

104TH CONGRESS
1ST SESSION

H. R. 927

To seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 1995

Mr. BURTON of Indiana (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. TORRICELLI, Mr. MENENDEZ, Mr. DELAY, Mr. BALLENGER, Mr. SOLOMON, Mr. GOSS, Mr. SMITH of New Jersey, Mr. KING, Mr. EWING, Mr. GALLEGLY, Mr. DEUTSCH, Mr. HANSEN, Mr. BARTON of Texas, Mr. ROHRABACHER, Mr. FUNDERBURK, Mr. SAM JOHNSON of Texas, Mrs. VUCANOVICH, Mr. PETRI, Mrs. MEEK of Florida, and Mr. GILCHREST) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, and Banking 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

APRIL 18, 1995

Additional sponsors: Mr. ENGEL, Mr. KNOLLENBERG, Mr. WILSON, Mr. FOLEY, and Mr. BARTLETT of Maryland

A BILL

To seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Cuban Liberty and Democratic Solidarity (LIBERTAD)
 6 Act of 1995”.

7 (b) TABLE OF CONTENTS.—The table of contents of
 8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO
GOVERNMENT

- Sec. 101. Statement of policy.
- Sec. 102. Enforcement of the economic embargo of Cuba.
- Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
- Sec. 104. United States opposition to Cuban membership in international financial institutions.
- Sec. 105. Assistance by the independent states of the former Soviet Union of the Government of Cuba.
- Sec. 106. Television broadcasting to Cuba.
- Sec. 107. Reports on assistance and commerce received by Cuba from other foreign countries.
- Sec. 108. Importation sanction against certain Cuban trading partners.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

- Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
- Sec. 202. Authorization of assistance for the Cuban people.
- Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
- Sec. 204. Authorization of appropriations.
- Sec. 205. Termination of the economic embargo of Cuba.
- Sec. 206. Requirements for a transition government.
- Sec. 207. Requirements for a democratically elected government.

TITLE III—PROTECTION OF AMERICAN PROPERTY RIGHTS
ABROAD

- Sec. 301. Exclusion from the United States of aliens who have confiscated property of United States nationals.
- Sec. 302. Liability for trafficking in property confiscated from United States nationals.

Sec. 303. Claims to confiscated property.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The economy of Cuba has experienced a de-
4 cline of at least 60 percent in the last 5 years as a
5 result of—

6 (A) the end of its subsidization by the
7 former Soviet Union of between 5 billion and 6
8 billion dollars annually;

9 (B) 36 years of Communist tyranny and
10 economic mismanagement by the Castro govern-
11 ment;

12 (C) the extreme decline in trade between
13 Cuba and the countries of the former Soviet
14 bloc; and

15 (D) the policy of the Russian Government
16 and the countries of the former Soviet bloc to
17 conduct economic relations with Cuba on strict-
18 ly commercial terms.

19 (2) At the same time, the welfare and health of
20 the Cuban people have substantially deteriorated as
21 a result of this economic decline and the refusal of
22 the Castro regime to permit free and fair democratic
23 elections in Cuba.

24 (3) The Castro regime has made it abundantly
25 clear that it will not engage in any substantive polit-

1 ical reforms that would lead to democracy, a market
2 economy, or an economic recovery.

3 (4) The repression of the Cuban people, includ-
4 ing a ban on free and fair democratic elections, and
5 continuing violation of fundamental human rights
6 has isolated the Cuban regime as the only completely
7 nondemocratic government in the Western Hemi-
8 sphere.

9 (5) As long as free elections are not held in
10 Cuba, the economic condition of the country and the
11 welfare of the Cuban people will not improve in any
12 significant way.

13 (6) The totalitarian nature of the Castro regime
14 has deprived the Cuban people of any peaceful
15 means to improve their condition and has led thou-
16 sands of Cuban citizens to risk or lose their lives in
17 dangerous attempts to escape from Cuba to freedom.

18 (7) Radio Marti and Television Marti have both
19 been effective vehicles for providing the people of
20 Cuba with news and information and have helped to
21 bolster the morale of the people of Cuba living under
22 tyranny.

23 (8) The consistent policy of the United States
24 towards Cuba since the beginning of the Castro re-
25 gime, carried out by both Democratic and Repub-

1 lican administrations, has sought to keep faith with
2 the people of Cuba, and has been effective in sanc-
3 tioning the totalitarian Castro regime.

4 (9) The United States has shown a deep com-
5 mitment, and considers it a moral obligation, to pro-
6 mote and protect human rights and fundamental
7 freedoms as expressed in the Charter of the United
8 Nations and in the Universal Declaration of Human
9 Rights.

10 (10) The Congress has historically and consist-
11 ently manifested its solidarity and the solidarity of
12 the American people with the democratic aspirations
13 of the Cuban people.

14 (11) The Cuban Democracy Act of 1992 calls
15 upon the President to encourage the governments of
16 countries that conduct trade with Cuba to restrict
17 their trade and credit relations with Cuba in a man-
18 ner consistent with the purposes of that Act.

19 (12) The 1992 FREEDOM Support Act re-
20 quires that the President, in providing economic as-
21 sistance to Russia and the emerging Eurasian de-
22 mocracies, take into account the extent to which
23 they are acting to “terminate support for the com-
24 munist regime in Cuba, including removal of troops,

1 closing military facilities, and ceasing trade subsidies
2 and economic, nuclear, and other assistance”.

3 (13) The Government of Cuba engages in the
4 illegal international narcotics trade and harbors fu-
5 gitives from justice in the United States.

6 (14) The Castro government threatens inter-
7 national peace and security by engaging in acts of
8 armed subversion and terrorism such as the training
9 and supplying of groups dedicated to international
10 violence.

11 (15) The Castro government has utilized from
12 its inception and continues to utilize torture in var-
13 ious forms (including by psychiatry), as well as exe-
14 cution, exile, confiscation, political imprisonment,
15 and other forms of terror and repression, as means
16 of retaining power.

17 (16) Fidel Castro has defined democratic plu-
18 ralism as “pluralistic garbage” and continues to
19 make clear that he has no intention of tolerating the
20 democratization of Cuban society.

21 (17) The Castro government holds innocent Cu-
22 bans hostage in Cuba by no fault of the hostages
23 themselves solely because relatives have escaped the
24 country.

