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Cuba-Wendy Sherman Meetings/Policy Papers [1]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	Draft/Working Paper: Political-Military Strategic Concept [with cover sheet] (5 pages)	02/00/2000	P1/b(1)
002. paper	Draft Re: Cuba [with cover sheet] (8 pages)	09/20/2000	P1/b(1)
003. briefing paper	[Incomplete, Page 6-11 only] Situation - USSOUTHCOM (6 pages)	00/00/0000	P1/b(1)
004a. briefing paper	CONPLAN 6400-98 (35 pages)	00/00/0000	P1/b(1)
004b. briefing paper	Contingency Operations in Cuba [Revision] (18 pages)	10/22/1999	P1/b(1)
005. agenda	Senior Cuba Policy Group (1 page)	08/23/2000	P1/b(1)
006. agenda	Migration Talks Meeting (1 page)	06/15/2000	P1/b(1)
007. agenda	Senior Cuba Policy Group (1 page)	05/24/2000	P1/b(1)
008. memo	To: J. Stapleton Roy; Re: Cuba (2 pages)	05/19/2000	P1/b(1)
009. agenda	Senior Cuba Policy Group [with handwritten notes] (1 page)	06/07/2000	P1/b(1)

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

CUBA HOLD

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For Deane

Dear Mr. Chairman:

This is in response to your September 1 letter to Secretary Albright regarding the Department's implementation of Title IV of the Cuban Liberty and Democratic Solidarity Act of 1996 (the Libertad Act).

The Department takes very seriously its Title IV investigation of Sol Meliá. We welcome the claimants' participation in discussions and their efforts to reach settlement. A settlement would best serve the interests of all parties and meet the requirements of the Libertad Act.

As you know, the Department has consistently maintained that it would be counterproductive to set a rigid timetable for action that might terminate all hope for a settlement. The State Department's Coordinator for Cuban Affairs has shared these views with the claimants' representatives directly.

Mr. Chairman, we are aware of the importance that you attach to this issue. The Department is working actively to encourage a settlement in favor of the U.S. claimant, and to investigate other claims that have come to our attention.

The Honorable
Jesse Helms, Chairman,
Committee on Foreign Relations,
United States Senate.

I hope this information is helpful to you. If you have additional questions or believe that we may be of further assistance in this or any other matter, please do not hesitate to contact us.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Searacca/2000 Documents/2000 Congressionals/Sep 9 Helms
Letter - Sep 1 (ver 2)

09/19/00

Drafted:
EhGoff, Ext. 79389

Cleared:	Ver 1	Ver 2	Ver 3
WHA, WRBrownfield	- ok		
WHA/CCA, CSShapiro	- ok	ok	ok
C, SSnyder	- ok		
E, DCamner	- ok		
P, MFitzpatrick	- ok	ok	
PA, LRodriguez	- ok		
L/WHA, IMDiaz	- ok	-	ok
EB/IFD/OIA, JSpeck	- ok	ok	ok
EB/IFD/OIA, WScholz	- (info)	-	-
WHA, WMiele	- ok	ok	
H, MGuest	-	ok	
EUR/ERA, FParker		ok	

CUBAN DEMOCRACY ACT ("CDA")

UNITED STATES CODE

TITLE 22. FOREIGN RELATIONS AND INTERCOURSE CHAPTER 69.

Section 6001. Findings

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban

Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

Sec. 6002. Statement of policy

It should be the policy of the United States--

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(10) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

Sec. 6003. International cooperation

(a) Cuban trading partners. The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title [22 USCS §§ 6001 note].

(b) Sanctions against countries assisting Cuba.

(1) Sanctions. The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) Definition of assistance. For purposes of paragraph (1), the term "assistance to Cuba"--

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba;

(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and

(C) does not include--

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1705(c) [22 USCS § 6004(c)].

As used in this paragraph, the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to "a foreign state" deemed to be a reference to "Cuba".

(3) Applicability of section. This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1708(a) [22 USCS § 6007(a)].

Sec. 6004. Support for the Cuban people

(a) Provisions of law affected. The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961 [22 USCS § 2370], and notwithstanding the exercise of authorities, before the enactment of this Act [enacted Oct. 23, 1992], under section 5(b) of the Trading With the Enemy Act [50 USCS Appx § 5(b)], the

International Emergency Economic Powers Act [50 USCS §§ 1701 et seq.], or the Export Administration Act of 1979.

(b) Donations of food. Nothing in this or any other Act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) Exports of medicines and medical supplies. Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted--

(1) except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 [50 USCS Appx § 2404(m)] or section 203(b)(2) of the International Emergency Economic Powers Act [50 USCS § 1702(b)(2)];

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) Requirements for certain exports.

(1) Onsite verifications.

(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) Licenses. Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) Telecommunications services and facilities.

(1) Telecommunications services. Telecommunications services between the United States and Cuba shall be permitted.

(2) Telecommunications facilities. Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate

telecommunications services between the United States and Cuba.

(3) Licensing of payments to Cuba.

(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title [22 USCS §§ 6001 et seq.], except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act [50 USCS Appx § 5(b)].

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act [50 USCS Appx § 5(b)].

(4) Authority of Federal Communications Commission. Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(5) Prohibition on investment in domestic telecommunications services. Nothing in this subsection shall be construed to authorize the investment by any United States person in the domestic telecommunications network within Cuba. For purposes of this paragraph, an "investment" in the domestic telecommunications network within Cuba includes the contribution (including by donation) of funds or anything of value to or for, and the making of loans to or for, such network.

(6) Reports to Congress. The President shall submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

(f) Direct mail delivery to Cuba. The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) Assistance to support democracy in Cuba. The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

Sec. 6005. Sanctions

(a) Prohibition on certain transactions between certain United States firms and Cuba

(1) Prohibition. Notwithstanding any other provision of law, no license may be issued for any

transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) Applicability to existing contracts. Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act [enacted Oct. 23, 1992].

(b) Prohibitions on vessels.

(1) Vessels engaging in trade. Beginning on the 61st day after the date of the enactment of this Act [enacted Oct. 23, 1992], a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) Vessels carrying goods or passengers to or from Cuba. Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may not enter a United States port.

(3) Inapplicability of ship stores general license. No commodities which may be exported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) Definitions. As used in this subsection--

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft;

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)); and

(C) the term "Cuban national" means a national of Cuba, as the term "national" is defined in section 515.302 of title 31, Code of Federal Regulations, as of August 1, 1992.

(c) Restrictions on remittances to Cuba. The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) Clarification of applicability of sanctions. The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1705 or section 1707 of this Act [22 USCS § 6004 or 6006] or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

Sec. 6006. Policy toward a transitional Cuban government

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba--

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

Sec. 6007. Policy toward a democratic Cuban government

(a) Waiver of restrictions. The President may waive the requirements of section 1706 [22 USCS § 6005] if the President determines and reports to the Congress that the Government of Cuba--

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) Policies. If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

Sec. 6008. Existing claims not affected

Except as provided in section 1705(a) [22 USCS § 6004(a)], nothing in this title [22 USCS §§ 6001 et seq.] affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961 [22 USCS § 2370(a)(2)].

Sec. 6009. Enforcement

(a) Enforcement authority. The authority to enforce this title [22 USCS §§ 6001 et seq.] shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this title [22 USCS §§ 6001 et seq.]. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1705 [22 USCS § 6004] are carried out for the purposes set forth in this title [22 USCS §§ 6001 et seq.] and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) Authorization of appropriations. There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title [22 USCS §§ 6001 et seq.].

(c) [Omitted]

(d) Applicability of penalties. The penalties set forth in section 16 of the Trading With the Enemy Act [50 USCS Appx § 16(a)] shall apply to violations of this title [22 USCS §§ 6001 et seq.] to the same extent as such penalties apply to violations under that Act.

(e) Office of Foreign Assets Control. The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this title [22 USCS §§ 6001 et seq.].

Sec. 6010. Definition

As used in this title [22 USCS §§ 6001 et seq.], the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

FULTON

PUBLIC LAW 102-484—OCT. 23, 1992

106 STAT. 2575

(B) sales and assistance under the Arms Export Control Act;
(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and
(D) financing under the Export-Import Bank Act.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

Cuban
Democracy Act
of 1992
22 USC 6001
note.

SEC. 1701. SHORT TITLE.

This title may be cited as the "Cuban Democracy Act of 1992".

22 USC 6001.

SEC. 1702. FINDINGS.

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have drastically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's

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unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

22 USC 6002

SEC. 1703. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(10) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

22 USC 6003.

SEC. 1704. INTERNATIONAL COOPERATION.

(a) CUBAN TRADING PARTNERS.—The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title.

(b) SANCTIONS AGAINST COUNTRIES ASSISTING CUBA.—

(1) SANCTIONS.—The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) DEFINITION OF ASSISTANCE.—For purposes of paragraph (1), the term "assistance to Cuba"—

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SEC. 1705. SUPPORT.

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(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba; and

(B) does not include—

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1705(c).

(3) APPLICABILITY OF SECTION.—This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1706(a).

22 USC 6004.

SEC. 1705. SUPPORT FOR THE CUBAN PEOPLE

(a) PROVISIONS OF LAW AFFECTED.—The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961, and notwithstanding the exercise of authorities, before the enactment of this Act, under section 5(b) of the Trading With the Enemy Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979.

(b) DONATIONS OF FOOD.—Nothing in this or any other Act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES.—Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 or section 203(b)(2) of the International Emergency Economic Powers Act;

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) REQUIREMENTS FOR CERTAIN EXPORTS.—

(1) ONSITE VERIFICATIONS.—(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) **LICENSES.**—Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) **TELECOMMUNICATIONS SERVICES AND FACILITIES.**—

(1) **TELECOMMUNICATIONS SERVICES.**—Telecommunications services between the United States and Cuba shall be permitted.

(2) **TELECOMMUNICATIONS FACILITIES.**—Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

President.

(3) **LICENSING OF PAYMENTS TO CUBA.**—(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) **AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION.**—Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(f) **DIRECT MAIL DELIVERY TO CUBA.**—The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) **ASSISTANCE TO SUPPORT DEMOCRACY IN CUBA.**—The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

22 USC 6005.

SEC. 1706. SANCTIONS.

(a) **PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.**—

(1) **PROHIBITION.**—Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) **APPLICABILITY TO EXISTING CONTRACTS.**—Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act.

(b) **PROHIBITIONS ON VESSELS.**—

(1) **VESSELS ENGAGING IN TRADE.**—Beginning on the 61st day after the date of the enactment of this Act, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight

at any place in the United States issued by the Secretary of

(2) **VESSELS CARRYING GOODS TO OR FROM CUBA.**—Except as specifically provided by the Treasury, a vessel carrying goods to or from Cuba or carrying goods has any interest may not

(3) **INAPPLICABILITY.**—No commodities which are described in section 771.5 of the Code of Federal Regulations, as in effect on May 1, 1992, are subject to a general license to any person to or from Cuba or carrying national has an interest.

(4) **DEFINITIONS.**—As

(A) the term "vessel" means a water craft or other means of transport used, as a means of transport, not include aircraft;

(B) the term "United States" means the United States and possessions of the United States of the Tariff Act of 1930;

(C) the term "Cuba" means the term "Cuba" as the term "Cuba" of title 31, Code of Federal Regulations, 1992.

(e) **RESTRICTIONS ON REVENUE.**—The United States shall establish strict limits on persons for the purpose of financing the United States, in order to ensure that only the reasonable costs are not used by the Government to United States currency.

(d) **CLARIFICATION OF PROHIBITIONS.**—The prohibitions contained in section 515.559 of title 31, Code of Federal Regulations, apply with respect to any transaction regulated or prohibited by section 1705 or section 1707 of this Act, or by the Trading With the Enemy Act (50 U.S.C. 1701-1705).

SEC. 1707. POLICY TOWARD CUBA.

Food, medicine, and medical supplies should be made available to the Cuban people under the Assistance Act of 1961 and the Assistance Act of 1954 if it is found by the Committee on Foreign Relations and the Committee on Foreign Affairs that the Cuban government in power in Cuba

(1) has made a public commitment to free and fair elections for a new government to implement that commitment;

(2) has made a public commitment to respecting international democratic freedoms; and

at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) VESSELS CARRYING GOODS OR PASSENGERS TO OR FROM CUBA.—Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may not enter a United States port.

(3) INAPPLICABILITY OF SHIP STORES GENERAL LICENSE.—No commodities which may be exported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) DEFINITIONS.—As used in this subsection—

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft;

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)); and

(C) the term "Cuban national" means a national of Cuba, as the term "national" is defined in section 515.302 of title 31, Code of Federal Regulations, as of August 1, 1992.

(c) RESTRICTIONS ON REMITTANCES TO CUBA.—The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) CLARIFICATION OF APPLICABILITY OF SANCTIONS.—The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1705 or section 1707 of this Act or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

SEC. 1707. POLICY TOWARD A TRANSITIONAL CUBAN GOVERNMENT.

22 USC 6006.

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

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(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

22 USC 6007.

SEC. 1708. POLICY TOWARD A DEMOCRATIC CUBAN GOVERNMENT.

(a) **WAIVER OF RESTRICTIONS.**—The President may waive the requirements of section 1706 if the President determines and reports to the Congress that the Government of Cuba—

- (1) has held free and fair elections conducted under internationally recognized observers;
- (2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;
- (3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;
- (4) is moving toward establishing a free market economic system; and
- (5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) **POLICIES.**—If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

- (1) To encourage the admission or reentry of such government to international organizations and international financial institutions.
- (2) To provide emergency relief during Cuba's transition to a viable economic system.
- (3) To take steps to end the United States trade embargo of Cuba.

22 USC 6008.

SEC. 1709. EXISTING CLAIMS NOT AFFECTED.

Except as provided in section 1705(a), nothing in this title affects the provisions of section 520(a)(2) of the Foreign Assistance Act of 1961.

22 USC 6009.

SEC. 1710. ENFORCEMENT.

(a) **ENFORCEMENT AUTHORITY.**—The authority to enforce this title shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this title. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1705 are carried out for the purposes set forth in this title and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title.

(c) **PENALTIES UNDER THE TRADING WITH THE ENEMY ACT.**—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

- (1) by striking "That whoever" and inserting "(a) Whoever";
- and
- (2) by adding at the end the following:

"(b)(1) The Secretary of the Treasury of not more than \$50,000 on any property, order, rule, or regulation issued under this title."

"(2) Any property, funds, securities, or documents, or any vessel, tools, furniture, and equipment, that is the subject of paragraph (1) shall, at the discretion of the Secretary, be forfeited to the United States."

"(3) The penalties provided under this title shall be imposed for—

"(A) news gathering, research, or transmission of information, or

"(B) clearly defined educational activities of recognized human rights organizations reasonably limited in frequency and participation."

"(4) The penalties provided under this title shall be imposed only on the record after a finding in accordance with sections 554 and 556, United States Code, with the right to prehearing and a hearing."

"(5) Judicial review of any penalty imposed under this title may be had to the extent provided in section 5, United States Code."

(d) **APPLICABILITY OF PENALTIES.**—Section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as to violations under that Act.

(e) **OFFICE OF FOREIGN ASSETS CONTROL.**—The Secretary of the Treasury shall establish an Office of Foreign Assets Control in Miami to enforce the provisions of this title.

SEC. 1711. DEFINITION.

As used in this title, the terms "United States citizen or alien" and "organization" shall include any United States citizen or alien in the United States, and any organization organized under the laws of the United States.

SEC. 1712. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

TITLE XVIII—FEDERAL ORGANIZATION

Subtitle A—Military

SEC. 1801. RECOGNITION AS CORPORATE CHARTER.

The Military Order of the Sons of the American Revolution, organized under the laws of the United States, as such and is granted a Federal charter.

SEC. 1802. POWERS.

The Military Order of the Sons of the American Revolution, to as the "corporation" shall be organized through its bylaws and

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"(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than \$50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code."

(d) **APPLICABILITY OF PENALTIES.**—The penalties set forth in section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as such penalties apply to violations under that Act.

(e) **OFFICE OF FOREIGN ASSETS CONTROL.**—The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this title.

22 USC 6010.

SEC. 1711. DEFINITION.

As used in this title, the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

22 USC 6001
note.**SEC. 1712. EFFECTIVE DATE.**

This title shall take effect on the date of the enactment of this Act.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS**Subtitle A—Military Order of the World Wars****SEC. 1801. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.** 36 USC 5001.

The Military Order of the World Wars, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

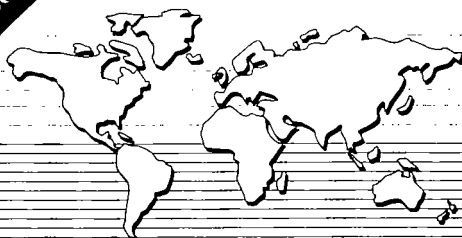
36 USC 5002.

SEC. 1802. POWERS.

The Military Order of the World Wars (in this subtitle referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the



U.S. Department of the Treasury
Office of Foreign Assets Control



CUBA

What You Need To Know About The U.S. Embargo

An overview of the Cuban Assets Control Regulations Title 31 Part 515 of the U.S. Code of Federal Regulations

■ **INTRODUCTION** - The Cuban Assets Control Regulations, 15 CFR Part 515 (the "Regulations") were issued by the U.S. Government on 8 July 1963 under the Trading With the Enemy Act in response to certain hostile actions by the Cuban government. They are still in force today and affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches and subsidiaries of U.S. organizations throughout the world. The Regulations are administered by the U.S. Treasury Department's Office of Foreign Assets Control. The basic goal of the sanctions is to isolate the Cuban government economically and deprive it of U.S. dollars. Criminal penalties for violating the sanctions range up to 10 years in prison, \$1,000,000 in corporate fines, and \$250,000 in individual fines. Civil penalties up to \$55,000 per violation may also be imposed. Please note that the Regulations require those dealing with Cuba to maintain records and, upon request from the U.S. Treasury Department, to furnish information regarding such dealings.

■ **EXPORTING TO CUBA** - Except for publications, other informational materials (such as CDs and works of art), certain donated food, and certain goods licensed for export by the U.S. Department of Commerce (such as medicine and medical supplies, food, and agricultural commodities), no products, technology, or services may be exported from the United States to Cuba, either directly or through third countries, such as Canada or Mexico. This prohibition includes dealing in or assisting the sale of goods or commodities to or from Cuba, even if done entirely offshore. Such brokering is considered to be dealing in property in which Cuba has an interest. Provision of consulting services is also prohibited. Thus, no U.S. citizen or permanent resident alien, wherever located, and no foreign subsidiary or branch of a U.S. organization may export products, technology, or services to Cuba or to any Cuban national, wherever they may be located, or broker the sale of goods or commodities to or from Cuba or any Cuban national.

The Commerce Department may authorize the sale and export of food and agricultural commodities (including fertilizers, seeds, pesticides, insecticides, and herbicides) to independent nongovernmental entities (including religious groups and private sector undertakings such as family restaurants and private farmers) in Cuba. Although certain sales may be licensed, U.S. banks are not authorized to provide trade financing for the transactions.

Section 1705(b) of the Cuban Democracy Act (the "CDA") provides for donations of food to independent non-governmental organizations or individuals in Cuba. Shipments of food can be donated to non-governmental organizations from the U.S. or from third countries without the need for a license from the U.S. government. Under Section 1705(c) of the CDA, exports of medicines and medical supplies are allowed, but require a license issued by the U.S. Commerce Department. The Act specifically provides that payments to Cuba involving telecommunications may be

made pursuant to specific license. In the mid-1970s, Section 515.559 was added to the Regulations to allow OFAC to license foreign subsidiaries of U.S. firms to conduct trade in commodities with Cuba so long as several specific criteria were met. Section 1706(a) of the CDA, however, prohibits the issuance of a license that would have been issued pursuant to § 515.559, except where a contract was entered into prior to enactment of the CDA or where the exports at issue are medicines or medical supplies.

Unless otherwise authorized, no vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may enter a U.S. port. The prohibition also applies to vessels which enter only to take on fuel and supplies (bunker), whether from U.S. fuel providers within the port limits or at offshore points, as well as vessels discharging or loading merchandise offshore, by lighter or otherwise. In addition, vessels which enter a port or place in Cuba to engage in the trade of goods or services are prohibited from loading or unloading any freight at any place in the U.S. for 180 days. Prohibited entry does not apply to vessels engaging in trade with Cuba authorized by license or exempt from the Regulations (e.g., vessels carrying donations of food to nongovernmental organizations or individuals).

■ **IMPORTING CUBAN-ORIGIN GOODS OR SERVICES** - Goods or services of Cuban origin may not be imported into the United States either directly or through third countries, such as Canada or Mexico. The only exceptions are: \$100 worth of Cuban merchandise which may be brought into the United States as accompanied baggage by authorized travelers arriving from Cuba; publications, artwork, or other informational materials; merchandise other than tobacco or alcohol and not in commercial quantities carried as accompanied baggage by foreign persons legally entering the United States; and merchandise for which a specific license has been received.

■ **TRANSACTIONS INVOLVING PROPERTY IN WHICH CUBA OR A CUBAN NATIONAL HAS AN INTEREST** - In addition to the prohibitions on exports to and imports from Cuba, the Regulations prohibit any person subject to U.S. jurisdiction from dealing in any property in which Cuba or a Cuban national has an interest. Under the Regulations, "property" includes but is not limited to contracts and services. For example, unless otherwise authorized, persons subject to U.S. jurisdiction (including U.S. overseas subsidiaries) may not purchase Cuban cigars in Mexico; may not sign a contract with a U.K. firm if the contract terms include Cuba-related provisions (even if those provisions are contingent upon the lifting of the embargo); and may not provide accounting, marketing, sales, or insurance services to a Cuban company or to a foreign company with respect to the foreign company's Cuba-related business.

■ **SPECIALLY DESIGNATED NATIONALS** - The Regulations prohibit buying from or selling to Cuban nationals whether they are physically located on the island of Cuba or doing business elsewhere on behalf of

Cuba. Individuals or organizations who act on behalf of Cuba anywhere in the world are considered by the U.S. Treasury Department to be "Specially Designated Nationals" of Cuba. A non-exhaustive list of their names is published in the Federal Register, an official publication of the U.S. Government. This list may be obtained by calling the Office of Foreign Assets Control at 202/622-2490. The listing, however, is a partial one and any individual or organization subject to U.S. jurisdiction engaging in transactions with foreign nationals must take reasonable care to make certain that such foreign nationals are not acting on behalf of Cuba. Individuals and organizations subject to U.S. jurisdiction who violate the Regulations by transacting business with Specially Designated Nationals of Cuba are subject to criminal prosecution or civil monetary penalties.

■ ACCOUNTS AND ASSETS - There is a total freeze on Cuban assets, both governmental and private, and on financial dealings with Cuba; all property of Cuba, of Cuban nationals, and of Specially Designated Nationals of Cuba in the possession or control of persons subject to U.S. jurisdiction is "blocked." Any property in which Cuba has an interest which comes into the United States or into the possession or control of persons subject to U.S. jurisdiction is automatically blocked by operation of law. Banks receiving unlicensed wire transfer instructions in which there is a Cuban interest, or any instrument in which there is a Cuban interest, must freeze the funds on their own books or block the instrument, regardless of origin or destination. "Suspense accounts" are not permitted. Blocking imposes a complete prohibition against transfers or transactions of any kind. No payments, transfers, withdrawals, or other dealings may take place with regard to blocked property unless authorized by the Treasury Department. Banks are permitted to take normal service charges. Blocked deposits of funds must be interest-bearing. "Set-offs" are not allowed.

Persons subject to U.S. jurisdiction are required to exercise extreme caution in order not to knowingly involve themselves in unlicensed transactions in which Cuba has an interest. Except as authorized, no bank in the U.S. or overseas branch or subsidiary of a U.S. bank may advise a letter of credit involving Cuba nor may it process documents referencing Cuba. All such "property" must be blocked as soon as it comes within the bank's possession or control. All persons in possession of blocked property are required to register with the Office of Foreign Assets Control. Persons subject to U.S. jurisdiction who engage in any commercial dealings that involve unauthorized trade with Cuba, either directly or indirectly, risk substantial monetary penalties and criminal prosecution.

■ SENDING GIFTS - Gift parcels may be sent or carried by an authorized traveler to an individual or to a religious, charitable, or educational organization in Cuba for the use of the recipient or of the recipient's immediate family (and not for resale), subject to the following limitations: the combined total domestic retail value of all items in the parcel must not exceed \$200 (with the exception of donations of food, which are not so restricted); not more than one parcel may be sent or given by the same person in the U.S. to the same recipient in Cuba in any one calendar month; and the content must be limited to food, vitamins, seeds, medicines, medical supplies and devices, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, soap-making equipment, or certain radio equipment and batteries for such equipment. Organizations that consolidate and send multiple gift parcels in single shipments must obtain a validated license from the U.S. Department of Commerce. Each gift parcel in the single shipment must meet commodity, dollar-value, and frequency limitations. If a parcel being shipped or carried to Cuba fails to meet these standards, it is subject to seizure by the U.S. Government.

■ CUBA-RELATED TRAVEL TRANSACTIONS - Only persons whose travel falls into the categories discussed below are authorized to spend money related to travel to, from, or within Cuba. Persons licensed to engage in travel-related transactions in Cuba may spend up to the State Department Travel *Per Diem* Allowance for Havana, Cuba (currently \$183 per day) for purchases directly related to travel in Cuba, such as hotel accommodations, meals, local transportation, and goods personally used by the traveler in Cuba (travelers can check the current *per diem* rate on the Internet at <<<http://www.state.gov/www/perdiems/index.html>>>). Most licensed travelers may also spend additional money for transactions directly related to the activities for which they received their license. For example, journalists traveling in Cuba under the journalism general license

(described below) may spend money over and above the current *per diem* for extensive local transportation, the hiring of cable layers, and other costs that are directly related to covering a story in Cuba. Licensed travelers may also spend an additional \$100 on the purchase of Cuban merchandise to be brought back with them to the United States as accompanied baggage, but this \$100 authorization may be used only once in any 6-month period. Purchases of services unrelated to travel or a licensed activity, such as non-emergency medical services, are prohibited. The purchase of publications and other informational materials is not restricted.

General license: The following categories of travelers are permitted to spend money for Cuban travel and to engage in other transactions directly incident to the purpose of their travel under a general license without the need to obtain special permission from the U.S. Treasury Department:

- ✓ Official Government Travelers--U.S. and foreign government officials, including representatives of international organizations of which the United States is a member, who are traveling on official business.
- ✓ Persons regularly employed as journalists by a news reporting organization and persons regularly employed as supporting broadcast or technical personnel who travel to Cuba to engage in journalistic activities.
- ✓ Persons who are traveling to visit close relatives in Cuba in circumstances of humanitarian need. This authorization is valid without a specific license from the Office of Foreign Assets Control only once every twelve months. Persons traveling under this general license may not spend money on transactions that will cause them to exceed the current *per diem* allowance.
- ✓ Full-time professionals whose travel transactions are directly related to professional research in their professional areas, provided that their research (1) is of a noncommercial, academic nature; (2) comprises a full work schedule in Cuba; and (3) has a substantial likelihood of public dissemination.
- ✓ Full-time professionals whose travel transactions are directly related to attendance at professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it has been specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any biotechnological products.
- ✓ Amateur or semi-professional athletes or teams traveling to participate in Cuba in an athletic competition held under the auspices of the relevant international sports federation. The athletes must have been selected for the competition by the relevant U.S. sports federation, and the competition must be one that is open for attendance, and in relevant situations participation, by the Cuban public.

Specific licenses for educational institutions: Specific licenses authorizing travel transactions related to certain educational activities by any students or employees affiliated with a licensed academic institution may be issued by the Office of Foreign Assets Control. Such licenses are only available to U.S. academic institutions accredited by an appropriate national or regional accrediting association, and such licenses must be renewed after a period of two years. Once an academic institution has applied for and received such a specific license, the following categories of travelers affiliated with that academic institution are authorized to engage in travel-related transactions incident to the following activities without seeking further authorization from the Office of Foreign Assets Control:

- ✓ Undergraduate or graduate students participating in a structured educational program as part of a course offered at a licensed college or university. Students planning to engage in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, 2) that the student is enrolled in an undergraduate or graduate degree program at the institution, and 3) that the travel is part of an educational program of the institution.
- ✓ Persons doing noncommercial Cuba-related academic research in

Cuba for the purpose of qualifying academically as a professional (e.g., research toward a graduate degree). Students planning to engage in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, 2) that the student is enrolled in a graduate degree program at the institution, and 3) that the Cuban research will be accepted for credit toward that graduate degree.

