

105TH CONGRESS
1ST SESSION

H. R. 1951

To make an exception to the United States embargo on trade with Cuba for the export of food, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1997

Mr. TORRES (for himself, Mr. RANGEL, Mr. CAMPBELL, Mr. LEACH, Mr. PAUL, Mrs. MORELLA, Mr. SERRANO, Mr. McDERMOTT, Ms. VELÁZQUEZ, Mr. MOAKLEY, Mr. NADLER, Mr. MCGOVERN, Mr. SHAYS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. BOUCHER, Ms. WOOLSEY, Mr. FAZIO of California, Mr. HALL of Ohio, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Ways and Means, 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 make an exception to the United States embargo on trade with Cuba for the export of food, medicines, medical supplies, medical instruments, or medical equipment, 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 “Cuban Humanitarian
3 Trade Act of 1997”.

4 **SEC. 2. AMENDMENT TO EMBARGO AUTHORITY IN THE**
5 **FOREIGN ASSISTANCE ACT OF 1961.**

6 Section 620(a)(1) of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting be-
8 fore the period at the end of the second sentence the fol-
9 lowing: “, except that any such embargo shall not apply
10 with respect to the export of any food, medicines, medical
11 supplies, medical instruments, or medical equipment, or
12 with respect to travel incident to the delivery of food,
13 medicines, medical supplies, medical instruments, or medi-
14 cal equipment”.

15 **SEC. 3. LIMITATION ON EXISTING RESTRICTIONS ON**
16 **TRADE WITH CUBA.**

17 Upon the enactment of this Act, any regulation, proc-
18 lamation, or provision of law, including Presidential Proc-
19 lamation 3447 of February 3, 1962, the Export Adminis-
20 tration Regulations (15 CFR 730 and following), and the
21 Cuban Assets Control Regulations (31 CFR 515), that
22 prohibits exports to Cuba or transactions involving exports
23 to Cuba and that is in effect on the date of the enactment
24 of this Act, shall not apply with respect to the export to
25 Cuba of food, medicines, medical supplies, medical instru-
26 ments, or medical equipment, or with respect to travel in-

1 cident to the delivery of food, medicines, medical supplies,
2 medical instruments, or medical equipment.

3 **SEC. 4. LIMITATION ON THE FUTURE EXERCISE OF AU-**
4 **THORITY.**

5 After the enactment of this Act, the President may
6 not restrict the exportation to Cuba of food, medicines,
7 medical supplies, medical instruments, or medical equip-
8 ment—

9 (1) under the Export Administration Act of
10 1979, except to the extent such restrictions would be
11 permitted under section 5 of that Act for goods con-
12 taining parts or components on which export con-
13 trols are in effect under that section; or

14 (2) under section 203 of the International
15 Emergency Economic Powers Act, except to the ex-
16 tent the authorities under that section are exercised
17 to restrict the export of medical instruments or med-
18 ical equipment to deal with a threat to the national
19 security of the United States by virtue of the tech-
20 nology incorporated in such instruments or equip-
21 ment.

22 **SEC. 5. CONFORMING AMENDMENTS.**

23 (a) SANCTIONS UNDER CUBAN DEMOCRACY ACT OF
24 1992.—Section 1705 of the Cuban Democracy Act of
25 1992 (22 U.S.C. 6004) is amended—

1 (1) in subsection (b)—

2 (A) in the subsection caption by striking “,
3 DONATIONS” and inserting “, EXPORTS”; and

4 (B) by striking “donations of food to non-
5 governmental organizations or individuals in
6 Cuba” and inserting “exports of food to Cuba”;

7 (2) by amending subsection (c) to read as fol-
8 lows:

9 “(c) EXPORTS OF MEDICINES AND MEDICAL SUP-
10 PLIES TO CUBA.—Exports of medicines, medical supplies,
11 medical instruments, or medical equipment to Cuba shall
12 not be restricted—

13 “(1) except to the extent such restrictions
14 would be permitted—

15 “(A) under section 5 of the Export Admin-
16 istration Act of 1979 for goods containing parts
17 or components on which export controls are in
18 effect under that section; or

19 “(B) under clause (A), (B), or (C) of sec-
20 tion 203(b)(2) of the International Emergency
21 Economic Powers Act;

22 “(2) except in a case in which there is a reason-
23 able likelihood that the item to be exported will be
24 used for purposes of torture or other human rights
25 abuses;

1 “(3) except in a case in which there is a reason-
2 able likelihood that the item to be exported will be
3 reexported; and

4 “(4) except in a case in which the item to be
5 exported could be used in the production of any bio-
6 technological product.

7 Before imposing restrictions under this subsection, the
8 President shall submit to the Congress a report describing
9 the restrictions to be imposed and the reasons for the re-
10 strictions.”; and

11 (3) by striking subsection (d) and redesignating
12 subsections (e), (f), and (g) as subsections (d), (e),
13 and (f), respectively.

14 (b) INTERNATIONAL COOPERATION.—Section
15 1704(b)(2)(C)(i) of the Cuban Democracy Act of 1992 (22
16 U.S.C. 6003(b)(2)(C)(i)) is amended to read as follows:

17 “(i) exports of food to Cuba; or”.

18 **SEC. 6. APPLICATION OF DENIAL OF FOREIGN TAX CREDIT**

19 **WITH RESPECT TO CUBA.**

20 Subparagraph (A) of section 901(j)(2) of the Internal
21 Revenue Code of 1986 (relating to denial of foreign tax
22 credit, etc., with respect to certain foreign countries) is
23 amended by adding at the end thereof the following new
24 flush sentence:

1 “Notwithstanding the preceding sentence, this
2 subsection shall not apply to Cuba with respect
3 to income, war profits, or excess profits taxes
4 paid to Cuba that are attributable to activities
5 with respect to articles permitted to be exported
6 to Cuba, or travel incident thereto that is per-
7 mitted, by virtue of the enactment of the Cuban
8 Humanitarian Trade Act of 1997. The preced-
9 ing sentence shall apply after the date which is
10 60 days after the date of the enactment of this
11 sentence.”.

12 **SEC. 7. INAPPLICABILITY OF OTHER RESTRICTIONS.**

13 This Act and the amendments made by this Act apply
14 notwithstanding section 102(h) of the Cuban Liberty and
15 Democratic Solidarity (LIBERTAD) Act of 1996 (22
16 U.S.C. 6032(h)).

17 **SEC. 8. REPORT TO CONGRESS.**

18 Not later than 6 months after the date of the enact-
19 ment of this Act, the President shall transmit to the Con-
20 gress a report that sets forth—

21 (1) the extent (expressed in volume and dollar
22 amounts) of sales to Cuba of food, medicines, medi-
23 cal supplies, medical instruments, and medical
24 equipment, since the enactment of this Act;

1 (2) a description of the types and end users of
2 the goods so exported; and

3 (3) whether there has been any indication that
4 any medicines, medical supplies, medical instru-
5 ments, or medical equipment exported to Cuba since
6 the enactment of this Act—

7 (A) have been used for purposes of torture
8 or other human rights abuses;

9 (B) were reexported; or

10 (C) were used in the production of any bio-
11 technological product.

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