

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 19-22620-CIV-MORENO
19-22621-CIV-MORENO

MARIO ECHEVARRIA,

Plaintiff,

vs.

EXPEDIA GROUP, INC., HOTELS.COM
L.P., HOTELS.COM GP, LLC, ORBITZ,
LLC,

Defendants.

ORDER ON POST-TRIAL MOTIONS

In the nation's first jury trial involving Title III of the Cuban Liberty and Democratic Solidarity Act, 22 U.S.C. § 6021 *et seq.*, also known as the Helms-Burton Act, a Miami jury rendered verdicts totaling \$119.4 million against all four corporate Defendants.¹ The Helms-Burton Act was enacted in 1996 as a reaction to Cuba's downing of two civilian aircrafts registered in the United States. The Act provides a civil private right of action for those United States nationals who owned property in Cuba, against anyone who knowingly traffics in property confiscated by the Communist Cuban government after the revolution of 1959. Defendants filed motions for judgment as a matter of law as well as a new trial, on multiple grounds. The allegations were that the corporate Defendants facilitated bookings at hotels in Cayo Coco, an island off the coast of Cuba, inherited by Plaintiff Mario Echevarria, a United States national, and that this property had been confiscated by the Communist Cuban government.

¹ The verdict against each Defendant was \$9,950,000, and the jury awarded treble damages (i.e., \$29,850,000) for continued trafficking more than 30 days after Defendants received Plaintiff's cease-and-desist notices.

On the other hand, Defendants asserted that there is insufficient evidence of Plaintiff's ownership of the property, insufficient notice to them to cease the alleged trafficking of the property, and that Defendants did not knowingly and intentionally traffic in the property. After trial, Defendants also argued that the total \$120 million award for booking hotel rooms was constitutionally excessive, duplicative when applied to each Defendant for the repeated use of the same property, and unsupported by Plaintiff's damages expert.²

Throughout the trial, the Court expressed concerns with attributing responsibility to Expedia Group, Inc., as a holding company, for the acts of its subsidiaries, particularly Expedia, Inc. (a/k/a Expedia-WA), which was not even a defendant in this trial. After trial, the Court also expressed reservations about entering a judgment against Orbitz, LLC, based on the lack of evidence presented, as well as the award of identical damages for the two Hotels.com entities, based on weaker evidence on the bookings related to the different hotels. However, the case of *Del Valle v. Trivago GMBH*, issued on May 20, 2025, after this trial, compels the Court to first address the impact of the unpublished *per curiam* opinion. See No. 23-12966, 2025 WL 1443951 (11th Cir. May 20, 2025).

I. IMPACT OF DEL VALLE

In *Del Valle*, the Eleventh Circuit clarified the mental state required for liability under Title III and how a plaintiff can satisfy it. See *id.* at *4. The panel began with the language of the statute: trafficking in confiscated property must have been done “‘knowingly and intentionally,’” and “‘knowingly’” means with “‘knowledge’ or ‘having reason to know.’” *Id.* (quoting 22 U.S.C. § 6023(13)(A), (9)). The Eleventh Circuit interpreted “having reason to know” as “invok[ing] a recklessness mens rea.” *Id.* Applied to this context, the panel held that

² Other defense arguments such as lack of standing, the residential use exception barring recovery, and excusal of juror for cause prior to deliberations were also made but lack sufficient merit as to necessitate discussion beyond what has been previously ruled by the Court.

Title III liability attaches only when defendants “recklessly disregard the fact that properties in which they are trafficking would belong to U.S. nationals if they had not been confiscated by the Cuban government.” *Id.* Because the *Del Valle* plaintiff did not provide the defendants with anything that gave rise to “a substantial or high likelihood that Del Valle own[ed] a claim to the allegedly confiscated beachfront property,” the Eleventh Circuit affirmed dismissal of the complaint. *Id.* at *6–*7 (citation modified). The “[b]are, unsworn assertions of property ownership” that Del Valle presented in his notice and complaint were not enough to meet this threshold. *Id.* at *6.

Both parties recognize that *Del Valle* is not binding on this Court because it is unpublished. See 11th Cir. R. 36-2 (“Unpublished opinions are not considered binding precedent.”); *Barber v. Governor of Ala.*, 73 F.4th 1306, 1320 (11th Cir. 2023) (“‘[O]ur unpublished opinions are not precedential’; ‘they do not bind us or district courts to any degree.’” (quoting *Patterson v. Ga. Pac., LLC*, 38 F.4th 1336, 1346 (11th Cir. 2022))). As such, the Court conducts its own analysis to determine *Del Valle*’s impact on this case.

Defendants argue that *Del Valle* justifies overriding the verdicts because no reasonable jury could have concluded that Defendants knowingly and intentionally trafficked under Title III. This is so, Defendants aver, because Plaintiff did not substantiate his claim to Cayo Coco until July 27, 2020—the day Plaintiff’s counsel made the first document production in this case—at which point all guests booked through Defendants’ websites had checked out of the hotels in question, and Defendants made no further bookings there. Prior to this date, Defendants contend they received from Plaintiff no more notice than the *Del Valle* plaintiff provided to the defendants in that case. Plaintiff’s principal argument is two-fold. First, he argues that *Del Valle*—resolved at the pleading stage—is inapplicable because the Eleventh Circuit’s analysis

was limited to clarifying pleading requirements and therefore does not affect this case, where a jury found based on the weight of the evidence that Defendants knowingly and intentionally trafficked in confiscated property previously owned by a U.S. national. Second, Plaintiff argues that *Del Valle* was wrongly decided because Title III contains no scienter requirement, and the Court was wrong to impose a heightened burden on Title III plaintiffs to present evidence to establish a defendant's state of mind to defeat a motion to dismiss.

After the benefit of extensive briefing by the parties and oral argument at the August 26, 2025 post-trial motion hearing, the Court concludes that Plaintiff's August 2019 notices were sufficient to meet Title III's *mens rea* requirement. 22 U.S.C. § 6023(13(A), (9). Where a cease-and-desist notice pursuant to § 6082(a)(3)(D) is sufficiently specific, it succeeds in putting a defendant on notice that the plaintiff's claim is legitimate. After all, *Del Valle* did not foreclose the possibility that such notice, by itself, could satisfy Title III's knowledge requirement.

In *Del Valle*, the Court deemed President Clinton's signing statement, the plaintiff's notices, and the complaint as insufficient to put the defendants on notice that the plaintiff's claim to the property was legitimate. *See* 2025 WL 1443951, at *5. Here, Plaintiff also references President Clinton's signing statement, and he argues that the trial evidence shows Defendants' employees were aware of the Helms-Burton Act, the employees knew that all private real property in Cuba had been confiscated by the Communist Cuban government, and they believed that the hotels in question were built on confiscated property. Even if these points are true, they are too general to sufficiently notify Defendants that they "were trafficking in [Plaintiff's] property specifically, that [Plaintiff's] property was American property, or that the Castro regime had confiscated [Plaintiff's] property." *Id.* Title III's knowledge requirement would have

virtually no meaning if these were sufficient to put a defendant on notice, because notice could be presumed in virtually every case.