- ✓ Undergraduate or graduate students participating in a formal course of study at a Cuban academic institution, provided the Cuban study will be accepted for credit toward a degree at the licensed U.S. institution. A student planning to engage in such transactions must carry a letter from the licensed U.S. institution stating 1) the institution's license number, 2) that the student is currently enrolled in an undergraduate or graduate degree program at the institution, and 3) that the Cuban study will be accepted for credit toward that degree.
- ✓ Persons regularly employed in a teaching capacity at a licensed college or university who plan to teach part or all of an academic program at a Cuban academic institution. An individual planning to engage in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, and 2) that the individual is regularly employed by the licensed institution in a teaching capacity.
- ✓ Cuban scholars teaching or engaging in other scholarly activities at a licensed college or university in the United States. Licensed institutions may sponsor such Cuban scholars, including payment of a stipend or salary.
- ✓ Secondary school students participating in educational exchanges sponsored by Cuban or U.S. secondary schools and involving the students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. A reasonable number of adult chaperones may accompany the students to Cuba. A secondary school group planning to engage in such transactions in Cuba must carry a letter from the licensed secondary school sponsoring the trip stating 1) the school's license number, and 2) the list of names of all persons traveling with the group.
- ✓ Full-time employees of a licensed institution organizing or preparing for the educational activities described above. An individual engaging in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, and 2) that the individual is regularly employed there.

Specific licenses for religious organizations: Specific licenses authorizing travel transactions related to religious activities by any individuals or groups affiliated with a religious organization may be issued by the Office of Foreign Assets Control. Such licenses are only available to religious organizations located in the United States, and such licenses must be renewed after a period of two years. Once a religious organization has applied for and received such a specific license, travelers affiliated with that religious organization are authorized to engage in travel-related transactions incident to a full-time program of religious activities in Cuba under the auspices of the licensed religious organization without seeking further authorization from the Office of Foreign Assets Control. Individuals planning to engage in such transactions must carry a letter from the licensed religious organization stating 1) the organization's license number, 2) that they are affiliated with the licensed organization, and 3) that they are traveling to Cuba to engage in religious activities under the auspices of the licensed organization.

Other specific licenses: Specific licenses may be issued by the Office of Foreign Assets Control on a case-by-case basis authorizing travel transactions by the following categories of persons in connection with the following activities:

- ✓ Humanitarian Travel - (1) persons, and persons traveling with them who share a common dwelling with them, traveling to Cuba more than once in a twelve-month period to visit close relatives in cases involving humanitarian need; (2) persons traveling to Cuba to accompany licensed humanitarian donations (other than gift parcels) or exempt donations of food; (3) persons traveling in connection with activities of recognized human rights organizations investigating specific human rights violations; and (4) persons whose travel transactions are directly related to certain humanitarian projects in or related to Cuba that are designed to directly benefit the Cuban people. Licenses authorizing transactions for multiple trips over an extended period of time are available for travel under (3) and (4) above.

- ✓ Free-Lance Journalism - Persons with a suitable record of publication who are traveling to Cuba to do research for a free-lance article. Licenses authorizing transactions for multiple trips over an extended period of time are available for applicants demonstrating a significant record of free-lance journalism.
- ✓ Professional Research and Professional Meetings - Persons traveling to Cuba to do professional research or to attend a professional meeting that does not meet the requirements of the relevant general license (described above). Licenses authorizing transactions for multiple trips over an extended period of time are available.
- ✓ Educational Activities - Persons traveling to engage in educational activities that are not authorized pursuant to an academic institution's specific license, including educational exchanges not involving academic study pursuant to a degree program when those exchanges take place under the auspices of an organization that sponsors and organizes such programs to promote people-to-people contact.
- ✓ Religious Activities - Persons traveling to Cuba to engage in religious activities that are not authorized pursuant to a religious organization's specific license. Licenses authorizing transactions for multiple trips over an extended period of time are available.
- ✓ Public Performances, Clinics, Workshops, Athletic and Other Competitions, and Exhibitions - Persons traveling to participate in a public performance, clinic, workshop, athletic or other competition (that does not meet the requirements of the general license described above), or exhibition. The event must be open for attendance, and in relevant situations participation, by the Cuban public, and all profits from the event after costs must be donated to an independent nongovernmental organization in Cuba or a U.S.-based charity, with the objective, to the extent possible, of promoting people-to-people contacts or otherwise benefitting the Cuban people.
- ✓ Activities of Private Foundations or Research or Educational Institutions - Persons traveling to Cuba on behalf of private foundations or research or educational institutes that have an established interest in international relations to collect information related to Cuba for noncommercial purposes. Licenses authorizing transactions for multiple trips over an extended period of time are available.
- ✓ Exportation, Importation, or Transmission of Information or Informational Materials - Persons traveling to engage in activities directly related to the exportation, importation, or transmission of information or informational materials.
- ✓ Licensed Exportation - Persons traveling to Cuba to engage in activities directly related to marketing, sales negotiation, accompanied delivery, or servicing of exports of health care products or other exports that may be considered for authorization under existing Department of Commerce regulations and guidelines with respect to Cuba or engaged in by U.S.-owned or -controlled foreign firms.

Applying for a specific license: Persons wishing to travel to Cuba under a specific license should send a letter specifying the details of the proposed travel, including any accompanying documentation, to Steven Pinter, Chief of Licensing, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Academic institutions wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and establishing that the institution is accredited by an appropriate national or regional accrediting association. Religious organizations wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and setting forth examples or religious activities to be undertaken in Cuba.

Provision of travel services: U.S. travel service providers, such as travel agents and tour operators, who handle travel arrangements to, from, or within Cuba must hold special authorizations from the Office of Foreign Assets Control to engage in such activities. These authorizations are issued based on written applications from the service providers, subject to appropriate checks by the Treasury Department. A traveler should not use any travel service provider that does not hold valid Treasury authorization. If in doubt about the status of a service provider's authorization, travelers should call the Office of Foreign Assets Control at 305/810-5140. Only carrier service providers that have been authorized by OFAC may operate direct humanitarian passenger charter flights between Miami and Havana.

Unauthorized travel-related transactions: Unless otherwise exempted or authorized, any person subject to U.S. jurisdiction who engages in any travel-related transaction in Cuba violates the Regulations. Persons not licensed to engage in travel-related transactions may travel to Cuba without violating the Regulations only if all Cuba-related expenses are covered by a person not subject to U.S. jurisdiction and provided that the traveler does not provide any service to Cuba or a Cuban national. Such travel is called "fully-hosted" travel. Travel to Cuba may be considered fully hosted even if the traveler pays for a plane ticket provided that the travel is not aboard a Cuban carrier. Travel to Cuba is not fully hosted if a person subject to U.S. jurisdiction pays--before, during, or after the travel--any expenses relating to the travel, including travel to Cuba on a Cuban carrier, even if the payment is made to a third-country person or entity that is not subject to U.S. jurisdiction. Examples of costs commonly incurred by persons traveling to, from, and within Cuba are expenses for meals, lodging, transportation, bunkering of vessels or aircraft, visas, entry or exit fees, and gratuities. Fully-hosted travel to and from Cuba cannot be aboard a direct flight between the United States and Cuba. The authorization for licensed travelers to purchase and return to the United States with \$100 worth of Cuban merchandise does not apply to fully-hosted travelers.

Any person subject to U.S. jurisdiction determined to have traveled to Cuba without an OFAC general or specific license is presumed to have engaged in prohibited travel-related transactions. In order to overcome this presumption, any traveler who claims to have been fully hosted or not to have engaged in any travel-related transactions may be asked by Federal enforcement agencies to provide a signed explanatory statement accompanied by any relevant supporting documentation.

■ SENDING OR CARRYING MONEY TO CUBA - U.S. persons aged 18 or older may send to the household of any individual in Cuba "individual-to-household" cash remittances of up to \$300 per household in any consecutive three-month period, provided that no member of the household is a senior-level Cuban government or senior-level Cuban communist party official.

U.S. persons aged 18 or older may send to the household of any close relative of the remitter or the remitter's spouse "family" cash remittances of up to \$300 per household in any consecutive three-month period. No more than a combined total of \$300 of individual-to-household and family remittances may be sent by a remitter to any one household in any consecutive three-month period, regardless of the number of close relatives or other persons residing in that household. A close relative means a spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, or spouse, widow, or widower of any of those people.

U.S. persons also may send up to \$1,000 per payee on a one-time basis as an "emigration-related" remittance to a Cuban national to enable the payee to emigrate from Cuba to the United States. Specifically, up to \$500 may be remitted to a Cuban national prior to the payee's receipt of a valid U.S. visa or other U.S. immigration document, and up to \$500 may be remitted to the Cuban national after the payee receives a valid U.S. visa or other U.S. immigration document.

Remittances may be transferred through a financial institution or through an OFAC-licensed remittance forwarder. Service providers, including financial institutions originating transfers on behalf of non-aggregating customers, must obtain an affidavit from the remitter certifying that each individual-to-household and family remittance does not exceed \$300 in any consecutive three month period and that each emigration-related remittance meets the requirements of the Regulations (see TD F 90-22.52 on last page of brochure). Remitters can expect to have their identity, date of birth, address, and telephone number verified.

Persons licensed to engage in travel-related transactions (this does not include fully-hosted travelers) may carry their own remittances, provided that they may carry no more than a combined total of \$300 of individual-to-household and family remittances, and provided that no emigration-related remittances may be carried before the payee has received a valid U.S. visa

or other immigration document and the traveler can supply the visa number and the date of issuance.

Specific licenses may be issued on a case-by-case basis authorizing remittances:

- ✓ to independent nongovernmental organizations in Cuba;
- ✓ by Cuban scholars authorized to teach or engage in scholarly activity at a U.S. college or university who wish to repatriate earnings in excess of \$300;
- ✓ to households of Cuban nationals living outside of Cuba in excess of \$300 per quarter from blocked accounts; or
- ✓ to individuals in Cuba to facilitate their non-immigrant travel to the United States under circumstances where humanitarian need is demonstrated, including illness or medical emergency.

■ FAIR BUSINESS PRACTICES - Anyone authorized by the U.S. Department of the Treasury to provide Cuban travel services or services in connection with sending money to Cuba is prohibited from participating in discriminatory practices of the Cuban government against individuals or particular classes of travelers. The assessment of consular fees by the Cuban government, which are applicable worldwide, is not considered to be a discriminatory practice. However, requiring the purchase of services not desired by the traveler is not permitted. Persons wishing to provide information on such activities should call 305/810-5170. All information regarding arbitrary fees, payments for unauthorized purposes, or other possible violations furnished to the U.S. Treasury Department will be handled confidentially.

■ ESTATES AND SAFE DEPOSIT BOXES - An estate becomes blocked whenever a Cuban national is an heir or is the deceased; money from a life insurance policy is blocked whenever the deceased is a Cuban resident. The heir of a person who died in Cuba, or the beneficiary of a life insurance policy of a person who died in Cuba, may apply for a license from the Office of Foreign Assets Control to unblock the estate or insurance proceeds. Persons administering or interested in a blocked estate should contact the Office of Foreign Assets Control at 202/622-2480 for more information. A safe-deposit box is blocked whenever a Cuban has an interest in the property contained in the box. Access to a blocked safe deposit box for inventory purposes may be granted under certain conditions, but the contents of the box remain blocked and may not be removed without the permission of the Office of Foreign Assets Control.

■ PAYMENTS FOR OVERFLIGHTS - Private and commercial aviators must obtain a specific license authorizing payments for overflight charges to Cuba. Banks will ask to see the originals of such licenses before executing transfers and keep a copy for their files. Such transfers must be in a currency other than U.S. dollars.

If you have information regarding possible violations of the Cuban Assets Control Regulations, please call the Office of Foreign Assets Control at 305/810-5170. Your call will be handled confidentially.



CUBAN REMITTANCE AFFIDAVIT

This affidavit is to be completed by the remitter pursuant to the Cuban Assets Control Regulations, 31CFR Part 515, under the Trading with the Enemy Act, 50 U.S.C. App. 1-44, and the Cuban Liberty and Democratic Solidarity Act, 22 U.S.C. 6001-6010. It is to be submitted to the remittance carrier for presentation and kept on file for five years subject to audit by the U.S. Department of the Treasury.

Esta declaración jurada tiene que ser llenada por el remitente, en conformidad con el "Control y Regulaciones de Remesas Cubanas", 31 CFR Parte 515, bajo la Ley Sobre Comercio con el Enemigo, 50 U.S.C. App. 1-44, y bajo la Ley Relativa a Cuba Sobre la Libertad y la Solidaridad Democrática, 22 U.S.C. 6001-6010. Dicha declaración jurada debe ser presentada a la agencia remite y mantenerse en los archivos por cinco años y esta sujeta a auditoría por el Departamento del Tesoro de los EE.UU.

I, _____, **DECLARE AND STATE THAT**

(Print name)

THE FOLLOWING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

YO, _____, **DECLARO, Y AFIRMO QUE,**

(Escriba nombre en letra de imprenta)

AMI COMEXIMENTO LO SIGUIENTE ES VERIDICO Y CORRECTO.

IMMIGRATION REMITTANCE

1. I understand that I may send two \$500 immigration remittances per payee to enable the payee to emigrate to the United States. Only one of these remittances may be sent before the payee has received a valid visa from the U.S. State Department. I certify that no such immigration remittance, in this process, will be greater than \$500.

Name of Payee: _____

Payee's Date of Birth: _____

2. I am sending more than \$500 OR I have already sent a previous immigration remittance to this payee. I certify that the payee has received an immigration visa from the U.S. State Department as follows:

Number of Payee's Visa: _____

Date of Payee's Visa: _____

REMESA DE EMIGRACION

1. Entiendo que yo puedo enviar dos remesas de emigración de US\$500 por beneficiario para ayudarle a emigrar a los EE.UU. Solo una de estas remesas puede ser enviada antes de que el beneficiario haya recibido una visa válida del Departamento del Estado de los EE.UU. Yo afirmo que el total de las remesas de emigración a este beneficiario no será mayor de US\$500.

Nombre del beneficiario: _____

Fecha de Nacimiento del beneficiario: _____

2. Estoy enviando más de US\$500 o ya he enviado una remesa de emigración previa a este beneficiario. Yo afirmo que el beneficiario ha recibido del Departamento del Estado de los Estados Unidos la visa de emigración siguiente:

Número de Visa del beneficiario: _____

Fecha de Visa del beneficiario: _____

PERSONAL REMITTANCE

I understand that I may send up to \$500 per payee's household in a 3-month period provided that no member of that household is a member of Cuban government or Communist party official. The total combined amount of Personal and Family Remittances I send may not exceed \$500 per payee's household in a 3-month period. I certify that I am 18 or older, that no member of the payee's household is a member of Cuban government or Communist party official, and that the payment will not exceed the combined Personal and Family Remittance limit of \$500 per payee's household in a 3-month period.

REMESA PERSONAL

Entiendo que puedo enviar hasta US\$500 por hogar de beneficiario en un período de tres meses siempre y cuando ningún miembro del hogar del beneficiario sea oficial miembro del gobierno de Cuba o un oficial mayor del partido comunista. La cantidad total de Remesas Familiar y Personal combinadas que envío no debe exceder los US\$500 por hogar de beneficiario en un período de tres meses. Yo afirmo que soy mayor de 18 años y que ningún miembro del hogar del beneficiario es oficial mayor del gobierno de Cuba o un oficial mayor del partido comunista y que este pago no excederá la cantidad total de Remesa Familiar y Personal combinadas de US\$500 por hogar de beneficiario en un período de tres meses.

FAMILY REMITTANCE

I understand that I may send up to \$500 per payee's household in a 3-month period to any household inhabited by my (or my relative's) or those of my spouse for their support. The total combined amount of Personal and Family Remittances I send may not exceed \$500 per payee's household in a 3-month period. I certify that I am 18 or older and that this payment will not exceed the combined Personal and Family Remittance limit of \$500 per payee's household in a 3-month period.

Name of Payee: _____

Payee's Address: _____

REMESA FAMILIAR

Entiendo que yo puedo enviar hasta US\$500 por hogar de beneficiario en un período de tres meses para mantener a cualquier hogar en el cual habitan mis familiares o aquellos de mi esposa(o). La cantidad total de Remesas Familiar y Personal combinadas que envío no debe exceder los US\$500 por hogar de beneficiario en un período de tres meses. Yo afirmo que soy mayor de 18 años y que este pago no excederá la cantidad total de Remesa Familiar y Personal combinadas de US\$500 por hogar de beneficiario en un período de tres meses.

Nombre del Beneficiario: _____

Dirección del Beneficiario: _____

SIGNATURE OF REMITTER (FAMILIAR REMITTANCE)

Street Address (Dirección): _____

City, State and Zip Code (Ciudad, Estado, Zona Postal): _____

Telephone Number (Número de Teléfono): _____

Mother's Maiden Name (Apellido de soltera de su madre): _____

Date of birth of remitter (Fecha de nacimiento del remitente): _____

Witnessed by employer of remitting agency (Forma de Testigo del Empleador de la Agencia Remite)

Signature (Firma): _____

Name of Remitting Agency (Nombre de la Agencia Remite): _____

Date (Fecha): _____

ID F90-22.52

Form TD F 90-22.52 is available at OFAC's Internet site, <<<http://www.treas.gov/ofac>>> , and on OFAC's fax-on-demand service at 202/622-0077.

This document is explanatory only and does not have the force of law. The statutes, Executive Orders, and implementing regulations relating to Cuba contain the legally binding provisions governing the sanctions and this document does not supplement or modify those statutes, Executive Orders, or regulations.

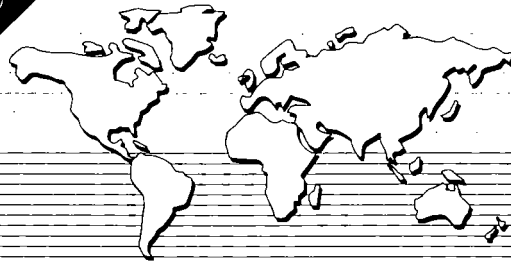
The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving Iraq, Libya, the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, North Korea, the National Union for the Total Independence of Angola (UNITA), the Taliban in Afghanistan, Iran, Syria, Sudan, Burma (Myanmar), Foreign Terrorist Organizations, designated terrorists and narcotics traffickers, and designated foreign persons who have engaged in activities related to the proliferation of weapons of mass destruction. For additional information about these programs or about the Cuban sanctions program, please contact the:

OFFICE OF FOREIGN ASSETS CONTROL
 U.S. Department of the Treasury
 Washington, D.C. & Miami, Florida
 202-622-2520 / 305-810-5140
 <<<http://www.treas.gov/ofac>>>

(07-26-99)



U.S. Department of the Treasury
Office of Foreign Assets Control



CUBA

Travel Restrictions

■ **BACKGROUND** - Travel to Cuba is severely restricted under the Cuban Assets Control Regulations (the "Regulations") promulgated under The Trading With The Enemy Act. Under these Regulations, spending money relating to Cuban travel is prohibited unless the traveler is licensed. The restrictions include spending money (in any currency) whether travelers go directly to Cuba or via a third country and providing services of any kind to Cuba or a Cuban national. Any foreign person in the United States, is subject to these restrictions while physically present in the United States. Criminal penalties for violating the Regulations, which are enforced by the Department of the Treasury, Office of Foreign Assets Control ("OFAC"), range up to 10 years in prison, \$1,000,000 in corporate and \$250,000 in individual fines. Civil penalties up to \$55,000 per violation may also be imposed.

■ **WHO CAN GO** - The following travelers are authorized, under OFAC general license, to engage in travel transactions while in Cuba:

- ❑ **Journalists and support broadcasting or technical personnel** (regularly employed in that capacity by a news reporting organization and traveling for journalistic activities);
- ❑ **Official government travelers** (traveling on official business);
- ❑ **Members of international organizations** of which the United States is also a member (traveling on official business);
- ❑ **Persons traveling once a year** to visit close relatives in circumstances of **humanitarian need** (additional trips within one year will need an OFAC specific license);
- ❑ **Travelers who have received specific licenses from OFAC prior** to going.
- ❑ **Full-time professionals** whose travel transactions are directly related to **professional research** in their professional areas, provided that their research: (1) is of a noncommercial academic nature, (2) comprises a full work schedule in Cuba, and (3) has a substantial likelihood of public dissemination.
- ❑ **Full-time professionals** whose travel transactions are directly related to attendance at **professional meetings or conferences** in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it is specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any biotechnological products; and
- ❑ **Amateur or semi-professional athletes** or teams traveling to Cuba to participate in an athletic competition held under the auspices of the relevant international sports federation. The athletes must have been selected for the competition by the relevant U.S. sports federation, and the competition must be one that is open for attendance, and in relevant situations, participation, by the Cuban public.

■ **SPECIFIC LICENSES FOR EDUCATIONAL INSTITUTIONS** - Specific licenses may be issued by OFAC to authorize travel transactions related to certain educational activities by students or employees affiliated with a licensed academic institution. Such licenses are only available to U.S. academic institutions accredited by an appropriate national or regional accrediting association, and such licenses must be renewed after a period of two years. Once an academic institution has applied for and received such a specific license, the following categories of travelers affiliated with that academic institution are authorized to engage in travel-related transactions incident to the following activities without seeking further authorization from OFAC:

- ❑ **Undergraduate or graduate students participating in a structured educational program** as part of a course offered at an accredited United States college or university. Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is enrolled in an undergraduate or a graduate degree program at the institution, and (3) that the travel is part of an educational program of the institution;
- ❑ **Persons doing noncommercial Cuba-related academic research in Cuba for the purpose of qualifying academically as a professional** (e.g. research towards a graduate degree). Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is enrolled in a graduate degree program at the institution, and (3) that the Cuba research will be accepted for credit toward that graduate degree;
- ❑ **Undergraduate or graduate students participating in a formal course of study at a Cuban academic institution**, provided the Cuban study will be accepted for credit toward a degree at the licensed U.S. institution. A student planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is currently enrolled in an undergraduate or graduate degree program at the institution, and (3) that the Cuban study will be accepted for credit toward that degree.
- ❑ **Persons regularly employed in a teaching capacity at a licensed college or university who plan to teach part or all of an academic program at a Cuban academic institution.** An individual planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, and (2) that the individual is regularly employed by the licensed institution in a teaching capacity.
- ❑ **Cuban scholars** teaching or engaging in other scholarly activities at a licensed college or university in the United States. Licensed institutions may sponsor such Cuban scholars, including payment of a stipend or salary.
- ❑ **Secondary school students** participating in educational exchanges sponsored by Cuban or U.S. secondary schools and involving the students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. A reasonable number of adult chaperons may accompany the students to Cuba. A secondary school group planning

to engage in such transactions in Cuba must carry a letter from the licensed secondary school sponsoring the trip stating: (1) the school's license number, and (2) the list of the names of all persons traveling with the group.

□ Full-time employees of a licensed institution **organizing or preparing** for the educational activities described above. An individual engaging in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, and (2) that the individual is regularly employed by the institution.

■ **SPECIFIC LICENSES FOR RELIGIOUS ORGANIZATIONS** - Specific licenses authorizing travel transactions related to religious activities by individuals or groups affiliated with a religious organization may be issued by OFAC. Such licenses are only available to religious organizations located in the United States, and such licenses must be renewed after a period of two years. Once a religious organization has applied for and received such a specific license, travelers affiliated with that religious organization are authorized to engage in travel-related transactions incident to a full-time program of religious activities in Cuba under the auspices of the licensed religious organization without seeking further authorization from OFAC. Individuals planning to engage in such transactions must carry a letter from the licensed religious organization stating: (1) the organization's license number, (2) that they are affiliated with the licensed organization, and (3) that they are traveling to Cuba to engage in religious activities under the auspices of the licensed organization.

■ **OTHER TRAVELERS** - All other travelers who wish to engage in travel-related transactions with Cuba must seek a specific license from OFAC. Such applications will be evaluated on a case-by-case basis. Licenses for pleasure travel to Cuba will not be considered.

■ **HOW MUCH MONEY MAY BE SPENT WHILE IN CUBA** - Only authorized travelers, as listed above, may spend up to \$183 per day for their living expenses while in Cuba. This includes, but is not limited to, expenditures for lodging, transportation and meals. Please see <<<http://www.state.gov/www/perdiems/index.html>>> for up-to-date changes in the *per diem*. You should also be aware that certain travelers may carry additional funds as necessary to engage in the activities for which they are licensed to travel.

■ **WHAT CAN BE BROUGHT BACK** - The above listed travelers may reenter the United States with up to \$100 of Cuban origin goods for personal use, such as cigars and rum. [Section 515.560(c)(3) of the Regulations]. If unauthorized U.S. travelers return from Cuba with Cuban origin goods, such goods, with the exception of informational materials, may be seized at Customs' discretion. [Section 515.204 of the Regulations]. There are no limits on the import or export of informational materials. [Section 515.206 of the Regulations]. Such materials are statutorily exempt from regulation under the embargo and such items as books, films, tapes and CDs may be transported freely. However, blank tapes and CDs are not considered informational materials and may be seized.

■ **VESSELS** - All persons on board vessels, including the owner, must be an authorized traveler, as listed above, to engage in travel transactions in Cuba. If you are not an authorized traveler, you may **not** purchase meals, pay for transportation, lodging, dockage or mooring fees, cruising fees, visas, entry or exit fees and you may not bring any Cuban origin goods back to the United States. Any payment to

the Marina Hemingway International Yacht Club is considered a prohibited payment to a Cuban national and therefore in violation of the Regulations. Vessel owners are prohibited from carrying travelers to Cuba who pay them for passage if the owner does not have a specific license from OFAC authorizing him to be a Service Provider to Cuba.

■ **FULLY HOSTED TRAVELERS** - Fully-hosted or fully-sponsored travelers may travel to Cuba without contacting OFAC if the traveler's Cuba-related expenses are covered by a person not subject to U.S. jurisdiction. Travel to Cuba is not fully hosted or fully sponsored if a person subject to U.S. jurisdiction pays--before, during, or after the travel--any expenses related to the travel, including travel to Cuba on a Cuban carrier, even if the payment is made to a third-country person or entity that is not subject to U.S. jurisdiction. Examples of costs commonly incurred by travelers to and in Cuba are for meals, lodging, transportation, bunkering of vessels or aircraft, visas, entry or exit fees, and gratuities. In addition, fully-hosted travel to and from Cuba cannot be aboard a direct flight between the United States and Cuba. Travelers whose expenses are covered by a person not subject to U.S. jurisdiction may not bring back any Cuban origin goods, except for informational materials. [see Note to Section 515.420(c) of the Regulations]. Importation of gifts received in Cuba by a fully-hosted traveler may be licensed by OFAC provided the gift is of small value and represents no commercial benefit to Cuba. Customs will detain gifts, pending the outcome of an OFAC license application. Before a licensing determination can be made, all facts surrounding the receipt of the gift must be reviewed. [Section 515.544 of the Regulations].

Any person subject to U.S. jurisdiction determined to have traveled to Cuba without an OFAC general or specific license is presumed to have engaged in prohibited travel-related transactions. In order to overcome this presumption, any traveler who claims to have been fully hosted or fully sponsored or not to have engaged in any travel-related transactions may be asked by Federal enforcement agencies to provide a signed explanatory statement, accompanied by any relevant supporting documentation. Fully-hosted travelers are also prohibited from providing any services to Cuba or to Cuban nationals.

■ **EMERGENCIES** - In case of emergencies requiring financial transactions such as emergency repair of vessels or medical treatment, travelers are urged to contact OFAC at (202)622-2480, to discuss necessary authorizations.

■ **HUMANITARIAN DONATIONS** - There is joint OFAC and Commerce Department ("USDOC") administration over export of gift parcels and humanitarian goods to Cuba to meet basic human needs. If an export is licensed by USDOC, OFAC authorizes financial and other transactions related to that export. Pursuant to the Cuban Democracy Act, donations of food and vitamins to an individual or non-governmental organization may not be restricted. However, the export of medicines and medical supplies must be specifically licensed by USDOC prior to departure. Gift parcels to individuals or non-governmental organizations may be exported under USDOC "General License GIFT" without prior written government approval. [Section 740.12 of the Export Administration Regulations]. The combined content must be valued below \$200, may contain only items for personal use, and may not be for resale. Gift packages may include only the following items: Food, vitamins, seeds, medicines, medical supplies and devices, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, soap making equipment, and certain radio equipment and batteries for such equipment.

