

108TH CONGRESS
1ST SESSION

H. R. 1698

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2003

Mr. PAUL (for himself, Mr. ABERCROMBIE, Mr. CLAY, and Mr. WHITFIELD) 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7 1961 (22 U.S.C. 2370(a)) is repealed.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

1 Trading With the Enemy Act (50 U.S.C. App. 5(b)),
2 which were being exercised with respect to Cuba on July
3 1, 1977, as a result of a national emergency declared by
4 the President before that date, and are being exercised
5 on the day before the effective date of this Act, may not
6 be exercised on or after such effective date with respect
7 to Cuba. Any regulations in effect on the day before such
8 effective date pursuant to the exercise of such authorities,
9 shall cease to be effective on such date.

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

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

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

20 (A) impose export controls with respect to
21 Cuba under section 5, 6(j), 6(l), or 6(m) of the
22 Export Administration Act of 1979, and

23 (B) exercise the authorities he has under
24 the International Emergency Economic Powers
25 Act with respect to Cuba pursuant to a declara-

1 tion of national emergency required by that Act
2 that is made on account of an unusual and ex-
3 traordinary threat, that did not exist before the
4 enactment of this Act, to the national security,
5 foreign policy, or economy of the United States.

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 is repealed.

8 (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC
9 SOLIDARITY (LIBERTAD) ACT OF 1996.—

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

13 (2) CONFORMING AMENDMENTS.—(A) Section
14 498A of the Foreign Assistance Act of 1961 (22
15 U.S.C. 2295a) is amended—

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

20 (ii) in subsection (b)—

21 (I) in paragraph (4) by adding “and”
22 after the semicolon;

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

24 (III) by redesignating paragraph (6)
25 as paragraph (5); and

1 (iii) by striking subsection (d).

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

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

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

10 (f) TRADE SANCTIONS REFORM AND EXPORT EN-
11 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-
12 form and Export Enhancement Act of 2000 (22 U.S.C.
13 7201 et seq.) is amended—

14 (1) in section 906(a)(1)—

15 (A) by striking “to Cuba or”; and

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

18 (2) in section 908—

19 (A) by striking subsection (b);

20 (B) in subsection (a)—

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

24 (ii) by striking “for exports to Cuba
25 or”;

- 1 (iii) by striking paragraph (2); and
2 (iv) by redesignating paragraph (3) as
3 subsection (b) (and conforming the margin
4 accordingly); and
5 (C) in subsection (b) (as redesignated), by
6 striking “paragraph (1)” and inserting “sub-
7 section (a)”;
8 (3) by striking section 909;
9 (4) by striking section 910; and
10 (5) by redesignating section 911 as section 909.

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

17 (h) TERMINATION OF DENIAL OF FOREIGN TAX
18 CREDIT WITH RESPECT TO CUBA.—Subparagraph (A) of
19 section 901(j)(2) of the Internal Revenue Code of 1986
20 (relating to denial of foreign tax credit, etc., with respect
21 to certain foreign countries) is amended by adding at the
22 end thereof the following new flush sentence: “Notwith-
23 standing the preceding sentence, this subsection shall not
24 apply to Cuba after the date which is 60 days after the
25 date of the enactment of this sentence.”.

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

4 **SEC. 2. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**
5 **TIES.**

6 Any common carrier within the meaning of section
7 3 of the Communications Act of 1934 (47 U.S.C. 153)
8 is authorized to install, maintain, and repair telecommuni-
9 cations equipment and facilities in Cuba, and otherwise
10 provide telecommunications services between the United
11 States and Cuba. The authority of this section includes
12 the authority to upgrade facilities and equipment.

13 **SEC. 3. TRAVEL.**

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

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

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

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

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

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

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

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

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

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

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

23 (i) insurance, financing, extensions of
24 credit, or participation in extensions of
25 credit provided by the Export-Import Bank

1 of the United States for exports to or im-
2 ports from Cuba;

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

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

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

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

21 (vi) any loan, credit, or other financ-
22 ing provided by any department or agency
23 of the United States to any person for the
24 purpose of financing transactions involving
25 confiscated property (within the meaning

1 of section 4 of the Cuban Liberty and
2 Democratic Solidarity (LIBERTAD) Act
3 of 1996), as in effect on the day before the
4 date of the enactment of this Act); and

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

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

19 **SEC. 6. EFFECTIVE DATE.**

20 This Act shall take effect 60 days after the date of
21 the enactment of this Act.

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