HOUSE OF REPRESENTATIVES—*Monday, March 4, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 4, 1996.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

There are times when it seems our world is filled with the demons of violence and chaos and yet, O God, we pray for peace. The lives of some women and men and children are irrevocably lost and instead of hope there is despair, and instead of respect and compassion there is contempt and disdain. O gracious God, from whom we have come and to whom we shall return, encourage all people of good will to think and speak and act in ways that strengthen the human bond and make right the covenant of peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. LANTOS] come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 1, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, March 1st at 3:25 p.m. and said to contain a message from the President whereby he notifies the Congress of the declaration of a national emergency with respect to Cuba.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 1 of title II of Public Law 65–24, ch. 30, 50 U.S.C. 191 and sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, United States Code, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba.

In the proclamation, I have authorized and directed the Secretary of Transportation to make an issue such rules and regulations that the Secretary may find appropriate to prevent unauthorized U.S. vessels from entering Cuban territorial waters.

I have authorized these rules and regulations as a result of the Government of Cuba's demonstrated willingness to use reckless force, including deadly force, in the ostensible enforcement of its sovereignty. I have determined that the unauthorized departures of vessels intending to enter Cuban territorial waters could jeopardize the safety of certain U.S. citizens and other persons residing in the United States and threaten a disturbance of international relations. I have, accordingly, declared a national emergency in response to these threats.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 1996.*

INTRODUCTION OF RESOLUTION CALLING ON OUR PRESIDENT TO MAKE ANTITERRORIST ASSETS AVAILABLE TO ISRAEL

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, our deeply respected and beloved chaplain a few moments ago started out his prayer with these words: "There are times when it seems our world is filled with the demons of violence and chaos."

This is one of those times.

As the only survivor of the Holocaust ever elected to the Congress of the United States, I know I speak for all of my colleagues, Republicans and Democrats, in expressing our outrage at the most recent terrorist attack against children, women and old people, all civilians, in the streets of Israel.

The distinguished Republican chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and I are introducing a resolution denouncing this most recent outrage, calling on Yasser Arafat to pulverize the infrastructure of the terrorists and calling on the President of the United States to make our antiterrorist assets available to achieve that goal.

I ask all of my colleagues to join me in this resolution.

GENDER EQUITY IN EDUCATION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, this week the congressional caucus for women's issues is kicking off our program for National Women's History Month. We celebrate Women's History Month because, for too long, history has only meant his story. Women's contributions have to often gone unnoticed and unappreciated.

Now is the time to get to know her story. Now is the time to talk about women's accomplishments; women's contributions; and what we need to do to make the future brighter for our daughters—as well as our sons.

However, women can only make history when they have been educated,

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and America has a long way to go before educational equality is achieved.

In honor of Women's History Month, please join me at a briefing on gender equity in education, this Thursday, March 7, at 1 p.m. in 311 Cannon. At this event, we will see how far we have come, and how far we need to go, to make America's schools the best in the world for both boys and girls.

Women make history all year around, but March is Women's History Month. It deserves our attention.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's previously announced policy of May 12, 1995, and under a previous order of the House the following Members are recognized for 5 minutes each.

OUR DEFENSE TECHNOLOGY MUST BE APPLIED TO TERRORISM IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I must say this is a day where all of us shudder at what is going on in the Middle East. While we were so optimistic about the whole peace process, today is a day where it looks like the terrorists are willing to risk anything to get it derailed. You know, making peace is not for cowards. It is for the toughest and the strongest because they will test you and test you and test you because lesser beings and the demons that are around there want so much to continue the turmoil. If they can continue the turmoil and the terror, then they feel they are in charge.

The thing I think is so important to point out on these last horrible incidents is clearly the people doing this are not acting alone. These are not just somebody who is going out and doing this by themselves. There is a tremendous infrastructure supporting them, and that infrastructure must be sought out and destroyed. These are not mere happenstance. These are not independent contractors. These are folks who belong to some well-organized group that is putting a lot of thought into how to be as destructive of human life as possible, and these people are despicable, and we should do everything we can to go at them.

Today I would like to ask Attorney General Reno and the wonderful National Institute of Justice to get to the Israelis anything we have in the technology that would help crack that infrastructure.

When I chaired the Research and Development Committee for the Department of Defense, we took all of their top-of-the-line research and put it at the National Institute of Justice so they could get together with our law enforcement people and see what they could take and apply to law enforcement and to antiterrorism, antidrugs, antianything, because when you look at our law enforcement technology, it has lagged way behind our national security and defense technology. So this is up and running, and we have some very exciting things there, things that can detect plastics which clearly could be very helpful and many other things.

So I know that this country will be opening their doors immediately.

Necessity is the mother of invention, and we must take all of this very, very high-technology stuff the American taxpayer purchased for the Defense Department and apply it in this situation as rapidly as possible. The analogy is when the Scuds hit Israel during the gulf war, all of us were horrified and suddenly realized we had to get Patriot missiles there as soon as possible to help deflect those Scuds. This is similar. We must scurry around, get our antiterrorism groups, our law enforcement groups and everybody helping Israel get through this crisis because, if the peace process is derailed, which is the goal of these terrorists, then they win, they win, and we all lose.

So, civilized nations must stand shoulder to shoulder in this time where we are all being tried. We are being tried to see if we are really strong enough to stay on this road. We are, and we must stand together, and we must make sure that the course is set and we will not deviate. We will bring peace to the Middle East and throw everything we have got toward that goal.

SMALL BUSINESS REGULATORY RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I come before the House today to talk about the Small Business Regulatory Relief Act that the House will be considering tomorrow.

My subcommittee, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Relief, has been conducting numerous field hearings around this country where we have been hearing from average Americans about the problems that redtape causes in their lives, and let me tell you, a lot of times it boils down to the fact that this Government redtape costs us jobs in this country.

I want to read one example of testimony that we received from a Mr. Bruce Gohman, president of W. Gohman Construction Co. in St. Cloud, MN.

Now, Mr. Gohman came and told us that he purposefully keeps the number of employees in his small business fewer than 50 individuals because, if he goes over 50, a whole new set of redtape and regulations kicks in and, quite frankly, he cannot afford it at that point. That means that we are losing jobs in Minnesota because of all of this redtape right here in Washington.

Now, tomorrow we have a proposal on the House floor that is a very modest proposal to address that problem. First, it says we are going to strengthen the Regulatory Flexibility Act that requires agencies to consider the impact on small businesses of their rules and regulations. This proposal was part of the contract and is very important for us to say to small businessmen, if the agencies ignore this rule, that agency administrators have to make rules more flexible. Then you can bring them to court and require them to follow the guidelines.

This second title is administrative review, and, quite frankly, I am perplexed at this because President Clinton, on February 21, 1995, said that it is time to revise the culture in this town and change the way we write regulations. He ordered his agencies to, "go over every single regulation and cut those regulations that are obsolete."

Title II does exactly that. It tells the agencies they must go through their regulations, get rid of the ones that are obsolete, that do not make sense, that really no longer serve their purpose. Those that we need should continue to be on the books, and those that can be strengthened should be strengthened and improved—a very simple, very commonsense approach.

I was surprised to find out today that President Clinton is opposing title II and does not think it is a good idea for us to pass this piece of legislation in Congress. I think it is a shame when the President says he want to cut back on regulations but then acts to prevent the agencies from doing that in opposing our title II provision.

There is also title III that says these regulations must come back to Congress for review, and that each House must consider them. If they do not approve the rules, they can pass a law, send it to the President, and he can sign or veto it, and the regulation will be overridden by that law; I think this is a very helpful procedure to add additional emphasis in cutting back on regulations.

But the most surprising thing to me is the demagoguery that is going along in the debate by opponents of this bill who claim that for some reason it may be gutting environmental laws, may be gutting health and safety laws, may be leaving poor and innocent Americans defenseless.

This is a very good bill that can actually strengthen those rules that make sense, get rid of those rules that do not make sense, and once again tell small businessmen like Bruce Gohman in Minnesota we are not going to have so many regulations that you would not

add new jobs, create more employment in this country, because that is the reason we have to have regulatory relief.

I urge all my colleagues to keep a strong version of this bill tomorrow so we can tell the American people we have made a start in cutting back on unnecessary regulations and redtape.

CONFERENCE REPORT ON H.R. 927

Mr. GILMAN submitted the following conference report and statement on the bill (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:

CONFERENCE REPORT (H. REPT. 104–468)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
Sec. 5. Severability.
TITLE I—STRENGTHENING INTERNATIONAL 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 Cuba.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to termination of the suspension of the Cuban Government from participation in the Organization of American States.
Sec. 106. Assistance by the independent states of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on commerce with, and assistance to, Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Importation safeguard against certain Cuban products.
Sec. 111. Withholding of foreign assistance from countries supporting Juragua nuclear plant in Cuba.
Sec. 112. Reinstitution of family remittances and travel to Cuba.
Sec. 113. Expulsion of criminals from Cuba.
Sec. 114. News bureaus in Cuba.
Sec. 115. Effect of Act on lawful United States Government activities.
Sec. 116. Condemnation of Cuban attack on American aircraft.
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. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements and factors for determining a transition government.
Sec. 206. Requirements for determining a democratically elected government.
Sec. 207. Settlement of outstanding United States claims to confiscated property in Cuba.
TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS
Sec. 301. Findings.
Sec. 302. Liability for trafficking in confiscated property claimed by United States nationals.
Sec. 303. Proof of ownership of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.
Sec. 305. Limitation of actions.
Sec. 306. Effective date.
TITLE IV—EXCLUSION OF CERTAIN ALIENS
Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:

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

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

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

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

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

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

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

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

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

(6) 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.

(7) 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 people of Cuba living under tyranny.

(8) 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 sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) Amendments to the Foreign Assistance Act of 1961 made by the FREEDOM Support Act require that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to "terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance".

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

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

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in

violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to "implement so much as one comma" of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 47–139 on December 18, 1992, Resolution 48–142 on December 20, 1993, and Resolution 49–200 on December 23, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning violations of human rights and fundamental freedoms in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.".

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

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

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of "all necessary means" to restore the "democratically elected government of Haiti", and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years, and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

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

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals by the Castro government, and the political manipulation by the Castro government of the desire of Cubans to escape that results in mass migration to the United States;

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

(5) 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

(6) to protect United States nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code.

(2) 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.

(3) COMMERCIAL ACTIVITY.—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(4) CONFISCATED.—As used in titles I and III, the term "confiscated" refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure of the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

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

(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to "a foreign state" deemed to be a reference to "Cuba".

(6) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" means a government determined by the President to have met the requirements of section 206.

(7) ECONOMIC EMBARGO OF CUBA.—The term "economic embargo of Cuba" refers to—

(A) the economic embargo (including all restrictions on trade or transactions with, and travel to or from, Cuba, and all restrictions on transactions in property in which Cuba or nationals of Cuba have an interest) that was 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 Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following), or any other provision of law; and

(B) the restrictions imposed by section 902(c) of the Food Security Act of 1985.

(8) FOREIGN NATIONAL.—The term "foreign national" means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(9) KNOWINGLY.—The term "knowingly" means with knowledge or having reason to know.

(10) OFFICIAL OF THE CUBAN GOVERNMENT OR THE RULING POLITICAL PARTY IN CUBA.—The term "official of the Cuban Government or the ruling political party in Cuba" refers to any member of the Council of Ministers, Council of State, central committee of the Communist Party of Cuba, or the Politburo of Cuba, or their equivalents.

(11) PERSON.—The term "person" means any person or entity, including any agency or instrumentality of a foreign state.

(12) PROPERTY.—(A) The term "property" means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term "property" does not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by an official of the Cuban Government or the ruling political party in Cuba.

(13) TRAFFICS.—(A) As used in title III, and except as provided in subparagraph (B), a person "traffics" in confiscated property if that person knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clause (i) or (ii)) by another person, or otherwise engages in trafficking (as described in clause (i) or (ii)) through another person,

without the authorization of any United States national who holds a claim to the property.

(B) The term "traffics" does not include—

(i) the delivery of international telecommunication signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses of property by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(14) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" means a government that the President determines is a transition government consistent with the requirements and factors set forth in section 205.

(15) UNITED STATES NATIONAL.—The term "United States national" means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

SEC. 5. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, the amendments made by this Act, or the application thereof to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. 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 Cuban Government pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti;

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational any nuclear facilities in Cuba, and any continuation of intelligence activities by such a state from Cuba that are targeted at the United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility, and the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to United States shores, further depleting limited humanitarian and other resources of the United States, the President should do all in his power to make it clear to the Cuban Government that—

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States,

will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—

(1) RESTRICTIONS BY OTHER COUNTRIES.—The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states that the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) SANCTIONS ON OTHER COUNTRIES.—The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of that 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 communicating the reasons for the United States economic embargo of Cuba, and are 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 set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102–484, is amended to read as follows:

"(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(4) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(2) CONFORMING AMENDMENT.—Section 16 of the Trading with the Enemy Act is further amended by striking subsection (b), as added by Public Law 102–393.

(3) CLERICAL AMENDMENTS.—Section 16 of the Trading with the Enemy Act is further amended—

(A) by inserting "SEC. 16." before "(a)"; and

(B) in subsection (a) by striking "participants" and inserting "participates".

(e) DENIAL OF VISAS TO CERTAIN CUBAN NATIONALS.—It is the sense of the Congress that the President should instruct the Secretary of State and the Attorney General to enforce fully existing regulations to deny visas to Cuban nationals considered by the Secretary of State to be officers or employees of the Cuban Government or of the Communist Party of Cuba.

