

## THE HELMS-BURTON ACT: THEN AND NOW

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Of the six pieces of legislation that govern the U.S. embargo against Cuba,<sup>1</sup> the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, also known as the Libertad Act or the Helms-Burton Act, is the most comprehensive legislation. It consolidated and codified the embargo, ensuring that only Congress can end it. Specifically, for the United States to end the embargo, Cuba would have to legalize all political activity, release political prisoners, allow international human rights investigations, dissolve the Department of State Security, and commit to free and fair elections.<sup>2</sup> If the embargo's primary purpose was to achieve these ends, then it has not been successful. The Helms-Burton Act ensures that it is much easier to maintain the status quo than change courses dramatically. However, U.S. Presidents have had some discretion in how they implement the laws. Until Donald Trump in 2019, every administration since 1996 determined that the best course of action was to support the embargo but waive the right of U.S. citizens under Title III of Helms-Burton to sue because of the competing interests at stake.

As the Cold War ended in the late 1980s and early 1990s, Cuban-Americans anticipated Cuba democratizing like the former Soviet Union and its allies. When the Soviet Union dissolved and could no longer buttress the Cuban government financially, Cuba entered its "Special Period" of tremendous poverty and scarcity. The unsustainable situation appeared to

indicate that the end of the Castro regime was drawing nigh, so opponents of the regime in the United States sought to hasten a democratic transition in Cuba. Thus, the U.S. government, with pressure from special interests, instituted some of the most expansive sanctions against Cuba since the 1960s. When pro-embargo forces during Bill Clinton's presidency wrote and debated the Helms-Burton Act, the Cuban American National Foundation (CANF) was the most influential and effective Cuban-American interest group. Jorge Mas Canosa and his associates founded CANF in 1981, and the prestige of CANF grew throughout the Ronald Reagan and George H. W. Bush administrations. CANF leaders had close relationships with politicians and helped elect the first Cuban-American members of the U.S. Congress.

In the 1990s, the predominant power engine for Cuban-Americans to gain and exert their influence on Cuba policy had been the Cuban American National Foundation. CANF's importance began declining with the death of Jorge Mas Canosa in 1997. However, rather than losing power with the foundation's decline, the Cuban-American community evolved their strategy and successfully leveraged their influence by other means. Cuban-Americans have used four main strategies to influence U.S. foreign policy towards Cuba and Latin America: voting, special interest groups, donations, and the rise of Cuban-

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1. The six pieces of legislation are the Trading with the Enemy Act of 1917, the Foreign Assistance Act of 1961, the Cuban Assets Control Regulations of 1963, the Cuba Democracy Act of 1992, the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, and the Trade Sanctions Reform and Export Enhancement Act of 2000.

2. 22 U.S.C. §6065(a).

American politicians and high-level advisors. What set of circumstances in the international arena, in U.S. domestic politics, and in the Cuban-American community contributed to the Helms-Burton Act and hardening of policies during the Clinton and Trump administrations? This research argues that acute diplomatic and political crises in conjunction with domestic leadership's political calculations and Cuban-American activism are the primary factors that advanced the Helms-Burton Act's policies during the Clinton and Trump administrations.

I investigate the domestic and international political environment during each administration, the policies enacted and their impact, the key differences between the time periods, and noteworthy changes between Clinton and Trump that impacted policymaking. Notably, there have been important changes in Cuban-American political activism between the two administrations. The original hardline Cuban interest group organizational structures have had a decreasingly significant impact over time in framing U.S. foreign policy toward Cuba and Latin America. Instead, the strategic focus now relies more on federal government representation and campaign finance. So, what has Cuban-American influence meant for foreign policy? They have largely framed the issue, policies, and rationale based on their own experiences and knowledge of the regime. Because they are so invested in Cuba, because Florida politics is important to national policies, and because Cuba itself is not a priority due to its lack of threat or international influence, the federal government has largely deferred or acquiesced to the diaspora.

### THE HELMS-BURTON ACT

The 1990s brought optimism that the era of communism and authoritarianism had ended and that it was only a matter of time before Cuba joined the new international order. Pro-embargo Cuban-Americans used the post-Cold War era to increase pressure on

Cuba in hopes of fostering change. In an effort to win back sectors of the Cuban-American community that had overwhelmingly supported Presidents Ronald Reagan and George H. W. Bush, President Bill Clinton consistently supported the embargo. Clinton's support of Torricelli's bill during the 1992 presidential election convinced a previously hesitant George H. W. Bush to ratify the Cuban Democracy Act (CDA) of 1992. Clinton had also chastised Fidel Castro for inducing the 1994 rafter crisis. Yet, Clinton hindered more comprehensive legislation. After the 1994 midterm elections, Jesse Helms (R-NC) became the Senate Foreign Relations Committee chair, and Dan Burton (R-IN) became chair of the House Foreign Affairs Committee's Western Hemisphere Affairs Subcommittee.<sup>3</sup> Both were ultraconservative. Representatives Robert Torricelli (D-NJ) and Ileana Ros-Lehtinen (R-FL) served on Burton's Subcommittee.<sup>4</sup> The Senate Foreign Relations Committee's first bill under the new Republican-controlled Congress in 1995, and the first hearing for the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, concerned topics that would become part the Cuban Liberty and Solidarity (Libertad) Act.<sup>5</sup>

The Libertad Act, also known as the Helms-Burton Act, responded to Cuba's Special Period economic crisis and attempted to build on the Cuban Democracy Act's pressure on the Castro regime. Proponents believed that third countries had propped up the dictatorship after the Soviet Union fell, enabling Castro and preventing popular discontent with the desperate economic conditions from fomenting into regime change. Members of Congress sought to codify existing embargo laws and guarantee that only an act of Congress—rather than Executive Action—could revert them.

The legislation would discourage new investments in Cuba by penalizing companies and individuals that “traffic” in current U.S. citizens' confiscated proper-

3. William M. LeoGrande and Peter Kornbluh. *Back Channel to Cuba*. Chapel Hill: The University of North Carolina Press, 2015: 296; Christopher Marquis. “Republicans Put Cuba On Front Burner.” *The Miami Herald*, March 6, 1995: A6.

