

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and
(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON FOREIGN LOAN RISKS.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j-1) is repealed.

(h) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(j) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102-393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section."

Subtitle IV—Effective Date

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this title, the provisions of this title and amendments made by this title shall take effect on the date of the enactment of this Act.

WELLSTONE AMENDMENT NO. 320

Mr. WELLSTONE proposed an amendment to the bill, S. 244, supra; as follows:

At the appropriate place, add the following new section:

SEC. .SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCIS- SIONS ACT

BINGAMAN (AND OTHERS) AMENDMENT NO. 321

Mr. BINGAMAN (for himself, Mr. NUNN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. KERREY, Mr. KENNEDY, and Mr. DODD) proposed an amendment to the bill, (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the end of the amendment add the following:

SEC. 110. It is the sense of the Senate that (1) cost-shared partnerships between the Department of Defense and the private sector to develop dual-use technologies (technologies that have applications both for defense and for commercial markets, such as computers, electronics, advanced materials, communications, and sensors) are increasingly important to ensure efficient use of defense procurement resources, and (2) such partnerships, including Sematech and the Technology Reinvestment Project, need to become the norm for conducting such applied research by the Department of Defense.

MCCAIN AMENDMENT NO. 322

Mr. MCCAIN proposed an amendment to the bill H.R. 889, supra; as follows:

On page 21, line 9, strike out "\$300,000,000" and insert in lieu thereof "\$150,000,000".

On page 22, line 15, strike out "\$351,000,000" and insert in lieu thereof "\$653,000,000".

MCCONNELL (AND OTHERS) AMENDMENT NO. 323

Mr. HATFIELD (for Mr. MCCONNELL, for himself, Mr. LEAHY, Mr. JEFFORDS, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 27, between lines 6 and 7, insert the following:

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION (RESCISSION)

Of the funds made available under this heading in Public Law 103-306, \$70 million are rescinded.

In lieu of the Committee amendment on page 27, lines 21 through 25, insert the following:

DEVELOPMENT ASSISTANCE FUND (RESCISSION)

Of the funds made available under this heading in Public Law 103-87 and Public Law 103-306, \$13,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES (RESCISSION)

Of the funds made available under this heading in Public Law 103-87 and Public Law 103-306, \$9,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION (RESCISSION)

Of the funds made available under this heading in Public Law 103-87 and Public Law 103-306, \$18,000,000 are rescinded, of which not less than \$12,000,000 shall be derived from funds allocated for Russia.

GRAMM (AND HOLLINGS) AMENDMENT NO. 324

Mr. HATFIELD (for Mr. GRAMM for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25 of the Committee bill, strike line 14 through line 12 on page 26, and insert in lieu thereof the following:

"DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE IMMIGRATION EMERGENCY FUND (RESCISSION)

Of the amounts made available under this heading in Public Law 103-317, \$10,000,000 are rescinded.

DEPARTMENT OF COMMERCE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY INDUSTRIAL TECHNOLOGY SERVICES (RESCISSION)

Of the amounts made available under this heading in Public Law 103-317 for the Advanced Technology Program, \$32,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES (RESCISSION)

Of the funds made available under this heading in Public Law 103-317, \$2,500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION INFORMATION INFRASTRUCTURE GRANTS (RESCISSION)

Of the amounts made available under this heading in Public Law 103-317, \$34,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS (RESCISSION)

Of the amounts made available under this heading in Public Law 103-317, \$40,000,000 are rescinded.

RELATED AGENCIES SMALL BUSINESS ADMINISTRATION SALARIES AND EXPENSES (RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, \$15,000,000 are rescinded.

LEGAL SERVICES CORPORATION PAYMENT TO THE LEGAL SERVICES CORPORATION (RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$15,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED
AGENCIES

DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
ACQUISITION AND MAINTENANCE OF BUILDINGS
ABROAD
(RESCISSION)

Of unobligated balances available under this heading, \$28,500,000 are rescinded.

