

# HR 1951 IH

105th CONGRESS

1st Session

H. R. 1951

To make an exception to the United States embargo on trade with Cuba for the export of food, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes.

## IN THE HOUSE OF REPRESENTATIVES

June 18, 1997

Mr. TORRES (for himself, Mr. RANGEL, Mr. CAMPBELL, Mr. LEACH, Mr. PAUL, Mrs. MORELLA, Mr. SERRANO, Mr. MCDERMOTT, Ms. VELAZQUEZ, Mr. MOAKLEY, Mr. NADLER, Mr. MCGOVERN, Mr. SHAYS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. BOUCHER, Ms. WOOLSEY, Mr. FAZIO of California, Mr. HALL of Ohio, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Ways and Means, 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 make an exception to the United States embargo on trade with Cuba for the export of food, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

| SECTION | 1. | SHORT | TITLE. |
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This Act may be cited as the 'Cuban Humanitarian Trade Act of 1997'.

| SECTION 2. AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961. |
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Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting before the period at the end of the second sentence the following: ', except that any such embargo shall not apply with respect to the export of any food, medicines, medical supplies, medical instruments, or medical equipment, or with respect to travel incident to the delivery of food, medicines, medical supplies, medical instruments, or medical equipment'.

| SECTION 3. LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA. |
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Upon the enactment of this Act, any regulation, proclamation, or provision of law,

including Presidential Proclamation 3447 of February 3, 1962, the Export Administration Regulations (15 CFR 730 and following), and the Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of food, medicines, medical supplies, medical instruments, or medical equipment, or with respect to travel incident to the delivery of food, medicines, medical supplies, medical instruments, or medical equipment.

#### **SECTION 4. LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.**

After the enactment of this Act, the President may not restrict the exportation to Cuba of food, medicines, medical supplies, medical instruments, or medical equipment

- (1) under the Export Administration Act of 1979, except to the extent such restrictions would be permitted under section 5 of that Act for goods containing parts or components on which export controls are in effect under that section; or
- (2) under section 203 of the International Emergency Economic Powers Act, except to the extent the authorities under that section are exercised to restrict the export of medical instruments or medical equipment to deal with a threat to the national security of the United States by virtue of the technology incorporated in such instruments or equipment.

#### **SECTION 5. CONFORMING AMENDMENTS.**

(a) SANCTIONS UNDER CUBAN DEMOCRACY ACT OF 1992- Section 1705 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004) is amended

(1) in subsection (b)

(A) in the subsection caption by striking, DONATIONS and inserting, EXPORTS; and

(B) by striking 'donations of food to nongovernmental organizations or individuals in Cuba' and inserting 'exports of food to Cuba';

(2) by amending subsection (c) to read as follows:

'(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES TO CUBA- Exports of medicines, medical supplies, medical instruments, or medical equipment to Cuba shall not be restricted--

'(1) except to the extent such restrictions would be permitted--

'(A) under section 5 of the Export Administration Act of 1979 for goods containing parts or components on which export controls are in effect under that section; or

'(B) under clause (A), (B), or (C) of section 203(b)(2) of the International Emergency Economic Powers Act;

'(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

'(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

'(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

Before imposing restrictions under this subsection, the President shall submit to the Congress a report describing the restrictions to be imposed and the reasons for the restrictions.';

(3) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) INTERNATIONAL COOPERATION- Section 1704(b)(2)(C)(i) of the Cuban

Democracy Act of 1992 (22 U.S.C. 6003(b)(2)(C)(i)) is amended to read as follows:  
` (i) exports of food to Cuba; or'.

**SECTION 6. APPLICATION OF DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO CUBA.**

Subparagraph (A) of section 901(j)(2) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., with respect to certain foreign countries) is amended by adding at the end thereof the following new flush sentence:  
` Notwithstanding the preceding sentence, this subsection shall not apply to Cuba with respect to income, war profits, or excess profits taxes paid to Cuba that are attributable to activities with respect to articles permitted to be exported to Cuba, or travel incident thereto that is permitted, by virtue of the enactment of the Cuban Humanitarian Trade Act of 1997. The preceding sentence shall apply after the date which is 60 days after the date of the enactment of this sentence.'

**SECTION 7. INAPPLICABILITY OF OTHER RESTRICTIONS.**

This Act and the amendments made by this Act apply notwithstanding section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)).

**SECTION 8. REPORT TO CONGRESS.**

Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the Congress a report that sets forth--  
(1) the extent (expressed in volume and dollar amounts) of sales to Cuba of food, medicines, medical supplies, medical instruments, and medical equipment, since the enactment of this Act;  
(2) a description of the types and end users of the goods so exported; and  
(3) whether there has been any indication that any medicines, medical supplies, medical instruments, or medical equipment exported to Cuba since the enactment of this Act--  
(A) have been used for purposes of torture or other human rights abuses;  
(B) were reexported; or  
(C) were used in the production of any biotechnological product.