

111TH CONGRESS
1ST SESSION

H. R. 2272

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

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2009

Mr. RUSH (for himself, Ms. LEE of California, Mr. WATT, Mr. SERRANO, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. COSTELLO, Ms. WOOLSEY, Mr. FARR, Ms. RICHARDSON, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. CLARKE, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Ms. WATERS, Mr. JOHNSON of Georgia, Mr. FATTAH, Mr. CLYBURN, Mr. PAYNE, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. STUPAK, Mr. FILNER, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. CONYERS, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. DELAHUNT, Mr. KILDEE, Mr. COHEN, Ms. MATSUI, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. McDERMOTT, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States-Cuba
3 Trade Normalization Act of 2009”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) with the end of the cold war and the col-
7 lapse of the Soviet Union, Cuba is no longer a threat
8 to the United States or the Western Hemisphere;

9 (2) the continuation of the embargo on trade
10 between the United States and Cuba that was de-
11 clared in 1962 is not fulfilling the purpose for which
12 it was established;

13 (3) in the former Soviet Union, the Eastern
14 bloc countries, China, and Vietnam, the United
15 States is using economic, cultural, academic, and
16 scientific engagement to support its policy of pro-
17 moting democratic and human rights reforms;

18 (4) extension to Cuba of unconditional normal
19 trade relations treatment would assist Cuba in devel-
20 oping its economy based on free market principles
21 and becoming competitive in the global marketplace;

22 (5) the United States can best support demo-
23 cratic change and human rights in Cuba by pro-
24 moting trade and commerce, travel, communications,
25 and cultural, academic, and scientific exchanges;

1 in effect on the day before such effective date pursuant
2 to the exercise of such authorities shall cease to be effec-
3 tive on such date.

4 (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-
5 VISIONS OF LAW.—

6 (1) REMOVAL OF PROHIBITIONS.—Any prohibi-
7 tion on exports to Cuba that is in effect on the day
8 before the effective date of this Act under the Ex-
9 port Administration Act of 1979 (as continued in ef-
10 fect under the International Emergency Economic
11 Powers Act) shall cease to be effective on such effec-
12 tive date.

13 (2) AUTHORITY FOR NEW RESTRICTIONS.—The
14 President may, on and after the effective date of this
15 Act—

16 (A) impose export controls with respect to
17 Cuba under section 5, 6(j), 6(l), or 6(m) of the
18 Export Administration Act of 1979 (as contin-
19 ued in effect under the International Emer-
20 gency Economic Powers Act), and

21 (B) exercise the authorities the President
22 has under the International Emergency Eco-
23 nomic Powers Act with respect to Cuba pursu-
24 ant to a declaration of national emergency re-
25 quired by that Act that is made on account of

1 an unusual and extraordinary threat, that did
2 not exist before the enactment of this Act, to
3 the national security, foreign policy, or economy
4 of the United States.

5 (d) CUBAN DEMOCRACY ACT.—The Cuban Democ-
6 racy Act of 1992 (22 U.S.C. 6001 and following) is re-
7 pealed.

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) (22 U.S.C.
15 7205(a)(1))—

16 (A) by striking “Cuba,”; and

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

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

20 (A) by striking subsection (b);

21 (B) in subsection (a)—

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

1 (ii) by striking “for exports to Cuba
2 or”;

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

4 (iv) by redesignating paragraph (3) as
5 subsection (b) (and conforming the margin
6 accordingly); and

7 (C) in subsection (b) (as redesignated), by
8 striking “paragraph (1)” and inserting “sub-
9 section (a)”;

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

11 (4) by striking section 910 (22 U.S.C. 2209);

12 and

13 (5) by redesignating section 911 as section 909.

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

20 (h) TERMINATION OF DENIAL OF FOREIGN TAX
21 CREDIT WITH RESPECT TO CUBA.—Subparagraph (A) of
22 section 901(j)(2) of the Internal Revenue Code of 1986
23 (relating to denial of foreign tax credit, etc., with respect
24 to certain foreign countries) is amended by adding at the
25 end the following new flush sentence:

1 “Notwithstanding the preceding sentence, this
2 subsection shall not apply to Cuba after the
3 date which is 60 days after the date of the en-
4 actment of this sentence.”.

5 (i) SUGAR QUOTA PROHIBITION UNDER FOOD SECUR-
6 RITY ACT OF 1985.—Section 902(c) of the Food Security
7 Act of 1985 is repealed.