HELMS (AND FAIRCLOTH)
AMENDMENT NO. 325

Mr. HELMS (for himself and Mr. FAIRCLOTH) proposed an amendment to the bill H.R. 889, supra; as follows:

At the end of title I, insert the following:

SEC. 1 . FORT BRAGG, NORTH CAROLINA.

Notwithstanding any other law, for fiscal year 1995 and each fiscal year thereafter, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not apply with respect to land under the jurisdiction of the Department of the Army at Fort Bragg, North Carolina.

HELMS (AND OTHERS)
AMENDMENT NO. 326

Mr. HELMS (for himself, Mr. DOLE, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D'AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GREGG, Mr. INHOFE, Mr. HOLLINGS, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. NICKLES, and Mr. ROBB) proposed an amendment to the bill H.R. 889, supra; as follows:

At the end of the bill, add the following:

TITLE —CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

SEC. .01. SHORT TITLE.

This title may be cited as the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

SEC. .02. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—

(A) the reduction in its subsidization by the former Soviet Union;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the precipitous decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba's economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

(3) The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of fundamental human rights, has isolated the Cuban regime as the only nondemocratic government in the Western Hemisphere.

(4) As long as no such economic or political reforms are adopted by the Cuban government, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(5) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and has made clear that he has no intention of permitting free and fair democratic elections in Cuba or otherwise tolerating the democratization of Cuban society.

(6) The Castro government, in an attempt to retain absolute political power, continues to utilize, as it has from its inception, torture in various forms (including psychiatric abuse), execution, exile, confiscation, political imprisonment, and other forms of terror and repression as most recently demonstrated by the massacre of more than 70 Cuban men, women, and children attempting to flee Cuba.

(7) The Castro government holds hostage in Cuba innocent Cubans whose relatives have escaped the country.

(8) The Castro government has threatened international peace and security by engaging in acts of armed subversion and terrorism, such as the training and arming of groups dedicated to international violence.

(9) The Government of Cuba engages in illegal international narcotics trade and harbors fugitives from justice in the United States.

(10) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(11) Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban pro-democracy and human rights groups have ensured the international community's continued awareness of, and concern for, the plight of Cuba.

(12) The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that has oppressed them for 36 years.

(13) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

(14) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in isolating the totalitarian Castro regime.

SEC. .03. PURPOSES.

The purposes of this title are—

(1) to strengthen international sanctions against the Castro government;

(2) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(3) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(4) to protect the rights of United States persons who own claims to confiscated property abroad.

SEC. .04. DEFINITIONS.

As used in this title—

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) **CONFISCATED.**—The term "confiscated" refers to the nationalization, expropriation, or other seizure of ownership or control of property by governmental authority—

(A) without adequate and effective compensation or in violation of the law of the

place where the property was situated when the confiscation occurred; and

(B) without the claim to the property having been settled pursuant to an international claims settlement agreement.

(3) **CUBAN GOVERNMENT.**—The term "Cuban government" includes the government of any political subdivision, agency, or instrumentality of the Government of Cuba.

(4) **DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.**—The term "democratically elected government in Cuba" means a government described in section .26.

(5) **ECONOMIC EMBARGO OF CUBA.**—The term "economic embargo of Cuba" refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act, and the Export Administration Act of 1979.

(6) **PROPERTY.**—The term "property" means—

(A) any property, right, or interest, including any leasehold interest,

(B) debts owed by a foreign government or by any enterprise which has been confiscated by a foreign government; and

(C) debts which are a charge on property confiscated by a foreign government.

(7) **TRAFFICS.**—The term "traffics" means selling, transferring, distributing, dispensing, or otherwise disposing of property, or purchasing, receiving, possessing, obtaining control of, managing, or using property.

(8) **TRANSITION GOVERNMENT IN CUBA.**—The term "transition government in Cuba" means a government described in section .25.

(9) **UNITED STATES PERSON.**—The term "United States person" means—

(A) any United States citizen, including, in the context of claims to confiscated property, any person who becomes a United States citizen after the property was confiscated but before final resolution of the claim to that property; and

(B) any corporation, trust, partnership, or other juridical entity 50 percent or more beneficially owned by United States citizens.