1 (18) Although a signatory state to the 1928
2 Inter-American Convention on Asylum and the
3 International Covenant on Civil and Political Rights
4 (which protects the right to leave one's own coun-
5 try), Cuba nevertheless surrounds embassies in its
6 capital by armed forces to thwart the right of its
7 citizens to seek asylum and systematically denies
8 that right to the Cuban people, punishing them by
9 imprisonment for seeking to leave the country and
10 killing them for attempting to do so (as dem-
11 onstrated in the case of the confirmed murder of
12 over 40 men, women, and children who were seeking
13 to leave Cuba on July 13, 1994).

14 (19) The Castro government continues to utilize
15 blackmail, such as the immigration crisis with which
16 it threatened the United States in the summer of
17 1994, and other unacceptable and illegal forms of
18 conduct to influence the actions of sovereign states
19 in the Western Hemisphere in violation of the Char-
20 ter of the Organization of American States and
21 other international agreements and international
22 law.

23 (20) The United Nations Commission on
24 Human Rights has repeatedly reported on the unac-
25 ceptable human rights situation in Cuba and has

1 taken the extraordinary step of appointing a Special
2 Rapporteur.

3 (21) The Government of Cuba has consistently
4 refused access to the Special Rapporteur and for-
5 mally expressed its decision not to “implement so
6 much as one comma” of the United Nations Reso-
7 lutions appointing the Rapporteur.

8 (22) The United Nations General Assembly
9 passed Resolution 1992/70 on December 4, 1992,
10 Resolution 1993/48/142 on December 20, 1993, and
11 Resolution 1994/49/544 on October 19, 1994, ref-
12 erencing the Special Rapporteur’s reports to the
13 United Nations and condemning “violations of
14 human rights and fundamental freedoms” in Cuba.

15 (23) Article 39 of Chapter VII of the United
16 Nations Charter provides that the United Nations
17 Security Council “shall determine the existence of
18 any threat to the peace, breach of the peace, or act
19 of aggression and shall make recommendations, or
20 decide what measures shall be taken . . . , to main-
21 tain or restore international peace and security.”.

22 (24) The United Nations has determined that
23 massive and systematic violations of human rights
24 may constitute a “threat to peace” under Article 39
25 and has imposed sanctions due to such violations of

1 human rights in the cases of Rhodesia, South Africa,
2 Iraq, and the former Yugoslavia.

3 (25) In the case of Haiti, a neighbor of Cuba
4 not as close to the United States as Cuba, the
5 United States led an effort to obtain and did obtain
6 a United Nations Security Council embargo and
7 blockade against that country due to the existence of
8 a military dictatorship in power less than 3 years.

9 (26) United Nations Security Council Resolu-
10 tion 940 of July 31, 1994, subsequently authorized
11 the use of “all necessary means” to restore the
12 “democratically elected government of Haiti”, and
13 the democratically elected government of Haiti was
14 restored to power on October 15, 1994.

15 (27) The Cuban people deserve to be assisted in
16 a decisive manner to end the tyranny that has op-
17 pressed them for 36 years and the continued failure
18 to do so constitutes ethically improper conduct by
19 the international community.

20 **SEC. 3. PURPOSES.**

21 The purposes of this Act are as follows:

22 (1) To seek international sanctions against the
23 Castro government in Cuba.

1 (2) To encourage the holding of free and fair,
2 democratic elections in Cuba, conducted under the
3 supervision of internationally recognized observers.

4 (3) To develop a plan for furnishing assistance
5 to a transition government and, subsequently, to a
6 democratically elected government when such gov-
7 ernments meet the eligibility requirements of this
8 Act.

9 (4) To protect property rights abroad of United
10 States nationals.

11 **SEC. 4. DEFINITIONS.**

12 As used in this Act, the following terms have the fol-
13 lowing meanings:

14 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
15 **TEES.**—The term “appropriate congressional com-
16 mittees” means the Committee on International Re-
17 lations and the Committee on Appropriations of the
18 House of Representatives and the Committee on
19 Foreign Relations and the Committee on Appropria-
20 tions of the Senate.

21 (2) **CONFISCATED.**—The term “confiscated” re-
22 fers to the nationalization, expropriation, or other
23 seizure of ownership or control of property by gov-
24 ernmental authority—

1 (A) without adequate and effective com-
2 pensation or otherwise in violation of the law of
3 the place where the property was situated when
4 the confiscation occurred; and

5 (B) without the claim to the property hav-
6 ing been settled pursuant to an international
7 claims settlement agreement.

8 (3) CUBAN GOVERNMENT.—The term “Cuban
9 government” includes the government of any politi-
10 cal subdivision, agency, or instrumentality of the
11 Government of Cuba.

12 (4) DEMOCRATICALLY ELECTED GOVERNMENT
13 IN CUBA.—The term “democratically elected govern-
14 ment in Cuba” means a government described in
15 section 207.

16 (5) ECONOMIC EMBARGO OF CUBA.—The term
17 “economic embargo of Cuba” refers to the economic
18 embargo imposed against Cuba pursuant to section
19 620(a) of the Foreign Assistance Act of 1961 (22
20 U.S.C. 2370(a)), section 5(b) of the Trading With
21 the Enemy Act (50 U.S.C. App. 5(b)), the Inter-
22 national Emergency Economic Powers Act, and the
23 Export Administration Act of 1979.

24 (6) PROPERTY.—The term “property” means—

1 (A) any property, right, or interest, includ-
2 ing any leasehold interest,

3 (B) debts owed by the Cuban government
4 or by any enterprise which has been confiscated
5 by the Cuban government; and

6 (C) debts which are a charge on property
7 confiscated by the Cuban government.

8 (7) TRAFFICS.—The term “traffics” means to
9 sell, transfer, distribute, dispense, or otherwise dis-
10 pose of property, or to purchase, receive, possess, ob-
11 tain control of, manage, or use property.

12 (8) TRANSITION GOVERNMENT IN CUBA.—The
13 term “transition government in Cuba” means a gov-
14 ernment described in section 206.

15 (9) UNITED STATES PERSON.—The term
16 “United States person” means (A) any United
17 States citizen, and (B) any corporation, trust, part-
18 nership, or other juridical entity 50 percent or more
19 beneficially owned by United States citizens.

