EXHIBIT "201"

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Message

From: Bondi, Tandy (CarnCorp) [TBondi@carnival.com]
Sent: 4/16/2018 7:14:27 PM
To: mmcgarry@cruising.org; Eleni Kalisch (ekalisch@rccl.com) [ekalisch@rccl.com]; Farkas, Dan [dfarkas@ncl.com]
Subject: Bill language attached
Attachments: CURBEL_028_xml.pdf

Tandy Bondi, VP Public Affairs
Carnival North America, LLC

EXHIBIT

#188 Tandy Bondi 07-30-21 JChin

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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To provide for a claims assessment for transportation between United States and Cuba, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CURBELO of Florida introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for a claims assessment for transportation between United States and Cuba, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cuba Claims Trust Fund Act of 2018".

SEC. 2. APPLICATION OF CLAIMS ASSESSMENT FOR TRANSPORTATION BETWEEN UNITED STATES AND CUBA; ESTABLISHMENT OF CUBA CLAIMS TRUST FUND.

(a) CLAIMS ASSESSMENT FOR TRANSPORTATION BY WATER.—Section 4471 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) SPECIAL RULES FOR CUBA.—

"(1) IN GENERAL.—In the case of any covered voyage during which passengers disembark in Cuba, subsection (a) shall be applied by increasing the dollar amount contained therein by $25.

"(2) EXCEPTION FOR INDIVIDUALS LESS THAN 18 YEARS OF AGE.—Paragraph (1) shall not apply with respect to any passenger who has not attained the age of 18 as of the commencement of the voyage.

"(3) APPLICATION TO FERRIES.—

"(A) IN GENERAL.—In the case of any ferry service during which passengers disembark in Cuba, such ferry service shall be treated as a covered voyage for purposes of this section.

"(B) FERRY SERVICE.—For purposes of this subsection, the term 'ferry service' means

transportation by vessel from the United States of primarily—

"(i) paying passengers, and

"(ii) vehicles which are being used in the transportation of such passengers.".

(b) CUBA CLAIMS TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9512. CUBA CLAIMS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Cuba Claims Trust Fund', consisting of such amounts as may be appropriated or credited to such trust fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—There are hereby appropriated to the Cuba Claims Trust Fund amounts equivalent to amounts received in the Treasury by reason of section 4471(d).

"(2) SURCHARGES.—

"(A) IN GENERAL.—The Secretary of the Treasury shall deposit into the Cuba Claims

1 Trust Fund all surcharges collected pursuant to
2 subparagraph (B).
3 "(B) IMPOSITION OF SURCHARGE.—
4 "(i) IN GENERAL.—There is imposed
5 a surcharge equal to 30 percent of the
6 amount of—
7 "(I) any fine or monetary penalty
8 imposed, in whole or in part, for a
9 violation of a law or regulation speci-
10 fied in clause (ii) committed on or
11 after the date of the enactment of this
12 section; or
13 "(II) the monetary amount of a
14 settlement entered into by a person
15 with respect to a suspected violation
16 of a law or regulation specified in
17 clause (ii) related to activities under-
18 taken on or after such date of enact-
19 ment.
20 "(ii) LAWS AND REGULATIONS SPECI-
21 FIED.—A law or regulation specified in
22 this clause is any law or regulation that
23 provides for a civil or criminal fine or mon-
24 etary penalty for any economic activity re-
25 lating to Cuba that is administered by the

Department of State, the Department of the Treasury, the Department of Justice, the Department of Commerce, or the Environmental Protection Agency.

"(C) TERMINATION OF DEPOSITS.—The imposition of the surcharge under subparagraph (B) shall terminate on the date on which payments to all claimants described in subsection (c)(1) have been made to such claimants as described in that subsection or pursuant to a bilateral agreement between the United States Government and the Government of Cuba that has been approved by an Act of Congress.

