

115TH CONGRESS  
1ST SESSION

# H. R. 2966

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2017

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

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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       Normalization Act of 2017”.

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  
18 GENERAL.—” and inserting “IN GEN-  
19 ERAL.—”;

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

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

23 (iv) by redesignating paragraph (3) as  
24 subsection (b) (and conforming the margin  
25 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) SUGAR QUOTA PROHIBITION UNDER FOOD SE-  
15 CURITY ACT OF 1985.—Section 902(c) of the Food Secu-  
16 rity Act of 1985 is repealed.

17 **SEC. 4. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**  
18 **TIES.**

19 Any common carrier within the meaning of section  
20 3 of the Communications Act of 1934 (47 U.S.C. 153)  
21 is authorized to install, maintain, and repair telecommuni-  
22 cations equipment and facilities in Cuba, and otherwise  
23 provide telecommunications services between the United  
24 States and Cuba. The authority of this section includes  
25 the authority to upgrade facilities and equipment.

1 **SEC. 5. TRAVEL.**

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

7 (b) TRANSACTIONS INCIDENT TO TRAVEL.—Any  
8 transactions ordinarily incident to travel which may not  
9 be regulated or prohibited under subsection (a) include,  
10 but are not limited to—

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

13 (2) normal banking transactions involving for-  
14 eign currency drafts, traveler's checks, or other ne-  
15 gotiable instruments incident to such travel.

16 **SEC. 6. ONGOING DISCUSSIONS WITH CUBA.**

17 (a) CLAIMS ISSUES.—

18 (1) IN GENERAL.—The President shall take all  
19 necessary steps to conduct negotiations with the  
20 Government of Cuba for the purpose of settling  
21 claims of nationals of the United States against the  
22 Government of Cuba for the taking of property by  
23 such government.

24 (2) BASIS OF NEGOTIATIONS.—These negotia-  
25 tions should use as their basis the three bilateral



1 meetings between the United States and Cuba held  
2 between December 2015 and January 2017.

3 (b) HUMAN RIGHTS.—

4 (1) IN GENERAL.—The President shall take all  
5 necessary steps to engage in bilateral dialogue with  
6 the Government of Cuba for the purpose of securing  
7 the protection of internationally recognized human  
8 rights.

9 (2) CONTINUATION OF DIALOGUE.—This bilat-  
10 eral dialogue should be a continuation of the dia-  
11 logue between the United States and Cuba initiated  
12 in 2016.

13 (c) DEFINITIONS.—As used in this section, the terms  
14 “national of the United States” and “property” have the  
15 meanings given those terms in section 502 of the Inter-  
16 national Claims Settlement Act of 1949 (22 U.S.C.  
17 1643a).

18 **SEC. 7. EXTENSION OF NONDISCRIMINATORY TRADE**  
19 **TREATMENT.**

20 (a) SENSE OF CONGRESS.—

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

23 (A) the United States should promote  
24 democratic change and economic reform by nor-  
25 malizing trade relations with Cuba; and

1 (B) upon the enactment of this Act, it will  
2 no longer be necessary for the United States to  
3 continue to use article XXI of the GATT 1994  
4 with respect to Cuba, understanding that the  
5 President retains full authority to invoke article  
6 XXI of the GATT 1994 and comparable provi-  
7 sions in other Uruguay Round Agreements in  
8 the future in all appropriate circumstances.

9 (2) DEFINITIONS.—In this section, the term  
10 “GATT 1994” and “Uruguay Round Agreements”  
11 have the meanings given those terms in section 2 of  
12 the Uruguay Round Agreements Act (19 U.S.C.  
13 3501).

14 (b) EXTENSION OF NONDISCRIMINATORY TREAT-  
15 MENT TO THE PRODUCTS OF CUBA.—

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

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

21 (B) by striking “Cuba”.

22 (2) REPEAL OF SECTION 401 OF THE TARIFF  
23 CLASSIFICATION ACT OF 1962.—Section 401 of the  
24 Tariff Classification Act of 1962 (76 Stat. 78) is re-  
25 pealed.

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

3           (A) EXTENSION OF NONDISCRIMINATORY  
4       TREATMENT.—Nondiscriminatory treatment  
5       (normal trade relations treatment) shall apply  
6       to the products of Cuba.

7           (B) TERMINATION OF APPLICATION OF  
8       TITLE IV.—Title IV of the Trade Act of 1974  
9       (19 U.S.C. 2101 et seq.) shall cease to apply to  
10      Cuba.

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

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

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

21          (a) IN GENERAL.—Except as provided in subsection  
22      (b), the Secretary of the Treasury may not limit the  
23      amount of remittances to Cuba that may be made by any  
24      person who is subject to the jurisdiction of the United  
25      States, and the Secretary shall rescind all regulations in

1 effect on the date of enactment of this Act that so limit  
2 the amount of those remittances.

3 (b) STATUTORY CONSTRUCTION.—Nothing in sub-  
4 section (a) may be construed to prohibit the prosecution  
5 or conviction of any person committing an offense de-  
6 scribed in section 1956 of title 18, United States Code  
7 (relating to the laundering of monetary instruments), or  
8 section 1957 of such title (relating to engaging in mone-  
9 tary transactions in property derived from specific unlaw-  
10 ful activity).

11 **SEC. 9. EFFECTIVE DATE.**

12 This Act and the amendments made by this Act shall  
13 take effect 60 days after the date of the enactment of this  
14 Act.

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