

105th Congress, 1st Session - - - - - House Document 105-107

REPORT TO THE CONGRESS ON THE RIGHT TO BRING
AN ACTION UNDER TITLE III OF THE CUBAN LIB-
ERTY AND DEMOCRATIC SOLIDARITY ACT OF 1996

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT TO CONGRESS THAT SUSPENSION FOR 6 MONTHS BE-
YOND AUGUST 1, 1997, OF THE RIGHT TO BRING AN ACTION
UNDER TITLE III OF THE CUBAN LIBERTY AND DEMOCRATIC
SOLIDARITY (LIBERTAD) ACT OF 1996 IS NECESSARY TO THE NA-
TIONAL INTERESTS OF THE UNITED STATES AND WILL EXPE-
DITE A TRANSITION TO DEMOCRACY IN CUBA, PURSUANT TO
PUB. L. 104-114, SEC. 306(c)(2)



July 17, 1997.—Referred jointly to the Committees on International
Relations and the Judiciary, and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

39-011

WASHINGTON : 1997

THE WHITE HOUSE,
Washington, July 16, 1997.

Hon. BOB LIVINGSTON,
*Chairman, Committee on Appropriations,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to subsection 306(c)(2) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104-114), (the "Act"), I hereby determine and report to the Congress that suspension for 6 months beyond August 1, 1997, of the right to bring an action under title III of the Act is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

Sincerely,

WILLIAM J. CLINTON.

STATEMENT BY THE PRESIDENT

Today I am notifying the Congress of my decision to suspend for 6 more months the right of U.S. citizens to file suit against foreign firms trafficking in confiscated properties in Cuba. This decision is consistent with my strong commitment to implement the Cuban Liberty and Democratic Solidarity Act (LIBERTAD Act) in a way that best serves our national interest and hastens a peaceful transition to democracy in Cuba.

I have invoked this waiver for the past year in order to continue strengthening cooperation with our friends and allies toward our shared goal of ending Cuba's 38 years of oppression. Thanks to the efforts of Stuart Eizenstat—my Special Representative for the Promotion of Democracy in Cuba and now Under Secretary of State—we have made significant progress. We are forging an international consensus on concrete steps to clear the way for a new era of democracy and prosperity for the people of Cuba.

I said in January that I expected to continue suspending this provision of title III of the LIBERTAD Act so long as our partners continued their stepped-up efforts to promote a democratic transition in Cuba. My decision today to renew the suspension reflects the sustained progress that has been made over the past 6 months and my expectation of further advances in the future. Just 2 weeks ago, the European Union (EU) formally renewed its commitment to the historic Common Position it adopted last December. This agreement binds all 15 EU member nations to make any improvement in relations with Cuba dependent on concrete advances in human rights and political freedoms on the island. EU member states have broadened their contacts with human rights activists and independent groups in Cuba. Furthermore, after careful consultation with the Congress, the United States and the EU reached an understanding on April 11 to develop international disciplines to inhibit and deter the acquisition of confiscated properties or any dealings involving them.

Key countries in Europe and, increasingly, Central and South America have made clear that they are no longer conducting "business as usual" with the Castro government. Instead, their leaders are pressing for the release of political prisoners, free elections, economic reform, and other measures that will help the Cuban people achieve the fundamental political and economic freedoms they deserve. Major European political parties met in The Netherlands for the first time to promote freedom and human rights in Cuba and issued a strong declaration urging Castro to democratize Cuba.

Nongovernmental organizations (NGOs) have also risen to the challenge. European NGOs have made pathbreaking strides to increase international support for change in Cuba and provided unprecedented support to predemocracy activists on the island. Business and labor groups are formulating "best business" practices for

firms investing in Cuba. While the United States discourages investment in Cuba, we hope that those who do invest there will foster respect for basic workers rights and improvements in working conditions.

We have continued to enforce vigorously title IV of the LIBERTAD Act, denying entrance into the United States to directors of several foreign firms that traffic in confiscated properties in Cuba. As a result, several firms have withdrawn from investments and contracts in Cuba and are reassessing future investments. The United States will continue enforcing title IV during the negotiations of binding international disciplines as called for in the U.S.-EU understanding. The Administration will consult further with the Congress concerning authority to waive title IV if the investment guidelines have been agreed upon and implemented.

We are making real progress in strengthening the international effort to bring democracy to Cuba. The Cuban people and the Castro regime hear the message more clearly than ever. The international community is committed to seeing freedom reach Cuba's shores and the Cuban people assume their rightful place in the family of democratic nations.

