EXHIBIT "4"

Havana Docks Corporation's Presentation on Court's Topic 5

Ordinary Meaning

"Necessary" is a word of limitation.

"[I]t means '[i]ndispensable, requisite, essential, needful; that cannot be done without,' or absolutely required."

Vorchheimer v. Philadelphia Owners Association, 903 F.3d 100, 105 (3d Cir. 2018).

Context – Absence of Qualifying words of Discretion

"[W]hen Congress wants to loosen necessity to mean just 'sufficiently important,' it uses the phrase 'reasonably necessary.'"

Vorchheimer v. Philadelphia Owners Association, 903 F.3d 100, 107 (3d Cir. 2018).

Congress did not qualify "necessary" with "reasonably" or "as appropriate," as it did elsewhere in the LIBERTAD Act.

For example, in section 6062, Congress instructed the President to report to it "any proposed legislation necessary or appropriate" to achieve certain policy and negotiating objectives. *See* 22 U.S.C. § 6062(h)(1)(D).

"[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion."

Russello v. United States, 464 U.S. 16, 23 (1983)

That legislative choice must be given effect.

Context – Presence of Qualifying Words of Limitation

The term "necessary" is prefaced with "to the extent," imposing a heightened, restrictive condition.

See United States v. Church of Scientology of Boston, Inc. 933 F.2d 1074, 1075-79 (1st Cir. 1991) (Breyer, J.); *John Hancock Mut. Life Ins. Co. v. Harris Trust & Sav. Bank*, 510 U.S. 86, 105 (1993).

Congress actually qualified "necessary" with "words of limitation."

Structure/Surplusage

Congress separately enacted the necessary element in an independent clause, clearly indicating an intent for it to have independent meaning.

See Church of Scientology of Boston, Inc. 933 F.2d 1074, 1077 (1st Cir. 1991) (Breyer, J.); *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 390 (1999).

Defendants' interpretation of "necessary" (i.e. important, helpful, or appropriate) would render the necessary element and the incident element redundant.

22 U.S.C. § 6023(13)(B)(iii).

Canon – Statutory Exceptions are Construed Narrowly

"An exception to a general statement of policy is usually read narrowly in order to preserve the primary operation of the provision."

Maracich v. Spears, 570 U.S. 48, 60 (2013) ("exceptions ought not operate to the farthest reach of their linguistic possibilities if that result would contravene the statutory design").

22 U.S.C. § 6023(13)(B)

The term traffics does not include -

(iii) transactions and uses of property incident to **lawful travel to Cuba**, to the extent such transactions and uses of property are necessary to the conduct of such travel