20 **TITLE I—SEEKING SANCTIONS**
21 **AGAINST THE CASTRO GOV-**
22 **ERNMENT**

23 **SEC. 101. STATEMENT OF POLICY.**

24 It is the sense of the Congress that—

1 (1) the acts of the Castro government, includ-
2 ing its massive, systematic, and extraordinary viola-
3 tions of human rights, are a threat to international
4 peace;

5 (2) the President should advocate, and should
6 instruct the United States Permanent Representa-
7 tive to the United Nations to propose and seek,
8 within the Security Council, a mandatory inter-
9 national embargo against the totalitarian govern-
10 ment of Cuba pursuant to chapter VII of the Char-
11 ter of the United Nations, which is similar to meas-
12 ures taken by United States representatives with re-
13 spect to Haiti; and

14 (3) any resumption or commencement of efforts
15 by any state to make operational the nuclear facility
16 at Cienfuegos, Cuba, will have a detrimental impact
17 on United States assistance to and relations with
18 such state.

19 **SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF**
20 **CUBA.**

21 (a) **POLICY.**—(1) The Congress hereby reaffirms sec-
22 tion 1704(a) of the Cuban Democracy Act of 1992 that
23 states the President should encourage foreign countries to
24 restrict trade and credit relations with Cuba.

1 (2) The Congress further urges the President to take
2 immediate steps to apply the sanctions described in section
3 1704(b) of such Act against countries assisting Cuba.

4 (b) DIPLOMATIC EFFORTS.—The Secretary of State
5 shall ensure that United States diplomatic personnel
6 abroad understand and, in their contacts with foreign offi-
7 cials are—

8 (1) communicating the reasons for the United
9 States economic embargo of Cuba; and

10 (2) urging foreign governments to cooperate
11 more effectively with the embargo.

12 (c) EXISTING REGULATIONS.—The President should
13 instruct the Secretary of the Treasury and the Attorney
14 General to enforce fully the Cuban Assets Control Regula-
15 tions in part 515 of title 31, Code of Federal Regulations.

16 (d) VIOLATIONS OF RESTRICTIONS ON TRAVEL TO
17 CUBA.—The penalties provided for in section 16 of the
18 Trading with the Enemy Act (50 U.S.C. App. 16) shall
19 apply to all violations of the Cuban Assets Control Regula-
20 tions (part 515 of title 31, Code of Federal Regulations)
21 involving transactions incident to travel to and within
22 Cuba, notwithstanding section 16(b)(2) (the first place it
23 appears) and section 16(b)(3) and (4) of such Act.

1 **SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF**
2 **THE CASTRO DICTATORSHIP.**

3 (a) PROHIBITION.—Notwithstanding any other provi-
4 sion of law, no loan, credit, or other financing may be ex-
5 tended by a United States person or by a United States
6 agency to a foreign person that traffics in any property
7 confiscated by the Cuban government the claim to which
8 is owned by a United States person as of the date of enact-
9 ment of this Act.

10 (b) TERMINATION OF SANCTION.—The sanction of
11 subsection (a) shall cease to apply on the date of termi-
12 nation of the economic embargo of Cuba.

13 (c) PENALTIES.—Violations of subsection (a) shall be
14 punishable by the same penalties as are applicable to simi-
15 lar violations of the Cuban Assets Control Regulations in
16 part 515 of title 31, Code of Federal Regulations.

17 (d) DEFINITIONS.—As used in this section—

18 (1) the term “foreign person” means (A) an
19 alien, and (B) any corporation, trust, partnership, or
20 other juridical entity that is not 50 percent or more
21 beneficially owned by United States citizens; and

22 (2) the term “United States agency” has the
23 same meaning given to the term “agency” in section
24 551(1) of title 5, United States Code.

1 **SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBER-**
2 **SHIP IN INTERNATIONAL FINANCIAL INSTI-**
3 **TUTIONS.**

4 (a) CONTINUED OPPOSITION TO CUBAN MEMBER-
5 SHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1)
6 Except as provided in paragraph (2), the Secretary of the
7 Treasury shall instruct the United States executive direc-
8 tor to each international financial institution to use the
9 voice and vote of the United States to oppose the admis-
10 sion of Cuba as a member of such institution until Cuba
11 holds free and fair, democratic elections, conducted under
12 the supervision of internationally recognized observers.

13 (2) During the period that a transition government
14 is in power in Cuba, the President shall take steps to sup-
15 port the processing of Cuba's application for membership
16 in any international financial institution subject to the
17 membership taking effect after a democratically elected
18 government is in power in Cuba.

19 (b) REDUCTION IN UNITED STATES PAYMENTS TO
20 INTERNATIONAL FINANCIAL INSTITUTIONS.—If any
21 international financial institution approves a loan or other
22 assistance to Cuba over the opposition of the United
23 States, then the Secretary of the Treasury shall withhold
24 from payment to such institution an amount equal to the
25 amount of the loan or other assistance to the Cuban gov-

1 ernment, with respect to each of the following types of
2 payment:

3 (1) The paid-in portion of the increase in cap-
4 ital stock of the institution.

5 (2) The callable portion of the increase in cap-
6 ital stock of the institution.

7 (c) DEFINITION.—For purposes of this section, the
8 term “international financial institution” means the Inter-
9 national Monetary Fund, the International Bank for Re-
10 construction and Development, the International Develop-
11 ment Association, the International Finance Corporation,
12 the Multilateral Investment Guaranty Agency, and the
13 Inter-American Development Bank.

14 **SEC. 105. ASSISTANCE BY THE INDEPENDENT STATES OF**
15 **THE FORMER SOVIET UNION OF THE GOV-**
16 **ERNMENT OF CUBA.**

17 (a) REPORTING REQUIREMENT.—Not later than 90
18 days after the date of enactment of this Act, the President
19 shall submit to the appropriate congressional committees
20 a report detailing progress towards the withdrawal of per-
21 sonnel of any independent state of the former Soviet
22 Union (within the meaning of section 3 of the FREEDOM
23 Support Act (22 U.S.C. 5801)), including advisers, techni-
24 cians, and military personnel, from the Cienfuegos nuclear
25 facility in Cuba.

