

FOIA MARKER

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Folder Title:

Cuba-Wendy Sherman Meetings/Policy Papers [2]

Staff Office-Individual:

Inter-American Affairs-Hollis, Caryn

Original OA/ID Number:

2925

Row:	Section:	Shelf:	Position:	Stack:
37	2	11	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Cuba Human Rights Resolution 2000 Spreadsheet (2 pages)	12/22/1999	P1/b(1)
002. cable	Re: CHR 2000 - Cuba Resolution (2 pages)	12/22/1999	P1/b(1)
003. agenda	Cuba SVTS (1 page)	01/07/2000	P1/b(1)
004. memo	To: The Secretary; From: Lino Gutierrez; Re: Ibero-American Summit Wrap-Up (2 pages)	11/17/1999	P1/b(1)
005. agenda	Counselor Wendy Sherman, Cuba-Action List (1 page)	10/15/1999	P1/b(1)
006. note	Handwritten Meeting Notes [Wendy meeting 9/29] (1 page)	09/29/0000	P1/b(1)
007. paper	Cuba: Justification to Continue Drug Control Dialogue (3 pages)	09/14/1999	P1/b(1)
008. agenda	Agenda for Cuba Meeting (2 pages)	12/30/1998	P1/b(1)
009a. note	For Wendy meeting at 4:00 today in Secretary's Conference Room (2 pages)	01/28/1999	P1/b(1)
009b. paper	Next Steps on Cuba [with handwritten notes] (5 pages)	01/27/1999	P1/b(1)
010. memo	To: The Secretary; From: Peter Romero; Re: Next Steps on Cuba (5 pages)	10/28/1998	P1/b(1)
011a. note	To: Sandy; From: Jim Dobbins; Re: [Attached memorandum] (1 page)	11/17/1998	P1/b(1)

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

FOLDER TITLE:

Cuba-Wendy Sherman Meetings / Policy Papers [2]

2016-0920-F

sb2130

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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011b. memo	To: The Secretary; From: Peter Romero; Re: Next Steps on Cuba (6 pages)	11/12/1998	P1/b(1)
012a. paper	Issues for Sherman Meeting (3 pages)	10/27/1998	P1/b(1)
012b. paper	Next Steps on Support for the Cuban People (5 pages)	10/27/1998	P1/b(1)
013. paper	Draft Version of 012b [with edits in pen] (5 pages)	09/21/1998	P1/b(1)
014a. agenda	Agenda for Cuba Meeting (1 page)	09/22/1998	P1/b(1)
014b. note	To: Jim; Re: [Quick Update for Wendy Sherman's meeting at 11:00] (1 page)	09/22/1998	P1/b(1)
015. note	To: Jim; From: Fulton; Re: [Ranneberger's draft] (2 pages)	09/17/1998	P1/b(1)
016. paper	Draft Version of 012b [with edits in pencil] (5 pages)	09/10/1998	P1/b(1)
017. email	To: Natl Security Advisor; From: Armstrong, Fulton; Re: Cuba (1 page)	09/15/1998	P1/b(1)
018. memo	To: POTUS; From: Samuel Berger; Re: Update on Cuba Initiative (3 pages)	00/00/0000	P1/b(1)
019. email	To: Natl Security Advisor; From: Armstrong, Fulton; Re: SRB/JBS Meeting on Cuba (1 page)	09/16/1998	P1/b(1)
020a. memo	To: The Secretary; From: Peter Romero; Re: Letter to Holy See Foreign Minister (1 page)	09/16/1998	P1/b(1)

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020b. letter	To: Your Excellency; From: Madeleine Albright (3 pages)	09/16/1998	P1/b(1)
021. note	Handwritten Meeting Notes [Sherman] (2 pages)	09/15/0000	P1/b(1)
022. paper	Next Steps on Support for the Cuban People: Options and Scenario (5 pages)	09/10/1998	P1/b(1)
023. note	To: Jim; Re: Visas for Cuban Government Officials and Communist Party Members (2 pages)	08/24/1998	P1/b(1)

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A G E N D A

Support for the Cuban People Working Group

July 23, 1999

Department of State, Room 3234

TIME: 2:00 p.m.

1. Disposition of Pending License Requests:

A: OXFAM AMERICA: License request to provide \$40,000, over a two year period, to the National Association of Small Farmers (ANAP). The funds will be used to purchase equipment and other materials to strengthen three (3) credit and services cooperatives run by ANAP in the Cienfuegos Province.

*CCA: opposition
- Mutchler obj
- refer to L*

(don't talk + equip; private farms)

B: POPULATION SERVICES INTERNATIONAL (PSI): License request to allow PSI staff and consultants to travel to Cuba over a two-year period to conduct AIDS-prevention programs and activities. Funding could amount to \$300k over two years, but no USG funds will be used for this activity and no funds will be transferred to Cuban Govt.

OK

C: CUBAN CENTER FOR CULTURAL, SOCIAL, AND STRATEGIC STUDIES (CCSSSI): License request to provide no more than \$5k per month (\$100 per individual) to compensate independent academics, intellectuals, and artists in Cuba for research and analyses transmitted via the Internet to and for CCSSSI.

refer to L

D. GEORGETOWN UNIVERSITY CARIBBEAN PROJECT: License request to provide honoraria of \$1k per author for a book project on "The Role of Religion in Cuban Society."

E. YOUNG ENTREPRENEURS' ORGANIZATION (YEO): License request for travel to Cuba for various exchanges with a focus on entrepreneurship. *200k*

*CCA: mess
- looks like tourism
- all govt program
- bring back in
for talk.*

F. INTERNATIONAL ASSOCIATION OF LIONS CLUB: License request for travel to Cuba to conduct a research of membership availability and recruitment for the Lions Club.

NA info

G. FUNDACION AMISTAD: License request to provide no more than \$15k to the Child and Adolescent Clinic in Havana, Cuba to stabilize and secure the emotional well-being and development of low-income children in Havana's Playa district. This license request would permit implementing activities for a project already licensed (C-37201). There is a parallel license request submitted to the Department of Commerce to allow donation of support equipment and supplies to the Clinic totalling \$6,500.

OK

2. USAID Project Proposals for Review

A: University of Illinois: Departments of Political Science and Sociology.

B: ACDI/VOCA: Cuban Independent Agricultural Cooperatives Project. \$400K info + commodities

C. Asociacion Integral Mambisa.

- doesn't answer phone. Same as Instituto for Afro-Cuban

D. El Centro Cubano.

\$260K - internet home page. Focus on exile groups.

E. Caribbean Development Research Institute

Info materials for brochure

3. Other Business (TBD) Sugar industry - how to modernize/privatize

(vvsupa18.doc)

Questionnaire + feasibility
+ policy prescriptions
B-1, 2, 3. Recommend against.
Need CCA review.

25-50 families
founder in U.S.: Dismal Rodriguez
feasible?
do L exist?
(A) ask USINT

(A) get more info

Guidelines for Non-Official Approving Travel to Cuba

Content of Events

1. Seventy-five percent of each member's as-performed people-to-people program in Cuba must be non-governmental meetings or humanitarian activities. Groups, upon return, must submit to OFAC or the general license holder a final program upon return.
2. Groups are expected to make own arrangements for meetings with human rights and democratic activists or independent, non-government (e.g., religious) entities.
3. All public events must have an open, non-discriminatory ticketing or admissions policy.