Plaintiff's cease-and-desist notices, however, yield a different result. In the notices, Plaintiff identifies himself and his family as "the rightful owners of Cayo Coco, Cuba"—an entire island—and informs Defendants of his "intent to commence a class action" due to Defendants' trafficking in Cayo Coco, which Plaintiff claims was confiscated by Cuba. Plaintiff's notices also identify the hotels by name—the Iberostar and the Accor. *See* Notices, No. 19-22620-CIV, ECF No. 116-17 (S.D. Fla. Jan. 4, 2021); Notices, No. 19-22621-CIV, ECF No. 77-17 (S.D. Fla. Jan. 4, 2021). Compare these with Del Valle's notices. Those identified Del Valle as the "rightful owner" of some "property located in Varadero" and warned that he "intend[ed] to sue" the defendants because they trafficked in this property, which was "confiscated by the Cuban government from the Del Valle family." *Del Valle, et al. v. TRIVAGO GMBH, et al.*, No. 19-22619-CIV, ECF No. 100-10 (S.D. Fla. April 6, 2023). Importantly, Del Valle's notices did "not identify what part of Varadero, a peninsula in Cuba, Del Valle claims is his." 2025 WL 1443951, at *5. Nor did they specify "which properties, if any, on [the defendants'] websites the Castro regime confiscated." *Id.*

Though relatively the same length as Del Valle's, Plaintiff's notices do not suffer from these deficiencies. That is important. While, like Del Valle, Plaintiff did not identify himself as a U.S. national in his notices—and the Eleventh Circuit took note of this (*see id.*)—this single shortfall is not enough for the Court to deem Plaintiff's notices inadequate considering the other crucial details they provide. Defendants thus had reason to know that they were trafficking in Plaintiff's confiscated property by continuing to facilitate bookings at the three hotels in question as of August 7, 2019, the date Defendants received Plaintiff's notices.

Del Valle emphasizes that “evidence” like “detailed sworn statements” or “corroborating documents” is needed to meet the statute’s *mens rea* requirement for trafficking under Title III. But the Court did not expressly hold that a cease-and-desist notice can never do so on its own. *See* 2025 WL 1443951, at *6. In fact, rather than outright rejecting *Del Valle*’s notices as insufficiently corroborated by such evidence, the Court evaluated their specificity. *See id.* at *5. And it was their lack of specificity that led the Court to conclude they “were [not] enough.” *Id.*

If *Del Valle* is read to always require Title III plaintiffs to present sworn or documentary evidence to put a defendant on notice, it would be nearly impossible for these plaintiffs to recover; this would be especially difficult considering the challenges with obtaining records in Cuba. Interestingly, in its discussion regarding what Title III’s *mens rea* requires, the panel cited *Fernandez v. Seaboard Marine LTD.* 135 F.4th 939 (11th Cir. 2025), a published case, as “an example of the proof we typically see a plaintiff present to establish property ownership in a Helms-Burton Act case.” *Del Valle*, 2025 WL 1443951, at *6. But *Fernandez* is not as helpful as *Del Valle* suggests. When prompted to evaluate the sufficiency of the plaintiff’s cease-and-desist notices for purposes of establishing the defendant’s knowledge under Title III at summary judgment, the *Fernandez* panel punted the issue to the jury. *See* 135 F.4th at 957 (“We need not decide what Seaboard must know or what its intentions must be in order to be liable under the Act because the letter is sufficient to create a genuine dispute of material fact under either construction.”). Understandably, the *Del Valle* panel seemed chiefly concerned about plaintiffs who “hope to win a quick settlement to which they may not be entitled” from defendants who are rightfully averse to “the risk of the Helms-Burton Act’s expansive liability.” 2025 WL 1443951, at *6. But there are already mechanisms in place to deter plaintiffs from and punish them for bringing frivolous claims.

Moreover, as Plaintiff points out, reading Title III this way would create an obvious inconsistency. The statute provides treble damages where a defendant continues trafficking more than 30 days after receiving the plaintiff's cease-and-desist notice. 22 U.S.C. § 6082(a)(3)(B), (a)(3)(C)(ii). But what must this notice include? Congress requires only that they "be in writing," "be posted by certified mail or personally delivered to the person," and contain (1) "a statement of intention to commence the action under this section or to join the person as a defendant (as the case may be), together with the reasons therefor;" (2) "a demand that the unlawful trafficking in the claimant's property cease immediately;" and (3) the Federal Register's summary of Title III's provisions. *Id.* § 6082(a)(3)(D). There is no statutory requirement that a plaintiff submit evidence with this notice. It would thus make no sense to require more from a plaintiff to prove liability under the statute than to recover treble damages.

II. OWNERSHIP AND INHERITANCE

Plaintiff presented sufficient evidence to prove that he lawfully inherited an interest in the island of Cayo Coco, Cuba. The Court will not disturb the jury's finding on that issue. Nor will the Court override the jury's finding that Plaintiff's ownership claim to Cayo Coco is 12.5%. The Court acknowledges Defendants' argument that Plaintiff's counsel did not produce a probate expert to help the jury decide between his two alternative scenarios—one in which Plaintiff owns 11.25% and the other in which he owns 12.5%—and instead "testified" that the jury should simply choose between the two and select 12.5% because Plaintiff's "position is 12.5" while "[Defendants are] saying it's 11.25." Trial Tr. Vol. 8 at 56:6–12. In the end, the Court instructed the jury on the applicable law and the parties presented the necessary documentary evidence for the jury to calculate the size of Plaintiff's claim.

III. CONFISCATION

The Court finds that Plaintiff presented sufficient evidence that the property he inherited from his ancestors³ was not public property and was indeed confiscated by the Cuban government. The jury heard testimony from both Cuban law experts and accepted Plaintiff's expert over Defendants' regarding the Law of Ports and the First and Second Agrarian Reform Acts.

IV. TRAFFICKING

a. Expedia Group, Inc.

Plaintiff claimed that Expedia Group, Inc., a holding company, was liable for the acts of its codefendants Hotels.com GP, LLC, Hotels.com L.P., and Orbitz, LLC, as well as non-party Expedia, Inc. (a/k/a Expedia-WA).

In Plaintiff's view, the evidence presented to the jury was sufficient to conclude that Expedia Group, Inc. "engage[d] in a commercial activity using or otherwise benefiting from confiscated property," and "caus[ed], direct[ed], participat[ed] in, or profit[ed] from" trafficking by its subsidiary Expedia-WA. 22 U.S.C. § 6023(13)(A)(ii), (iii). The evidence that Plaintiff points to is Expedia Group's development and rollout across all of its major branded sites of a "reason-for-travel" dropdown menu, that Expedia Group applied for and obtained a license from the United States Office of Foreign Asset Control to conduct business in Cuba, Expedia Group's leasing of a Miami office space for its Cuba team, its direct communications with hotel partners in Cuba about business strategy and operations in Cuba, and that Expedia Group generated revenue from the bookings facilitated by its subsidiaries.

The Court is not persuaded. Indeed, Expedia Group's SEC Form 10-K filing—a consolidated statement on which Plaintiff primarily relies—reflects only the performance of all

³ See Defendants' Family Chart, attached to this order.

members of the Expedia Group corporate family. As Defendants point out, Plaintiff does not contend with the fact that “Expedia Group” is used to refer to the entire corporate family, rather than to Expedia Group, Inc. itself. *See* PLA00079 at 1. There is no evidence that Expedia Group facilitated any bookings whatsoever at any of the three hotels in question. Rather, it was non-party Expedia-WA which made the bookings. Moreover, the Form 10-K does not specifically reflect that Expedia Group, Inc. leased the Miami office space. *See id.* at 27.

Even still, Plaintiff fails to plausibly explain how this evidence supports a finding that Expedia Group, Inc. trafficked in his property. Communicating with hotels in Cuba, leasing office space for a group of employees dedicated to overseeing business in Cuba, and developing a drop-down menu for guests to indicate which authorized exception applies for their Cuba travel is not unlawful, so long as companies do not run afoul of applicable rules and regulations. Similarly, the fact that Expedia Group applied to the United States Office of Foreign Asset Control for a license to conduct business in Cuba is not enough. At bottom, the evidence does not support the jury’s verdict that Expedia Group, Inc. trafficked in Plaintiff’s property.

The Court finds that Expedia Group, Inc., as the parent holding company, cannot be held liable for the acts of non-party Expedia-WA, much less the acts of the other subsidiaries.⁴ Therefore, judgment as a matter of law will be granted in favor of Defendant Expedia Group, Inc. The Court previously denied Defendant Expedia Group, Inc.’s motion for summary judgment. However, after considering the evidence at trial, Plaintiff did not show that Expedia Group, Inc. exercised sufficient control over any of these other entities. Counsel for Plaintiff did not seek an agency instruction, and the Court did not give one. The Court finds that Expedia

⁴ The Court also notes that in the August 2019 notices that Plaintiff attached to his operative complaint, Plaintiff did not send notice to Expedia Group, Inc., a Delaware corporation with its registered agent in Delaware. Instead, he sent notice to Expedia, Inc. at a Bellevue, Washington address. *See* No. 19-22620-CIV, ECF No. 116-17; No. 19-22621-CIV, ECF No. 77-17.

