

116TH CONGRESS
1ST SESSION

H. R. 2404

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

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, Agriculture, and Financial Services, 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 Relations Normalization Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the United States can best support demo-
9 cratic change and human rights in Cuba through bi-
10 lateral dialogue with the Cuban government and by

1 promoting trade and commerce, travel, communica-
2 tions, and cultural, academic, and scientific ex-
3 changes;

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

8 (3) expanding bilateral trade relations is likely
9 to promote further progress in Cuba on human
10 rights and democratic rule and assist Cuba in adopt-
11 ing regional and world trading rules and principles;
12 and

13 (4) Cuba was one of the founding members of
14 the General Agreement on Tariffs and Trade in
15 1947 and is an original member of the World Trade
16 Organization, and extension of unconditional normal
17 trade relations treatment to Cuba would enable the
18 United States to avail itself of all rights under the
19 World Trade Organization with respect to Cuba.

20 **SEC. 3. REMOVAL OF PROVISIONS RESTRICTING TRADE**
21 **AND OTHER RELATIONS WITH CUBA.**

22 (a) **AUTHORITY FOR EMBARGO AND SUGAR**
23 **QUOTA.**—Section 620(a) of the Foreign Assistance Act of
24 1961 (22 U.S.C. 2370(a)) is repealed.

1 (b) TRADING WITH THE ENEMY ACT.—The authori-
2 ties conferred upon the President by section 5(b) of the
3 Trading With the Enemy Act (50 U.S.C. 4305(b)), which
4 were being exercised with respect to Cuba on July 1, 1977,
5 as a result of a national emergency declared by the Presi-
6 dent before that date, and are being exercised on the day
7 before the effective date of this Act, may not be exercised
8 on or after such effective date with respect to Cuba. Any
9 regulations in effect on the day before such effective date
10 pursuant to the exercise of such authorities shall cease to
11 be effective on such date.

12 (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-
13 VISIONS OF LAW.—

14 (1) REMOVAL OF PROHIBITIONS.—Any prohibi-
15 tion on exports to Cuba that is in effect on the day
16 before the effective date of this Act under the Ex-
17 port Control Reform Act of 2018 (50 U.S.C. 4801
18 et seq.) shall cease to be effective on such effective
19 date.

20 (2) AUTHORITY FOR NEW RESTRICTIONS.—The
21 President may, on and after the effective date of this
22 Act—

23 (A) impose export controls with respect to
24 Cuba under the Export Control Reform Act of
25 2018 (50 U.S.C. 4801 et seq.); and

1 (B) exercise the authorities the President
2 has under the International Emergency Eco-
3 nomic Powers Act (50 U.S.C. 1701 et seq.)
4 with respect to Cuba pursuant to a declaration
5 of national emergency required by that Act that
6 is made on account of an unusual and extraor-
7 dinary threat, that did not exist before the en-
8 actment of this Act, to the national security,
9 foreign policy, or economy of the United States.

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

12 (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC
13 SOLIDARITY (LIBERTAD) ACT OF 1996.—

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

17 (2) CONFORMING AMENDMENTS.—(A) Section
18 498A of the Foreign Assistance Act of 1961 (22
19 U.S.C. 2295a) is amended—

20 (i) in subsection (a)(11) by striking “and
21 intelligence facilities, including the military and
22 intelligence facilities at Lourdes and Cien-
23 fuegos,” and inserting “facilities,”;

24 (ii) in subsection (b)—

1 (I) in paragraph (4), by adding “and”
2 after the semicolon;
3 (II) by striking paragraph (5); and
4 (III) by redesignating paragraph (6)
5 as paragraph (5); and
6 (iii) by striking subsection (d).

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

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

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

15 (f) TRADE SANCTIONS REFORM AND EXPORT EN-
16 HANCEMENT ACT OF 2000.—The Trade Sanctions Re-
17 form and Export Enhancement Act of 2000 (22 U.S.C.
18 7201 et seq.) is amended—

19 (1) in section 906(a)(1) (22 U.S.C.
20 7205(a)(1))—

21 (A) by striking “Cuba,”; and

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

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

25 (A) by striking subsection (b);

1 (B) in subsection (a)—

2 (i) by striking “PROHIBITION” and all
3 that follows through “(1) IN
4 GENERAL.—” and inserting “IN GEN-
5 ERAL.—”;

6 (ii) by striking “for exports to Cuba
7 or”;

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

9 (iv) by redesignating paragraph (3) as
10 subsection (b) (and conforming the margin
11 accordingly); and

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

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

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

17 and

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

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

1 (h) SUGAR QUOTA PROHIBITION UNDER FOOD SE-
2 CURITY ACT OF 1985.—Section 902(c) of the Food Secu-
3 rity 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. ONGOING DISCUSSIONS WITH CUBA.**

5 (a) CLAIMS ISSUES.—

6 (1) IN GENERAL.—The President shall take all
7 necessary steps to conduct negotiations with the
8 Government of Cuba for the purpose of settling
9 claims of nationals of the United States against the
10 Government of Cuba for the taking of property by
11 such government.

12 (2) BASIS OF NEGOTIATIONS.—These negotia-
13 tions should use as their basis the three bilateral
14 meetings between the United States and Cuba held
15 between December 2015 and January 2017.

16 (b) HUMAN RIGHTS.—

17 (1) IN GENERAL.—The President shall take all
18 necessary steps to engage in bilateral dialogue with
19 the Government of Cuba for the purpose of securing
20 the protection of internationally recognized human
21 rights.

22 (2) CONTINUATION OF DIALOGUE.—This bilat-
23 eral dialogue should be a continuation of the dia-
24 logue between the United States and Cuba initiated
25 in 2016.

1 (c) DEFINITIONS.—As used in this section, the terms
 2 “national of the United States” and “property” have the
 3 meanings given those terms in section 502 of the Inter-
 4 national Claims Settlement Act of 1949 (22 U.S.C.
 5 1643a).

6 **SEC. 7. EXTENSION OF NONDISCRIMINATORY TRADE**
 7 **TREATMENT.**

8 (a) SENSE OF CONGRESS.—

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

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

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

22 (2) DEFINITIONS.—In this section, the term
 23 “GATT 1994” and “Uruguay Round Agreements”
 24 have the meanings given those terms in section 2 of

1 the Uruguay Round Agreements Act (19 U.S.C.
2 3501).

3 (b) EXTENSION OF NONDISCRIMINATORY TREAT-
4 MENT TO THE PRODUCTS OF CUBA.—

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

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

10 (B) by striking “Cuba”.

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

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

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

21 (B) TERMINATION OF APPLICATION OF
22 TITLE IV.—Title IV of the Trade Act of 1974
23 (19 U.S.C. 2101 et seq.) shall cease to apply to
24 Cuba.

1 (4) EFFECTIVE DATE.—This section, and the
2 amendments and repeal made by this section, shall
3 apply with respect to goods entered, or withdrawn
4 from warehouse for consumption, on or after the
5 15th day after the effective date of this Act.

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

10 **SEC. 8. PROHIBITION ON LIMITING ANNUAL REMITTANCES.**

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

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

1 **SEC. 9. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect 60 days after the date of the enactment of this
4 Act.

