

114TH CONGRESS
1ST SESSION

S. 1388

To require the President to submit a plan for resolving all outstanding claims relating to property confiscated by the Government of Cuba before taking action to ease restrictions on travel to or trade with Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2015

Mr. VITTER (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require the President to submit a plan for resolving all outstanding claims relating to property confiscated by the Government of Cuba before taking action to ease restrictions on travel to or trade with 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 “Cuba Normalization
5 Accountability Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CONFISCATED; CONFISCATION.—The terms
 2 “confiscated” and “confiscation”, with respect to
 3 property, have the meanings given those terms in
 4 section 401 of the Cuban Liberty and Democratic
 5 Solidarity (LIBERTAD) Act of 1996 (22 U.S.C.
 6 6091).

7 (2) CUBAN ASSETS CONTROL REGULATIONS.—
 8 The term “Cuban Assets Control Regulations”
 9 means part 515 of title 31, Code of Federal Regula-
 10 tions.

11 (3) ECONOMIC EMBARGO OF CUBA.—The term
 12 “economic embargo of Cuba”—

13 (A) has the meaning given that term in
 14 section 4 of the Cuban Liberty and Democratic
 15 Solidarity (LIBERTAD) Act of 1996 (22
 16 U.S.C. 6023); and

17 (B) includes restrictions on travel and
 18 trade imposed with respect to Cuba under the
 19 Trade Sanctions Reform and Export Enhance-
 20 ment Act of 2000 (22 U.S.C. 7201 et seq.).

21 (4) EXPORT ADMINISTRATION REGULATIONS.—
 22 The term “Export Administration Regulations”
 23 means subchapter C of chapter VII of title 15, Code
 24 of Federal Regulations.

1 (5) UNITED STATES NATIONAL.—The term
2 “United States national” has the meaning given that
3 term in section 4 of the Cuban Liberty and Demo-
4 cratic Solidarity (LIBERTAD) Act of 1996 (22
5 U.S.C. 6023).

6 **SEC. 3. SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) On December 17, 2014, President Barack
10 Obama announced his plan to revise United States
11 policy with respect to Cuba by promising engage-
12 ment and to “normalize relations”.

13 (2) The President, through the Department of
14 the Treasury and the Department of Commerce, has
15 issued revisions to the Cuban Assets Control Regula-
16 tions and the Export Administration Regulations re-
17 lating to easing restrictions on travel to and trade
18 with Cuba.

19 (3) Those revisions have been implemented pur-
20 suant to the discretion of the President to modify li-
21 censing authorities under the Cuban Assets Control
22 Regulations and the Export Administration Regula-
23 tions.

24 (4) The Cuban Liberty and Democratic Soli-
25 darity (LIBERTAD) Act of 1996 prohibits the full

1 removal of the economic embargo of Cuba and estab-
2 lishes requirements for discretionary licensing au-
3 thority including through the following provisions:

4 (A) Section 205(b)(2)(D) of that Act (22
5 U.S.C. 6065(b)(2)(D)), which requires the
6 President to take into account the extent to
7 which the Government of Cuba is “taking ap-
8 propriate steps to return to United States citi-
9 zens (and entities which are 50 percent or more
10 beneficially owned by United States citizens)
11 property taken by the Cuban Government from
12 such citizens and entities on or after January
13 1, 1959, or to provide equitable compensation
14 to such citizens and entities for such property”.

15 (B) Section 206 of that Act (22 U.S.C.
16 6066), which sets forth requirements for deter-
17 mining whether a democratically elected govern-
18 ment has been established in Cuba and defines
19 such a government as one that “has made de-
20 monstrable progress in returning to United
21 States citizens (and entities which are 50 per-
22 cent or more beneficially owned by United
23 States citizens) property taken by the Cuban
24 Government from such citizens and entities on
25 or after January 1, 1959, or providing full com-

1 pensation for such property in accordance with
2 international law standards and practice”.

3 (C) Section 103 of that Act of (22 U.S.C.
4 6033), which prohibits a United States national
5 or a United States agency from knowingly pro-
6 viding financing for transactions involving any
7 property owned by a United States national
8 that was confiscated by the Government of
9 Cuba.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the United States should not further pursue
12 efforts to ease restrictions on travel to or trade with Cuba
13 or to otherwise further normalize relations with Cuba
14 until—

15 (1) the President submits to Congress the plan
16 described in section 3(b);

17 (2) all property taken by the Cuban Govern-
18 ment from United States nationals on or after Janu-
19 ary 1, 1959, has been returned to such nationals or
20 full compensation for such property has been prop-
21 erty has been provided to such nationals; and

22 (3) the Government of Cuba provides secure
23 protection for the internationally recognized human
24 rights of the people of Cuba.

1 **SEC. 4. PLAN FOR RESOLVING OUTSTANDING CLAIMS RE-**
2 **LATING TO PROPERTY CONFISCATED BY THE**
3 **GOVERNMENT OF CUBA.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the President may not take any action to ease
6 restrictions on travel to or trade with Cuba under the
7 Cuban Assets Control Regulations, the Export Adminis-
8 tration Regulations, or any other regulations relating to
9 the economic embargo of Cuba before the date on which
10 the President submits to Congress the plan described in
11 subsection (b).

12 (b) PLAN DESCRIBED.—

13 (1) IN GENERAL.—The plan described in this
14 subsection is a plan of the President for resolving
15 outstanding claims relating to confiscated property
16 to ensure that—

17 (A) all property taken by the Government
18 of Cuba from United States nationals on or
19 after January 1, 1959, has been returned to
20 such nationals; or

21 (B) full compensation for such property
22 has been provided to such nationals.

23 (2) ASSESSMENT RELATING TO CERTAIN
24 CLAIMS.—The President shall include in the plan de-
25 scribed in paragraph (1) an assessment of the effect
26 of planned actions to ease the restrictions described

1 in subsection (a) on claims relating to confiscated
2 property considered by the Foreign Claims Settle-
3 ment Commission of the United States before the
4 date of the enactment of this Act.

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