

116TH CONGRESS
1ST SESSION

H. R. 1898

To modify the prohibition on United States assistance and financing for certain exports to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2019

Mr. CRAWFORD (for himself and Mrs. BUSTOS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and Agriculture, 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 modify the prohibition on United States assistance and financing for certain exports to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000, 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 “Cuba Agricultural Ex-
5 ports Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United States has a long history of
4 providing safe and reliable exports. Close proximity
5 to Cuba lends itself to low transportation costs for
6 United States goods exported to Cuba. The United
7 States is geographically poised to be a significant
8 trading partner in agricultural commodities.

9 (2) Cuba imports approximately 80 percent of
10 its food, with global agricultural exports to Cuba
11 doubling over the past decade to \$1,900,000,000.

12 (3) In 2015, the Obama administration re-
13 versed a prior rule of the Department of the Treas-
14 ury that defined “cash in advance” to require that
15 cash payments must be made before United States
16 products leave United States ports. The new rule de-
17 fines “cash in advance” as “cash before transfer of
18 title”, facilitating more efficient trade with Cuba.

19 (4) The Trump administration has retained this
20 definition and stated in its National Security Presi-
21 dential Memorandum on Cuba that forthcoming reg-
22 ulatory changes shall not prohibit transactions that
23 support the sale of agricultural commodities con-
24 sistent with the Trade Sanctions Reform and Export
25 Enhancement Act of 2000.

1 (5) United States agricultural exporters are still
2 not permitted to extend credit to Cuban buyers, in-
3 cluding ALIMPORT, a State-owned and State-con-
4 trolled entity that makes all decisions regarding
5 United States exports to the Cuban market. As a re-
6 sult, United States agricultural exports to Cuba
7 have declined and United States exporters face a key
8 disadvantage relative to other exporting countries.
9 Notably, rice exports fell from a value of
10 \$64,000,000 in 2004 to essentially \$0 in 2009 and
11 subsequent years.

12 (6) Despite these restrictions, the United States
13 has been the largest exporter of agricultural goods
14 to Cuba over the last decade. However, the United
15 States slipped to being the second leading exporter
16 of agricultural goods to Cuba in 2013 and the third
17 leading exporter of agricultural goods to Cuba in
18 2014. For many of Cuba's top agricultural imports,
19 such as wheat, rice, and dairy, there have been no
20 transactions with the United States in well over a
21 decade.

22 (7) While trade opportunities exist, Cuba re-
23 mains an undemocratic autocracy that oppresses its
24 own people and restricts freedom.

1 (8) With these cautionary factors in mind, it is
2 important to provide United States farmers and
3 ranchers additional opportunities to benefit from
4 trade with Cuba.

5 **SEC. 3. MODIFICATION OF PROHIBITION ON UNITED**
6 **STATES ASSISTANCE AND FINANCING FOR**
7 **CERTAIN EXPORTS TO CUBA UNDER THE**
8 **TRADE SANCTIONS REFORM AND EXPORT EN-**
9 **HANCEMENT ACT OF 2000.**

10 (a) IN GENERAL.—Section 908 of the Trade Sanc-
11 tions Reform and Export Enhancement Act of 2000 (22
12 U.S.C. 7207) is amended as follows:

13 (1) In the section heading, by striking “**AND**
14 **FINANCING**”.

15 (2) In subsection (a), by adding at the end the
16 following:

17 “(4) EXCEPTION FOR CERTAIN PROGRAMS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), paragraph (1) shall not apply with
20 respect to—

21 “(i) exports to Cuba under section
22 202 of the Agricultural Trade Act of 1978
23 (7 U.S.C. 5622), section 203 of the Agri-
24 cultural Trade Act of 1978 (7 U.S.C.

