

108TH CONGRESS
2D SESSION

S. 2449

To require congressional renewal of trade and travel restrictions with respect to Cuba.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2004

Mr. BAUCUS (for himself, Mr. ROBERTS, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require congressional renewal of trade and travel restrictions with respect to Cuba.

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 Sanctions Re-
5 form Act of 2004”.

6 **SEC. 2. DURATION OF SANCTIONS RELATED TO CUBA.**

7 (a) CONTINUATION OF SANCTIONS.—

8 (1) EXPIRATION.—Notwithstanding any other
9 provision of law, the restrictions described in section
10 3(a) shall, with respect to Cuba, expire 1 year from

1 the date of enactment of this Act unless renewed
2 pursuant to paragraph (2) and subsection (b).

3 (2) RESOLUTION BY CONGRESS.—The restric-
4 tions contained in section 3(a) may be renewed an-
5 nually for a 1-year period if, prior to the anniversary
6 of the date of enactment of this Act, and each year
7 thereafter, a renewal resolution is enacted into law
8 in accordance with subsection (b).

9 (b) RENEWAL RESOLUTIONS.—

10 (1) IN GENERAL.—For purposes of this section,
11 the term “renewal resolution” means a joint resolu-
12 tion of the two Houses of Congress, the sole matter
13 after the resolving clause of which is as follows:
14 “That Congress approves the renewal of the restric-
15 tions contained in section 3(a) of the Cuba Sanc-
16 tions Reform Act of 2004.”.

17 (2) PROCEDURES.—

18 (A) IN GENERAL.—A renewal resolution—

19 (i) may be introduced in either House
20 of Congress by any member of such House
21 at any time within the 90-day period be-
22 fore the expiration of the restrictions de-
23 scribed in section 3(a); and

24 (ii) the provisions of subparagraph

25 (B) shall apply.

1 (B) EXPEDITED CONSIDERATION.—The
2 provisions of section 152 (b), (c), (d), (e), and
3 (f) of the Trade Act of 1974 (19 U.S.C. 2192
4 (b), (c), (d), (e), and (f)) apply to a renewal
5 resolution under this Act as if such resolution
6 were a resolution described in section 152(a) of
7 the Trade Act of 1974.

8 **SEC. 3. PROVISIONS RESTRICTING TRADE AND OTHER RE-**
9 **LATIONS WITH CUBA.**

10 (a) PROVISIONS SUBJECT TO RENEWAL.—The re-
11 strictions described in this subsection that are subject to
12 renewal as described in section 2 are as follows:

13 (1) The prohibition or termination of assistance
14 contained in section 620(a) of the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2370(a)).

16 (2) The authorities conferred upon the Presi-
17 dent by section 5(b) of the Trading with the enemy
18 Act (50 U.S.C. App. 5(b)), which were being exer-
19 cised with respect to Cuba on July 1, 1977, as a re-
20 sult of a national emergency declared by the Presi-
21 dent before that date, and are being exercised on the
22 day before the date of enactment of this Act.

23 (3) Any prohibition on exports to Cuba that is
24 in effect on the day before the date of enactment of

1 this Act under the Export Administration Act of
2 1979 (50 U.S.C. App. 2401 et seq.).

3 (4) The sanctions contained in section 1704
4 and section 1706 of the Cuban Democracy Act of
5 1992 (22 U.S.C. 6003 and 6005).

6 (5) The sanctions contained in the Cuban Lib-
7 erty and Democratic Solidarity (LIBERTAD) Act of
8 1996 (22 U.S.C. 6021 et seq.).

9 (6) The prohibitions relating to Cuba contained
10 in sections 908, 909, and 910 of the Trade Sanc-
11 tions Reform and Export Enhancement Act of 2000
12 (title IX of Public Law 106–387; 22 U.S.C. 7207,
13 7208, and 7209).

14 (7) Subparagraph (A) of section 901(j)(2) of
15 the Internal Revenue Code of 1986 (relating to de-
16 nial of foreign tax credit, etc., with respect to certain
17 foreign countries).

18 (8) The prohibition relating to sugar imports
19 established under section 902(c) of the Food Secu-
20 rity Act of 1985 (7 U.S.C. 1446g note; Public Law
21 99–198).

22 (9) The restrictions on common carriers, as de-
23 fined in section 3(10) of the Communications Act of
24 1934 (47 U.S.C. 153(10)), related to Cuba, includ-
25 ing restrictions regarding the installation, mainte-

1 nance, repair, and upgrading of telecommunications
2 equipment and facilities, and the provision of tele-
3 communications services between the United States
4 and Cuba.

5 (b) AUTHORITY FOR NEW RESTRICTIONS.—The
6 President may, on or after the date of enactment of this
7 Act—

8 (1) impose export controls with respect to Cuba
9 under section 5, 6(j), 6(l), or 6(m) of the Export
10 Administration Act of 1979; and

11 (2) exercise the authority of the President
12 under the International Emergency Economic Pow-
13 ers Act (50 U.S.C. 1701 et seq.) with respect to
14 Cuba pursuant to a declaration of national emer-
15 gency required by that Act that is made on account
16 of an unusual and extraordinary threat to the na-
17 tional security, foreign policy, or economy of the
18 United States, that did not exist before the date of
19 enactment of this Act.

20 **SEC. 4. TRAVEL.**

21 (a) IN GENERAL.—Restrictions related to travel to
22 and from Cuba by individuals who are citizens or residents
23 of the United States, and any transactions ordinarily inci-
24 dent to such travel, that may be regulated or prohibited
25 shall be subject to expiration, and renewal by joint resolu-

tion of the two Houses of Congress, as described in section 2.

(b) TRANSACTIONS INCIDENT TO TRAVEL.—For purposes of subsection (a), the term “any transactions ordinarily incident to travel” includes—

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

(2) normal banking transactions involving foreign currency drafts, traveler’s checks, or other negotiable instruments incident to such travel.

SEC. 5. ANNUAL REMITTANCES.

(a) IN GENERAL.—Except as provided in subsection (b), any limit the Secretary of the Treasury may place on the amount of remittances to Cuba made by any person who is subject to the jurisdiction of the United States, shall be subject to expiration, and renewal by joint resolution of the two Houses of Congress, as described in section 2.

(b) STATUTORY CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit the prosecution or conviction of any person committing an offense described in section 1956 of title 18, United States Code (relating to the laundering of monetary instruments) or section 1957 of such title (relating to engaging in mone-

- 1 tary transactions in property derived from specific unlaw-
- 2 ful activity).