4. Christopher Marquis. *Ibid.*

5. *Ibid.*

ty.<sup>6</sup> U.S. citizens, regardless of whether they were citizens at the time of the property takeover, would be able to sue foreign companies that make new investments on their confiscated property in Cuba.<sup>7</sup> Canada, Mexico, and the European Union delivered diplomatic demarches and made public statements that strongly opposed the proposals for violating existing trade agreements, national sovereignty, and international law.<sup>8</sup> Representative Lincoln Díaz-Balart (R-FL), who helped write the bill, argued that it was unethical for foreign countries to protect their commercial interests while fortifying “tyranny.”<sup>9</sup> Senator Helms and Representative Burton pushed their legislation aggressively even though the administration opposed stipulations that arguably would violate international law, harm relationships with allies and trading partners, and restrict executive control over foreign policy.<sup>10</sup>

Detractors on the Hill called it the “Bacardi bill” because of special interest lobbying.<sup>11</sup> CANF and Bacardi helped to fundraise for Jesse Helms in Miami.<sup>12</sup> The Fanjul Florida sugar barons pushed for the bill behind the scenes.<sup>13</sup> Otto Reich headed a U.S.-Cuba Business Council in Washington, D.C., and perhaps not coincidentally, the legislation required the U.S. Government to create a United States-Cuba Council before recognizing a post-Castro Cuban government.<sup>14</sup> Jorge Mas Canosa’s telecommunications in-

vestments would stand to benefit from the provision in the bill allowing U.S. aid for private telecommunications and media companies working in a post-Castro Cuba.<sup>15</sup> Cuban exiles stressed that their primary motivation behind the Helms-Burton Act was independence and freedom for Cuba; cynics claimed that their actions were to benefit themselves, particularly respecting their property rights in Cuba.<sup>16</sup>

The House of Representatives met to vote on the Helms-Burton bill on September 21, 1995.<sup>17</sup> Shortly before the House vote, Representative Lee Hamilton (D-IN) introduced a bill that would lift sanctions on food and medicine sales to Cuba, but his colleagues rejected it.<sup>18</sup> The version of the legislation at the time included the Title III and Title IV provisions, a requirement to withhold U.S. aid to the former Soviet States if they supported Cuban intelligence or nuclear capacity development, a stipulation to deny aid to countries that trade with Cuba unless the President deemed the assistance was in the U.S. national interest, a requirement for USIA to convert TV Marti signals to UHF broadcasts, a requirement for the President to report on third-country assistance to Cuba, and a bar on sending remittances or lifting the embargo until Cuba met U.S. conditions for democracy.<sup>19</sup> Representative Burton wanted to increase pressure to promote what he saw as Castro’s impending fall.<sup>20</sup> Representatives Bob Menendez (D-NJ), Diaz-

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6. Christopher Marquis. “U.S. Allies Angered by Bill to Tighten Cuba Embargo.” *The Miami Herald*, April 8, 1995: A16.

7. Ibid.

8. Ibid.

9. Ibid.

10. Christopher Marquis and Don Bohning. “Exiles, Key GOP Legislators Vow to Fight Clinton’s Cuba Policy.” *The Miami Herald*, May 6, 1995: A25.

11. Christopher Marquis. “How Bacardi and Politics Mix: The Cuba Embargo Bill.” *The Miami Herald*, July 17, 1995: C1.

12. Ibid.

13. Ibid.

14. Ibid.

15. Ibid.

16. Ibid.

17. Christopher Marquis. “Cuba Sanctions Face Critical Votes Today.” *The Miami Herald*, September 21, 1995: A18.

18. Ibid.

19. Ibid.; <https://www.congress.gov/bill/104th-congress/house-bill/927/text/eh>

20. Marquis. “Cuba Sanctions Face Critical Votes Today.”

Balart, and Ros-Lehtinen all stalwartly defended the bill.<sup>21</sup> Diaz-Balart warned: “The message is clear: [other countries] are going to have to choose between collaborating with Castro or participating in the U.S. market.”<sup>22</sup> In other words, the supporters of the bill wanted to dissuade new investments and cause current investors to rethink their projects. The Representatives signaled that they would not back normalization efforts.<sup>23</sup> The House passed the bill 294–130, and the debate continued in the Senate.<sup>24</sup> In the Senate, Senator Helms struggled to push the bill through the Senate Foreign Relations Committee.<sup>25</sup>

Clinton and his advisors threatened to veto the bill if Congress did not alter the provisions that ostracized international partners.<sup>26</sup> “On September 8, Clinton’s special adviser for Cuba, Richard Nuccio, denounced the bill as an ‘extreme approach’ that infringes on the president’s ability to conduct foreign policy, antagonizes U.S. allies and corporate interests and jeopardizes ‘prospects for a peaceful democratic transition.’<sup>27</sup> Secretary of State Warren Christopher wrote to Speaker of the House Newt Gingrich outlining problems with the bill: that it would “damage prospects for a peaceful transition,” limited the President’s policy options and ability to respond, interfered with U.S. aid to Russia, harmed relationships with allies, hurt U.S. business interests, and gave Castro ammunition for anti-U.S. propaganda.”<sup>28</sup>

Others noted a marked difference between U.S. policy toward Cuba versus U.S. policy toward other remaining communist countries.<sup>29</sup> The sponsors had made some changes eliminating penalties for third countries purchasing Cuban sugar, curtailing Title IV, and allowing more presidential discretion compared to the original bill.<sup>30</sup> Mas Canosa promoted the legislation with at least thirty lawmakers.<sup>31</sup> Forty-seven Cuban dissidents signed a letter supporting it, and Helms released the letter.<sup>32</sup> Supporters used U.S. electoral politics as leverage, reminding the President that Florida elections were at stake.<sup>33</sup>

The “right of action” provision, also known as Title III, which would allow U.S. citizens to sue third country entities in U.S. courts for “trafficking” in confiscated Cuban property, remained the most powerful and most controversial part of the bill.<sup>34</sup> Third countries opposed how the bill attempted to strong-arm other countries into supporting U.S. policy and the extraterritorial provisions that encroached on their sovereignty and national interests; they argued that it was against international law and would harm cooperation with the United States in other areas.<sup>35</sup> Perhaps surprisingly, many large multinational U.S. corporations opposed Title III because it would increase the number of claimants eligible for restitution beyond those 5,911 claims that the U.S. Foreign Claims Settlement Commission (FCSC) certified

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21. Ibid.

22. Christopher Marquis. “‘A Clear Message’ To Cuba House Vote Turns Screws Tighter.” *The Miami Herald*, September 22, 1995: A1.