Spouses

4. Spouses accompanying in a professional capacity must have independent programs related to their professional speciality which meet all other visit criteria.
5. Humanitarian and people-to-people visits may not include pre- or post- recreational time in Cuba. All visits must meet analogous IRS standards for deductibility.

Criteria for Accompanying Delivery of Goods

6. To accompany delivery of humanitarian aid to the Cuban people, the organization must contribute a minimum of 25% of the total value of the goods to be entitled to have a representative accompany.
7. Humanitarian donations, or the imputed value of donated labor computed per IRS regulations, must have a fair market value over \$10,000 to qualify for a travel license.
8. Number of chaperones may not exceed the criteria set by the local school board for overnight trips or 10% of the group's size. (Example: Prince Georges country standards are 1 chaperone + 1 teacher per 25 students.)

9. Fact-finding visits: Individuals traveling on fact-finding to locate potential authorized purchasers or humanitarian aid recipients must deliver goods or services within 6 months of the date of travel.
10. Professional groups: All travellers must contribute to the final product (e.g., report, presentation, book, etc.)

Educational Travel

11. Educational travel may be licensed only for students enrolled in a recognized degree-granting program or for permanent faculty members engaged in research expected to lead to presentation at a professional meeting or published in a professional journal. Alumni "educational travel" is not authorized.

Official Travel

12. Codels, staffdels, and all other legislative or judicial branch officials travelling in official status need only meet the criteria of their respective entities for travel.

Medical Sales Licenses

Draft Talking Points for Vickie Huddleston at Medical Trade Fair in Havana

- We hope that this trade fair and streamlined processing of license applications will help combat the misperception that the bilateral trade embargo keeps needed medicines from the Cuban people.
- The Department of Commerce has taken steps to streamline processing of medical sales export licenses for Cuba.
- In support of the efforts of pharmaceutical and medical equipment companies' efforts to sell their products in Cuba, Commerce has told us that licenses are now being issued with a two-year validity for multiple exports of the approved products.
- The Department of State is committed to expediting the processing of medical sales cases referred to it by the Department of Commerce.
- For applications to exhibit at this trade show, we established a policy of automatic approval of all non-dual use items.
- We are available to listen to exporters' concerns and suggestions about how the process may be further improved.
- In particular, we welcome your ideas about end-use monitoring and how to increase awareness that not only does the embargo not prohibit medical sales, but the Cuban Democracy Act of 1992 has encouraged such sales for almost a decade.

**Counselor Wendy Sherman
Senior Cuba Policy Group
January 19, 2000**

Agenda

- I. Peter Nathan's Medical Exhibition (CCA)
 - A. Exhibitors reassured about safety
 - B. Cubans denying visas to TDYers from CCA, USIS, AID
 - C. Should Vicki announce new medical license processes?

- II. Update on Elian Gonzalez
 - A. INS/DOJ legal tactics (CCA) ✓
 - B. GOC response: From "daily" to a "permanent" protests outside USINT (CCA) ✓
 - C. Foreign policy ramifications (CCA) ✓
 - D. Vicki's press backgrounder (PA/CCA) ✓
 - E. Hill plans for a private bill (H) ✓

- III. On-Going Business
 - A. H, INL checking on acceptability of direct billet for USCG person to USINT (H)
 - B. Baltimore-Havana Yacht race (CCA)
 - C. Still no news on the Bielsa et al visas (CCA)

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
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FAX: HELMS-BURTON UNIT: (202) 647-7095

FAX COVER SHEET

DATE:

1/19/00

TO:

Arturo Velazquez
Caryn Hollis

FROM:

Bob W

SUBJECT:

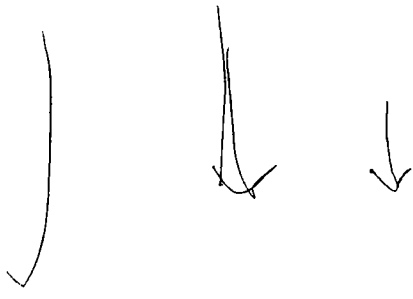
Today's Cuba Meeting Agenda

URGENT ACTION REPLY FYI

REMARKS:

NUMBER OF PAGES (INCLUDING COVER PAGE):

(IF THIS TRANSMISSION WAS NOT RECEIVED IN ITS ENTIRETY, PLEASE CALL 202 647-9272)



**Counselor Wendy Sherman
Senior Cuba Policy Group
January 19, 2000**

Agenda

- I. Peter Nathan's Medical Exhibition (CCA)
 - A. Exhibitors reassured about safety
 - B. Cubans denying visas to TDYers from CCA, USIS, AID
 - C. Should Vicki announce new medical license processes?

- II. Update on Elian Gonzalez
 - A. INS/DOJ legal tactics (CCA)
 - B. GOC response: From "daily" to a "permanent" protests outside USINT (CCA)
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SEARACCA/2000/misc: Wendy agenda - Jan 19

Drafted: cca: mmwitajewski

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?

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)

Counselor Wendy Sherman
Cuba Agenda
December 22, 1999
4:00 p.m.
The Secretary's Conference Room

I. Counter-narcotics

- A. Letter to Helms and Gilman (INL)
- B. Status of consultations (H)
- C. When to inform Cubans? (CCA)

II. Elian Gonzalez Strategy for decision

- A. Inform parents, uncle simultaneously (PA)
- B. Press statement ready for Washington, Miami, and Havana. (PA)
- C. Brief the Hill (H)
- D. Inform GOC (CCA)

III. New Measures - on hold

IV. Feedback from posts for UNHRC (CCA)

WRS agenda 12-22-99

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SVTS

Cuba

December 17, 1999
12:00 - 1:00 p.m.

I. Elian Gonzalez

- A. Next steps in legal process (INS)
- B. Timeline to decision (INS)
- C. Plans for executing an eventual decision (INS)

II. Hostage Situation in Louisiana

- A. Update on current status (INS/DOJ)
- B. Procedures to implement possible repatriation (INS/DOJ)

III. Migration Issues

- A. Update on current migrant activity and interdiction efforts (USCG)

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Cancelled

Cuba - SVTS
January 14, 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. The mysterious "reverse fence jumpers" (State/INS)
 - B. Report on resettlement efforts (State)

- III. Flying to Cuba
 - A. Status of Ly Tong license revocation (FAA)
 - B. Status of security investigation of Havana airport (State/FAA)
 - C. The Dodds flight saga: Who? Why? Lessons learned? (FAA/OFAC/State)
 - D. Cubana: What do we know of last 2 yrs of crashes? Need for safety advisory? Recommendation to USINT on flying?

Alan
~~Allen~~ Larson, Undersee for
Ag, won

**Counselor Wendy Sherman
Meeting on Cuba
4 o'clock
December 16, 1999**

Agenda

I. Counter-narcotics

- A. Status of shutdown reply (NSC/INL)
- B. McCaffrey Letter to Secretary (INL)
 - 1. Giving GOC dual-use radar? (INL/CCA)
 - 2. A role for DEA at USINT? (CCA)

II. Migration Talks

- A. Readout of talks (CCA)
 - 1. When & How to raise Bielsa quid pro quo?
 - 2. Cuban request for special talks to complain about Cuban Adjustment Act
- B. New rollout date for Next Measures (PA)

III. Status of Elian Gonzalez and Next Steps (CCA)

III. Guidelines for Approving Travel to Cuba (CCA)

V. Update on preparing for Geneva (CCA)

Sandy has approved the letter with minor changes. It is in the ONDCP system for McCaffrey's signature.