This document is explanatory only and does not have the force of law. The statutes, Executive Orders, and implementing regulations relating to Cuba contain the legally binding provisions governing the sanctions and this document does not supplement or modify those statutes, Executive Orders, or regulations. The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving Iraq, Libya, the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, North Korea, the National Union for the Total Independence of Angola (UNITA), the Taliban in Afghanistan, Iran, Syria, Sudan, Burma (Myanmar), Foreign Terrorist Organizations, designated terrorists and narcotics traffickers, and designated foreign persons who have engaged in activities related to the proliferation of weapons of mass destruction. For additional information about these programs or about the Cuban sanctions program, please contact the:

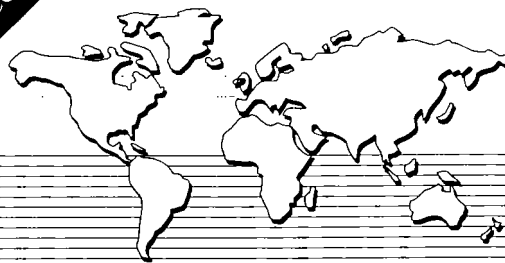
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U.S. Department of the Treasury
Office of Foreign Assets Control



CUBA

Restricciones de Viajes a Cuba

■ **ANTECEDENTES** - Los viajes a Cuba están severamente restringidos bajo las Regulaciones del Control de Activos Cubanos (las "Regulaciones") promulgadas bajo el Acto de Comercializar con el Enemigo. Bajo estas regulaciones, cualquier gasto de dinero relacionado con viajes a Cuba está prohibido, a menos que la persona que esté viajando tenga una licencia apropiada. Las restricciones incluyen el gasto de dinero (de cualquier moneda), ya sea que la persona que viaje vaya directamente a Cuba o por vía de un tercer país y proporcionando cualquier tipo de servicios a Cuba o a cualquier persona de nacionalidad cubana. Cualquier persona dentro de los Estados Unidos, a pesar de su nacionalidad, está sujeta a estas restricciones. Las sanciones por la violación a las "Regulaciones", que han sido establecidas por la Oficina de Control de Bienes Extranjeros (OFAC) del Departamento de la Tesorería, conllevan una sentencia de hasta 10 años en la cárcel, multas de \$1,000,000 para corporaciones y \$250,000 para particulares. También pueden ser aplicadas sanciones civiles de hasta \$55,000 por cada violación.

■ **QUIENES PUEDEN VIAJAR A CUBA** - Las siguientes personas están autorizadas para viajar a Cuba y tomar parte en transacciones relacionadas con el viaje mientras que estén en Cuba, siempre y cuando tengan las licencias requeridas por la OFAC:

- ☐ **Periodistas y personal de emisión o técnico** (regularmente empleados en esa posición por una organización de reportajes noticieros y viajando por actividades periodísticas);
- ☐ **Oficiales del gobierno** (cuando estén viajando por asuntos oficiales);
- ☐ **Miembros de organizaciones internacionales** de las cuales los EE.UU. sea también un miembro (viajando por asuntos oficiales);
- ☐ **Personas viajando una vez al año** para visitar parientes cercanos en Cuba en circunstancias de **necesidad humanitaria** (para viajes adicionales durante el mismo año se necesitará una licencia específica de la OFAC);
- ☐ **Profesionales cuyos gastos de viajes estén directamente relacionados con investigación profesional** en sus áreas profesionales, siempre y cuando que su investigación: (1) no sea comercial pero si de carácter académico, (2) que incluya un itinerario completo de trabajo en Cuba, y (3) que tenga una gran disposición de ser una diseminación pública;
- ☐ **Profesionales cuyos gastos de viajes estén directamente relacionados con asistencia a reuniones o conferencias profesionales** en Cuba, preparadas por una organización profesional internacional, institución o asociación que regularmente auspicia estas reuniones o conferencias en otros países. La organización, institución o asociación auspiciando la reunión o conferencia no puede tener su casa matriz en los EE.UU. a menos que sea específicamente autorizada para auspiciar la reunión. La razón de dicha reunión o conferencia no puede ser la promoción del turismo en Cuba u otras actividades comerciales relacionadas con Cuba, o fomentar la fabricación de productos biotecnológicos;
- ☐ **Atletas o equipos no profesionales o semi profesionales** viajando a Cuba para participar en una competencia atlética con el auspicio de una federación internacional de deportes. Los atletas deben haber sido seleccionados para competir por la federación correspondiente de EE.UU., y la competencia debe estar abierta para los aficionados, y en situaciones relevantes, la participación del público Cubano.

■ **LICENCIAS ESPECIFICAS PARA INSTITUCIONES EDUCATIVAS** - Las licencias específicas pueden ser emitidas por la OFAC para permitir transacciones de viaje relacionadas con ciertas actividades educativas de estudiantes o empleados afiliados a una institución académica autorizada. Estas licencias sólo están disponibles para instituciones académicas de los EE.UU. acreditadas por una asociación nacional o regional apropiadamente acreditada y estas licencias deben ser renovadas después de un período de dos (2) años. Una vez que una institución académica haya solicitado y recibido esta licencia específica, las siguientes categorías de viajeros afiliados a esa institución académica serán autorizados para tomar parte en transacciones de viaje a Cuba y relacionadas a las siguientes actividades sin solicitar autorización adicional de la OFAC:

- ☐ **Estudiantes universitarios participando en un programa educativo estructurado** que sea parte de un curso ofrecido por una universidad estadounidense acreditada. Los estudiantes planificando tomar parte en debidas transacciones deben portar una carta de la institución autorizada expresando: (1) el número de licencia de la institución, (2) que el estudiante esté registrado en un programa universitario o de postgrado en dicha institución, y (3) que el viaje forme parte de un programa educativo de la misma institución.
- ☐ **Personas haciendo investigación académica no comercial relacionada con Cuba con el propósito de calificar académicamente a un título profesional** (ej. investigación para su título de postgrado). Los estudiantes planificando tomar parte en dichas transacciones deben portar una carta de la institución expresando: (1) el número de licencia de la institución, (2) que el estudiante esté registrado en un programa de postgrado en la institución, y (3) que la investigación acerca de Cuba será aceptada como crédito para el título de postgrado.
- ☐ **Estudiantes universitarios participando en un curso formal de estudios en una institución académica Cubana**, siempre y cuando el estudio en Cuba sea aceptado como crédito para un título en la institución estadounidense autorizada. Un estudiante planificando tomar parte en esas transacciones debe portar una carta de la institución autorizada expresando lo siguiente: (1) el número de licencia de la institución, (2) que el estudiante en ese momento este registrado en un programa universitario en la institución, y (3) que el estudio Cubano será aceptado como crédito para ese título.
- ☐ **Personas regularmente empleadas en calidad de profesor de una universidad autorizada, quienes planifican enseñar parte o todo de un programa académico en una institución académica Cubana**. Un individuo planificando tomar parte en estas transacciones debe portar una carta de la institución autorizada expresando: (1) el número de licencia de la institución, y (2) que el individuo esté regularmente empleado por la institución autorizada en la capacidad de enseñanza.
- ☐ **Escolares cubanos enseñando o tomando parte en otras actividades doctas en una universidad autorizada en los EE.UU.** Las instituciones autorizadas pueden auspiciar a tales escolares cubanos, incluyendo pago de estipendio o sueldo.
- ☐ **Estudiantes de colegios** participando en intercambios educativos auspiciados por colegios cubanos o estadounidenses e involucrando la participación de los estudiantes en un curso formal de estudios o en un programa estructurado educativo ofrecido por un colegio u otra institución académica conducido por un profesor u otro oficial del colegio. Un número razonable de chaperones pueden acompañar a los estudiantes a Cuba. Un grupo colegial que planifique tomar parte en tales transacciones en Cuba deben portar una carta del colegio autorizado auspiciando el viaje expresando: (1) el número de licencia del colegio, y (2) un

listado de todos los nombres de las personas viajando con el grupo.

☐ Empleados a tiempo completo de una institución autorizada **organizando o preparando** las actividades educativas anteriormente descritas. Un individuo que tome parte en tales transacciones debe portar una carta de la institución autorizada expresando: (1) el número de licencia de la institución, y (2) que el individuo este empleado regularmente por la institución.

■ **LICENCIAS ESPECIFICAS PARA ORGANIZACIONES RELIGIOSAS** - Las licencias específicas autorizando transacciones de viaje relacionadas con actividades religiosas por individuos o grupos afiliados a una organización religiosa pueden ser emitidas por la OFAC. Tales licencias sólo están disponibles para organizaciones religiosas localizadas en los EE.UU. y las mismas deben ser renovadas después de un período de dos (2) años. Una vez que una organización ha solicitado y ha recibido tal licencia específica, los viajeros afiliados con esa organización religiosa están autorizados para tomar parte en transacciones de viajes relacionados con un programa a tiempo completo de actividades religiosas en Cuba bajo el auspicio de una organización religiosa autorizada sin tener que obtener autorización adicional de la OFAC. Los individuos que planifiquen tomar parte en tales transacciones deben portar una carta de la organización religiosa autorizada expresando: (1) el número de licencia de la organización, (2) que son afiliados a la organización autorizada, y (3) que están viajando a Cuba para tomar parte en actividades religiosas bajo el auspicio de la organización autorizada.

■ **LAS DEMAS PERSONAS QUE QUIEREN TOMAR PARTE EN TRANSACCIONES RELACIONADAS CON VIAJES A CUBA DEBEN SOLICITAR UNA LICENCIA ESPECIFICA DE LA OFAC** - Tales aplicaciones serán evaluadas en base a un caso específico. Las licencias para viajar a Cuba por placer no serán consideradas.

■ **CUANTO DINERO SE PUEDE GASTAR MIENTRAS USTED ESTA EN CUBA** - Solo las personas o instituciones autorizadas para viajar, antes mencionadas, pueden gastar hasta US\$183.00 por día para sus gastos. Esto incluye, pero no está limitado a, gastos de hospedaje, transportación y comida. Por favor ver <http://www.state.gov/www/perdiems/index.html> para el cambio de la moneda al día en el per diem. Usted también tiene que estar enterado que ciertos viajeros pueden llevar fondos adicionales como es necesario para tomar parte en las actividades que ellos han sido autorizados a viajar.

■ **QUE SE PUEDE TRAER** - Las personas antes mencionadas, quienes estén viajando, pueden regresar a los EE.UU. con hasta US\$100.00 en productos de origen Cubano para uso personal, como cigarros y ron. Si los viajeros estadounidenses no autorizados regresan de Cuba con productos de origen cubano, tales productos, con la excepción de materiales de información, pueden ser confiscados a la discreción de la Aduana de los Estados Unidos. No hay límites sobre la importación o exportación de materiales de información. Tales materiales están decretados exentos de regulación bajo el embargo, y artículos como libros, películas, cintas y discos compactos pueden ser transportados libremente. Sin embargo, cintas en blanco y discos compactos en blanco no son considerados materiales de información y pueden ser confiscados.

■ **EMBARCACIONES** - Todas las personas en embarcaciones, incluyendo al dueño, deben ser viajeros autorizados, como los antes mencionados, para participar en transacciones de viaje en Cuba. Si usted no es un viajero autorizado, usted **NO** puede comprar comida, pagar por transportación, hospedaje, honorarios de amarre o muelle, honorarios de navegación, visas, honorarios de entrada y salida y usted no puede traer productos de origen cubano a los EEUU. Cualquier pago al Club Náutico Internacional Hemingway será considerado un pago prohibido a una persona de nacionalidad cubana y por eso una violación a las Regulaciones. Los dueños de embarcaciones tienen prohibido transportar pasajeros a Cuba que les pagan por el pasaje, si el dueño no tiene una licencia específica de la OFAC

autorizándolo para ser un proveedor de servicio a Cuba.

■ **VIAJEROS CON TODOS LOS GASTOS PAGOS** - Los viajeros con todos los gastos pagos o completamente patrocinados pueden viajar a Cuba sin contactarle a la OFAC si los gastos relacionados con el viaje a Cuba son cubiertos por una persona no sujeta a jurisdicción Estadounidense. Los viajes a Cuba no se consideran con todos los gastos pagos o completamente patrocinados si una persona bajo jurisdicción Estadounidense paga --antes, durante o después del viaje --cualquier gasto relacionado con el viaje, incluyendo viajes a Cuba en un transporte cubano, aunque el pago sea hecho por una persona o una tercera entidad que no está sujeta a la jurisdicción de los EE.UU. Algunos ejemplos de costos comunmente incurridos por viajeros hacia y en Cuba son de comida, hospedaje, transportación, abastecimiento de combustible de embarcaciones o aviones, visas, pagos de entrada o salida, y propinas. Además, los viajes con todos los gastos pagos o completamente patrocinados hacia y desde Cuba no pueden ocurrir en un vuelo directo entre los EEUU y Cuba. Los viajeros cuyos gastos son cubiertos por una persona no sujeta a jurisdicción estadounidense no pueden traer ningún producto de origen cubano, excepto materiales de información. La importación de regalos recibidos en Cuba por un viajero completamente patrocinado puede ser autorizado por la OFAC, con tal que el regalo sea de un poco valor y no represente un beneficio comercial para Cuba. La aduana estadounidense confiscará los regalos, hasta determinar si es posible la aplicación de una licencia por la OFAC. Antes de que una determinación de licencia pueda ser hecha, todos los datos acerca del recibo del regalo tendrá que ser revisado.

Cualquier persona sujeta a la jurisdicción de los EE.UU. que se determine que ha viajado a Cuba sin una licencia específica o general de la OFAC se considerará que ha estado involucrada en transacciones prohibidas relacionadas con el viaje. Para poder subyugar esta presunción, todo viajero que afirme haber viajado con todos los gastos pagos o haber sido completamente patrocinado o que no ha estado involucrado en transacciones relacionadas con el viaje a Cuba, puede ser obligado por las agencias de constreñimiento a proveer una declaración explicatoria firmada, junto con documentos relevantes que sustenten el caso. Los viajeros completamente patrocinados también tienen prohibido proveer cualquier servicio a Cuba o personas de nacionalidad cubana.

■ **EMERGENCIAS** - En el caso de emergencias que requieran de transacciones financieras como reparación de un barco o tratamiento médico, los viajeros tienen la facultad de contactarse con la OFAC al (202)622-2480, para informarse sobre las autorizaciones necesarias.

■ **DONACIONES HUMANITARIAS** - Existe una administración conjunta entre la OFAC y el Departamento de Comercio de los Estados Unidos (USDOC) sobre la exportación de productos humanitarios a Cuba con el fin de satisfacer necesidades humanas básicas. Si una exportación está autorizada por el USDOC, la OFAC en cambio, autoriza transacciones financieras y otras transacciones relacionadas con esa exportación y vice versa. Conforme al Acto Democrático de Cuba, las donaciones de comida y vitaminas a una persona u organización no gubernamental pueden no ser restringidas. Sin embargo, la exportación de medicinas y suministros médicos debe ser específicamente autorizadas por el USDOC antes de su envío. Los paquetes de regalos pueden ser exportados por individuos u organizaciones no gubernamentales según la "Licencia General de Regalos" del Departamento de Comercio sin aprobación gubernamental por escrito anticipada. El contenido total debe tener un valor menor de US\$200, y sólo puede contener artículos con fines humanitarios para uso personal y no pueden ser para la reventa. Los paquetes de regalos sólo pueden incluir los siguientes artículos: comida, vitaminas, semillas, medicinas, suministros y equipos médicos, suministros y equipos para hospitales, equipos para inválidos, ropa, artículos de higiene personal, medicinas y suministros veterinarios, equipaje y suministros de pesca, equipo para hacer jabón, y ciertos equipos de radio y baterías para el mismo.

Este documento es solamente explicatorio y no tiene fuerza de ley. Los estatutos, las ordenes ejecutivas, y las regulaciones implementarias que estén relacionadas con Cuba contienen las provisiones legalmente obligatorias que regulan las sanciones y este documento no reemplaza o modifica esos estatutos, ordenes ejecutivas, o regulaciones. La Oficina de Control de Bienes Extranjeros del Departamento de la Tesorería de los Estados Unidos también administra programas de sanciones involucrando a Iraq, Libia, la República Federal de Yugoslavia (Serbia y Montenegro), la República de Serbia, Corea del Norte, la Unión Nacional para la Independencia Total de Angola (UNITA), el Talibán en Afganistán, Irán, Siria, Sudán, Burma (Myanmar). Organizaciones de Teroristas Extranjeros, terroristas y narcotraficantes indicados y personas extranjeras señaladas quienes han tomado parte en actividades relacionadas con la proliferación de armas de destrucción masiva. Para información adicional sobre estos programas o sobre el programa de sanciones de Cuba, por favor contactar:

OFFICE OF FOREIGN ASSETS CONTROL
U.S. Department of the Treasury
Washington, D.C. & Miami, Florida
202-622-2520/305-810-5140

<<<http://www.treas.gov/ofac>>>

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	Draft/Working Paper: Political-Military Strategic Concept [with cover sheet] (5 pages)	02/00/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
sb2129

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. paper	Draft Re: Cuba [with cover sheet] (8 pages)	09/20/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
sb2129

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. briefing paper	[Incomplete, Page 6-11 only] Situation - USSOUTHCOM (6 pages)	00/00/0000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
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RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. briefing paper	CONPLAN 6400-98 (35 pages)	00/00/0000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
sb2129

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004b. briefing paper	Contingency Operations in Cuba [Revision] (18 pages)	10/22/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
sb2129

RESTRICTION CODES

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August 18, 1997

Summary of Havana Club Holding, et al.
v. Bacardi-Martini USA, et al.
U.S. District Court, Southern District of New York

On August 8, U.S. District Court Judge Shira Scheindlin of the Southern District of New York entered a judgment in the above-referenced case in which she made several holdings that have important implications for our Cuba embargo regulations program and for U.S. treaty obligations.

The principal issue decided was whether the Office of Foreign Assets Control (OFAC) acted lawfully when it revoked a previously issued OFAC license that had recognized the transfer of a Cuban-owned rum trademark ("Havana Club") to a joint venture that is 50% Cuban and 50% French owned. The previous license owner was, Cubaexport, a Cuban state enterprise. The joint venture companies are the plaintiffs in this lawsuit. The trademark was properly registered with the U.S. Patent and Trademark Office (USPTO) by Cubaexport in 1976 and since then has been treated by OFAC as "blocked" property of the Cuban Government, for purposes of the Cuban embargo regulations.

The Court decided that the plaintiffs "have obtained no rights to the Havana Club trademark" pursuant to either the Cuban embargo regulations or an inter-American treaty in force between the U.S. and Cuba. In reaching that conclusion, the Court held that OFAC's revocation of the license was "not reviewable by this Court"; that OFAC had correctly interpreted and applied its Cuba embargo regulations by finding that a specific license to transfer the trademark was required, and that the license revocation returned the situation to the *status quo ante*; and that the embargo regulations "supercede" any obligation the U.S. may have under the General Inter-American Convention for Trademark and Commercial Protection to recognize a transfer of the Havana Club trademark, even though it had been validly transferred in Cuba, the country of original registration.

The Court further held that the embargo regulations constitute “an implied repeal of [the Inter-American Convention]” and are “a temporary substitute for [it]”, and therefore until the embargo is lifted, the U.S. is not required to recognize or give effect to the validity of the trademark assignment, or transfer.

The Court also ruled that “plaintiffs’ rights to the trademark registration are canceled.” However, the Court refused to cancel the registration of the trademark itself, because in its view that would “lead to an inequitable adjudication of the matter and neglect the substantial rights of Cubaexport, a party not before this court.” In this connection, the Court ruled that Cubaexport is a “necessary party” to the litigation, in effect inviting it to join the lawsuit. Pending the outcome of further litigation, the Court returned Cubaexport and the joint venture companies (the plaintiffs) to the *status quo ante*.

The Plaintiffs filed their original complaint on December 24, 1996, seeking to enjoin Bacardi et al. from using the words “Havana Club” as part of any trademark, service mark, brand name, trade name or other business or commercial designation in connection with the sale, distribution, advertising or promotion of rum or rum products in the United States. Now that the Court has ruled on a number of preliminary, jurisdictional issues, the case will now proceed to further litigation before Judge Scheindlin on the remaining issues, including whether plaintiffs can sue to protect the “Havana Club” trade **name** (since the Court has ruled they have no rights with respect to the trademark).

It is possible the plaintiffs will file an appeal before further litigation in the District Court gets underway. However, should the August 8 decision be appealed to the 2nd Circuit U.S. Court of Appeals, there is a serious possibility that the Department of State’s views on the treaty issue may be sought by the Court, or by the plaintiffs (i.e., the Cubans and their co-joint venture partners). The Department may even feel compelled to offer its

unsolicited views, in light of the Court's questionable ruling on the treaty law issue and the problematic precedential effects that could arise therefrom.



Drafted: L/ARA - T. Michael Peay; 8/14/97; x76328; #16229

Cleared: L/EB - Joan Donoghue

L/T - Bob Dalton

cc: EB/ESC - Bill Ramsay

EB/ESC/ESP - Ken Kolb

L/ARA - Hal Collums

ARA/CCA - Mike Ranneberger

ARA/CCA - Victor Vockerodt

L/CID - Jeff Kovar

ESC/ESP/KLB



United States Department of State

Washington, D. C. 20520

9714868

AUG 12 1997

INFORMATION MEMORANDUM

S/S

SENSITIVE BUT UNCLASSIFIED

TO: E - Under Secretary Eizenstat

FROM: EB - Alan P. Larson AL

SUBJECT: Our Meeting with Bacardi Representatives Regarding
the Havana Club Trademark: Court Opinion and Order,
the OFAC License Request, and Next Steps

Per the suggestion of Hill staffer Roger Noriega, EB DAS Bill Ramsay, L/ARA's Mike Peay, H's Jaci Wilson, ARA/CCA and EB/ESP officers met today with six representatives of the Bacardi Corporation to hear Bacardi's version of the "set of facts" which apply to OFAC's consideration of the retroactive authorization of the "Havana Club" trademark assignment. A precipitating event for the meeting was a Federal District Court ruling August 8 regarding several aspects of the Bacardi/Pernod Ricard dispute over these trademark rights. Bacardi's case was in large part presented by its outside counsel, Ignacio Sanchez. Lobbyist and former Amb. Otto Reich also pushed forcefully the Bacardi version of events.

Both the oral presentations and written materials left behind by the Bacardi representatives constitute potentially useful elements, some of which the Department was previously unaware, for internal consideration of what recommendations to give OFAC regarding its reconsideration of the trademark assignment. Allegations that the Havana Club Holding (Pernod Ricard) company may have fraudulently acquired the trademark -- from a Cuban entity which did not have rights to it in the first place -- were presented in a context that was new to us. Credible information we subsequently obtained suggests that the Bacardi's fraud claims may lack merit. Certain of the opinions rendered in the court case, especially as they relate to international law and our treaty obligations, will also need careful study by L and relevant policy bureaus. In view of all the information currently available, we see no basis, at the moment, on which to take issue with L's earlier memorandum of law on the subject. L will, however, examine its legal memo in the light of the information that Bacardi has provided, information that Pernod Ricard may provide, the District Court's judgment, and additional other factors.

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-2-

Regarding the judicial process, the judge has invited Cubaexport, the entity which in 1993 transferred the trademark to Pernod Ricard, to become a party (against Bacardi) to additional court consideration of who holds the rights to the trademark in the U.S. Additionally, the court has re-scheduled its status conference on its August 8 ruling from August 14 until September 6. It seems likely that Pernod Ricard will file an appeal within the 30-day deadline which is expected to begin within a matter of days.

A number of factors bearing upon our interest in this issue have now become apparent. First, there is no real "action-forcing event" which requires State to take a definitive position at this time on the many complicated issues which surround this case. Second, we are receiving new "facts" which will need to be analyzed and related to L's original memorandum of law which formed the basis of what we planned to communicate to OFAC regarding the assignment of the trademark. We may want to communicate an "interim" response to OFAC, saying that we are studying the court's opinion and additional "facts" which have come to light, and that we will get back to OFAC after fuller consideration of all relevant factors. Third, it is too early to speculate as to whether the courts will be able to sort this case out to our liking without the Department having to pronounce its views publicly. (Bacardi says, for its part, that the courts are where these issues should be decided.)

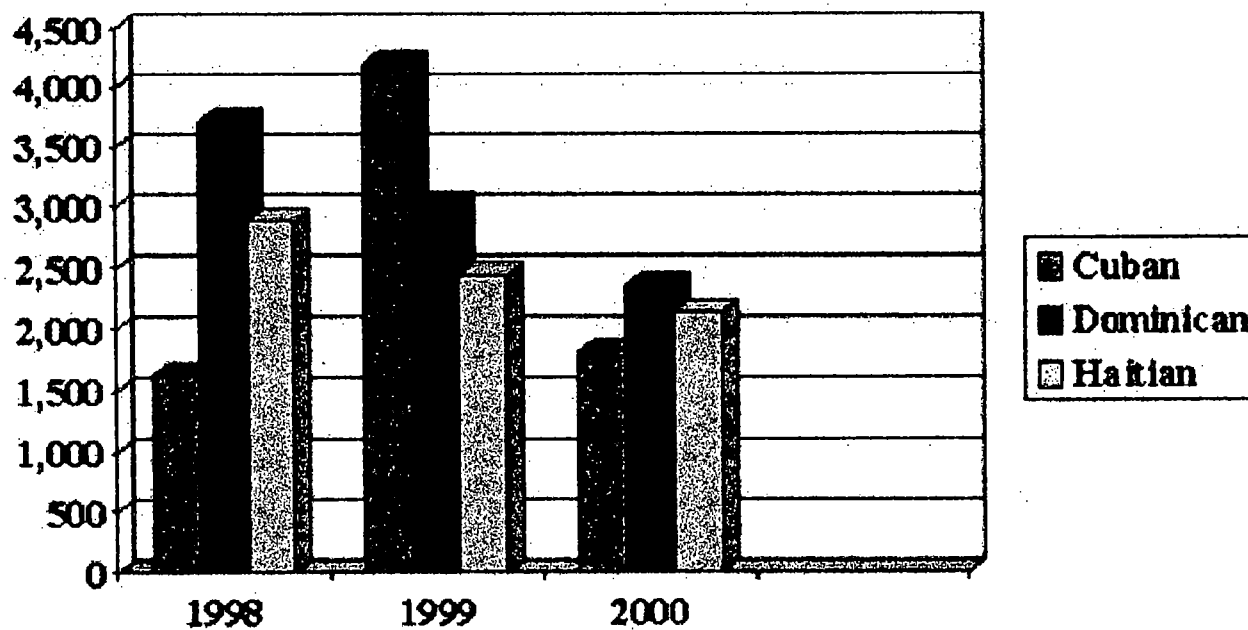
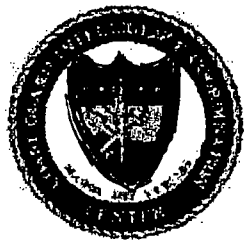
The Department may decide to tell the French and the EU that the issue is in the courts, and that for the time being we are watching to see what happens next in the judicial forum. In addition, for those in Congress who have expressed an interest in this case, we can note that we are reviewing all relevant factors, including judicial actions, as we decide what steps, if any, will be appropriate for the Department to take.

L will analyze the newly-available information which has become available, and will provide its further legal views.

SENSITIVE BUT UNCLASSIFIED

7/28/00

Monthly Comparison of Statistics for Illegal Migrants FY98-00



UNCLASSIFIED//FOUO

Coast Guard Migrant Interdictions At Sea Fiscal Year 1982 – 2000

As of 07/21/2000

Fiscal Year 1991-2000

	FY91	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00
Haiti	2065	37618	4270	25302	909	2295	288	1369	1039	1061
Dominican Republic	1007	588	873	232	3388	6273	1200	1097	583	399
Cuba	1722	2066	2882	38560	525	411	421	903	1619	721

Fiscal Year 1982-1990

	FY82	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90
Haiti	171	511	1581	3721	3422	2866	4262	4902	871
Dominican Republic	0	6	181	113	189	40	254	664	1426
Cuba	0	44	7	51	28	46	60	257	443

Fiscal Year is 01 October through 30 September.

