

107TH CONGRESS
1ST SESSION

S. 239

To improve access to the Cuban market for American agricultural producers and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2001

Mr. HAGEL (for himself, Mr. DODD, Mr. ROBERTS, Mr. DORGAN, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To improve access to the Cuban market for American agricultural producers 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 “Cuba Food and Medi-
5 cine Access Act of 2001”.

TITLE I

1
2 **SEC. 10. LIMITATION ON PROHIBITIONS AND RESTRIC-**
3 **TIONS ON TRADE WITH CUBA TO ALLOW FOR**
4 **THE EXPORT OF FOOD AND MEDICINES TO**
5 **CUBA.**

6 Notwithstanding the Trade Sanctions Reform and
7 Export Enhancement Act of 2000 (title IX of H.R. 5426
8 of the One Hundred Sixth Congress, as enacted into law
9 by section 1(a) of Public Law 106–387, and as contained
10 in the appendix of that Act) (except section 904 of such
11 Act) or any other provision of law (except section 11 of
12 this Act), the prohibition or restriction on trade or finan-
13 cial transactions with Cuba shall not apply with respect
14 to the export of any agricultural commodities, medicines,
15 or medical devices, or with respect to travel incident to
16 the sale or delivery of agricultural commodities, medicines,
17 or medical devices, to Cuba.

18 **SEC. 11. LIMITATION ON EXCEPTION TO ALLOW FOR THE**
19 **EXPORT OF FOOD AND MEDICINE TO CUBA.**

20 Section 10 of this Act shall not apply—

21 (1) with respect to restrictions imposed under
22 section 5 of the Export Administration Act of 1979
23 for goods containing parts or components on which
24 export controls are in effect under that section; and

1 (2) with respect to section 203 of the Inter-
2 national Emergency Economic Powers Act, to the
3 extent the authorities under that section are exer-
4 cised to deal with a threat to the national security
5 of the United States by virtue of the technology in-
6 corporated in such goods.

7 **SEC. 12. LIFTING CERTAIN PROHIBITIONS ON VESSELS EN-**
8 **TERING U.S. PORTS.**

9 Sanctions pursuant to section 1706(b) of title XVII
10 of Public Law 102–484 (Cuban Democracy Act of 1992)
11 shall not apply with respect to vessels which have trans-
12 ported food or medicine to Cuba.

13 **SEC. 13. STUDY AND REPORT RELATING TO EXPORT PRO-**
14 **MOTION AND CREDIT PROGRAMS FOR CUBA.**

15 Title IV of the Agricultural Trade Act of 1978 (7
16 U.S.C. 5661 et seq.) is amended by adding at the end
17 the following:

18 **“SEC. 418. STUDY AND REPORT RELATING TO EXPORT PRO-**
19 **MOTION AND CREDIT PROGRAMS FOR CUBA.**

20 “(a) STUDY.—The Secretary shall carry out a study
21 of existing United States agricultural export promotion
22 and credit programs to determine how such programs can
23 be carried out to promote the consumption of United
24 States agricultural commodities in Cuba.

1 “(b) REPORT.—Not later than 90 days after the date
2 of the enactment of this section, the Secretary shall pre-
3 pare and submit to the Committee on Agriculture of the
4 House of Representatives and the Committee on Agri-
5 culture, Nutrition, and Forestry of the Senate a report
6 containing—

7 “(1) the results of the study carried out under
8 subsection (a); and

9 “(2) proposed legislation, if any, to improve the
10 ability of the Secretary to utilize United States agri-
11 cultural export promotion and credit programs with
12 respect to the consumption of United States agricul-
13 tural commodities in Cuba.”.

14 **SEC. 14. REPORT TO CONGRESS.**

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

18 (1) the extent (expressed in volume and dollar
19 amounts) of sales to Cuba of agricultural commod-
20 ities, medicines, and medical devices, since the date
21 of the enactment of this Act;

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

1 (3) whether there has been any indication that
2 any medicines, or medical devices exported to Cuba
3 since the date of the enactment of this Act—

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

6 (B) were reexported; or

7 (C) were used in the production of any bio-
8 technological product.

9 **SEC. 15. DEFINITIONS.**

10 (a) **AGRICULTURAL COMMODITY.**—The term “agricul-
11 tural commodity”—

12 (1) has the meaning given the term in section
13 102 of the Agricultural Trade Act of 1978 (7 U.S.C.
14 5602); and

15 (2) includes fertilizer and organic fertilizer, ex-
16 cept to the extent provided pursuant to section 904
17 of the Trade Sanctions Reform and Export En-
18 hancement Act of 2000 (title IX of H.R. 5426 of the
19 One Hundred Sixth Congress, as enacted into law by
20 section 1(a) of Public Law 106–387, and as con-
21 tained in the appendix of that Act).

22 (b) **MEDICAL DEVICE.**—The term “medical device”
23 has the meaning given the term “device” in section 201
24 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
25 321).

1 (c) MEDICINE.—The term “medicine” has the mean-
2 ing given the term “drug” in section 201 of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 7321).

4 **TITLE II**

5 **SEC. 20. REPEAL OF CODIFICATION OF TRAVEL RESTRIC-** 6 **TIONS BY AMERICAN CITIZENS TO CUBA.**

7 Section 910 of the Trade Sanctions Reform and Ex-
8 port Enhancement Act of 2000 (title IX of H.R. 5426 of
9 the One Hundred Sixth Congress, as enacted into law by
10 section 1(a) of Public Law 106–387, and as contained in
11 the appendix of that Act) is hereby repealed.