PART A—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. .11. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations, which is similar to consultations conducted by United States representatives with respect to Haiti; and

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to such state.

SEC. .12. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) **POLICY.**—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

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

(b) **DIPLOMATIC EFFORTS.**—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials are—

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

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

(c) **EXISTING REGULATIONS.**—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) **VIOLATIONS OF RESTRICTIONS ON TRAVEL TO CUBA.**—The penalties provided for in section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) shall apply to all violations of the Cuban Assets Control Regulations (part 515 of title 31, Code of Federal Regulations) involving transactions incident to travel to and within Cuba.

SEC. 13. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) **PROHIBITION.**—Effective upon the date of enactment of this title, it is unlawful for any United States person, including any officer, director, or agent thereof and including any officer or employee of a United States agency, knowingly to extend any loan, credit, or other financing to a foreign person that traffics in any property confiscated by the Cuban government the claim to which is owned by a United States person.

(b) **TERMINATION OF PROHIBITION.**—The prohibition of subsection (a) shall cease to apply on the date of termination of the economic embargo of Cuba.

(c) **PENALTIES.**—Violations of subsection (a) shall be punishable by the same penalties as are applicable to similar violations of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

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

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

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

SEC. 14. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) **CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.**—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against the admission of Cuba as a member of such institution until Cuba holds free and fair, democratic elections, conducted under the supervision of internationally recognized observers.

(2) During the period that a transition government in Cuba is in power, the President shall take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) **REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.**—If any international financial institution approves a loan or other assistance to Cuba over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) **DEFINITION.**—For purposes of this section, the term “international financial institution” means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 15. UNITED STATES OPPOSITION TO READMISSION OF THE GOVERNMENT OF CUBA TO THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to vote against the readmission of the Government of Cuba to membership in the Organization until the President determines under section 23(c) that a democratically elected government in Cuba is in power.

SEC. 16. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION OF THE GOVERNMENT OF CUBA.

(a) **REPORTING REQUIREMENT.**—Not later than 90 days after the date of enactment of this title, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

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

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

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

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within the 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Government of Cuba; or”

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

“(3) **NONMARKET BASED TRADE.**—As used in section 498A(b)(5), the term ‘nonmarket based trade’ includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

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

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

“(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Government of Cuba is not held accountable for unfulfilled exchange contracts, and arrangements under which

Cuba does not pay appropriate transportation, insurance, or finance costs.”

(d) **FACILITIES AT LOURDES, CUBA.**—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to \$200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

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

“(d) **REDUCTION IN ASSISTANCE FOR SUPPORT OF MILITARY AND INTELLIGENCE FACILITIES IN CUBA.**—(1) Notwithstanding any other provision of law, the President shall withhold from assistance allocated for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided by such state in support of military and intelligence facilities in Cuba, such as the intelligence facility at Lourdes, Cuba.

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

“(A) assistance provided under the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) or the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160); or

“(B) assistance to meet urgent humanitarian needs under section 498(l), including disaster assistance described in subsection (c)(3) of this section.”

SEC. 17. TELEVISION BROADCASTING TO CUBA.

(a) **CONVERSION TO UHF.**—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

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

SEC. 18. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) **REPORTS REQUIRED.**—Not later than 90 days after the date of enactment of this title, and every year thereafter, the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) **CONTENTS OF REPORTS.**—Each report required by subsection (a) shall, for the period covered by the report, contain—

(1) a description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance;

(2) a description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade;

(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States person;

(5) a determination of the amount of Cuban debt owed to each foreign country, including the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties.

SEC. 19. IMPORTATION SANCTION AGAINST CERTAIN CUBAN TRADING PARTNERS.

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

(b) **CONDITION FOR REMOVAL OF SANCTION.**—The sanction set forth in subsection (a) shall cease to apply to a country if the country certifies to the President that the country will not import sugar, syrup, or molasses that is the product of Cuba until free and fair elections, conducted under the supervision of internationally recognized observers, are held in Cuba. Such certification shall cease to be effective if the President makes a subsequent determination under subsection (a) with respect to that country.