1 5623), or section 702 of the Agricultural
2 Trade Act of 1978 (7 U.S.C. 5722); or

3 “(ii) any obligation or expenditure of
4 funds to promote trade with Cuba by Fed-
5 eral commodity promotion programs estab-
6 lished in accordance with a commodity pro-
7 motion law, as defined by section 501(a) of
8 the Federal Agriculture Improvement and
9 Reform Act of 1996 (7 U.S.C. 7401(a)).

10 “(B) RESTRICTION ON CERTAIN RECIPI-
11 ENTS.—The exceptions under subparagraph (A)
12 shall not apply if the recipient of the United
13 States assistance would be an entity controlled
14 by the Government of Cuba, including the Rev-
15 olutionary Armed Forces of Cuba, the Ministry
16 of the Interior of Cuba, and any subdivision of
17 either such governmental entity.”.

18 (3) In subsection (b), to read as follows:

19 “(b) FINANCING OF SALES OF AGRICULTURAL COM-
20 MODITIES TO CUBA.—

21 “(1) IN GENERAL.—A person subject to the ju-
22 risdiction of the United States may provide payment
23 or financing for sales of agricultural commodities to
24 Cuba or to an individual or entity in Cuba.

25 “(2) DEFINITIONS.—In this section:

1 “(A) AGRICULTURAL COMMODITY.—The
2 term ‘agricultural commodity’ has the meaning
3 given that term in section 102 of the Agricul-
4 tural Trade Act of 1978 (7 U.S.C. 5602).

5 “(B) FINANCING.—The term ‘financing’
6 includes any loan or extension of credit.”.

7 (b) CONFORMING AMENDMENT.—Subsection (f)(4)
8 of section 203 of the Agricultural Trade Act of 1978 (7
9 U.S.C. 5623), as amended by section 3201 of title III of
10 the Agriculture Improvement Act of 2018 (Public Law
11 115–334), is further amended by striking “Notwith-
12 standing” and all that follows through “funds made avail-
13 able” and inserting “Funds made available”.

14 **SEC. 4. AUTHORITY OF PERSONS SUBJECT TO THE JURIS-**
15 **DICTION OF THE UNITED STATES TO INVEST**
16 **WITH RESPECT TO CERTAIN AGRICULTURAL**
17 **BUSINESS IN CUBA.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, a person subject to the jurisdiction of the
20 United States may make an investment with respect to
21 the development of an agricultural business in Cuba if the
22 Secretary of State and Secretary of Agriculture jointly de-
23 termine that—

24 (1) the agricultural business is not controlled by
25 the Government of Cuba, including the Revolu-

1 tionary Armed Forces of Cuba, the Ministry of the
2 Interior of Cuba, or any subdivision of either such
3 governmental entity; and

4 (2) the agricultural business does not traffic in
5 the property of persons subject to the jurisdiction of
6 the United States that was confiscated by the Cuban
7 Government on or after January 1, 1959.

8 (b) DEFINITIONS.—In this section:

9 (1) AGRICULTURAL BUSINESS.—The term “ag-
10 ricultural business” means any entity involved in the
11 production, manufacture, or distribution of agricul-
12 tural products (as such term is defined in section
13 207 of the Agricultural Marketing Act of 1946 (7
14 U.S.C. 1626)).

15 (2) CONFISCATED, CUBAN GOVERNMENT, PROP-
16 erty, AND TRAFFIC.—The terms “confiscated”,
17 “Cuban Government”, “property”, and “traffic”
18 have the meanings given such terms in section 4 of
19 the Cuban Liberty and Democratic Solidarity
20 (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

21 (3) INVESTMENT.—The term “investment”,
22 with respect to the development of an agricultural
23 business in Cuba, means—

24 (A) entry into a contract involving the pur-
25 chase of a share of ownership, including an eq-

1 uity interest, in the development of the agricul-
2 tural business;

3 (B) entry into a contract providing for par-
4 ticipation in royalties, earnings, or profits in
5 the development of the agricultural business; or

6 (C) entry into, or performance or financing
7 of, a contract to sell goods, services, or tech-
8 nology relating to the agricultural business.

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