Group, Inc., as the parent holding company, cannot be held liable for the conduct of Expedia-WA, which was not sued.

b. Orbitz, LLC and Hotels.com

The Court considered the Chart of Booking Dates submitted by Defendants, and the handwritten notes added by Plaintiff's counsel. Plaintiff did not object to the dates Defendants provided in this chart, and Defendants did not object to Plaintiff's handwritten notes. A copy of Defendants' chart and a copy with Plaintiff's counsel's handwritten notes are attached to this order. Defendants treated the two Hotels.com entities as one party for purposes of this chart, and Plaintiff did not object to this. The chart contains the names of the hotels—Pullman, Mojito, and Colonial—on Cayo Coco, with the dates of bookings, checkouts, and check-ins (handwritten by Plaintiff's counsel).

The Hotels.com entities and Orbitz, LLC received a cease-and-desist notice from Plaintiff on August 7, 2019. As the Court explained above, the date Defendants received Plaintiff's notices determines when Defendants' knowing and intentional trafficking began. Looking to Defendants' chart, it is clear that the evidence does not support liability as to Orbitz, LLC. Orbitz did not make any bookings at the Colonial. For bookings Orbitz facilitated at the Pullman and Mojito, the last bookings were made and the last guest checked out *before* Orbitz received Plaintiff's notice. Thus, regardless of whether the trafficking date is the booking date or the checkout date, Orbitz did not knowingly and intentionally traffic within the meaning of Title III. The Court therefore grants judgment as a matter of law in favor of Defendant Orbitz, LLC.

The evidence for the Hotels.com entities is not as straightforward. If the Court decides that the checkout date is the trafficking date, then the evidence establishes that the Hotels.com entities knowingly and intentionally trafficked in Plaintiff's property with respect to the Pullman

and Colonial hotels.⁵ The last guest to check out of the Pullman and Colonial did so on September 30, 2019 and December 10, 2019, respectively. Hotels.com's liability is supported by the evidence under this theory because these checkouts occurred *after* they received Plaintiff's August 2019 notice. On the other hand, if the Court decides that the booking date is the trafficking date, then judgment as a matter of law must be entered for the Hotels.com entities. This is because the Hotels.com entities' last booking date for each of the three hotels occurred in June 2019, *before* they received Plaintiff's notice.

Weighing the justifications for using the dates for either bookings or checkouts (or check-ins as provided by Plaintiff's counsel) as the trafficking dates, this Court concludes that the former is more appropriate. For one, it finds support in the statutory text. *See* 22 U.S.C. § 6023(13)(A)(i), (ii). Facilitating a hotel room booking at the Pullman, Mojito, or Colonial hotels fits neatly under "engag[ing] in a commercial activity using or otherwise benefiting from confiscated property," or "sell[ing], transfer[ing], distribut[ing], dispens[ing], broker[ing], manag[ing], or otherwise dispos[ing] of confiscated property." For another, it is the booking of hotel rooms on Cayo Coco that is the wrongful act. As a booking company, Hotels.com facilitated bookings at these three hotels. That is its function—to book hotel rooms. Even if Hotels.com did not realize revenue at the time of booking, it is *the booking* for which Hotels.com was eventually paid. This is the unlawful act. Perhaps the check-in or checkout dates would be more relevant if Plaintiff was instead suing the hotels themselves.

What is more, Plaintiff pointed to no evidence of Hotels.com GP, LLC's independent conduct. It is clear instead that Plaintiff seeks to hold Hotels.com GP, the general partner, liable for the actions of its limited partner, Hotels.com L.P. As Plaintiff concedes, the limited partner

⁵ The last checkout date for the Mojito hotel was July 20, 2019, so, even under this theory, Hotels.com's bookings at this hotel were not knowing and intentional trafficking.

is the entity that “listed and facilitated the booking of hotel stays on Cayo Coco through its online platform.” Opp. Br., No. 19-22620-CIV, ECF 523 at 23. The Court agrees that it would thus be improper to hold these parties individually liable for separate identical damage awards.

In light of the foregoing, the Court grants judgment as a matter of law in favor of the Hotels.com entities.

V. DAMAGES

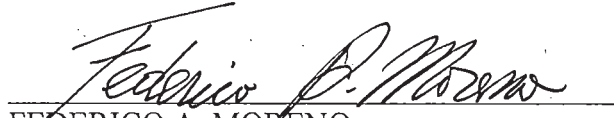
The Helms-Burton Act provides for statutory damages as “the fair market value of that property, calculated as being either the current value of the property, or the value of the property when confiscated plus interest, whichever is greater.” 22 U.S.C. § 6082(a)(1)(A)(i)(III). Expert testimony was presented by both sides. The Court acknowledged that calculating the fair market value in a country like Cuba, where the economy is exclusively controlled by the Communist government, is a difficult task. But all Helms-Burton Act cases will face this. Nevertheless, because the Court’s judgments as a matter of law render the verdicts void against all Defendants, the Court need not analyze whether the evidence was sufficient to support Plaintiff’s expert’s damage calculation. For obvious reasons, the Court also need not address treble damages.

VI. CONCLUSION

A trial court’s decision to set aside a jury’s verdict should never be taken lightly, particularly in a case where great lawyers on both sides have well represented their clients admirably, with passion but respect, over a long period of time. Much time and money has been spent by the parties and counsel as the Court struggled with the multitude of legal issues, which may well be decided differently by the wiser Court of Appeals. Perhaps, now we understand better the decisions of our United States Presidents, both Democrat and Republican, to suspend provisionally Title III of the Cuban Liberty and Democratic Solidarity Act. There may be little

comfort for either side of this first-ever Helms-Burton Act jury trial in President Trump's decision in his first term not to defer any longer the bipartisan Congressional intent in 1996, after the shooting of the airplanes used to save Cuban refugees fleeing the island suffering a Communist dictatorship for the last 65 years. After all, even without a money judgment in favor of Plaintiff, the intent of the Helms-Burton Act was indeed followed. Those parties who are notified that their actions violate the Act must stop their activity. Defendants did cease bookings with the hotels located on Plaintiff's inherited property within the 30 days provided by the Act and thus complied with the purpose of the law passed by Congress and signed by President Clinton. Therefore, the Court sets aside the jury verdicts and enters judgments in favor of Defendants Expedia Group, Inc., Hotels.com GP, LLC, Hotels.com L.P., and Orbitz, LLC.

DONE AND ORDERED in Chambers at Miami, Florida, this 5th of September 2025.


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Composite Exhibit Q

RIVERO MESTRE

August 6, 2019

Booking Holdings, Inc.
ATTN: Legal Department
800 Connecticut Avenue
Norwalk, Connecticut 06854

Re: Notice of Intent to Commence Action Against Booking Holdings, Inc., under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Booking Holdings, Inc. (“BHI”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue BHI because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. BHI has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, BHI actively solicited persons to book reservations at the Accor hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that BHI cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

(i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;

(ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or

(iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

(i) The delivery of international telecommunication signals to Cuba;

(ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

- (i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;
- (ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or
- (iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

(c) Section 306(c) provides the President with the authority to suspend the right to bring an action under Title III after its effective date for up to six months, and for additional extensions up to six months, upon a determination and report that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Section 306(c) also emphasizes that after the effective date no persons may acquire a property interest in any potential or pending Title III action, nor shall pending actions commenced before the date of suspension be affected by a suspension.

(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.
Janet Reno,
Attorney General.
[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

5 U.S.C. 551(4).

Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission." (emphasis added).