FY 2000 Maritime Migration Flow Statistics (by month)

FY-00 U.S. COAST GUARD INTERDICTIONS (As of 07/21/2000)

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Haitians	0	0	8	395	0	3	299	186	130	40		
Dominicans	39	29	30	69	32	0	72	2	39	87		
Cubans	18	20	89	16	29	100	49	207	116	77		

④

FOUO



Breakdown of Migrant Events FY 99/FY 00

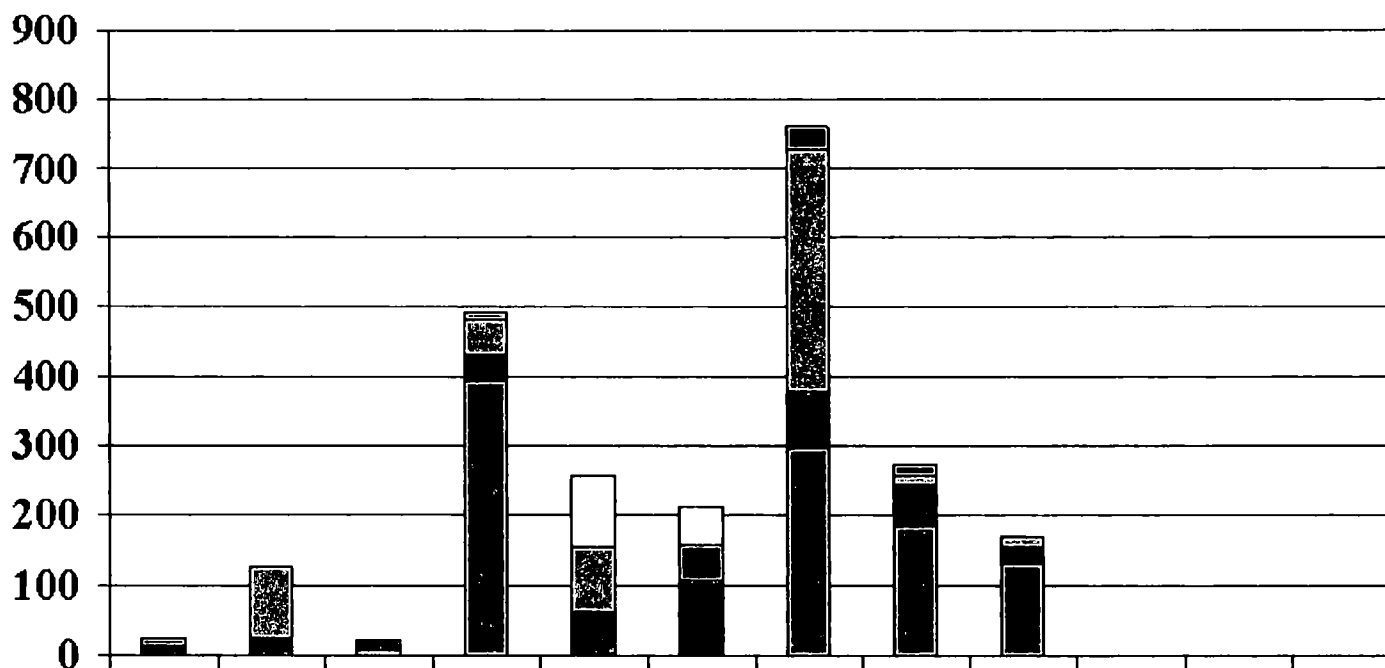
	CU FY 99	CU FY 00	HA FY 99	HA FY 00	DR FY 99	DR FY 00
1st Qtr	768	447	948	170	549	1001
2nd Qtr	739	499	1150	787	873	622
3rd Qtr	1591	862	85	1,203	956	728
4th Qtr	1106		268		644	
Total Flow	4204	1,808	2451	2,160	3022	2,351
Qtr Avg	1051	603	613	720	755	784
Proj FY00		2,411		2,880		3,135

Quarters end on Dec 31st, Mar 31th, Jun 30th, and Sept 30th.

Migrants that were listed as dead or missing are not included in the numbers.

Monthly Comparison of Statistics for Illegal Haitian Migrants FY00

FOUO

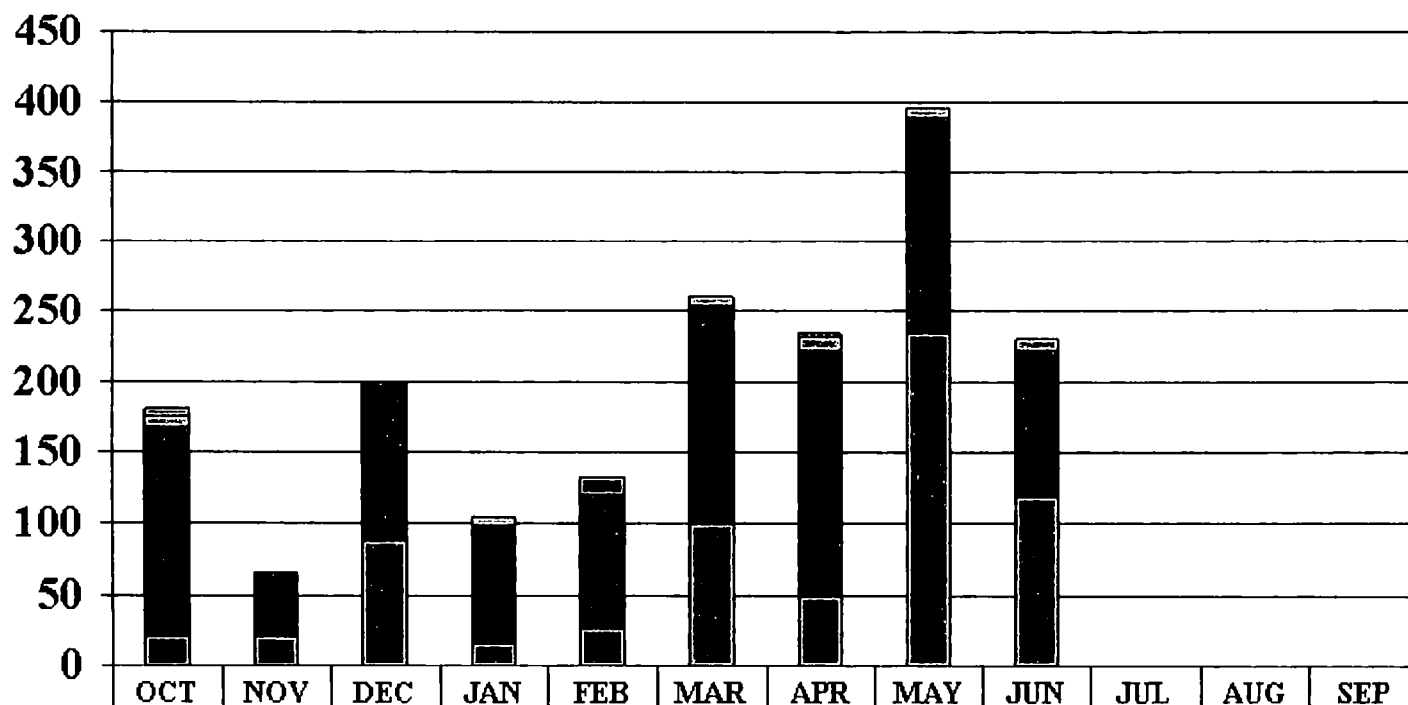


	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
▣ Possible - Stowaways	0	0	0	0	0	0	0	0	0			
□ Possible	0	0	0	0	100	53	0	0	0			
▣ Successful - Stowaways	0	0	0	0	0	0	0	0	0			
▣ Successful	10	0	1	11	0	51	37	15	0			
▣ Foreign Int's - Stowaways	0	0	0	0	0	0	0	0	0			
▣ Foreign Int's	0	102	0	51	95	0	346	14	14			
▣ U.S. Agency Int's - Stowaways	0	0	0	1	0	0	0	12	0			
▣ U.S. Agency Int's	13	23	13	34	58	107	81	45	25			
▣ USCG Int's - Stowaways	0	0	0	0	0	0	1	0	0			
▣ USCG Int's	0	0	8	395	3	0	297	186	130			

NUMBERS DO NOT INCLUDE THOSE LISTED AS MISSING AND DECEASED

Monthly Comparison of Statistics for Illegal Cuban Migrants FY00

FOUO

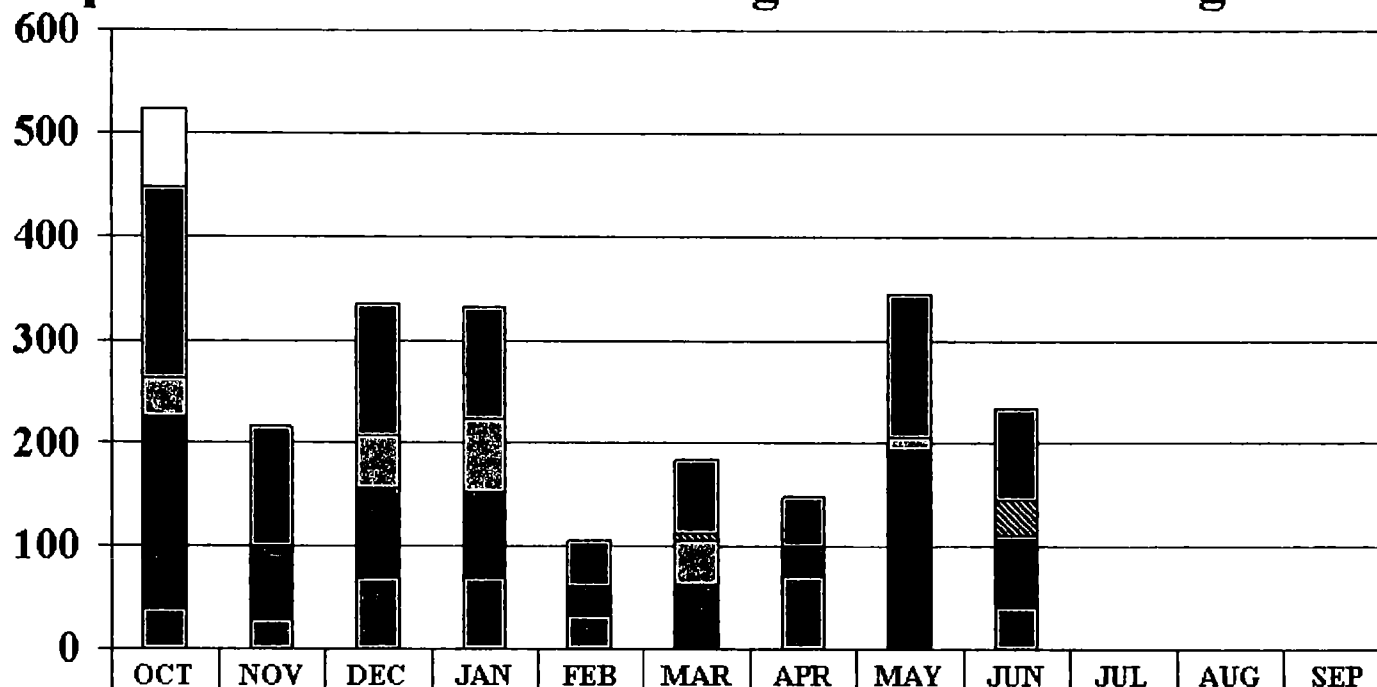
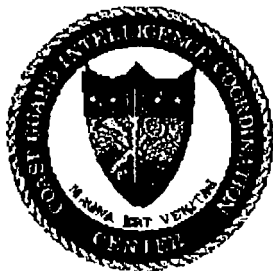


	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
█ Possible - Stowaways	0	0	0	0	0	0	0	0	0			
□ Possible	0	0	0	0	0	0	0	0	0			
█ Successful - Stowaways	0	0	0	0	0	0	0	0	0			
▣ Successful	6	0	0	0	12	0	0	0	0			
█ Foreign Int's - Stowaways	0	0	0	0	0	0	2	0	0			
▣ Foreign Int's	8	0	0	6	0	7	10	7	9			
█ U.S. Agency Int's - Stowaways	0	0	0	1	0	0	0	0	0			
█ U.S. Agency Int's	145	44	111	82	94	153	173	156	103			
█ USCG Int's - Stowaways	0	0	0	0	0	0	0	0	0			
▣ USCG Int's	22	22	89	16	27	101	49	234	119			

NUMBERS DO NOT INCLUDE THOSE LISTED AS MISSING AND DECEASED

Monthly Comparison of Statistics for Illegal Dominican Migrants

FOUO



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
▨ Possible - Stowaways	0	0	0	0	0	0	0	0	0			
□ Possible	75	0	0	0	0	0	0	0	0			
▨ Successful - Stowaways	0	0	0	0	0	0	0	0	0			
■ Successful	185	116	128	108	45	71	48	139	90			
▨ Foreign Int's - Stowaways	0	0	0	0	0	7	0	0	34			
□ Foreign Int's	37	2	53	73	0	44	0	14	3			
■ U.S. Agency Int's - Stowaways	0	5	0	11	0	1	1	9	0			
■ U.S. Agency Int's	188	65	85	72	28	61	27	181	67			
▨ USCG Int's - Stowaways	0	0	0	0	0	0	0	0	0			
□ USCG Int's	39	28	70	69	33	0	72	2	41			

NUMBERS DO NOT INCLUDE THOSE LISTED AS MISSING AND DECEASED

SVTS AGENDA

28 July 00

I. Update on Migrant Interdiction (USCG)

II. Readout on Civil Aviation Talks (FAA)

III. Miscellaneous migrations issues:

A. Migration Talks

B. GTMO

Cuba SVTS
February 11, 2000

12:00 - 1:00 p.m.

I. Migration Matters

A. Current trends (USCG)

B. Incidents of alien smugglers GOC will not accept

1. Why do the Cubans know more than we do? (INS)

2. Disposition? (State/USCG/INS)

II. FAA

A. Status of Ly Tong (FAA)

B. Hoax transmission (FAA)

Original

New Measures Package

1. **Family humanitarian visits**
Remove limitation on self-certified family humanitarian visits
2. **Donation of Food Supplies and Gifts**
Remove special Cuba restrictions
3. **Develop a Book Donation Program**
4. **Streamline Medical Sales**
5. **Enhanced Public diplomacy Program**
6. **Negotiate a Fiber Optics Cable Agreement between U.S. and Cuba**

Proposed New Measures

Removing the once-yearly limit on family reunification visits.

~~There are indications of support for this among the Cuban-American community.~~ *This would permit families to make annual visits. General license for United States.*

Donations of materials to Cuba's self-employed. Cuba's 200,000 independent tradesmen and vendors buy most of their supplies on the black market, at constant risk of arrest. We would authorize the Commerce Department to license donations of the supplies these small entrepreneurs need -- nails for carpenters, bicycle parts for repairmen, tubing for plumbers -- just as donations of food, medicine and clothing are currently licensed.

Expanding Public Diplomacy programming. Public Diplomacy would fund an increased number of international visitors; expand cultural programming and sponsorship of exhibitions and movies; and establish a youth exchange program.

Further streamlining medical sales. Although the number of licenses for exports of medicines and medical equipment has multiplied since we simplified the process, only about 10 percent of the deals are finalized. The case-by-case nature of licensing remains a hindrance. Commerce would grant licenses for a two-year period, so that U.S. firms could negotiate deals confident of USG approval.

Negotiate a Fiber Optics Cable Agreement. *but not return* This will allow for the upgrade of the communication links to Cuba, facilitating internet connections and increased telecommunication capacity.

VI. SPECIAL PROVISIONS

A. Accountability

The recipient will be fully responsible for all funds disbursed to it under this activity. Funds will be dollar denominated and paid for the most part in the U.S. to U.S. concerns. Funds required for local operations (such as travel-related expenses) will be made available. All funds are subject to audit. As stated earlier, no USAID funding made available under this program will be used for cash assistance to individuals or NGOs in Cuba.

The recipient will be responsible for all financial reporting, end-use verification and sub grant management. No cash sub grants will be made to any Cuban NGO or individual in Cuba. Any grant to a U.S. or third-country organization will be subject to an OMB A-133 audit if expenditures under the award total \$300,000 or more in federal funds during a fiscal year, and it is the responsibility of the recipient to ensure that any sub grantee who receives that amount from this activity is prepared to undergo such an audit.

Throughout the life of this activity the recipient will assist independent Cuban NGOs to develop adequate accounting procedures for their own operations. Notwithstanding the training and technical assistance provided under this activity to Cuban NGO members, the recipient will remain ultimately accountable for all program funds disbursed to it.

B. NGO Financial Participation/Cost Sharing

As a general policy, in designing and negotiating assistance activities, USAID seeks the largest possible financial participation from an assistance recipient. Agency policy objectives suggest that a useful approach is to use 25-percent financial participation by a Recipient from sources outside USAID or other USG agencies as a

guideline. For this program USAID is not requiring a 25-percent contribution per se. However, cost sharing is strongly encouraged, and in evaluating proposal budgets, USAID will give preference to proposals which leverage anticipated USAID funds with private resources for the benefit of the activity. Examples of cost sharing are detailed in 22 CFR, part 226.23.

C. Facilities and Image

The home base for the Outreach to the Cuban People Program will be in the U.S. Accommodations and facilities for all activities and staff are expected to be commensurate with and appropriate to the objectives being pursued.

D. Length of Grants and Cooperative Agreement

Grants and cooperative agreements resulting from this RFA will be for a period of two years. Program performance, available funding, competing program priorities and related negotiations will determine whether a grant or cooperative agreement, at USAID's discretion, can be further extended.

E. USAID Activity Management

USAID management will be provided by the USAID Senior Advisor/Coordinator for Cuba.

F. Substantial Involvement

USAID will have substantial involvement in cooperative agreements through approval of all sub agreements, approval of key personnel, implementation plans, and international travel. USAID will conduct periodic program evaluations.

SECTION VII - EVALUATION CRITERIA

The applicant must have extensive experience managing broad-based technical assistance/training programs. The applicant must also have demonstrated ability to work with Latin American/Caribbean NGOs, and/or Latin/Caribbean communities, private businesses, universities. Technical proposals will be rated based on the criteria noted below, including the strength of the candidates they nominate.

A. Proposed Program--40 Points

- Quality and appropriateness of the applicant's plan for overall coordination, management of all activities, monitoring and supporting partnership activities and assuring financial accountability.
- Clarity, creativity and demonstrated feasibility of the described activities to accomplish project objectives.
- Demonstrated understanding of the state of independent civil society in Cuba, role of the Cuban government in past and present NGO activities and traditional attitudes toward issues of concern to the NGO environment.
- Extent to which the applicant identifies appropriate proposed Spanish-speaking staff, counterparts, and collaborating partners, including plans to strengthen them, if necessary.
- Demonstrated understanding of, and appreciation for, role of independent Cuban NGOs in program implementation. Plans for ensuring sustainability of independent Cuban NGO development and linkages.
- Demonstrated understanding of, and appreciation for, relationships within the program, role of

Cuban and third-country institutions, and importance of positive, supportive collaboration among all parties.

- Documented plan to initiate quality activities quickly and develop early start-up activities, including appropriate calendars and time-lines for activities.
- Applicant's ability to evaluate status of developments in each technical area and propose appropriate interventions to accomplish program objectives.
- Commitment to minimize administrative costs.
- Overall quality of applicant's management capability, including demonstration of appropriate division of duties and collaboration among the participating parties.

B. Personnel--40 Points

- Professional background and relevant experience; Applicant must demonstrate experience in managing NGO development programs and technical assistance and training programs of similar size and complexity; candidates must demonstrate relevant specialized experience. Demonstrated Spanish language fluency required.
- Demonstrated ability to work in a Latin American environment. Previous working experience will be noted.
- Demonstrated ability to work with range of counterparts/sub grantees, including not-for-profit, educational, and governmental organizations, both U.S. and third country.

C. Organizational Qualifications--20 Points

- Capacity of applicant to provide and support personnel and field operations, including the capacity to staff and start up program activities rapidly.
- Experience of applicant in managing USAID or other Federal Government funds.
- Capacity of applicant to design and manage activities of multiple grant programs.
- Ability to provide U.S. and third-country training.
- Significant number of key staff experienced in Caribbean and Latin American culture and development issues, e.g., consortium members which are members of the Hispanic Association of Colleges and Universities (HACU) or members of Historically Black Colleges and Universities (HBCU).

NOTE: Officials of the Catholic Church in Cuba have informed USAID that they do not wish the Church to receive (directly or indirectly) any material support from the U.S. Government. USAID will therefore not consider any application which proposes material support to the Cuban Catholic Church, or any of its organizations, unless the application is accompanied by an official statement from the Cuban Catholic hierarchy authorizing Cuban Church participation in a USAID funded program.



AGENCY FOR INTERNATIONAL DEVELOPMENT

BUREAU FOR LATIN AMERICA AND THE CARIBBEAN
RONALD REAGAN BUILDING, ROOM 5.8A
1300 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20523-5900

FACSIMILE COVER SHEET

DATE: December 8, 1999

TO: NSC - Arturo Valenzuela
FAX: ~~456-9130~~
SUBJECT: Cuba

FROM: Mark Schneider
OFFICE: AA/LAC
FAX: 202-216-3012
PHONE: 202-712-4800

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

MESSAGE:

While Fulton saw this and his comments have been incorporated, I thought you should see it. This is an effort which Wendy is supporting to expand the range of participation in the strengthening of Civil Society components of the program.

We will have to brief on the Hill after administration approval before finally issuing.

what do you think?

FINAL CLEARED DRAFT**10 November 1999**Issuance Date:Closing Date:Closing Time:

Subject: Outreach to the Cuban People to Help
Develop Civil Society and Promote a
Democratic Transition.

Results Package # 1 and Request for Application -
(RFA) Number M/OP/00-

The United States Agency for International Development (USAID) is seeking applications from qualified applicants for funding of assistance instruments to design and implement a program to expand people-to-people contacts which help the Cuban people prepare for a peaceful transition to democracy in Cuba.

The entities selected will address some or all of the following tasks:

1. Introduce individual Cuban citizens to democratic practices in the U.S. and other democratic countries.
2. Help develop independent Cuban NGOs -- through exchange programs and other forms of contact.
3. Provide Cuban individuals and NGOs with the means to exchange practical experience with U.S. NGO's in ways to enhance organizational development, technical skills and effectiveness.

4. Identify and help develop independent Cuban expertise to address agricultural, health, environmental, and other problems now facing Cuba and likely to become more acute during a transition to democracy.
5. Establish contacts with individual members of independent Cuban NGOs and other independent groups, associations, organizations in Cuba that promote, encourage and strive to pursue independent research and development activities and information dissemination concerning socioeconomic issues in Cuba.

Request for Application-LAC/Cuba 99-01

Section I- Program Description

I. OBJECTIVE AND SUMMARY

The USAID Program: Outreach to the Cuban People seeks applications for grant funding from:

- a) U.S. nongovernmental organizations (NGOs) which have been granted tax-exempt status by the U.S. Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code by the U.S. Internal Revenue Service; and,
- b) Accredited U.S. colleges and universities.

Successful applicants will undertake activities to provide support to the Cuban people and encourage the emergence of independent civil society in Cuba.

USAID will not consider proposals which request more than \$300,000. Proposed activity must be completed within two years of the signing of the award. USAID will make awards based on the criteria described in Section VII of this Request for Applications (RFA).

Funding for this program is authorized under section 109 of the Cuban Liberty and Democratic Solidarity Act of 1996, as well as by section 1705g of the Cuban Democracy Act of 1992.

Consistent with the United States Government's longstanding commitment to promote a peaceful transition to democracy in Cuba, the President has announced measures to reach out to the Cuban people without strengthening the Cuban Government. These steps include expanding people-to-people contacts, among other measures. The measures are intended to ease the plight of the Cuban people. The measures encourage development of independent civil society, to help the Cuban people prepare for a democratic future.

The purpose of the proposed activity is to enable an increasing number of U.S. nongovernmental organizations and accredited colleges and universities the opportunity to develop relationships with Cuban counterparts, in order to:

- 1) engage the Cuban people in discussion of ways in which civil society operates in democratic societies, and
- 2) assist the Cuban people to develop peaceful, independent nongovernmental organizations, professional associations and other groups. Assistance may take the form of informational materials, exchange programs, conferences, seminars and other forms of contact.

Increased people-to-people contact will expose Cuban citizens to the ways in which civil society operates in the United States and in other democratic countries.

By the end of the program the Cuban participants will demonstrate a greater ability to develop, defend and promote the interests of independent civil society in Cuba. The objective will be to promote peaceful democratic change in Cuba and enable Cuban NGOs to participate in a peaceful and democratic process.

To implement this activity, USAID seeks applications from eligible applicants to carry out programs further described below.

Selected recipients will provide assistance to Cuban individuals or independent Cuban NGOs, in full compliance with U.S. Government policies.

No USAID funding made available under this program may be used for cash assistance to groups or individuals residing in Cuba.

No funds or other assistance under this program may be provided to the Cuban Government, or to any political subdivision of Cuba, or to any agency or instrumentality of the Government of Cuba.

Both grants and cooperative agreements, as appropriate, may be awarded under this RFA. As used in this RFA, the term "grant" shall generally include "cooperative agreement," and the term "grantee" shall generally include "recipient of a cooperative agreement."

II. BACKGROUND AND ACTIVITY RATIONALE

A. Political and Economic Context

For forty years, the Cuban government has maintained power through vertical and centralized control over all institutions of Cuban society. As a result, individual Cubans, including those who belong to professional

associations and NGOs, know little about the functioning of democratic civil society. However, Cuban citizens and independent nongovernmental organizations in Cuba which seek to promote peaceful democratic change deserve moral, informational and material support from U.S. counterparts.

In signing the Cuban Liberty and Democratic Solidarity ("LIBERTAD") Act of 1996, the President approved measures to implement the U.S. Government policy of support for the Cuban people in order to promote a peaceful transition to democracy on the island. One of the measures offered by Section 109 of the LIBERTAD Act is authority to provide United States Government funding for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba." To support such efforts, USAID has awarded grants to a number of U.S. organizations to facilitate dissemination of information to the Cuban people, support the reemergence of civil society and promote a peaceful transition to democracy and free markets in Cuba.

B. Major Challenges to NGO Development in Cuba

As of 1994, more than 2,000 NGOs were registered with the Cuban Ministry of Justice. Most of these organizations are government led and operated, and are, therefore, not eligible for assistance under this program.

However, over the past several years, independent groups and associations have begun to form in Cuba. Most of these are not formally recognized by or registered with the Cuban government. At present, these Cuban NGOs, professional associations and other groups vary in the degree to which they are independent. Although none are completely free from government interference, some have developed greater autonomy than others, and have individual members who favor peaceful democratic change and should be exposed to the ideas, norms and practices of civil society in their countries. In order to be considered eligible for

assistance by grantees funded under this RFA, the Cuban group or organization must operate substantially free of Cuban government control in its subject matter area, all relevant factors considered. An organization's leadership must be freely chosen by its own members. It must develop its own vision of peaceful change, and it must establish its own policies. It must develop its own sources of funding and control its own assets.

There are a number of obstacles impeding NGO development in Cuba:

1) Cuban Government Controls

In March 1999, the Cuban Government passed legislation which would impose 8 to 20 year prison sentences on any Cuban citizen found to be collaborating with activities funded through Section 109 of the Libertad Act. Individual Cuban citizens and Cuban NGOs as well as U.S. individuals and organizations participating in the program to be funded under this RFA must be fully apprised of the possibility of Cuban Government opposition.

2) Lack of Management/Organization Skills

Capabilities vary among Cuban NGOs. Few independent Cuban NGOs have yet developed the management and organizational skills required to build and sustain national level organizations with broad-based political and financial support and access to mass communications.

This RFA solicits applications from eligible applicants which have demonstrated the management and organizational expertise required to help Cuban citizens develop independent Cuban nongovernmental organizations, professional associations and other groupings that are democratic, effective, well managed and sustainable.

3) Obstacles to Mass Communications and Networking

Cuban government control of the mass media hinders communications and formation of networks. Nevertheless, some independent Cuban organizations have demonstrated the ability to organize informally and to share information with one another and with others outside the country. USAID grantees should aim to contribute to improved communications and networking among independent groups.

4) Lack of Sustained Collaboration with Foreign NGOs

Although a number of USAID grantees have helped strengthen independent Cuban NGOs through provision of information, training and material support, much more contact and collaboration is required to develop and sustain independent civil society in Cuba.

C. Activity Rationale

Section 1705g of the Cuban Democracy Act of 1992 authorizes the U.S. Government to provide assistance "through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba."