1 (b) CRITERIA FOR ASSISTANCE.—Section
2 498A(a)(11) of the Foreign Assistance Act of 1961 (22
3 U.S.C. 2295a(a)(1)) is amended by striking “of military
4 facilities” and inserting “military and intelligence facili-
5 ties, including the military and intelligence facilities at
6 Lourdes and Cienfuegos,”.

7 (c) INELIGIBILITY FOR ASSISTANCE.—(1) Section
8 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

9 (A) by striking “or” at the end of paragraph
10 (4);

11 (B) by redesignating paragraph (5) as para-
12 graph (6); and

13 (C) by inserting after paragraph (4) the follow-
14 ing:

15 “(5) for the government of any independent
16 state effective 30 days after the President has deter-
17 mined and certified to the appropriate congressional
18 committees (and Congress has not enacted legisla-
19 tion disapproving the determination within the 30-
20 day period) that such government is providing as-
21 sistance for, or engaging in nonmarket based trade
22 (as defined in section 498B(k)(3)) with, the Govern-
23 ment of Cuba; or”.

1 (2) Subsection (k) of section 498B of that Act (22
2 U.S.C. 2295b(k)), is amended by adding at the end the
3 following:

4 “(3) NONMARKET BASED TRADE.—As used in
5 section 498A(b)(5), the term ‘nonmarket based
6 trade’ includes exports, imports, exchanges, or other
7 arrangements that are provided for goods and serv-
8 ices (including oil and other petroleum products) on
9 terms more favorable than those generally available
10 in applicable markets or for comparable commod-
11 ities, including—

12 “(A) exports to the Government of Cuba
13 on terms that involve a grant, concessional
14 price, guaranty, insurance, or subsidy;

15 “(B) imports from the Government of
16 Cuba at preferential tariff rates; and

17 “(C) exchange arrangements that include
18 advance delivery of commodities, arrangements
19 in which the Government of Cuba is not held
20 accountable for unfulfilled exchange contracts,
21 and arrangements under which Cuba does not
22 pay appropriate transportation, insurance, or fi-
23 nance costs.”.

24 (d) FACILITIES AT LOURDES, CUBA.—(1) The Con-
25 gress expresses its strong disapproval of the extension by

1 Russia of credits equivalent to approximately
2 \$200,000,000 in support of the intelligence facility at
3 Lourdes, Cuba, in November 1994.

4 (2) Section 498A of the Foreign Assistance Act of
5 1961 (22 U.S.C. 2295a) is amended by adding at the end
6 the following new subsection:

7 “(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF
8 MILITARY AND INTELLIGENCE FACILITIES IN CUBA.—(1)
9 Notwithstanding any other provision of law, the President
10 shall withhold from assistance allocated for an independ-
11 ent state of the former Soviet Union under this chapter
12 an amount equal to the sum of assistance and credits, if
13 any, provided by such state in support of military and in-
14 telligence facilities in Cuba, including the intelligence facil-
15 ity at Lourdes, Cuba.

16 “(2) Nothing in this subsection may be construed to
17 apply to—

18 “(A) assistance provided under the Soviet Nu-
19 clear Threat Reduction Act of 1991 (title II of Pub-
20 lic Law 102–228) or the Cooperative Threat Reduc-
21 tion Act of 1993 (title XII of Public Law 103–160);
22 or

23 “(B) assistance to meet urgent humanitarian
24 needs under section 498(1), including disaster as-

1 sistance described in subsection (c)(3) of this sec-
2 tion.”.

3 **SEC. 106. TELEVISION BROADCASTING TO CUBA.**

4 (a) **CONVERSION TO UHF.**—The Director of the
5 United States Information Agency shall implement a con-
6 version of television broadcasting to Cuba under the Tele-
7 vision Marti Service to ultra high frequency (UHF) broad-
8 casting.

9 (b) **PERIODIC REPORTS.**—Not later than 45 days
10 after the date of enactment of this Act, and every three
11 months thereafter until the conversion described in sub-
12 section (a) is fully implemented, the Director shall submit
13 a report to the appropriate congressional committees on
14 the progress made in carrying out subsection (a).

15 **SEC. 107. REPORTS ON ASSISTANCE AND COMMERCE RE-**
16 **CEIVED BY CUBA FROM OTHER FOREIGN**
17 **COUNTRIES.**

18 (a) **REPORTS REQUIRED.**—Not later than 90 days
19 after the date of enactment of this Act, and every year
20 thereafter, the President shall submit a report to the ap-
21 propriate congressional committees on assistance and
22 commerce received by Cuba from other foreign countries
23 during the preceding 12-month period.

1 (b) CONTENTS OF REPORTS.—Each report required
2 by subsection (a) shall, for the period covered by the re-
3 port, contain the following:

4 (1) A description of all bilateral assistance pro-
5 vided to Cuba by other foreign countries, including
6 humanitarian assistance.

7 (2) A description of Cuba's commerce with for-
8 eign countries, including an identification of Cuba's
9 trading partners and the extent of such trade.

10 (3) A description of the joint ventures com-
11 pleted, or under consideration, by foreign nationals
12 and business firms involving facilities in Cuba, in-
13 cluding an identification of the location of the facili-
14 ties involved and a description of the terms of agree-
15 ment of the joint ventures and the names of the par-
16 ties that are involved.

17 (4) A determination whether or not any of the
18 facilities described in paragraph (3) is the subject of
19 a claim against Cuba by a United States person.

20 (5) A determination of the amount of Cuban
21 debt owed to each foreign country, including the
22 amount of debt exchanged, forgiven, or reduced
23 under the terms of each investment or operation in
24 Cuba involving foreign nationals or businesses.

1 (6) A description of the steps taken to assure
2 that raw materials and semifinished or finished
3 goods produced by facilities in Cuba involving for-
4 eign nationals or businesses do not enter the United
5 States market, either directly or through third coun-
6 tries or parties.

7 **SEC. 108. IMPORTATION SANCTION AGAINST CERTAIN**
8 **CUBAN TRADING PARTNERS.**

9 (a) SANCTION.—Notwithstanding any other provision
10 of law, sugars, syrups, and molasses, that are the product
11 of a country that the President determines has imported
12 sugar, syrup, or molasses that is the product of Cuba,
13 shall not be entered, or withdrawn from warehouse for
14 consumption, into the customs territory of the United
15 States, unless the condition set forth in subsection (b) is
16 met.