23. Ibid.

24. Ibid.

25. Marquis. “Cuba Sanctions Face Critical Votes Today.”

26. Ibid.

27. Ibid.

28. Ibid.

29. Mimi Whitefield. “Stakes High in Cuba Claims Bill.” *The Miami Herald*, October 2, 1995: BM13.

30. Marquis. “Cuba Sanctions Face Critical Votes Today.”

31. Ibid.

32. Ibid.

33. Whitefield. “Stakes High in Cuba Claims Bill.”

34. Marquis. “Cuba Sanctions Face Critical Votes Today.”

35. Whitefield. “Stakes High in Cuba Claims Bill.”

two decades prior.<sup>36</sup> The FCSC limited claims to claimants that were U.S. nationals or U.S. corporations at the time of takeover; the new legislation expanded eligibility for lawsuits to persons who later became U.S. citizens.<sup>37</sup> These FCSC-certified corporate claims amounted to over \$1 billion and represented almost 60% of the certified FCSC claims.<sup>38</sup> Estimates suggested that Cuban-American claims could total up to \$100 billion and result in 300,000–430,000 lawsuits.<sup>39</sup> The Cuban government had limited resources to provide compensation for all the claims, and U.S. courts had a limited capacity to address a massive influx of lawsuits.<sup>40</sup> Thus, large corporations, about thirty of whom were members of the Joint Corporate Committee on Cuban Claims, feared that the division of time, attention, and compensation would result in less for them.<sup>41</sup> A U.S. attorney representing the Cuban government argued, “It privatizes foreign policy. It takes resolution of claims out of the hands of the president and puts it into the hands of Cuban Americans until they achieve the settlement they want.”<sup>42</sup>

Senate Majority Leader Bob Dole (R-KS) sought to bring the Helms-Burton bill to a vote a few days after the liberalization policies’ announcement.<sup>43</sup> The Senate Foreign Relations Committee did not approve the bill despite Helms’s chairmanship, but it went to the floor anyway.<sup>44</sup> Senator Chris Dodd (D-CT) led a filibuster noting that Cubans would get special sta-

tus over other nationalities and that Title III would burden U.S. courts.<sup>45</sup> Senate Republicans rejected Title III, but Dole was determined to keep pushing it.<sup>46</sup> Proponents edited Title III to reduce the number of eligible cases and provide foreign companies with a two-year grace period.<sup>47</sup> The property in question would have to be worth at least \$50,000 at the moment of seizure before adjusting for inflation. Proponents risked alienating ordinary Cuban-Americans with smaller claims in favor of corporate interests.<sup>48</sup>

Despite his own support of the embargo, CANF’s active lobbying, and the three Cuban-American members of Congress, Clinton was wary of the Helms-Burton Act. He was also already dealing with a migration crisis related to Cuba and Haiti, which he treated as a national-level security issue rather than a mid-level concern that primarily impacted the affected immigrant communities. When it came to the Helms-Burton Act, Clinton understood the importance of maintaining relations with Cuban-Americans for his 1996 reelection bid and political alliances, but the risks of limiting presidential authority and ostracizing allies remained greater. It took another acute crisis with the Cuban government for Clinton to agree to the Helms-Burton Act.

### **BROTHERS TO THE RESCUE**

On Saturday, February 24, 1996, Cuban MiG fighter jets killed four Cuban-Americans when they

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36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid.

40. Ibid.

41. Ibid.

42. Ibid.

43. Christopher Marquis. “Dole to Bring Helms Bill to A Vote.” *The Miami Herald*, October 11, 1995: A8.

44. Ibid.

45. Christopher Marquis. “A Clinton Victory on Cuba Bill Republicans Soften Sanctions, For Now.” *The Miami Herald*, October 19, 1995: A1.

46. Ibid.

47. Christopher Marquis. “Republicans Revise Bill That Would Tighten Cuba Embargo.” *The Miami Herald*, November 11, 1995: A16.

48. Ibid.

downed two Brothers to the Rescue civilian airplanes.<sup>49</sup> The Brothers to the Rescue planes had served a humanitarian purpose for years as they scanned the waterways around Cuba and Florida for rafters. They would call the sightings into the Coast Guard, who could then pick them up and bring them to safety. They provided relief and supplies. However, they also antagonized the Cuban government by flying into their airspace and dropping anti-Castro leaflets.<sup>50</sup> The Cuban government had warned them and the U.S. Government for months that Cuba was prepared to defend its territory and retaliate. Rather than confining retaliatory action to Cuban territory, Cuba shot down civilian, American citizen pilots conducting humanitarian missions in international air space. The Coast Guard found no remains of the victims, Armando Alejandro Jr., Carlos Costa, Pablo Morales, and Mario de la Peña.<sup>51</sup>

The illicit act outraged Washington, Cuban-Americans, and the international community.<sup>52</sup> The small attempts that Clinton had made to liberalize U.S.-Cuba information exchange, and Clinton's reticence about the Helms-Burton Act, gave way to a harsher approach. Clinton retaliated with sanctions and other political measures to tighten travel restrictions on Cuban diplomats in the United States, suspended all charter air travel between the countries, and expanded TV Marti's signal.<sup>53</sup> He compensated the victims'

families using Cuba's frozen assets in the United States, sought the United Nations' condemnation, and agreed to the Helms-Burton bill.<sup>54</sup> The European Union "strongly condemn[ed] the shooting down of two civilian aircraft" and urged "moderation and restraint" in responding actions.<sup>55</sup> Congress returned to the Helms-Burton bill with a renewed mandate to punish Cuba and less resistance from the President.<sup>56</sup> Titles III and IV were back on the table.<sup>57</sup>

President Bill Clinton signed the Cuban Liberty and Solidarity (Libertad) Act of 1996 on March 12.<sup>58</sup> Clinton's words at the signing ceremony left no doubt that the Brothers to the Rescue incident had been the determining factor for passing the legislation.<sup>59</sup> Clinton began,

This Act is a justified response to the Cuban government's unjustified, unlawful attack on two unarmed U.S. civilian aircraft that left three U.S. citizens and one U.S. resident dead....<sup>60</sup>

By acting swiftly—just 17 days after the attack—we are sending a powerful message to the Cuban regime that we do not and will not tolerate such conduct. The Act also reaffirms our common goal of promoting a peaceful transition to democracy in Cuba by tightening the existing embargo while reaching out to the Cuban people....<sup>61</sup>

Today, I sign it with the certainty that it will send a powerful, unified message from the United States to

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49. Fabiola Santiago. "Outraged Exiles Decry 'Act of War'." *The Miami Herald*, February 25, 1996: A13.

50. Martin Merzer and Christopher Marquis. "Making Castro Pay Clinton: New Sanctions, No Blockade Some Exiles Cry Out for Harsher Action." *The Miami Herald*, February 27, 1996: A1; Elinor J. Brecher, "Maggie Schuss, 'mother' of Brothers to the Rescue, dies." *The Miami Herald*, September 13, 2011.

