

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property—

(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) 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,

(iv) enters into a commercial arrangement using or otherwise benefiting from confiscated property, or

(v) 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 Foreign Affairs 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

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§ 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.

(Pub. L. 103–236, title II, §252, Apr. 30, 1994, 108 Stat. 428; Pub. L. 107–132, §1(b), Jan. 16, 2002, 115 Stat. 2412.)

AMENDMENTS

2002—Subsec. (e). Pub. L. 107–132 substituted “George P. Shultz National Foreign Affairs Training Center” for “National Foreign Affairs Training Center”.

SHORT TITLE

Section 251 of Pub. L. 103–236 provided that: “This part [part C (§§251–257) of title II of Pub. L. 103–236, enacting this chapter] may be cited as the ‘Mike Mansfield Fellowship Act.’”

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.

§ 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-