(f) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and"; and

(4) by adding at the end the following flush sentence: "As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to 'a foreign state' deemed to be a reference to 'Cuba'.".

(g) TELECOMMUNICATIONS SERVICES.—Section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)) is amended by adding at the end the following new paragraphs:

"(5) PROHIBITION ON INVESTMENT IN DOMESTIC TELECOMMUNICATIONS SERVICES.—Nothing in this subsection shall be construed to authorize the investment by any United States person in the domestic telecommunications network within Cuba. For purposes of this paragraph, an 'investment' in the domestic telecommunications network within Cuba includes the contribution (including by donation) of funds or anything of value to or for, and the making of loans to or for, such network.

"(6) REPORTS TO CONGRESS.—The President shall submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.".

(h) CODIFICATION OF ECONOMIC EMBARGO.—The economic embargo of Cuba, as in effect on March 1, 1996, including all restrictions under part 515 of title 31, Code of Federal Regulations, shall be in effect upon the enactment of this Act, and shall remain in effect, subject to section 204 of this Act.

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident alien, or a United States agency to any person for the purpose of financing transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act, except for financing by the United States national owning such claim for a transaction permitted under United States law.

(b) SUSPENSION AND TERMINATION OF PROHIBITION.—

(1) SUSPENSION.—The President is authorized to suspend the prohibition contained in subsection (a) upon a determination made under section 203(c)(1) that a transition government in Cuba is in power.

(2) TERMINATION.—The prohibition contained in subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates as provided in section 204.

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

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

(1) the term "permanent resident alien" means an alien lawfully admitted for permanent residence into the United States; and

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

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) TRANSITION GOVERNMENT.—Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power—

(A) the President is encouraged to 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, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government 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 either 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. 105. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE CUBAN GOVERNMENT FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban Government from participation in the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress toward 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) IN GENERAL.—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 new paragraph:

"(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 that 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 Cuban Government; or".

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

"(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 Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

"(B) imports from the Cuban Government at preferential tariff rates;

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

"(D) the exchange, reduction, or forgiveness of debt of the Cuban Government in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

"(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

"(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to 'a foreign state' deemed to be a reference to 'Cuba'.".

(3) EXCEPTION.—Section 498A(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295A(c)) is amended by inserting after paragraph (3) the following new paragraph:

"(4) The assistance is provided under the secondary school exchange program administered by the United States Information Agency.".

(d) FACILITIES AT LOURDES, CUBA.—

(1) DISAPPROVAL OF CREDITS.—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) REDUCTION IN ASSISTANCE.—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 INTELLIGENCE FACILITIES IN CUBA.—

"(1) REDUCTION IN ASSISTANCE.—Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this Act an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

"(2) WAIVER.—(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

"(B) At the time of a certification made with respect to Russia under subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

"(C) The report required by subparagraph (B) may be submitted in classified form.

"(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) EXCEPTIONS TO REDUCTIONS IN ASSISTANCE.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

"(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

"(B) democratic political reform or rule of law activities;

"(C) technical assistance for safety upgrades of civilian nuclear power plants;

"(D) the creation of private sector or nongovernmental organizations that are independent of government control;

"(E) the development of a free market economic system;

"(F) assistance under the secondary school exchange program administered by the United States Information Agency; or

"(G) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).".

SEC. 107. 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 the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and by January 1 of each year thereafter until the President submits a determination under section 203(c)(1), 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 the following, to the extent such information is available:

(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 national.

(5) A determination of the amount of debt of the Cuban Government that is owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed the foreign country that has been exchanged, forgiven, or reduced in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(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 do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—Notwithstanding any other provision of law (including section 102 of this Act), except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—

(1) FOR SUPPORT OF HUMAN RIGHTS AND ELECTIONS.—The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) ACTION OF OTHER MEMBER STATES.—The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) VOLUNTARY CONTRIBUTIONS FOR FUND.—Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States solely for the purposes of the special fund referred to in paragraph (1).

(c) DENIAL OF FUNDS TO THE CUBAN GOVERNMENT.—In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance is provided to the Cuban Government.

SEC. 110. IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS.

(a) PROHIBITION ON IMPORT OF AND DEALINGS IN CUBAN PRODUCTS.—The Congress notes that section 515.204 of title 31, Code of Federal Regulations, prohibits the entry of, and dealings outside the United States in, merchandise that—

(1) is of Cuban origin;

(2) is or has been located in or transported from or through Cuba; or

(3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(b) EFFECT OF NAFTA.—The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba. The statement of administrative action accompanying that trade agreement specifically states the following:

(1) "The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition.".

(2) "Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that U.S. products are not exported to Cuba through those countries.".

(c) RESTRICTION OF SUGAR IMPORTS.—The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99–198) requires the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for reexport to the United States any sugar produced in Cuba.

(d) ASSURANCES REGARDING SUGAR PRODUCTS.—Protection of essential security interests of the United States requires assurances that sugar products that are entered, or withdrawn from warehouse for consumption, into the customs territory of the United States are not products of Cuba.

SEC. 111. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING JURAGUA NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that the United States opposed the construction of the Juragua nuclear power plant because of the concerns of the United States about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to the Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the coast of the Gulf of Mexico as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform or rule of law activities;

(C) the creation of private sector or nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system;

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160); or

(F) assistance under the secondary school exchange program administered by the United States Information Agency.

(3) DEFINITION.—As used in paragraph (1), the term "assistance" means assistance under the Foreign Assistance Act of 1961, credits, sales, guarantees of extensions of credit, and other assistance under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act, and any other program of assistance or credits provided by the United States to other countries under other provisions of law.

SEC. 112. REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA.

It is the sense of the Congress that the President should—

(1)(A) before considering the reinstitution of general licenses for family remittances to Cuba, insist that, prior to such reinstitution, the Cuban Government permit the unfettered operation of small businesses fully empowered with the right to hire others to whom they may pay wages and to buy materials necessary in the operation of the businesses, and with such other authority and freedom as are required to foster the operation of small businesses throughout Cuba; and

(B) if licenses described in subparagraph (A) are reinstituted, require a specific license for remittances described in subparagraph (A) in amounts of more than $500; and

(2) before considering the reinstitution of general licenses for travel to Cuba by individuals resident in the United States who are family members of Cuban nationals who are resident in Cuba, insist on such actions by the Cuban Government as abrogation of the sanction for departure from Cuba by refugees, release of political prisoners, recognition of the right of association, and other fundamental freedoms.

SEC. 113. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official contacts with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

SEC. 114. NEWS BUREAUS IN CUBA.

(a) ESTABLISHMENT OF NEWS BUREAUS.—The President is authorized to establish and implement an exchange of news bureaus between the United States and Cuba, if the exchange meets the following conditions:

(1) The exchange is fully reciprocal.

(2) The Cuban Government agrees not to interfere with the establishment of news bureaus or with the movement in Cuba of journalists of any United States-based news organizations, including Radio Marti and Television Marti.

(3) The Cuban Government agrees not to interfere with decisions of United States-based news organizations with respect to individuals assigned to work as journalists in their news bureaus in Cuba.

(4) The Department of the Treasury is able to ensure that only accredited journalists regularly employed with a news gathering organization travel to Cuba under this subsection.

(5) The Cuban Government agrees not to interfere with the transmission of telecommunications signals of news bureaus or with the distribution within Cuba of publications of any United States-based news organization that has a news bureau in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—In implementing this section, the President shall take all necessary steps to ensure the safety and security of the United States against espionage by Cuban journalists it believes to be working for the intelligence agencies of the Cuban Government.

(c) FULLY RECIPROCAL.—As used in subsection (a)(1), the term "fully reciprocal" means that all news services, news organizations, and broadcasting services, including such services or organizations that receive financing, assistance, or other support from a governmental or official source, are permitted to establish and operate a news bureau in the United States and Cuba.

SEC. 115. EFFECT OF ACT ON LAWFUL UNITED STATES GOVERNMENT ACTIVITIES.

Nothing in this Act prohibits any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency, or of an intelligence agency, of the United States.

SEC. 116. CONDEMNATION OF CUBAN ATTACK ON AMERICAN AIRCRAFT.

(a) FINDINGS.—The Congress makes the following findings:

(1) Brothers to the Rescue is a Miami-based humanitarian organization engaged in searching for and aiding Cuban refugees in the Straits of Florida, and was engaged in such a mission on Saturday, February 24, 1996.

(2) The members of Brothers to the Rescue were flying unarmed and defenseless planes in a mission identical to hundreds they have flown since 1991 and posted no threat whatsoever to the Cuban Government, the Cuban military, or the Cuban people.

(3) Statements by the Cuban Government that Brothers to the Rescue has engaged in covert operations, bombing campaigns, and commando operations against the Government of Cuba have no basis in fact.

(4) The Brothers to the Rescue aircraft notified air traffic controllers as to their flight plans, which would take them south of the 24th parallel and close to Cuban airspace.

(5) International law provides a nation with airspace over the 12-mile territorial sea.

(6) The response of Fidel Castro's dictatorship to Saturday's afternoon flight was to scramble 2 fighter jets from a Havana airfield.

(7) At approximately 3:24 p.m., the pilot of one of the Cuban MiGs received permission and proceeded to shoot down one Brothers to the Rescue airplane more than 6 miles north of the Cuban exclusion zone, or 18 miles from the Cuban coast.

(8) Approximately 7 minutes later, the pilot of the Cuban fighter jet received permission and proceeded to shoot down the second Brothers to the Rescue airplane almost 18.5 miles north of the Cuban exclusion zone, or 30.5 miles from the Cuban coast.

(9) The Cuban dictatorship, if it truly felt threatened by the flight of these unarmed aircraft, could have and should have pursued other peaceful options as required by international law.

(10) The response chosen by Fidel Castro, the use of lethal force, was completely inappropriate to the situation presented to the Cuban Government, making such actions a blatant and barbaric violation of international law and tantamount to cold-blooded murder.

(11) There were no survivors of the attack on these aircraft, and the crew of a third aircraft managed to escape this criminal attack by Castro's Air Force.

(12) The crew members of the destroyed planes, Pablo Morales, Carlos Costa, Mario de la Pena, and Armando Alejandre, were United States citizens from Miami flying with Brothers to the Rescue on a voluntary basis.

(13) It is incumbent upon the United States Government to protect the lives and livelihoods of United States citizens as well as the rights of free passage and humanitarian missions.

(14) This premeditated act took place after a week-long waive of repression by the Cuban Government against Concilio Cubano, an umbrella organization of human rights activists, dissidents, independent economists, and independent journalists, among others.

(15) The waive of repression against Concilio Cubano, whose membership is committed to peaceful democratic change in Cuba, included arrests, strip searches, house arrests, and in some cases sentences to more than 1 year in jail.

(b) STATEMENTS BY THE CONGRESS.—(1) The Congress strongly condemns the act of terrorism by the Castro regime in shooting down the Brothers to the Rescue aircraft on February 24, 1996.

(2) The Congress extends its condolences to the families of Pablo Morales, Carlos Costa, Mario de la Pena, and Armando Alejandre, the victims of the attack.

(3) The Congress urges the President to seek, in the International Court of Justice, indictment for this act of terrorism by Fidel Castro.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

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

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

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

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

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

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

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

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

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

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance in addition to assistance under clause (i) may be provided, but only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, freedom of individuals to travel to visit their relatives without any restrictions shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of economic assistance in addition to assistance available under subparagraph (A), together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

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

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

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

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

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

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

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

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

(h) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and the appropriate congressional committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

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

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) 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 shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) 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.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject

to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) 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 202(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.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consultation with the Congress, is authorized to take steps to suspend the economic embargo of Cuba and to suspend the right of action created in section 302 with respect to actions thereafter filed against the Cuban Government, to the extent that such steps contribute to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

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

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with respect to the "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba, including the restrictions under part 515 of title 31, Code of Federal Regulations.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(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) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.", with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS AND FACTORS FOR DETERMINING A TRANSITION GOVERNMENT.

(a) REQUIREMENTS.—For the purposes of this Act, a transition government in Cuba is a government that—

(1) has legalized all political activity;

(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; and

(4) has made public commitments to organizing free and fair elections for a new government—

(A) to be held in a timely manner within a period not to exceed 18 months after the transition government assumes power;

(B) 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

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

(5) has ceased any interference with Radio Marti or Television Marti broadcasts;

(6) makes public commitments 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) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(7) does not include Fidel Castro or Raul Castro; and

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

(b) ADDITIONAL FACTORS.—In addition to the requirements in subsection (a), in determining whether a transition government in Cuba is in power, the President shall take into account the extent to which that government—

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

(2) has made public commitments to, and is making demonstrable progress in—

(A) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;

(B) permitting the reinstatement of citizenship to Cuban-born persons returning to Cuba;

(C) assuring the right to private property; and

(D) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(3) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States; and

(4) has permitted the deployment throughout Cuba of independent and unfettered international human rights monitors.