17 (b) CONDITION FOR REMOVAL OF SANCTION.—The
18 sanction set forth in subsection (a) shall cease to apply
19 to a country if the country certifies to the President that
20 the country will not import sugar, syrup, or molasses that
21 is the product of Cuba until free and fair elections, con-
22 ducted under the supervision of internationally recognized
23 observers, are held in Cuba. Such certification shall cease
24 to be effective if the President makes a subsequent deter-

1 mination under subsection (a) with respect to that coun-
2 try.

3 (c) REPORTS TO CONGRESS.—The President shall re-
4 port to the appropriate congressional committees all deter-
5 minations made under subsection (a) and all certifications
6 made under subsection (b).

7 (d) REALLOCATION OF SUGAR QUOTAS.—During any
8 period in which a sanction under subsection (a) is in effect
9 with respect to a country, the President may reallocate
10 to other countries the quota of sugars, syrups, and molas-
11 ses allocated to that country, before the prohibition went
12 into effect, under chapter 17 of the Harmonized Tariff
13 Schedule of the United States.

14 **TITLE II—ASSISTANCE TO A**
15 **FREE AND INDEPENDENT CUBA**

16 **SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT**
17 **AND A DEMOCRATICALLY ELECTED GOVERN-**
18 **MENT IN CUBA.**

19 The policy of the United States is as follows:

20 (1) To support the self-determination of the
21 Cuban people.

22 (2) To recognize that the self-determination of
23 the Cuban people is a sovereign and national right
24 of the citizens of Cuba which must be exercised free

1 of interference by the government of any other coun-
2 try.

3 (3) To encourage the Cuban people to empower
4 themselves with a government which reflects the self-
5 determination of the Cuban people.

6 (4) To recognize the potential for a difficult
7 transition from the current regime in Cuba that may
8 result from the initiatives taken by the Cuban people
9 for self-determination in response to the intransi-
10 gence of the Castro regime in not allowing any
11 substantive political or economic reforms, and to be
12 prepared to provide the Cuban people with humani-
13 tarian, developmental, and other economic assist-
14 ance.

15 (5) In solidarity with the Cuban people, to pro-
16 vide emergency relief assistance to a transition gov-
17 ernment in Cuba and long-term assistance to a
18 democratically elected government in Cuba that re-
19 sult from an expression of the self-determination of
20 the Cuban people.

21 (6) Through such assistance, to facilitate a
22 peaceful transition to representative democracy and
23 a market economy in Cuba and to consolidate de-
24 mocracy in Cuba.

1 (7) To deliver such assistance to the Cuban
2 people only through a transition government in
3 Cuba, through a democratically elected government
4 in Cuba, or through United States, international, or
5 indigenous nongovernmental organizations.

6 (8) To encourage other countries and multilat-
7 eral organizations to provide similar assistance, and
8 to work cooperatively with such countries and orga-
9 nizations to coordinate such assistance.

10 (9) To ensure that emergency relief is rapidly
11 implemented and distributed to the people of Cuba
12 upon the institution of a transition government in
13 Cuba.

14 (10) Not to provide favorable treatment or in-
15 fluence on behalf of any individual or entity in the
16 selection by the Cuban people of their future govern-
17 ment.

18 (11) To assist a transition government in Cuba
19 and a democratically elected government in Cuba to
20 prepare the Cuban military forces for an appropriate
21 role in a democracy.

22 (12) To be prepared to enter into negotiations
23 with a democratically elected government in Cuba ei-
24 ther to return the United States Naval Base at

1 Guantanamo to Cuba or to renegotiate the present
2 agreement under mutually agreeable terms.

3 (13) To consider the restoration of diplomatic
4 recognition and support the reintegration of the
5 Cuban government into Inter-American organiza-
6 tions when the President determines that there ex-
7 ists a democratically elected government in Cuba.

8 (14) To take steps to remove the economic em-
9 bargo of Cuba when the President determines that
10 there exists a democratically elected government in
11 Cuba.

12 (15) To assist a democratically elected govern-
13 ment in Cuba to strengthen and stabilize its national
14 currency.

15 (16) To pursue the extension of the North
16 American Free Trade Agreement to a free, demo-
17 cratic, and independent Cuba or to seek the creation
18 of an economic community with a free, democratic,
19 and independent Cuba.

20 **SEC. 202. AUTHORIZATION OF ASSISTANCE FOR THE**
21 **CUBAN PEOPLE.**

22 (a) AUTHORIZATION.—

23 (1) IN GENERAL.—The President shall develop
24 a plan for providing economic assistance to Cuba at
25 such time as the President determines that a transi-

1 tion government or a democratically elected govern-
2 ment (as determined under section 203(c)) is in
3 power in Cuba.

4 (2) EFFECT ON OTHER LAWS.—

5 (A) SUPERSEDING OTHER LAWS.—Subject
6 to subparagraph (B), assistance may be pro-
7 vided under this section notwithstanding any
8 other provision of law.

9 (B) DETERMINATION REQUIRED REGARD-
10 ING PROPERTY TAKEN FROM UNITED STATES
11 PERSONS.—Subparagraph (A) shall not apply
12 to section 620(a)(2) of the Foreign Assistance
13 Act of 1961 (22 U.S.C. 2370(a)(2)).

14 (b) PLAN FOR ASSISTANCE.—

15 (1) DEVELOPMENT OF PLAN.—The President
16 shall develop a plan for providing assistance under
17 this section—

18 (A) to a transition government in Cuba;

19 and

20 (B) to a democratically elected government
21 in Cuba.

22 (2) TYPES OF ASSISTANCE.—Assistance under
23 the plan developed under paragraph (1) shall include
24 the following:

1 (A) TRANSITION GOVERNMENT.—(i) Ex-
2 cept as provided in clause (ii), assistance under
3 the plan to a transition government in Cuba
4 shall be limited to—

5 (I) such food, medicine, medical sup-
6 plies and equipment, and assistance to
7 meet emergency energy needs, as is nec-
8 essary to meet the basic human needs of
9 the Cuban people; and

10 (II) assistance described in subpara-
11 graph (C).