Section 109(a) of the Cuban Liberty and Democratic Solidarity Act of 1996 further elaborates on the types of assistance and support the President is authorized to provide for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba. USAID is authorized to award grants and cooperative agreements to implement these statutes. It is U.S. policy to promote the development of civil society in Cuba by enhancing the free flow of information to, from and within the island. In particular, the U.S. Government encourages support for fledgling NGOs, professional associations and other peaceful groups in Cuba which demonstrate sufficient independence from the Cuban government.

D. Relationship to USAID Strategies and Programs

The USAID Cuba program supports the overarching goal of U.S. policy toward Cuba: promotion of a peaceful transition to democracy on the island. USAID objectives are to improve outreach to the Cuban people, extend people-to-people contacts, defend human rights, and stimulate multilateral efforts to press for democracy in Cuba.

In FY 1996, USAID awarded a \$500,000 grant to provide information to the Cuban people on issues such as human rights, transition to democracy and free market economics.

To date, USAID has awarded approximately \$6.5 million to 18 U.S. organizations to support Cuba's transition to democracy. Several of these grants have demonstrated the feasibility of identifying and working with Cuban organizations which are sufficiently independent of the Government of Cuba.

The two-year NGO support program proposed in this RFA would reinforce, consolidate and extend prior efforts. At the conclusion of the program, Cuban civil society should be enriched by a greater number of independent Cuban NGOs, inter-linked and enjoying increased membership and sources of support.

III. PROGRAM DESCRIPTION

A. Activity Goal and Purpose

This activity advances the overall USG goals of improving outreach to the Cuban people, developing civil society and promoting a peaceful democratic transition in Cuba. The purpose of this activity is:

to help expand people-to-people contacts, the flow of information and the development of increasing numbers of independent Cuban non-governmental organizations, with increased membership and communication with peaceful independent groups inside Cuba, in the U.S. and in third countries.

Indicators of program achievement include:

- An increase in the number of independent nongovernmental organizations, professional associations and other groups in Cuba;
- increased membership in these groups;
- An increase in the number of people-to-people contacts, academic and other exchanges between Cuba and the U.S., which are focused on promoting independent civil society and transition to democracy in Cuba.
- increased long-term linkages among independent groups and individuals in Cuba and those in the U.S. and other democratic countries, with the expressed intent of promoting independent civil society and transition to democracy in Cuba.

B. Program Components

1) Applications from U.S. NGOs and accredited colleges and universities should describe the Cuban groups and individuals with whom applicants wish to work, showing that they demonstrate independence from Cuban government leadership, policies and financial support.

2) Proposals should identify directors and other key individuals in independent Cuban organizations and describe

the proposed program of outreach to them (e.g., correspondence courses, informational materials, conferences, exchange visits, etc.) to be provided in Cuba, in the U.S. and/or in third countries.

3) In order to expose independent Cuban NGOs to democratic principles and practices, courses can be offered in the U.S. and other democratic countries, with the possibility of follow-up visits by counterparts to the island. In all cases, the program activity should illustrate how group and individual interests are negotiated in the context of democratic civil society.

C. Program Sustainability

The program is designed to strengthen peaceful, independent Cuban nongovernmental organizations, including independent women's groups, professional associations, and community groups. The intent is to help link them to each other and to nongovernmental organizations--including colleges and universities--in the U.S. and other democratic societies. The combination of internal strength, increased membership, expanded networks, and access to external sources of information and support will contribute to program sustainability.

However, in no case may USAID funds be used to provide cash assistance to any Cuban individual or organization. Program funds may be authorized to support the purchase of books and other informational materials, communications equipment, business and office equipment, travel, per diem and training expenses.

IV. PROGRAM ORGANIZATION

USAID will provide assistance through grants and cooperative agreements.

Proposals must demonstrate sufficient technical expertise in all specialized areas of training and support.

A. Recipient Responsibilities

The recipient will provide quarterly progress reports to the USAID Senior Advisor/Coordinator for Cuba in the USAID Bureau for Latin America and the Caribbean in Washington. The recipient retains overall management responsibility for all aspects of the program including the broad and targeted support activities and all sub-grant programs. Responsibilities include:

- General program management including financial management, reporting and provision of programmatic guidance to subgrantees. (ongoing)
- In consultation with USAID, determine appropriate working and coordination relationships with other USAID Cuba program grantees and other U.S. and third country NGOs working in Cuba. (initiate within 3 months)
- In consultation with other organizations engaged with NGOs in Cuba, compile data concerning active independent Cuban NGOs, their objectives, programs and boards of directors and assess their respective organizational strengths and needs. (within 6 months)
- In consultation with USAID, finalize Cuban-specific action plans covering all program components. All Cuban NGOs proposed for assistance under this program must first be approved by USAID in consultation with the Department of State. (within 6 months and ongoing)

- Design and carry out generic and practical exchange programs covering such topics as: interest identification and articulation, community organizing, development of organizational by-laws and mission statements, goal-setting and program planning, leadership development and empowerment, staff recruitment and development, organizational governance, financial management, program implementation, program evaluation, other membership services, outreach and public relations, government relations, and NGO communications and coordination. (within 6 months and ongoing)
- Identify, field, manage and support essential exchange programs and other communications. (ongoing)
- Carry out reporting, monitoring and evaluation responsibilities as described below. (ongoing)

Any non-cash material assistance to Cuban NGOs must be made in accordance with Cuba licensing procedures of the U.S. Department of Commerce. Cash payments to Cuban vendors for necessary services will be made in accordance with the general license granted to USAID by the U.S. Department of Treasury.

B. Staffing

Grant programs funded under this RFA will be headed by a U.S. citizen or U.S. resident Chief of Party, supported by additional personnel as identified below. These are illustrative staffing patterns only, however, and proposing applicants are requested to describe a staffing pattern which is most appropriate for their application.

The recipient's Chief of Party should have obtained at least a masters degree in a relevant discipline, with a minimum 5 years relevant work experience. The Chief of

Party must demonstrate a high degree of Spanish language fluency.

RECIPIENT

- Chief of Party/NGO Development Specialist (KEY PERSONNEL)
- Financial Officer (KEY PERSONNEL)
- Executive/financial/admin support
- Part-Time Support Personnel as Required (Demonstrated Spanish language fluency required)
- Part-Time Technical Experts (Demonstrated Spanish language fluency required)

C. Timing

Critical to the success of this program is the grantee's ability to establish a functioning, professional program in the shortest possible time. Suggested timing of a number of critical components is identified above. This, or a similar, appropriate time frame, should be included in a calendar of activities in the application and backed up by a clear justification that the applicant has the capability to provide the staff, the expertise and the logistic and administrative support for thoughtful, quality activities from the initiation of the program.

It is required that organizations submitting applications be prepared to have a start-up team, approved by USAID Senior Advisor/Coordinator for Cuba, in place within 30 days after grant award. All other staff should be hired not later than 75 days after grant award.

V. REPORTING AND EVALUATION

A. Reports

In accordance with the CFR 22, part 22650 and U.S. 22651, the recipient shall submit performance and financial reports on a quarterly basis (covering all activities) to the USAID Senior Advisor/Coordinator for Cuba. Requirements concerning details, such as the format, number of copies, information to be included, due dates and distribution will be developed in consultation with the USAID Senior Advisor/Coordinator for Cuba within 45 days after the award of the cooperative agreement. In addition, the U.S. recipient will participate in regular implementation reviews with the USAID Senior Advisor/Coordinator for Cuba. The frequency and scope of implementation reviews will be developed in consultation with the Senior Advisor/Coordinator for Cuba.

B. Procurement Plan

The recipient shall submit a procurement plan as part of the original cost proposal for review and approval prior to purchasing any commodities. The procurement plan will contain details regarding all equipment purchases to be made, including the method of selection, estimated costs, and technical specifications

C. Monitoring and Evaluation

Within ninety days after grant award, the U.S. recipient will submit, for the approval of the USAID Senior Advisor/Coordinator for Cuba, a plan setting forth the specific indicators and process by which progress towards activity objectives will be measured. Emphasis in this plan will be on routine monitoring and follow-up systems rather than on special studies or evaluations.

Illustrative questions include the following:

Number of Cuban individuals and/or independent Cuban NGOs assisted and of what types;

Number of Cuban individuals and/or independent Cuban NGO members trained; subject areas;

Examples of how training is being applied by individuals and organizations 6 months after training;

Description and quantification of Cuban NGO networking and communications mechanisms in place;

Description of Cuban NGO policy dialogue and advocacy endeavors underway.

Description and quantification of successful advocacy efforts by assisted individuals and NGOs;

Description and quantification of Cuban government legal or structural reforms affecting NGOs;

Description and quantification of changes in Cuban government attitudes toward independent NGOs;

Normative assessment of the effectiveness, efficiency and viability of assisted Cuban NGOs.

USAID will monitor program implementation and make period assessments of program operations, with significant latitude to require mid-program corrections and adjustments as necessary. Toward the end of the grant period, USAID will conduct a final evaluation of grantee performance with the specific objective of determining the suitability and type of future activities in a follow-on project, as appropriate.

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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**Counselor Wendy Sherman
Senior Cuba Policy Group**

Thursday, June 14, 2000

Agenda

- I. Elián
 - A. Next steps after appeal
 - B. Keep grandparents' visas under review?
- II. Ry Cooder Case
- III. April 14 Cubint Incident
 - A. Status: Decision expected July at the earliest
 - B. Action plan and follow-up
 - C. Renewing visas for 3 Cubans reportedly on list of potential indictees.
- IV. Guantanamo
 - A. Payment of retirement benefits entitlements
 - B. Crossing the fenceline to brief retirees
- IV. Upcoming Migration Talks
 - A. Key issues to stress with Cubans
- V. New Warner Proposal for a Bipartisan Commission on Cuba
- VI. The Lessons of Beijing +5: Dealing with Cuban tactics on embargo language in UN declarations
- VII. Update on Alien Smuggling Meeting chaired by PA
- VIII. Update on Upcoming trial on the seizure of the "MV Democracia"

VI

6. Licensing Cases

- o Medical Education Cooperation with Cuba (MEDICC) has applied to OFAC for licenses to provide travel expenses to allow a Cuban physician to attend the American Society of Nephrology meeting in Canada, and for a Cuban researcher who is a specialist in the use of poxviruses in vaccination to travel to France for the Thirteenth International Poxviruses and Iridovirus Symposium.
 - We have recommended that MEDICC be licensed to pay for the physician's travel.
 - However, after consultation with the Department of Commerce (Joan Roberts, Bureau of Export Administration), and based on the information we now have about the researcher's specialty and the conference theme, we have recommended that a license be denied for the virus researcher's travel.
 - Information about certain human pathogens (are on the Commerce Control List (15 CFR 774), and the information the researcher would gain would be a "deemed export" of technology prohibited for transfer to Cuba under the Commerce regulations (15 CFR 774.1C351, copy attached). Separately, OFAC has a regulation that prohibits the licensing of travel-related transactions that "foster production of any biotechnological products" (31 CFR 515.564(a)(2)(iii), copy attached).
 - Under Commerce regulations, a person who is subject to U.S. jurisdiction cannot perform an prohibited transaction either directly or indirectly, so the fact that the technology transfer would take place in France is not a reason to license the technology transfer.
 - If MEDICC is able to present information that would show that funding this activity would not violate the Commerce and Treasury regulations, we would be open to reconsidering the application.

isopropyl-beta-aminopropyl chloride (C.A.S. #6-79-7), Dimethyl ethylphosphonate (C.A.S. #163-75-3), Dimethyl methylphosphonate (C.A.S. #756-79-8), Ethylphosphonous dichloride [Ethylphosphinyl dichloride] (C.A.S. #498-40-4), Ethylphosphonous difluoride [Ethylphosphinyl difluoride] (C.A.S. #430-78-1), Ethylphosphonyl dichloride (C.A.S. #1066-0-8), Methylphosphonous dichloride [Methylphosphinyl dichloride] (C.A.S. #676-3-5), Methylphosphonous difluoride [Methylphosphinyl difluoride] (C.A.S. #753-9-3), Methylphosphonyl dichloride (C.A.S. #76-97-1), Pinacolyl alcohol (C.A.S. #464-07-1), 3-Quinuclidinol (C.A.S. #1819-34-7), and Thiodiglycol (C.A.S. #111-48-8) (Related ECN: 1C995);

c. A license is required when at least one of 11 other chemicals in the List of Items Controlled constitutes more than 25 percent of the weight of the mixture (related ECN: C995); and

d. A license is not required under this entry for mixtures when the controlled chemical is a normal ingredient in consumer goods packaged for retail sale for personal use. Such consumer goods are classified as IAR99.

NOTE TO MIXTURES: Calculation of concentrations of AG-controlled chemicals:

a. Exclusion. No chemical may be added to the mixture (solution) for the sole purpose of circumventing the Export Administration Regulations;

b. Absolute Weight Calculation. When calculating the percentage, by weight, of components in a chemical mixture, include all components of the mixture, including those that act as solvents;

c. Example.

1% chemical listed in paragraph b. of Note 2.

9% chemical not listed in Note 2

0% Solvent

00% Mixture

1/100=11% chemical listed in paragraph b. of Note 2.

In this example, a license is required because a chemical listed in paragraph b. of Note 2 constitutes more than 10 percent of the weight of the mixture.

3. COMPOUNDS: A license is not required under this entry for chemical compounds treated with any chemicals identified in this entry, unless those compounds are also identified in this entry.

TECHNICAL NOTES: 1. For purposes of this entry, a "mixture" is defined as a solid, liquid or gaseous product made up of two or more components that do not react together under normal storage conditions.

2. The scope of this control applicable to Hydrogen Fluoride (Item 25 in List of Items Controlled) includes its liquid, gaseous, and aqueous phases, and hydrates.

License Exceptions

LVS: N/A.

GBS: N/A.

CIV: N/A.

LIST OF ITEMS CONTROLLED

Unit: Liters or kilograms, as appropriate.

Related Controls: 1C350.a.20, a.24, and a.31 are CWC Schedule 1 chemicals (see §742.18 of the EAR). The U.S. Government must provide advance notification and annual reports to the OPCW of all exports of Schedule 1 chemicals. See §§742.18 and 745.1 of the EAR for notification and annual report requirements. See also EECN 1C355. See 22 CFR part 121, Category XIV and §121.7 for additional CWC Schedule 1 chemicals controlled by the Department of State.

Related Definitions: See §770.2(k) of the EAR for synonyms for the chemicals listed in this entry.

Items:

a. Precursor Chemicals, as follows:

a.1. (C.A.S. #1341-49-7) Ammonium hydrogen fluoride;

a.2. (C.A.S. #7784-34-1) Arsenic trichloride;

a.3. (C.A.S. #76-93-7) Benzoic acid;

a.4. (C.A.S. #107-07-3) 2-Chloroethanol;

a.5. (C.A.S. #78-38-6) Diethyl ethylphosphonate;

a.6. (C.A.S. #15715-41-0) Diethyl methylphosphonate;

a.7. (C.A.S. #2404-03-7) Diethyl-N,N-dimethylphosphoramidate;

a.8. (C.A.S. #762-04-9) Diethyl phosphite;

a.9. (C.A.S. #100-37-8) N,N-Diethylaminoethanol;

a.10. (C.A.S. #5842-07-9) N,N-Diisopropyl-beta-aminoethane thiol;

a.11. (C.A.S. #4261-68-1) N,N-Diisopropyl-beta-aminoethyl chloride hydrochloride;

a.12. (C.A.S. #98-80-0) N,N-Diisopropyl-beta-aminoethanol;

a.13. (C.A.S. #98-79-7), N,N-Diisopropyl-beta-aminoethyl chloride;

a.14. (C.A.S. #108-18-9) Di-isopropylamine;

a.15. (C.A.S. #6163-75-3) Dimethyl ethylphosphonate;

a.16. (C.A.S. #756-79-8) Dimethyl methylphosphonate;

a.17. (C.A.S. #868-85-9) Dimethyl phosphite (dimethyl hydrogen phosphite);

a.18. (C.A.S. #124-40-3) Dimethylamine;

a.19. (C.A.S. #506-59-2) Dimethylamine hydrochloride;

a.20. (C.A.S. #57856-11-8) O-Ethyl-2-diisopropylaminoethyl methyl phosphonite (QL);

a.21. (C.A.S. #1498-40-4) Ethyl phosphonous dichloride [Ethyl phosphinyl dichloride];

a.22. (C.A.S. #430-78-4) Ethyl phosphonous difluoride [Ethyl phosphinyl difluoride];

a.23. (C.A.S. #1066-50-8) Ethyl phosphonyl dichloride;

a.24. (C.A.S. #753-98-0) Ethyl phosphonyl difluoride;

a.25. (C.A.S. #7664-39-3) Hydrogen fluoride;

a.26. (C.A.S. #3554-74-3) 3-Hydroxyl-1-methylpiperidine;

a.27. (C.A.S. #10-69-1) Methyl benzoate;

a.28. (C.A.S. #676-83-5) Methyl phosphonous dichloride [Methyl phosphinyl dichloride];

a.29. (C.A.S. #753-59-3) Methyl phosphonous difluoride [Methyl phosphinyl difluoride];

a.30. (C.A.S. #676-97-1) Methyl phosphonyl dichloride;

a.31. (C.A.S. #676-99-3) Methyl phosphonyl difluoride;

a.32. (C.A.S. #10025-87-3) Phosphorus oxychloride;

a.33. (C.A.S. #10026-13-8) Phosphorus pentachloride;

a.34. (C.A.S. #1314-80-3) Phosphorus pentasulfide;

a.35. (C.A.S. #7719-12-2) Phosphorus trichloride;

a.36. (C.A.S. #75-97-8) Pinacolone;

a.37. (C.A.S. #464-07-3) Pinacolyl alcohol;

a.38. (C.A.S. #151-50-8) Potassium cyanide;

a.39. (C.A.S. #7789-23-3) Potassium fluoride;

a.40. (C.A.S. #7789-29-9) Potassium bifluoride;

a.41. (C.A.S. #1619-34-7) 3-Quinuclidinol;

a.42. (C.A.S. #3731-38-2) 3-Quinuclidone;

a.43. (C.A.S. #1333-83-1) Sodium bifluoride;

a.44. (C.A.S. #143-33-9) Sodium cyanide;

a.45. (C.A.S. #7681-49-4) Sodium fluoride;

a.46. (C.A.S. #1313-82-2) Sodium sulfide;

a.47. (C.A.S. #10025-87-9) Sulfur monochloride;

a.48. (C.A.S. #10545-99-0) Sulfur dichloride;

a.49. (C.A.S. #111-48-8) Thiodiglycol;

a.50. (C.A.S. #7719-09-7) Thionyl chloride;

a.51. (C.A.S. #102-71-6) Triethanolamine;

a.52. (C.A.S. #637-39-8) Triethanolamine hydrochloride;

a.53. (C.A.S. #122-52-1) Triethyl phosphite;

and

a.54. (C.A.S. #121-45-9) Trimethyl phosphite.

b. Reserved.

1C351 Human pathogens, zoonoses, and "toxins".

LICENSE REQUIREMENTS

Reason for Control: CB, CW, AT

Control(s)	Country Chart
CB applies to entire entry	CB Column 1
OW applies to 1C351.d.5 and d.6. See §742.18 of the EAR for licensing information pertaining to chemicals subject to restriction pursuant to the OWC. The Commerce Country Chart is not designed to determine licensing requirements for items controlled for OW reasons.	
AT applies to entire entry	AT Column 1

LICENSE EXCEPTIONS

LVS: N/A.

GBS: N/A.

CIV: N/A.

LIST OF ITEMS CONTROLLED

Unit: \$ value.

Related Controls: All vaccines and "immunotoxins" are excluded from the scope of this entry. Certain medical products that contain biological toxins controlled under paragraph (d) of this entry, with the exception of d.5 and d.6, are excluded from the scope of this entry. Vaccines, "immunotoxins", and certain medical products excluded from the scope of this entry are controlled under EECN 1C991.

Related Definition: 1.) For the purposes of this entry "immunotoxin" is defined as an antibody-toxin conjugate intended to destroy specific target cells (e.g., tumor cells) that bear antigens homologous to the antibody. 2.) For the purposes of this entry "subunit" is defined as a portion of the "toxin".

Items: a. Viruses, as follows:

a.1. Chikungunya virus;

a.2. Congo-Crimean haemorrhagic fever virus;

a.3. Dengue fever virus;

a.4. Eastern equine encephalitis virus;

a.5. Ebola virus;

a.6. Hantaan virus;

a.7. Japanese encephalitis virus;

a.8. Junin virus;

a.9. Lassa fever virus;

a.10. Lymphocytic choriomeningitis virus;

a.11. Machupo virus;

a.12. Marburg virus;

a.13. Monkey pox virus;

a.14. Rift Valley fever virus;

a.15. Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus);

a.16. Variola virus;

a.17. Venezuelan equine encephalitis virus;

a.18. Western equine encephalitis virus;

a.19. White pox; or

a.20. Yellow fever virus.

b. Rickettsiae, as follows:

b.1. Bartonella quintana (Rochalimea quintana, Rickettsia quintana);

b.2. Coxiella burnetii;

b.3. Rickettsia prowasecki; or

b.4. Rickettsia rickettsii.

c. Bacteria, as follows:

c.1. Bacillus anthracis;

c.2. Brucella abortus;

c.3. Brucella melitensis;

c.4. Brucella suis;

c.5. Burkholderia mallei (Pseudomonas mallei);

c.6. Burkholderia pseudomallei (Pseudomonas pseudomallei);

c.7. Chlamydia psittaci;

c.8. Clostridium botulinum;

c.9. Francisella tularensis;

c.10. Salmonella typhi;

c.11. Shigella dysenteriae;

c.12. Vibrio cholerae; or

c.13. Yersinia pestis.

d. "Toxins", as follows: and subunits thereof:

- d.2. Clostridium perfringens toxins;
- d.3. Conotoxin;
- d.4. Microcystin (cyanoginisin);
- d.5. Ricin;
- d.6. Saxitoxin;
- d.7. Shiga toxin;
- d.8. Staphylococcus aureus toxins;
- d.9. Tetrodotoxin;
- d.10. Verotoxin; or
- d.11. Aflatoxins.

1C352 Animal pathogens, as follows (see List of Items Controlled).

LICENSE REQUIREMENTS

Reason for Control: CB, AT

Control(s)	Country Chart
CB applies to entire entry	CB Column 1
AT applies to entire entry	AT Column 1

LICENSE EXCEPTIONS

LVS: N/A
GBS: N/A
CIV: N/A

LIST OF ITEMS CONTROLLED

Unit: \$ value

Related Controls: All vaccines are excluded from the scope of this entry. See also 1C991.

Related Definition: N/A

Items: a. Viruses, as follows:

- a.1. African swine fever virus;
- a.2. Avian influenza virus that are:
- a.2.a. Defined in EC Directive 92/40/EC (O.J. L.16 23.1.92 p.19) as having high pathogenicity, as follows:
 - a.2.a.1. Type A viruses with an IVPI (intravenous pathogenicity index) in 6 week old chickens of greater than 1.2; or
 - a.2.a.2. Type A viruses H5 or H7 subtype for which nucleotide sequencing has demonstrated multiple basic amino acids at the cleavage site of haemagglutinin;
- a.3. Bluetongue virus;
- a.4. Foot and mouth disease virus;
- a.5. Goat pox virus;
- a.6. Porcine herpes virus (Aujeszky's disease);
- a.7. Swine fever virus (Hog cholera virus);
- a.8. Lyssa virus;
- a.9. Newcastle disease virus;
- a.10. Peste des petits ruminants virus;
- a.11. Porcine enterovirus type 9 (swine vesicular disease virus);
- a.12. Rinderpest virus;
- a.13. Sheep pox virus;
- a.14. Teschen disease virus;
- a.15. Vesicular stomatitis virus;
- b. Bacteria, as follows:
 - b.1. Mycoplasma mycoides.
 - b.2. Reserved.

nisms", as follows (see List of Items Controlled).

LICENSE REQUIREMENTS

Reason for Control: CB, AT

Control(s)	Country Chart
CB applies to entire entry	CB Column 1
AT applies to entire entry	AT Column 1

LICENSE EXCEPTIONS

LVS: N/A
GBS: N/A
CIV: N/A

LIST OF ITEMS CONTROLLED

Unit: \$ value

Related Controls: All vaccines are excluded from the scope of this entry. See also 1C991
Related Definition: N/A

Items: a. Genetically modified "microorganisms" or genetic elements that contain nucleic acid sequences associated with pathogenicity of organisms controlled by 1C351.a to .c or 1C352 or 1C354;

b. Genetically modified "microorganisms" or genetic elements that contain nucleic acid sequences coding for any of the "toxins" controlled by 1C351.d or "sub-units of toxins" thereof.

1C354 Plant pathogens, as follows (see List of Items Controlled).

LICENSE REQUIREMENTS

Reason for Control: CB, AT

Control(s)	Country Chart
CB applies to entire entry	CB Column 1
AT applies to entire entry	AT Column 1

LICENSE EXCEPTIONS

LVS: N/A
GBS: N/A
CIV: N/A

LIST OF ITEMS CONTROLLED

Unit: \$ value

Related Controls: All vaccines are excluded from the scope of this entry. See also 1C991
Related Definitions: N/A

Items: a. Bacteria, as follows:

- a.1. Xanthomonas albilineans;
- a.2. Xanthomonas campestris pv. citri including strains referred to as Xanthomonas campestris pv. citri types A,B,C,D,E or otherwise classified as Xanthomonas citri, Xanthomonas campestris pv. aurantifolia or Xanthomonas campestris pv. citrumelo;
- b. Fungi, as follows:
 - b.1. Colletotrichum coffeanum var. virulans (Colletotrichum kahawae);
 - b.2. Cochliobolus miyabeanus (Helminthosporium oryzae);
 - b.3. Microcyclus ulei (syn. Dothidella ulei);
 - b.4. Puccinia graminis (syn. Puccinia graminis f. sp. tritici);

glumarum);

b.6. Magnaporthe grisea (pyricularia grisea/pyricularia oryzae).

1C355 Chemical Weapons Convention (CWC) Schedule 2 and 3 chemicals and families of chemicals, not controlled by ECCN 1C350 or by the Department of State under the ITAR.

LICENSE REQUIREMENTS

Reason for Control: CW.

Control(s): CW applies to entire entry. A license is required for CW reasons only to CWC non-States Parties (destinations not listed in Supplement No. 2 to part 745), unless an End-Use Certificate is obtained by the exporter (see §742.18 of the EAR). See §745.2 of the EAR for End-Use Certificate requirements, and the License Requirements Notes of this entry. Also note the export clearance requirements of §758.3 of the EAR. The Commerce Country Chart is not designed to determine licensing requirements for items controlled for CW reasons.

License Requirements Notes

1. Chemicals listed in this entry may be shipped NLR (No License Required) when destined to most CWC States Parties (countries listed in Supplement No. 2 to part 745). Also see License Requirement Note 3.

2. Chemicals listed in this entry may be shipped NLR when destined to most non-States Parties (destinations not listed in Supplement No. 2 to part 745) if supported by an End-Use Certificate described by §745.2 of the EAR and if the ECCN is indicated on the Shipper's Export Declaration in the appropriate space as provided in §758.3 of the EAR. Chemicals listed in this entry require a license when exported to non-States Parties if the export is not supported by an End-Use Certificate described by §745.2 of the EAR.

3. Chemicals listed in this entry may not be shipped NLR if restrictions of other sections of the EAR apply (e.g., see the end-use and end-user restrictions of part 744 of the EAR and the restrictions that apply to embargoed countries in part 746 of the EAR).

4. **Mixtures:** Mixtures controlled by this entry that contain certain concentrations of precursor and intermediate chemicals are subject to the following requirements:

a. Mixtures are controlled under this entry when containing at least one of the chemicals controlled under 1C355.a when the chemical constitutes more than 10 percent of the weight of the mixture.

b. Mixtures are controlled under this entry when containing at least one of the chemicals controlled under 1C355.b when the chemical constitutes more than 25 percent of the weight of the mixture.

c. Mixtures containing chemicals identified in this entry are not controlled by ECCN

mal ingredient in consumer goods packaged for retail sale for personal use. Such consumer goods are classified as EAR99.

NOTE TO MIXTURES: Calculation of concentrations.

a. **Exclusion.** No chemical may be added to the mixture (solution) for the sole purpose of circumventing the Export Administration Regulations;

b. **Absolute Weight Calculation.** When calculating the percentage, by weight, of components in a chemical mixture, include all components of the mixture, including those that act as solvents;

c. **Example.**

11% chemical listed in 1C355.a
39% chemical not listed in 1C355.a
50% Solvent
100% Mixture
11/100 = 11% chemical listed in 1C355.a

In this example, the mixture is controlled under this entry because a chemical listed in 1C355.a. constitutes more than 10 percent of the weight of the mixture.