SEC. 206. REQUIREMENTS FOR DETERMINING A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to meeting the requirements of section 205(a), is a government which—

(1) results from free and fair elections—

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

(B) in which—

(i) opposition parties were permitted ample time to organize and campaign for such elections; and

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

(4) is committed to making constitutional changes that would ensure regular free and fair elections and the full enjoyment of basic civil liberties and human rights by the citizens of Cuba;

(5) has made demonstrable progress in establishing an independent judiciary; and

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

SEC. 207. SETTLEMENT OF OUTSTANDING UNITED STATES CLAIMS TO CONFISCATED PROPERTY IN CUBA.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of State shall provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba, including—

(1) an estimate of the number and amount of claims to property confiscated by the Cuban Government that are held by United States nationals in addition to those claims certified under section 507 of the International Claims Settlement Act of 1949;

(2) an assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy;

(3) a review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions;

(4) an assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban Government that are held by United States nationals who did not receive or qualify for certification under section 507 of the International Claims Settlement Act of 1949; and

(5) an assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that the satisfactory resolution of property claims by a Cuban Government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS

SEC. 301. FINDINGS.

The Congress makes the following findings:

(1) Individuals enjoy a fundamental right to own and enjoy property which is enshrined in the United States Constitution.

(2) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban Government, and the subsequent exploitation of this property at the expense of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.

(3) Since Fidel Castro seized power in Cuba in 1959—

(A) he has trampled on the fundamental rights of the Cuban people; and

(B) through his personal despotism, he has confiscated the property of—

(i) millions of his own citizens;

(ii) thousands of United States nationals; and

(iii) thousands more Cubans who claimed asylum in the United States as refugees because of persecution and later became naturalized citizens of the United States.

(4) It is in the interest of the Cuban people that the Cuban Government respect equally the property rights of Cuban nationals and nationals of other countries.

(5) The Cuban Government is offering foreign investors the opportunity to purchase an equity interest in, manage, or enter into joint ventures using property and assets some of which were confiscated from United States nationals.

(6) This "trafficking" in confiscated property provides badly needed financial benefit, including hard currency, oil, and productive investment and expertise, to the current Cuban Government and thus undermines the foreign policy of the United States—

(A) to bring democratic institutions to Cuba through the pressure of a general economic embargo at a time when the Castro regime has proven to be vulnerable to international economic pressure; and

(B) to protect the claims of United States nationals who had property wrongfully confiscated by the Cuban Government.

(7) The United States Department of State has notified other governments that the transfer to third parties of properties confiscated by the Cuban Government "would complicate any attempt to return them to their original owners".

(8) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(9) International law recognizes that a nation has the ability to provide for rules of law with respect to conduct outside its territory that has or is intended to have substantial effect within its territory.

(10) The United States Government has an obligation to its citizens to provide protection against wrongful confiscations by foreign nations and their citizens, including the provision of private remedies.

(11) To deter trafficking in wrongfully confiscated property, United States nationals who were the victims of these confiscations should be endowed with a judicial remedy in the courts of the United States that would deny traffickers any profits from economically exploiting Castro's wrongful seizures.

SEC. 302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as otherwise provided in this section, any person that, after the end of the 3-month period beginning on the effective date of this title, traffics in property which was confiscated by the Cuban Government on or after January 1, 1959, shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being either the current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) court costs and reasonable attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF THE CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person is liable under clause (i) of paragraph (1)(A) is the amount that is certified as described in subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY.—(A) Any person that traffics in confiscated property for which liability is incurred under paragraph (1) shall, if a United States national owns a claim with respect to that property which was certified by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949, be liable for damages computed in accordance with subparagraph (C).

(B) If the claimant in an action under this subsection (other than a United States national to whom subparagraph (A) applies) provides, after the end of the 3-month period described in paragraph (1) notice to—

(i) a person against whom the action is to be initiated, or

(ii) a person who is to be joined as a defendant in the action,

at least 30 days before initiating the action or joining such person as a defendant, as the case may be, and that person, after the end of the 30-day period beginning on the date the notice is provided, traffics in the confiscated property that is the subject of the action, then that person shall be liable to that claimant for damages computed in accordance with subparagraph (C).

(C) Damages for which a person is liable under subparagraph (A) or subparagraph (B) are money damages in an amount equal to the sum of—

(i) the amount determined under paragraph (1)(A)(ii), and

(ii) 3 times the amount determined applicable under paragraph (1)(A)(i).

(D) Notice to a person under subparagraph (B)—

(i) shall be in writing;

(ii) shall be posted by certified mail or personally delivered to the person; and

(iii) shall contain—

(I) a statement of intention to commence the action under this section or to join the person as a defendant (as the case may be), together with the reasons therefor;

(II) a demand that the unlawful trafficking in the claimant's property cease immediately; and

(III) a copy of the summary statement published under paragraph (8).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, a United States national may not bring an action under this section on a claim to the confiscated property unless such national acquires ownership of the claim before such date of enactment.

(C) In the case of property confiscated on or after the date of the enactment of this Act, a United States national who, after the property is confiscated, acquires ownership of a claim to the property by assignment for value, may not bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of a United States national who was eligible to file a claim with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, that United States national may not bring an action on that claim under this section.

(B) In the case of any action brought under this section by a United States national whose underlying claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court shall accept the findings of the Commission on the claim as conclusive in the action under this section.

(C) A United States national, other than a United States national bringing an action under this section on a claim certified under title V of the International Claims Settlement Act of 1949, may not bring an action on a claim under this section before the end of the 2-year period beginning on the date of the enactment of this Act.

(D) An interest in property for which a United States national has a claim certified under title V of the International Claims Settlement Act of 1949 may not be the subject of a claim in an action under this section by any other person. Any person bringing an action under this section whose claim has not been so certified shall have the burden of establishing for the court

that the interest in property that is the subject of the claim is not the subject of a claim so certified.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1) .

(7) LICENSES NOT REQUIRED.—(A) Notwithstanding any other provision of law, an action under this section may be brought and may be settled, and a judgment rendered in such action may be enforced, without obtaining any license or other permission from any agency of the United States, except that this paragraph shall not apply to the execution of a judgment against, or the settlement of actions involving, property blocked under the authorities of section 5(b) of the Trading with the Enemy Act that were being exercised on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act.

(B) Notwithstanding any other provision of law, and for purposes of this title only, any claim against the Cuban Government shall not be deemed to be an interest in property the transfer of which to a United States national required before the enactment of this Act, or requires after the enactment of this Act, a license issued by, or the permission of, any agency of the United States.

(8) PUBLICATION BY ATTORNEY GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall prepare and publish in the Federal Register a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title.

(b) AMOUNT IN CONTROVERSY.—An action may be brought under this section by a United States national only where the amount in controversy exceeds the sum or value of $50,000, exclusive of interest, costs, and attorneys' fees. In calculating $50,000 for purposes of the preceding sentence, the applicable amount under subclause (I), (II), or (III) of subsection (a)(1)(A)(i) may not be tripled as provided in subsection (a)(3).

(c) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in this title, the provisions of title 28, United States Code, and the rules of the courts of the United States apply to actions under this section to the same extent as such provisions and rules apply to any other action brought under section 1331 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action under this section, service of process on an agency or instrumentality of a foreign state in the conduct of a commercial activity, or against individuals acting under color of law, shall be made in accordance with section 1608 of title 28, United States Code.

(d) ENFORCEABILITY OF JUDGMENTS AGAINST CUBAN GOVERNMENT.—In an action brought under this section, any judgment against an agency or instrumentality of the Cuban Government shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(e) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.".

(f) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any commonwealth, territory, or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—(A) In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(i) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(ii) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in clause (i) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(iii) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in clause (i) to the same extent as any certified claimant who does not bring an action under this section.

(B) In the event some or all actions brought under this section are consolidated by judicial or other action in such manner as to create a pool of assets available to satisfy the claims in such actions, including a pool of assets in a proceeding in bankruptcy, every claimant whose claim in an action so consolidated was certified by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 shall be entitled to payment in full of its claim from the assets in such pool before any payment is made from the assets in such pool with respect to any claim not so certified.

(g) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (f) shall be deposited into the United States Treasury.

(h) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated by the Cuban Government—

(A) may be suspended under section 204(a); and

(B) shall cease upon transmittal to the Congress of a determination of the President under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) PENDING SUITS.—The suspension or termination of rights under paragraph (1) shall not affect suits commenced before the date of such suspension or termination (as the case may be), and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if the suspension or termination had not occurred.

(i) IMPOSITION OF FILING FEES.—The Judicial Conference of the United States shall establish a uniform fee that shall be imposed upon the plaintiff or plaintiffs in each action brought under this section. The fee should be established at a level sufficient to recover the costs to the courts of actions brought under this section. The fee under this subsection is in addition to any other fees imposed under title 28, United States Code.

SEC. 303. PROOF OF OWNERSHIP OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the court shall accept as conclusive proof of ownership of an interest in property a certification of a claim to ownership of that interest that has been made by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—If in an action under this title a claim has not been so certified by the Foreign Claims Settlement Commission, the court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and ownership of the claim. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications under title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN OR INTERNATIONAL ENTITIES.—In determining the amount or ownership of a claim in an action under this title, the court shall not accept as conclusive evidence any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that declare the value of or invalidate the claim, unless the declaration of value or invalidation was found pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

"DETERMINATION OF OWNERSHIP OF CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

"SEC. 514. Notwithstanding any other provision of this Act and only for purposes of section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996), resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.".

(c) RULE OF CONSTRUCTION.—Nothing in this Act or in section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims

Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made under title V of the International Claims Settlement Act of 1949 before the date of the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

"EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

"SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any person who was ineligible to file a claim under section 503, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

"(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 507.".

SEC. 305. LIMITATION OF ACTIONS.

An action under section 302 may not be brought more than 2 years after the trafficking giving rise to the action has ceased to occur.

SEC. 306. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsections (b) and (c), this title and the amendments made by this title shall take effect on August 1, 1996.

(b) SUSPENSION AUTHORITY.—

(1) SUSPENSION AUTHORITY.—The President may suspend the effective date under subsection (a) for a period of not more than 6 months if the President determines and reports in writing to the appropriate congressional committees at least 15 days before such effective date that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(2) ADDITIONAL SUSPENSIONS.—The President may suspend the effective date under subsection (a) for additional periods of not more than 6 months each, each of which shall begin on the day after the last day of the period during which a suspension is in effect under this subsection, if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the date on which the additional suspension is to begin that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(c) OTHER AUTHORITIES.—

(1) SUSPENSION.—After this title and the amendments of this title have taken effect—

(A) no person shall acquire a property interest in any potential or pending action under this title; and

(B) the President may suspend the right to bring an action under this title with respect to confiscated property for a period of not more than 6 months if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the suspension takes effect that such suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(2) ADDITIONAL SUSPENSIONS.—The President may suspend the right to bring an action under this title for additional periods of not more than 6 months each, each of which shall begin on the day after the last day of the period during which a suspension is in effect under this subsection, if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the date on which the additional suspension is to begin that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(3) PENDING SUITS.—The suspensions of actions under paragraph (1) shall not affect suits commenced before the date of such suspension, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in this same manner and with the same effect as if the suspension had not occurred.

(d) RESCISSION OF SUSPENSION.—The President may rescind any suspension made under subsection (b) or (c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.

(a) GROUNDS FOR EXCLUSION.—The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State determines is a person who, after the date of the enactment of this Act—

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

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms "confiscated" and "confiscation" refer to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure of the Cuban Government to pay—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(2) TRAFFICS.—(A) Except as provided in subparagraph (B), a person "traffics" in confiscated property if that person knowingly and intentionally—

(i)(I) transfers, distributes, dispenses, brokers, or otherwise disposes of confiscated property,

(II) purchases, receives, obtains control of, or otherwise acquires confiscated property, or

(III) improves (other than for routine maintenance), invests in (by contribution of funds or anything of value, other than for routine maintenance), or begins after the date of the enactment of this Act to manage, lease, possess, use, or hold an interest in confiscated property,

(ii) enters into a commercial arrangement using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clause (i) or (ii)) by another person, or otherwise engages in trafficking (as described in clause (i) or (ii)) through another person,

without the authorization of any United States national who holds a claim to the property.

(B) The term "traffics" does not include—

(i) the delivery of international telecommunication signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses of property by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(c) EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons or for purposes of litigation of an action under title III.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of "traffics" that occur on or after the date of the enactment of this Act.

And the Senate agree to the same.

BEN GILMAN,
DAN BURTON,
ILEANA ROS-LEHTINEN,
PETER T. KING,
LINCOLN DIAZ-BALART,
ROBERT G. TORRICELLI,
ROBERT MENENDEZ,
Managers on the Part of the House.

JESSE HELMS,
PAUL COVERDELL,
FRED THOMPSON,
OLYMPIA SNOWE,
CHARLES S. ROBB,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (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, submit the following joint statement to the House and the Senate in explanation of the effect of the action

agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

FINDINGS

The House bill (section 2) sets forth findings of the Congress with respect to Cuba as well as U.S. policy aimed at liberating the Cuban people from the dictatorship of Fidel Castro.

The Senate amendment (section 2) contains similar provisions.

The conference substitute (section 2) adopts the House language.

PURPOSES

The House bill (section 3) sets forth the purposes of this Act, including support for a democratic transition in Cuba, to protect the property rights of U.S. nationals, and to protect the national security of the United States.

The Senate amendment (section 3) contains a similar provision.

The conference substitute (section 3) adopts the Senate language.

DEFINITIONS

The House bill (section 4) defines specific terms used in the Act.

The Senate amendment (section 4) contains a similar provision.

The Conference substitute (section 4) is similar to the House definitions, but modifies definitions of "appropriate Congressional committees", "economic embargo of Cuba", "official of the Cuban government or the ruling political party in Cuba", "property", "transition government in Cuba", and "traffics", and adds a new definition of "person" for purposes of Title III.

