

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure of the Cuban Government to pay—

- (i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;
- (ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or
- (iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

**(2) Traffics**

(A) Except as provided in subparagraph (B), a person “traffics” in confiscated property if that person knowingly and intentionally—

- (i) (I) transfers, distributes, dispenses, brokers, or otherwise disposes of confiscated property,
- (II) purchases, receives, obtains control of, or otherwise acquires confiscated property, or
- (III) improves (other than for routine maintenance), invests in (by contribution of funds or anything of value, other than for routine maintenance), or begins after March 12, 1996, to manage, lease, possess, use, or hold an interest in confiscated property,
- (ii) enters into a commercial arrangement using or otherwise benefiting from confiscated property, or
- (iii) causes, directs, participates in, or profits from, trafficking (as described in clause (i) or (ii)) by another person, or otherwise engages in trafficking (as described in clause (i) or (ii)) through another person,

without the authorization of any United States national who holds a claim to the property.

(B) The term “traffics” 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 of Cuba and a resident of Cuba, and who is not an official of the Cuban Government or the ruling political party in Cuba.

**(c) Exemption**

This section shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons or for purposes of litigation of an action under subchapter III of this chapter.

**(d) Effective date**

**(1) In general**

This section applies to aliens seeking to enter the United States on or after March 12, 1996.

**(2) Trafficking**

This section applies only with respect to acts within the meaning of “traffics” that occur on or after March 12, 1996.

(Pub. L. 104-114, title IV, §401, Mar. 12, 1996, 110 Stat. 822.)

REFERENCES IN TEXT

Subchapter III of this chapter, referred to in subsec. (c), was in the original “title III”, meaning title III of Pub. L. 104-114, Mar. 12, 1996, 110 Stat. 814, which enacted subchapter III of this chapter and sections 1643l and 1643m of this title and amended section 1611 of Title 28, Judiciary and Judicial Procedure. For complete classification of title III to the Code, see Tables.

REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT

Pub. L. 105-277, div. G, subdiv. B, title XXVIII, §2802, Oct. 21, 1998, 112 Stat. 2681-845, as amended by Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §209(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-423; Pub. L. 107-228, div. A, title II, §216(b), Sept. 30, 2002, 116 Stat. 1366, provided that:

“(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act [Oct. 21, 1998] and every 3 months thereafter during the period ending September 30, 2003, the Secretary of State shall submit to the appropriate congressional committees [Committee on International Relations of the House of Representatives and Committee on Foreign Relations of the Senate] a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

“(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

“(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

“(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

“(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

“(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

“(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

“(B) in the preceding 3-month period, in the case of each subsequent report.

“(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).”

**CHAPTER 70—MANSFIELD FELLOWSHIP PROGRAM**

- Sec.
- 6101. Establishment of Fellowship Program.
  - (a) Establishment.
  - (b) Eligibility of Center for grants.
  - (c) International agreement.
  - (d) Private sources.
  - (e) Use of Federal facilities.
- 6102. Program requirements.
- 6103. Separation of Government personnel during fellowships.
  - (a) Separation.
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- 6104. Mansfield Fellows on detail from Government service.