



Title II: Assistance to a Free and Independent Cuba

Title II reiterates existing U.S. policy to support democratic change in Cuba. It sets out parameters for the U.S. government to provide limited humanitarian and military assistance to a transition government in Cuba, and subsequently, more substantial economic and financial support when a democratically elected government is in place. This title also defines the requirements for the termination of the economic embargo. The President is required to submit to appropriate Congressional committees a determination that a transition government is in power, and after consultation with Congress, he is authorized to take steps to lift the embargo. However, the embargo can be reinstated by a joint resolution of both houses of Congress.

There are specific requirements and factors for determining what constitutes a transition and a democratically elected government, including the exclusion of Fidel Castro or Raul Castro and that appropriate steps be taken to return to U.S. citizens their expropriated property or provide them with equitable compensation. Determination of a democratically elected government requires that "demonstrable progress" be made toward this same end. Section 207 of Title II deals with "Settlement of Outstanding United States Claims to Confiscated Property in Cuba". It requires reporting to Congress on the number and amount of outstanding claims and also provides for an assessment of how the U.S. might assist with resolution of claims. A "satisfactory resolution of property claims by a Cuban government recognized by the United States" is a prerequisite for the full resumption of diplomatic and economic relations between the United States and Cuba.

Title III: Protection of Property Rights of United States Nationals

Title III provides a mechanism for former owners of property expropriated by the Government of Cuba to bring action against current investors in such property, characterized as "traffickers in confiscated property" in the bill. Investors in property in Cuba could have U.S. assets at risk of being seized to satisfy a court judgment by a former owner of the property.

"Trafficking" is very broadly defined: it includes selling, transferring, distributing, dispensing, brokering, managing or otherwise disposing of expropriated property, or purchasing, leasing, receiving, possessing, obtaining control of, managing, using or otherwise acquiring or holding an interest in confiscated property, engaging in commercial activity or otherwise benefiting from expropriated property, or causing,