



directing, participating in or profiting from such "trafficking" by or through another person. This broad definition would cover not just an investment in a joint venture, but also entering a contract to manage property, renting space in a building that was expropriated and perhaps even the purchase of goods derived from or produced with expropriated property. As defined in this title, "trafficking" does not include: a) the delivery of international telecommunication signals to Cuba; b) trading or holding securities publicly traded or held, unless the trading is with or by a person determined by the U.S. Secretary of Treasury to be a specially designated national of Cuba; or c) transactions and uses of property by a person who is both a citizen and resident of Cuba and who is not an official of the Cuban government or the ruling political party in Cuba. With regard to b), this means that Canadians who own shares in mutual funds that might in some way be linked with Cuban property, should not be affected.

As used in Titles I and III, "confiscation" refers to the nationalization or expropriation or other seizure by the government of Cuba without that property having been returned or adequate compensation provided, or without the claim to that property having been settled. It also includes the failure of the Cuban government to pay any debt pertaining to the nationalized property when it was expropriated.

The definition of property is also broad: it includes not just real and personal property, but intellectual property (including patents, copyrights and trademarks), and any future interests and leasehold interests in that property. In Title III, the definition of "property" does not include real property used for residential purposes unless, as of the date of enactment of the legislation, the claim is held by a U.S. national and the claim has been certified under Title V of the International Claims Settlement Act of 1949, or the property is occupied by an official of the Cuban Government or the ruling party in Cuba.

Claims can be brought against "traffickers" by U.S. nationals who own the claim to expropriated property. These owners of claims do not have to have been the owners of the property at the time of expropriations. Unlike the usual practice in international law for a state espousal of a claim, the claimants need not have been U.S. nationals at the time of the expropriation. This broadens the potential claimants from some 5-8,000 U.S. citizens and companies who had property expropriated after the revolution to hundreds of thousands of Cubans who left the country and subsequently became U.S. citizens.

Jurisdiction for the hearing of claims is in the U.S. District Court. A claimant who had a claim certified by the U.S. Foreign Claims Settlement Commission can claim