

113TH CONGRESS
1ST SESSION

H. R. 1917

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

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2013

Mr. RUSH 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States-Cuba
5 Normalization Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

5 (3) in the former Soviet Union, the Eastern
6 bloc countries, China, and Vietnam, the United
7 States is using diplomatic, economic, cultural, aca-
8 demic, and scientific engagement to support its pol-
9 icy of promoting democratic and human rights re-
10 forms;

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

15 (5) the United States can best support demo-
16 cratic change and human rights in Cuba by pro-
17 moting trade and commerce, travel, communications,
18 and cultural, academic, and scientific exchanges;

19 (6) expanding bilateral trade relations is likely
20 to promote further progress in Cuba on human
21 rights and democratic rule and assist Cuba in adopt-
22 ing regional and world trading rules and principles;
23 and

24 (7) Cuba was one of the founding members of
25 the General Agreement on Tariffs and Trade in

1 1947 and is an original member of the World Trade
2 Organization, and extension of unconditional normal
3 trade relations treatment to Cuba would enable the
4 United States to avail itself of all rights under the
5 World Trade Organization with respect to Cuba.

6 **SEC. 3. REMOVAL OF PROVISIONS RESTRICTING TRADE**
7 **AND OTHER RELATIONS WITH CUBA.**

8 (a) **AUTHORITY FOR EMBARGO AND SUGAR**
9 **QUOTA.**—Section 620(a) of the Foreign Assistance Act of
10 1961 (22 U.S.C. 2370(a)) is repealed.

11 (b) **TRADING WITH THE ENEMY ACT.**—The authori-
12 ties conferred upon the President by section 5(b) of the
13 Trading With the Enemy Act, which were being exercised
14 with respect to Cuba on July 1, 1977, as a result of a
15 national emergency declared by the President before that
16 date, and are being exercised on the day before the effec-
17 tive date of this Act, may not be exercised on or after
18 such effective date with respect to Cuba. Any regulations
19 in effect on the day before such effective date pursuant
20 to the exercise of such authorities shall cease to be effec-
21 tive on such 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 (as continued in ef-
3 fect under the International Emergency Economic
4 Powers Act) shall cease to be effective on such effec-
5 tive 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 section 5, 6(j), 6(l), or 6(m) of the
11 Export Administration Act of 1979 (as contin-
12 ued in effect under the International Emer-
13 gency Economic Powers Act); and

14 (B) exercise the authorities the President
15 has under the International Emergency Eco-
16 nomic Powers Act with respect to Cuba pursu-
17 ant to a declaration of national emergency re-
18 quired by that Act that is made on account of
19 an unusual and extraordinary threat, that did
20 not exist before the enactment of this Act, to
21 the national security, foreign policy, or economy
22 of the United States.

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

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 is re-
5 pealed.

6 (2) CONFORMING AMENDMENTS.—(A) Section
7 498A of the Foreign Assistance Act of 1961 (22
8 U.S.C. 2295a) is amended—

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

13 (ii) in subsection (b)—

14 (I) in paragraph (4), by adding “and”
15 after the semicolon;

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

17 (III) by redesignating paragraph (6)
18 as paragraph (5); and

19 (iii) by striking subsection (d).

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

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

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

4 (f) TRADE SANCTIONS REFORM AND EXPORT EN-
5 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-
6 form and Export Enhancement Act of 2000 (22 U.S.C.
7 7201 et seq.) is amended—

8 (1) in section 906(a)(1) (22 U.S.C.
9 7205(a)(1))—

10 (A) by striking “Cuba,”; and

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

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

14 (A) by striking subsection (b);

15 (B) in subsection (a)—

16 (i) by striking “PROHIBITION” and all
17 that follows through “(1) IN GENERAL.—
18 ” and inserting “IN GENERAL.—”;

19 (ii) by striking “for exports to Cuba
20 or”;

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

22 (iv) by redesignating paragraph (3) as
23 subsection (b) (and conforming the margin
24 accordingly); and