5. **Compounds.** Compounds created with any chemicals identified in this ECCN 1C355 may be shipped NLR, unless those compounds are also identified in this entry.

TECHNICAL NOTES: For purposes of this entry, a "mixture" is defined as a solid, liquid or gaseous product made up of two or more components that do not react together under normal storage conditions.

LICENSE EXCEPTIONS

LVS: N/A
GBS: N/A
CIV: N/A

LIST OF ITEMS CONTROLLED

Unit: Liters or kilograms, as appropriate.

Related Controls: See also ECCNs 1C350 and 1C351. See §§742.18 and 745.2 of the EAR for End-Use Certification requirements. See 22 CFR part 121, Category XIV and §121.7 for chloropirrin (trichloronitromethane)(76-06-2) (Schedule 3). Mixtures containing chloropirrin (trichloronitromethane) that have been transferred to the Department of Commerce from the Department of State through a commodity jurisdiction determination are controlled under this entry unless exempt by paragraph 4.b. of Licensing Requirements Notes.

Related Definitions: N/A.

Items:

- a. CWC Schedule 2 chemicals:
 - a.1. Toxic chemicals:
 - a.1.a. PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8);
 - a.1.b. [Reserved]
 - a.2. Precursors:
 - a.2.a. **FAMILY:** Chemicals except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl, or propyl (normal or iso) group with no additional carbon atoms in the structure;

(i) The research is of a noncommercial, academic nature;

(ii) The research comprises a full work schedule in Cuba;

(iii) The research has a substantial likelihood of public dissemination; and

(iv) The research does not fall within the categories of activities described in paragraph (c), (d), or (e) of this section.

(2) The travel-related transactions set forth in §515.560(c) and such additional transactions as are directly incident to travel to Cuba by full-time professionals to attend professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors meetings or conferences in other countries are authorized, provided that:

(i) The international professional organization, institution, or association is not headquartered in the United States unless that organization, institution, or association has been specifically licensed to sponsor the meeting in Cuba;

(ii) The purpose of the meeting or conference is not the promotion of tourism in Cuba or other commercial activities involving Cuba that are inconsistent with this part; and

(iii) The meeting or conference is not intended primarily for the purpose of fostering production of any biotechnological products.

NOTE TO PARAGRAPH (a): See §§501.601 and 501.602 of this chapter for applicable record-keeping and reporting requirements. Exportation of equipment and other items, including the transfer of technology or software to foreign persons ("deemed exportation") and items not eligible for Department of Commerce GFT or BAG License Exceptions, 15 CFR 740.12 and 740.14, may require separate authorization by the Department of Commerce.

(b) *Specific licensing.* Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in §515.560(c) and other transactions that are directly incident to professional research and professional meetings that do not qualify for the general license in paragraph (a) of this section. Specific licenses may be issued pursuant to this section authorizing transactions for multiple trips to Cuba over an extended period of time by applicants demonstrating a

significant record of research. Specific licenses will not be issued for travel-related transactions for purposes of attendance at meetings or conferences in Cuba organized by the Cuban Government where such meetings or conferences could be intended primarily for the purpose of fostering the production of any biotechnological products.

(c) Categories of activities that do not qualify for the general license in paragraph (a) of this section and for which the specific licenses described in paragraph (b) of this section will not be issued include recreational travel; tourist travel; travel in pursuit of a hobby; research for personal satisfaction only; and any travel for an authorized professional research purpose if the schedule of activities includes more time, travel, or recreation in excess of that consistent with a full work schedule of professional research or attendance at professional meetings or conferences.

(d) An entire group does not qualify for the general license in paragraph (a) of this section and will not be issued a specific license under paragraph (b) of this section merely because some members of the group could qualify individually for such licenses.

Example 1 to paragraph (d): A musicologist travels to Cuba to do research on Cuban music pursuant to the general license for professional researchers set forth in paragraph (a) of this section. Others who are simply interested in music but who do not research music as part of their careers may not engage in travel-related transactions with the musicologist in reliance on the general license. For example, an arranger who plays in the same band with the musicologist would not qualify as a professional researcher of Cuban music for purposes of this general license.

Example 2 to paragraph (d): A specific license issued pursuant to paragraph (b) of this section authorizing travel-related transactions by a fish biologist who travels to Cuba to engage in professional research would not authorize transactions by other persons who might travel with the fish biologist whose principal purpose in travel is to engage in recreational or trophy fishing. The fact that such persons may engage in certain activities with or under the direction of a professional fish biologist, such as measuring or recording facts about their catch, does not bring these individuals' activities within the scope of professional research and similar activities.

A person will not qualify as engaged in professional research merely because that person is a professional who plans to travel to Cuba.

Example 1 to paragraph (e): A professor of history interested in traveling to Cuba for the principal purpose of learning or practicing Spanish or attending general purpose lectures devoted to Cuban culture and contemporary life does not qualify for the general license in paragraph (a) of this section or for a specific license issued pursuant to paragraph (b) of this section.

Example 2 to paragraph (e): A professional photographer who wishes to take photographs in Cuba that will become the basis for creating post cards, paintings, and other secondary products or that merely document the photographer's travel does not qualify for the general license in paragraph (a) of this section or for a specific license issued pursuant to paragraph (b) of this section.

(45 FR 25815, May 13, 1999)

§515.565 Educational activities.

(a) *Specific license for U.S. academic institutions.* (1) *Issuance; renewal.* A specific license may be issued to an accredited U.S. academic institution authorizing the institution and its students and employees to engage, under the auspices of the institution, in educational activities involving transactions in which Cuba or a Cuban national has an interest. The application for the specific license must establish that the U.S. academic institution is accredited by an appropriate national or regional educational accrediting association. The specific license may be renewed after a period of two years to authorize the accredited U.S. academic institution and its students and employees to continue to engage in the transactions authorized under the institution's license.

(2) *Scope of transactions authorized under U.S. academic institution's specific license; documentation.* Upon receipt of a specific license pursuant to paragraph (1) of this section by the accredited U.S. academic institution, the institution and its students and employees are authorized to engage in the travel-related transactions set forth in §515.560(c) and such additional transactions as are directly incident to any of the categories of educational activities set forth in paragraphs (a)(2)(i) through (a)(2)(vii) of this section un-

dertaken under the auspices of the specifically-licensed institution. Activities covered by this authorization are limited to the following:

(i) Participation in a structured educational program by an undergraduate or graduate student or undergraduate or graduate student group as part of a course offered at an accredited U.S. college or university. A student planning to engage in such transactions in Cuba must carry a letter from the U.S. academic institution stating that the student is currently enrolled in an undergraduate or graduate degree program there and that the Cuba travel is part of a structured educational program of that institution and citing the number of the relevant U.S. academic institution's specific license.

(ii) Noncommercial academic research in Cuba specifically related to Cuba by a person working to qualify academically as a professional (for example, research toward a graduate degree). A student planning to engage in such transactions in Cuba must carry a letter from the student's accredited U.S. academic institution stating that the individual is currently enrolled in a graduate degree program and that the Cuba research will be accepted for credit toward that degree and citing the number of the relevant U.S. academic institution's specific license.

(iii) Participation in a formal course of study at a Cuban academic institution by an undergraduate or graduate student currently enrolled in a degree program at an accredited U.S. college or university, provided the formal course of study in Cuba will be accepted for credit toward the student's undergraduate or graduate degree at that U.S. college or university. A student planning to engage in such transactions in Cuba must carry with him or her a letter from the student's U.S. academic institution stating that the student is currently enrolled in an undergraduate or graduate degree program and that the Cuban study will be accepted for credit toward that degree and citing the number of the relevant U.S. academic institution's specific license.

(iv) Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at an

U.S. Department of State
ARA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263

Phone: (202) 647-9273
FAX: (202) 736-4476
FAX: HELMS-BURTON UNIT: (202) 647-7095

F A X C O V E R S H E E T

DATE:

6/20

TO:

Coryn

FROM:

Bob

SUBJECT:

Commerce Letter

REMARKS:

Isn't a decision to sell to the Cuban Gov't
a new policy? Did USC authorize Commerce
to announce this in public?

NUMBER OF PAGES, INCLUDING COVER PAGE:

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9273)

*Wednesday Wendy ...*

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Export Administration
Washington, D.C. 20230

June 16, 2000

Mr. Leonard Dale Moecklin, Sr.
Vice President
Wide West Exports
P.O. Box 361
890 Black Bear Road
Telluride, Colorado 81435

Dear Mr. Moecklin:

I am writing in response to your recent e-mail to the President concerning the export licensing of food to Cuba. The President's office asked that I respond on the President's behalf, as my organization is responsible for export licensing of items destined for Cuba.

The policy announced by the President on January 5, 1999, allows food sales in Cuba only to independent non-governmental entities. These include private farmers, religious groups and private sector undertakings such as family restaurants. I refer you to Section 746.2(b)(4)(iii) of the Export Administration Regulations which you can see at http://www.access.gpo.gov/bxa/ear/ear_data.html. As a result, Cuban government entities cannot be either the purchaser or end-user on any application to sell food to Cuba. The last license application submitted by your company has Cuban government entities as part of the transaction. The Bureau of Export Administration could not, therefore, approve the license.

We are in the process of reviewing our policy to see whether it would be appropriate to expand eligible purchasers in Cuba of U.S. food exports beyond non-governmental entities to include civil government agencies that buy and distribute food on the island. This process is still at an early stage and will require thorough interagency review. Any change would be implemented through a revision to the regulations and published in the Federal Register. We would also announce any changes on our website at www.bureauofexportadministration.gov.

I also encourage you to be in contact with the U.S. Interests Section in Havana for assistance in identifying acceptable parties under current regulations to this kind of transaction in Cuba.

Sincerely,

R. Roger Majak
Assistant Secretary

cc: Charles Shapiro
Coordinator
Office of Cuban Affairs
U.S. Department of State



**Counselor Wendy Sherman
Senior Cuba Policy Group
June 28, 2000**

Agenda

- I. OFAC Licensing
 - A. Berman amendment and Ry Cooter Update (L)
- II. Elián
 - A. Supreme Court
 - B. INS, US Marshals, DOJ ready
 - C. Press guidance
- III. Visa Issues
 - A. Non-issuance pending review of visas to DPO, PAO, and TDYer; possible USG responses.
 - B. FBI initially unwilling to walk back from objection.
 - C. Scenarios of impact of eventual decision on April 14th incident.
 - D. Should UN "G" visas be annotated to restrict to UN business only?
- IV. Migration Talks
 - A. Preliminary responses to lottery, GTMO returnees, additional repatriation port.
 - B. Initiate in-house planning for possible July talks?
- V. Possibility of "support for the Cuban people" package
 - A. Broadening of items allowed to be sent
 - B. Increase family visits
 - C. Remitting inheritances
 - D. Access by elderly to frozen US bank accounts
- VI. On-Going Legislation
 - A. Update on sanctions legislation
 - B. The "\$400m Cuba market"
 - C. Dept of Agriculture encourages show
- VII. On-going issues
 - A. Copenhagen +5: Southwick in Geneva
 - B. Bangor, Maine refueling
 - C. "Movimiento Democracia" lawsuit status update.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. agenda	Migration Talks Meeting (1 page)	06/15/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
sb2129

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

BREAKFAST OPTIONS:

Associated Supermarket
Catering
908 Second Avenue (48th Street) 212/308-7318

--Breakfast Platter: "a wonderful selection of breakfast pastries, danish, homemade muffins, and bagels. Coffee, tea and juice also included. \$3.99 per person + 8 ¼ NYC tax.

AND/OR

--Fruit Platter: "assorted melons, cut pineapple, sliced oranges, kiwis, strawberries, and grapes, etc., handsomely displayed. \$3.99 per person + 8 ¼ NYC tax.

LUNCH OPTIONS:

Catering:

Associated Supermarket
Catering
908 Second Avenue (48th Street) 212/308-7318

Hot Buffet: "a wide selection of poultry, meats, vegetable, pasta, fish. Ethnic specialties also available." \$8.99 per person (8 ¼ NYC sales tax)

Restaurants:

Marichu (Basque Cuisine of Northern Spain) \$25 per person + beverages, 20% service charge and 8.25% NYC sales tax. 342 East 46th Street, NYC 212/370-1866

*Note: no private room, semi-private garden.

Alonzos (Fine Italian Cuisine) \$25 per person + beverages, 20% service charge and 8.25% NYC sales tax. \$100 private room charge.

Metropolitan Café (Mediterranean Cuisine): \$25 per person + beverages, \$125 or 20% service charge (which ever is greater) and 8.25% NYC sales tax. (a la carte menu also available). Private room (included in cost).

Sichuan Palace (Asian Cuisine): Prices vary from \$25-\$55 per person + beverages, 20% service charge and 8.25% NYC sales tax. (a la carte menu also available) Private rooms available, no charge.

UN Delegates Restaurant: Three course luncheon, unlimited soft bar, one glass of luncheon wine per person and coffee service. Cost ranges from \$1,015.20- \$1,188.00 (approx. \$57-67 per person).

Dinner (U.S. Delegation Only)

Various options available

All-American

America-born chefs have come into their own in the last decade, using fresh seasonal ingredients and incorporating exotic flavors into dishes served in friendly, informal dining rooms. Here are 12 places that have helped reinvent the American restaurant. (These summaries are taken from dining reviews, columns and articles in *The Times* by William Grimes, Eric Asimov and others.)

1. Clementine

★ ★
(212) 253-0006
1 Fifth Avenue, at Eighth Street
Greenwich Village
\$\$\$ All major cards

This casual restaurant with a young scene serves great, affordable food. The main dining room is reached through a long, darkly romantic bar. The kitchen favors big flavors and quirky combinations. Squid is stuffed with a mixture of couscous and spicy sausage, then sliced into pretty rings and set in a colorful tomato-cumin broth. Spare ribs are stripped from the bone and served as a salad, mixed with white beans, watercress and fried green tomatoes. Impressive main dishes include chili-rubbed pork chop, a tasty steak, grilled lamb chops and artichoke-crusted salmon steak. Desserts are also impressive, especially the splendid lemon icebox cake.

2. Coup

★
(212) 979-2815
509 East Sixth Street
East Village
\$\$\$ All major cards

Coup has a cheery menu that's as likable as a Ron Howard movie. Kevin Roth, the executive chef, arrived from Quilty's with a snappy, inventive approach to a diverse array of international favorites. His gravlax, cured in lemon vodka, has a pleasingly sharp edge. Chili-rubbed shrimp are served with a fresh, lively black bean and mango salad. Blackened mahi-mahi with mashed plantains and sweet potatoes gets a lush, tropical note from charred pineapple and a dash of vanilla-bean oil. The roast Cornish hen is packed with chunks of coarse-grained sourdough bread and Michigan cherries. For dessert, try the pineapple upside-down cake.

3. EQ

★ ★
(212) 414-1961
267 West Fourth Street
West Village
\$\$\$ All major cards

A decade ago, Dennis Foy had big dreams and a big budget. When he opened Mondrian, now defunct, the chairs cost \$1,100 each. When he opened EQ, he was more cautious. Everything about the restaurant, named for his partner, Estelle Quinones, seems small, from the space (it seats just 40) to the menu. One thing, however, has not changed: when it comes to cooking, Mr. Foy still thinks big. Foie gras is sautéed and served with caramelized fennel purée. Roasted chicken, served with brussels sprout leaves, chestnuts and herbed spätzle, is such a crisp, juicy bird that it tastes as if it were cooked entirely to order. Desserts include

Summaries taken from reviews use the star ratings. Others are taken from the \$25 and Under column (†), *Diner's Journal* (††) and articles (†††).

What the Stars Mean

- ★★★★ Extraordinary
- ★★★ Excellent
- ★★ Very Good
- ★ Good
- None Poor to Satisfactory

Price Range

Based on the cost of a three-course dinner, per person, tax, tip and drinks not included.
\$ \$25 and under
\$\$ \$25 to \$40



bitter chocolate tart, warm chocolate and banana gratin, and warm quince and apple tarte.

4. Gramercy Tavern

★ ★ ★
(212) 477-0777
42 East 20th Street
Manhattan
\$\$\$\$ All major cards

Tom Colicchio cooks with extraordinary confidence, creating dishes characterized by bold flavors and unusual harmonies. The current menu features sea urchin and crab meat fondue with potato purée and curry essence, and tuna tartare with cucumber and sea urchin vinaigrette among the appetizers. Main courses include roasted monkfish with pancetta, braised red cabbage, celery root, Jerusalem artichokes and black truffle vinaigrette; and roasted sirloin of beef and braised beef cheeks with poached foie gras, marrow, roasted garlic and consommé. Claudia Fleming's desserts include a classic ganache cake, baked to order and served with Earl Grey ice cream, and a warm, gooey chocolate tart garnished with a fudgy sorbet. The service is solicitous but unceremonious, and the pretension quotient is low.

5. Mercer Kitchen

★ ★
(212) 966-5454
99 Prince Street, at Mercer Street
SoHo
\$\$\$ All major cards

Mercer Kitchen matches the downtown mood perfectly. It is an exciting space that takes you right underground. The walls have been stripped to the old bricks, and glass bubbles in the sidewalk are the ceiling in part of the dining room. Jean-Georges Vongerichten and his chefs de cuisine, Thomas DiMarzo and Steven Fillis, work a kind of magic with the food, layering flavors until they have created entirely new tastes. Starters include arugula salad with shaved fennel, mushrooms and Parmesan cheese; grilled quail with artichoke and almonds; and grilled sea scallops with Meyer lemon gremolata. Dishes from the wood-burning oven like Alsatian tarte flambée, lobster with fingerling potatoes and parsnip juice, and grilled sirloin steak are irresistible.

6. Picholine

★ ★ ★

extraordinary things with foie gras, whether sautéed or in a terrine with quince-apple chutney Napoleon and cranberry-apple syrup. Salmon with a horseradish crust, one of his signature dishes, is excellent, as is Moroccan-spiced loin of lamb. Desserts, like a beautiful Meyer lemon torte, are great, but don't miss Picholine's extravagant cheese cart, worth considering if only to hear the lovingly detailed descriptions of each cheese. It's almost impossible not to order something.

7. Quilty's

★ ★
(212) 254-1260
177 Prince Street, near Thompson Street
SoHo
\$\$\$ All major credit cards

Quilty's chef, Katy Sparks, has attracted an ardent following for her exuberant Mediterranean cooking. She has revised her menu extensively since being reviewed in January 1997. The sole remaining dish is a winner: plump oysters warmed in a gewürztraminer-and-cream sauce, enhanced by green grapes and crisp leeks. While the selection is different, her approach is the same: a bold touch with seafood and vegetables. Occasionally she is heavy-handed, but just as often she produces fireworks. The current choices include fricassee of wild mushroom, pancetta-wrapped medallions of monkfish, peppered loin of yellowfin tuna, and osso buco of organic pork with saffron couscous, spice-mulled fall fruits and caramelized fennel. Quilty's is sparsely and tastefully decorated but can be outrageously loud when packed.

8. 71 Clinton Fresh Food

(212) 614-6960
71 Clinton Street, near Rivington Street
Lower East Side
\$ All major cards

If the duty of ambitious little restaurants is to go where none have gone before, to colonize all corners of Manhattan, 71 Clinton Fresh Food, a stylish 30-seat storefront restaurant in the heart of the Lower East Side, has been doing its part. First on the block status might give a restaurant a big head, but at Fresh Food details matter. A tall plastic divider protects tables in the front of the boxy dining room from blasts of cold air every time the door opens, while the

sharp horseradish oil. Main courses include black sea bass with a crisco and rye, perfectly roasted served over potatoes mashed chives, and monkfish served in a vorful ragout of artichokes, butternut squash and bacon.

9. Tabla

★ ★ ★
(212) 889-0667
11 Madison Avenue, at 25th Street
\$\$\$ All major cards

The newest of Danny Meyer's taurants, Tabla vibrates with sizzles with color. At the downstairs, cooks grill roti and odd and interesting flavors. Upstairs the dining room is darkly sensu with walls stained in shades of and coral. Floyd Cardoz's menu tures American foods transforme Indian spices. It includes wild m room rasam with pumpkin, leeks mustard seed, and tandoori b pepper shrimp among the appeti. Main courses include braised l shank with apricots, eggplant mustard seed potatoes, and s spiced glazed oxtail with ging risotto, horseradish and cabb. Desserts are impressively offi. Try the warm chocolate-date cak the vanilla-bean kuli, an ice cr with character.

10. Tonic

★ ★
(212) 929-9755
108 West 18th Street
Chelsea
\$\$\$ All major cards

The old Harvey's Chelsea H has been skillfully turned into an scale restaurant. The chef, Chris sualdi, formerly of Montrachet, i his best playing with strong flav. He makes delicious soups, and menu, which has completely char since the Tonic was reviewed winter, includes a purée of por and celery root soup served with l isiana crayfish, chestnut ravioli a ragout of braised oxtail, and a téed foie gras with caramelized ple, saffron purée and currant cog sauce. Among the main courses five-spice Muscovy duck, and brai lamb shank en croûte with must greens, flageolet and cipollini onl. The wines are interesting, fa priced and served by waiters who all would-be sommeliers.

11. Union Pacific

★ ★ ★
(212) 995-8500
111 East 22nd Street
Manhattan
\$\$\$\$ All major cards

With a curtain of falling water the entrance and the cool, calm i of Japan without a hint of auster Union Pacific is one of the most be tiful, comfortable and soothing ei ronments in Manhattan. The O threat to the serenity is Rocco Di S. Ito's exciting menu, which can i voke moans of pleasure as you eat features a bouillon of forest mu rooms, braised veal shoulder v winter roots and forest mushroom and curried monkfish with nig shade and pumpkin confit. Alm everything on the menu is wonder. and the unusual wine list emphasi selections that are bright with eno acidity to make them friendly to t food. The desserts are as interest as the main courses and include l ter almond crème brûlée with tan, rine sorbet, spiced persimmon br with squash dumplings, and chic bombe with chocolate ravioli.

12. Verbena

★ ★
(212) 260-5454
54 Irving Place, at 17th Street
Manhattan
\$\$\$ All major cards

The dining room is small, eleg and beautifully lighted to give i romantic glow. The food is fresh, s sonal and original American f: Diana Enley the chef and her

France dominates the menus of New York's five four-star restaurants, but just below, at the three-star levels, are many restaurants that find their inspiration elsewhere, as these 12 do. (These summaries, written by Eric Asimov, are taken from Mr. Asimov's and others' dining reviews, columns and articles in The Times.)

1. Aquavit

(212) 307-7311
13 West 54th Street
Manhattan
\$\$\$ All major cards

Marcus Samuelsson cooks delicate and beautiful food, walking a tight-rope between Swedish tradition and modern taste. Swedish food often balances salty with sweet, as with herring, but Mr. Samuelsson has appropriated the idea and made it his own, creating elusive flavors that are delicious. While his menu offers almost none of the dishes that were available when Aquavit was last reviewed, in 1995, many of the concepts are the same. Tuna-and-salmon rosette, for example, is now made with crisp sea urchin and a mango-mustard vinaigrette rather than sesame-flavored cucumber "noodles." Lobster salad is served with a mushroom dumpling and truffle-tea broth instead of melon and fromage blanc, and seared venison comes with papaya pesto, not lingonberry sauce. But you can still get the smorgasbord and a herring plate, of course.

2. Babbo

(212) 777-0303
110 Waverly Place
Greenwich Village
\$\$\$ All major cards

The menu at this spare and casual trattoria, in the space formerly occupied by the Coach House, is loaded with dishes that Americans are not supposed to like. Fresh anchovies and warm testa (that's head cheese) are among the appetizers, and pastas include bucatini with octopus, and ravioli filled with beef cheeks and topped with crushed squab livers. A big bowl of squid constitutes one main course, and sweetbreads with bacon is another. Lambs' tongues and calves' brains are frequent specials. In a time when chances are rarely taken, when menus are made by focus groups and too many restaurants cater to the bottom line, Babbo is a breath of fresh air. The pastas are universally impressive, the calamari is fabulous and the largely Italian wine list is unusual and fairly priced. It would be easy to overlook desserts, but don't. They are excellent and as unusual as everything else.

3. Gotham Bar and Grill

(212) 620-4020
12 East 12th Street
Greenwich Village
\$\$\$\$ All major cards

In many ways, Gotham is a quintessential New York restaurant, a vast comfortable space that manages to offer intimacy, too. The chef, Alfred Portale, is famous for his vertical dishes and his signature seafood salad, a spiral of scallops, squid, octo-



pus, lobster and avocado that swirls onto the plate like a mini-tornado. He makes a fine foie gras and guinea hen terrine, the flavors plucked by a green lentil salad. His tuna tartare is lively with lime, scallions and ginger. The main courses are more straightforward than the appetizers. Tuna comes with a swirl of pappardelle and a mush of eggplant. Sturdy salmon is served with chanterelles, peas and leeks. Wonderful rack of lamb comes with chard and garlic mashed potatoes. Desserts are intense and American.

4. Gramercy Tavern

(212) 477-0777
42 East 20th Street
Manhattan
\$\$\$\$ All major cards

Tom Colicchio cooks with extraordinary confidence, creating dishes characterized by bold flavors and unusual harmonies. His marinated yellowtail strives for lightness. Mr. Colicchio brushes a thin slice of the fish with lemon and olive oil, then scatters roasted beets and tiny herbs across the top. The full, generous flavor of the beets brings but the clean freshness of the fish and makes its taste come soaring through with the clarity of a flute. Salmon is baked in salt until the flesh has the texture of velvet. Loin of lamb is paired with a tomato tart, while saddle of rabbit comes with chanterelles, pickled watermelon, cucumber and mustard seed. The service is solicitous but unceremonious, and the pretension quotient is low.

5. March

(212) 754-6272
405 East 58th Street
Manhattan
\$\$\$\$ All major cards

March, a romantic gem of a restaurant, offers an unusual menu with several East-meets-West opportunities. In place of the typical three-course meal — appetizer, entree and dessert — March serves four or five small courses. Wayne Nish, the chef and a co-owner, has a Japanese bent, and among his dishes are variations on sashimi. They are so beautiful they look more like jewelry than food and so small you could easily pin them to your lapel. His hamachi sashimi is a single slice of yellowtail brushed with a bit of olive oil and white soy sauce and sprinkled with chives and sesame seeds. Seared bluefin is also small, but it is an extraordinary piece of tuna encrusted with sesame seeds and topped with sea urchin roe. Those

door; it is open later and it does not serve lunch. But the food is as accomplished and expensive as Nobu's. And while the menu features many of the same dishes, it strives for its own identity with an emphasis on raw shellfish, whole fish served for an entire table and noodles. The new dishes all seem to emphasize texture. Spiny lobster sashimi is very crisp, almost crunchy in the manner of a giant clam with a refreshing and very delicate flavor. Sweet, rich black cod miso makes a fine following dish. The whole fish dishes are another exercise in texture. When scorpion fish is fried, it becomes something so crunchy that you soon find yourself munching on the crispy bones. But order the same fish grilled, and you end up with an entirely different creature with a soft texture and gentle flavor. Mochi ice cream balls are the most appealing way to end a meal.

6. Patria

(212) 777-6211
250 Park Avenue South, at 20th Street
\$\$\$\$ All major cards

With its colorful food and boisterous dining room, Patria has a carnival quality, but the chef, Douglas Rodriguez, is no mere sideshow trickster. He creates exuberant, outrageous nuevo latino combinations with names like Honduran fire and ice, an extravagant tuna ceviche, and he is firmly in control of his ingredients. Appetizers like Peruvian ceviche and empanadas cabrales are elegant blends of flavors and textures, while main courses offer him an even greater opportunity for creativity. Guatemalan chicken is a gorgeous combination of ingredients that arrives looking like the Statue of Liberty, while fried whole red snapper is absolutely delicious. Desserts, too, are intense and flavorful. The wine list emphasizes Argentina, Chile and Spain at fair prices.