51. Ibid.

52. Santiago. "Outraged Exiles Decry 'Act of War.'"; Merzer and Marquis. "Making Castro Pay."

53. Merzer and Marquis. "Making Castro Pay."

54. Ibid.

55. Ibid.

56. Andres Oppenheimer. "Hard-Liners in U.S., Havana Gain." *The Miami Herald*, February 29, 1996: A16.

57. Ibid.

58. Juan O. Tamayo and Carol Rosenberg. "'A Powerful Message to Havana' Clinton Signs Trade Sanctions to Domestic Applause, Foreign Reservations." *The Miami Herald*, March 13, 1996: A10.

59. Ibid.

60. Clinton, William J. "Statement on Signing the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996," March 12, 1996. <https://www.govinfo.gov/content/pkg/PPP-1996-book1/pdf/PPP-1996-book1-doc-pg433.pdf>.

61. Ibid.

Havana that the yearning of the Cuban people for freedom must not be denied.<sup>62</sup>

About half of the hundred people attending the signing ceremony were Cuban exiles from Florida and New Jersey.<sup>63</sup> Relatives of the downed Brothers to the Rescue pilots and Jorge Mas Canosa were among those to receive commemorative pens.<sup>64</sup>

Clinton enacted Title III's right to sue, but he waived Title III lawsuits for six months (after the election) to give foreign firms time to divest and to revisit foreign countries' cooperation at that time.<sup>65</sup> His fence-sitting upset supporters of the Helms-Burton Act.<sup>66</sup> Third countries were upset that the possibility of enforcement remained in the future and prepared retaliatory legislation.<sup>67</sup> Clinton attempted to please both sides with a two-pronged, carrot-and-stick approach to Cuba.<sup>68</sup> The Clinton administration released a report entitled "Support for a Democratic Transition in Cuba," in which the government pledged \$8 billion to aid in a post-Castro democratic transition.<sup>69</sup> The preconditions were those outlined in the Helms-Burton Act.<sup>70</sup>

Stuart Eizenstat, the new Undersecretary of Commerce for International Trade and Helms-Burton en-

voy, met with 40 exile organizations before traveling to other countries to defend the Helms-Burton Act and encourage them to pressure Cuba to democratize.<sup>71</sup> Eizenstat and E.U. trade commissioner Sir Leon Brittan negotiated an agreement that addressed the European Union's concerns over the Helms-Burton Act.<sup>72</sup> The negotiations and resulting 1997 Memorandum of Understanding (MOU) provided that the European Union would drop its trade suit at the World Trade Organization (WTO) over Helms-Burton and more actively promote democracy in Cuba if Clinton would continue to waive Title III lawsuits.<sup>73</sup> Some Helms-Burton supporters like Representative Diaz-Balart balked at the arrangement.<sup>74</sup> Senator Jesse Helms and CANF's José Cárdenas tentatively supported the MOU because of the benefits the United States derived.<sup>75</sup> Helms and other Congress members said they would consider adding an amendment to enable presidents to continue to waive the lawsuit provision.<sup>76</sup> The President never waived Title IV, and the government had already banned Mexico's Grupo Domos and Canada's Sheritt executives and their families from the United

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62. Ibid.

63. Tamayo and Rosenberg. Ibid.

64. Ibid.

65. Marquis. "Clinton: No Cuba Lawsuits for Now, Firms Are Given Time to Divest.;" Jim Hampton. "Helms-Burton: Bad Turns Worse." *The Miami Herald*, July 21, 1996: L2.

66. Marquis. Ibid.

67. Ibid.

68. Josh Goldstein and Christopher Marquis. "Anti-Embargo Firms Gave to Democrats." *The Miami Herald*, April 17, 1997: 20A.

69. "Two Approaches to Cuba I: A Promise of Help." *The Miami Herald*, January 29, 1997: A14.

70. Ibid.

71. Cynthia Corzo. "Envoy on Cuba Issues Meets Skeptics." *The Miami Herald*, August 21, 1996: B1.; Bohning, Don. "No Lawsuits Over Cuban Property Key Provision of Helms Law Delayed Again." *The Miami Herald*, January 4, 1997: A1.; Carol Rosenberg. "Keeping His Cool on Hot Seat of U.S.-Cuba Policy All Corners Sing Praises of Eizenstat." *The Miami Herald*, July 10, 1997: A14.

72. Christopher Marquis. "Europe, U.S. Make Cuba Deal Congress Will Be Asked to Modify Helms-Burton." *The Miami Herald*, April 12, 1997: A1.

73. Ibid.

74. Marquis. Ibid.; Carol Rosenberg. "Keeping His Cool on Hot Seat of U.S.-Cuba Policy All Corners Sing Praises of Eizenstat." *The Miami Herald*, July 10, 1997: A14.

75. Marquis. "Europe, U.S. Make Cuba Deal Congress Will Be Asked to Modify Helms-Burton.;" Rosenberg. "Keeping His Cool on Hot Seat of U.S.-Cuba Policy All Corners Sing Praises of Eizenstat."

76. Marquis. "Europe, U.S. Make Cuba Deal Congress Will Be Asked to Modify Helms-Burton."

States.<sup>77</sup> Clinton waived the lawsuit provision again for another six months in July 1997, and the criticisms continued.<sup>78</sup>

With the added pressure of an election year, the Brothers to the Rescue crisis ultimately secured the comprehensive codification of the Cuban embargo in a manner that ensured the executive branch could not unilaterally end the embargo. Ending the embargo would require Congressional approval. Thus, the Cuban-American legislators, CANF, and their allies guaranteed that they would have the final say on the embargo for the foreseeable future. It also guaranteed that the embargo would remain a point of contention between the United States and third countries.

Attempting to appease people on both sides of the embargo issue, Clinton put off decisively dealing with the Helms-Burton Act until there was an acute crisis, which, unfortunately for him, occurred during a reelection year. He needed campaign contributions, more allies elected to Congress, votes (especially in swing states), and the support of special interests, all of which the politically active Cuban-American community could help provide. He also needed to respond seriously to the deaths of American citizens at the hands of a foreign government in neutral territory. Unlike the common perception of the migration crisis, the Brothers to the Rescue shutdown had little direct impact on most Americans. Even with Cuban-American influence and the upcoming election, Clinton did not have enough incentive to act without some acute crisis that served as a catalyst. The fact that the crisis primarily affected the Cuban-American community resulted in a response that catered to the community.