Wendy Sherman said it should be discussed prior to going out. Question of whether it should go out before the boys fate is determined.

FYI, McCaffrey goes on vacation at noon on Friday.

Counselor Wendy Sherman
Meeting on Cuba
4 o'clock
December 16, 1999

Agenda

I. Counter-narcotics

- A. Status of shutdown reply (NSC/INL)
- B. McCaffrey Letter to Secretary (INL)
 - 1. Giving GOC dual-use radar. (INL/CCA)
 - 2. A role for DEA at USINT? (CCA)

II. Migration Talks

- A. Readout of talks (CCA)
 - 1. Responding to Cuban proposal for another session in January.
 - 2. When & How to raise Bielsa quid pro quo?
- B. New rollout date for Next Measures (PA)

III. Status of Elian Gonzalez and Next Steps (CCA)

O F F I C E O F C U B A N A F F A I R S

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

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

DATE: 12/14

TO: Arturo Valenzuela

FROM: Bob W.

SUBJECT: Cuba Agenda

☐ 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
Cuba Meeting
November 17, 1999
4:00 o'clock

AGENDA

I. Lessons Learned (CCA/PA)

A. The Nov. 13 Flotilla that wasn't

Key factors: Bad weather; back channel approaches by influentials; publicity from activists in Havana

B. Ibero-American Summit

Key factors: No attempt to derail; Focus on human rights; Activity by activists in Havana; Castro missteps publicized dissidents

II. WTO in Seattle (CCA)

A. Current scenario: New rumor of Fidel attendance/High-level Cuban delegation; media campaign/influencing effort wrapping around summit.

Cubans requesting visas for "journalists," mass organizations.

Issues: Castro unrestrained by "host role." Restrict visas? Restrict activities to WTO events only? Restrict movement within Seattle?

III. Looking Forward to Geneva (P)

A. Report on Pickering-Moose Meeting (WHA)

IV. Pending Business

A. Shootdown letter due November 17 (NSC)

B. New Measures

New Measures Package

Chronogram

November 17 - Review Package

November 18 - 26 Final review by attorneys and regulatory Agencies -- OFAC & Commerce.
Finalize drafting implementing regulations.

November 26- 31

December 31 - Implementation. Fact sheets.

New Package

1. Family humanitarian Visits

Implementation: Revise wording to existing regulation removes limitation on self-certified humanitarian visits. (OFAC)

2. Donated Food, Supplies and Gifts

Implementation: Remove special restrictions on Cuba and return them to regular "pariah state" list. Remove medicine category restrictions. (COMMERCE)

3. Develop Book Program

Implementation: Solicit and/or donate books to both Cuban public and private libraries. (PD)

4. Streamline Medical Sales Licenses

Implementation: Issue multiple licenses for exportable medical products. (COMMERCE)

5. Increased Public Diplomacy Programming

Implementation: Sponsor a specific number of cultural events in Cuba during FY 2000 (PD)

6. Fulbright Program

Implementation: Set up program without Cuban Government participation. (PD)

Suggested wording for regulation removing specific
Limitations on humanitarian travel to Cuba

515.561 Persons visiting family members in Cuba.

- (a) General license. The travel-related transactions set forth in /s/ 515.560(c) are authorized in connection with travel to Cuba by persons and persons traveling with them who share a common dwelling as a family with them who are traveling to visit close relatives in Cuba in circumstances that demonstrate humanitarian need. See /s//s/ 501.601 and 501.602 of this chapter for applicable record keeping and reporting requirements. Any transactions beyond those set forth in /s/ 515.560(c) must be specifically licensed.
- (b) Delete
- (c) Retain

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. memo	To: The Secretary; From: Lino Gutierrez; Re: Ibero-American Summit Wrap-Up (2 pages)	11/17/1999	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 [2]

2016-0920-F
sb2130

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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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.

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Torres, Natly

Subject: Visas for WTO and related activities

WTO CONFERENCE: NOVEMBER 30- DECEMBER 3

G-2 Visas (8)

This includes the Vice Minister of Steelworking Industry, the Minister of Foreign Trade, and 6 Officials from the Ministry of Foreign Trade.

A-1 Visas (1)

Dagoberto Rodriguez, the head of the North America Office, will travel to the WTO and then CUBINT.

Journalists Visas (15)

This includes the Vice President for the Cuban Institute of Radio and Television, one official from the State Council on Cuba, 8 Journalists, 2 editors, 2 camera men and 1 engineer.

12 individuals have also requested visas to participate in a conference entitled "U.S.- Cuba 2000, a New Conversation for the new Millennium" to be held in Seattle. These are "B-1" visa applicants.

Total: 36

Counselor Wendy Sherman
Cuba Meeting
November 17, 1999
4:00 o'clock

AGENDA

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- A. Shootdown letter due November 17 (NSC)
- B. New Measures

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- (c) Retain

**Counselor Wendy Sherman
Cuba Meeting
November 17, 1999**

Action List

- I. WTO Ministerial in Seattle (CCA)
 - A. Official delegation: approve for travel near conference dates
 - B. Unofficial delegation: approve for travel near actual conference dates unless program is in spirit of people-to-people initiative.
 - C. Travel restrictions: Work with FBI to establish geographic travel restrictions in Seattle.

- II. Shootdown letter (NSC)
 - A. NSC will provide letter NLT November 19.

- III. New Measures: December 10 Target Completion Date (CCA)
 - A. Contact agencies (Treasury, Commerce, Defense) to obtain final language clearances.
 - B. Obtain timeframes for implementation.
 - C. Prepare fact sheets and statement for possible public release.

- IV. Geneva (CCA)
 - A. Cable Buenos Aires, Lima, Brasilia on Palous visit asking embassies to assist Czechs discreetly if appropriate.

O F F I C E O F C U B A N A F F A I R S

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FAX: HELMS-BURTON UNIT: (202) 647-7095

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

DATE: 11/19

TO: Arturo Velazquez

FROM: Bob W. Tajewski

SUBJECT: Cuba Action list

☐ URGENT

☐ ACTION

☐ REPLY

☐ FYI

REMARKS:

NUMBER OF PAGES (INCLUDING COVER PAGE):

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

DATE:

10/28

TO:

Arturo Valenzuela
Fulton Armstrong
Luis Rodriguez

FAX NO:

FROM:

Bob

SUBJECT:

Tomorrow's Cuba Agenda

☐ URGENT☐ ACTION☐ REPLY☐ FYI

NUMBER OF PAGES (INCLUDING COVER PAGE):

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Counselor Wendy Sherman

**Meeting on Cuba
October 28, 1999**

Agenda

- I.. Counter-Narcotics
 - A. Response to Helms-Burton "shootdown policy" letter/Majors List. (NSC/INL)
 - B. Next Steps
- II. Visa Issues
 - A. Continue to accept Cuban non-response on PAO/COS visas? Submit new names? Up the ante?
 - B. Report on Deputy Surgeon General's visit (CCA)
- III. Kozak's Recommendations To Secretary
- IV. Ibero-American Summit Flotilla
 - A. Fundamental Policy decision: Should authorization to enter Cuban waters be granted protestors?
- V. On-Going Issues
 - A. Public Affairs Strategy Update (PA)
 - B. 4X or Unlimited travel by Cuban Americans?
 - C. Governor Ryan's Visit
 - D. Mike Ranneberger

E. SEARACCA/1999: Wendy Agenda - Oct 29

Drafted: RMW

Clear: C - Ssnyder (OK)
CCA:Cshapiro (OK)