² Licensing is defined as "agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license." 5 U.S.C. 551(9).



Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department
Booking Holdings, Inc.
800 Connecticut Avenue

NORWALK, CT
06854
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775917847935
Ship date: 08/06/2019
Estimated shipping charges: 42.69 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730.01 1731.01 1731.02 1732
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details.
The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775917847935

Delivered
Wednesday 8/07/2019 at 10:25 am

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Signed for by: C.FIARCHILD

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FROM

Coral Gables, FL US

TO

NORWALK, CT US

Shipment Facts

TRACKING NUMBER

775917847935

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

1730.01 1731.01 1731.02 1732

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:25 am

Travel History

[Local Scan Time](#)

Wednesday, 8/07/2019

10:25 am	NORWALK, CT	Delivered
9:28 am	STAMFORD, CT	On FedEx vehicle for delivery
9:04 am	STAMFORD, CT	At local FedEx facility
6:01 am	JAMAICA, NY	At destination sort facility
2:43 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:16 pm		Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Expedia, Inc.
ATTN: Legal Department
333 108th Ave NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Expedia, Inc., under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Expedia, Inc. (“Expedia”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Expedia because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Expedia has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Expedia actively solicited persons to book reservations at the Accor hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Expedia cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

- (i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;
- (ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or
- (iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

- (i) The delivery of international telecommunication signals to Cuba;
- (ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;
- (iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or
- (iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

(c) Section 306(c) provides the President with the authority to suspend the right to bring an action under Title III after its effective date for up to six months, and for additional extensions up to six months, upon a determination and report that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Section 306(c) also emphasizes that after the effective date no persons may acquire a property interest in any potential or pending Title III action, nor shall pending actions commenced before the date of suspension be affected by a suspension.

(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

5 U.S.C. 551(4).

Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission," (emphasis added).

² Licensing is defined as "agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license," 5 U.S.C. 551(9).



Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department
Expedia, Inc.
333 108th Ave NE

BELLEVUE, WA
98004
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775917992780
Ship date: 08/06/2019
Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730 01, 1731 01, 1731 02, 1732 01
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775917992780

Delivered
Wednesday 8/07/2019 at 10:13 am

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Signed for by: C.ANG

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FROM

Coral Gables, FL US

TO

ELLE UE, WA US

Shipment Facts

TRACKING NUMBER

775917992780

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:13 am

Travel History

[Local Scan Time](#)

Wednesday , 8/07/2019

10:13 am	ELLE UE, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:45 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019

8:15 pm	MIAMI, FL	Left FedEx origin facility
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6:57 pm

MIAMI, FL

Picked up

2:23 pm

Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Hotels.com GP, LLC
ATTN: Legal Department
333 108th Avenue NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Hotels.com GP, LLC, under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Hotels.com GP, LLC (“Hotels.com GP”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Hotels.com GP because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Hotels.com GP has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Hotels.com GP actively solicited persons to book reservations at the Accor hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Hotels.com GP cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

(i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;

(ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or

(iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

(i) The delivery of international telecommunication signals to Cuba;

(ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

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Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

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Shipment Receipt

Address Information

Ship to:

ATTN: Legal Department
Hotels.com GP, LLC
333 108th Avenue NE

BELLEVUE, WA
98004
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775918088138
Ship date: 08/06/2019
Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730.01 1731.01 1731.02 1732
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

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Delivered
Wednesday 8/07/2019 at 10:13 am

DELIVERED

Signed for by: C.ANG

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FROM

Coral Gables, FL US

TO

ELLE UE, WA US

Shipment Facts

TRACKING NUMBER

775918088138

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

1730.01 1731.01 1731.02 1732

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:13 am

Travel History

[Local Scan Time](#)

Wednesday, 8/07/2019

10:13 am	ELLE E, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:47 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:27 pm		Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Hotels.com, L.P.
ATTN: Legal Department
333 108th Avenue NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Hotels.com, L.P., under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Hotels.com, L.P. (“Hotels.com”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Hotels.com because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Hotels.com has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Hotels.com actively solicited persons to book reservations at the Accor hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Hotels.com cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

- (i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;
- (ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or
- (iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

- (i) The delivery of international telecommunication signals to Cuba;
- (ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;
- (iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or
- (iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

(c) Section 306(c) provides the President with the authority to suspend the right to bring an action under Title III after its effective date for up to six months, and for additional extensions up to six months, upon a determination and report that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Section 306(c) also emphasizes that after the effective date no persons may acquire a property interest in any potential or pending Title III action, nor shall pending actions commenced before the date of suspension be affected by a suspension.

(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

5 U.S.C. 551(4).

Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission." (emphasis added).

² Licensing is defined as "agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license." 5 U.S.C. 551(9).



Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department

Hotels.com, L.P.

333 108th Avenue NE

BELLEVUE, WA

98004

US

305-445-2500

Ship from:

Paula Alvarez

2525 Ponce De Leon Blvd.

Suite 1000

Coral Gables, FL

33134

US

3054452500

Shipment Information:

Tracking no.: 775918182717

Ship date: 08/06/2019

Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.50 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495

Your reference: 1730.01 1731.01 1731.02 1732

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.**Please Note**

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775918182717

Delivered
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Signed for by: C.ANG

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FROM
Coral Gables, FL US

TO
ELLE UE, WA US

Shipment Facts

TRACKING NUMBER 775918182717	SERVICE FedEx Priority Overnight	WEIGHT 0.5 lbs / 0.23 kgs
DELIVERED TO Receptionist/Front Desk	TOTAL PIECES 1	TOTAL SHIPMENT WEIGHT 0.5 lbs / 0.23 kgs
TERMS Shipper	SHIPPER REFERENCE 1730.01 1731.01 1731.02 1732	PACKAGING FedEx Envelope
SPECIAL HANDLING SECTION Deliver Weekday	STANDARD TRANSIT 8/07/2019 by 10:30 am	SHIP DATE Tue 8/06/2019
ACTUAL DELIVERY Wed 8/07/2019 10:13 am		

Travel History

[Local Scan Time](#)

Wednesday , 8/07/2019		
10:13 am	ELLE E, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:47 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:32 pm		Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Orbitz, LLC
ATTN: Legal Department
333 108th Avenue NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Orbitz LLC, under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Orbitz, LLC (“Orbitz”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Orbitz because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Orbitz has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Orbitz actively solicited persons to book reservations at the Accor hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Orbitz cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

(i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;

(ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or

(iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

(i) The delivery of international telecommunication signals to Cuba;

(ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

(c) Section 306(c) provides the President with the authority to suspend the right to bring an action under Title III after its effective date for up to six months, and for additional extensions up to six months, upon a determination and report that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Section 306(c) also emphasizes that after the effective date no persons may acquire a property interest in any potential or pending Title III action, nor shall pending actions commenced before the date of suspension be affected by a suspension.

(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.
Janet Reno,
Attorney General.
[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

5 U.S.C. 551(4).

Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission." (emphasis added).

² Licensing is defined as "agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license." 5 U.S.C. 551(9).



Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department
Orbitz, LLC
333 108th Avenue NE

BELLEVUE, WA
98004
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775918297079
Ship date: 08/06/2019
Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730.01 1731.01 1731.02 1732
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

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TO
ELLE UE, WA US

Shipment Facts

TRACKING NUMBER 775918297079	SERVICE FedEx Priority Overnight	WEIGHT 0.5 lbs / 0.23 kgs
DELIVERED TO Receptionist/Front Desk	TOTAL PIECES 1	TOTAL SHIPMENT WEIGHT 0.5 lbs / 0.23 kgs
TERMS Shipper	SHIPPER REFERENCE 1730.01 1731.01 1731.02 1732	PACKAGING FedEx Envelope
SPECIAL HANDLING SECTION Deliver Weekday	STANDARD TRANSIT 8/07/2019 by 10:30 am	SHIP DATE Tue 8/06/2019
ACTUAL DELIVERY Wed 8/07/2019 10:13 am		

Travel History

[Local Scan Time](#)

Wednesday , 8/07/2019		
10:13 am	ELLE E, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:45 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:38 pm		Shipment information sent to FedEx

Composite Exhibit Q

RIVERO MESTRE

August 6, 2019

Booking Holdings, Inc.
ATTN: Legal Department
800 Connecticut Avenue
Norwalk, Connecticut 06854

Re: Notice of Intent to Commence Action Against Booking Holdings, Inc., under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Booking Holdings, Inc. (“BHI”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue BHI because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. BHI has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, BHI actively solicited persons to book reservations at the Iberostar hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that BHI cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

- (i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;
- (ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or
- (iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

- (i) The delivery of international telecommunication signals to Cuba;
- (ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;
- (iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or
- (iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

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paid to a U.S. national by virtue of a certified claim.