### COMMUNITY DYNAMISM, EMBARGO STAGNATION

Title III remained stalled over the next two decades despite the ever-changing situation in the Cuban-American community and U.S.-Cuba relations. The larger-than-life CANF founder and chairman, Jorge

Mas Canosa, died in late 1997, creating a vacuum in the Cuban-American lobbying efforts. Starting in 1999, Cuban-Americans advocated for a five-year-old rafter named Elian González to stay in the United States after his mother died at sea. His father, who lived in Cuba, wanted the boy to return, which sparked an international custody battle that tarnished public perceptions of Cuban-Americans. After Clinton's Attorney General, Janet Reno, forcibly returned the child to Cuba, exiles punished the presidential candidate Al Gore, Clinton's Vice President, in the November 2000 election. George W. Bush won a tight election that hinged on a Florida recount. However, this may have been the last prominent united front in Cuban-American politics until arguably the Trump administration.

Lobbying became more decentralized and these prominent incidents caused the Cuban-American elites to split into factions with different strategies. New exile organizations emerged. CANF began to moderate and hardline members left to form the Cuban Liberty Council, which had a close relationship with the George W. Bush administration. The FIU Cuba Poll showed that Cuban-American public opinion moderated as well; younger Cuban-Americans especially supported greater engagement. No acute crises occurred that required greater attention than Bush's "war on terror." Maintenance of existing policy predominated until Barack Obama's second term. Cuban-Americans who preferred more engagement with the island had formed the Cuba Study Group in the early aughts, which became influential during the Obama administration's "17D" normalization efforts<sup>79</sup> with Cuba, which began in 2014.

Meanwhile, Mauricio Claver-Carone formed the isolationist U.S.-Cuba Democracy PAC in 2004, and it emerged as a potent force. Its large donations primarily benefited Republicans but also buoyed the campaigns of pro-embargo Democrats. U.S.-Cuba Democracy PAC donation recipients included South Florida politicians Rep. Carlos Curbelo (R-FL), Rep.

77. Ibid.

78. Barry Schweid. "Clinton Blocks Cuba Property Lawsuits." *The Miami Herald*, July 17, 1997: A20.

79. As the bilateral process began on December 17, 2014, it is often referred to as the "17D" process.



**Box 1. Cuban-American Members of the US Congress, 1989–2021**

Ileana Ros-Lehtinen, R-FL (House: 1989–2019)	Joe Garcia, D-FL (House: 2013–2015)
Lincoln Diaz-Balart, R-FL (House: 1993–2011)	Ted Cruz, R-TX (Senate: 2013–Present)
Bob Menendez, D-NJ (House: 1993–2006; Senate: 2006–Present)	Alex Mooney, R-WV (House: 2015–Present)
Mario Diaz-Balart, R-FL (2003–Present)	Carlos Curbelo, R-FL (House: 2015–2018)
Mel Martínez, R-FL (Senate: 2005–2010)	Maria Elvira Salazar, R-FL (House: 2021)
Albio Sires, D-NJ (House: 2007–Present)	Carlos Gimenez, R-FL (House: 2021)
Marco Rubio, R-FL (Senate: 2011–Present)	Nicole Malliotakis, R-NY (House: 2021)
David Rivera, R-FL (House: 2011–2013)	Anthony Gonzalez, R-OH (House: 2021)

Alcee Hastings (D-FL), Rep. Debbie Wasserman-Schultz (D-FL), Rep. Ileana Ros-Lehtinen (R-FL), Rep. Frederica Wilson (D-FL), Sen. Marco Rubio (R-FL), and Sen. Bill Nelson (D-FL), as well as other recipients nationwide.<sup>80</sup> While these contributions on their own may not have been enough to win elections, they had the potential to swing votes on Cuba policy in Congress. Many wealthy Cuban-Americans also donated directly to candidates or candidates' PACs, thus helping to elect increasing numbers of Cuban-Americans to Congress and other national, state, and local positions (See Box 1).<sup>81</sup> The Republican Cuban-American lawmakers resented Obama's Cuba thaw, and they helped set the stage for President Donald Trump to reverse Obama's policies.

**2016 PRESIDENTIAL ELECTION**

After a rocky start with Cuban-Americans, Trump's election empowered hardliners, who had felt ostracized during Obama's presidency. Presidential candidate Donald Trump struggled in attracting Latinos,

including Cuban-Americans, throughout his 2016 campaign. Many Miami GOP elites publicly rejected him for his temperament, bigotry, and reputation in Florida. Beginning around September 2016, Trump started to harden his stance on Cuba policy in an effort to curry favor with Cuban-Americans in Florida, a crucial swing state; he declared at a Miami rally that he would reverse Obama's policies.<sup>82</sup> One month before the election, in late September 2016, Donald Trump held a town hall in Little Havana.<sup>83</sup> He promised Miami Cubans that he would reverse Obama's Cuba thaw.<sup>84</sup> The fight for Republican votes in Florida's largest city necessitated enlisting Cubans, who accounted for 72% of registered Republicans in Miami-Dade.<sup>85</sup> For the first time in the Bay of Pigs Veterans' Association's history, Brigade 2506 endorsed a presidential candidate: Donald Trump.<sup>86</sup> By 11 PM on Election Day, Trump was the projected winner of Florida. Nationally, he won the electoral college 306–232.

80. "US-Cuba Democracy PAC PAC Donors • OpenSecrets." Accessed February 16, 2021. <https://www.opensecrets.org/political-action-committees-pacs/C00387720/donors/2016>.

81. Leary, Alex. "Rubio PAC Doles out Money to Candidates and Consultants." *Tampa Bay Times*, February 1, 2018. <https://www.tampabay.com/florida-politics/buzz/2018/02/01/rubio-pac-doles-out-money-to-candidates-and-consultants/>.

82. Patricia Mazzei. "Trump broke Cuban embargo, report says, roiling Miami politics." *The Miami Herald*, September 29, 2016.; Nora Gámez Torres and Patricia Mazzei. "The Cubans are sh----- themselves' over Trump." *The Miami Herald*, December 3, 2016.; Franco Ordoñez. "White House to Trump: 'Don't play the bad guy' on Cuba." *The Miami Herald*, December 14, 2016: 6A.

83. Pelley, Scott. "To Trump's possible advantage he proved last night he is no establishment politician in a race in which sixty-nine percent of voters tell us the country is on the wrong track." *CBS Evening News*, September 27, 2016.

84. Mazzei. "Trump broke Cuban embargo, report says, roiling Miami politics."

85. *Ibid.*

86. "Cuban-exile brigade makes first-ever presidential endorsement—for Trump."; "Clinton Campaign Tried To Move Illinois Primary." *Tampa Bay Times (FL)*, October 14, 2016: 6.

