

to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made under title V of the International Claims Settlement Act of 1949 [22 U.S.C. 1643 et seq.] before March 12, 1996.

(Pub. L. 104-114, title III, §303, Mar. 12, 1996, 110 Stat. 819.)

REFERENCES IN TEXT

The International Claims Settlement Act of 1949, referred to in subsecs. (a)(1), (2) and (c)(2), is act Mar. 10, 1950, ch. 54, 64 Stat. 12, as amended. Title V of the Act is classified generally to subchapter V (§1643 et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1621 of this title and Tables.

This chapter, referred to in subsec. (c), 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.

CODIFICATION

Section is comprised of section 303 of Pub. L. 104-114. Subsec. (b) of section 303 of Pub. L. 104-114 enacted section 1643/ of this title.

§ 6084. Limitation of actions

An action under section 6082 of this title may not be brought more than 2 years after the trafficking giving rise to the action has ceased to occur.

(Pub. L. 104-114, title III, §305, Mar. 12, 1996, 110 Stat. 821.)

§ 6085. Effective date

(a) In general

Subject to subsections (b) and (c), this subchapter and the amendments made by this subchapter shall take effect on August 1, 1996.

(b) Suspension authority

(1) Suspension authority

The President may suspend the effective date under subsection (a) for a period of not more than 6 months if the President determines and reports in writing to the appropriate congressional committees at least 15 days before such effective date that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(2) Additional suspensions

The President may suspend the effective date under subsection (a) for additional periods of not more than 6 months each, each of which shall begin on the day after the last day of the period during which a suspension is in effect under this subsection, if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the date on which the additional suspension is to begin that the suspension is

necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(c) Other authorities

(1) Suspension

After this subchapter and the amendments of this subchapter have taken effect—

(A) no person shall acquire a property interest in any potential or pending action under this subchapter; and

(B) the President may suspend the right to bring an action under this subchapter with respect to confiscated property for a period of not more than 6 months if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the suspension takes effect that such suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(2) Additional suspensions

The President may suspend the right to bring an action under this subchapter for additional periods of not more than 6 months each, each of which shall begin on the day after the last day of the period during which a suspension is in effect under this subsection, if the President determines and reports in writing to the appropriate congressional committees at least 15 days before the date on which the additional suspension is to begin that the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba.

(3) Pending suits

The suspensions of actions under paragraph (1) shall not affect suits commenced before the date of such suspension, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if the suspension had not occurred.

(d) Rescission of suspension

The President may rescind any suspension made under subsection (b) or (c) upon reporting to the appropriate congressional committees that doing so will expedite a transition to democracy in Cuba.

(Pub. L. 104-114, title III, §306, Mar. 12, 1996, 110 Stat. 821.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (c)(1), was in the original “this title”, meaning title III of Pub. L. 104-114, Mar. 12, 1996, 110 Stat. 814, which enacted this subchapter and sections 1643/ 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.

DELEGATION OF AUTHORITY TO SUSPEND THE PROVISIONS OF TITLE III OF THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996

Memorandum of President of the United States, Jan. 31, 2013, 78 F.R. 9573, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United

States Code, I hereby delegate to you the authority to suspend the provisions of title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104-114; 22 U.S.C. 6021-6091), as authorized by section 306(c)(2) of the Act.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

SUBCHAPTER IV—EXCLUSION OF CERTAIN ALIENS

§ 6091. Exclusion from United States of aliens who have confiscated property of United States nationals or who traffic in such property

(a) Grounds for exclusion

The Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State determines is a person who, after March 12, 1996—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) Definitions

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

(1) Confiscated; confiscation

The terms “confiscated” and “confiscation” refer to—

(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,

(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.

(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, referred to in subsec. (c), was in the original “title III”, meaning title III of Pub. L. 104-114,