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(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

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(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

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Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission." (emphasis added).

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Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department
Booking Holdings, Inc.
800 Connecticut Avenue

NORWALK, CT
06854
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775917847935
Ship date: 08/06/2019
Estimated shipping charges: 42.69 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730.01 1731.01 1731.02 1732
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details.
The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775917847935

Delivered
Wednesday 8/07/2019 at 10:25 am

DELIVERED

Signed for by: C.FIARCHILD

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FROM

Coral Gables, FL US

TO

NORWALK, CT US

Shipment Facts

TRACKING NUMBER

775917847935

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

1730.01 1731.01 1731.02 1732

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:25 am

Travel History

[Local Scan Time](#)

Wednesday, 8/07/2019

10:25 am	NORWALK, CT	Delivered
9:28 am	STAMFORD, CT	On FedEx vehicle for delivery
9:04 am	STAMFORD, CT	At local FedEx facility
6:01 am	JAMAICA, NY	At destination sort facility
2:43 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:16 pm		Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Expedia, Inc.
ATTN: Legal Department
333 108th Ave NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Expedia, Inc., under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Expedia, Inc. (“Expedia”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Expedia because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Expedia has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Expedia actively solicited persons to book reservations at the Iberostar hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Expedia cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries,
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

- (i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;
- (ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or
- (iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

- (i) The delivery of international telecommunication signals to Cuba;
- (ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;
- (iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or
- (iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

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Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

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Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department
Expedia, Inc.
333 108th Ave NE

BELLEVUE, WA
98004
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775917992780
Ship date: 08/06/2019
Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730 01, 1731 01, 1731 02, 1732 01
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775917992780

Delivered
Wednesday 8/07/2019 at 10:13 am

DELIVERED

Signed for by: C.ANG

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FROM

Coral Gables, FL US

TO

ELLE UE, WA US

Shipment Facts

TRACKING NUMBER

775917992780

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:13 am

Travel History

[Local Scan Time](#)

Wednesday , 8/07/2019

10:13 am	ELLE UE, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:45 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019

8:15 pm	MIAMI, FL	Left FedEx origin facility
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6:57 pm	MIAMI, FL	Picked up
2:23 pm		Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Hotels.com GP, LLC
ATTN: Legal Department
333 108th Avenue NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Hotels.com GP, LLC, under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Hotels.com GP, LLC (“Hotels.com GP”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Hotels.com GP because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Hotels.com GP has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Hotels.com GP actively solicited persons to book reservations at the Iberostar hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Hotels.com GP cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

- (i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;
- (ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or
- (iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

- (i) The delivery of international telecommunication signals to Cuba;
- (ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;
- (iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or
- (iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

(c) Section 306(c) provides the President with the authority to suspend the right to bring an action under Title III after its effective date for up to six months, and for additional extensions up to six months, upon a determination and report that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Section 306(c) also emphasizes that after the effective date no persons may acquire a property interest in any potential or pending Title III action, nor shall pending actions commenced before the date of suspension be affected by a suspension.

(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

5 U.S.C. 551(4).

Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission," (emphasis added).

² Licensing is defined as "agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license." 5 U.S.C. 551(9).



Shipment Receipt

Address Information

Ship to:

ATTN: Legal Department
Hotels.com GP, LLC
333 108th Avenue NE

BELLEVUE, WA
98004
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775918088138
Ship date: 08/06/2019
Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730.01 1731.01 1731.02 1732
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775918088138

Delivered
Wednesday 8/07/2019 at 10:13 am

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Signed for by: C.ANG

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FROM

Coral Gables, FL US

TO

ELLE UE, WA US

Shipment Facts

TRACKING NUMBER

775918088138

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

1730.01 1731.01 1731.02 1732

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:13 am

Travel History

[Local Scan Time](#)

Wednesday, 8/07/2019

10:13 am	ELLE UE, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:47 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:27 pm		Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Hotels.com, L.P.
ATTN: Legal Department
333 108th Avenue NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Hotels.com, L.P., under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Hotels.com, L.P. (“Hotels.com”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Hotels.com because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Hotels.com has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Hotels.com actively solicited persons to book reservations at the Iberostar hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Hotels.com cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

- (i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;
- (ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or
- (iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

- (i) The delivery of international telecommunication signals to Cuba;
- (ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;
- (iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or
- (iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

(c) Section 306(c) provides the President with the authority to suspend the right to bring an action under Title III after its effective date for up to six months, and for additional extensions up to six months, upon a determination and report that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Section 306(c) also emphasizes that after the effective date no persons may acquire a property interest in any potential or pending Title III action, nor shall pending actions commenced before the date of suspension be affected by a suspension.

(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

5 U.S.C. 551(4).

Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission." (emphasis added).

² Licensing is defined as "agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license." 5 U.S.C. 551(9).



Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department

Hotels.com, L.P.

333 108th Avenue NE

BELLEVUE, WA

98004

US

305-445-2500

Ship from:

Paula Alvarez

2525 Ponce De Leon Blvd.

Suite 1000

Coral Gables, FL

33134

US

3054452500

Shipment Information:

Tracking no.: 775918182717

Ship date: 08/06/2019

Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.50 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495

Your reference: 1730.01 1731.01 1731.02 1732

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.**Please Note**

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775918182717

Delivered
Wednesday 8/07/2019 at 10:13 am

DELIVERED

Signed for by: C.ANG

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FROM

Coral Gables, FL US

TO

ELLE UE, WA US

Shipment Facts

TRACKING NUMBER

775918182717

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

1730.01 1731.01 1731.02 1732

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:13 am

Travel History

[Local Scan Time](#)

Wednesday, 8/07/2019

10:13 am	ELLE E, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:47 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:32 pm		Shipment information sent to FedEx

RIVERO MESTRE

August 6, 2019

Orbitz, LLC
ATTN: Legal Department
333 108th Avenue NE
Bellevue, WA 98004

Re: Notice of Intent to Commence Action Against Orbitz LLC, under 22 U.S.C. § 6082

To Whom it May Concern:

This firm represents Mario Echevarria and the Echevarria family (“the Echevarrias”), the rightful owners of Cayo Coco, Cuba. In accordance with 22 U.S.C. § 6082(a)(3), this letter serves as notice of the Echevarrias’ intent to commence a class action against Orbitz, LLC (“Orbitz”) under 22 U.S.C. § 6082.

The Echevarrias intend to sue Orbitz because it has trafficked in property, as those terms are defined in 22 U.S.C. § 6023, confiscated by the Cuban government from the Echevarria family. Orbitz has benefited, and continues to benefit, from the Echevarrias’ property (the “Property”). Specifically, Orbitz actively solicited persons to book reservations at the Iberostar hotels built on the Property, and other properties owned by class members, on its website and ultimately profited from those reservations. The Echevarrias intend to bring a class action on behalf of all persons similarly situated.

The Echevarrias demand that Orbitz cease trafficking in their Property, and that of the class, immediately and compensate them as provided in 22 U.S.C. § 6082(a).