8. Patroon

(212) 883-7373
160 East 46th Street
Manhattan
\$\$\$\$ All major cards

Geoffrey Zakarian, the chef, is anything but predictable. Although he can please people with simple tastes, he is at his best when the cooking is more complicated. He has invented a few truly brilliant dishes. Duck à l'orange Patroon is a stunning rendition of an old standard. Mr. Zakarian bones the leg and thigh and cooks

7. Tabla

(212) 889-0667
11 Madison Avenue, at 25th Street
\$\$\$\$ All major cards

This tiny restaurant doesn't look much different from many other little Japanese restaurants, but the food is so extraordinary that a visit to Sugiyama feels like a dreamy voyage to Japan. The chef and owner, Nao Sugiyama, serves modern kaiseki meals: you tell the chef how many courses you want, and how much you are willing to spend and simply put yourself in his hands. This artful food makes no concessions to American prejudices. Splendid sushi is a part of each meal, but there are often sliced sea cucumber in vinegar, tiny crabs no larger than a fingernail, lily roots, ginger buds and blocks of soft tofu laced with tiny fish. Mr. Sugiyama often begins the meal with ankimo, the smooth Japanese version of foie gras (actually monkfish liver), served with a tiny wooden spoon. Most meals continue with zensai, beautiful little appetizers arranged with great delicacy, then an assortment of sashimi, then perhaps rich, decadent black cod marinated in sake lees. The meal invariably closes with miso soup, pickles and rice.

9. Tabla

(212) 889-0667
11 Madison Avenue, at 25th Street
\$\$\$\$ All major cards

Tabla, the newest restaurant in Danny Meyer's growing empire, offers a striking menu of American foods transformed by Indian spices. Mustard fettuccine tossed with veal for example, is a terrific appetizer, as is wild mushroom soup, alive with the flavors of tamarind and ginger. Black bass topped with flaked rice and served with pea greens offers an enticing play of tastes and textures while spiced oxtails on a bed of tapioca and roasted beets is a bottomless well of flavors.

11. Union Pacific

(212) 995-8500
111 East 22d Street
Manhattan
\$\$\$\$ All major cards

With a curtain of falling water at the entrance and the cool, calm look of Japan without a hint of austerity Union Pacific is one of the most beautiful, comfortable and soothing environments in Manhattan. The only threat to the serenity is Rocco DiSpirito's exciting menu, which can provoke moans of pleasure as you eat. The combination of caramelized sweetbreads with sorrel and musk melon is fabulous, as is the bifidif: tuna tartare, while blue crab with wild leeks, chanterelles and seafood is extraordinary. Almost everything on the menu is wonderful, and the unusual wine list emphasizes selections that are bright with enough acidity to make them friendly to this food. The desserts are as interesting as the main courses. The strawberry charlotte with pistachio ice cream is deeply flavored. Raspberries are set onto a tart with lavender and the crème brûlée is laced with passion fruit essence, topped with pineapple sorbet and served with candy threaded with black sesame seeds.

12. Veritas

(212) 353-3700
43 East 20th Street
Manhattan
\$\$\$\$ All major cards

At Veritas wine is so important that the place could be called a wine cellar with a restaurant attached. How did Veritas come to have such a wide selection, 1,300 in all? The wines belong to two of the restaurant's owners, Park B. Smith and Steve Verlin, major wine collectors who realized they had more wine than time. When they opened the restaurant with Giv DiAleria and Scott Bryan, the owner of Indigo and Siena, the partners were so eager to share their passion for wine that they have been selling their extraordinary wines at extremely reasonable prices, like a 1984 Laville

Summaries taken from reviews use the star ratings. Others are taken from the \$25 and Under column (†), Diner's Journal (††) and articles (†††).

What the Stars Mean

- **** Extraordinary
- *** Excellent
- ** Very Good
- * Good
- None Poor to Satisfactory

Price Range

Based on the cost of a three-course dinner, per person, tax, tip and drinks not included.

- \$ \$25 and under
- \$ \$25 to \$40
- \$ \$40 to \$55
- \$\$\$ \$55 and over

Brasserie

In France a brasserie traditionally specialized in beer and Alsatian food; in fact, the word itself is French for beer hall or brewery. Today's brasseries, which tend to focus on wine rather than beer, are enjoying great popularity in Manhattan. Here are a dozen to choose from. (These summaries are taken from dining reviews, columns and articles in *The Times* by William Grimes, Eric Asimov and others.)

1. L'Absinthe

★

(212) 794-4950
227 East 67th Street
\$\$\$ All major cards

The etched glass, mirrors, polished brass and ancient clocks in this gorgeous restaurant give it the familiar warmth of a brasserie, and it serves some of the best old-fashioned food, like saucisson chaud, generous slices of poached sausage with potatoes and lentils. Other main courses include roasted salmon (the spicy, crusty fish is served with Moroccan couscous); merguez sausage and cilantro clam broth; tourmedos of grilled lamb shoulder confit served with a medium rare lamb chop; and Alsatian royal choucroute. Desserts are always impeccable; there is not a crisper, more buttery or better warm apple tart in all of New York.

2. L'Actuel

★★

(212) 583-0001
145 East 50th Street
\$\$\$ All major cards

The name L'Actuel can be translated as right now, and it means what it says. The restaurant is up to the minute in a very French way, which is to say it is pointedly international while hanging on for dear life to the essential qualities that define a brasserie. L'Actuel has an Alsatian choucroute, of course; it also has a tapas menu, but French tapas, like marinated grilled zucchini stuffed with goat cheese. There are plates of fruits de mer served with a superior American cocktail sauce along with the mignonette sauce, not to mention chewy, saline seaweed bread. Tartes flambées, the thin-crust pizzas of Alsace, are offered in several varieties, including an orthodox cheese, onion and bacon tart smeared with a layer of crème fraîche, and a wild-card tart topped with wasabi and bluefin tuna. Desserts include an excellent apple tart with a properly burned crust; a warm chocolate cake with a molten center; and a coconut mousse stuffed with pineapple gelée.

3. Balthazar

★★★

(212) 965-1414
80 Spring Street, at Crosby Street
SoHo
\$\$\$ All major cards

It's still not easy to get a dinner reservation; you're lucky, in fact, if

Summaries taken from reviews use the star ratings. Others are taken from the \$25 and Under column (†), *Diner's Journal* (††) and articles (†††).

What the Stars Mean

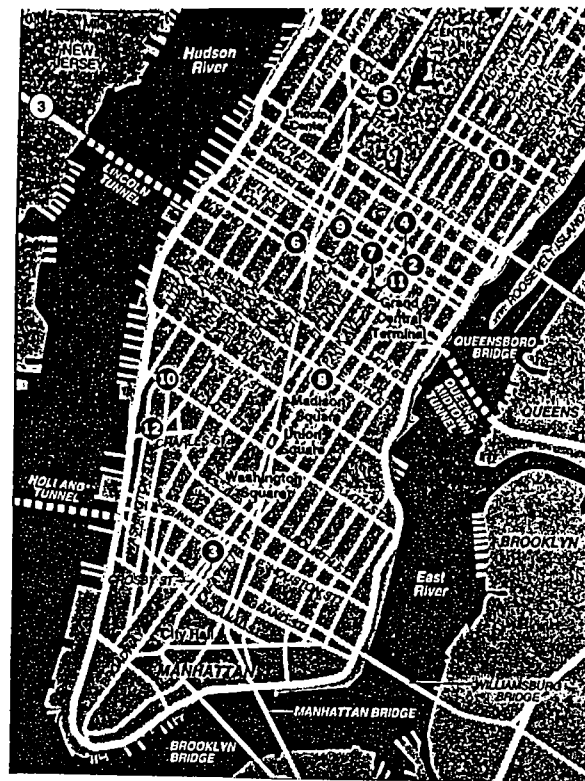
★★★★ Extraordinary
★★★ Excellent
★★ Very Good
★ Good
None Poor to Satisfactory

Price Range

Based on the cost of a three-course dinner, per person, tax, tip and drinks not included.

\$ \$25 and under
\$\$ \$25 to \$40
\$\$\$ \$40 to \$55
\$\$\$\$ \$55 and over

Past Reviews Eating Out columns back to June 1998, along with reviews from *The Times* and capsule reviews by *Times* critics of additional restaurants not reviewed in the newspaper.



you don't get a busy signal. But with all the attention paid to this trendy French brasserie in SoHo, it manages to produce gutsy, authentic bistro fare. While grand platters of shellfish look spectacular, the main courses really shine. Standards like steak frites and steak au poivre served with fine fries and good, buttery spinach are appealing, while rich, meaty short ribs, served only on Saturday, are awesome. Balthazar bakes its breads, which you can buy next door at the Balthazar Bakery along with a fine selection of sandwiches.

4. The Brasserie

††

(212) 751-4840
100 East 53rd Street
\$\$ All major cards

Many New Yorkers remember the Seagram Building's original Brasserie, which closed in 1995 after a fire. The new Brasserie, which opened in January in the same location, is very different, with a video display over the bar and an entry into the sunken dining room on an illuminated glass staircase. Some elements of the interior, designed by Diller & Scofidio, suggest a stripped-down airplane fuselage, others a futuristic diner. The chef, Luc Dimnet, formerly of Les Célébrités, has kept some of the old standbys, like onion soup, steamed mussels and omelets. He sticks to the simplicity of the brasserie format with dishes like Provençal fish soup and ideally crispy goujonettes of sole, France's contribution to the fish-stick concept. The main courses include bistro dishes like cassoulet, bouillabaisse, steak frites, rabbit stew and roast chicken with truffled mashed potatoes.

5. Brasserie Américaine

†††

(212) 721-3322
51 West 64th Street
\$\$\$ All major cards

Brasserie Américaine offers lunch and dinner seven days a week, with a bar and a raw bar that stay open for an hour after the kitchen closes each night. Starters may include onion soup gratinée, oysters on the half shell, terrine of foie gras with bricétoise toast, and a salad of haricots verts with shitake mushrooms and warm potato "chips." Among the main courses are steak frites, cassoulet, braised lamb shank, bouillabaisse, roasted chicken and sautéed calf's liver. The wines — fairly evenly divid-

6. Brasseriebit

†††

(212) 869-4440
258 West 44th Street
All major cards

Brasseriebit, which opened in December, takes its name from Bitburger, the German brewery that is its partner and whose beer is on tap. The menu features brasserie classics like onion soup gratinée, duck and foie gras terrine, roast chicken and braised short ribs of beef. Daily specials include cassoulet, choucroute garnie, bouillabaisse and duck confit. The raw bar includes oysters, shrimp cocktail and fruits de mer.

7. Cafe Centro

★★★

(212) 818-1222
200 Park Avenue, at 45th Street
\$\$\$ All major cards

Everything runs smoothly at Cafe Centro, a lavish brasserie that is a landscape of polished marble, buffed brass and gleaming glass. Service is quick and polite, and the food is equally efficient. The restaurant has changed chefs several times since it was reviewed in 1996. Julian Alonzo is the current one, but the menu is unchanged in spirit, with gutsy bistro dishes like frisée aux lardons, herb-roasted chicken, steak frites and crisp roast duckling. Desserts are terrific, like apple tarte Tatin served with caramel ice cream.

8. Les Halles

★★★

(212) 679-4111
411 Park Avenue South, near 29th Street
\$\$\$ All major cards

Taking its name from Paris's legendary wholesale food market, Les Halles also functions as a meat market, with butcher cases in the front and a room with the air of a real Parisian brasserie in the back, with wood molding, off-white walls, tulip sconces and tables draped in butcher paper. The menu, naturally, is heavy on meat, with choucroute, the classic Alsatian blend of pork, sausages and sauerkraut; hanger steak; lamb chops; and pig's feet.

9. Maritime

★

(212) 354-1717
Exxon Building, 1251 Avenue of the

marriage. Here are a few more like the deck of a Vanderbilt: Appetizers include smoked and sweet potato cakes, M New England clam chowder, phyllo crusted jumbo shrimp green olive-citrus salad. Entrees include pan-roasted New England lump crab meat, Chesapeake Bay lump crab cakes, pan-seared tuna, Florida stone crab with mustard sauce and a one-quarter-pound Maine lobster dinner served with steamed mussels, red potatoes and corn.

10. Markt

†††

(212) 727-3314
401 West 14th Street
Chelsea
\$\$\$ All major cards

Markt's look is all-brasserie: dark wood, etched glass and beer posters. Belgian beers, them, are the focus here. Mussels, other seafood, with frites, of course, are among the Belgian specialties. The chef, Marvin James, formerly of Gotham Bar and Grill. Other specialties include steak tartare, rabbit Frites with Corsendonck beer, B beef stew and sautéed loin of veal with roasted Belgian endive, mushrooms and thyme. Markt's bar features at least 10 kinds of beers every day, as well as lobster, sea urchin, clams, pickles and stone crab claws from Maine.

11. Métazur

††

(212) 687-4600
Grand Central Terminal
Main Concourse
East Balcony
\$\$\$ All major cards

Métazur, an American brasserie that opened in Grand Central Terminal, feels like a cafe with the brioche and hum of a public square. Michael Jordan's Steakhouse, across the street, encloses and cossets its patrons; Métazur keeps the sight open in all directions. You can see into the large open kitchen, with wraparound marble counter, or onto the human swirl below. Chef Palmer, the chef and owner of the restaurant, has devised a menu that folks might call "casual sophisticated." A modernized version of bistro trattoria food with Asian and Mediterranean accents. Shrimp-and-eggplant risotto with a sweet basil purée. Spanish-Italian hybrid, sits side by side on the menu with an Asian-inspired tuna tartare livened up with lime zest, ginger and a chili vinegar. Tiny sprouts of daikon root add an extra note of freshness. The restaurant's raw bar serves clams, oysters and an unusual parrotfish lobster and shrimp in citrus clam cream. Main courses tend to be simple, with robust flavors. Wood-grilled chicken, served with a creamy pumpkin and chive purée, gets unexpected depth of flavor from mushroom, porcini, and chanterelles add earthy overlay to the short-rib cauliflower.

12. Waterloo Brasserie

†

(212) 352-1119
145 Charles Street, near Washington Street
West Village
\$ All major cards

From the owners of Le Zoo trendy restaurant a few blocks away comes this appealing-looking brasserie with a fascinating selection of Belgian beers. As for the food, you can't go wrong with the fragrant stews of mussels prepared in several guises. Crispy fries come with mussels and are served, Belgian style, with mayonnaise. Fish is generally right on the mark at Waterloo: seafood dishes include Chatham Channel sole with chanterelle and hedgehog mushrooms with maple-rosemary emulsion; roasted monkfish with ear-

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. agenda	Senior Cuba Policy Group (1 page)	05/24/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
sb2129

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Ry Cooder OFAC license request
Background

Ry Cooder (together with his wife and son, photographer and musician, respectively), who made the widely-acclaimed Buena Vista Social Club album (and who paid a civil penalty to OFAC's Enforcement division for his BVSC work) has applied to OFAC for a license to

travel to Cuba and carry out activities related to the production and promotion of follow-on albums to the Buena Vista Social Club album.

Many large record producers have applied to OFAC to make albums in Cuba, and OFAC has denied their license requests, because it interprets the Cuban Assets Control Regulations (31 CFR 515.206) as not permitting the licensing of the creation of new intellectual property (such as musical albums, books, and films). Nevertheless, L/WHA argues that allowing this type of activity is within the Executive Branch's authority to permit.

Granting the license would

- Go against the general prohibition in the Cuban Asset Control Regulations generally prohibit any and all transactions in which Cuba or a Cuban national has an interest.
- Be contrary to OFAC's interpretation of the relevant provision (31 CFR 515.206) that transactions related to the creation of information and informational materials not in existence at the time of the transaction are not permitted.
- Signal an open door for future projects to produce intellectual property in general
- Funnel assets into Cuba, contrary to the spirit of the law, if not the letter of the law.

Denying the license would make Ry Cooder's project a cause célèbre that the Cuban regime could use as propaganda against us.

Representatives Howard L. Berman (D-CA) and Sam Gejdenson (D-CT) have written to the Secretary on this issue, arguing that this album is an example of what the U.S. "people-to-people" policy is all about. Senator Charles T. Hagel (R-NE) has also called to express his interest.

FRAMEWORK FOR THE MIGRATION REVIEW

The U.S. Agenda:

New Issue/Proposals:

- Seek Cuban commitment to accept Cuban nationals intercepted at sea regardless of whether they have lived in the U.S. before (unless they are LPRs)
- Seek Cuban commitment to issue exit permits for those whose family members remain in Cuba despite having U.S. travel documents

Continuing Issues:

- Next lottery to be held in 2001
- Seek the use of a second additional port for repatriations
- Seek response to Santiago circuit-ride proposal
- Seek Cuban agreement to a subcommittee to discuss criminal excludables
- Monitoring
 - Resolution of problem cases
 - Continued free access to returned migrants by all officers
 - Credible arrangements for monitoring imprisoned returnees
- Cooperation in deterring alien smuggling on a case-by-case basis
- Agreement on return of criminal excludables beyond Mariel
- Reduced fees for migration-related services
- Reduced delays in issuance of exit permits
- Reduced sentences for migration-related offenses
- Additional consular personnel to handle 20,000 cases

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. memo	To: J. Stapleton Roy; Re: Cuba (2 pages)	05/19/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
sb2129

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. agenda	Senior Cuba Policy Group [with handwritten notes] (1 page)	06/07/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Inter-American Affairs (Hollis, Caryn)
OA/Box Number: 2925

FOLDER TITLE:

Cuba-Wendy Sherman Meetings/Policy Papers [1]

2016-0920-F
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**Counselor Wendy Sherman
Senior Cuba Policy Group
May 31, 2000**

AGENDA

I.



- A. Report from Cleveland Park. (CCA)
- B. Circuit Court ruling this week? (CCA)
- C. Playmates' I-94's expire June 2. (CCA)
- D. Excursion to Wye on June 3. (CCA)
- E. Visas for grandparents, extensions for Juan Miguel et al., extensions for playmates. (CCA)

II. Migration

- A. Meeting on Friday with Washington team for June 27 talks (CCA)
- B. Report from Miami (Brownfield)
- C. Coast Guard meeting in Havana (CCA)

III. Altercation on April 14

- A. DC police report due to US Attorney this week. (CCA)
- B. Memo on expulsions is pre-positioned. (CCA)

IV. Licensing



- A. Satellite phone approval ready to be briefed to Congress—
- B. Steel Film (Ry Cooder) project
- C. Peter Nathan
 - 1. Healthcare exhibit in 2002. ~~yes~~
 - 2. March 2001 Cuban Int'l Healthcare Exhibition ~~yes~~
 - 3. Agribusiness/food product exhibition — NO
- D. Care USA. \$125,000 to CARE Canada for Cuba. ~~NO~~

V. Miscellaneous

- A. Faget conviction

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The U.S. Agenda:

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- ➡ Seek Cuban commitment to accept Cuban nationals intercepted at sea regardless of whether they have lived in the U.S. before (unless they are LPRs)
- ✓ • Seek Cuban commitment to issue exit permits for individuals with U.S. travel documents, especially those with families in the United States

Continuing Issues:

- Next lottery to be held in 2001
- Seek the use of a second additional port for repatriations — *NON: paper to give in advance*
- Seek response to Santiago circuit-ride proposal
- Seek Cuban agreement to a subcommittee to discuss criminal excludables
- Monitoring
 - Resolution of problem cases
 - Continued free access to returned migrants by all officers
 - Credible arrangements for monitoring imprisoned returnees
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- Agreement on return of criminal excludables beyond Mariel
- Reduced fees for migration-related services
- Reduced delays in issuance of exit permits
- Reduced sentences for migration-related offenses
- Additional consular personnel to handle 20,000 cases

Migration Talks- Timeline*

- June 2:** Mtg- WHA Front Office Conference Room 6263@ 10AM
- June 9:** ALL inputs for the Briefing books must be submitted to CCA
- June 16:** Final draft of book will be available for clearance
- June 23:** Briefing Books available for pickup- CCA Room 3234
- June 26:** Travel to New York
- June 26:** Delegation Dinner
- June 27 & 28:** Migration Talks
- June 28:** Depart New York

SVTS

Cuba

June 9, 2000

12:00 - 1:00 p.m.

AGENDA

I. Update on Migration Trends (USCG)

A.
B.
C.

Current interdictions (USCG)

Predictions for summer (USCG/State)

Update on Anti-Alien Smuggling Task Force activities (DOJ) Teresa McHenry

II. Proposed protest flotilla (USCG)

A. Dates, participants, and plans?III. Migration Talks Update (State/INS) --- *Thomas Mtg.*

IV. GTMO: Resettlement Update (State)

- Ho: willing to consider 12 if successful will consider more.
BL: will add a word hand docs

V. FAA-Havana Air Controllers Meeting Update (FAA)

A. Avoiding the warning zone issue (State)

— don't want to give something up w/o reciprocity.

VI. Press Issues

1. Video release

2. Release of interdiction dispositions

- Adm Allen press release?
conducted in it.

SEARACCA/2000/svts: june 8 - svts agenda

OFFICE OF CUBAN AFFAIRS

**U.S. Department of State
ARA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263**

**Phone: (202) 647-9273
FAX: (202) 736-4476
FAX: HELMS-BURTON UNIT: (202) 647-7095**

FAX COVER SHEET

DATE: 01/14/00

TO: SVTS PARTICIPANTS

FROM: BOB WITAJEWSKI

SUBJECT: SVTS TODAY

**REMARKS: THERE WILL BE A SVTS FRIDAY,
01/21/00
AGENDA ATTACHED.**

NUMBER OF PAGES, INCLUDING COVER PAGE: 2

**(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL
202 647-9273)**

CUBA - SVTS
January 21, 2000

12:00 - 1:00 p.m.

AGENDA

I. Migrant Interdiction Update

- A. Current trends (USCG)
- B. Current prosecutions, convictions, sentences (DOJ)

II. Guantanamo

- A. Report on resettlement efforts (State)

III. Flying to Cuba

- A. Simplifying the ticketing and check-in process (OFAC)
- B. Status of Ly Tong license revocation (FAA)
- C. Dodds flight: How to monitor licensed flights to Cuba? (FAA/OFAC)
- D. Cubana: Safety record and the flying public including USG employees (FA/CIA)

Cuba Hijacker/Asylum Case

August 1996 Hijackers force pilot to fly small aircraft to US. Run out of fuel and crash into Gulf of Mexico. Picked up by Russian freighter and transferred to USCG.

Adel REGALADO Ulloa
Jose BELLO Puente
Leonardo REYES Ramirez

Pilot (Adolfo PEREZ Pantoja) is deposed and returns to Cuba.

July 1997 Jury finds them not guilty of air piracy. (USG guidance at the time was that we were disappointed but respected due process of law.)

December 1998 Immigration judge grants asylum, judging that they have well-founded fear of persecution if returned to Cuba, and that they did not commit hijacking and therefore not statutorily ineligible for asylum.

Other facts:

INS argued against asylum and withholding of deportation. INS did not have option of deportation to third country (as was final result in Pupo case -- because judge *denied* asylum).

According to Miami Herald (10/26/98), FBI special agent James Laflin said incident probably was not hijacking because Pilot was co-conspirator; asserted that admission of use of force was to enable pilot to return to Cuba.

According to same article, State Department "investigator" Harold Feeney testified that hijackers would be in danger if sent back to Cuba.

Hijackers' lawyer (Ralph Fernandez) and BTTR chief Jose Basulto claim USG intention is to cover up testimony hijacker can provide about GOC "rehearsal" of 2/96 shootdown.

Case of Fernandez Pupo

According to press, Immigration judge has denied him asylum. He is being held in Virginia prison under order of deportation to a third country. Judge issued deportation order but not to Cuba. ARA tasked with finding third country.

FRAMEWORK FOR THE MIGRATION REVIEW

The U.S. Agenda:

New Issue/Proposals:

- Seek Cuban commitment to accept Cuban nationals intercepted at sea regardless of whether they have lived in the U.S. before (unless they are LPRs)
- Seek Cuban commitment to issue exit permits for those whose family members remain in Cuba despite having U.S. travel documents

Continuing Issues:

- Next lottery to be held in 2001
- Seek the use of a second additional port for repatriations
- Seek response to Santiago circuit-ride proposal
- Seek Cuban agreement to a subcommittee to discuss criminal excludables
- Monitoring
 - Resolution of problem cases
 - Continued free access to returned migrants by all officers
 - Credible arrangements for monitoring imprisoned returnees
- Cooperation in deterring alien smuggling on a case-by-case basis
- Agreement on return of criminal excludables beyond Mariel
- Reduced fees for migration-related services
- Reduced delays in issuance of exit permits
- Reduced sentences for migration-related offenses
- Additional consular personnel to handle 20,000 cases

Cuban Preparations for Migration Talks

- I. Cubans remain effective at stopping migrants on land;
not stopping them once in the water/generally escorting to the 12 mile line and
calling the USCG
Having success against smugglers
- II. Trends: Numbers up only slightly
Violence up, not yet statistically significant
Significant shift back to rafts
- III. Why Cubans leaving?
--USCG complaints of funding/fuel shortages, low morale encouraging rafters
- IV. Cuban goals
 - Brain drain" fears
 - Believe own propaganda about Cuban Adjustment Act
 - Want to increase numbers over 20,000 as safety valve

OFD
2*Embassy of the United States of America*

Harare, Zimbabwe

June 13, 2000

By FAX

The Honorable
Ileana Ros-Lehtinen, Chair
Subcommittee on International Economic Policy and Trade
House of Representatives
Washington, DC 20515-0918

Dear Congresswoman Ros-Lehtinen:

I am in receipt of your letter of June 12, in which you asked that all U.S. officials involved in this case, stand firm in [their] decision to offer these Cuban doctors refugee status in the U.S. and to intensify U.S. efforts - individually and in conjunction with the U.N. High Commissioner for Refugees -- to secure the doctors' freedom and safety away from the threats posed by the Castro regime.

Let me assure you, Congresswoman, that my staff and I are pursuing a speedy and hopefully successful conclusion to this case. We at Embassy Harare want to see these two Cuban doctors treated as properly as you do. The Government of Zimbabwe expelled the two doctors on June 2, probably at the request of Cuban Ambassador Rodolfo Sarracino. In transit to Cuba via South Africa, though, the doctors protested vociferously at the Johannesburg airport, and South African authorities put them back on a plane to Zimbabwe. Currently, the doctors are voluntarily staying together at the Government of Zimbabwe's Goromonzi Detention Center. I have spoken with very senior members of the Government of Zimbabwe for several days and have urged them, as we move forward toward resolution of the matter, to respect the international conventions on treatment of refugees to which their country is a party.

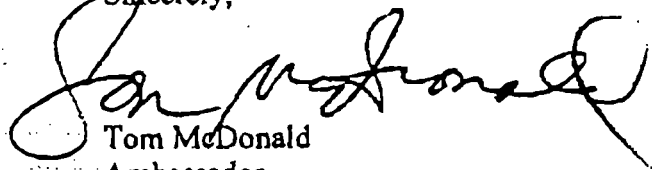
On June 8, the Zimbabwean Committee for Refugees took no decision on whether to grant Doctors Cordova and Pena refugee status in Zimbabwe and should have transferred them to the custody of UNHCR. An officer from the Regional Office of the U.S. Immigration and Naturalization Service (INS) in Nairobi arrived in Harare on June 9 to conduct a face-to-face interview with the Cubans. After doing so, the officer granted conditional refugee status to doctors Cordova and Pena, based on their well-founded fear of persecution should they return to Cuba.

-2-

As I write this letter, the Cuban doctors continue to be held by Zimbabwean immigration officials, in spite of substantial and ongoing efforts by me, this mission, INS and the local office of UNHCR. We understand that the decision to grant them their freedom rests with the highest levels of the Zimbabwean Government. We have seen the doctors and understand that they are being treated well, but are somewhat discouraged by how long it is taking for their case to be resolved. Meanwhile, we will continue to pursue resolution of this case with vigor.

I hope this information is helpful to you. I will stay personally involved in this matter until its conclusion. Please do not hesitate to call me at (263) 4 704-679 (office) or (263) 4 498-315 (residence) if I can be of service to you on this or any other matter.

Sincerely,



Tom McDonald
Ambassador

MITTEES:

NATIONAL RELATIONS
GOVERNMENT REFORM

CHAIR:

SUBCOMMITTEE ON
INTERNATIONAL ECONOMIC
POLICY AND TRADE

VICE CHAIR:

SUBCOMMITTEE ON
WESTERN HEMISPHERECongress of the United States
House of RepresentativesILEANA ROS-LEHTINEN
16TH DISTRICT, FLORIDA

June 12, 2000

PLEASE RESPOND TO:

☐ 2160 RAYBURN BUILDING
WASHINGTON, DC 20515-0018
(202) 225-3931
FAX (202) 225-5620☐ DISTRICT OFFICE:
9210 SUNSET DRIVE
SUITE 100
MIAMI, FL 33173
(305) 275-1800
FAX (305) 275-1801

The Honorable Thomas McDonald
U.S. Ambassador to the Republic of Zimbabwe
172 Herbert Chitepo Avenue
Harare (E), Zimbabwe

Dear Ambassador:

I would like to reiterate the concerns expressed to Secretary Albright concerning the welfare and asylum of Cuban Drs. Noris Pena Martinez and Leonel Cordova Rodriguez.