The day after the election, Trump reportedly asked future Senior Advisor to the National Security Council, Fernando Cutz, how to reverse Obama's Cuba policies.<sup>87</sup> Trump added pro-embargo, Cuban-American lobbyist Mauricio Claver-Carone, executive director of the U.S.-Cuba Democracy PAC, to his transition team.<sup>88</sup> Yleem Poblete, the former Chief of Staff for the House Foreign Affairs Committee, also joined the team.<sup>89</sup> Other hardliners on the Trump team and advisors included: Mike Pence, James Jay Carafano of the Heritage Foundation, Representative Devin Nunes, A.J. Delgado, and Carlos Díaz Rosillo.<sup>90</sup> Mario Díaz-Balart became an important voice on Cuba policy, meeting regularly with members of the transition team.<sup>91</sup> They concerned themselves with Cuban entrepreneurs' future if the United States withdrew from the Obama agreement and how to capitalize on a Cuban leadership transfer.<sup>92</sup> When Trump took office, he appointed numerous Cuban-Americans. Most prominently, Trump nominated Alexander Acosta, the Cuban-American dean of Florida International University's law school and former federal judge, to be Secretary of Labor.<sup>93</sup> Acosta became the only Hispanic member of Trump's cabinet, which gratified Trump's South Florida supporters.<sup>94</sup>

Republican power over the executive and legislative branches afforded Cuban-American legislators the opportunity to reverse Obama's legacy.<sup>95</sup> Trump took a strict approach to Cuba because he wanted to repay Cuban-Americans for helping him win Florida.<sup>96</sup> Trump repeatedly spoke to Representative Mario Díaz-Balart and Senator Marco Rubio about repaying the Bay of Pigs Veterans for their endorsement.<sup>97</sup> Furthermore, Cuban-American congressional votes and committee assignments proved useful for Trump's policy agenda.<sup>98</sup> Ros-Lehtinen and Rubio spearheaded Cuba initiatives in the House Foreign Affairs Committee and the Senate Foreign Relations Committee, respectively. Bipartisan Florida legislators supported the initiatives.<sup>99</sup> All considered it essential to curb Cuban government influence to solve the political and humanitarian crisis in Venezuela that had developed under President Nicolás Maduro.

Rubio functionally took control of Latin America policy during the Trump administration. He met with Trump several times in the administration's early months, and Rubio confirmed that he broached Cuba with the President.<sup>100</sup> Rubio's prominent positions on the Senate's Foreign Relations and Intelligence Committees contributed to his authority over

87. Donati, Jessica; Vivian Salama and Ian Talley (30 January 2019). "U.S. push to oust Venezuela's Maduro marks first shot in plan to reshape Latin America". *Wall Street Journal*

88. Nora Gámez Torres. "Trump adds Cuba embargo supporter to transition team." *The Miami Herald*, November 21, 2016.

89. Nora Gámez Torres. "Rubio: 'Trump will treat Cuba like dictatorship it is.'" *The Miami Herald*, April 9, 2017: 5B.

90. Gámez Torres and Mazzei. "The Cubans are sh----- themselves' over Trump."

91. Ibid.

92. Ibid.; Franco Ordoñez, "White House to Trump: 'Don't play the bad guy' on Cuba."

93. Nora Gámez Torres. "Trump: Rubio and I have 'very similar views on Cuba'."

94. Fabiola Santiago. "On his worst week in office, Trump gets a boost from Cuban Americans." *The Miami Herald*, February 19, 2017: B2.

95. Nora Gámez Torres. "Trump will not announce highly anticipated changes in Cuba policy." *The Miami Herald*, May 18, 2017.

96. "Trump's tough Cuba line scores big in Little Havana." *Agence France-Presse*, June 17, 2017.

97. Mazzei. "Inside Oval Office, Rubio and Díaz-Balart pushed Trump to crack down on Cuba."

98. Ibid.

99. "As Trump reviews Cuba policy, Rubio, Nelson want to address 'stolen property'." *The Miami Herald*, June 5, 2017.

100. "Rubio: I've spoken to Trump three times about Cuba." *The Miami Herald*, March 31, 2017.; "Rubio, Rooney to dine with Trump on Tuesday." *The Miami Herald*, June 5, 2017.; Patricia Mazzei. "Inside Oval Office, Rubio and Diaz-Balart pushed Trump to crack down on Cuba." *The Miami Herald*, June 15, 2017.

Latin American and Caribbean affairs.<sup>101</sup> Trump eagerly appeased Rubio's Florida constituency to prepare for the 2020 election. Rubio boasted:

They've asked for my input on basically every issue in Latin America and the Western Hemisphere and... we've been engaged with them and they've been very open. In some ways the fact that they didn't come in with preconceived ideas of what to do has created the space for that debate to occur.<sup>102</sup>

At another interview, he explained:

I have disagreements with the White House and I have been able to address some of them privately and a couple of them more publicly, whether it was the initial response in Puerto Rico or some of the foreign policy issues in different parts of the world.... But my view is this: 95 percent of what is going to happen to me today, I cannot control. What I can control is how I react to what happens. And what I've chosen to do more than ever is focus like a laser on the things I can control and get done.<sup>103</sup>

He and his fellow Cuban-American legislators dominated the U.S. policy discussions regarding Cuba and Venezuela.<sup>104</sup> Ros-Lehtinen commended him for advocating for Cuba, Venezuela, and Puerto Rican hurricane aid.<sup>105</sup> She said, "Marco Rubio is the conduit we have to get to President Trump. He's got the president's ear on Cuba and Venezuela."<sup>106</sup>

Comparing his foreign policy style to Trump's, Rubio said:

The president's approach to foreign policy has largely been to not publicly antagonize leaders he's trying to reach accommodation or agreement with.... I've long said that human rights and respect for democracy should be at the forefront of everything we do and I have a different style about that.<sup>107</sup>

As a result, the Trump administration undid many of Obama's Cuba policies within his first six months in office.

### TRUMP'S OUTREACH TO THE CUBAN COMMUNITY IN MIAMI

On June 16, 2017, at Little Havana's Manuel Artime Theater, Trump announced that he would roll back Obama's policies. His plan prohibited transactions with businesses associated with "Cuba's military-backed tourism conglomerate GAESA."<sup>108</sup> The National Security Presidential Memorandum limited the scope of Treasury-authorized travel.<sup>109</sup> Trump maintained diplomatic relations, commercial flights, cruises, and most travel categories.<sup>110</sup> Americans could still participate in group people-to-people educational travel with detailed itineraries.<sup>111</sup> However, the plan eliminated individual people-to-people educational trips, which Obama's critics claimed Americans abused to vacation.<sup>112</sup> The United States would permit fewer Cuban government officials to enter the country.<sup>113</sup> The State Department had to create a list of businesses that Americans could not patronize due to their military-controlled GAESA organization

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101. Andrés Oppenheimer. "The Trump administration has outsourced its Venezuela policy to Marco Rubio." *The Miami Herald*, July 28, 2017.

