

117TH CONGRESS  
1ST SESSION

# S. 249

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

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Mr. WYDEN (for himself, Mr. MERKLEY, Mr. DURBIN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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. SHORT TITLE.**

4       This Act may be cited as the “United States-Cuba  
5       Trade Act of 2021”.

6       **SEC. 2. REMOVAL OF PROVISIONS RESTRICTING TRADE**  
7               **AND OTHER RELATIONS WITH CUBA.**

8       (a) AUTHORITY FOR EMBARGO AND SUGAR  
9       QUOTA.—

1           (1) IN GENERAL.—Section 620(a) of the For-  
 2       eign Assistance Act of 1961 (22 U.S.C. 2370(a)) is  
 3       repealed.

4           (2) CONFORMING AMENDMENT.—Section  
 5       1610(f)(1)(A) of title 28, United States Code, is  
 6       amended by striking “section 620(a) of the Foreign  
 7       Assistance Act of 1961 (22 U.S.C. 2370(a)),”.

8       (b) TRADING WITH THE ENEMY ACT.—

9           (1) IN GENERAL.—The authorities conferred  
 10      upon the President by section 5(b) of the Trading  
 11      With the Enemy Act (50 U.S.C. 4305(b)), which  
 12      were being exercised with respect to Cuba on July  
 13      1, 1977, as a result of a national emergency de-  
 14      clared by the President before that date, and are  
 15      being exercised on the day before the effective date  
 16      of this Act, may not be exercised on or after such  
 17      effective date with respect to Cuba.

18          (2) REGULATIONS.—Any regulation in effect on  
 19      the day before the effective date of this Act pursuant  
 20      to the exercise of authorities described in paragraph  
 21      (1) shall cease to be effective on such effective date.

22      (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-  
 23      VISIONS OF LAW.—

24          (1) REMOVAL OF PROHIBITIONS.—Any prohibi-  
 25      tion on exports to Cuba that is in effect on the day

1 before the effective date of this Act under the Ex-  
2 port Administration Act of 1979 (Public Law 96–  
3 72; 93 Stat. 503) or the Export Control Reform Act  
4 of 2018 (50 U.S.C. 4801 et seq.) shall cease to be  
5 effective on such effective date.

6 (2) AUTHORITY FOR NEW RESTRICTIONS.—The  
7 President may, on and after the effective date of this  
8 Act—

9 (A) impose export controls with respect to  
10 Cuba under the Export Control Reform Act of  
11 2018 (50 U.S.C. 4801 et seq.); and

12 (B) exercise the authorities the President  
13 has under the International Emergency Eco-  
14 nomic Powers Act (50 U.S.C. 1701 et seq.)  
15 with respect to Cuba pursuant to a declaration  
16 of national emergency required by that Act that  
17 is made on account of an unusual and extraor-  
18 dinary threat to the national security, foreign  
19 policy, or economy of the United States, that  
20 did not exist before the date of the enactment  
21 of this Act.

22 (d) REPEAL OF CUBAN DEMOCRACY ACT OF 1992.—  
23 The Cuban Democracy Act of 1992 (22 U.S.C. 6001 et  
24 seq.) is repealed.

1       (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC  
2 SOLIDARITY (LIBERTAD) ACT OF 1996.—

3           (1) REPEAL.—The Cuban Liberty and Demo-  
4 cratic Solidarity (LIBERTAD) Act of 1996 (22  
5 U.S.C. 6021 et seq.) is repealed.

6           (2) CONFORMING AMENDMENTS.—

7           (A) VISA REVOCATION.—Section 428(c)(2)  
8 of the Homeland Security Act of 2002 (6  
9 U.S.C. 236(c)(2)) is amended—

10                   (i) by striking subparagraph (K); and

11                   (ii) by redesignating subparagraphs

12                   (L) through (P) as subparagraphs (K)

13                   through (O), respectively.

14           (B) EFFECT OF DETERMINATION.—Sec-  
15 tion 606 of the Illegal Immigration Reform and  
16 Immigrant Responsibility Act of 1996 (Public  
17 Law 104–208; 8 U.S.C. 1255 note) is repealed.

18           (C) PROPERTY IMMUNE FROM ATTACH-  
19 MENT.—Section 1611 of title 28, United States  
20 Code, is amended by striking subsection (c).

21           (D) INTERNATIONAL CLAIMS.—Sections  
22 514 and 515 of the International Claims Settle-  
23 ment Act of 1949 (22 U.S.C. 1643l and  
24 1643m) are repealed.