WASHFAX RECEIPT
DEPARTMENT OF STATE

'99 OCT 18 P1:36

B

S/S #

8
18 OCT '99 14:04MESSAGE NO. **022764** CLASSIFICATION ~~CONFIDENTIAL~~ No. Pages **2**FROM: BOB WITAJEWSKI WHA/CCA 79272 3234 N.S.
(Officer name) (Office symbol) (Extension) (Room number)MESSAGE DESCRIPTION CUBA-ACTION LIST WENDY SHERMAN'S MEETING

<u>TO: (Agency)</u>	<u>DELIVER TO:</u>	<u>Extension</u>	<u>Room No.</u>
NSC	ARTURO VENEZUELA	456-9137	OE0B - ROOM 365
NSC	FULTON ARMSTRONG	456-9137	OE0B - RM. 365

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S/S Officer: _____

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2016-0920-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. agenda	Counselor Wendy Sherman, Cuba-Action List (1 page)	10/15/1999	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 [2]

2016-0920-F
sb2130

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**Counselor Wendy Sherman
Meeting on Cuba**

Wednesday, September 29, 1999

I. Pending Correspondence - Pending Business

- A. Status of response to Helms-Burton on Cuba's shootdown policy. (NSC/INL) *currently being drafted + cleared by lawyers. Early next wk.*
- B. Response to Gilman Letter on Cuba and the Majors List (H/INL/NSC)
- C. Responding to Cuban Aide Memoire (CCA)
 - 1. Drop talking points on Inclusion in Majors List? (CCA/INL/NSC) *Should do interim: 1) Thanks 2) Want to do this 3) as you know, challenge; we're working thru them 4) let you know asap.*
 - 2. Does enhancing communications mean air or just sea? *deps. on 1) legal + 2) practical - Cuba abt. CG off's force (should say: not)*
 - 3. Proceed to send USCG officer to USINT now or await CNC study results?

relationship?

*primary.
Primary on surface ops.
Can provide ETA info.*

II. Status of Proposed Legislation (H)

- A. Ashcroft Amendment - dead

*Kyle/Matt/Lentini on blocked funds
Commerce? but panel?*

III. New Regulations

- A. OFAC/Treasury revision of regulations (CCA) *you believe for family hand?*
- B. Implementation date in November or earlier? *?*
- C. Estates and elderly Cubans repatriating funds. *?*

Fulfilling?

IV. Ongoing Business

- A. No movement on visa front with either CMUN or Cubint (CCA)
- B. Fidel to Seattle? FBI beginning to plan (CCA)
- C. FBI's world view (WHA-Brownfield)
- D. Is it OK if the Deputy Surgeon General vice Surgeon General goes to Havana? (CCA)

EU readout: next steps?

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. note	Handwritten Meeting Notes [Wendy meeting 9/29] (1 page)	09/29/0000	P1/b(1)

COLLECTION:

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Inter-American Affairs (Hollis, Caryn)
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THE RIGHT HONOURABLE
SIR LEON BRITTAN, OC
VICE-PRESIDENT OF THE EUROPEAN COMMISSION

ENFO: E, P, C, EUR
H
RUE DE LA LOI 200, 1049 BRUXELLES
WETSTRAAT 200, 1049 BRUSSEL
TEL 295 25 14
295 26 10

8917085

13 September 1999
0(99)10169

2 Madeleine

I am writing to you about an issue which, if it is not handled very carefully by the US Administration in the coming weeks, may very quickly degenerate into a serious political problem in EU-US relations. It concerns the US Administration's activities in relation to the Helms-Burton Act.

The State Department has for some time now been in contact with two European companies - a Spanish company, Sol Melia, and a German company, LTI - in connection with their activities in Cuba. These contacts have apparently taken place in the context of application of Title IV of the Helms-Burton Act. If not promptly defused, these developments could fatally undermine the Understanding of 18 May 1998, which was so painstakingly negotiated between the United States and the European Union, and in so doing re-open our dispute on Helms-Burton and the Iran Libya Sanctions Act.

If the US Administration were to determine that the involvement by the companies in question constitutes "trafficking" under the Helms-Burton Act and send them a formal letter to that effect, this would constitute a clear breach of the Understanding; and the European Union would have no alternative to requesting a new WTO Panel against the United States on Helms-Burton. This point is clearly set both in the 11 April 1997 Understanding on Helms-Burton and ILSA and in the EU unilateral statement issued at the 18 May 1998 London Summit.

Equally worrying is the - apparently very real - prospect that State might seek to pressurise these European companies, and quite possibly others, to pursue courses of action which would amount to disciplines going well beyond the scope of the 18 May 1998 Understanding, in order to avoid a formal determination. Not only would this prejudice the timely implementation by our Member States of the disciplines we have agreed, but some of them might well consider this scenario as equivalent to "action" against European companies and insist on a resumption of WTO proceedings.

It goes without saying that such developments would have serious ramifications for the EU-US relationship, and could well jeopardise our joint efforts to ensure a successful

The Honourable Madeleine K. Albright
Secretary of State
State Department
Washington DC 20508

outcome of the Seattle WTO Ministerial. I would therefore urge you to take all possible action at your level to avoid this danger.

I have instructed my officials to raise this issue at the New Trans-Atlantic Agenda Task Force meeting in Helsinki on 15 September, and again at the meeting of the Senior Level Group in New York on 23 September. I would be grateful if on those occasions your officials could clarify the current situation and explain what action the US Administration is taking to defuse the issue.

I am copying this letter to Charlene Barshefsky.

*I want him to come to understanding
in good shape before leaving office - I'm sure you
will agree.*

*Love,
[Signature]*

Counselor Wendy Sherman
Cuba Meeting

Agenda
September 17, 1999

I. Counter-narcotics Issues (INL/WHA/NSC)

- A. Status and timeline of reply to Helms-Burton letter if Cuba has a shutdown policy.
- B. Cuba on the majors list? Responding to Gilman; Problems of going it alone.
- C. USCG liaison: Still on hold?

II. Bielsa Situation (WHA)

- A. Cubans could be "studying" proposal for a long time.
- B. Problem Scenarios: Cubans don't answer; say yes to only one; don't withdraw in NYC.
- C. Congressional briefings on the "43 - 2" numbers.

III. On-Going Issues

- A. 23 alleged alien smugglers in Cuban jails (WHA).
- B. Globetrotters: nothing new (WHA).
- C. Briefing Miami leadership: Part II (PA).
- D. Martha Beatriz Roque: Still in detention (WHA).
- E. Vital Voices: Cuba stays out; flags come down. (WHA)
- F. Fidel et al in Seattle: Cubint interested. (WHA)
- G. Status of Commerce talks on new gift regulations. (WHA)

IV. Problematic legislation: Good, bad, or preventable? (H)

- A. Ashcroft amendment on agricultural sales.
- B. Kyle/Mack/Lautenberg amendment on blocked funds. »

VI. Miscellaneous (WHA)

- A. Overall policy on licenses/visas for performers.
- B. High profile travel to Cuba: Surgeon General; ABA; CEO's; Young Entrepreneurs; Gov of Illinois
- C. Helms-Gilman letter/response

9/16 version

*social
concerns
no spouses
OK if
itinerary OK*

no
*need to watch.
try on CIS how
poss. votes.
OK, Civil Society.*

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. paper	Cuba: Justification to Continue Drug Control Dialogue (3 pages)	09/14/1999	P1/b(1)

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Congress of the United States

Washington, DC 20515

September 15, 1999

The Honorable Peter Romero
Assistant Secretary of State for Western Hemisphere Affairs (Acting)
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

We regret the necessity of reminding you, to whom responsibility was delegated by the Secretary of State for making determinations of excludability and visa ineligibility under Title IV of the Cuban Liberty and Democratic Solidarity (*LIBERTAD*) Act of 1996 (Public Law 104-114), of matters that should have been dealt with months ago.