(c) **REPORTS TO CONGRESS.**—The President shall report to the appropriate congressional committees all determinations made under subsection (a) and all certifications made under subsection (b).

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

PART B—SUPPORT FOR A FREE AND INDEPENDENT CUBA

SEC. 21. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

It is the policy of the United States—

(1) to support the self-determination of the Cuban people;

(2) to facilitate a peaceful transition to representative democracy and a free market economy in Cuba;

(3) to be impartial toward any individual or entity in the selection by the Cuban people of their future government;

(4) to enter into negotiations with a democratically elected government in Cuba regarding the status of the United States Naval Base at Guantanamo Bay;

(5) to restore diplomatic relations with Cuba, and support the reintegration of Cuba into entities of the Inter-American System, when the President determines that there exists a democratically elected government in Cuba;

(6) to remove the economic embargo of Cuba when the President determines that there exists a democratically elected government in Cuba; and

(7) to pursue a mutually beneficial trading relationship with a democratic Cuba.

SEC. 22. AUTHORIZATION OF ASSISTANCE FOR THE CUBAN PEOPLE.

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba, as determined under section 23 (a) and (c).

(2) **EFFECT ON OTHER LAWS.**—

(A) **SUPERSEDING OTHER LAWS.**—Subject to subparagraph (B), assistance may be pro-

vided under this section notwithstanding any other provision of law.

(B) **DETERMINATION REQUIRED REGARDING PROPERTY TAKEN FROM UNITED STATES PERSONS.**—Subparagraph (A) shall not apply to section 620(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(2)).

(b) **RESPONSE PLAN.**—

(1) **DEVELOPMENT OF PLAN.**—The President shall develop a plan detailing the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(2) **TYPES OF ASSISTANCE.**—Support for the Cuban people under the plan described in paragraph (1) shall include the following types of assistance:

(A) **TRANSITION GOVERNMENT.**—Assistance under the plan to a transition government in Cuba shall be limited to such food, medicine, medical supplies and equipment, and other assistance as may be necessary to meet emergency humanitarian needs of the Cuban people.

(B) **DEMOCRATICALLY ELECTED GOVERNMENT.**—Assistance under the plan for a democratically elected government in Cuba shall consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba. Such assistance should include—

(i) financing, guarantees, and other assistance provided by the Export-Import Bank of the United States;

(ii) insurance, guarantees, and other assistance provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(iii) assistance provided by the Trade and Development Agency;

(iv) international narcotics control assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961; and

(v) Peace Corps activities.

(c) **CARIBBEAN BASIN INITIATIVE.**—(1) The President shall determine, as part of the plan developed under subsection (b), whether or not to designate Cuba as a beneficiary country under section 212 of the Caribbean Basin Economic Recovery Act.

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

(3) The table contained in section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by inserting "Cuba" between "Costa Rica" and "Dominica".

(d) **TRADE AGREEMENTS.**—Notwithstanding any other provision of law, the President, upon transmittal to Congress of a determination under section 23(c) that a democratically elected government in Cuba is in power, should—

(1) take the steps necessary to extend non-discriminatory trade treatment (most-favored-nation status) to the products of Cuba; and

(2) take such other steps as will encourage renewed investment in Cuba.

(e) **COMMUNICATION WITH THE CUBAN PEOPLE.**—The President should take the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this title, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. 23. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) **IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.**—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the availability of appropriations, commence the provision of assistance to such transition government under the plan developed under section 22(b).

(b) **REPORTS TO CONGRESS.**—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 22(b)(2)(A) to the transition government in Cuba under the plan of assistance developed under section 22(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(2) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(c) **IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.**—The President shall, upon determining that a democratically elected government in Cuba is in power, transmit that determination to the appropriate congressional committees and should, subject to the availability of appropriations, commence the provision of assistance to such democratically elected government under the plan developed under section 22(b)(2)(B).