The committee of conference modified the definition of "economic embargo of Cuba" to include all statutes or regulations relating to trade, travel, and transactions involving Cuban assets imposed under section 620(a) of the Foreign Assistance Act of 1961, section 5(b) of the Trading with the Enemy Act, the Cuban Democracy Act of 1992, section 902(c) of the Food Security Act of 1985, or any other provision of law. It is the intent of the committee that this definition be interpreted broadly, in part, in order to ensure that the suspension or termination of any economic sanctions on Cuba be pursuant only to the authority granted in section 204 of this Act.

The committee of conference notes that the definition of "property" specifically excludes residential properties from title III, unless the residence is, at the time of enactment of this Act, the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949 or the property is occupied by an official of the Cuban government or the ruling political party in Cuba, and the claimant can meet the other criteria (e.g., amount in controversy) in title III. The definition of "traffics," as used in Title III, has been modified to remove any liability for the delivery of telecommunications signals to Cuba, the trading or holding of publicly-traded stock (unless the trading is with a person designated by the Secretary of the Treasury as a "specifically designated national"), and any activities related to lawful travel to Cuba, and transactions and uses of property by Cuban citizens residing in Cuba who are not officials of the Cuban Government or the Communist Party.

SEVERABILITY

The conference substitute (section 5) states that if any provision of this Act is held invalid, the remainder of this Act shall not be affected by such invalidation.

Neither the House bill nor the Senate amendment contained such a provision. It is the intent of the committee to preserve the remaining provisions of this Act if any particular provision is invalidated.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

STATEMENT OF POLICY

The House bill (section 101) expresses the sense of Congress on U.S. policy toward Cuba, *inter alia*, that the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace and that the President should propose and seek a U.N. Security Council vote on 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 measures taken by the United States with respect to Haiti.

The Senate amendment (section 101) has a similar provision.

The conference substitute (section 101) adopts the Senate language.

ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA

The House bill (section 102) 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. This section also urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba; states that the Secretary of State shall ensure that U.S. diplomatic personnel communicate the reasons for the U.S. economic embargo on Cuba and urge foreign governments to cooperate more effectively with the embargo; urges the full enforcement of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations; adds "debt-for-equity swaps" to transactions constituting "assistance to Cuba" by foreign countries under section 1704(b)(2) of the Cuban Democracy Act of 1992; subjects persons violating travel restrictions to civil penalties and forfeiture of property by amending section 16 of the Trading With the Enemy Act (exempting most news gathering, research, religious, or human rights groups).

The Senate amendment (section 103) has a similar provision, although it does not contain an exception to the application of civil penalties for unlicensed travel to Cuba for specifically for "news gathering" or "educational or religious activities."

The conference substitute (section 102) adopts the Senate language, with modifications that incorporate House language defining "agency or instrumentality of the Government of Cuba," requiring a semiannual report to Congress by the President on "payments made to Cuba by any United States person" for telecommunications services under the Cuban Democracy Act of 1992.

The conference substitute (section 102(e)) states the sense of the Congress that existing regulations should be fully enforced to deny visas to officers or employees of the Cuban Government or of the Communist Party of Cuba, pursuant to Proclamation 5377 of October 4, 1985, issued by President Ronald Reagan, under section 212(f) of the Immigration and Nationality Act of 1952, as amended.

The conference substitute (subsection 102(g)) makes clear that the Cuban Democracy Act of 1992 should not be construed as authorizing any United States person to make any direct or indirect investment, in cash or in-kind, in the domestic telephone network within the island of Cuba until such time as the economic restrictions on such transactions are suspended or terminated as provided in subsection 102(h)).

The conference substitute (subsection (102(h)) codifies the "economic embargo of Cuba," as defined in section 4. It is the intent of the committee of conference that all economic sanctions in force on March 1, 1996, shall remain in effect until they are either suspended or terminated pursuant to the authorities provided in section 204 of this Act (requiring a Presidential determination that a democratic transition is under way in Cuba). It is not the intent of this section to prohibit executive branch agencies from amending existing regulations to tighten economic sanctions on Cuba or to implement the provisions of this Act.

The committee of conference expresses its profound conviction that executive branch agencies must be more vigorous in their enforcement of certain provisions of the U.S. embargo on Cuba, and must be accorded the resources by the President for this purpose. The committee of conference concludes that the President and executive agencies must be more vigorous in advocating U.S. policy before foreign governments. The explicit mandates in this legislation make clear congressional intent that U.S. law be enforced fully and, thereby, provide a basis for strict congressional oversight of executive branch enforcement measures henceforth.

PROHIBITION AGAINST INDIRECT FINANCING OF CUBA

The House bill (section 103) prohibits a U.S. national, agency, or permanent resident alien from knowingly extending any loan, credit, or other financing to finance transactions involving any property confiscated by the Cuban government the claim to which is owned by a U.S. national; subjects violators of this prohibition to penalties under the Cuban Assets Control Regulations; and terminates this prohibition when the U.S. embargo is lifted.

The Senate amendment (section 104) has a similar provision that provides an exception for "financing by the owner of the property or the claim thereto for a permitted transaction."

The conference substitute (section 103) adopts the Senate language with minor modifications, including House language defining "permanent resident alien" and "United States agency" as used in this section.

UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS

The House bill (section 104) seeks to ensure that the current Cuban government cannot join or benefit from membership in international financial institutions (such as the World Bank, International Monetary Fund, the Inter-American Development Bank, etc.). This section states that the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the

voice and vote of the United States to oppose the admission of Cuba as a member of such institution until a democratically elected government is in power in Cuba (as defined in section 206 of this Act). This section provides that during the period that a transition government is in power in Cuba (as defined in section 205 of this Act), the President shall take steps to support the processing of Cuba's application for membership to take effect after a democratically elected government is in power. This section states further that, if any international financial institution approves a loan or other assistance to Cuba over U.S. opposition, the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the loan or other assistance to the Cuban government.

The Senate amendment (section 105) has a similar provision that has the effect of withholding U.S. support for Cuba's membership in international financial institutions until there is a "democratically elected government" there; however, the Senate language does authorize U.S. support for loans or other assistance to a "transition government" by these institutions as well as U.S. support for a transition government's application for membership "taking effect after a democratically elected government in Cuba is in power."

The conference substitute (section 104) adopts the Senate language.

UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES

The House bill (section 105) seeks to ensure that the United States opposes the reintegration of the current government of Cuba into the Organization of American States. (The Castro government was suspended by a vote of the OAS member states in 1961.)

The Senate amendment (section 106) has a similar provision.

The conference substitute (section 105) adopts the Senate language.

The committee believes that it is inconceivable that any OAS member government would consider Cuba to be worthy of active participation in the OAS without first undertaking fundamental democratic reforms, in light of the historic measures taken by the Organization to recognize "representative democracy as an indispensable condition for stability, peace, and development in the region. . . ."

ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE GOVERNMENT OF CUBA

The House bill (section 106) seeks to discourage any form of assistance from former Soviet states to the Cuban government, in light of the Castro regime's historic dependency on such assistance. This section (1) requires a report to Congress detailing progress toward the withdrawal from Cuba of personnel of any independent state of the former Soviet Union, including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba; (2) amends section 498A(a)(11) of the Foreign Assistance Act of 1961 to explicitly designate facilities at Lourdes and Cienfuegos among those installations the dismantling of which should be considered by the President in determining whether to provide assistance to a former Soviet state; (3) adds "providing assistance for or engaging in nonmarket based trade" with Cuba to the list of activities that render such countries ineligible for U.S. assistance; and (4) requires the President to reduce assistance allocated for an independent state of the former Soviet Union by an amount equal to the sum of assistance and credits, if any, provided by such state after the date of enactment of this Act in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

The President may waive this requirement if doing so is important to the national security and, in the case of Russia, if the President certifies that the Russian government has assured the U.S. Government that the Russian government is not sharing intelligence from Lourdes with officials or agents of the Cuban government. Urgent humanitarian needs, including disaster and refugee relief; assistance for democratic political reform and rule of law; technical assistance for safety upgrades of civilian nuclear power plants; aid to create private sector and nongovernmental organizations and develop a free market system; and aid under the Cooperative Threat Reduction Act of 1993 are exempt from the withholding requirement. The President also is required, in the case of a certification with respect to Russia, to report to Congress on the intelligence activities of Russia in Cuba, the purposes of the Lourdes facility, and the extent of any Russian credits provided to Cuba for the use of the Lourdes facility.

The Senate amendment (section 107) has a similar provision that adds an exception under section 498(c) of the Foreign Assistance Act for "assistance provided under the secondary school exchange program administered by the United States Information Agency."

The conference substitute (section 106) adopts the Senate language with minor modifications, including the House definition of "agency or instrumentality of the Government of Cuba" as used in this section.

The committee of conference notes that since the enactment of the FREEDOM Support Act in 1992, questions have arisen about the nature of the trade relationship between the former Soviet states and Cuba, and whether that trade has been conducted on market terms. The LIBERTAD Act would define the terms for judging such trade and a mechanism for discouraging Russian support for the Castro regime. The committee of conference notes that Russian-Cuban trade primarily involves a barter exchange of Russian oil for Cuban sugar; to the extent that any such exchange is done on terms more favorable to Cuba than are otherwise available in the market, the committee concludes that such "concessional" terms represent a subsidy of the Castro regime. The committee of conference intends that U.S. assistance be provided in a manner that prevents any indirect U.S. foreign aid subsidy of any Russian support for the Castro regime.

This LIBERTAD Act does not affect any market-based economic relationship between any former Soviet state and Cuba, and it does not undermine U.S. support for denuclearization activities or democratic and free market reform in Russia, for which there are provided specific exceptions of the "withholding" provision and ample presidential waiver authority.

With respect to Russian intelligence facilities located at Lourdes, Cuba, the committee of conference notes that a senior Russian government official announced in November 1994 that his government was providing $200 million in credits to the Castro regime in exchange for the continued use of that facility. The Lourdes facility is one of the world's largest and most sophisticated intelligence stations, which Department of State and Department of Defense documents say is used to intercept and monitor U.S. commercial satellites, U.S. military and merchant shipping communications, NASA activities, and telephone conversations of U.S. citizens. The committee of conference notes that the Department of State has assured the Congress that no part of the LIBERTAD Act would violate U.S. treaty obligations, nor does any existing arms control treaty prevent the United States from urging Russia to end its use of Cuba as a base for intelligence operations against U.S. interests.

TELEVISION BROADCASTING TO CUBA

The House bill (section 107) reaffirms the congressional mandate to convert Television Marti to ultra high frequency (UHF) and requires reports to Congress from the Director of the United States Information Agency (USIA) until the conversion is complete. The section also establishes a "sunset" provision for both Radio and Television Marti upon the President's determination that a democratically elected government is in power in Cuba.

The Senate amendment (section 108) contains an identical provision.

The conference substitute (section 107) adopts the House language.

The committee of conference supports the conversion of Television Marti to UHF in order to expand the reach of the Television Marti signal. The committee of conference notes that Congress mandated the conversion in Public Law 103-317, the FY 95 Commerce, Justice, State Appropriations. The Conference report accompanying the FY 95 Act specifically provided $1,200,000 to convert Television Marti (see Congressional Record, August 16, 1994, p. H8501).

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

The House bill (section 108) seeks to determine which governments and commercial entities are continuing to support the Castro government through trade, assistance, and joint ventures by requiring an annual report to Congress that includes a detailed description of all bilateral assistance provided to Cuba by other foreign countries, commercial ventures under way or under consideration (specifically whether such ventures involve property confiscated from a U.S. national), and any exchange of military supplies or equipment.

The Senate amendment (section 109) has a similar provision that specifies the date on which this report must be submitted.

The conference substitute (section 108) adopts the Senate language.

AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS

The House bill (section 109) provides explicit authority, notwithstanding other specific provisions of the law (except for notification requirements), for the President to provide immediate support to individuals and independent nongovernmental organizations to advance democracy-building efforts for Cuba, including publications and audiovisual material on democracy, human rights, and market economies; humanitarian assistance to victims of political repression and their families; and support for democratic and human rights groups; and U.S. financial support for an Organization of American States (OAS) special emergency fund for human rights observers, election support, and election observation in Cuba (notwithstanding section 307 of the Foreign Assistance Act of 1961).

The Senate amendment (section 102) has a similar provision that authorizes U.S. support for groups in Cuba but does not refer to human rights and electoral support by the Organization of American States.

The conference substitute (section 109) adopts the House language with minor modifications, including Senate language to "ensure that no funds or other assistance is provided to the Cuban Government."

The committee of conference recognizes that the execution of some of the activities authorized under this section could require incidental payments or indirect benefits to commercial or regulatory entities of the Cuban Government, e.g. payments for hotels, car rental, travel or transportation to or within the island, purchases of other goods or services in the local economy, customs fees, migration fees, or other comparable government charges. The committee does not consider such incidental payments or indirect benefits as "assistance" "provided to the Cuban Government" that is otherwise prohibited in subsection (c).

IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS

The Senate amendment (section 110) takes note of existing law prohibiting the entry of, and dealings outside the United States in, merchandise that is of Cuban origin, is or has been located in or transported from or through Cuba, or is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba. The Congress also notes in this section that U.S. accession to the North American Free Trade Agreement does not modify or alter U.S. sanctions against Cuba.

The House bill has no comparable provision.

The conference substitute (section 110) adopts the Senate language.

WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING JURAGUA NUCLEAR PLANT IN CUBA

The House bill (section 110) is intended to deter countries from providing any form of support for the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba. This section requires the withholding from U.S. assistance to any country an amount equal to the sum of assistance and credits provided on or after the date of enactment by that country in support of the completion of the Juragua facility. This section exempts from any withholding certain forms of U.S. assistance, such as humanitarian and disaster aid and support for democratic political reform and free market development.

The Senate amendment has no comparable provision.

The conference substitute (section 111) adopts the House language with a modification that adds "assistance provided under the secondary school exchange program administered by the United States Information Agency" to the list of activities to which the requirement of withholding U.S. aid under this section shall not apply.

The committee of conference takes note of expert conclusions that the plant's construction is seriously flawed and that Cuba lacks a nuclear regulatory structure as well as adequate infrastructure and training to support the safe operation of the plant. The committee of conference views with alarm recent reports that several countries, including Russia and Cuba, are considering the completion and operation of that plant. The committee of conference intends that "assistance and credits" be interpreted broadly, not limited merely to grant assistance or concessional transactions but also including any form of financial, technical, or other support that facilitates completion of the plant at Juragua.

REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA

The Senate amendment (section 111) states the sense of Congress that the President, before considering the full reinstitution of family remittances and travel to Cuba, should insist on specific economic and political reforms by the Castro regime.

The House bill has no comparable provision.

The conference substitute (section 112) adopts Senate language with minor modifications.

EXPULSION OF CRIMINALS FROM CUBA

The House bill (section 112) requires the President to instruct U.S. government officials to raise with Cuban officials the extradition or other means of return to the United States of persons residing in Cuba sought by the Department of Justice for crimes committed in the United States.

The Senate amendment has no comparable provision.

The conference substitute (section 113) adopts the House language.

NEWS BUREAUS IN CUBA

The Senate amendment (section 112) authorizes the President to establish and implement an exchange of news bureaus between the United States and Cuba, provided that the exchange is fully reciprocal, the Cuban Government allows free, unrestricted, and uninhibited movement in Cuba, the U.S. government is able to ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba, and the Cuban Government does not interfere with the transmissions and distribution of materials of news organizations.

The House bill has no comparable provision.

The conference substitute (section 114) adopts modified Senate language that, *inter alia*, ensures that Radio Marti and Television Marti are included among the organizations whose journalists should be allowed to work freely in Cuba without interference by the Cuban government as a condition of any exchange of news bureaus.

EFFECT OF ACT ON LAWFUL UNITED STATES GOVERNMENT ACTIVITIES

The Senate amendment (section 113) states that nothing in this Act shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency or of an intelligence agency of the United States.

The House bill has no comparable provision.

The conference substitute (section 115) adopts the Senate language.

CONDEMNATION OF CUBAN ATTACK ON AMERICAN AIRCRAFT

The conference substitute (section 116) sets forth congressional findings and statements of condemnation and condolences relating to the February 24, 1996, attack by Cuban military aircraft on unarmed U.S. civilian aircraft which resulted in the deaths of three United States citizens and one United States permanent resident.

The committee of conference states in the strongest terms its intention that the President seek, in the International Court of Justice, indictment for this act of terrorism by Fidel Castro.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Title II sends a clear message to the Cuban people that the United States is prepared fully to assist in a peaceful, democratic transition, with due respect for their right of self-determination. Title II instructs the President to develop an aid plan now so that the U.S. government is prepared to respond quickly to the inevitable democratic transition in Cuba. Title II lists types of U.S. assistance contemplated to be included in the required aid plan; however, it is not the intent of this legislation to mandate that the President include all of the listed forms of assistance in the plan. Also, any assistance is *"subject to an authorization of appropriations and subject to the availability of appropriations"* (see section 203(c)(1) and (3)).

POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT

The House bill (section 201) states that it is the policy of the United States to support Cuban self-determination and to plan now to provide emergency and longer-term support for the transition to democracy in Cuba, directly and through multilateral cooperation. This section also states that it is the U.S. policy, *inter alia*, to not provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government; to be prepared to enter into negotiations with a democratically elected government in Cuba on the future of the U.S. presence at Guantanamo Bay; to terminate the economic embargo of Cuba when the President determines that a democratically elected government is in power in Cuba; and to consider the extension of free trade arrangements to a democratic Cuba.

The Senate amendment (section 201) has a similar provision.

The conference substitute (section 201) adopts the House language.

ASSISTANCE FOR THE CUBAN PEOPLE

The House bill (section 202) requires the President to develop a plan for providing economic assistance to Cuba, defining what types of assistance can be provided when a transition government is in power and when a democratically elected government is in power. In the case of a transition government, assistance shall be limited to such food, medicine, medical supplies and equipment; assistance to meet emergency energy needs; assistance that the President certifies is essential to the successful completion of the transition to democracy; and assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy. In the case of a democratically elected government, assistance may include development assistance and economic support funds under the Foreign Assistance Act of 1961; assistance under the Agricultural Trade Development and Assistance Act of 1954; financing and other forms of assistance provided by the Export-Import Bank, Overseas Private Investment Corporation, and Trade and Development Agency; Peace Corps programs; and assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy. This section also states that assistance should be provided through U.S. government organizations or through nongovernmental organizations, private and voluntary organizations (whether within or outside the United States), including humanitarian, educational, labor, and private sector organizations. In addition, this section requires the President to seek to obtain the agreement of other countries, international

financial institutions, and multilateral organizations to provide similar forms of assistance to a transition government and to a democratically elected government in Cuba.

The Senate amendment (section 202) maintains the notification requirements of section 634A of the Foreign Assistance Act (22 USC 2394) and the limitations on assistance pursuant to section 620(a)(2) of the Foreign Assistance Act (22 USC 2370(a)(2)). The amendment also provides that assistance to a transition government be limited to food, medicine, medical supplies and equipment, and such other assistance as may be necessary to meet the basic human needs of the Cuban people. Support to a democratically elected government in Cuba should consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba.

The conference substitute (section 202) adopts the House language.

REPORT ON TRADE AND INVESTMENT RELATIONS

The House bill (section 202(h)) states that once a democratically elected government is in power, the President shall submit a report on trade and investment relations with Cuba and shall consult with Congress on any proposals for improving such economic ties.

The Senate amendment (section 202(d)) has a similar provision that specifies the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (as well as appropriate congressional committees) as those committees to which reports under this subsection shall be submitted.

The conference substitute (section 202(h)) adopts the Senate language.

COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING

The House bill (section 203) makes explicit that delivery and distribution of assistance to a transition or democratically elected government is "subject to an authorization of appropriations and subject to the availability of appropriations." This section requires the President to designate a coordinating official to implement the assistance plan, ensure the speedy and efficient distribution of assistance, and ensure coordination among the various U.S. agencies involved. It requires the President to designate a United States-Cuba council to involve the private sector in promoting market-based development in and bilateral trade with Cuba. It requires periodic reports to the Congress on implementation of this assistance plan.

The Senate amendment (section 203) has a similar provision but does not mandate the designation of a "coordinating official" or creation of a "United States-Cuba Council".

The conference substitute (section 203) adopts the House language.

TERMINATION OF THE ECONOMIC EMBARGO OF CUBA

The House bill (section 204) provides that once a transition government is in power in Cuba, the President, after consulting with the Congress, is authorized to take such steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government. Subsection (e) requires a report to Congress by the President upon making this decision and no less than every six months thereafter and provides that Congress may reject the President's decision by enactment of a joint resolution of the Houses of Congress. Section 204(c) further states that, upon submitting to Congress a determination under section 203(c) that a democratically elected government is in power in Cuba, the President shall take steps to terminate the economic embargo of Cuba. This section explicitly repeals several provisions of the law related to the economic embargo once such a determination is made.

The Senate amendment (section 204) has a similar provision that also allows the suspension of the "right of action" created in Title III of the Act when a "transition government" in Cuba is in power, "to the extent that such action contributes to a stable foundation for a democratically elected government."

The conference substitute (section 204) adopts the Senate language with minor modifications.

REQUIREMENTS AND FACTORS FOR DETERMINING A TRANSITION GOVERNMENT

The House bill (section 205) specifies that for the purposes of this Act, a "transition government" in Cuba is a government which is demonstrably in transition from communist totalitarian dictatorship to representative democracy; has recognized the right to independent political activity and association; has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations; has ceased any interference with Radio or Television Marti broadcasts; does not include Fidel Castro or Raul Castro; has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and permits the deployment throughout Cuba of independent and unfettered international human rights monitors. In addition, a transition government also must have made public commitments to and be making demonstrable progress in establishing an independent judiciary; dissolving 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; respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights; effectively guaranteeing the rights of free speech and freedom of the press; organizing free, fair, and open elections within one year; assuring the right to private property; taking appropriate steps to return to United States nationals property taken by the Government of Cuba; granting permits to privately owned telecommunications and media companies to operate in Cuba; and allowing the establishment of independent trade unions and allowing independent social, economic, and political associations.

The Senate amendment (section 205) has a similar provision that identifies several similar requirements for a "transition government" as well as a set of factors that "the President shall take into account" in making a determination whether a "transition government" is in power in Cuba. The effect of this language is to allow the President greater flexibility in determining when a "transition government" is in power.

The conference substitute (section 205) adopts modified Senate language that provides the President greater discretion in making a determination. This modified language establishes requirements for a "transition government" as follows: has legalized all political activity; has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations; 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; has made public commitments to organizing free and fair elections for a new government (under specific conditions); has ceased any interference with Radio Marti or Television Marti broadcasts; has made commitments to making demonstrable progress in establishing an independent judiciary, respecting international recognized and basic freedoms, and allowing the establishment of independent trade unions; does not include Fidel Castro or Raul Castro; and has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people.

In addition, the conference substitute takes a series of strict requirements from the House language and includes them instead as factors that "the President shall take into account" in making a determination whether a "transition government" in Cuba is in power, among these the extent to which that government is demonstrably in transition from communist totalitarian dictatorship to representative democracy; has made public commitments to, and is making demonstrable progress in, effectively guaranteeing the rights of free speech and freedom of the press (including the operation of privately owned media and telecommunications), permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba, assuring the right to private property, taking appropriate steps to return to United States citizens and companies property taken by the Cuban Government from such citizens and entities on or after January 1, 1959; has extradited or otherwise rendered to the United States all persons sought by the United States for crimes committed in the United States; and has permitted the deployment of independent and unfettered international human rights monitors.

REQUIREMENTS FOR DETERMINING A DEMOCRATICALLY ELECTED GOVERNMENT

The House bill (section 206) specifies that for the purposes of this Act, a democratically elected government in Cuba is a government that results from free and fair elections conducted under the supervision of internationally recognized observers; has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections; is showing respect for the basic civil liberties and human rights of the citizens of Cuba; has made demonstrable progress in establishing an independent judiciary; is substantially moving toward a market-oriented economic system; is committed to making constitutional changes that schedule regular free and fair elections; and has made demonstrable progress in returning to U.S. nationals property taken by the Government of Cuba or providing full compensation.

The Senate amendment (section 206) has a similar provision that lists factors that the President "shall taken into account" in determining if a "democratically elected government" is in power in Cuba. The effect of this language is to allow the President greater flexibility in determining when a "democratically elected government" is in power.

The conference substitute (section 206) adopts modified House language that states requirements for a "democratically elected government" with the purpose of ensuring that minimally acceptable reforms are under way before a Cuban Government is eligible to receive a full range of benefits of normal

political and economic relations with the United States.

SETTLEMENT OF OUTSTANDING UNITED STATES CLAIMS TO CONFISCATED PROPERTY IN CUBA

The Senate amendment (section 207) conditions most U.S. support to a "transition government" (including U.S. support for loans or assistance through international financial institutions) on such government publicly committing itself, and taking appropriate steps to establish a procedure under its law or through international arbitration, to provide for the return of, or prompt, adequate, and effective compensation for, property confiscated by the Cuban Government on or after January 1, 1959. This section also conditions such support to a "democratically elected government" on such government having adopted and effectively implementing such procedures. Subsection 207(c) also requires reports to Congress on the number of property claims of U.S. nationals as well as a description of ways to help a Cuban Government resolve such claims, etc. Subsection 207(d) also states the sense of Congress that the satisfactory resolution of property claims by a Cuban Government remains an essential condition for a full resumption of economic and diplomatic relations between the United States and Cuba.

The House bill has no comparable provision.

The conference substitute (section 207) adopts the Senate language only with respect to the report to Congress and sense of Congress (Senate amendment subsections 207(c) and (d)).

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS

STATEMENT OF POLICY

The House bill (sec. 301) contains a series of congressional findings regarding the fundamental right of individuals to hold and enjoy property, the U.S. Government's obligation to protect its citizens against illegal confiscations, and the absence of effective remedies in international law, the result of which is to condone the wrongful confiscation of property and to allow unjust enrichment through the use of confiscated property.

The Senate amendment contains no comparable provision.

Section 301 of the conference substitute amends the House language by noting the economic benefit derived by Castro through his government's exploitation ("trafficking") of wrongfully confiscated American properties and the objective of deterring the use of wrongfully confiscated American properties by denying profits to those who profit from the economic exploitation of Castro's seizures.

LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS

The House bill (sec. 302) creates civil liability for persons or entities, including an agency or instrumentality of a foreign state in the conduct of a commercial activity (defined in sec. 4), as follows:

CIVIL REMEDY: LIABILITY FOR TRAFFICKING

Section 302(a)(1) and (2) of the House bill provides that any person who, after the end of the 6-month period beginning on the date of enactment, traffics in property confiscated by the Cuban Government shall be liable to the United States national who owns the claim to such property in an amount equal to the value of the property plus reasonable interest, costs, and fees. When determining the amount of liability for claims certified by the Foreign Claims Settlement Commission (FCSC) pursuant to the International Claims Settlement Act of 1949, courts shall give a strong presumption to the findings of the FCSC.

The Senate amendment contains no comparable provision.

Sections 302(a)(1) and (2) of the conference substitute are similar to the House provision. They provide that liability for trafficking in property confiscated by the Cuban Government shall attach three months after the effective date of the title. The grace period before liability for trafficking attaches is intended to permit persons who currently are "trafficking" within the meaning of title III to wind down their activities in Cuba in order to avoid liability. Because the conference substitute is effective not on the date of enactment, but rather on August 1, 1996, the grace period provided by the House bill was reduced from six months to three months.

In addition, the substitute specifies that damages may include court costs and "reasonable attorney's fees" in lieu of "reasonable costs and attorney's fees." Inasmuch as governments (as contrasted with their agencies or instrumentalities) are not "persons" for purposes of this section, they cannot be held liable under this section.

The conference substitute retains the language of the House bill creating a strong presumption in favor of findings of the FCSC when determining the amount of liability under this section for claims certified by the FCSC.

The committee of conference believes that this right of action is a unique but proportionate remedy for U.S. nationals who were targeted by the Castro regime when their property was wrongfully confiscated. The purpose of this civil remedy is, in part, to discourage persons and companies from engaging in commercial transactions involving confiscated property, and in so doing to deny the Cuban regime of Fidel Castro the capital generated by such ventures and to deter the exploitation of property confiscated from U.S. nationals. The substitute puts would-be investors on notice that if they traffic in confiscated property of U.S. nationals after this provision becomes law, they may be held liable to the legitimate U.S. owners in U.S. courts.

It is the committee of conference's intent not to supplant or undermine the Foreign Claims Settlement process, but to provide an additional remedy for U.S. nationals through which they may take action to protect their claim to a confiscated property in Cuba. The committee of conference expects that the existence of this remedy will make the recovery process less complicated because it will deter investment in and development of confiscated property in Cuba, thereby facilitating efforts by the rightful owners to reclaim, sell, or develop such property under the laws of a democratic Cuba.

INCREASED LIABILITY

Section 302(a)(3) of the House bill provides for treble liability if the person traffics in the property after having received notice both of the claim to ownership and the provisions of this section.

The Senate amendment contains no comparable provision.

Section 302(a)(3) of the conference substitute modifies the House bill by providing increased liability (treble damages) for claims certified by the FCSC pursuant to title V of the International Claims Settlement Act of 1949 for any trafficking after the 3-month grace period established by subsection (a)(1). For U.S. nationals with claims not certified by the FCSC, the conference substitute requires a 30-day advance notice to the defendant (after the 3-month grace period) by non-certified claimants before they can seek treble damages. The conference substitute further provides that a trafficker can avoid treble liability by ceasing to traffic in the property in question by the conclusion of the 30-day period following the provision of notice. A trafficker that ceases trafficking during such 30-day period nevertheless remains liable for damages for trafficking that took place between the conclusion of the 3-month grace period following the effective date and the time that the trafficking ceased. The conference substitute outlines the contents of the required notice and the manner in which it is to be provided. Notice shall be deemed to have been provided on the date posted by certified mail or on the date personally delivered to the defendant.

The committee of conference notes that investors in Cuba have been effectively on notice regarding the 5,911 certified U.S. claims since the Cuban claims program was completed on July 6, 1972. Information regarding whether the claim to a particular property in Cuba is held by a certified U.S. claimant is readily available. The intent of the conference committee in revising the House language is to provide priority to certified claimants by allowing them to seek treble damages without an additional notice or an additional waiting period (beyond the initial 3-month grace period). In the case of non-certified claimants seeking treble damages, the committee of conference believes it reasonable to impose an affirmative duty on the claimant to notify a potential defendant of the claimant's claim to the property. This 30-day period, which is in addition to the 3-month grace period, provides adequate time for an investor in Cuba to research the validity of the claim to the property and take appropriate action.

APPLICABILITY

Section 302(a)(4) of the House bill provides that the right of action is applicable to property confiscated before, on, or after enactment of this Act; that in order to bring an action with respect to property confiscated before the date of enactment, the U.S. national had to own the property claim before the date of enactment; and that no United States national may bring an action under this section with respect to property that was confiscated on or after the date of enactment if the claim was acquired by assignment for value after enactment.

The Senate amendment contains no comparable provision.

Section 302(a)(4) of the conference substitute modifies the House provision to specify with respect to property confiscated on or after the date of enactment that an action for damages is precluded only if the claim to the property was acquired by assignment for value after the property was confiscated.

The committee of conference notes that these provisions are intended, in part, to eliminate any incentive that might otherwise exist to transfer claims to confiscated property to U.S. nationals in order to take advantage of the remedy created by this section. It is not the committee's intent that the right of action be available to persons or entities that would relocate to the United States for the purpose of using this remedy. Entities that are incorporated in the United States after the date of enactment cannot use the remedy with respect to property confiscated before the date of enactment, inasmuch as such entities could have not have

owned the claim to confiscated property on the date of enactment because they did not then exist.

TREATMENT OF CERTAIN ACTIONS

Section 302(a)(5) of the House bill provides the manner in which claims denied by the FCSC and the claims of those U.S. nationals who had the opportunity to avail themselves of the FCSC certification process and failed to do so are to be treated. In the case of any action brought by a U.S. national who was eligible to file the underlying claim with the FCSC but did not do so, the court may hear the case only if the court determines that there was good cause for not filing the claim with the FCSC. In the case of any action brought by a U.S. national who did file a claim with the FCSC but had such claim denied, the court may assess the basis for the denial and may accept the FCSC's findings unless good cause justifies another result.

The Senate amendment contains no comparable provision.

Section 302(a)(5) of the conference substitute modifies the House language to provide that U.S. nationals may not use this remedy if they either (1) were previously denied certification by the FCSC or (2) were eligible to file their claim under the FCSC process but failed to do so. The conference substitute adds new language providing that all non-certified claimants must wait two years after the Act's enactment before using the cause of action, and that non-certified claimants must satisfy the court that the property in question is not the subject of a certified claim.

The intent of the committee of conference in revising this paragraph is to enhance the position of the certified claimants and to give them priority in pursuing actions against traffickers.

INAPPLICABILITY OF ACT OF STATE DOCTRINE

Section 302(a)(6) of the House bill directs courts not to dismiss actions brought under this section on the basis of the "act of state" doctrine.

The Senate amendment contains no comparable provision.

Section 302(a)(6) of the conference substitute is identical to the House provision.

LICENSES NOT REQUIRED FOR USE OF THE RIGHT OF ACTION

Section 302(a)(7) of the conference substitute provides that actions may be brought and settled, and judgments rendered, under this section without first having to obtain a license from the United States Government, except that no judgments may be executed against property currently blocked under the authority of the Trading With the Enemy Act. The conference substitute further provides that for purposes of this title only the transfer of a claim to a U.S. national shall not be deemed an interest in property which required or requires a license.

PUBLICATION IN THE FEDERAL REGISTER

Section 302(a)(8) of the conference substitute requires the Attorney General to publish in the Federal Register a summary of the provisions of title III not later than 60 days after enactment.

AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE

Section 302(b) of the House bill contains a definition of "agency or instrumentality of a foreign state."

The Senate amendment contains a comparable provision in the definitions section (section 4).

The definition in the conference substitute is identical to the Senate definition, but moves the definition to section 4(1).

AMOUNT IN CONTROVERSY

Section 302(b) of the conference substitute establishes an amount in controversy requirement of $50,000, exclusive of interest, costs, and attorneys' fees, in order for an action to be brought under this section. The provision further provides that the amount in controversy threshold cannot be met by computing treble damages.

PROCEDURAL REQUIREMENTS

Section 302(c) of the House bill amends title 28 of the United States Code to grant United States district courts exclusive jurisdiction over actions brought under this title, regardless of the amount in controversy.

The Senate amendment contains no comparable provision.

Section 302(c) of the conference substitute provides that an action under this section shall be subject to the same procedural requirements as any other "federal question" action under title 28, United States Code.

ENFORCEABILITY OF JUDGMENTS AGAINST THE CUBAN GOVERNMENT

Section 302(d) of the conference substitute provides that judgments under this section shall not be enforceable against an agency or instrumentality of either a transition government or democratically elected government in Cuba. This subsection is intended to ensure that a transition or democratically elected government in Cuba is not burdened by judgments entered at any time under this section in connection with activities of the Castro regime.

CERTAIN PROPERTY IMMUNE FROM EXECUTION

Section 302(d) of the House bill amends section 1611 of title 28, United States Code (a provision of the Foreign Sovereign Immunities Act) to provide that property used for accredited diplomatic purposes is immune from both attachment and execution of a judgment resulting from an action brought under this section.

The Senate amendment contains no comparable provision.

Section 302(e) of the conference substitute is identical to the House language.

ELECTION OF REMEDIES

Section 302(e)(1) of the House bill requires an election of remedies for U.S. nationals who bring actions under this section, limiting the manner and number of actions that may be brought seeking compensation. Persons who bring an action under this section may not bring a civil action under any other law seeking compensation by reason of the same subject matter, and persons who bring a civil action under any other law seeking compensation arising out of the same claim may not bring an action under this section. In this context, the term "same subject matter" refers not to the original confiscation of property, but rather to trafficking in the property. This section is intended to prevent persons from bringing separate actions for trafficking against the same defendant or defendants under both section 302 and under a common law tort theory.

Section 302(e)(2) of the House bill contains special rules designed to prevent double compensation of certified claimants. Persons who receive a recovery in an action under this section cannot subsequently collect compensation for the same claim in subsequent settlements, except to the extent that the certified claim was not fully satisfied by the recovery in the action under this section. Certified claims under the FCSC procedure are not adversely affected by an unsuccessful action brought on the basis of the same claim under this section.

The Senate amendment contains no comparable provision.

Section 302(f) of the conference substitute is based on the House provision, but adds language stating that in any situation involving a consolidation of cases by the courts, priority in any settlement will be given to the certified claimants.

DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT

Section 302(f) of the House bill provides that any amounts paid by Cuba to the United States in settlement of certified claims that are in excess of the payments made to the certified claimants shall be deposited into the United States Treasury.

The Senate amendment contains no comparable provision.

Section 302(g) of the conference substitute is identical to the House provision.

TERMINATION OF RIGHTS

Section 302(g) of the House bill provides for the termination of the right of action, except for pending suits, upon a determination by the President that a democratic government is in power in Cuba.

The Senate amendment contains no comparable provision.

Section 302(h) of the conference substitute modifies the House provision to include, in addition, specific authority for the President to suspend the right of action once he determines that a transition government is in power pursuant to section 204(a). Pending suits are not suspended in the event of such a determination.

The committee of conference recognizes the burden a future, post-Castro government will confront in resolving property disputes and seeking to attract foreign investment. Further, the committee is confident that such a government will take steps to provide prompt and adequate compensation to property claimants. Accordingly, this section provides that the right to bring an action under this title may be suspended by the President once he determines that a transition government is in power in Cuba, and the right to bring an action will terminate upon a presidential determination that a democratically elected government is in power in Cuba.

IMPOSITION OF FILING FEES

Section 302(i) of the conference substitute requires the establishment of a filing fee for potential plaintiffs, with the amount to be determined by the Judicial Conference of the United States. The fee should be sufficient to cover the incremental costs to the courts of actions under this title.

The committee of conference's objective is to make this right of action system self-sustaining, so that it is paid for by those who use it rather than by tax revenues drawn from the Treasury.

PROOF OF OWNERSHIP OF CLAIMS TO CONFISCATED PROPERTY

Section 303 of the House bill establishes the means courts may use in determining the amount and ownership of claims brought under section 302 as follows:

Subsection (a) requires that courts accept as "conclusive proof of ownership" a claim certified by the FCSC pursuant to title V of the International Claims Settlement Act of 1949. In the case of a claim that has not been certified by the FCSC, the court is given latitude, including the power to appoint a "special master" (including the FCSC), in making determinations of the amount and validity of ownership only for the purposes of an action brought under section 302 of the

bill. The House bill precludes the courts from taking as "conclusive evidence of ownership" any findings, orders, or judgments from foreign courts or agencies or international organizations, unless such findings resulted from binding international arbitration to which the U.S. national submitted the claim.

Subsection (b) amends the International Claims Settlement Act of 1949 to add a new section 514, providing that the FCSC may provide amount and ownership determinations to the court for evidentiary purposes only, whether or not the U.S. national qualified as a national (as defined in the International Claims Settlement Act of 1949) at the time of the confiscation.

Subsection (c) sets out a rule of construction that makes explicit that nothing in the Act shall be construed as requiring or authorizing the United States Government to espouse the claims of Cuban nationals who became United States citizens after their property was confiscated.

The Senate amendment contains no comparable provisions.

Section 303 of the conference substitute is the same as the House bill, except that it changes the name of the section to "Proof of Ownership of Claims to Confiscated Property", and in subsection (a)(3) adds language that U.S. courts may not accept as conclusive evidence any findings, orders, or judgments by courts or agencies of foreign countries or international organizations as to either the amount or ownership of a claim, unless such a determination resulted from binding international arbitration to which either the United States or the individual U.S. claimant submitted the claim.