Under the law, you are required to exercise this responsibility in compliance with the "Guidelines Implementing Title IV of the Cuban Liberty and Democratic Solidarity Act," (published in the *Federal Register* on June 17, 1996, and which have not been amended or superseded).

Paragraph 5 of the Guidelines states: "Determinations of ineligibility and excludability under Title IV *will* be made when facts or circumstances exist that would lead the Department *reasonably to conclude* that a person has engaged in confiscation or trafficking...." (Emphasis added).

Paragraph 6(a) provides: "An alien who may be the subject of a determination under Title IV *will* be sent a notification by registered mail . . . that he/she will be denied a visa upon application or have his/her visa revoked, 45 days after the date of the notification letter. The alien will be informed that divesting from a 'trafficking' arrangement would avert the exclusion." (Emphasis again added).

Paragraph 6(b) further provides that, "If no information is received within the 45 day period above that leads the Department reasonably to conclude (i) that the alien or company involved has not engaged in trafficking or is no longer doing so, or (ii) that an exception to trafficking ... applies, the Department *will notify consular officers and the*

The Honorable Peter Romero
September 15, 1999
Page 2

Immigration and Naturalization Service (INS) of a determination by entering the alien's name, including the names of the alien's agents, spouse, and minor children, if applicable, in the appropriate lookout system, and a visa application from the named alien will be denied or a visa revoked in accordance with the law." (Emphasis again added).

Members of our Committee staffs have been informed that on July 30th the Department of State sent a letter to a Spanish hotel firm (identified by the *Miami Herald* as Sol Melia) notifying that company that it is the subject of an investigation under Title IV and that its officers, principals, and controlling shareholders could be excluded from the United States if that company is indeed trafficking in confiscated property.

Indeed, an officer of that company was informed of this pending inquiry on July 2nd of this year in a telephone call by then director of the State Department's Office of Cuban Affairs, Michael Ranneberger.

Our Committee staffs have been assured by you and by Mr. Ranneberger that you were fully briefed as each of these steps were taken in this case. Logic leads to the conclusion that the July 2nd telephone call and the July 30th letter were initiated *only* after you, as the responsible officer, reasonably concluded that the company in question is guilty of trafficking. Moreover, Secretary of State Albright could not have been clearer when she told the Senate Foreign Relations Committee in a February hearing, "[A]uthority for implementing Title IV rests with the Assistant Secretary."

Mr. Secretary, the law, the guidelines, and the policy are clear: Once you are presented with information that leads you "reasonably to conclude" that a company is trafficking in confiscated U.S. property, your *duty* is to sanction that company. The law and guidelines do not permit any discretion to grant a "grace period" during which the trafficker can seek the rightful owner's permission for using such property.

As key authors of the LIBERTAD Act we now insist that you faithfully execute the law. In addition, we urge that you make certain that the Department of State provide to our respective Committees the following material:

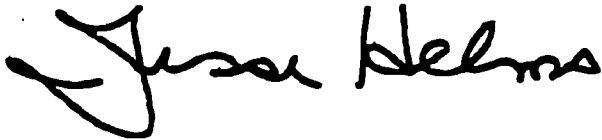
- Copies of any letters (apparently sent in lieu of notification letters under section 6(a) of the Title IV Guidelines) to hotel firms since July 1, 1999.

The Honorable Peter Romero
September 15, 1999
Page 3

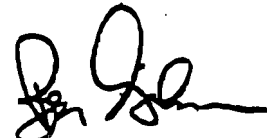
- Copies of any cables, memoranda, legal opinions, electronic mail messages, or other documents (including but not limited to diplomatic notes) relevant to the decision to contact these hotel firms recently, and any such material relating to subsequent consideration of these Title IV cases.

Please favor each of us with a prompt reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse Helms". The signature is fluid and cursive, with the first name "Jesse" written in a larger, more prominent script than the last name "Helms".

JESSE HELMS

A handwritten signature in black ink, appearing to read "Ben Gilman". The signature is cursive and somewhat stylized, with the first name "Ben" and last name "Gilman" clearly visible.

BENJAMIN GILMAN

ACTION MEMORANDUM

S/S

UNCLASSIFIED

TO: P - Under Secretary Pickering

FROM: WHA - William R. Brownfield, DAS
H - Barbara Larkin

SUBJECT: Request From Senate Foreign Relations Committee (SFRC) and House International Relations Committee (HIRC) for Documents Related to Enforcement Actions of Helms-Burton, Title IV

ISSUE FOR DECISION

Whether to withhold requested documents from the SFRC and the HIRC.

ESSENTIAL FACTORS

On September 15, 1999, Senator Helms and Representative Gilman wrote to Acting Assistant Secretary for Western Hemisphere Affairs Peter F. Romero concerning the Title IV of the Helms-Burton Act. The letter requested that the Committee be furnished documents subsequent to July 1, 1999, concerning the operation of Title IV with regard to hotel companies. However, these documents must be withheld to protect the integrity of the open, ongoing Title IV reviews and to safeguard proprietary information of the entities under review.

This letter also discussed Ambassador Romero's role with regard to Title IV and the Department's procedures in its implementation of Title IV of Helms-Burton Act. The letter was critical of Ambassador Romero and interpreted the Department's Title IV implementation procedures to require the application of sanctions when a review first assembles a prima facie case, rather than when the prima facie case has been tested through a period of engagement with the suspected trafficker.

The proposed response advises the committee that the requested documents must be withheld to protect the integrity of the open, ongoing Title IV reviews.. The letter also notifies

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UNCLASSIFIED

- 2 -

the Committees that that Ambassador Romero has been recused from Title IV proceedings to avoid the appearance that any action might be motivated by his effort to gain confirmation by the Senate and explains that the the company involved in that case has raised complex issues of fact and law that we are continuing to evaluate before reaching a final conclusion.

RECOMMENDATION

That you approve withholding of the requested documents, so advising the Committees and responding to issues raised via the letters attached at Tab 2.

Approve _____

Disapprove _____

Tab 1 September 15, 1999, letter to Ambassador Romero

Tab 2 Proposed letters to SFRC and HIRC

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Dear Mr. Chairman:

Thank you for your letter of September 15, 1999 addressed to Acting Assistant Secretary for Western Hemisphere Affairs Peter F. Romero. This letter discussed Ambassador Romero's role in, and the Department's procedures for, implementing Title IV of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, (22 United States Code 6901 et seq.), also known as the Helms-Burton Act. The letter also requested that your Committee be furnished documents relevant to pending Title IV cases involving hotel companies.

Please note that effective (insert date after July 2nd) Ambassador Romero has recused himself from involvement in Title IV proceedings to avoid any appearance that his decisions on such matters might be influenced by his nomination as Assistant Secretary for Western Hemisphere Affairs.

The delegation of authority of May 1, 1996, which implements Title IV of the Libertad Act, provides: "Notwithstanding this delegation of authority, the Secretary of State, the Deputy Secretary of State, and the Under Secretary of State for Political Affairs may exercise any function delegated by this delegation."