12 (ii) Assistance under the plan to a transi-
13 tion government in Cuba may include assistance
14 for activities comparable to those set forth in
15 section 498 of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2295) (other than paragraph
17 (9) of such section).

18 (B) DEMOCRATICALLY ELECTED GOVERN-
19 MENT.—Assistance under the plan to a demo-
20 cratically elected government in Cuba shall con-
21 sist of additional economic assistance, together
22 with assistance described in subparagraph (C).
23 Such economic assistance may include—

24 (i) assistance under chapter 1 of part
25 I (relating to development assistance), and

1 chapter 4 of part II (relating to the eco-
2 nomic support fund), of the Foreign As-
3 sistance Act of 1961;

4 (ii) assistance under the Agricultural
5 Trade Development and Assistance Act of
6 1954;

7 (iii) financing, guarantees, and other
8 forms of assistance provided by the Ex-
9 port-Import Bank of the United States;

10 (iv) financial support provided by the
11 Overseas Private Investment Corporation
12 for investment projects in Cuba;

13 (v) assistance provided by the Trade
14 and Development Agency;

15 (vi) Peace Corps programs;

16 (vii) relief of Cuba's external debt;

17 and

18 (viii) other appropriate assistance to
19 carry out the policy of section 201.

20 (C) MILITARY ADJUSTMENT ASSIST-
21 ANCE.—Assistance under the plan to a transi-
22 tion government in Cuba and to a democrat-
23 ically elected government in Cuba shall also in-
24 clude assistance in preparing the Cuban mili-

1 tary forces to adjust to an appropriate role in
2 a democracy.

3 (c) STRATEGY FOR DISTRIBUTION.—The plan devel-
4 oped under subsection (b) shall include a strategy for dis-
5 tributing assistance under the plan.

6 (d) DISTRIBUTION.—The plan developed under sub-
7 section (b) shall authorize assistance under the plan to
8 be provided through nongovernmental organizations and
9 private and voluntary organizations, whether within or
10 outside the United States, including humanitarian, edu-
11 cational, labor, and private sector organizations.

12 (e) INTERNATIONAL EFFORTS.—

13 (1) The President shall take the necessary
14 steps—

15 (A) to seek to obtain the agreement of
16 other countries and of international financial
17 institutions and multilateral organizations to
18 provide to a transition government in Cuba,
19 and to a democratically elected government in
20 Cuba, assistance comparable to that provided
21 by the United States under this Act; and

22 (B) to work with such countries, institu-
23 tions, and organizations to coordinate all such
24 assistance programs.

1 (2)(A) The President shall take the necessary
2 steps to encourage the Organization of American
3 States to create a special emergency fund for the ex-
4 plicit purpose of deploying human rights observers,
5 election support, and election observation in Cuba.

6 (B) The President should instruct the United
7 States Permanent Representative to the Organiza-
8 tion of American States to encourage other member
9 states of the Organization to join in calling for the
10 Cuban Government to allow the immediate deploy-
11 ment of independent human rights monitors of the
12 Organization throughout Cuba and on-site visits to
13 Cuba by the Inter-American Commission on Human
14 Rights.

15 (C) The President shall withhold from payment
16 to the Organization of American States not less than
17 \$5,000,000 of the arrearages of the United States to
18 the Organization of American States as of the date
19 of enactment of this Act until the Organization of
20 American States agrees to make available an equiva-
21 lent amount solely for the purposes of the special
22 fund.

23 (f) CARIBBEAN BASIN INITIATIVE.—The President
24 shall determine, as part of the assistance plan developed
25 under subsection (b), whether or not to designate Cuba

1 as a beneficiary country under section 212 of the Carib-
2 bean Basin Economic Recovery Act.

3 (2) Any designation of Cuba as a beneficiary country
4 under section 212 of such Act may only be made after
5 a democratically elected government is in power. Such des-
6 ignation may be made notwithstanding any other provision
7 of law.

8 (3) The table contained in section 212(b) of the Car-
9ibbean Basin Economic Recovery Act (19 U.S.C. 2702(b))
10 is amended by inserting “Cuba” between “Costa Rica”
11 and “Dominica”.

12 (g) TRADE AGREEMENTS.—The President, upon
13 transmittal to Congress of a determination under section
14 203(c)(3) that a democratically elected government in
15 Cuba is in power—

16 (1) shall take the necessary steps to enter into
17 a preliminary agreement with such government in
18 Cuba providing for extension of the North American
19 Free Trade Agreement to a free and independent
20 Cuba or to seek the creation of an economic commu-
21 nity with a free, democratic, and independent Cuba;
22 and

23 (2) is authorized to enter into negotiations with
24 a democratic government in Cuba to provide for the
25 extension of the North American Free Trade Agree-

1 ment (NAFTA) to Cuba or to seek the creation of
2 an economic community with a free, democratic, and
3 independent Cuba and to take such other steps as
4 will encourage renewed investment in Cuba.

5 (h) COMMUNICATION WITH THE CUBAN PEOPLE.—

6 The President shall take the necessary steps to commu-
7 nicate to the Cuban people the plan for assistance devel-
8 oped under this section.

9 (i) REPORT TO CONGRESS.—Not later than 180 days
10 after the date of the enactment of this Act, the President
11 shall transmit to the appropriate congressional committees
12 a report describing in detail the plan developed under this
13 section.

14 **SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IM-**
15 **PLEMENTATION AND REPORTS TO CON-**
16 **GRESS; REPROGRAMMING.**

17 (a) COORDINATING OFFICIAL.—The President shall
18 designate a coordinating official who shall be responsible
19 for—

20 (1) implementing the strategy for distributing
21 assistance under the plan developed under section
22 202(b);

23 (2) ensuring the speedy and efficient distribu-
24 tion of such assistance; and

1 (3) ensuring coordination among, and appro-
2 priate oversight by, the agencies of the United
3 States that provide assistance under the plan, in-
4 cluding resolving any disputes among such agencies.

5 (b) UNITED STATES-CUBA COUNCIL.—Upon making
6 a determination under subsection (c)(3) that a democrat-
7 ically elected government is in power in Cuba, the Presi-
8 dent, after consultation with the coordinating official, shall
9 designate a United States-Cuba council—

10 (1) to ensure coordination between the United
11 States Government and the private sector in re-
12 sponding to change in Cuba, and in promoting mar-
13 ket-based development in Cuba; and

14 (2) to establish periodic meetings between rep-
15 resentatives of the United States and Cuban private
16 sectors for the purpose of facilitating bilateral trade.