Not only does the Castro regime subjugate its people within Cuba's geographic boundaries, but it seems evident based on statements made by the Cuban dictator this past weekend, that the Castro regime is also trying to suppress the free will exerted by its citizens in other countries by intervening in the refugee and asylum case of Drs. Martinez and Rodriguez. The Castro regime's ultimatum that it would issue documents for the doctors to travel anywhere in the world - except the United States - clearly demonstrates an attempt to interfere in the internal affairs of the Zimbabwe government. Further, it seems that the regime is using the "medical assistance mission", or possible halt to such cooperation, as a means of scaring the Zimbabwe government into adhering to its wishes.

There are clear guidelines, requirements, and safeguards in place dictating the refugee and asylum process in cases such as these. We must not allow a despot - a tyrant like Fidel Castro - to coerce the Zimbabwe government to ignore and abrogate those procedures.

I ask that you and all U.S. officials involved in this case, stand firm in your decision to offer these Cuban doctors refugee status in the U.S. and to intensify U.S. efforts - individually and in conjunction with the U.N. High Commissioner for Refugees -- to secure the doctors' freedom and safety away from the threats posed by the Castro regime.

To reiterate, your assistance and commitment would be greatly appreciated.

Sincerely,

Ileana Ros-Lehtinen, Chair
Subcommittee on International
Economic Policy and Trade

U.S. Department of State
ARA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263

Phone: (202) 647-9273
FAX: (202) 736-4476
FAX: HELMS-BURTON UNIT: (202) 647-7095

F A X C O V E R S H E E T

DATE:

6/13/00

TO:

CARYN Hollis
ARTURO VENEZUELA

FROM:

BOB WITAJEWSKI

SUBJECT:

WENDY SHERMAN "AGENDA"

REMARKS:

NUMBER OF PAGES, INCLUDING COVER PAGE:

2

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9273)

**Counselor Wendy Sherman
Senior Cuba Policy Group**

Thursday, June 14, 2000

Agenda

I. Elián

- A. Next steps after appeal
- B. Keep grandparents' visas under review?

II. Ry Cooder

- A. OFAC asks us to reconsider our non-response
- B. Recommendation: re-consider if non-profit

III. April 14 Cubint Incident

- A. Status: Decision expected July at the earliest
- B. Action plan and follow-up
- C. Renewing visas for 3 Cubans reportedly on list of potential indictees.

IV. Guantanamo

- A. Payment of retirement benefits entitlements
- B. Crossing the fenceline to brief retirees

IV. Upcoming Migration Talks

- A. Key issues to stress with Cubans

V. New Warner Proposal for a Bipartisan Commission on Cuba

VI. The Lessons of Beijing +5: Dealing with Cuban tactics on embargo language in UN declarations

VII. Update on Alien Smuggling Meeting chaired by PA

VIII. Update on Upcoming trial on the seizure of the "MV Democracia"

~~VI~~

Fax**URGENT****U.S. Department of State
Office of Russian Affairs**

From: Robert Kiene

Phone: (202) 736-4441

Fax: 202-736-4710 or 202-647-3506

To: Andrew Weiss Fax 456-9160 Phone _____NSCPages to Follow: 3

Re: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

● Comments:

The letter on Lourdes we propose
to send to Gilman. Please
clear asap today thanks.

To: Defense
Legis
InterAm
Intecan

6/11 Need comments by 4 p.m.
edish Thanks.

Dear Mr. Chairman:

The White House has asked the Department of State to respond to your March 3 letter expressing your concern about the signals intelligence-gathering facility at Lourdes, Cuba maintained and operated by the Russian Federation. I share your concern. I hope that the most recent briefing on this issue the intelligence community provided to the International Relations Committee, on March 29, helped to answer your questions about the nature of this facility. If you have any further questions about its activities, the Department of State would be happy to try to answer them.

You suggest that the United States should not reschedule or forgive Russian debt payments owed to the United States, or support rescheduling or forgiveness in the Paris Club for Russia, until the Russian Government closes and dismantles the Lourdes facility. I share your concern about Lourdes, but note that national security considerations regarding this facility are not limited to concerns about intelligence gathering. Russia, like the United States, has a number of signals intelligence facilities. One function of these facilities is to collect information used to verify arms control agreements.

Arms control agreements give both sides the right to monitor treaty compliance with their national technical means (NTM) of verification. The United States has steadfastly resisted any attempts to define technical means of verification or to circumscribe the location and use of such systems. This policy has been dictated by the enormous importance technical collection systems have for both verification of arms control and for other U.S. national security purposes. Singling out Lourdes would invite the Russians and perhaps others in Europe and elsewhere to pursue similar charges against U.S. facilities they characterize as threatening.

The Honorable

Benjamin A. Gilman

Chairman

Committee on International Relations

United States House of Representatives

Washington, D.C. 20515

As regards debt reduction, the United States Government will not forgive any of Russia's bilateral debt to the United States without Congressional authorization. However, consistent with U.S. law, the United States does sometimes agree to a rescheduling of a country's debts when that country faces imminent default, in order to maximize the chances of U.S. repayment prospects.

In August 1999, faced with Russia's apparent inability to meet its scheduled obligations, the U.S. Government decided that the best way to maximize our chances of repayment was to reschedule Russia's debt payments falling due during 1999 and 2000. In no way does this agreement relieve Russia of its ultimate responsibility to make those payments. Moreover, we believe that rescheduling enhances the prospects for the U.S. to recover fully on these debts. Since the Paris Club negotiation, we have been negotiating a bilateral agreement with the government of Russia to implement the Paris Club Agreed Minute. On May 26, in conformity with applicable law, we informed Congress about the terms of this agreement. As requested by your staff, we have recently provided you with further information on the exact amount of payments made by Russia on debts owed to United States.

I am concerned by the informational hold you have placed on the agreement's entry into force. Blocking entry into force of the agreement creates a dilemma for the United States with undesirable consequences. If Russia fails to make the Lend-Lease payment falling due on July 1, it would lose its Normal Trade Relations (NTR) status, which would undoubtedly trigger a reciprocal move by Russia. Completely aside from the obvious damage to good relations with Russia, significant U.S. exports would be jeopardized, including \$500 million in Ex-Im Bank-financed oilfield and refinery equipment to be sold by ABB, Inc. and Halliburton, Inc. Even if Russia makes the July payment to avoid loss of its NTR status, the credibility of the United States in dealing with its partner creditors in the Paris Club would be severely damaged by our failure to implement the terms of the 1999 Paris Club Agreed Minute. Our ability to collect on official debts (not only from Russia but from other countries) will be diminished.

The first priority in our relationship with Russia is the security of the American people. I think you will share my view that a stable, democratic Russia with a market economy will contribute to our national security in many important ways. A reasonable and considered approach to rescheduling Russia's indebtedness helps to advance Russia's economic stability overall by stabilizing its finances. In the end, it is in the context of Russia's own political and economic transformation that we will find the best and most effective

answer to our concerns about Russia's international behavior,
including its relationship with Cuba.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

U.S. Department of State
ARA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263

Phone: (202) 647-9273
FAX: (202) 736-4476
FAX: HELMS-BURTON UNIT: (202) 647-7095

F A X C O V E R S H E E T

DATE: 6/14/00

TO: WENDY SHERMAN (MARGO) 70427
JULIA TAFT - PRM 78162
CARYN HOLLIS - NSC 456-9130
FROM: MIKE GUEST - H 72762

BOB WITAJEWSKI - WHA/CCA

SUBJECT: (CONG. ILEANA ROS-LEHTINEN - LTR FM. & TO AMB. TOM MCDONALD)

REMARKS:

NUMBER OF PAGES, INCLUDING COVER PAGE: 4

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9273)

2026475007

T-360 P.02/04 F-244

Jun-14-00 10:35

From-AF/S

OFF
2*Embassy of the United States of America*

Harare, Zimbabwe

June 13, 2000



By FAX

The Honorable
Ileana Ros-Lehtinen, Chair
Subcommittee on International Economic Policy and Trade
House of Representatives
Washington, DC 20515-0918

Dear Congresswoman Ros-Lehtinen:

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Let me assure you, Congresswoman, that my staff and I are pursuing a speedy and hopefully successful conclusion to this case. We at Embassy Harare want to see these two Cuban doctors treated as properly as you do. The Government of Zimbabwe expelled the two doctors on June 2, probably at the request of Cuban Ambassador Rodolfo Sarracino. In transit to Cuba via South Africa, though, the doctors protested vociferously at the Johannesburg airport, and South African authorities put them back on a plane to Zimbabwe. Currently, the doctors are voluntarily staying together at the Government of Zimbabwe's Goromonzi Detention Center. I have spoken with very senior members of the Government of Zimbabwe for several days and have urged them, as we move forward toward resolution of the matter, to respect the international conventions on treatment of refugees to which their country is a party.

On June 8, the Zimbabwean Committee for Refugees took no decision on whether to grant Doctors Cordova and Pena refugee status in Zimbabwe and should have transferred them to the custody of UNHCR. An officer from the Regional Office of the U.S. Immigration and Naturalization Service (INS) in Nairobi arrived in Harare on June 9 to conduct a face-to-face interview with the Cubans. After doing so, the officer granted conditional refugee status to doctors Cordova and Pena, based on their well-founded fear of persecution should they return to Cuba.

172 Herbert Chitepo Avenue, P.O. Box 3340, Harare, Zimbabwe
Telephone: 263-4-250593/5; Fax 263-4-796487

Jun-14-00 10:36

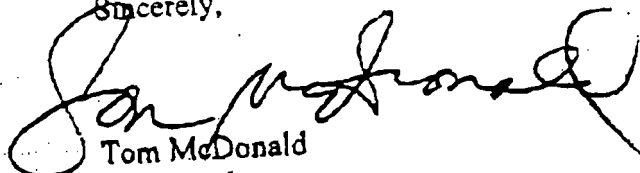
From-AF/S

-2-

As I write this letter, the Cuban doctors continue to be held by Zimbabwean immigration officials, in spite of substantial and ongoing efforts by me, this mission, INS and the local office of UNHCR. We understand that the decision to grant them their freedom rests with the highest levels of the Zimbabwean Government. We have seen the doctors and understand that they are being treated well, but are somewhat discouraged by how long it is taking for their case to be resolved. Meanwhile, we will continue to pursue resolution of this case with vigor.

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Sincerely,



Tom McDonald
Ambassador

Jun-14-00 10:36

From-AF/S

2026475007

T-360 P.04/04 F-244

MITTEES:

CONGRESSIONAL RELATIONS
GOVERNMENT REFORM

CHAIR:

SUBCOMMITTEE ON
INTERNATIONAL ECONOMIC
POLICY AND TRADE

VICE CHAIR:

SUBCOMMITTEE ON
WESTERN HEMISPHERE



Congress of the United States
House of Representatives

ILEANA ROS-LEHTINEN
18TH DISTRICT, FLORIDA

June 12, 2000

PLEASE RESPOND TO:

2160 RAYBURN BUILDING
WASHINGTON, DC 20515-0018
(202) 225-3931
FAX (202) 225-5630

DISTRICT OFFICE:

9210 SUNSET DRIVE
SUITE 100
MIAMI, FL 33173
(305) 275-1800
FAX (305) 275-1901

The Honorable Thomas McDonald
U.S. Ambassador to the Republic of Zimbabwe
172 Herbert Chitepo Avenue
Harare (E), Zimbabwe

Dear Ambassador:

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To reiterate, your assistance and commitment would be greatly appreciated.

Sincerely,

Ileana Ros-Lehtinen, Chair
Subcommittee on International
Economic Policy and Trade

SVTS – Cuba

**April 28, 2000
12:00 – 1:00 p.m.**

AGENDA**I. Migration Issues Update**

- A. Interdiction trends and numbers (USCG)
- B. Law enforcement activities: investigations, arrests, indictments, trials, and sentences (DOJ/INS)
- C. GTMO Numbers (State/INS)
- D. No response from Cubans on date for talks (State)

II. Civil Aviation matters

- A. Update on status/next steps on Havana airport security pre-visit (FAA)
- B. Status of enforcement action on Ly Tong (FAA)

III. Elián

- A. Status of controlled airspace over Wye (FAA)
- B. Living arrangements at Wye facility (DOJ/INS)
- ~~C.~~ Review of security presence and procedures in place at Wye (INS/DOJ)
-  D. Travel by Cubint to Wye facility (FBI/INS/OFM/CCA)

- 1. Exemption requests
- 2. Notifications
- 3. Numbers, frequency, overnights

- E. Weekend activities; travel by Elián, playmates, parents, Cubin; photo ops?
(State/INS/DOJ)

O's game?

IV. April 14 Cubint altercation Update (CCA)

U.S. Department of State
ARA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263

Phone: (202) 647-9273
FAX: (202) 736-4476
FAX: HELMS-BURTON UNIT: (202) 647-7095

F A X C O V E R S H E E T

DATE: 4/24

TO: Arturo Valenzuela
Caryn Hollis

FROM: Bob

SUBJECT: Cuba Agenda

REMARKS :

NUMBER OF PAGES, INCLUDING COVER PAGE:

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9273)

**Counselor Wendy Sherman
Senior Cuba Policy Group**

April 24, 2000

Agenda

I. Elian

- A. Linking Geneva, Miami, migration accords, U.S.
Policy on child reunification and towards Cuba.

1. Statement, article or speech?
2. New measures

B. Visas

1. For playmates? How many? How long?
2. Visas for parents? How many? How long?

- B. Assurances from GOC once Elian returned to Cuba

II. Cubint altercation

- A. DC Police report status
- B. Next steps per the FAM
- C. Implications for USINT as summer transfer cycle approaches
- D. Calling in Ramirez

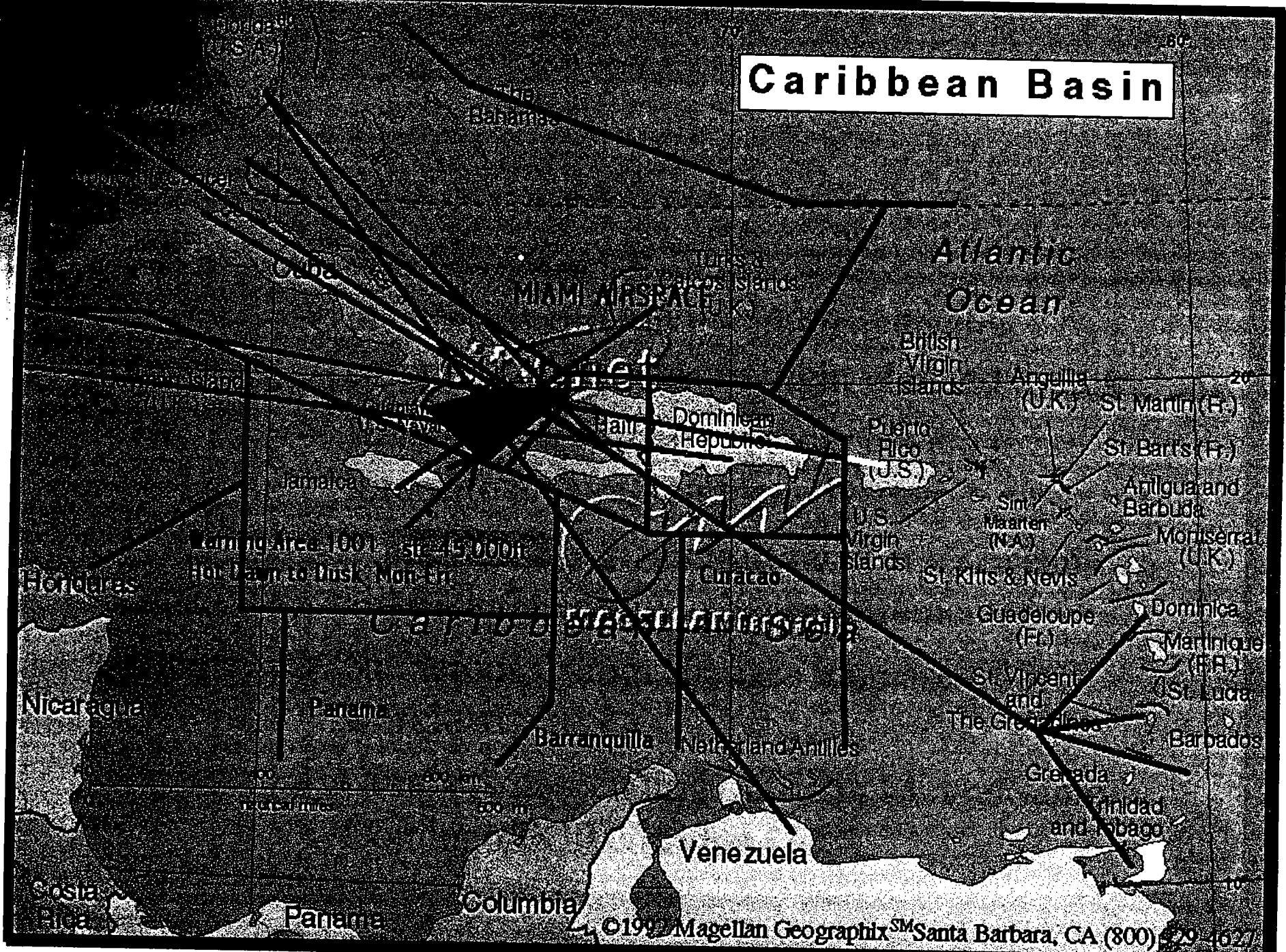
III. Guantanamo

- A. Trading ADIZ south of GTMO for USG benefits

SEARACCA/misc: april 24 - wendy agenda

Drafted: rmw

Caribbean Basin



1930; 3 Apr 00

**Counselor Wendy Sherman
Senior Cuba Policy Group**

**Agenda
April 5, 2000**

- I. Elián González
 - A. Status of travel by Juan Miguel González
- II. UNCHR
 - A. Status of Czech/Polish draft
 - B. EU comments
 - C. Lobbying efforts
- III. Migration
 - A. Status of NSC-hosted inter-agency on PD-27 process
 - B. Status of reactivating public diplomacy efforts
 - C. Status of NSC-hosted inter-agency meeting on tracking interdictions/legal actions on alien smuggling.
- IV. New Measures
 - A. Forget for now, but when?
- V. Miscellaneous
 - A. Status of Hill briefings on RFA
 - B. Fiber optic. Proceed.
 - C. Update on Title IV.
 - D. Paris Club and Cuba

EMBASSY OF SWITZERLAND
CUBAN INTERESTS SECTION

WASHINGTON, D.C.

URGENT!

Press Release

For immediate release
April 5, 2000
12:20pm

The Cuban Interests Section categorically denies the false statement by the Washington Times article "Elian 'a possession' of state, Cuba says", wrongly attributed to our spokesperson Luis Mariano Fernández who never said such an irresponsible and absurd remark.

In Cuba, Parental rights are sacred and fully exercise by all parents over their children. The Cuban Government, like the INS, the Attorney General, the Federal Court and the overwhelming majority of the US people recognize and respect the unique rights of Juan Miguel González, the boy's father and the only who has full custody rights over Elian.

Those holding Elian captive have undertaken various actions disregarding Juan Miguel sole rights over his son. By using false statements, in a very unprofessional way, The Washington Times article questioned the most basic ethic principle and credibility that should govern the role of the media.

While the Washington Times has told us that they will issue tomorrow a retraction, it is absolutely essential to set the record straight

###

For Comments contact
Luis M. Fernández
202 797 8518 ext 104

OFFICE OF CUBAN AFFAIRS

U.S. Department of State
WHA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263

Phone: (202) 647-9273
FAX: (202) 736-4476

FAX: HELMS-BURTON UNIT: (202) 647-7095

FAX COVER SHEET

DATE: 02/08/00

TO: CARYN
~~KAREN~~ HOLLIS
ARTURO VENEZUELA

(NSC)

FROM: BOB WITAJEWSKI

SUBJECT: AGENDA FOR TOMORROW'S MEETING

URGENT ACTION REPLY FYI

REMARKS:

NUMBER OF PAGES (INCLUDING COVER PAGE): 2

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9272)

Counselor Wendy Sherman
Senior Policy Group Meeting on Cuba
February 9, 2000

Agenda

I. Update on Elian

- A. Cubans renew consular access request
- B. Judge Hoeveler does not modify dates.
 - 1. Feb 22 on constitutional issue of asylum request
 - 2. March 6 on all other administrative and procedural issues
- C. INS' proposal to transfer custody to father upon arrival in the US. Details.

II. Accelerated Migration Talks

- A. Alarcon "accepts" our supposed offer for March talks.
- B. Request for an agenda pending with Cubint.
- C. Advantages/disadvantages of March/April talks.
 - 1. Should we hold? When? Where? Agenda?
 - 2. In lieu of, or in addition to, regular spring talks?

III. New Steps Package

- A. Cede or oppose OFAC's insistence that "humanitarian" be dropped from revision of Cuban-American travel provision?

IV. Bilateral Relations

- A. Bielsa-Hudson/Garcia CMUN visa disputes resolved.
- B. USIS/Station summer "hand-offs" transfers.
- C. Angels baseball game.
- D. Congressman Deutsch's Nodel.
- E. Seattle Trade Development Alliance trip to Cuba.

V. UNHRC -Update

- A. Seeking a co-drafter
- B. Mollifying the Brits

OFFICE OF CUBAN AFFAIRS

U.S. Department of State
WHA/CCA, Room 3234
2201 C Street, N.W.
Washington, D.C. 20520-6263

Phone (202) 647-9273
Fax (202) 736-4476

FAX: HELMS-BURTON UNIT: (202) 647-7095

FAX COVER SHEET

DATE:

3/9/00

TO:

*Coryn Hollis
Arturo Vilenzuela*

FROM:

B.b

SUBJECT:

Cuba Agenda - Revised

URGENT ACTION REPLY FYI

REMARKS:

NUMBER OF PAGES (INCLUDING COVER SHEET):

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**Counselor Wendy Sherman
Senior Cuba Policy Group**

March 10, 2000

AGENDA

I. UNHRC

- A. Acceptable language for Czech resolution
- B. Travel to Geneva: Who? When?
- C. Secretary's Geneva speech: Cuba content; new measures package?

II. Imperatori

- A. FBI now deferring to Justice on his return
Address/postpone immunities issue?
- B. Bielsa: Arrived in U.S. March 4; Noriega called.
- C. FBI will now object to visa for Brito.

III. Other issues

- A. Cuban rejection of return of illegal migrants
- B. Annual contact with Cubans policy cable: limitations and implications.
- C. Elian.
- D. G-77 Summit participation by Pol/Econ Section.
- E. Global Exchange & Oxfam updates.
- F. Fiber optic cable & Iriridium updates.
- G. Lomé: demarche sent.

**Counselor Wendy Sherman
Senior Policy Group Meeting on Cuba**

February 9, 2000

Agenda

I. Update on Elian

- A. Cubans renew consular access request
- B. Judge Hoeveler does not modify dates.
 - 1. Feb 22 on constitutional issue of asylum request
 - 2. March 6 on all other administrative and proceduresal issues
- C. INS' proposal to transfer custody to father upon arrival in the US.
- D. INS Letter to Spencer Eig on serving papers in Cuba
- E. Aide Memoir

II. Accelerated Migration Talks

- A. Alarcon "accepts" our supposed offer for March talks.
- B. Request for an agenda pending with Cubint.
- C. Advantages/disadvantages of March/April talks.
 - 1. Should we hold? When? Where? Agenda?
 - 2. In lieu of, or in addition to, regular spring talks?

III. New Steps Package

- A. Cede or oppose OFAC's insistence that "humanitarian" be dropped from revision of Cuban-American travel provision ?

IV. Bilateral Relations

- A. Bielsa/Hudson visa dispute resolved.
- B. USIS/Station summer transfers need to be hand-offs.
- C. Angels baseball game update.

**Counselor Wendy Sherman
Senior Cuba Policy Group**

Agenda

February 16, 2000

I. Elian

- A. Current status of legal processes: constitutional issues; ad litem motion; procedural hearings
- B. Cuban requests: consular access; father's gift and letters
- C. Custody & father's possible travel to the U.S.

II. UNHRC

- A. Geneva: China, Elian, generalized resentment against the U.S.
- B. Czechs & Poles: Internal divisions between EU and US groups
- C. The Resolution: Will embargo language win votes?
- D. Is a resolution containing embargo language acceptable?
- E. Can we push the EU hard on Lome without losing votes?
- F. What to do about Cuba's re-election bid to the UNHRC?
- G. Brownfield trip to Prague

III. On-Going Issues

- A. Seattle Trade Development Alliance visit to Cuba
- B. New Measures Package
- C. U.S. Chamber of Commerce people-to-people proposal
- D. New migration trends: Cubans non-acceptance of certain interdicted migrants: a new trend? Implications?

New Measures Package

1. Family humanitarian visits

Remove limitation on self-certified "family reunification" vice "humanitarian" visits.

2. Donation of Food supplies and gifts

Remove special Cuba-only restrictions

3. Streamline medical sales

4. Develop a book donation program

5. Create an enhanced public diplomacy program

- 
6. Negotiate a fiber optics cable agreement between U.S. and Cuba.

**Counselor Wendy Sherman
Senior Cuba Policy Group**

February 2, 2000

AGENDA

- I. Bilateral Relations (CCA)
 - A. Resolution of the Drop-Box Issue: Cubans blink.
 - B. Bielsa visa stalemate continues.
 - C. Elian - political and legal update.
 - D. TDYers received their visas.

- II. New FBI visa request regarding CMUN (CCA)

- III. Pending Matters:
 - A. Continue to postpone New Steps pending Elian resolution?
 - B. Cuba website

- IV. New Business: Baseball and Boats
 - A. Major League Baseball met with Cubint January 10.
 - B. Anaheim Angels want reciprocal games March 25-26.
 - C. Disney also proposing Baltimore-Havana boat race.
(NSC)

U.S. DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
OFFICE OF FOREIGN POLICY CONTROLS

Office of Foreign Policy Controls
14th & Pennsylvania Avenue, N.W.
Room 2620, Mail Stop 2705H
Washington, D.C. 20210 U.S.A.
FAX NO: (202) 482-6086
TEL NO: (202) 482-4252 CR 1210

DATE: 12/17/99
Number of pages including coversheet: 3

TO:

Mr. Avery

FROM:

John Bolstein

SUBJECT:

Food for sale to Cuba Program

FAX NO:

(202) 456-9130



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Export Administration
Washington, D.C. 20230

MEMORANDUM FOR DALE AVERY

Director
Inter-American Affairs
National Security Council

DEC 16 1999

CHARLES SHAPIRO
Coordinator
Office of Cuban Affairs
Department of State

JESSICA WASSERMAN
Office of Latin America
Department of Agriculture

FROM:

James Lewis 
Director
Office of Strategic Trade
and Foreign Policy Controls

SUBJECT:

Food for Sale to Cuba Program

We will soon disapprove the first three license applications we have received under the President's initiative to expand food sales to Cuba. The applications were found deficient because of "unacceptable end-users." The Cuban authorities would not accept those that the applicant provided (i.e. private individuals who were acquaintances in Cuba of the applicant) and U.S. officials consider the entities that Cuban authorities recommend (Alimport, CIMEX, Meridiano and Papas) as unacceptable.

At this time, there is only one other pending export application for this program, from the same company that submitted the first three. Although the President announced this program in January and we held an industry briefing for over 75 interested individuals and firms in July, following up with a special information page on our Internet website to encourage submissions, the number of applications we have received as a result is very meager. I think it is fair to say that enough time has elapsed that we can conclude that this program is not a success as presently constructed. Entities in Cuba with sufficient resources to purchase U.S. origin foods are few and are not going to be independent of the Cuban government.

In contrast, since the parallel policy changes in August for Iran, Libya and Sudan under the Treasury regulations, U.S. exporters have sold some 500 metric tons of food to Iran and 60 metric tons to Libya. I understand that Treasury has approved over 20 other food sales applications for those countries, with shipments pending agreement on financial terms. Most of these sales involve the governments of these countries.



We allow sales of medicine and medical equipment to Cuban government entities, for the benefit of the Cuban people and with adequate monitoring. It might be useful if we were to discuss how to revise the policy towards Cuba with the intent of seeking similar treatment for food.