(d) **ANNUAL REPORTS TO CONGRESS.**—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 22(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

SEC. 24. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) **TERMINATION.**—Upon the effective date of this section—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking "Republic of Cuba";

(3) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations, shall cease to apply; and

(4) the President shall take such other steps as may be necessary to rescind any other regulations in effect under the economic embargo of Cuba.

(b) **EFFECTIVE DATE.**—This section shall take effect upon transmittal to Congress of a determination under section 23(c) that a democratically elected government in Cuba is in power.

SEC. 25. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this title, a transition government in Cuba is a government in Cuba that—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(3) has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(4) has publicly committed itself to, and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(C) effectively guaranteeing the rights of free speech and freedom of the press;

(D) permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba;

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

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

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens and entities property taken by the Government of Cuba from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) having a currency that is fully convertible domestically and internationally;

(I) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(J) allowing the establishment of an independent labor movement and of independent social, economic, and political associations;

(5) does not include Fidel Castro or Raul Castro;

(6) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and

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

SEC. 26. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this title, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 25, is a government in Cuba which—

(1) results from free and fair elections—

(A) conducted under the supervision of internationally recognized observers;

(B) in which opposition parties were permitted ample time to organize and campaign for such elections, and in which all candidates in the elections were permitted full access to the media;

(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(3) has established an independent judiciary;

(4) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property;

(5) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(6) has returned to United States citizens, and entities which are 50 percent or more beneficially owned by United States citizens, property taken by the Government of Cuba from such citizens and entities on or after January 1, 1959, or provided full compensation in accordance with international law standards and practice to such citizens and entities for such property.

PART C—PROTECTION OF AMERICAN PROPERTY RIGHTS ABROAD

SEC. 31. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY UNITED STATES PERSONS.

(a) **ADDITIONAL GROUNDS FOR EXCLUSION.**—Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by adding at the end the following:

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

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

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

“(III) is a corporate officer, principal, or shareholder of an entity which the Secretary of State determines or is informed by competent authority has been involved in the confiscation, trafficking in, or subsequent unauthorized use or benefit from confiscated property, the claim to which is owned by a United States person, or

“(IV) is a spouse or dependent of a person described in subclause (I),

is excludable.

“(ii) The validity of claims under this subparagraph shall be established in accordance with section 303 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.

“(iii) For purposes of this subparagraph, the terms ‘confiscated’, ‘traffics’, and ‘United States person’ have the same meanings given to such terms under section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals seeking to enter the United States on or after the date of enactment of this title.

SEC. 32. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES PERSONS.

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

(A) the amount certified by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949, plus interest at the commercially recognized normal rate;

(B) the amount determined under section 33(a)(2); or

(C) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest at the commercially recognized normal rate, whichever is greater.

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

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

(B) In the case of property confiscated before the date of enactment of this title, no

United States person may bring an action under this section unless such person acquired ownership of the claim to the confiscated property before such date.

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

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

“§1331a. Civil actions involving confiscated property

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

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

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

(2) by striking the period at the end of paragraph (6) and inserting “; or”; and

(3) by adding at the end the following:

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

SEC. 33. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) **EVIDENCE OF OWNERSHIP.**—For purposes of this title, conclusive evidence of ownership by the United States person of a claim to confiscated property is established—

(1) when the Foreign Claims Settlement Commission certifies the claim under title V of the International Claims Settlement Act of 1949, as amended by subsection (b); or

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

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

“ADDITIONAL CLAIMS

“SEC. 514. Notwithstanding any other provision of this title, a United States national may bring a claim to the Commission for determination and certification under this title of the amount and validity of a claim resulting from actions taken by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a United States national at the time of the Cuban government action, except that, in the case of property confiscated after the date of enactment of this section, the claimant must be a United States national at the time of the confiscation.”

(c) **CONFORMING REPEAL.**—Section 510 of the International Claims Settlement Act of 1949 (22 U.S.C. 1643i) is repealed.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on Wednesday, March 8, 1995, at 9:30 a.m., in room 428A of the Russell Senate Office Building. The subject of the hearing is the Regulatory Flexibility Amendment Act.

For further information, please contact Louis Taylor at 224-5175.