17 (c) IMPLEMENTATION OF PLAN; REPORTS TO CON-
18 GRESS.—

19 (1) IMPLEMENTATION WITH RESPECT TO TRAN-
20 SITION GOVERNMENT.—Upon making a determina-
21 tion that a transition government in Cuba is in
22 power, the President shall transmit that determina-
23 tion to the appropriate congressional committees and
24 shall, subject to the availability of appropriations,
25 commence the delivery and distribution of assistance

1 to such transition government under the plan devel-
2 oped under section 202(b).

3 (2) REPORTS TO CONGRESS.—(A) The Presi-
4 dent shall transmit to the appropriate congressional
5 committees a report setting forth the strategy for
6 providing assistance described in section 202(b)(2)
7 (A) and (C) to the transition government in Cuba
8 under the plan of assistance developed under section
9 202(b), the types of such assistance, and the extent
10 to which such assistance has been distributed in ac-
11 cordance with the plan.

12 (B) The President shall transmit the report not
13 later than 90 days after making the determination
14 referred to in paragraph (1), except that the Presi-
15 dent shall transmit the report in preliminary form
16 not later than 15 days after making that determina-
17 tion.

18 (3) IMPLEMENTATION WITH RESPECT TO
19 DEMOCRATICALLY ELECTED GOVERNMENT.—The
20 President shall, upon determining that a democrat-
21 ically elected government in Cuba is in power, sub-
22 mit that determination to the appropriate congress-
23 sional committees and shall, subject to the availabil-
24 ity of appropriations, commence the delivery and dis-
25 tribution of assistance to such democratically elected

1 government under the plan developed under section
2 202(b).

3 (4) ANNUAL REPORTS TO CONGRESS.—Not
4 later than 60 days after the end of each fiscal year,
5 the President shall transmit to the appropriate con-
6 gressional committees a report on the assistance
7 provided under the plan developed under section
8 202(b), including a description of each type of as-
9 sistance, the amounts expended for such assistance,
10 and a description of the assistance to be provided
11 under the plan in the current fiscal year.

12 (d) REPROGRAMMING.—Any changes in the assist-
13 ance to be provided under the plan developed under sec-
14 tion 202(b) may not be made unless the President notifies
15 the appropriate congressional committees at least 15 days
16 in advance in accordance with the procedures applicable
17 to reprogramming notifications under section 634A of the
18 Foreign Assistance Act of 1961.

19 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Presi-
21 dent such sums as may be necessary to carry out this Act.

22 **SEC. 205. TERMINATION OF THE ECONOMIC EMBARGO OF**
23 **CUBA.**

24 Upon submitting a determination to the appropriate
25 congressional committees under section 203(c)(3) that a

1 democratically elected government in Cuba is in power, the
2 President shall take steps to terminate the economic em-
3 bargo of Cuba.

4 **SEC. 206. REQUIREMENTS FOR A TRANSITION GOVERN-**
5 **MENT.**

6 For purposes of this Act, a transition government in
7 Cuba is a government in Cuba which—

8 (1) is demonstrably in transition from com-
9 munist totalitarian dictatorship to representative de-
10 mocracy;

11 (2) has legalized all political activity;

12 (3) has released all political prisoners and al-
13 lowed for investigations of Cuban prisons by appro-
14 priate international human rights organizations;

15 (4) makes public commitments to and is mak-
16 ing demonstrable progress in—

17 (A) establishing an independent judiciary;

18 (B) dissolving the present Department of
19 State Security in the Cuban Ministry of the In-
20 terior, including the Committees for the De-
21 fense of the Revolution and the Rapid Response
22 Brigades;

23 (C) respecting internationally recognized
24 human rights and basic freedoms as set forth in

1 the Universal Declaration of Human Rights, to
2 which Cuba is a signatory nation;

3 (D) effectively guaranteeing the rights of
4 free speech and freedom of the press;

5 (E) organizing free and fair elections for a
6 new government—

7 (i) to be held within 1 year after the
8 transition government assumes power;

9 (ii) with the participation of multiple
10 independent political parties that have full
11 access to the media on an equal basis, in-
12 cluding (in the case of radio, television, or
13 other telecommunications media) in terms
14 of allotments of time for such access and
15 the times of day such allotments are given;
16 and

17 (iii) to be conducted under the super-
18 vision of internationally recognized observ-
19 ers, such as the Organization of American
20 States, the United Nations, and other elec-
21 tions monitors;

22 (F) assuring the right to private property;

23 (G) taking appropriate steps to return to
24 United States citizens and entities property
25 taken by the Government of Cuba from such

1 citizens and entities on or after January 1,
2 1959, or to provide equitable compensation to
3 such citizens and entities for such property;

4 (H) granting permits to privately owned
5 telecommunications and media companies to op-
6 erate in Cuba; and

7 (I) allowing the establishment of an inde-
8 pendent labor movement and of independent so-
9 cial, economic, and political associations;

10 (5) does not include Fidel Castro or Raul Cas-
11 tro;

12 (6) has given adequate assurances that it will
13 allow the speedy and efficient distribution of assist-
14 ance to the Cuban people; and

15 (7) permits the deployment throughout Cuba of
16 independent and unfettered international human
17 rights monitors.

18 **SEC. 207. REQUIREMENTS FOR A DEMOCRATICALLY ELECT-**

19 **ED GOVERNMENT.**

20 For purposes of this Act, a democratically elected
21 government in Cuba, in addition to continuing to comply
22 with the requirements of section 206, is a government in
23 Cuba which—

1 (1) results from free and fair elections con-
2 ducted under the supervision of internationally rec-
3 ognized observers;

4 (2) has permitted opposition parties ample time
5 to organize and campaign for such elections, and has
6 permitted full access to the media to all candidates
7 in the elections;

8 (3) is showing respect for the basic civil lib-
9 erties and human rights of the citizens of Cuba;

10 (4) has made demonstrable progress in estab-
11 lishing an independent judiciary;

12 (5) is substantially moving toward a market-ori-
13 ented economic system; and

14 (6) is committed to making constitutional
15 changes that would ensure regular free and fair elec-
16 tions that meet the requirements of paragraph (2).