Your letter referenced a July 2 telephone call and a July 30 letter that notified a suspected trafficker of the existence of a prima facie case for the application of Title IV sanctions. You speculated that this notification implied that the Department had "reasonably concluded" the company in question had engaged in trafficking.

The Department has not yet made a determination of ineligibility or excludability with respect to the company in accordance with the standard set forth in Title IV or Paragraph 5 of Public Notice 2403, which appeared in the Federal Register on June 17.

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

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(- 2 -)

Rather, the July 2nd telephone call and July 30th letter reflected the Department's view that there existed a prima facie case that the company involved had engaged in trafficking. The company involved in that case has raised complex issues of fact and law that we are continuing to review before reaching a final conclusion.

Since these matters are the subject of an ongoing review by the Department, we must therefore respectfully decline to provide the documents related to this case, or to other hotel firms that may be under review, which you have requested.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

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O F F I C E O F C U B A N A F F A I R S

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: 9/14

TO: Fulton

FROM: Bob

SUBJECT:

REMARKS:

NUMBER OF PAGES, INCLUDING COVER PAGE:

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

Counselor Wendy Sherman
Cuba Meeting

Agenda

September 14, 1999

- I. Counter-narcotics Issues (State/NSC)
 - A. Status and timeline of reply to Helms-Burton letter.
 - B. Cuba on the majors list? Problems of going it alone.
 - C. USCG liaison: still on hold?

- II. Bielsa Situation (WHA)
 - A. Cubans could be "studying" proposal for a long time.
 - B. Problem Scenarios: Cubans don't answer; say yes to only one; don't withdraw in NYC.
 - C. Congressional briefings on the "43 - 2" numbers.
 - D. Another denial on the horizon: Jose Cabanas & Miami.

- III. On-Going Issues
 - A. 23 alleged alien smugglers in Cuban jails (WHA).
 - B. Globetrotters: nothing new (WHA).
 - C. Briefing Miami leadership: Part II (PA).
 - D. Martha Beatriz Roque: Still in detention (WHA).
 - E. Vital Voices
 - F. Fidel et al in Seattle: Cubint interested; should we restrict any Cuban visas to WTO business?

- IV. Problematic legislation: Good, bad, or preventable? (H)
 - A. Ashcroft amendment on agricultural sales.
 - B. Kyle/Mack/Lautenberg amendment on blocked funds.

- V. Miscellaneous
 - A. Licensing performers and visa issuance (WHA)
 - B. Surgeon General to Havana?

USAID RFA - problem - no answer granted w/d quality
- enph. on consistency
- purpose solely to create/grow NGOs

SEARACCA/1999: Wendy Agenda - Sept 14

WHACCA: RMW

O F F I C E O F C U B A N A F F A I R S

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: *Sept. 14, 1999*TO: *Fulton Armstrong*
*NSC*FROM: *Andy Caster*SUBJECT: *Proposed Commerce Dept. Gift Parcel Regs.*REMARKS: *Please Contact.*NUMBER OF PAGES, INCLUDING COVER PAGE: *10*

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

FAX TRANSMISSION

REGULATORY POLICY DIVISION, OFFICE OF EXPORTER SERVICES
BUREAU OF EXPORT ADMINISTRATION
14TH STREET & PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20230
202-482-2440
FAX: 202-482-3355

To: *Andy Claster*

Date: *9/13*

Fax #:

Pages: *9*, including this cover sheet.

From: *Hilary Hess*

Subject: *DRAFT* *Cuba Reg*

COMMENTS:

DRAFT September 13, 1999

Billing Code: 3510-DT-P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 740

Docket No.

RIN 0694-

Exports of Gift Parcels to Cuba

AGENCY: Bureau of Export Administration

ACTION: Final rule.

SUMMARY: To increase support for the Cuban people, the Bureau of Export Administration is amending the Export Administration Regulations to expand the range of items that may be sent as gifts to individuals or religious, charitable or educational organizations in Cuba.

EFFECTIVE DATE: This rule is effective [DATE OF PUBLICATION].

FOR FURTHER INFORMATION CONTACT: James A. Lewis, Director, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482-4196.

SUPPLEMENTARY INFORMATION:

Background

Consistent with the President's initiatives to enhance support for the Cuban people, the United States is harmonizing licensing policy for Cuba with the gift parcel status applicable to embargoed countries. This initiative is designed to increase the flow of humanitarian goods to the Cuban people and, in addition, to allow the export of commodities to support individual entrepreneurs in Cuba's fledgling private sector.

This rule harmonizes the categories of items eligible for License Exception GFT to Cuba with those eligible for other destinations. Individual donors may now include any eligible commodity in a gift parcel to an individual, charitable, educational or religious institution in Cuba. Individual donors may not send under License Exception GFT to any destination goods that the United States controls for national security, weapons proliferation or crime control reasons or goods such as gold bullion, and may not send military apparel to Cuba or certain other

destinations. Individuals will be authorized to send to Cuba goods normally sent as gifts, within the eligibility limitations. For example, individual donors may now send hand tools, a sewing machine, a bicycle, or a microwave oven to a person in Cuba for his use or that of his immediate family.

This rule also raises the dollar value of gift parcels to Cuba to \$400 per calendar month.

Donations of food in gift parcels to Cuba remain unlimited in value. Donations of prescription medicines may also be of unlimited value, but the prescription medicines must be specifically for the addressee or a member of the addressee's immediate family or household, and that person's name must be on the label.

All other limitations on the use of License Exception GFT remain unchanged, including limitations on frequency of donations, eligible donors and donees, and the prohibition on resale of donated commodities remains. As always, recordkeeping requirements under the Export Administration Regulations apply.

The new regulations will benefit the Cuban and expand humanitarian assistance to them.

Although the EAA expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and to the extent permitted by law, the provisions of the EAA in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629), August 13, 1998 (63 FR 44121), and August 10, 1999 (64 FR

44101, August 13, 1999).

Rulemaking Requirements

1. This final rule has been determined to be significant for purposes of E.O. 12866.
2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These collections have been approved by the Office of Management and Budget under control number 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 40 minutes to prepare and submit electronically and 45 minutes to submit manually on form BXA-748P. Notwithstanding any other provision of law, no person is required to respond nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.
3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.
4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice

of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Hillary Hess, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and Record keeping requirements.

PART 740 - [AMENDED]

Accordingly, part 740 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

1. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 et seq.; 50 U.S.C. 1701 et seq.; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 10, 1999 (64 FR 44101, August 13, 1999).

2. Section 740.12 is amended by revising paragraph (a)(2) to read as follows:

§740.12 Gift parcels and humanitarian donations (GFT).

* * * * *

(2) Commodity, value and other limitations.

(i) Eligible commodities. The eligible commodities are as follows:

(A) The commodity must not be controlled for chemical and biological weapons (CB), missile technology (MT), national security (NS), or nuclear proliferation (NP) (see Commerce Control List, part 774 of the EAR); and

(B) The commodity must be of a type and in quantities normally given as gifts between individuals. Gold bullion, gold tael, and gold bars are prohibited as are items intended for resale or reexport.

Example to paragraph (a) of this section. A watch or piece of jewelry is normally sent as a gift. However, multiple watches, either in one package or in subsequent shipments, would not qualify for such gift parcels because the quantity exceeds that normally given between individuals. Similarly, a sewing machine or bicycle, within the dollar limits of this License Exception, may be an appropriate gift. However, subsequent shipments of the same item to the

same donee would not be a gift normally given between individuals.

