

115TH CONGRESS  
1ST SESSION

# S. 1286

To lift the trade embargo on Cuba.

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## IN THE SENATE OF THE UNITED STATES

MAY 25, 2017

Ms. KLOBUCHAR (for herself, Mr. ENZI, Mr. LEAHY, Mr. FLAKE, Mr. DURBIN, Mrs. GILLIBRAND, Ms. WARREN, Mr. WHITEHOUSE, Mrs. SHAHEEN, Ms. STABENOW, Mr. BENNET, Mr. MURPHY, Mr. PAUL, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To lift the trade embargo on Cuba.

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 “Freedom to Export  
5 to Cuba Act of 2017”.

6 **SEC. 2. REMOVAL OF PROVISIONS RESTRICTING TRADE**

7 **AND OTHER RELATIONS WITH CUBA.**

8 (a) **AUTHORITY FOR EMBARGO.—**

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

1 amended by striking “(1) No assistance” and all  
2 that follows through “(2) Except” and inserting  
3 “Except”.

4 (2) CONFORMING AMENDMENT.—Section 1709  
5 of the Cuban Democracy Act of 1992 (22 U.S.C.  
6 6008) is amended by striking “section 620(a)(2)”  
7 and inserting “section 620(a)”.

8 (b) TRADING WITH THE ENEMY ACT.—

9 (1) IN GENERAL.—The authorities conferred  
10 upon the President by section 5(b) of the Trading  
11 With the Enemy Act (50 U.S.C. 4305(b)), which  
12 were being exercised with respect to Cuba on July  
13 1, 1977, as a result of a national emergency de-  
14 clared by the President before that date, and are  
15 being exercised on the day before the date of the en-  
16 actment of this Act, may not be relied upon on or  
17 after such date of enactment to continue the imposi-  
18 tion of direct restrictions on trade with Cuba.

19 (2) REGULATIONS.—Any regulation that im-  
20 poses direct restrictions on trade with Cuba in effect  
21 on the day before the date of the enactment of this  
22 Act pursuant to the exercise of authorities described  
23 in paragraph (1) shall cease to be effective for that  
24 purpose on and after such date of enactment.

1 (c) EXERCISE OF AUTHORITIES UNDER OTHER PRO-  
2 VISIONS OF LAW.—

3 (1) REMOVAL OF PROHIBITIONS.—Any prohibi-  
4 tion on exports to Cuba that is in effect on the day  
5 before the date of the enactment of this Act under  
6 the Export Administration Act of 1979 (50 U.S.C.  
7 4601 et seq.) (as continued in effect pursuant to the  
8 International Emergency Economic Powers Act (50  
9 U.S.C. 1701 et seq.)) shall cease to be effective on  
10 and after such date of enactment.

11 (2) AUTHORITY FOR NEW RESTRICTIONS.—The  
12 President may, on and after the date of the enact-  
13 ment of this Act—

14 (A) impose export controls with respect to  
15 Cuba under section 5, 6(j), 6(l), or 6(m) of the  
16 Export Administration Act of 1979 (as contin-  
17 ued in effect pursuant to the International  
18 Emergency Economic Powers Act (50 U.S.C.  
19 1701 et seq.)); and

20 (B) exercise the authorities the President  
21 has under the International Emergency Eco-  
22 nomic Powers Act with respect to Cuba pursu-  
23 ant to a declaration of national emergency re-  
24 quired by that Act that is made on account of  
25 an unusual and extraordinary threat to the na-

1           tional security, foreign policy, or economy of the  
2           United States, that did not exist before the date  
3           of the enactment of this Act.

4           (d) CUBAN DEMOCRACY ACT.—

5           (1) IN GENERAL.—The Cuban Democracy Act  
6           of 1992 (22 U.S.C. 6001 et seq.) is amended—

7           (A) by striking section 1704 (22 U.S.C.  
8           6003);

9           (B) in section 1705(e) (22 U.S.C.  
10          6004(e))—

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

12           (ii) by redesignating paragraph (6) as  
13          paragraph (5);

14           (C) by striking section 1706 (22 U.S.C.  
15          6005); and

16           (D) by striking section 1708 (22 U.S.C.  
17          6007).

18           (2) CONFORMING AMENDMENT.—Paragraph (3)  
19          of section 204(b) of the Cuban Liberty and Demo-  
20          cratic Solidarity (LIBERTAD) Act of 1996 (22  
21          U.S.C. 6064(b)) is amended to read as follows:

22           “(3) section 1705(d) of the Cuban Democracy  
23          Act of 1992 (22 U.S.C. 6004(d));”.

24           (e) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY  
25          ACT.—

1           (1) IN GENERAL.—The Cuban Liberty and  
2 Democratic Solidarity (LIBERTAD) Act of 1996  
3 (22 U.S.C. 6021 et seq.) is amended—

4           (A) by striking sections 101 through 108;

5           (B) in section 109(a) (22 U.S.C. 6039(a)),  
6 by striking “(including section 102 of this  
7 Act)”;

8           (C) by striking sections 110 through 116;

9 and

10          (D) by striking title II (22 U.S.C. 6061 et  
11 seq.).

12          (2) CONFORMING AMENDMENT.—Section 606  
13 of the Illegal Immigration Reform and Immigrant  
14 Responsibility Act of 1996 (Public Law 104–208; 8  
15 U.S.C. 1255 note) is repealed.

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

20           (1) in section 906(a)(1) (22 U.S.C.  
21 7205(a)(1)), by striking “Cuba,”;

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

23           (A) by striking subsection (b);

24           (B) in subsection (a)—

- 1 (i) by striking “PROHIBITION” and all  
2 that follows through “(1) IN GENERAL.—  
3 Notwithstanding” and inserting “IN GEN-  
4 ERAL.—Notwithstanding”;
- 5 (ii) by striking “for exports to Cuba  
6 or”;
- 7 (iii) by striking paragraph (2); and
- 8 (iv) by redesignating paragraph (3) as  
9 subsection (b) and by moving such sub-  
10 section, as so redesignated, 2 ems to the  
11 left; and
- 12 (C) in subsection (b), as redesignated by  
13 subparagraph (B)(iv), by striking “paragraph  
14 (1)” and inserting “subsection (a)”; and  
15 (3) by striking section 909 (22 U.S.C. 7208).

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