a person "traffics" in confiscated property if that person knowingly and intentionally—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(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.

(iii) improves (other than for routine maintenance), invests in (by contribution of other seizure by the Cuban Government or the ruling political party in Cuba.

(b) 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.

References to Determinations Under Title IV of the LIBERTAD ACT


Chapter 70—Mansfield Fellowship Program

Sec. 6101. Establishment of Fellowship Program.
§ 6101. Establishment of Fellowship Program

(a) Establishment
(1) There is hereby established the “Mike Mansfield Fellowship Program” pursuant to which the Director of the United States Information Agency will make grants, subject to the availability of appropriations, to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 6102(5)(C) of this title, for such shorter period of time as the Center may determine based on a Fellow’s level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as Japan’s political economy.

(B) During the second year each fellowship recipient will serve as a fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, and the agency of the United States Government from which the fellow originated, consistent with the purposes of this chapter.

(2) Fellowships under this chapter may be known as “Mansfield Fellowships”, and individuals awarded such fellowships may be known as “Mansfield Fellows”.

(b) Eligibility of Center for grants
Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 6102 of this title.

(c) International agreement
The Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing fellows in the Government of Japan.

(d) Private sources
The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Director of the United States Information Agency.

(e) Use of Federal facilities
The George P. Shultz National Foreign Affairs Training Center is authorized and encouraged to assist, on a reimbursable basis, in carrying out Japanese language training by the Center through the provision of teachers, classroom space, teaching materials, and facilities, to the extent that such provision is not detrimental to the Institute’s carrying out its other responsibilities under law.

§ 6102. Program requirements
The program established under this chapter shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this chapter shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government, and such other qualifications as are determined by the Center.

(2) Not more than 10 fellowships may be awarded each year of which not more than 3 shall be awarded to individuals who are not detailed employees of the Government.

(3) (A) Fellows shall agree to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Federal funds.

(B) Fellows who are not detailees shall agree to return to the Federal Government for further employment for a period of at least 2 years following the end of their fellowships, unless, in the determination of the Center, the fellow is unable (for reasons beyond the fellow’s control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) During the period of the fellowship, the Center shall provide—

(A) to each fellow who is not a detailee a stipend at a rate of pay equal to the rate of pay that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) to each fellow (including detailees) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the higher cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, an education allow-
§ 6103

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

Page 1470

The financial records of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the financial records of the Center are normally kept. All books, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Director of the United States Information Agency no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor’s opinion of those statements, as are necessary to present fairly the Center’s assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center’s income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.


TRANSFER OF FUNCTIONS

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

§ 6103. Separation of Government personnel during fellowships

(a) Separation

Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this chapter and is not detailed under section 6104 of this title.

(b) Reemployment

Any fellow who is not a detailee, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5.

(c) Rights and benefits

Notwithstanding section 8347(o), 8713, or 8914 of title 5 and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a fellow who is not a detailee, is entitled to the same rights and benefits as if covered by section 3582 of title 5. The Center shall reimburse the employing agency for any costs incurred under section 3582 of title 5.

(d) Compliance with Budget Act

Funds are available under this section to the extent and in the amounts provided in appropriation Acts.


§ 6104. Mansfield Fellows on detail from Government service

(a) In general

(1) An agency head may detail, for a period of not more than 2 years, an employee of the agen-
cy who has been awarded a Mansfield Fellowship, to the Center.

(2) Each fellow who is detailed under this section shall enter into a written agreement with the Federal Government before receiving a fellowship that the fellow will—

(A) continue in the service of the fellow’s agency at the end of the fellowship for a period of at least 2 years unless the fellow is involuntarily separated from the service of such agency; and

(B) pay to the United States Information Agency any additional expenses incurred by the Federal Government in connection with the fellowship if the fellow is voluntarily separated from service with the fellow’s agency before the end of the period for which the fellow has agreed to continue in the service of such agency.

(3) The payment agreed to under paragraph (2)(B) may not be required of a fellow who leaves the service of such agency to enter into the service of another agency in any branch of the United States Government unless the head of the agency that authorized the fellowship notifies the employee before the effective date of entry into the service of the other agency that payment will be required under this section.

(b) Status as Government employee

A fellow detailed under subsection (a) of this section is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefore is deemed to comply with section 5536 of title 5.

(c) Reimbursement

Fellows may be detailed under subsection (a) of this section without reimbursement to the United States by the Center.

(d) Allowances and benefits

A fellow detailed under subsection (a) of this section may be paid by the Center for allowances and benefits listed in section 6102(4)(B) of this title.


Transfer of Functions

United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau) abolished and functions transferred to Secretary of State, see sections 6531 and 6532 of this title.

§ 6106. Definitions

For purposes of this chapter—

(1) the term “agency of the United States Government” includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(2) the term “agency head” means—

(A) in the case of the executive branch of Government or an agency of the legislative branch other than the House of Representatives or the Senate, the head of the respective agency;

(B) in the case of the judicial branch of Government, the chief judge of the respective court;

(C) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate; and

(D) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House;

(3) the term “Center” means the Mansfield Center for Pacific Affairs; and

(4) the term “detailee” means an employee of an agency of the United States Government on assignment or loan to the Mansfield Center for Pacific Affairs without a change of position in the agency by which he or she is employed.


CHAPTER 71—UNITED STATES INTERNATIONAL BROADCASTING

Sec. 6201. Congressional findings and declaration of purposes.
6202. Standards and principles.
6203. Establishment of Broadcasting Board of Governors.
6204. Authorities of Board.
6205. Role of Secretary of State.
6209. Repealed.
6212. Requirement for authorization of appropriations.
6213. Definitions.
6214. Relocation costs.