(3) For purposes of paragraph (a)(2)(i)(B) of this section, clothing is appropriate, except that export of military wearing apparel to Country Group D:1 or E:2 under this License Exception is specifically prohibited, regardless of whether all distinctive U.S. military insignia, buttons, and other markings are removed.

(ii) Import requirements. The commodities must be acceptable in type and quantity by the recipient country for import as gifts. Commodities exceeding the import limits may not be included in gift parcels.

(iii) Frequency. Except for gift parcels to Cuba containing food or medicine specifically prescribed for named donees, not more than one gift parcel may be sent from the same donor to the same donee in any one calendar month. Parties seeking authorization to exceed this limit due to compelling humanitarian concerns should submit a license application (BXA-748P) with complete justification.

(iv) Value. The combined total domestic retail value of all commodities included in a gift parcel may not exceed \$400. There is no dollar value limit on food or on prescription medicines contained in a gift parcel to Cuba, provided that the medicines are specifically prescribed to the addressee or a member of the addressee's immediate family or household and that patient's name is on the label.

* * * * *

DATED:

R. Roger Majak

Assistant Secretary

for Export Administration

Counselor Wendy Sherman
Meeting on Helms-Burton Title IV

August 20, 1999

AGENDA

A. Sol Melia

1. Overview of legal status of Sol Melia and Title IV (L)
 - a. Legal requirements of Title IV
 - b. Definitions of using and improving
2. Review of current status and plans (CCA)
3. Likely reaction from Spain and the EU (EB/EUR)
4. Coordinating initiatives as case proceeds (C/CCA/E/EB/EUR/H):
 - Dealing with the Congress
 - Dealing with Spanish
 - Dealing with the EU
 - Public Relations

B. Other Cases on the Horizon: Superclub, Club Med

1. Overview of current legal analysis of status (L)
2. Likely timeline for actions (CCA)

C. Creating a SOP for current and future cases (CCA)

1. Standardizing a timeline for future actions by Stages
2. Should USG take initiative via public announcements?

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

To	Fulton	From	WHA/CCA
Dept./Agency	11:00 am	Phone #	77505
Fax #	456 9130	Fax #	

NSN 7540-01-317-7368 5098-101 GENERAL SERVICES ADMINISTRATION

Falta
Armstrong

Counselor Wendy Sherman's
August 19, 1999, Cuba Meeting

Action Items

A. Miami Trip

PA: Follow-up to Jeb Bush conference: Response to be determined following Lula's return from Miami this weekend.

B. Globetrotters

All: Coordinate better before calls to Congress
CCA/H: Advise other members of NYC congressional delegation of NY game

C. Next Steps

L/CCA: Work with Commerce/OFAC to draft regulations to return to pre-1994 restrictions consistent with all other "pariah states." Try to cut estimated 5 month drafting time.

L/CCA: Coordinate with L/EB to assure conformity with overall sanctions policy.

D. WTO

CCA/EB: Cuba to be invited to WTO administrative meetings. No initiatives to discourage Fidel's participation; likely to be counterproductive.

E. Helms-Burton Issues

CCA: Meet with Sol Melia's attorney next week.

All: No conversations on issue with Congress without clearance.

C: Chair meeting on Sol Melia with E, EB, CCA, EUR, and H on Friday, August 8

F. Fenceline Operational Understanding

CCA: Arrange for a non-signature exchange of points on cooperation in event of natural disaster on fenceline to assure safety of U.S. personnel.

8/19/99

Fehr + Mc Bethan if SRB + Wally Shaw

Paul Beaton - didn't get enough bang for buck
- no compulsion to do again, but now
unwilling & feeble

if you think success, can do -- if imports

SRB - - games useful.

- put new gov-to-gov, but L-L aggressively
we want to encourage truly L-L.
- game in Hav. my point, electrified L.
- game here positive, deep. cyber
- receptive to do again.
- still need to:
 - 1) distro money; not to GOC; help
in L in ways OK w/ us.
 - 2) tax distro in Hav my controlled;
want more avg L
 - 3) war player contact w/ kids + L
go day earlier
- more insurmountable obstacles. just want to
keep focus on L.

Wally - you + Priolo were pioneers; some risk; very tough
we all learned. We'll coord. press better
Dad your job.

Sady - rather not see 20 teams. 1 team or 2 enough.

(Angels / Disney series, MLB.)

SRB - Home+away important to us.
More diff. for just US game.
Real value in Har. game.

San Juan?

Meet w/ Reming again?
SRB - no problem.

**Counselor Wendy Sherman's
Cuba Meeting**

August 18, 1999

Agenda

- A. Miami Trip (August 19 - 23) (PA) *the "don-group"*
1. Groups to be contacted.
 2. Message to be delivered.
 3. Follow-up to Gov. Jeb Bush's proposal for fed-state Cooperation on migration. *• coord. mechanism?*
- B. Globetrotters Status Report (CCA)
1. Visa for preliminary trip issued.
 2. 6 Games in Cuba; 1 at Madison Sq. Garden.
 3. Advising Congress: Cong. Rangel already announcing.
Cong. Menendez' reaction. *L. Hutton OK.*
- C. Next Steps (NSC)
1. Status of inter-agency attorneys' consultations. *(A) memo/call re priority*
- D. WTO: Including the Cubans; a Fidel Invitation? (CCA)
1. Ratify inviting Cubans to future collective administrative meetings.
 2. No action on discouraging a Castro invitation pending indications of Fidel's interest in attending.
visa denial decision later; wd be hard to turn off.
- E. Helms-Burton Activities (CCA) *meet next wk*
1. Status of Sol Melia talks; EU/Spanish reactions. *(A) final agency*
 2. Next decision points in Sol Melia.
 3. Background, action and timelines for action on LTI et al on same Sol Melia site.
knowing vs. not knowing
- F. Ongoing Issues
1. Response to Cubans on CN initiative in suspense.
pending response by President to Helms-Burton letter.
 2. FBI withdrawal of objection to Bielsa visa; linking good/bad news while maintaining the "firewall" at the UN.
 3. Non-issuance of USIS visas.

Dan Fiske Wash Times

Agenda for Counselor Wendy Sherman Cuba Meeting
August 4, 1999
Operations Center Conference Room

*(A) Scott
 conf call
 x offer to brief
 gov. on
 migrant
 pol.*

I. Counter-narcotics

- A. Cuban acceptance of USCG liaison at USINT
 - 1. USCG can move to transfer within weeks
 - 2. Response to Cubans
- B. Status of other issues:
 - 1. Response to Helms-Burton Letter to the President
 - 2. Cuba on Majors List?
 - 3. *Response to Helms-Burton letter - implication*

II. Licensing Issues

- A. Globetrotters:
 - 1. Publicity; attendance criteria; advertising; use of any profits

11:00 tom at Newcomb

III. Codel Daschle Update

IV. WTO Ministerial

- A. Visa requirements for UN Events

(A) What if have precedent to deny visas?