102. Alex Daugherty. "The Trump whisperer: Marco Rubio has the president's ear on Latin America."

103. Alex Daugherty. "He's not up for reelection in 2018, but here's why Marco Rubio is campaigning hard." *The Miami Herald*, November 7, 2017.

104. Jim Wyss. "Threat of U.S. oil sanctions on Venezuela sparks fears of economic 'collapse'." *The Miami Herald*, July 18, 2017.

105. Daugherty. "He's not up for reelection in 2018, but here's why Marco Rubio is campaigning hard."

106. Ibid.

107. Alex Daugherty. "Enes Kanter can't play basketball due to death threats, so he met with Marco Rubio." *The Miami Herald*, January 16, 2019.

108. "Trump to clamp down on Cuba travel, business ties." *Agence France-Presse*, June 16, 2017.

109. Ibid.

110. Gámez Torres and Mazzei. "Trump recasts Cuba policy, takes harder line than Obama on military, travel."

111. Ibid.

112. Ibid.

113. Ibid.

ties.<sup>114</sup> The administration sought to cut off funding to the repressive Cuban government, which benefited from a surge in tourism in recent years.<sup>115</sup>

The U.S.-Cuba Democracy PAC continued to provide large donations to pro-embargo candidates even if they were not up for reelection. Rep. Debbie Wasserman-Schultz (D-FL), Rep. Mario Diaz-Balart (R-FL), House candidate Maria Elvira Salazar, Cuban-American Rep. Albio Sires (D-NJ), Sen. Bob Menendez (D-NJ), and Sen. Marco Rubio (R-FL) received considerable contributions.<sup>116</sup> Many faced competitive races.<sup>117</sup> Prominent Miamians donated to the U.S.-Cuba Democracy PAC, including the Munillas, Benjamin Leon, and the Diaz-Olivers.<sup>118</sup> Although many Cuban-Americans had embraced more engagement with Cuba, hardliners remained convinced that the embargo never ousted the Castro regime because U.S. Presidents had never fully implemented it. So, Helms-Burton enforcement also changed under the Trump administration.

On March 4, 2019, Secretary of State Mike Pompeo announced partial, provisional Title III implementation.<sup>119</sup> The most substantial announcement came on April 17, the anniversary of the Bay of Pigs invasion.<sup>120</sup> That day, National Security Advisor John Bolton gave a speech in front of the Bay of Pigs Veterans' Association in Miami, denouncing the "troika

of tyranny" and declaring that Title III waivers would end on May 2.<sup>121</sup> Countries worldwide immediately expressed their displeasure through public statements condemning Title III implementation, including Mexico, Canada, the European Union, and more.

Experts feared that ending the waivers would result in thousands of lawsuits. However, claimants only filed a total of about twenty-five cases within the first year (See Box 2).<sup>122</sup> Most of these cases targeted U.S. companies due to the blocking statutes in Canada and the European Union and jurisdiction questions that create obstacles to seeking redress.<sup>123</sup> These challenges have undermined the intention of dissuading foreign investment in Cuba. The claims need not be one of the nearly 6000 certified FCSC claims as long as they meet the standards. The act itself does not limit lawsuits to claimants who were U.S. nationals at the time of seizure, and it does not specify whether only the original property owners are eligible to sue. So far, the cases have questioned who bears the burden of proof for accusations of trafficking, whether Title III waives sovereign immunity, the role of OFAC licenses, and the definitions of the exceptions that the act outlines.<sup>124</sup> The courts must decide these questions. According to Section 302.b. of Title III,

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114. Ibid.

115. "Rubio: 'Tomorrow is going to be a good day for the Cuban people.'" *The Miami Herald*, June 15, 2017.

116. Center for Responsive Politics. "US-Cuba Democracy PAC PAC Contributions to Federal Candidates 2018." OpenSecrets. Accessed February 17, 2021. <https://www.opensecrets.org/political-action-committees-pacs/C00387720/candidate-recipients/2018>.

117. Ibid.

118. Center for Responsive Politics. "US-Cuba Democracy PAC PAC Donors 2018." OpenSecrets. Accessed February 17, 2021. <https://www.opensecrets.org/political-action-committees-pacs/C00387720/donors/2018>.

119. Jenny Lee Molina and Claire O'Hanlon. "We understand our parents' pain, but the Cuba embargo continues to hurt our 'hermanos' on the island." *The Miami Herald*, March 15, 2019.

120. Nora Gámez Torres. "U.S. swats Cuba for role in Venezuela by moving closer to fully implementing Helms-Burton." *The Miami Herald*, April 3, 2019.

121. Bolton, John. "National Security Advisor Ambassador John R. Bolton Delivers Remarks | U.S. Embassy in Nicaragua." U.S. Embassy in Nicaragua, November 1, 2018. <https://ni.usembassy.gov/national-security-advisor-ambassador-john-r-bolton-delivers-remarks/>.

122. John Bellinger, III, et al., "The *Helms-Burton* Act's Unexpected Boomerang Effect: Most Lawsuits Have Targeted Us Companies." Arnold and Porter Law Firm, March 3, 2020.

123. Ibid.

124. Ibid.

**Box 2. Title III Lawsuits (as of March 2020)**

Canto v. Iberostar Hoteles y Apartamentos S.L.	Havana Docks Corp. v. Carnival Corp.
Cueto v. Pernod Ricard	Havana Docks Corp. v. MSC Cruises S.A. Co.
Del Valle v. TRIVAGO GmbH	Havana Docks Corp. v. Norwegian Cruise Line Holdings, Ltd.
Echevarria v. TRIVAGO GmbH	Havana Docks Corp. v. Royal Caribbean Cruises, Ltd.
Exxon Mobil Corp. v. Corporacion CIMEX S.A.	John S. Shepard Family Trust v. N.H. Hotels, USA, Inc.
Garcia Bengochea v. Royal Caribbean Cruises, Ltd.	Mata v. Grupo Hotelero Gran Caribe
Garcia-Bengochea v. Carnival Corp.	Mata v. Melia Hotels International, S.A.
Garcia-Bengochea v. Norwegian Cruise Line Holdings, Ltd.	Mata v. TRIVAGO GmbH
Glen v. American Airlines, Inc.	Regueiro v. American Airlines Inc.
Glen v. Expedia, Inc.	Sucesores de Don Carlos Nunez y Dona Pura Galvez, Inc. v. Societe Generale, S.A.
Glen v. Travelscape LLC	Trinidad v. TRIVAGO GmbH
Glen v. TripAdvisor LLC	
Glen v. Visa Inc.	
Gonzalez v. Amazon.com, Inc.	

the property must be valued at least \$50,000, which narrows the number of cases eligible.