"(e) EXPENDITURES.—

"(1) IN GENERAL.—Amounts in the Cuba Claims Trust Fund shall be available, as provided by appropriation Acts, for making payments to claimants for outstanding United States claims to property confiscated by the Cuban Government on or after January 1, 1959, as certified by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949 (22 U.S.C. 1643 et seq.).

"(2) ASSIGNMENT.—Amounts in the Cuba Claims Trust Fund may only be made available for

payment to a claimant if the claimant agrees to assign the claim to property of such claimant as described in this subsection to the United States Government.

"(3) REGULATIONS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this section, promulgate regulations as necessary for the implementation of this section.

"(B) REQUIREMENTS.—Such regulations shall, with respect to each fiscal year, meet the following requirements:

"(i) Amounts in the Cuba Claims Trust Fund shall be divided equally among the categories of claims described in subparagraph (C) for purposes of making payments to claimants in such categories of claims.

"(ii) Such payments shall be made so as to fully pay off the maximum number of claimants as possible in each category of claims.

"(iii) If one or more category of claims is fully paid off in such fiscal year,

amounts in the Cuba Claims Trust Fund shall be divided equally among the remaining categories of claims.

"(iv) Any amounts remaining in the Cuba Claims Trust Fund at the end of such fiscal year shall remain available in such Trust Fund for purposes of making payments to claimants in the following fiscal year.

"(C) CATEGORIES OF CLAIMS DESCRIBED.—The categories of claims described in this subparagraph are the following:

"(i) Claims in amounts of $1 to $499,999, including interest.

"(ii) Claims in amounts $500,000 to $999,999, including interest.

"(iii) Claims in amounts of $1,000,000 or greater, including interest.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

"Sec. 9512. Cuba Claims Trust Fund.".

(c) EFFECTIVE DATES.—

(1) CLAIMS ASSESSMENTS.—The amendment made by subsection (a) shall apply to voyages paid

for after the 90-day period beginning on the date of the enactment of this Act.

(2) CUBA CLAIMS TRUST FUND.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 3. UPDATE TO REPORT ON SETTLEMENT OF OUTSTANDING UNITED STATES CLAIMS TO CONFISCATED PROPERTY IN CUBA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by section 207(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6067(a)).

SEC. 4. RULE OF CONSTRUCTION REGARDING ONGOING CUBAN DEBT OBLIGATIONS.

(a) IN GENERAL.—Nothing in this Act or any amendment made by this Act shall be construed to constitute a settlement of any outstanding United States claim to compensation for property confiscated by the Cuban Government on or after January 1, 1959, including claims assigned to the United States Government by claimants as described in subsection (c) of section 9512 of the Internal Revenue Code of 1986, as added by section 2(b) of this Act.

(b) CONGRESSIONAL APPROVAL.—Any settlement of a United States claim assigned to the United States Government by claimants as described in subsection (c) of section 9512 of the Internal Revenue Code of 1986, as added by section 2(b) of this Act, shall not take effect unless and until the settlement of the claim is specifically approved in an Act of Congress enacted on or after the date of the enactment of this Act.

SEC. 5. AUTHORITY TO UPDATE OWNERSHIP OF CLAIMS AGAINST THE GOVERNMENT OF CUBA.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 et seq.) is amended by adding at the end the following new section:

"SEC. 516. AUTHORITY TO UPDATE OWNERSHIP OF CLAIMS AGAINST THE GOVERNMENT OF CUBA.

"(a) IN GENERAL.—The Commission is authorized—

"(1) to receive information relating to ownership of claims by nationals of the United States against the Government of Cuba that have been certified by the Commission under title I or this title in order to review and determine who are the current successors to the ownership interests of the original claimants of such claims and are the current owners of such claims; and

"(2) to re-certify, as appropriate, any such claim in the name of any such current successor and owner of such claim.

"(b) PROCEDURES.—The authority of the Commission under subsection (a) shall be exercised in a manner consistent with—

"(1) applicable authorities under title I and this title, including any applicable practices and procedures of the Commission; and

"(2) applicable United States commercial law and probate law.".

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