1 (f) REPEAL OF PROVISIONS IMPOSING CERTAIN RE-  
 2 STRICTIONS ON ASSISTANCE TO FORMER SOVIET COUN-  
 3 TRIES.—

4 (1) IN GENERAL.—Section 498A of the Foreign  
 5 Assistance Act of 1961 (22 U.S.C. 2295a) is amend-  
 6 ed—

7 (A) in subsection (a)(11), by striking “and  
 8 intelligence facilities, including the military and  
 9 intelligence facilities at Lourdes and Cien-  
 10 fuegos,” and inserting “facilities,”;

11 (B) in subsection (b)—

12 (i) in paragraph (4), by inserting “or”  
 13 after the semicolon;

14 (ii) by striking paragraph (5); and

15 (iii) by redesignating paragraph (6) as  
 16 paragraph (5); and

17 (C) by striking subsection (d).

18 (2) DEFINITIONS.—Section 498B(k) of the  
 19 Foreign Assistance Act of 1961 (22 U.S.C.  
 20 2295b(k)) is amended by striking paragraphs (3)  
 21 and (4).

22 (g) TRADE SANCTIONS REFORM AND EXPORT EN-  
 23 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-  
 24 form and Export Enhancement Act of 2000 (22 U.S.C.  
 25 7201 et seq.) is amended—

1           (1) in section 906(a)(1) (22 U.S.C.  
2       7205(a)(1)), by striking “Cuba,”;

3           (2) in section 908 (22 U.S.C. 7207)—

4               (A) by striking subsection (b);

5               (B) in subsection (a)—

6                   (i) by striking “PROHIBITION” and all  
7                   that follows through “(1) IN GENERAL.—  
8                   Notwithstanding” and inserting “IN GEN-  
9                   ERAL.—Notwithstanding”;

10                  (ii) by striking “for exports to Cuba  
11                  or”;

12                  (iii) by striking paragraph (2); and

13                  (iv) by redesignating paragraph (3) as  
14                  subsection (b) and by moving such sub-  
15                  section, as so redesignated, 2 ems to the  
16                  left; and

17                  (C) in subsection (b), as redesignated by  
18                  subparagraph (B)(iv), by striking “paragraph  
19                  (1)” and inserting “subsection (a)”;

20                  (3) by striking section 909 (22 U.S.C. 7208);

21                  (4) by striking section 910 (22 U.S.C. 7209);

22       and

23                  (5) by redesignating section 911 (Public Law  
24       106–387; 114 Stat. 1549A–72) as section 909.

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

7 (i) SUGAR QUOTA PROHIBITION UNDER FOOD SECU-  
 8 RITY ACT OF 1985.—Subsection (c) of section 902 of the  
 9 Food Security Act of 1985 (Public Law 99–198; 99 Stat.  
 10 1444) is repealed.

11 **SEC. 3. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**  
 12 **TIES.**

13 Any common carrier, as defined in section 3 of the  
 14 Communications Act of 1934 (47 U.S.C. 153), is author-  
 15 ized to install, maintain, and repair telecommunications  
 16 equipment and facilities in Cuba, and otherwise provide  
 17 telecommunications services between the United States  
 18 and Cuba. The authority of this section includes the au-  
 19 thority to upgrade facilities and equipment.

20 **SEC. 4. TRAVEL.**

21 (a) IN GENERAL.—Travel to and from Cuba by indi-  
 22 viduals who are citizens or residents of the United States,  
 23 and any transactions ordinarily incident to such travel,  
 24 may not be regulated or prohibited if that travel would  
 25 be lawful in the United States.

1 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Trans-  
 2 actions ordinarily incident to travel that may not be regu-  
 3 lated or prohibited under subsection (a) include the fol-  
 4 lowing:

5 (1) Transactions ordinarily incident to travel or  
 6 maintenance in Cuba.

7 (2) Normal banking transactions involving for-  
 8 eign currency drafts, traveler’s checks, or other ne-  
 9 gotiable instruments incident to that travel.

10 **SEC. 5. NEGOTIATIONS WITH CUBA.**

11 (a) NEGOTIATIONS.—The President should take all  
 12 necessary steps to advance negotiations with the Govern-  
 13 ment of Cuba—

14 (1) for the purpose of settling claims of nation-  
 15 als of the United States against the Government of  
 16 Cuba for the taking of property by such government;  
 17 and

18 (2) for the purpose of securing the protection of  
 19 internationally recognized human rights.

20 (b) DEFINITIONS.—In this section, the terms “na-  
 21 tional of the United States” and “property” have the  
 22 meanings given those terms in section 502 of the Inter-  
 23 national Claims Settlement Act of 1949 (22 U.S.C.  
 24 1643a).

1 **SEC. 6. EXTENSION OF NONDISCRIMINATORY TRADE**  
 2 **TREATMENT.**

3 (a) SENSE OF CONGRESS.—

4 (1) IN GENERAL.—It is the sense of the Con-  
 5 gress that—

6 (A) the United States should promote  
 7 democratic change and economic reform by nor-  
 8 malizing trade relations with Cuba; and

9 (B) upon the enactment of this Act, it will  
 10 no longer be necessary for the United States to  
 11 continue to use article XXI of the GATT 1994  
 12 with respect to Cuba, understanding that the  
 13 President retains full authority to invoke article  
 14 XXI of the GATT 1994 and comparable provi-  
 15 sions in other Uruguay Round Agreements in  
 16 the future in all appropriate circumstances.