Contrary to experts estimating hundreds of thousands of lawsuits, only a couple dozen suits arose in the first year. Many were dismissed, and the majority have been against U.S. entities. Aspects that have limited the suits include the burden of proof, the stipulation that the property must be worth at least \$50,000, questions of jurisdiction, and interpretation of the exemptions. Despite the expressed purpose of deterring foreign investment in Cuba, Title III enforcement has not resulted in appreciable divestment, but there have been a few settlements. Cuba's economy has deteriorated since the end of Title III waivers, but the recession has coincided with economic collapse in Venezuela (a major trade partner), a worldwide pandemic, and a global recession.

Hardline Cuban-Americans, discontent with Obama's policies and using Cuba's connection to the crisis in Venezuela as an opportunity to intervene, found an ally in Trump. He credited their endorsements, donations, and votes for winning the crucial swing state of Florida for him in the 2016 election. In return, he instituted harsher policies on Cuba, delegated more Latin American policy to Cuban-American lawmakers, and appointed members of the community to key political positions in the administration. This confluence of factors resurfaced

debates about Title III of the Helms-Burton Act and ended two decades of waivers.

**NOW AND THEN**

Cuban-Americans have used four main strategies to influence U.S. foreign policy towards Cuba and Latin America: voting, special interest groups, donations, and the rise of Cuban-American politicians and high-level advisors. Acute diplomatic and political crises in conjunction with domestic leadership's political calculations and Cuban-American activism are the primary factors that advanced the Helms-Burton Act's policies during the Clinton and Trump administrations. The four main cornerstones by which Cuban-American influenced these policies were voting, special interest groups, donations, and the rise of Cuban-American politicians and high-level advisors. How and to what degree each factor made a difference shifted over time (See Box 3).

Despite different approaches to leadership, Cuban-American interest groups and legislators significantly contributed to the fate of Title III of the Helms-Burton Act in each presidency. International crises—like mass migration, the Brothers to the Rescue shoot-down, and Cuba's involvement in the situation in Venezuela—gave factions that supported Title III leverage to advance it beyond what seemed politically viable in each instance. Each came during the first

term of presidents seeking reelection and during economic recessions in Cuba.

Cuban interest groups like CANF and Cuban-American legislators like Representatives Bob Menendez, Ileana Ros-Lehtinen, and Lincoln Díaz-Balart ensured that President Bill Clinton ratified the Helms-Burton Act, including Title III, despite his reservations. Apart from the embargo, Clinton generally took a multilateral approach to foreign policy, and thus Clinton negotiated for the Title III waiver in the final bill and agreed to a Memorandum of Understanding with international allies. The U.S.-Cuba Democracy PAC leadership and legislators like Senator Marco Rubio and Representative Mario Díaz-Balart informed President Donald Trump's hardline policies toward Cuba, which resulted in the Trump administration ending waivers on the Title III right to sue. Trump's broadly unilateral foreign policy frequently agitated international allies, so affected third countries had less leverage to prevent the policy change.

The facile explanation for the passage of the Helms-Burton Act and the end of the Title III waivers identifies the Cuban-American electorate in presidential campaign seasons as the motivation for presidential action. However, a more nuanced approach recognizes the aforementioned intervening factors and the state of the Cuban economy, the strength of the Cuban political leadership, the strength of the embargo opposition, and more. These factors must be weighed against the U.S. presidential administration's relationships with international actors and business interests. Despite the expectation that Title III would significantly impact third-country investors, Cuban foreign investment, and backlogs in U.S.

courts, the reality has fallen far short of expectations and has affected U.S. investors more than third-country investors.

Unlike limiting American travel to Cuba, which demonstrably affected Cuban business owners, full implementation of the Helms-Burton Act's Title III has had little impact in the United States, Cuba, or third countries. Further study will determine whether Title III dissuaded foreign companies from initially investing in Cuba, but initial evidence suggests that it has not caused current foreign investors to withdraw. Instead, it has had limited reach, most of which has been domestic, within the United States. The negotiations that led to and followed ratifying the bill certainly mitigated its impact, but it is also noteworthy just how much foreign policy analysts and Cuba watchers overestimated the efficacy of the policy. The Helms-Burton Act did, however, undermine the United States' international reputation and undermine trust in diplomatic relationships with current and potential foreign partners.

## CONCLUSION

Cuban-American political influence was a driving force behind the Helms-Burton Act and Title III enactment. However, the degree of their success in passing and instituting the measures depended on the strength of the domestic and international forces that opposed them and their relationships with the White House. International crises related to Cuba threatened U.S. national security and therefore catalyzed action. Election seasons enabled Cuban-Americans to frame the response to the degree that it was viable within each administration's hierarchy of interests.

**Box 3.**

<b>U.S. Presidential administration</b>	<b>Bill Clinton (1993–2001)</b>	<b>Donald Trump (2017–2021)</b>
Significant policy changes	1994–1995 Migration Accords (including “wet foot, dry foot”) The Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996	17D rollback End of Title III waivers
Crises	1994 influx of rafters 1996 Brothers to the Rescue shutdown	Leadership changes (death of Fidel Castro, end of Raúl Castro’s presidency) Venezuela
<b>Means of Cuban-American influence</b>		
Voting	1992 election of Clinton 1994 Congressional realignment 1996 re-election of Clinton 2000 Gore vs. Bush election	2016 election of Trump 2018 House realignment 2020 Trump vs. Biden election
Notable special interest groups	Cuban American National Foundation (CANF)	U.S.-Cuba Democracy PAC
Donations	Numerous donors Primarily hardline, bipartisan recipients	Numerous donors Primarily hardline recipients More Republican than Democratic recipients (notable exceptions in South Florida and New Jersey)
Cuban-American representation	Ileana Ros-Lehtinen Bob Menendez Lincoln Diaz-Balart Political appointees Clinton’s in-laws	Ileana Ros-Lehtinen Bob Menendez Mario Diaz-Balart Albio Sires Marco Rubi Ted Cruz Alex Mooney Carlos Curbelo Political appointees
<b>Other factors:</b> International alliances and response, embargo opponents, status of U.S.-Cuba relationship, impact on Cuban people, domestic balance of power, Cuban economic downturns		