8 **SEC. 4. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**
9 **TIES.**

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

17 **SEC. 5. TRAVEL.**

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

23 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Any
24 transactions ordinarily incident to travel which may not

1 be regulated or prohibited under subsection (a) include,
2 but are not limited to—

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

5 (2) normal banking transactions involving for-
6 eign currency drafts, traveler’s checks, or other ne-
7 gotiable instruments incident to such travel.

8 **SEC. 6. DIRECT MAIL DELIVERY TO CUBA.**

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

14 **SEC. 7. NEGOTIATIONS WITH CUBA.**

15 (a) NEGOTIATIONS.—The President should take all
16 necessary steps to conduct negotiations with the Govern-
17 ment of Cuba—

18 (1) for the purpose of settling claims of nation-
19 als of the United States against the Government of
20 Cuba for the taking of property by such government;
21 and

22 (2) for the purpose of securing the protection of
23 internationally recognized human rights.

24 (b) DEFINITIONS.—As used in this section, the terms
25 “national of the United States” and “property” have the

1 meanings given those terms in section 502 of the Inter-
2 national Claims Settlement Act of 1949 (22 U.S.C.
3 1643a).

4 **SEC. 8. EXTENSION OF NONDISCRIMINATORY TRADE**
5 **TREATMENT.**

6 (a) SENSE OF CONGRESS.—

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

9 (A) the United States should promote
10 democratic change and economic reform by nor-
11 malizing trade relations with Cuba; and

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

20 (2) DEFINITIONS.—In this section, the term
21 “GATT 1994” and “Uruguay Round Agreements”
22 have the meanings given those terms in section 2 of
23 the Uruguay Round Agreements Act (19 U.S.C.
24 3501).

1 (b) EXTENSION OF NONDISCRIMINATORY TREAT-
2 MENT TO THE PRODUCTS OF CUBA.—

3 (1) HARMONIZED TARIFF SCHEDULE AMEND-
4 MENTS.—General note 3(b) of the Harmonized Tar-
5 iff Schedule of the United States is amended—

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

8 (B) by striking “Cuba”.

9 (2) REPEAL OF SECTION 401 OF THE TARIFF
10 CLASSIFICATION ACT OF 1962.—Section 401 of the
11 Tariff Classification Act of 1962 (76 Stat. 78) is re-
12 pealed.

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

15 (A) EXTENSION OF NONDISCRIMINATORY
16 TREATMENT.—Nondiscriminatory treatment
17 (normal trade relations treatment) shall apply
18 to the products of Cuba.

19 (B) TERMINATION OF APPLICATION OF
20 TITLE IV.—Title IV of the Trade Act of 1974
21 (19 U.S.C. 2101 et seq.) shall cease to apply to
22 Cuba.

23 (4) EFFECTIVE DATE.—This section, and the
24 amendments and repeal made by this section, shall
25 apply with respect to goods entered, or withdrawn

1 from warehouse for consumption, on or after the
2 15th day after the date of the enactment of this Act.

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

7 **SEC. 9. PROHIBITION ON LIMITING ANNUAL REMITTANCES.**

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

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

1 **SEC. 10. REMOVAL OF CUBA FROM STATE SPONSORS OF**
2 **TERRORISM LIST.**

3 (a) IN GENERAL.—Notwithstanding the provisions of
4 law described in subsection (b), any determination of the
5 Secretary of State in effect on the date of the enactment
6 of this Act that the Government of Cuba has repeatedly
7 provided support for acts of international terrorism pursu-
8 ant to such provisions of law is hereby rescinded.

9 (b) PROVISIONS OF LAW DESCRIBED.—The provi-
10 sions of law referred to in subsection (a) are section 620A
11 of the Foreign Assistance Act of 1961 (22 U.S.C. 2371),
12 section 40 of the Arms Export Control Act (22 U.S.C.
13 2780), and section 6(j) of the Export Administration Act
14 of 1979 (50 U.S.C. App. 2405(j)).

15 (c) EFFECTIVE DATE.—This section shall take effect
16 on the date of the enactment of this Act.

17 **SEC. 11. EFFECTIVE DATE.**

18 Except as provided in sections 8 and 10, this Act
19 shall take effect 60 days after the date of the enactment
20 of this Act.

○