

Major Provisions of HR 927 Draft Conference Report

(emphasis on changes from House passed version)

Findings

Standard stuff. No changes from House passed version.

Purposes

Nothing earth shattering. Senate passed language.

Definitions

Reference to Ways & Means eliminated from appropriate congressional committee definition.

Definition of "official of the Cuban government or the ruling political party in Cuba" narrows the property that is subject to the right of action in Title III. Exempts all residential property unless there is a certified claim or it is being used by a high ranking government/party official.

Title I

Sec. 101: House and Senate language nearly identical. One significant change is that it states that any outmigration or any operation of Cienfuegos nuclear facility should be considered an act of aggression by Castro.

Sec. 104: Walks back from House position of supporting Cuban membership in IFIs during a transition. Allows President to support Cuban application during transition as long as it doesn't take effect until a democratically elected government is in power.

Sec. 109: Adds provision mandating that the President take all necessary steps to ensure that democracy assistance does not reach the Castro government. Provision could jeopardize President Clinton's October 6 policy.

Sec. 110: Restores essentially empty rhetoric on Cuban sugar importation. Ways & Means objected to similar language in HR927 when it was being considered in the House.

Sec. 112: Sense of Congress language on restoring unrestricted family travel and remittances. Urges President to demand certain actions by Castro government before restoration.

Sec. 114: Hopelessly complicates the issue of reciprocal news bureaus by insisting that Radio & TV Marti be allowed to operate within Cuba without interference from the Cuban government. In effect makes U.S. once again responsible for blocking establishment of news bureaus.

Title II

Sec. 205: Merges House and Senate constructions on criteria for determining whether a transition government is in power. Sets numerous hard criteria: all political activity legalized; all political prisoners released; security apparatus dissolved; committed to free and fair

elections organized for within ___ years; ceased interfering with the Martis; Fidel and Raul Castro excluded; public commitments and demonstrable progress made to establish independent judiciary, respect internationally accepted human rights, and allow establishment of labor unions; given adequate assurances that it will allow the speedy and efficient distribution of assistance. Sets out further "factors to be considered", including: effective guarantee of freedom of speech; reinstatement of citizenship to Cuban-born national returning to Cuba; assurance of right to private property; taken appropriate steps to return or compensate U.S. citizens for expropriations; extradited all persons sought by U.S. law enforcement; and permitted deployment of human rights monitors.

Sec. 206: Retains conditions in Sec. 205, while adding those found in the House passed Sec. 206. Retaining Sec. 205 means that while the Congress hails the right to self-determination of the Cuban people it won't provide assistance to those people if they were to choose Fidel or Raul Castro as their leader.

Title III

Sec. 302: Contains several modifications that give an advantage to the 5,911 certified claimants in carrying out the right of action:

- (1) Rights of action takes effect for certified claimants 6 months from date of enactment, does not take effect for the non-certified until two years later.
- (2) Gives certified claimants immediate recourse to treble damages in bringing their right of action, requires non-claimants to give those whom they will sue 30 days prior notice in able to seek treble damages.
- (3) Establishes priority payment to certified claimants if courts decide to consolidate judgements.

Establishes \$50,000 threshold of amount in controversy for bringing a case. Does not specify whether the \$50,000 figure is the value at time of expropriation or today.

Allows suspension of right of action once a transition is in power – subject to President's discretion. Terminate right of action, but not pending litigation when a democratic government comes to power.

Mandates the establishment of a filing fee for the exercise of the right of action.

Title IV

still in controversy