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One means to compensate the certified claimants without the Republic of Cuba provisioning any funds is for as many certified claimants as possible to file an action in United States District Courts. The filing fees could fully compensate the certified claimants.

That's right. Encourage as many plaintiffs as possible to file.

So, what happens? Plaintiffs are paying plaintiffs. The ultimate re-circulation of funds.

There are 8,821 claims of which **5,913** awards valued at **US\$1,902,202,284.95** were certified by the United States Foreign Claims Settlement Commission (USFCSC-<https://www.justice.gov/fcsc>) at the United States Department of Justice have not been resolved for nearing sixty years. The USFCSC permitted interest to be accrued in the amount of 6% per annum; with the current value of the 5,913 certified claims approximately **US\$8,521,866,156.95**.

From the United States District Court: "For filing an action brought under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114, 110 Stat. § 785 (1996), **\$6,548**. (This fee is in addition to the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus.)"

Adjusted for inflation (3.70% per annum), US\$6,548.00 (the filing fee today) in 1960 has a value of US\$55,954.89 in 2019.

At US\$6,548.00 (the filing fee), filings by 290,501 plaintiffs would yield US\$1,902,202,284.95 and filings by 1,301,446 plaintiffs would yield US\$8,521,866,156.95.

There have been estimates of 200,000 potential filings by plaintiffs (individuals/entities who were subject to Republic of Cuba jurisdiction rather than individuals/entities subject to United States jurisdiction) having non-certified claims against the Republic of Cuba- those filing fees would yield US\$1,309,600,000.00.

Important to note that Title III of the Libertad Act requires that an asset had a value of US\$50,000.00 when expropriated by the Republic of Cuba without compensation to the original owner.

Of the 5,913 certified claims, 913 are valued at US\$50,000.00 or more.

Adjusted for inflation, US\$50,000.00 (3.70% per annum) in 1960 has a value of US\$427,267.01 in 2019.

The United States District Court fees from 913 filings would be US\$5,978,324.00, representing .31% of the total value of the certified claims.

LINK To Certified Claims List

NOTE: In 2017, The Honorable **Rick Crawford** (R- 1st District, Arkansas) supported a legislative effort to require 2% of each transaction (agricultural commodities and food products) within the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSREEA) by United States-based

companies with Republic of Cuba government-operated entities, the proceeds of which would fund repayment of the certified claims. The legislation would thus absolve the Republic of Cuba from any financial responsibility for compensation to the certified claimants by shifting the creation of a funding stream to the United States taxpayer. **This misguided effort was rebuffed.**

According to the Arkansas Democrat-Gazette on 3 June 2017, “*The original version of HR525, the Cuba Agricultural Exports Act, didn't include the fee when it was filed in January. In an interview Friday, Crawford said he plans to file an amended version of his legislation next week to reflect the change. The lawmaker estimates the 2-percent fee would generate roughly \$30 million per year initially, rising to perhaps \$60 million within five to seven years.*”

For US\$30 million to equal 2% of the value for all TSREEA exports from the United States to the Republic of Cuba, the total annual value of those exports would need be US\$1.5 billion, which Representative Crawford was reported to believe would be the “*within five to seven years.*”

For reference, the following are the U.S. Dollar export values for TSREEA-related exports since the first deliveries in December 2001; the 2% export tax would represent **US\$116,998,516.76** from all eighteen (18) years of TSREEA-related exports:

Reporting Year	U.S. Dollar Value Of TSREEA-Authorized Exports To Cuba	Export Market Ranking
2018	US\$197,629,030.00	56 th (of 224)
2017	US\$268,800,005.00 (revised +US\$8,132,930.00 on 6/18)	52 nd (of 229)
2016	US\$232,064,645.00	55 th (of 232)
2015	US\$170,551,329.00	60 th (of 230)
2014	US\$291,258,881.00	49 th (of 223)
2013	US\$348,747,293.00	46 th (of 224)
2012	US\$457,318,357.00	43 rd (of 229)
2011	US\$358,457,389.00	50 th (of 232)
2010	US\$366,467,782.00	45 th (of 228)
2009	US\$528,482,955.00	36 th (of 232)
2008	US\$710,086,323.00	29 th (of 228)
2007	US\$437,564,824.00	37 th (of 230)
2006	US\$340,433,442.00	34 th (of 227)
2005	US\$350,218,040.00	30 th (of 228)
2004	US\$391,990,382.00	25 th (of 228)
2003	US\$256,901,471.00	35 th (of 219)
2002	US\$138,634,784.00	50 th (of 226)
2001	US\$4,318,906.00 (December- 1 st sales under TSREEA)	144 th (of 226)
Total Sales	US\$5,849,925,838.00	

There are practitioners within the legal community who present that Representative Crawford's legislation is per se unconstitutional. See *United States v. Int'l Bus. Machs. Corp.*, 517 U.S. 843, 846-48 (1996) “[t]he Export Clause states simply and directly: ‘No Tax or Duty shall be laid on Articles exported from any State.’ U.S. Const., Art. I, § 9, cl. 5. There have been occasions to interpret the language of the Export Clause, but cases have broadly exempted from federal taxation not only export goods, but also services and activities closely related to the export process . . . the Export Clause strictly prohibits any tax or duty, discriminatory or not, that falls on exports during the course of exportation.”