

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_  
\_\_\_\_\_

## **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.—**

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12 repealed.

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

5           (b) TRADING WITH THE ENEMY ACT.—

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

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

19          (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-  
20          VISIONS OF LAW.—

21          (1) REMOVAL OF PROHIBITIONS.—Any prohibi-  
22          tion on exports to Cuba that is in effect on the day  
23          before the effective date of this Act under the Ex-  
24          port Administration Act of 1979 (Public Law 96-  
25          72; 93 Stat. 503) or the Export Control Reform Act

1 of 2018 (50 U.S.C. 4801 et seq.) shall cease to be  
2 effective on such effective date.

3 (2) AUTHORITY FOR NEW RESTRICTIONS.—The  
4 President may, on and after the effective date of this  
5 Act—

6 (A) impose export controls with respect to  
7 Cuba under the Export Control Reform Act of  
8 2018 (50 U.S.C. 4801 et seq.); and

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

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

22 (e) REPEAL OF CUBAN LIBERTY AND DEMOCRATIC  
23 SOLIDARITY (LIBERTAD) ACT OF 1996.—

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

4           (2) CONFORMING AMENDMENTS.—

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

8           (i) by striking subparagraph (K); and  
9           (ii) by redesignating subparagraphs  
10          (L) through (P) as subparagraphs (K)  
11          through (O), respectively.

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

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

19          (D) INTERNATIONAL CLAIMS.—Sections  
20          514 and 515 of the International Claims Settle-  
21          ment Act of 1949 (22 U.S.C. 1643l and  
22          1643m) are repealed.

23          (f) REPEAL OF PROVISIONS IMPOSING CERTAIN RE-  
24          STRICTIONS ON ASSISTANCE TO FORMER SOVIET COUN-  
25          TRIES.—

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

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

8                   (B) in subsection (b)—

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

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

12                           (iii) by redesignating paragraph (6) as  
13           paragraph (5); and

14                   (C) by striking subsection (d).

15           (2) DEFINITIONS.—Section 498B(k) of the  
16           Foreign Assistance Act of 1961 (22 U.S.C.  
17           2295b(k)) is amended by striking paragraphs (3)  
18           and (4).

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

23                   (1) in section 906(a)(1) (22 U.S.C.  
24           7205(a)(1)), by striking “Cuba,”;

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

1 (A) by striking subsection (b);

2 (B) in subsection (a)—

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

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

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

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

14 (C) in subsection (b), as redesignated by  
15 subparagraph (B)(iv), by striking “paragraph  
16 (1)” and inserting “subsection (a)”;

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

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

19 and

20 (5) by redesignating section 911 (Public Law  
21 106–387; 114 Stat. 1549A–72) as section 909.

22 (h) REPEAL OF PROHIBITION ON TRANSACTIONS OR  
23 PAYMENTS WITH RESPECT TO CERTAIN UNITED STATES  
24 INTELLECTUAL PROPERTY.—Section 211 of the Depart-  
25 ment of Commerce and Related Agencies Appropriations

1 Act, 1999 (as contained in section 101(b) of division A  
2 of Public Law 105–277; 112 Stat. 2681–88) is repealed.

3 (i) SUGAR QUOTA PROHIBITION UNDER FOOD SECU-  
4 RITY ACT OF 1985.—Subsection (c) of section 902 of the  
5 Food Security Act of 1985 (Public Law 99–198; 99 Stat.  
6 1444) is repealed.

7 **SEC. 3. TELECOMMUNICATIONS EQUIPMENT AND FACILI-**  
8 **TIES.**

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

16 **SEC. 4. TRAVEL.**

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

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

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

3           (2) Normal banking transactions involving for-  
4 eign currency drafts, traveler's checks, or other ne-  
5 gotiable instruments incident to that travel.

6 **SEC. 5. NEGOTIATIONS WITH CUBA.**

7           (a) NEGOTIATIONS.—The President should take all  
8 necessary steps to advance negotiations with the Govern-  
9 ment of Cuba—

10           (1) for the purpose of settling claims of nation-  
11 als of the United States against the Government of  
12 Cuba for the taking of property by such government;  
13 and

14           (2) for the purpose of securing the protection of  
15 internationally recognized human rights.

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

21 **SEC. 6. EXTENSION OF NONDISCRIMINATORY TRADE**  
22 **TREATMENT.**

23           (a) SENSE OF CONGRESS.—

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



1 (A) the United States should promote  
2 democratic change and economic reform by nor-  
3 malizing trade relations with Cuba; and

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

12 (2) DEFINITIONS.—In this section, the terms  
13 “GATT 1994” and “Uruguay Round Agreements”  
14 have the meanings given those terms in section 2 of  
15 the Uruguay Round Agreements Act (19 U.S.C.  
16 3501).

17 (b) EXTENSION OF NONDISCRIMINATORY TREAT-  
18 MENT TO THE PRODUCTS OF CUBA.—

19 (1) HARMONIZED TARIFF SCHEDULE AMEND-  
20 MENTS.—Subdivision (b) of general note 3 of the  
21 Harmonized Tariff Schedule of the United States is  
22 amended—

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

25 (B) by striking “Cuba”.

1           (2) REPEAL OF SECTION 401 OF THE TARIFF  
2 CLASSIFICATION ACT OF 1962.—Section 401 of the  
3 Tariff Classification Act of 1962 (Public Law 87–  
4 456; 76 Stat. 78) is repealed.

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

7           (A) EXTENSION OF NONDISCRIMINATORY  
8 TREATMENT.—Nondiscriminatory treatment  
9 (normal trade relations treatment) shall apply  
10 to the products of Cuba.

11           (B) TERMINATION OF APPLICATION OF  
12 TITLE IV.—Title IV of the Trade Act of 1974  
13 (19 U.S.C. 2431 et seq.) shall cease to apply to  
14 Cuba.

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

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

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

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

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

17 **SEC. 8. REQUIREMENT TO REPORT TO CONGRESS PRIOR**  
18 **TO DENIAL OF FOREIGN TAX CREDIT WITH**  
19 **RESPECT TO CERTAIN FOREIGN COUNTRIES.**

20 (a) IN GENERAL.—Subclause (II) of section  
21 901(j)(2)(B)(i) of the Internal Revenue Code of 1986 is  
22 amended by striking “such country becomes” and insert-  
23 ing “the date on which the President reports to Congress  
24 that such country has been determined to be”.

25 (b) EFFECTIVE DATE.—

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

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

17 **SEC. 9. EFFECTIVE DATE.**

18          Except as provided in sections 6 and 8, this Act and  
19          the amendments made by this Act shall take effect on the  
20          date that is 60 days after the date of the enactment of  
21          this Act.