Very truly yours,



Andrés Rivero
For the Firm



text, or, at a minimum, an outline of comments they proposed to make orally. Such comments will be limited to ten minutes in length. Any interested person also may file a written statement for consideration by the Joint Board and Committee by sending it to the Committee Management Officer. Notifications and statements should be mailed no later than June 19, 1996, to Mr. Robert I. Brauer, Joint Board for the Enrollment of Actuaries, c/o Office of Director of Practice, Internal Revenue Service, Suite 600, 801 Pennsylvania Avenue, NW, Washington, DC 20004 or by facsimile transmission to 202-376-1420.

Dated: May 9, 1996.

Robert I. Brauer,
Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.
[FR Doc. 96-12491 Filed 5-16-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE

[AG Order No. 2029-96]

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: In accordance with the requirement of section 302(a)(8) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, The United States Department of Justice is publishing this notice summarizing the provisions of Title III of the Act. Title III makes persons who knowingly and intentionally "traffic" in confiscated properties, as defined in the Act, subject to private civil damage suits in Federal district court.

EFFECTIVE DATE: This notice is effective May 17, 1996.

FOR FURTHER INFORMATION CONTACT: David E. Bradley, Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, Washington DC 20579, (202) 616-6975.

SUPPLEMENTARY INFORMATION: On March 12, 1996, President Clinton signed into law the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, P.L. 104-114 (also known as the "Helms-Burton Act"). Title III of the Act discourages foreign investment in properties that were expropriated by the Cuban Government on or after January 1, 1959, without compensation, from persons who are now United States nationals. Title III makes persons who knowingly and intentionally "traffic" in

such confiscated properties subject to private civil damage suits in Federal district court.

The Act defines "trafficking" broadly, with several exceptions, as set forth below. A trafficker may be liable to the U.S. claimant for the value of the claim, plus interest, reasonable attorney's fees and court costs. In addition, under certain circumstances described below, a person who trafficks in U.S. claimed property may be liable to the claimant for triple the amount of the value of the claim, excluding interest, fees and court costs.

Title III is scheduled to take effect on August 1, 1996. However, the law does not immediately permit U.S. claimants to bring suit to recover from traffickers. First, traffickers will have a three month "grace period" beginning on the effective date during which they may dispose of their interest in the claimed property and avoid liability under Title III. Under the scheduled effective date, therefore, traffickers who dispose of their interests in confiscated property before November 1, 1996, will not be subject to liability to the owner of the claim. Second, until March 13, 1998, only those persons with claims that were certified by the Foreign Claims Settlement Commission ("FCSC") may bring a Title III lawsuit. Third, the Act provides the President with the authority to suspend the effective date for six months, and for additional six month periods, if he determines suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Additional requirements and conditions are described below.

Section 302(a)(8) of the Act requires the Attorney General to publish in the Federal Register not later than sixty days after enactment "a concise summary of the provisions of this title, including a statement of the liability under this title of a person trafficking in confiscated property, and the remedies available to United States nationals under this title." This notice and the accompanying Summary of the provisions of Title III fulfill the Attorney General's obligations under this section. The Department has coordinated the issuance of this Summary with the Department of State.

Interested persons should refer to the text of the Act itself or consult a private attorney for further information and clarification.

For the reasons set forth in the preamble, and by the authority vested in me as Attorney general, I hereby issue the following Summary of the Provisions of Title III of the Cuban

Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:

Summary of the Provisions of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996

1. Liability Under Title III

(a) Under section 302(a)(1) of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (hereinafter "Title III") subject to certain requirements, conditions, and possible suspensions, a United States national with a claim to property expropriated by the Government of Cuba on or after January 1, 1959, may bring a private lawsuit in U.S. federal district court against a person who trafficks in that property beginning three months after Title III's effective date. The scheduled effective date is August 1, 1996, subject to the President's authority to suspend Title III.

(b) Section 4(13) of the Act defines a trafficker as a person who knowingly and intentionally:

- (i) Sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;
- (ii) Engages in a commercial activity using or otherwise benefiting from confiscated property; or
- (iii) Causes, directs, participates in, or profits from trafficking by another person, or otherwise engages in trafficking through another person, without the authorization of any United States national who holds a claim to the property.

(c) Trafficking under section 4(13) does not include:

- (i) The delivery of international telecommunication signals to Cuba;
- (ii) The trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;
- (iii) Transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel; or
- (iv) Transactions and uses of property by a person who is both a citizen and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

(d) Section 4(11) defines "person" for purposes of the Libertad Act as any person or entity, including any agency or instrumentality of a foreign state.

(e) For purposes of Title III, "United States national" is defined under

section 4(15) to mean (i) any United States citizen, or (ii) any other legal entity which is organized under the laws of the United States, or of any state, the District of Columbia, or any commonwealth, territory, or possession of the United States, and which has its principal place of business in the United States.

2. Remedies Available Under Title III

(a) Section 302(a)(1)(A) provides that, in addition to attorney's fees and court costs, a trafficker will be liable for money damages to the U.S. national who owns the claim to property being trafficked in the greater of the following amounts:

(i) The amount certified by the Foreign Claims Settlement Commission ("FCSC") plus interest;

(ii) If the claim has not been certified by the FCSC, the amount determined by the court in the course of a Title III action, plus interest; or

(iii) The fair market value of the property calculated according to either the current value of the property or the value of the property when confiscated plus interest, whichever is greater.

Interest is to be calculated from the date of confiscation of the property involved to the date on which the action is brought.

(b) Section 302(a)(2) establishes a presumption that the amount for which a person is liable to a U.S. national owning a claim certified by the FCSC is the amount so certified. This presumption will be rebuttable by clear and convincing evidence that one of the other measures of liability under section 302(a)(1)(A) is appropriate.

(c) Under section 302(a)(3), a person who trafficks in property which either serves as the basis for a claim certified by the FCSC or is the subject of written notice at least thirty days before the initiation of an action will be subject to treble damages. Such person's liability, in addition to court costs and reasonable attorney's fees, will thus be triple the amount determined under section 302(a)(1)(A). The notice required under section 302(a)(3) must be in writing and be posted by certified mail or personally delivered. It must contain a statement of intention to commence a Title III action or to join the person as a defendant, the reasons for such action, a demand that the trafficking cease immediately, and a copy of this summary.

(d) Under section 302(a)(7), a Title III action may be settled and a judgment enforced without obtaining any license or permission of an agency of the U.S. Government. This section does not apply to assets blocked pursuant to authorities under section 5(b) of the

Trading With the Enemy Act that were being exercised on July 1, 1977. In addition, no claim against the Cuban Government will be considered a property interest the transfer of which requires a license or permission of an agency of the United States.

3. Requirements and Conditions for a Title III Action

(a) Under section 302(a)(4), if the property was confiscated before March 12, 1996, the U.S. national bringing the claim must have owned the claim before March 12, 1996. If the property was confiscated on or after March 12, 1996, a U.S. national who acquires ownership of a claim to the property after its confiscation by assignment for value may not bring a lawsuit under Title III.

(b) Under section 302(a)(5), a U.S. national who was eligible to file a claim with the FCSC but did not do so may not bring an action under this title. Where the FCSC denied a U.S. national's claim that now serves as the basis for a Title III action, the court hearing the action will accept the FCSC's findings as conclusive. A U.S. national bringing an action on the basis of a claim that was not certified by the FCSC may not file a Title III lawsuit until March 13, 1998. Any person bringing an action under Title III whose claim has not been certified by the FCSC has the burden of proving to the court that the interest in the property that is the subject of the claim is not the subject of a claim so certified.

(c) Section 302(b) establishes that, in order for an action to be brought under Title III, the amount in controversy must exceed \$50,000, not including interest, costs, and attorneys fees. This amount is exclusive of the increased liability damages under section 302(a)(3).

(d) Under section 302(c), title 28 of the United States Code and the rules of court generally applicable to actions brought under section 1331 of title 28 govern the procedure to be followed in Title III actions. Service of process on an agency or instrumentality of a foreign state in the court of a commercial activity or against individuals acting under color of law shall be made in accordance with section 1608 of title 28 of the United States Code.

