 101(b) of division A of Public Law
9 105–277; 112 Stat. 2681–88), is repealed.

10 (b) REGULATIONS.—The Secretary of the Treasury
11 shall promulgate such regulations as are necessary to
12 carry out the repeal made by subsection (a), including re-
13 moving any prohibition on transactions or payments to
14 which subsection (a)(1) of section 211 of the Department
15 of Commerce and Related Agencies Appropriations Act,
16 1999 (as such section was in effect on the day before the
17 date of the enactment of this Act), applied.

18 (c) FURTHER REGULATIONS.—

19 (1) IN GENERAL.—The Secretary of the Treas-
20 ury shall amend part 515 of title 31, Code of Fed-
21 eral Regulations (the Cuban assets control regula-
22 tions), to authorize under general license the trans-
23 fer or receipt of any trademark or trade name sub-
24 ject to United States law in which a designated na-
25 tional has an interest.

1 (2) DESIGNATED NATIONAL DEFINED.—In this
2 subsection, the term “designated national” has the
3 meaning given the term in subsection (d)(1) of sec-
4 tion 211 of the Department of Commerce and Re-
5 lated Agencies Appropriations Act, 1999 (as such
6 section was in effect on the day before the date of
7 the enactment of this Act).

8 **SEC. 7. TRAVEL TO CUBA.**

9 (a) FREEDOM OF TRAVEL FOR UNITED STATES CITI-
10 ZENS AND LEGAL RESIDENTS.—Subject to subsection (c),
11 the President shall not regulate or prohibit, directly or in-
12 directly, travel to or from Cuba by United States citizens
13 or legal residents, or any of the transactions incident to
14 such travel that are set forth in subsection (b). The Presi-
15 dent shall rescind all regulations in effect on the date of
16 the enactment of this Act that so regulate or prohibit such
17 travel or transactions.

18 (b) TRANSACTIONS INCIDENT TO TRAVEL.—The
19 transactions referred to in subsection (a) are—

20 (1) any transactions ordinarily incident to trav-
21 el to or from Cuba, including the importation into
22 Cuba or the United States of accompanied baggage
23 for personal use only;

24 (2) any transactions ordinarily incident to trav-
25 el or maintenance within Cuba, including the pay-

1 ment of living expenses and the acquisition of goods
2 or services for personal use;

3 (3) any transactions ordinarily incident to the
4 arrangement, promotion, or facilitation of travel to,
5 from, or within Cuba;

6 (4) any transactions incident to nonscheduled
7 air, sea, or land voyages, except that this paragraph
8 does not authorize the carriage of articles into Cuba
9 or the United States except accompanied baggage;
10 and

11 (5) normal banking transactions incident to the
12 activities described in the preceding provisions of
13 this subsection, including the issuance, clearing,
14 processing, or payment of checks, drafts, travelers
15 checks, credit or debit card instruments, or similar
16 instruments;

17 except that this section does not authorize the importation
18 into the United States of any goods for personal consump-
19 tion acquired in Cuba.

20 (c) EXCEPTION.—The restrictions on authority con-
21 tained in subsection (a) do not apply in a case in which
22 the United States is at war with Cuba, armed hostilities
23 between the two countries are in progress, or there is im-
24 minent danger to the public health or the physical safety
25 of United States citizens or legal residents.

1 (d) APPLICABILITY.—This section applies to actions
2 taken by the President before the date of the enactment
3 of this Act which are in effect on such date of enactment,
4 and to actions taken on or after such date of enactment.

5 (e) INAPPLICABILITY OF OTHER PROVISIONS.—This
6 section applies notwithstanding section 102(h) of the
7 Cuban Liberty and Democratic Solidarity (LIBERTAD)
8 Act of 1996 (22 U.S.C. 6032(h)) and section 910(b) of
9 the Trade Sanctions Reform and Export Enhancement
10 Act of 2000 (22 U.S.C. 7209(b)).

11 **SEC. 8. EXPORT OF MEDICINES AND MEDICAL DEVICES TO**
12 **CUBA.**

13 (a) REPEAL OF REQUIREMENT FOR ONSITE
14 VERIFICATIONS.—Section 1705 of the Cuban Democracy
15 Act of 1992 (22 U.S.C. 6004) is amended by striking sub-
16 section (d).

17 (b) RULE OF CONSTRUCTION.—Nothing in the
18 amendment made by subsection (a) shall be construed to
19 restrict the authority of the President to—

20 (1) impose export controls with respect to the
21 export of medicines or medical devices under sec-
22 tions 5 or 6 of the Export Administration Act of
23 1979; or

24 (2) exercise the authorities the President has
25 under the International Emergency Economic Pow-

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

7 **SEC. 9. INCREASE IN AIRPORT TICKET TAX FOR TRANSPOR-**
8 **TATION BETWEEN UNITED STATES AND**
9 **CUBA; ESTABLISHMENT OF AGRICULTURAL**
10 **EXPORT PROMOTION TRUST FUND.**

11 (a) INCREASE IN TICKET TAX.—Subsection (c) of
12 section 4261 of the Internal Revenue Code of 1986 (relat-
13 ing to use of international travel facilities) is amended by
14 adding at the end the following new paragraph:

15 “(4) SPECIAL RULE FOR CUBA.—In any case in
16 which the tax imposed by paragraph (1) applies to
17 transportation beginning or ending in Cuba before
18 January 1, 2013, such tax shall be increased by
19 \$1.00.”.

20 (b) AGRICULTURAL EXPORT PROMOTION TRUST
21 FUND.—

22 (1) IN GENERAL.—Subchapter A of chapter 98
23 of the Internal Revenue Code of 1986 (relating to
24 establishment of trust funds) is amended by adding
25 at the end the following new section:

1 **“SEC. 9512. AGRICULTURAL EXPORT PROMOTION TRUST**
2 **FUND.**

3 “(a) CREATION OF TRUST FUND.—There is estab-
4 lished in the Treasury of the United States a trust fund
5 to be known as the ‘Agricultural Export Promotion Trust
6 Fund’, consisting of such amounts as may be appropriated
7 or credited to such fund as provided in this section or sec-
8 tion 9602(b).

9 “(b) TRANSFERS TO TRUST FUND.—There are here-
10 by appropriated to the Agricultural Export Promotion
11 Trust Fund amounts equivalent to the taxes received in
12 the Treasury by reason of section 4261(c)(4).

13 “(c) EXPENDITURES.—Amounts in the Agricultural
14 Export Promotion Trust Fund shall be available, as pro-
15 vided by appropriation Acts, for making expenditures to
16 the Office of the Secretary of Agriculture for the purposes
17 set out in section 4 of the Promoting American Agricul-
18 tural and Medical Exports to Cuba Act of 2011.”.

19 (2) CONFORMING AMENDMENT.—Subparagraph
20 (B) of section 9502(b)(1) of such Code is amended
21 by inserting “(other than by reason of subsection
22 (c)(4) thereof)” after “sections 4261”.

23 (3) CLERICAL AMENDMENT.—The table of sec-
24 tions for subchapter A of chapter 98 of such Code

1 is amended by adding at the end the following new
2 item:

“Sec. 9512. Agricultural Export Promotion Trust Fund.”.

3 (c) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply to transportation beginning
5 after the 90-day period beginning on the date of the enact-
6 ment of this Act, except that such amendment shall not
7 apply to amounts paid before the end of such period.

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