The committee of conference recognizes the importance of a decision by the Foreign Claims Settlement Commission in certifying a claim and, accordingly, believes that no court should dismiss a certification in an action brought under this title. The committee of conference also notes the recognized special expertise of the FCSC in determining the amount and validity of claims to confiscated properties overseas. As such, the "special master" provision allows the court to call upon the FCSC's expertise for evidentiary purposes related to the right of action only. This provision is intended to make clear that such evidentiary determinations by FCSC do not constitute certification of property claims pursuant to title V of the International Claims Settlement Act of 1949 for purposes of United States Government espousal and future negotiation with a friendly government in Cuba. In the view of the committee of conference, only the current 5,911 claims certified by the FCSC should be espoused by the United States Government in any settlement with a future Cuban Government.

The committee of conference is also concerned that persons potentially liable for trafficking in wrongfully acquired property may seek to immunize themselves from liability by acquiring a foreign court or agency judgment invalidating the claim of a U.S. national. U.S. courts are precluded from accepting such determinations as conclusive evidence.

EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

Section 304 of the House bill amends the International Claims Settlement Act of 1949 to add a new section 515, providing that persons who were eligible to file claims under that Act but did not do so, persons who were not eligible to file a claim under that Act, and Cuban nationals or instrumentalities shall not have a claim to any compensation paid or allocated to a United States national by virtue of a certified claim. The amendment also denies U.S. courts jurisdiction to adjudicate any such claim.

The Senate amendment contains no comparable provision.

Section 304 of the conference substitute is similar to the House bill.

The committee of conference intends to make explicit that the LIBERTAD bill does not create any additional claims under the International Claims Settlement Act of 1949 and that any settlement between the United States and Cuban Governments is for the benefit of the property claimants with claims certified by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949. The committee of conference notes that, under current law and court precedents (*Judah* v. *Shanghai Power Co.*, 546 A.2d 981 (Del. 1988)), an inequitable situation could arise for certified claimants following a settlement with the Cuban Government if section 304 is not enacted. Section 304 is intended to avoid the unfair result that all or a portion of the settlement proceeds paid to expropriated U.S. claimants could be attached by (1) Cuban nationals or representatives of current or successor Cuban government agencies, (2) U.S. nationals who were eligible to file claims with the FCSC but did not, or (3) U.S. nationals who were not eligible to file claims with the FCSC, but without modifying any rights that U.S. nationals might have with respect to their shares of stock.

LIMITATION OF ACTIONS

Section 305 of the conference substitute provides that actions under section 302 cannot be brought more than two years after the trafficking in confiscated property in Cuba has ceased to occur.

EFFECTIVE DATE

Section 306 of the conference substitute establishes an effective date of August 1, 1996 for title III. The section further provides two forms of suspension authority that the President may exercise to delay litigation under section 302.

First, the President may suspend the effective date for a period of not more than six months if he determines and reports in writing to the appropriate committees of Congress that such suspension is "necessary to the national interests of the United States and will expedite a transition to democracy in Cuba." This suspension may be extended for additional periods of not more than six months each upon making the same determination and report to Congress as above.

Second, after title III takes effect, the President may suspend the right to bring an action under section 302 for a period of not more than six months upon making the same determination and report to Congress as above. This second form of suspension can also be extended for additional periods of not more than six months upon making the same determination and report to Congress as above. Suspension pursuant to this authority will not suspend or otherwise affect pending cases.

The committee of conference provided this suspension authority at the request of the Executive branch in order to afford the President flexibility to respond to unfolding developments in Cuba. The committee specifically rejected a proposal made by the Executive branch that the President be permitted to suspend the right of action upon determining and reporting to the appropriate committees of Congress that such suspension "is important to the national interests of the United States, including expediting a transition to democracy in Cuba."

The committee of conference could not accept the formulation proposed by the Executive branch because it subordinated the question of whether suspension of the right of action would expedite a transition to democracy in Cuba to a larger question of whether suspension is important to the President's overall calculation of the national interest. The committee strongly believes that the question of whether suspension will expedite a transition to democracy in Cuba should be the central element of the President's decision whether to exercise the suspension authority, and not just be one of many factors to be considered by the President.

The formula included in the conference substitute requires the President to determine two separate and distinct matters before suspending the right of action: first that suspension "is necessary to the national interests of the United States," and second that suspension "will expedite a transition to democracy in Cuba."

In the judgment of the committee of conference, under current circumstances the President could not in good faith determine that suspension of the right of action is either "necessary to the national interests of the United States" or "will expedite a transition to democracy in Cuba." In particular, the committee believes that it is demonstrably not the case that suspending the right of action will expedite a transition to democracy in Cuba, inasmuch as suspension would remove a significant deterrent to foreign investment in Cuba, thereby helping prolong Castro's grip on power.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Section 401 of the House bill provides that the Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary determines (1) has confiscated or converted, or overseen or directed the confiscation or conversion of, property belonging to a United States national; (2) knowingly and intentionally traffics in confiscated American property after the bill's enactment; (3) is a corporate officer, principal, or controlling shareholder in a company or entity that has been involved in such confiscations or conversions or trafficking; or, (4) is a spouse, minor child, or agent of any person described above. The Secretary of State may waive this prohibition on a case-by-case basis when he determines that it is in the national interest to do so.

The Senate amendment contains no comparable provision.

Section 401 of the conference substitute adopts the approach of the House bill, but limits application of the provision to confiscated property in Cuba. In addition, the substitute limits application of the provision to trafficking that occurs after the date of enactment.

The committee notes that the definition of trafficking for purposes of section 401 is slightly narrower than the definition applicable to title III set forth in section 4(13) of the conference substitute. Two considerations account for the narrower definition. First, the committee did not wish to reach existing acts of trafficking under this section, but rather wished to reach new and different acts of trafficking beginning on or after the date of enactment. Second, the committee did not wish this section to deter

investors in Cuba from divesting their holdings. For this reason, the sale or abandonment of confiscated property in Cuba for purposes of disengaging from Cuba is excluded from the definition of trafficking.

BEN GILMAN,
DAN BURTON,
ILEANA ROS-LEHTINEN,
PETER T. KING,
LINCOLN DIAZ-BALART,
ROBERT G. TORRICELLI,
ROBERT MENENDEZ,
Managers on the Part of the House.

JESSE HELMS,
PAUL COVERDELL,
FRED THOMPSON,
OLYMPIA SNOWE,
CHARLES S. ROBB,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STOKES (at the request of Mr. GEPHARDT), for today through Friday, March 15, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes on March 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TOWNS.

Mr. ORTIZ.

Mr. EWING.

Ms. ESHOO.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On February 23, 1996:

H.R. 1718. An act to designate the United States courthouse located at 197 Main Street in Wilkes-Barre, Pennsylvania, as the "Max Rosenn United States Courthouse."

On February 28, 1996:

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

ADJOURNMENT

Mr. McINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, March 5, 1996, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

2147. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Oklahoma City Air Logistics Center, Tinker Air Force Base, OK, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2148. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 10th monthly report pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

2149. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting annual report of the Christopher Columbus Fellowship Foundation for fiscal year 1995, pursuant to Public Law 101–281, section 429(b) (106 Stat. 145); to the Committee on Banking and Financial Services.

2150. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Ukraine, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2151. A letter from the Acting Assistant Secretary, Department of Education, transmitting final regulations—State grants program for technology—related assistance for individuals with disabilities, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Economic and Educational Opportunities.;

2152. A letter from the Secretary of Education, transmitting final regulations—Education Department general administrative regulations [EDGAR]—direct grant programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2153. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on various issues of the Safety Research Program of the Nuclear Regulatory Commission, pursuant to 42 U.S.C. 2039; to the Committee on Commerce.

2154. A letter from the Chair, Federal Labor Relations Authority, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2155. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting activities under the Freedom of Information Act, for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2156. A letter from the Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients for fiscal years 1992 through 1994, pursuant to 40 U.S.C. 483(e); to the Committee on Government Reform and Oversight.

2157. A letter from the Commission, International Boundary and Water Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2158. A letter from the General Counsel, National Science Foundation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2159. A letter from the Director, National Science Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2160. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2161. A letter from the Deputy Director, Office of Federal Housing Enterprise Oversight, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2162. A letter from the Director, Office of Management and Budget, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2163. A letter from the Director, Office of Office of Science and Technology Policy, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–10: Eligibility of Bosnia and Herzegovina to be Furnished Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act, pursuant to section 503(a) of the Foreign Assistance Act of 1961, as amended and section 3(a)(1) of the Arms Export Control Act; to the Committee on International Relations.

2165. A letter from the Executive Director, Pennsylvania Avenue Development Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2166. A letter from the Railroad Retirement Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2167. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2168. A letter from the Director, U.S. Trade and Development Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2169. A letter from the Chairman, U.S. International Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2170. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the annual report on administrative costs of protecting Supreme Court Officials, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

2171. A letter from the Secretary of Commerce, transmitting the 1995 annual report of the visiting committee on advanced technology of the National Institute of Standards and Technology [NIST], U.S. Department of Commerce, pursuant to Public Law 100–418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

2172. A letter from the Chairman, U.S. International Trade Commission, transmitting a copy of the 84th quarterly report on trade between the United States and China, the successor states to the former Soviet Union and other title IV countries during July–September 1995, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

2173. A letter from the Chair, Defense Environmental Response Task Force, transmitting a report on the actions of the Defense Environmental Response Task Force; jointly, to the Committees on National Security and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 2969. A bill to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897 (Rept. 104–467 Pt. 1). Ordered to be printed.

Mr. GILMAN: Committee of Conference. Conference report on H.R. 927. 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 (Rept. 104–468). Ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H.R. 2202. A bill to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes; with an amendment (Rept. 104–469, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2202. Referral to the Committees on Agriculture, Banking and Financial Services, Economic and Educational Opportunities, Government Reform and Oversight, National Security, and Ways and Means extended for a period ending not later than March 8, 1996.

H.R. 2969. Referral to the Committee on commerce extended for a period ending not later than March 7, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EWING (for himself and Mr. LEWIS of Kentucky):

H.R. 3002. A bill to amend the Higher Education Act of 1965 to exempt certain small lenders from the audit requirements of the guaranteed student loan program; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 580: Mr. PASTOR and Ms. SLAUGHTER.
H.R. 842: Mr. ALLARD and Mr. GREENWOOD.
H.R. 989: Ms. LOFGREN.
H.R. 1143: Mr. MINGE.
H.R. 1496: Mr. PAYNE of Virginia and Mr. FRELINGHUYSEN.
H.R. 1733: Mr. QUILLEN.
H.R. 1884: Ms. ESHOO.
H.R. 1965: Mr. SCHUMER and Mr. MCNULTY.
H.R. 2655: Mr. SCHUMER.
H.R. 2676: Mr. PETE GEREN of Texas.
H.R. 2751: Mr. CRAMER.
H.R. 2827: Mr. GONZALEZ.
H.R. 2856: Mr. CLYBURN.
H.R. 2922: Mr. COSTELLO.
H. Con. Res. 21: Mr. JOHNSTON of Florida.
H. Con. Res. 145: Mr. BROWN of Ohio, Mr. BERMAN, Mr. FRAZER, Mrs. KENNELLY, Ms. SLAUGHTER, Mr. PORTER, AND MRS. MEYERS of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

64. By the SPEAKER: Petition of the city council of the city of Seattle, WA, relative to the council's opposition to the proposed immigration legislation currently before the U.S. Senate and strongly urging its defeat as a bill which imposes unfair and unwise restrictions on legal immigration; to the Committee on the Judiciary.

65. Also, petition of the city council of Toledo, OH, relative to the Great Lakes Critical Programs Act; to the Committee on Transportation And Infrastructure.

SENATE—*Monday, March 4, 1996*

(Legislative day of Wednesday, February 28, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Tuesday, March 5.

Thereupon, the Senate, at 11 o'clock and 10 seconds a.m., adjourned until Tuesday, March 5, 1996, at 9:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EXTENSIONS OF REMARKS

ELIMINATING THE FFELP AUDIT ON LENDING INSTITUTIONS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Mr. EWING. Mr. Speaker, I represent many small to mid-sized lenders which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program [FFEL]. The profit on these portfolios is estimated to be around $3,000–$5,000 annually while the audit required by the Department of Education costs as much and in some cases even more. In the vast majority of these cases audits are not even sent to the Department of Education—they just sit and collect dust in the financial institution. As you can see it is senseless for small lenders to service their portfolios and participate in the FFEL Program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether because of this expensive and unnecessary audit.

When contacted about the possibility of a waiver or alternative to this detrimental mandate the Department of Education stated "* * * lender audits are required by statute—section 428(b)(U) of the Higher Education Act of 1965, as amended by the Higher Education Act of 1992 * * *" and that the "* * * statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of conducting the audit." Furthermore, according to the Department of Education's Office of the inspector general, portfolio totaling less than $10 million do not even have to send their audits to the Department for review. They are only required to " * * * hold the reports for a period of 3 years and shall submit them only if requested." That means lenders spend thousands on a compliance audit that is never sent anywhere.

Today I am introducing a bill that would eliminate the lender audit on institutions with portfolios equaling $10 million or less. Without a change in current law more and more small lending institutions will continue to leave the FFEL Program and the result will be fewer opportunities for students. This law makes no sense and clearly illustrates why Americans are so frustrated with Washington.