(e) Under section 302(d), any judgment entered under Title III shall not be enforceable against an agency or instrumentality of either a transition government in Cuba or a democratically elected government in Cuba.

(f) Section 302(e) amends section 1611 of title 28 of the United States Code by adding a new section, which states that the property of a foreign state shall be immune from attachment and

from execution in an action brought under section 302 to the extent that the property is a facility or installation used by an accredited diplomatic mission for official purposes.

(g) Under section 302(f)(1), a U.S. national who brings an action under Title III may not bring any other action seeking monetary or nonmonetary compensation by reason of the same subject matter.

(h) Section 302(f)(2)(A) establishes limits on further recovery by a U.S. national with a FCSC-certified claim depending on whether such Title III action leads to a recovery of a greater, equal or lesser amount than certified by the FCSC. If the claimant's recovery under Title III is equal to or greater than the amount certified by the FCSC, the U.S. national may not recover any payment on the claim under any claims settlement agreement between the United States and Cuba. If the U.S. national in a Title III action recovers less than the amount certified by the FCSC, the U.S. national may only receive payment in any claims settlement agreement between the United States and Cuba to the extent of the difference between the certified claim and the recovery. If there is no recovery, the U.S. national may still receive payment in a claims settlement agreement between the United States and Cuba and will be treated as any other certified claimant who does not bring an action under Title III.

(i) Section 302(f)(2)(B) provides that in the event some or all Title III actions are consolidated by judicial or other action so as to create a pool of assets available to satisfy such claims, FCSC-certified claims will be entitled to payment in full from such pool before any payment is made from such pool with respect to any claim not so certified.

(j) Under section 302(g), if the United States and the Government of Cuba reach a claims settlement agreement settling FCSC-certified claims, any amount paid by Cuba in such an agreement in excess of the payments made under section 302(f)(2) shall be deposited in the U.S. Treasury.

(k) Under section 302(h), the rights created pursuant to Title III may be suspended upon a presidential determination under section 203 that a transition government in Cuba is in place and may be terminated upon a presidential determination that a democratically elected government in Cuba is in power. Neither of these actions shall affect suits commenced before the dates of suspension or termination. While pending suits may proceed to judgment, such judgments

will not be enforceable against a transition or democratically elected government in Cuba under section 302(d).

(l) Claimants bringing an action under Title III will be required to pay a uniform filing fee, to be established by the Judicial Conference of the United States, pursuant to section 302(i).

(m) Section 302(a)(6) provides that no court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under Title III.

(n) Section 305 provides that actions under section 302 may not be brought more than two years after the trafficking giving rise to the action has ceased to occur.

4. Proof of Ownership of a Claim to Confiscated Property

(a) Section 303(a) provides that certification of a claim by the FCSC is conclusive proof of ownership. In all other cases, the court has the discretion to appoint a special master, including the FCSC, to make determinations of the amount and ownership of the claim. Determinations made by administrative agencies or courts of a foreign government or international organization shall not be conclusive unless made pursuant to binding international arbitration to which the United States or the claimant submitted the claim.

(b) Section 303(b) amends the International Claims Settlement Act of 1949 by authorizing a U.S. district court to refer to the FCSC factual questions under Title III involving the amount and ownership by a U.S. national of a claim to confiscated property in Cuba.

5. Consistency With International Claims Practice

(a) Section 303(c) emphasizes that nothing in the LIBERTAD Act shall be construed to require or otherwise authorize the claims of Cuban nationals who became U.S. citizens after their property was confiscated to be included in a future negotiation and espousal of U.S. claims with a friendly government in Cuba when diplomatic relations are restored. Section 303(c) also states that the LIBERTAD Act shall not be construed as superseding, amending, or otherwise altering certifications that have been made under the FCSC's Cuba Claims Program.

(b) Section 304 amends the International Claims Settlement Act of 1949 to state that no person other than a certified claimant shall have a claim to, participate in, or otherwise have an interest in the compensation proceeds

paid to a U.S. national by virtue of a certified claim.

6. Presidential Suspension Authority

(a) Section 306(a) provides that, subject to the President's suspension authority, Title III takes effect on August 1, 1996.

(b) Section 306(b) provides the President with the authority to suspend the effective date of Title III beyond August 1, 1996, for up to six months, and for additional extensions up to six months, upon a determination and report to the appropriate congressional committees that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. An initial determination and report must be submitted to the appropriate congressional committees at least 15 days before August 1, 1996. Additional suspensions or extensions are subject to the same reporting and determination requirements.

(c) Section 306(c) provides the President with the authority to suspend the right to bring an action under Title III after its effective date for up to six months, and for additional extensions up to six months, upon a determination and report that a suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba. Section 306(c) also emphasizes that after the effective date no persons may acquire a property interest in any potential or pending Title III action, nor shall pending actions commenced before the date of suspension be affected by a suspension.

(d) Section 306(d) provides that the President may rescind any suspension made under section 306(b) or section 306(c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

Dated: May 11, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-12407 Filed 5-16-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated August 14, 1995, and published in the Federal Register on August 22, 1995 (60 FR 43613), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of methylphenidate.

A registered manufacturer of bulk methylphenidate filed a comment alleging that DEA's notice of application, published in the Federal Register, did not comply with notice and comment rulemaking requirements of the Administrative Procedure Act (APA). In addition, the commentor stated that Ganes' registration would be contrary to the public interest under 21 U.S.C. 823(a).

The commentor maintains that DEA "has deprived [the commentor] and other registered manufacturers and applicants of the opportunity to offer fully-informed comments on Ganes' application." In support of its position, the commentor submits that "registration of bulk manufacturers of schedule I-II controlled substances is subject to notice and comment rulemaking." For the reasons provided below, this conclusion is an incorrect interpretation of the APA. First, the commentor ignores the basic definitions set forth in the APA and, in so doing, confuses notice and comment rulemaking with agency licensing proceedings. The commentor argues that DEA proceedings to grant or deny an application for registration as a bulk manufacturer are rulemakings. However, the clear language of the definition of a "rule" exposes the error of this analysis. The APA defines "rule making" to mean an "agency process for formulating, amending, or repealing a rule." 5 U.S.C. 551(5).

The APA defines a "rule" as:

The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore or of valuations, costs, or accounting, or practices bearing on any of the foregoing.

5 U.S.C. 551(4).

Review of the APA's definitions of license¹ and licensing² reveals that the granting or denial of a manufacturer's application for registration is a licensing action, not a rulemaking. Courts have

¹ Section 551(8) of the APA defines license as "the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission." (emphasis added).

² Licensing is defined as "agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license." 5 U.S.C. 551(9).



Shipment Receipt

Address Information**Ship to:**

ATTN: Legal Department
Orbitz, LLC
333 108th Avenue NE

BELLEVUE, WA
98004
US
305-445-2500

Ship from:

Paula Alvarez
2525 Ponce De Leon Blvd.
Suite 1000
Coral Gables, FL
33134
US
3054452500

Shipment Information:

Tracking no.: 775918297079
Ship date: 08/06/2019
Estimated shipping charges: 48.67 USD

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Rivero Mestre-495
Your reference: 1730.01 1731.01 1731.02 1732
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

775918297079

Delivered
Wednesday 8/07/2019 at 10:13 am

DELIVERED

Signed for by: C.ANG

[GET STATUS UPDATES](#)

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FROM

Coral Gables, FL US

TO

ELLE UE, WA US

Shipment Facts

TRACKING NUMBER

775918297079

SERVICE

FedEx Priority Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Receptionist/Front Desk

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

1730.01 1731.01 1731.02 1732

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

STANDARD TRANSIT

8/07/2019 by 10:30 am

SHIP DATE

Tue 8/06/2019

ACTUAL DELIVERY

Wed 8/07/2019 10:13 am

Travel History

[Local Scan Time](#)

