

damages equal to the amount of the claim, plus interest. Otherwise, a claimant could ask the court to assess the amount of damages. If a claimant serves prior notice upon a "trafficker", that person could be liable for treble damages if he or she continues to "traffic" in the property 30 days after receipt of the notice. To take action under this Title, the amount claimed must exceed U.S. \$50,000, exclusive of interest and costs.

Title III does not become effective until August 1, 1996 (at the earliest) and claims can only be brought for "trafficking" after three months following the effective date for this Title. This grace period before liability for trafficking attaches is intended to give "traffickers" time to wind down their activities or divest themselves of their interests in expropriated property in Cuba in order to avoid liability.

Those U.S. nationals who already have claims certified by the U.S. Foreign Claims Settlement Commission (and there are some 6000 certified claims) can take action on their claims after three months from the date Title III comes into effect. Claims that are not already certified, that is, those owned by Cubans who have become U.S. nationals since their property was expropriated, can be brought only after two years from the date of enactment of the Act, that is, from March 12 1998. However, liability for trafficking kicks in from March 12 1996.

The President may suspend the effective date for the implementation of Title III for six months, upon determination in writing to the appropriate congressional committees at least 15 days prior to the effective date, that the suspension is in the national interests of the U.S. and will expedite the transition to democracy in Cuba. On the basis of a similar determination, the President can continue the suspension for further six month periods. All rights to bring an action under Title III may also be suspended if the President determines that a "transition government in Cuba" (defined elsewhere in the bill) is in power and shall cease after a Presidential determination that a "democratically elected government in Cuba" (also defined in the bill) is in power. Actions started before such suspension or termination would continue.

Title III does not address the issue of the right to seize assets from a defendant to satisfy a court judgment. Evidently this would be subject to the usual rules of the U.S. District Court. "Traffickers" with assets in the U.S. would find those assets at risk of seizure.

The definition of "persons" for the purposes of the "trafficking" provisions includes any agency or instrumentality of a foreign state, but not a foreign state itself. Therefore,