TRIBUTE TO THE HONORABLE JANE BAKER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Jane Baker, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Jane Baker has dedicated much of her life to serving the people of San Mateo County. For more than 20 years, she served on the San Mateo City Council, with six terms as mayor. As a dedicated local elected official, Jane Baker has worked with the San Mateo County Transportation Authority, the National League of Cities Advisory Council and Board of Directors, the State Job Training Coordinating Council, the City/County Task Force on Transportation, the Association of Bay Area Governments, and the Council of Mayors of San Mateo County. Jane Baker is also a founding member and past director of the California Elected Women for Research and Education, and has been actively involved with the American Association for University Women, the League of Women Voters, the Women's Association of the First Presbyterian Church, the Coyote Point Museum Auxiliary, and the Commonwealth Club.

Mr. Speaker, Jane Baker is an outstanding citizen and I salute her for all her work on behalf of and commitment to our community. I ask my colleagues to join me in honoring Jane Baker and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO ROBERTA JANE BESSETTE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Roberta Jane Bessette, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Roberta Jane Bessette has been involved in public health services for more than 30 years. As the visiting nurse director in San Mateo County, she has worked to support equal access to home health-care for everyone, regardless of race, religion, place of residence, or ability to pay. She promotes cultural diversity in hiring and has expanded the Visiting Nurse Association's home care program to rural and high crime areas where other agencies do not serve. With her vision and leadership skills, Roberta Jane Bessette started the much-needed home pediatric and psychiatric programs for the Visiting Nurse Association. She is also actively involved with the United Way County Leadership Board, the Foster City Friends of the Library, and the Health Plan Committee of San Mateo.

Mr. Speaker, Roberta Jane Bessette is outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Roberta Jane Bessette and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO MARJORIE "MIDGE" BOLTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Marjorie "Midge" Bolton, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Marjorie "Midge" Bolton served as the head of the Volunteer Center of San Mateo County for 20 years. During that time, she started an innovative volunteer program to help mental health patients who were leaving institutional care. From 1983 to 1993, Marjorie "Midge" Bolton worked as a member of the Board of the Peninsula Community Foundation, helping to guide the agency during a period of important growth and development. She was one of the founding members of the Mission Hospice and served as its board president from 1982–1984. Marjorie "Midge" Bolton is also actively involved in the Mills College Board of Trustees and Alumnae Association, the San Mateo County unit of the United Way of the Bay Area, the Peninsula YMCA, the Burlingame Library Foundation Board, and the KCSM Advisory Board.

Mr. Speaker, Marjorie "Midge" Bolton is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Marjorie "Midge" Bolton and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO DORIAN MOTEN BROWN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Dorian Moten Brown, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Dorian Moten Brown is a remarkable community activist who works as a trainer in conflict resolution and serves as the director of a Community Mediation Program in East Palo Alto. She has opened an in-house alternative program for children suspended from elementary schools and runs programs of gang mediation in East Palo Alto, Palo Alto, and San

Mateo. She is a mentor for parolees from the California Youth Authority, a group home counselor, and an executive producer of youth television for Emerald City magazine. Dorian Moten Brown has received numerous recognitions for her dedicated community service, including the World of Well Being Award from the Santa Clara Girl Scouts, the Positive Image Award from the East Palo Alto Teen Home, the Community Leader Fellowship Award from the California Wellness Foundation, and the Larry Sleizer Memorial Award for professional mediation.

Mr. Speaker, Dorian Moten Brown is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Dorian Moten Brown and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO GIOCONDA EGAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Gioconda Egan, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Gioconda Egan, herself profoundly deaf, founded the San Mateo County Branch of Deaf Counseling Advocacy Referral Agency in 1978 and served as its executive director until 1982. She is a trained paralegal and has encouraged the courts and community colleges in San Mateo County to offer sign language services. She was instrumental in developing the Disability Services Program for the San Mateo County government and effectively operated the program from 1985 to 1991. She also helped establish a class specifically designed for the hearing impaired at a local college. Gioconda Egan is a founding member and active participant in the San Mateo County Commission on Disabilities.

Mr. Speaker, Gioconda Egan is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Gioconda Egan and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO SHARON BRYCE HOFSTEDT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Sharon Bryce Hofstedt, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Sharon Bryce Hofstedt, a registered nurse for 25 years, is a tireless advocate on behalf of women, children, and families in San Mateo County. She chairs the Community Outreach Committee of the Board of Directors for Stanford University Hospital and has been instrumental in developing programs that encourage people to volunteer with the hospital. As a board member and current president of the board of directors for Women's Recovery Association, she has helped expand its services to include the innovative Perinatal Residential Program. Sharon Bryce Hofstedt is also actively involved with Samaritan House and the County Winter Shelter Task Force. In 1991, Sharon Bryce Hofstedt was honored by the Junior League of Palo Alto as an Outstanding Volunteer Advocate.

Mr. Speaker, Sharon Bryce Hofstedt is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Sharon Bryce Hofstedt and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO VIVIAN L. KRAL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Vivian L. Kral, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Vivian L. Kral was recently named president-elect of California Women Lawyers, the largest Women's Bar Association in the world. Vivian L. Kral is an invaluable women's rights activist and the first woman in San Mateo County to have earned the honor of presiding over the California Women Lawyers. She has also received the California Women Lawyers President's Award for passion and commitment for her work in promoting the advancement of women in the legal profession and society. In addition to her work as a practicing attorney, Vivian L. Kral lectures on legal ethics and family law and teaches oral advocacy at the Hastings College of Oral Advocacy. She is also the vice president of the Planned Parenthood Association of San Mateo County, president of the San Mateo County's National Women's Political Caucus, and a member of the County Bar Association Board of Directors.

Mr. Speaker, Vivian L. Kral is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Vivian L. Kral and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO MARIA LUCIDI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Maria Lucidi, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

For the past 40 years, Maria Lucidi has worked to improve our education system as a teacher, a department chair, a coach of forensics and debate, a coordinator of our schools' Gifted and Talented Program, and head of many committees at the school, district, and county levels. With her remarkable vision and leadership skills, Maria Lucidi started San Mateo High School District's literary-art magazine and originated the speaker's bureau. She has excelled as an educator, having received a National Endowment for the Humanities Fellowship in 1992 and the San Mateo County Teacher of the Year Award in 1980. Maria Lucidi is also actively involved in the Red Cross and the Cystic Fibrosis Associations.

Mr. Speaker, Maria Lucidi is an outstanding citizen and I salute her for her contributions and commitment to our students and our public education system. I ask my colleagues to join me in honoring Maria Lucidi and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO JACQUELINE COOKE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Jacqueline Cooke, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

Jacqueline Cooke has been an active participant in student government, athletics, and music from her first day at Burlingame High School. She has developed outstanding leadership skills and maintained a consistent honor roll academic standing. Jacqueline Cooke is one of two seniors representing Burlingame High School in a community coalition dedicated to linking students with senior citizens. She has also played an important role in developing "Freshman Gathering," a program designed to help ninth graders make the transition from middle school to high school. Jacqueline Cooke is currently student body president and was recently voted the Senior Who Contributed the Most. Her volunteer activities range from fundraising for AIDS research to collecting teddy bears for needy children.

Mr. Speaker, Jacqueline Cooke is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Jacqueline Cooke and congratulate her on being inducted into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

TRIBUTE TO THE HONORABLE FLORENCE RHOADS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Florence Rhoads, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Florence Rhoads has more than two decades of community service to her credit, including more than 12 years on the San Mateo City Council, with three terms as mayor. As a dedicated local elected official, she served on the public safety committee of the League of California Cities and the Association of Bay Area Government's executive board. With her strong leadership skills, Florence Rhoads chaired the San Mateo County Council of Mayors, the County Criminal Justice Council, and the San Mateo Parks and Recreation Commission. Her community activism also goes beyond her work in local government. She is actively involved with community groups such as the American Association of University Women, the West San Mateo Homeowners' Association, the League of Women Voters, and the San Mateo Arboretum Society.

Mr. Speaker, Florence Rhoads is an outstanding citizen and I salute her for her countless contributions and commitment to serving our community. I ask my colleagues to join me in honoring Florence Rhoads and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO MARY REGAN SIMONSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Mary Regan Simonson, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

Since 1992, Mary Regan Simonson has contributed over 900 hours of community service to the Ronald McDonald House for terminally ill children and their parents. Working at the Ronald McDonald House, she recruits, trains, and manages a Teen Volunteer Program serving 200 children. She also has donated hundreds of volunteer hours at the Stanford Children's Hospital. As a senior at Sacred Heart Preparatory School, Mary Regan Simonson maintains a 3.68 grade point average and is the editor of the yearbook, as well as an active member of the student council. She is also a nationally competitive vaulter in gymnastics on horseback and spends time teaching younger children how to vault.

Mr. Speaker, Mary Regan Simonson is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Mary Regan Simonson and congratulate her on being inducted into the San Mateo County Women's Hall of Fame as a Young Woman of Excellence.

TRIBUTE TO PEGGY STERN PROPP

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Peggy Stern Propp, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Seven years ago, Peggy Stern Propp left a successful marketing career to start Community Impact, a remarkable nonprofit organization dedicated to increasing volunteerism. With her vision and passion, she collaborates with other Bay Area nonprofits to create innovative one-day projects for volunteers, and advertises these opportunities through a newsletter. Through Community Impact, volunteers have donated over 62,000 hours of community service to agencies and individuals in need. With her infectious enthusiasm, Peggy Stern Propp is continually finding new ways for individuals and groups to build stronger communities through volunteer service.

Mr. Speaker, Peggy Stern Propp is an outstanding citizen and I salute her for her contributions and commitment to serving our community. I ask my colleagues to join me in honoring Peggy Stern Propp and congratulate her on being inducted into the San Mateo County Women's Hall of Fame.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 5, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:00 a.m.

Select on Intelligence

To hold hearings to examine the role and mission of U.S. intelligence.

SD–106

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense.

SD–192

Armed Services

To hold hearings on the 1996 Ballistic Missile Defense update review.

SD–G50

Energy and Natural Resources

To hold oversight hearings on issues relating to competitive change in the electric power industry.

SR–325

Governmental Affairs

To hold joint hearings with the House Government Reform Committee to examine the implementation of the Government Performance and Results Act.

2154 Rayburn Building

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for the National Institutes of Health.

SD–430

Special on Aging

To hold hearings to examine telemarketing scams that target the elderly.

SD–562

10:00 a.m.

Budget

To hold hearings to review the current state of the U.S. economy.

SD–608

Foreign Relations

To hold hearings on the nomination of Rita Derrick Hayes, of Maryland, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator.

SD–419

Judiciary

To hold hearings to examine the interstate transportation of human pathogens.

SD–2226

Commission on Security and Cooperation in Europe

To hold hearings on the Chechen conflict and Russian democratic development.

2200 Rayburn Building

2:00 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings on the Department of Energy's Environmental Management Program, and Defense Nuclear Facilities Safety Board activities.

SR–232A

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the treatment of minorities in South Asia.

SD–419

MARCH 7

9:30 a.m.

Armed Services

Business meeting, to consider pending military nominations; to be followed by hearings on the nominations of Kenneth H. Bacon, of the District of Columbia, to be Assistant Secretary of Defense for Public Affairs, Franklin D. Kramer, of the District of Columbia, to be Assistant Secretary of Defense for International Security Affairs, and

Alvin L. Alm, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

SR-222

Commerce, Science, and Transportation

To hold hearings to examine air bag safety issues.

SR-253

Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings on S. 745, to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park, S. 796 and H.R. 238, bills to provide for the protection of wild horses within the Ozark National Scenic Riverways, Missouri, and prohibit the removal of such horses, and S. 1451, to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations.

SD-366

Governmental Affairs

To resume hearings on S. 356, to declare English as the official language of the Government of the United States.

SD-342

Labor and Human Resources

To continue hearings on proposed legislation authorizing funds for the National Institutes of Health.

SD-430

10:00 a.m.

Foreign Relations

To hold hearings on the Convention on Chemical Weapons.

SD-419

Judiciary

Business meeting, to resume consideration of S. 269 and S. 1394, proposed Immigration Reform Act.

SD-106

1:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 393 and H.R. 924, bills to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

SD-366

2:00 p.m.

Select on Intelligence

To hold a closed briefing on intelligence matters.

SH-219

MARCH 8

9:30 a.m.

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold hearings to examine the oversight of government-wide travel management.

SD-342

Labor and Human Resources

To hold hearings on S. 553, to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers.

SD-430

Joint Economic

To hold hearings to examine the employment-unemployment situation for February.

334 Cannon Building

MARCH 12

10 a.m.

Budget

To hold hearings on immigration and public welfare benefits.

SD-608

MARCH 13

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD-342

10:00 a.m.

Veterans' Affairs

To hold hearings to examine the reform of health care priorities.

SR-418

MARCH 14

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, and the Blinded Veterans Association.

345 Cannon Building

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Communications Commission.

SR-253

10:00 a.m.

Budget

To hold hearings on the President's fiscal year 1997 budget proposals.

SD-608

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the asset forfeiture program, focusing on issues relating to the Bicycle Club Casino.

SD-342

MARCH 20

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD-342

10:00 a.m.

Veterans' Affairs

To resume hearings to examine the reform of health care priorities.

SR-418

MARCH 26

2:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the proposed budget request for fiscal year 1997 for the National Aeronautics and Space Administration (NASA).

SR-253

MARCH 27

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Spectrum's use and management.

SR-253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine global proliferation of weapons of mass destruction.

SD-342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart.

345 Cannon Building

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

335 Cannon Building