



properties acquired by a foreign state for diplomatic or consular missions or trade offices would not be subject to Title III claims. However, dealings in property by agencies of a foreign state (e.g., a Crown corporation) could come within the scope of Title III.

TITLE IV: "Exclusion of Certain Aliens"

Provisions provide for the denial of a visa, and exclusion from the U.S., of an "alien" who has confiscated or "traffics" in property "confiscated" by the government of Cuba to which a U.S. national has a claim. (Most visiting Canadians do not require visas to enter the U.S., but the U.S. could take other steps to bar their entry.) Persons captured by these provisions include corporate officers, principal and controlling shareholders of an entity involved in confiscated property, as well as their spouses, minor children, and agents. Title IV applies only with respect to acts of trafficking that occur on or after the date of enactment of the legislation.

A wide range of business activity appears to be captured under the "confiscation" and "trafficking" provisions. However, for the purposes of Title IV, the definition of "trafficking" is slightly narrower than the definition used in Title III. Title IV defines "trafficking" to include improvements to "confiscated" property" (other than routine maintenance) after the date of enactment of the legislation. The provisions would appear to cover companies with ongoing activities, as well as those undertaking new investment. This section does not target existing acts of trafficking, but is designed to reach new and different acts of trafficking beginning after the date of enactment. So as not to deter investors in Cuba from divesting their holdings, the sale or abandonment of confiscated property in Cuba for purposes of disengaging from Cuba is excluded from the definition of trafficking.

The same exclusions from the definition of "trafficking" in Title III apply to Title IV. Exemption from Title IV provisions will only apply where the Secretary of State finds, on a case by case basis, that entry to the U.S. is necessary for medical reasons or for purposes of litigation of an action under Title III.

Unlike the Title III provisions, Title IV measures would become effective upon the date of enactment (i.e. as soon as the President signs the bill).