Wednesday, 8/07/2019

10:13 am	ELLE E, WA	Delivered
8:33 am	ISSA AH, WA	On FedEx vehicle for delivery
7:45 am	ISSA AH, WA	At local FedEx facility
5:51 am	SEATTLE, WA	At destination sort facility
3:34 am	MEMPHIS, TN	Departed FedEx location

Tuesday , 8/06/2019		
8:15 pm	MIAMI, FL	Left FedEx origin facility
6:57 pm	MIAMI, FL	Picked up
2:38 pm		Shipment information sent to FedEx

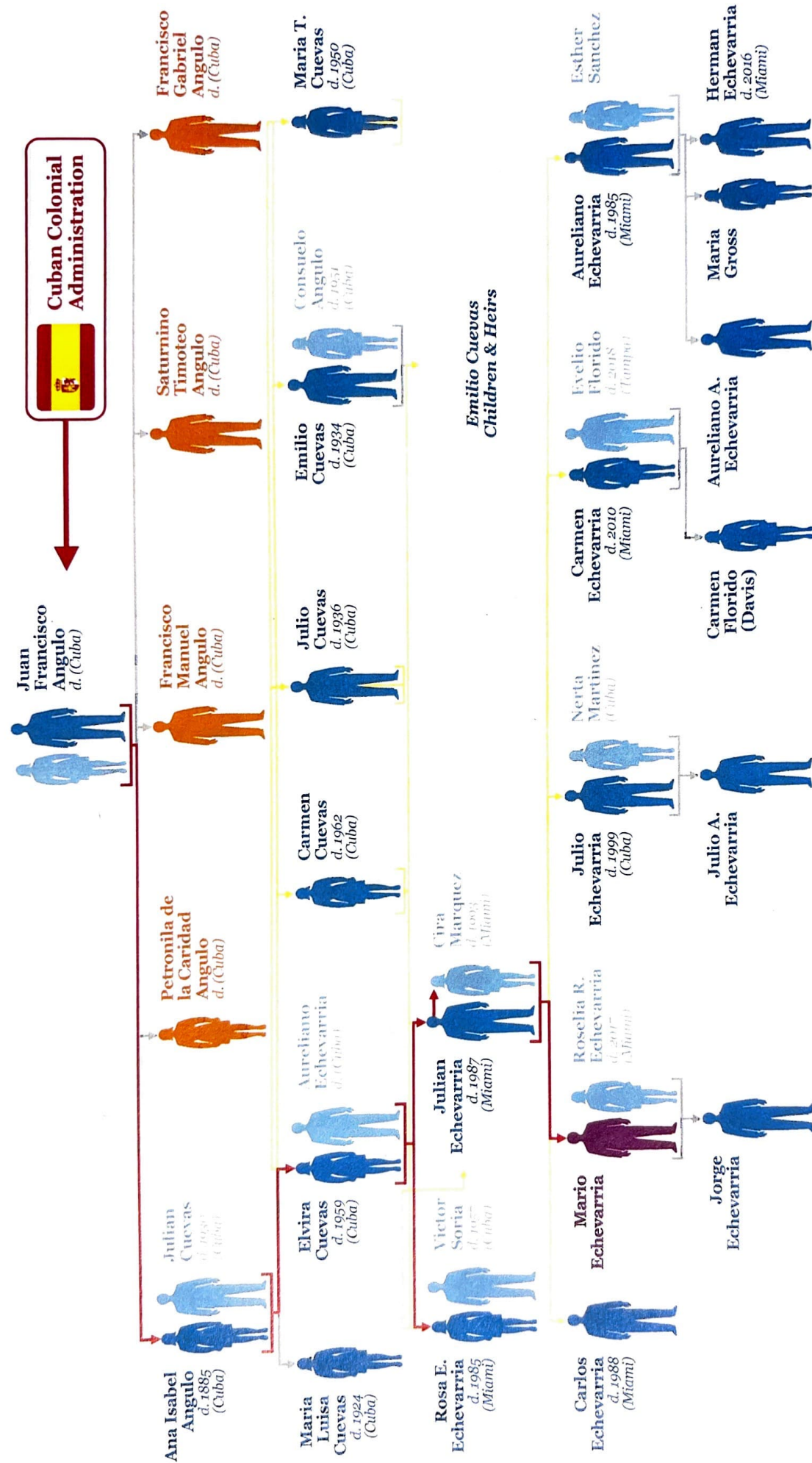


CHART OF BOOKING DATES¹

Yellow highlighting indicates that the last Checkout Date was before the Letter Date. Green highlighting indicates the Defendant did not facilitate any bookings at that hotel.

Orbitz

	Lodging – Last Booked Date	Lodging – Last Checkout Date	3PP – Last Booked Date	3PP – Last Departure Date
Pullman	5/5/2019	7/6/2019	7/9/2018	1/25/2019
Mojito	4/1/2019	5/25/2019	N/A	N/A
Colonial	N/A	N/A	N/A	N/A

Hotels.com

	Lodging – Last Booked Date	Lodging – Last Checkout Date	3PP – Last Booked Date	3PP – Last Departure Date
Pullman	6/27/2019	9/30/2019	N/A	N/A
Mojito	6/30/2019	7/20/2019	N/A	N/A
Colonial	6/29/2019	12/10/2019	N/A	N/A

Expedia, Inc.

	Lodging – Last Booked Date	Lodging – Last Checkout Date	3PP – Last Booked Date	3PP – Last Departure Date
Pullman	6/25/2019	11/10/2019	3/7/2020 ²	4/25/2020
Mojito	6/20/2019	11/4/2019	2/28/2020	4/14/2020
Colonial	3/18/2018 ³	5/23/2018 ⁴	3/22/2019	4/17/2019

¹ By including information regarding Expedia, Inc. in this chart, Defendants do not concede that the conduct of Expedia, Inc. can be imputed to Expedia Group, Inc or support judgment against any Defendant.

² This is the last non-cancelled booking. There were two cancelled 3PP bookings through Expedia, Inc. at the Pullman in May 2022. D-191. The bookings were cancelled before the travel dates, the travelers did not stay at the hotel, and Defendants received no commissions. Tr. vol.4, 38:17-39:21.

³ This is the last non-cancelled booking. The last cancelled booking was made on 6/25/2019 and cancelled the same day.

⁴ This is the Checkout Date of the last non-cancelled booking. There was a cancelled booking with a Checkout Date of 8/23/2019, but it was canceled on 6/21/2019.

CHART OF BOOKING DATES¹

Yellow highlighting indicates that the last Checkout Date was before the Letter Date. Green highlighting indicates the Defendant did not facilitate any bookings at that hotel.

Orbitz

	Lodging – Last Booked Date	Lodging – Last Checkout Date	3PP – Last Booked Date	3PP – Last Departure Date	Last Check-in date
Pullman	5/5/2019	7/6/2019	7/9/2018	1/25/2019	7/13/2019
Mojito	4/1/2019	5/25/2019	N/A	N/A	5/11/2019
Colonial	N/A	N/A	N/A	N/A	NA

Hotels.com

	Lodging – Last Booked Date	Lodging – Last Checkout Date	3PP – Last Booked Date	3PP – Last Departure Date	
Pullman	6/27/2019	9/30/2019	N/A	N/A	9/27/2019
Mojito	6/30/2019	7/20/2019	N/A	N/A	7/14/2019
Colonial	6/29/2019	12/10/2019	N/A	N/A	12/4/2019

Expedia, Inc.

	Lodging – Last Booked Date	Lodging – Last Checkout Date	3PP – Last Booked Date	3PP – Last Departure Date	
Pullman	6/25/2019	11/10/2019	3/7/2020 ²	4/25/2020	11/5/2019
Mojito	6/20/2019	11/4/2019	2/28/2020	4/14/2020	11/2/2019
Colonial	3/18/2018 ³	5/23/2018 ⁴	3/22/2019	4/17/2019	5/14/2018

¹ By including information regarding Expedia, Inc. in this chart, Defendants do not concede that the conduct of Expedia, Inc. can be imputed to Expedia Group, Inc or support judgment against any Defendant.

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