17 **TITLE III—PROTECTION OF**
18 **AMERICAN PROPERTY**
19 **RIGHTS ABROAD**

20 **SEC. 301. EXCLUSION FROM THE UNITED STATES OF**
21 **ALIENS WHO HAVE CONFISCATED PROPERTY**
22 **OF UNITED STATES NATIONALS.**

23 (a) ADDITIONAL GROUNDS FOR EXCLUSION.—Sec-
24 tion 212(a)(9) of the Immigration and Nationality Act (8

1 U.S.C. 1182(a)) is amended by adding at the end the fol-
2 lowing:

3 “(D) ALIENS WHO HAVE CONFISCATED
4 AMERICAN PROPERTY ABROAD AND RELATED
5 PERSONS.—(i) Any alien who—

6 “(I) has confiscated, or has directed
7 or overseen the confiscation of, property
8 the claim to which is owned by a United
9 States person, or converts or has converted
10 for personal gain confiscated property, the
11 claim to which is owned by a United States
12 person;

13 “(II) traffics in confiscated property,
14 the claim to which is owned by a United
15 States person;

16 “(III) is a corporate officer, principal,
17 or shareholder of an entity which has been
18 involved in the confiscation, trafficking in,
19 or subsequent unauthorized use or benefit
20 from confiscated property, the claim to
21 which is owned by a United States person,
22 or

23 “(IV) is a spouse or child of a person
24 described in subclause (I),

25 is excludable.

1 “(ii) The validity of claims under this sub-
2 paragraph shall be established in accordance
3 with section 303 of the Cuban Liberty and
4 Democratic Solidarity (LIBERTAD) Act of
5 1995.

6 “(iii) For purposes of this subparagraph,
7 the terms ‘confiscated’, ‘traffics’, and ‘United
8 States person’ have the same meanings given to
9 such terms under section 4 of the Cuban Lib-
10 erty and Democratic Solidarity (LIBERTAD)
11 Act of 1995.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply to individuals entering the Unit-
14 ed States on or after the date of enactment of this Act.

15 **SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CON-**
16 **FISCATED FROM UNITED STATES NATIONALS.**

17 (a) CIVIL REMEDY.—(1) Except as provided in para-
18 graphs (2) and (3), any person or government that traffics
19 in property confiscated by a foreign government shall be
20 liable to the United States person who owns the claim to
21 the confiscated property for money damages in an amount
22 which is the greater of—

23 (A) the amount certified by the Foreign Claims
24 Settlement Commission under title V of the Inter-

1 national Claims Settlement Act of 1949, plus inter-
2 est at the commercially recognized normal rate;

3 (B) the amount determined under section
4 303(a)(2); or

5 (C) the fair market value of that property, cal-
6 culated as being the then current value of the prop-
7 erty, or the value of the property when confiscated
8 plus interest at the commercially recognized normal
9 rate, whichever is greater.

10 (2) Except as provided in paragraph (3), any person
11 or government that traffics in confiscated property after
12 having received (A) notice of a claim to ownership of the
13 property by the United States person who owns the claim
14 to the confiscated property, and (B) a copy of this section,
15 shall be liable to such United States person for money
16 damages in an amount which is treble the amount speci-
17 fied in paragraph (1).

18 (3)(A) Actions may be brought under paragraph (1)
19 with respect to property confiscated before, on, or after
20 the date of enactment of this Act.

21 (B) In the case of property confiscated before the
22 date of enactment of this Act, no United States person
23 may bring an action under this section unless such person
24 acquired ownership of the claim to the confiscated prop-
25 erty before such date.

1 (C) In the case of property confiscated on or after
2 the date of enactment of this Act, in order to maintain
3 the action, the United States person who is the plaintiff
4 must demonstrate to the court that the plaintiff has taken
5 reasonable steps to exhaust any available local remedies.

6 (b) JURISDICTION.—Chapter 85 of title 28, United
7 States Code, is amended by inserting after section 1331
8 the following new section:

9 **“§ 1331a. Civil actions involving confiscated property**

10 “The district courts shall have exclusive jurisdiction,
11 without regard to the amount in controversy, of any action
12 brought under section 302 of the Cuban Liberty and
13 Democratic Solidarity (LIBERTAD) Act of 1995.”.

14 (c) WAIVER OF SOVEREIGN IMMUNITY.—Section
15 1605 of title 28, United States Code, is amended—

16 (1) by striking “or” at the end of paragraph
17 (5);

18 (2) by striking the period at the end of para-
19 graph (6) and inserting “; or”; and

20 (3) by adding at the end the following:

21 “(7) in which the action is brought with respect
22 to confiscated property under section 302 of the
23 Cuban Liberty and Democratic Solidarity
24 (LIBERTAD) Act of 1995.”.

1 **SEC. 303. CLAIMS TO CONFISCATED PROPERTY.**

2 (a) EVIDENCE OF OWNERSHIP.—For purposes of
3 this Act, conclusive evidence of ownership by the United
4 States person of a claim to confiscated property is estab-
5 lished—

6 (1) when the Foreign Claims Settlement Com-
7 mission certifies the claim under title V of the Inter-
8 national Claims Settlement Act of 1949, as amended
9 by subsection (b); or

10 (2) when the claim has been determined to be
11 valid by a court or administrative agency of the
12 country in which the property was confiscated.

13 (b) AMENDMENT OF THE INTERNATIONAL CLAIMS
14 SETTLEMENT ACT OF 1949.—Title V of the International
15 Claims Settlement Act of 1949 is amended by adding at
16 the end the following new section:

17 “ADDITIONAL CLAIMS

18 “SEC. 514. Notwithstanding any other provision of
19 this title, a United States national may bring a claim to
20 the Commission for determination and certification under
21 this title of the amount and validity of a claim resulting
22 from actions taken by the Government of Cuba described
23 in section 503(a), whether or not the United States na-
24 tional qualified as a United States national at the time
25 of the Cuban government action, except that, in the case
26 of property confiscated after the date of enactment of this

1 section, the claimant must be a United States national at
2 the time of the confiscation.”.

○

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HR 927 SC—3

HR 927 SC—4