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

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

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

6 and

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

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

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

20 “Notwithstanding the preceding sentence, this
21 subsection shall not apply to Cuba after the
22 date which is 60 days after the date of the en-
23 actment 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. 4. 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. 5. 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. 6. 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. 7. NEGOTIATIONS WITH CUBA.**

11 (a) NEGOTIATIONS.—The President should take all
12 necessary steps to conduct 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.—As used in this section, the terms
21 “national 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. 8. 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 term
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.—General note 3(b) of the Harmonized Tar-
26 iff Schedule of the United States is amended—

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

3 (B) by striking “Cuba”.

4 (2) REPEAL OF SECTION 401 OF THE TARIFF
5 CLASSIFICATION ACT OF 1962.—Section 401 of the
6 Tariff Classification Act of 1962 (76 Stat. 78) is re-
7 pealed.

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

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

14 (B) TERMINATION OF APPLICATION OF
15 TITLE IV.—Title IV of the Trade Act of 1974
16 (19 U.S.C. 2101 et seq.) shall cease to apply to
17 Cuba.

18 (4) EFFECTIVE DATE.—This section, and the
19 amendments and repeal made by this section, shall
20 apply with respect to goods entered, or withdrawn
21 from warehouse for consumption, on or after the
22 15th day after the effective date of this Act.

23 (c) REPORT TO CONGRESS.—The President shall
24 submit to the Congress, not later than 18 months after

1 the date of the enactment of this Act, a report on trade
2 relations between the United States and Cuba.

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

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

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

19 **SEC. 10. REMOVAL OF CUBA FROM STATE SPONSORS OF**
20 **TERRORISM LIST.**

21 (a) IN GENERAL.—Notwithstanding the provisions of
22 law described in subsection (b), any determination of the
23 Secretary of State in effect on the date of the enactment
24 of this Act that the Government of Cuba has repeatedly

1 provided support for acts of international terrorism pursu-
2 ant to such provisions of law is hereby rescinded.

3 (b) PROVISIONS OF LAW DESCRIBED.—The provi-
4 sions of law referred to in subsection (a) are section 620A
5 of the Foreign Assistance Act of 1961 (22 U.S.C. 2371),
6 section 40 of the Arms Export Control Act (22 U.S.C.
7 2780), and section 6(j) of the Export Administration Act
8 of 1979 (50 U.S.C. App. 2405(j)).

9 (c) EFFECTIVE DATE.—This section shall take effect
10 on the effective date of this Act.

11 **SEC. 11. STATEMENT OF POLICY CALLING FOR RELEASE OF**
12 **ALAN PHILLIP GROSS.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) The Government of Cuba has signed the
15 International Covenant on Civil and Political Rights.

16 (2) On November 23, 2012, the United Nations
17 Human Rights Council’s Working Group on Arbitrary
18 Detention published Opinion No. 69/2012 stat-
19 ing “The imprisonment of Mr. Alan Phillip Gross by
20 the justice system of the Republic of Cuba is arbi-
21 trary.”.

22 (b) STATEMENT OF POLICY.—It shall be the policy
23 of the United States to—

1 (1) call for the immediate and unconditional re-
2 lease of United States citizen Alan Phillip Gross;
3 and

4 (2) urge the Government of Cuba in the mean-
5 time to provide all appropriate diagnostic and med-
6 ical treatment to address the full range of medical
7 issues facing Mr. Gross and to allow him to choose
8 a doctor to provide him with an independent medical
9 assessment.

10 **SEC. 12. EFFECTIVE DATE.**

11 This Act and the amendments made by this Act shall
12 take effect—

13 (1) 60 days after the date of the enactment of
14 this Act, or

15 (2) 60 days after the date on which the Presi-
16 dent certifies to Congress that United States citizen
17 Alan Phillip Gross has been released from the cus-
18 tody of the Government of Cuba,

19 whichever occurs later.

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