17 (2) DEFINITIONS.—In this section, the terms  
 18 “GATT 1994” and “Uruguay Round Agreements”  
 19 have the meanings given those terms in section 2 of  
 20 the Uruguay Round Agreements Act (19 U.S.C.  
 21 3501).

22 (b) EXTENSION OF NONDISCRIMINATORY TREAT-  
 23 MENT TO THE PRODUCTS OF CUBA.—

24 (1) HARMONIZED TARIFF SCHEDULE AMEND-  
 25 MENTS.—Subdivision (b) of general note 3 of the

1 Harmonized Tariff Schedule of the United States is  
2 amended—

3 (A) by striking “to section 401 of the Tar-  
4 iff Classification Act of 1962,”; and

5 (B) by striking “Cuba”.

6 (2) REPEAL OF SECTION 401 OF THE TARIFF  
7 CLASSIFICATION ACT OF 1962.—Section 401 of the  
8 Tariff Classification Act of 1962 (Public Law 87–  
9 456; 76 Stat. 78) is repealed.

10 (3) TERMINATION OF APPLICATION OF TITLE IV  
11 OF THE TRADE ACT OF 1974 TO CUBA.—

12 (A) EXTENSION OF NONDISCRIMINATORY  
13 TREATMENT.—Nondiscriminatory treatment  
14 (normal trade relations treatment) shall apply  
15 to the products of Cuba.

16 (B) TERMINATION OF APPLICATION OF  
17 TITLE IV.—Title IV of the Trade Act of 1974  
18 (19 U.S.C. 2431 et seq.) shall cease to apply to  
19 Cuba.

20 (4) EFFECTIVE DATE.—This section, and the  
21 amendments made by this section, shall apply with  
22 respect to goods entered, or withdrawn from ware-  
23 house for consumption, on or after the 15th day  
24 after the date of the enactment of this Act.

1       (c) REPORT TO CONGRESS.—The President shall  
2 submit to Congress, not later than 18 months after the  
3 date of the enactment of this Act, a report on trade rela-  
4 tions between the United States and Cuba.

5 **SEC. 7. PROHIBITION ON LIMITING ANNUAL REMITTANCES.**

6       (a) IN GENERAL.—Except as provided in subsection  
7 (b), the Secretary of the Treasury may not limit the  
8 amount of remittances to Cuba that may be made by any  
9 person who is subject to the jurisdiction of the United  
10 States, and the Secretary shall rescind all regulations in  
11 effect on the date of the enactment of this Act that so  
12 limit the amount of those remittances.

13       (b) RULE OF CONSTRUCTION.—Nothing in sub-  
14 section (a) may be construed to prohibit the prosecution  
15 or conviction of any person committing an offense de-  
16 scribed in section 1956 of title 18, United States Code  
17 (relating to the laundering of monetary instruments), or  
18 section 1957 of such title (relating to engaging in mone-  
19 tary transactions in property derived from specific unlaw-  
20 ful activity).

21 **SEC. 8. REQUIREMENT TO REPORT TO CONGRESS PRIOR**  
22 **TO DENIAL OF FOREIGN TAX CREDIT WITH**  
23 **RESPECT TO CERTAIN FOREIGN COUNTRIES.**

24       (a) IN GENERAL.—Subclause (II) of section  
25 901(j)(2)(B)(i) of the Internal Revenue Code of 1986 is

1 amended by striking “such country becomes” and insert-  
2 ing “the date on which the President reports to Congress  
3 that such country has been determined to be”.

4 (b) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
6 the amendment made by this section shall apply to  
7 any determination regarding whether a foreign coun-  
8 try is described in subparagraph (A) of section  
9 901(j)(2) of the Internal Revenue Code of 1986  
10 which is made after the date of the enactment of  
11 this Act.

12 (2) NON-APPLICATION TO COUNTRIES SUBJECT  
13 TO DENIAL OF FOREIGN TAX CREDIT.—Nothing in  
14 this section, or the amendment made by this section,  
15 shall be construed to alter, amend, or otherwise af-  
16 fect the application of subsection (j) of section 901  
17 of such Code to any country which has been deter-  
18 mined to be a country described in paragraph (2)(A)  
19 of such subsection on or before the date of the en-  
20 actment of this Act.

21 **SEC. 9. EFFECTIVE DATE.**

22 Except as provided in sections 6 and 8, this Act and  
23 the amendments made by this Act shall take effect on the

- 1 date that is 60 days after the date of the enactment of
- 2 this Act.

