

erencing the Special Rapporteur's reports to the United Nations and condemning violations of human rights and fundamental freedoms in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . . , to maintain or restore international peace and security."

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of "all necessary means" to restore the "democratically elected government of Haiti", and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years, and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

(Pub. L. 104-114, § 2, Mar. 12, 1996, 110 Stat. 786.)

REFERENCES IN TEXT

The Cuban Democracy Act of 1992, referred to in par. (11), is title XVII of div. A of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2575, which is classified principally to chapter 69 (§ 6001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6001 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in par. (12), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The FREEDOM Support Act, referred to in par. (12), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, also known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

SHORT TITLE

Pub. L. 104-114, § 1(a), Mar. 12, 1996, 110 Stat. 785, provided that: "This Act [enacting this chapter and sections 1643f and 1643m of this title, amending sections 2295a, 2295b, 2370, 6003, and 6004 of this title, section 1611 of Title 28, Judiciary and Judicial Procedure, and section 16 of Title 50, Appendix, War and National Defense, repealing sections 1465 to 1465f, 1465aa to 1465ff, 6003,

and 6005 of this title, amending provisions set out as a note under section 1446g of Title 7, Agriculture, and repealing provisions set out as notes under sections 1465, 1465c, and 1465aa of this title] may be cited as the 'Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996'."

§ 6022. Purposes

The purposes of this chapter are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

(2) to strengthen international sanctions against the Castro government;

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals by the Castro government, and the political manipulation by the Castro government of the desire of Cubans to escape that results in mass migration to the United States;

(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(6) to protect United States nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

(Pub. L. 104-114, § 3, Mar. 12, 1996, 110 Stat. 788.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104-114, Mar. 12, 1996, 110 Stat. 785, known as the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6021 of this title and Tables.

§ 6023. Definitions

As used in this chapter, the following terms have the following meanings:

(1) Agency or instrumentality of a foreign state

The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28.

(2) Appropriate congressional committees

The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) Commercial activity

The term "commercial activity" has the meaning given that term in section 1603(d) of title 28.

(4) Confiscated

As used in subchapters I and III of this chapter, the term "confiscated" refers to—