V. Guantanamo

- A. Natural Disaster Coordination Understanding/accord to be signed at the fenceline

VI. New Measures Update

- A. Inter-agency attorneys currently reviewing

VII. Governor Jeb Bush's migration conference in Florida: USG participation?

*(A) FBI - "Egan Agreements" cited
 pushing to new w/ fresh PCs
 now holding up visas - TDYs - limit 30 days w/ no renewal + no travel*

(X) USIA only

Agenda for Counselor Wendy Sherman Cuba Meeting
August 4, 1999
Operations Center Conference Room

I. Counter-narcotics

- A. Cuban acceptance of USCG liaison at USINT
 - 1. USCG can move to transfer within weeks
 - 2. Response to Cubans
- B. Status of other issues:
 - 1. Response to Helms-Burton Letter to the President
 - 2. Cuba on Majors List?
 - 3. *Response to the Helms - Gilman letter - implications*

II. Licensing Issues

- A. Globetrotters:
 - 1. Publicity; attendance criteria; advertising; use of any profits

III. Codel Daschle Update

IV. WTO Ministerial

- A. Visa requirements for UN Events

V. Guantanamo

- A. Natural Disaster Coordination Understanding/accord to be signed at the fenceline

VI. New Measures Update

- A. Inter-agency attorneys currently reviewing

VII. Governor Jeb Bush's migration conference in Florida: USG participation?

Wendy 7/7

Migration

Wendy call Harkins. Concern. Meeting on Tuesday.

Steinberg: also useful for HSC to call AG to urge engagement as much as poss.

Super PD-27 process - not to be on track

(26 L more arrive. ~~Radio~~ Radio/TV on scene.)

(Puerto Padre. TGF turn back. 2001 protest. Los Tueros.)

GSC offer to return 26

Reming in tomorrow. Exp. not to work as partners.

Press DOS/INS for speedy decisions. (Say may be Labor Day.)

but public revelation would be harmful

slow timing works to advantage

(A) Coar head not do report tomorrow + coord. cong'l

(A) Status of DOS investigation?

Lula go to MIA near wk after Pres. visit

CN-

Proposals. No Cuban response

Majors list. Complicated by multiple letters. Salmer et al staffer

[pressure DEA to Δ judgments.

but not significantly diff for 6-8 months ago. CIA bottom line is same.

(A) ask Randy P. re DEA paper process - Bill Brannett asks

Flolite.

- Sanchez promise no Cu terr or airspace

Chamber of Commerce

+ go ahead + suggest date delay

offer help press strategy

Lonestar - fully travel

Smith-Kline Beecham

+ 8 yr friend

Fultan

**Action Items from WRS Cuba Meeting
July 29, 1999**

1. Title IV
 - Sol Melia
 - Super Club

ACTION: WHA/CCA to send cleared letter to Sol Melia and cleared talkers for H's use with Hill. (Done 7/30/99)

2. Licensing Issues

-- Globe Trotters

ACTION: WHA/CCA to inform OFAC of need to follow the same procedures as with the Orioles. (Done 7/30/99)

-- Chief Executives Organization

ACTION: WHA/CCA to inform OFAC of need for more people-to-people contact, no spouses. (Done 7/30/99)

-- LAX and JFK.

ACTION: WHA/CCA to provide talkers to H; instruct OFAC to low key the announcement. (Done 7/30/99)

3. Codel Daschle (August 13-15)

ACTION: WHA/CCA to inform OFAC of no objection to travel by congressional spouses. (Done 7/30/99)

4. Visas. Vice Minister of Health to Baltimore (August, two weeks).

ACTION: WHA/CCA to cable USINT to issue the visa; provide info on medical sales to Baltimore sponsors. (Done 7/30/99)

5. New Measures.

ACTION: WHA/CCA and NSC to continue working to flesh out ideas and implement.

6. WTO Ministerial. Seattle, Nov. 30-Dec. 2.

ACTION: Susan Snyder to find facts, precedents.

Agenda for WRS Cuba Meeting
July 29, 1999
The Secretary's Conference Room

1. Counter-narcotics

- Gilman Amendment
- Answer to Helms-Gilman letter
- Q&A for Noriega

2. ECOSOC

- 3. -- Sol Melia
- Super Club

4. Licensing Issues

- Globe Trotters (A) Charles & I call Noriega.
Five games in Cuba (Aug. 31-Sept. 3);
one in NYC (Sept. 17 or 18).
- Chief Executives Organization (October 1999) - study loan
- No reaction to SmithKline Beecham
- LAX and JFK.
OFAC has informed congressional delegations of
losing bidders.
Roll out? Can low key by simply informing
transportation service providers.

5. Codel Daschle (August 13-15)

- Congressional spouses

6. Visas. USINT will flag applications that present
foreign policy concerns.

- Vice Minister of Health to Baltimore (August, two
weeks)

7. New Measures

8. Migration

- New Cuban law
- Holding the line here

9. WTO Ministerial. Seattle, Nov. 30-Dec. 2.

*will ensure criteria included;
automatically go on majors list,
as well as many others*
(A) Check w/ Legal
Janis - tom. morning
& Sam Whitten
We take preemption
action w/ all
involved
countries,
wh dilute
impact.
Info memo
to Secretary.

WTO MINISTERIAL

- U.S. will host the third WTO Ministerial Conference, November 30-December 3, 1999 in Seattle.
- A White House Task Force has been set up. State representative to the meetings of the Task Force coordinating committee is EB DAS Bryan Samuel.
- Keith Loken, L/EB, is point person for legal team studying obligations of the host country.
- Regarding the ministerial, the U.S. is expecting a combination of heads of state and trade ministers to attend. President Clinton is expected to attend.
- President Clinton, in a speech at the 50th anniversary of the GATT in May 1998, issued an invitation for all WTO members to attend the meeting in Seattle.
- Cuba is a founding member of the WTO.
- Castro has attended previous ministerial meetings.

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: 8-3-99

TO:

FULTON ARMSTRONG

FROM:

BOB WITAJEWSKI

SUBJECT:

REMARKS:

NUMBER OF PAGES, INCLUDING COVER PAGE: 3

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

Agenda for Counselor Wendy Sherman Cuba Meeting
August 4, 1999
Operations Center Conference Room

- I. Counter-narcotics
 - A. Cuban acceptance of USCG liaison at USINT
 - 1. USCG can move to transfer within weeks
 - 2. Response to Cubans
 - B. Status of other issues:
 - 1. Helms-Burton Letter to the President
 - 2. Cuba on Majors List?
- II. Licensing Issues
 - A. Globetrotters:
 - 1. Publicity; attendance criteria; advertising; use of any profits
- III. Codel Daschle Update
- IV. WTO Ministerial
 - A. Visa requirements for UN Events
- V. Guantanamo
 - A. Natural Disaster Coordination Understanding/accord to be signed at the fenceline
- VI. New Measures Update
 - A. Inter-agency attorneys currently reviewing

SEARACCA/1999: Aug 3 - Wendy Agenda

Drafted: RMW

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. agenda	Agenda for Cuba Meeting (2 pages)	12/30/1998	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 [2]

2016-0920-F
sb2130

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]
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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)]

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009a. note	For Wendy meeting at 4:00 today in Secretary's Conference Room (2 pages)	01/28/1999	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 [2]

2016-0920-F
sb2130

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- Family reunification - take one more shot
- Dissidents - how help?
- cultural-gov't'l connections?

SRB Need to talk to Sec'y

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009b. paper	Next Steps on Cuba [with handwritten notes] (5 pages)	01/27/1999	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 [2]

2016-0920-F
sb2130

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BACKGROUND

10/29/98

Commission Options

Three Basic Options

- Presidential. Greater prestige, easier to attract top-name participation. Greater Presidential input into mission, membership. Some Executive department/agency designated to house, pay staff, pay members' expenses. (Members usually do not receive payment for services.) Members must go through Presidential Personnel vetting.
- Departmental. Can have Presidential endorsement, but will have somewhat less prestige. For maximum draw, Department Secretary would chair. Vetting of members much simpler.

Under both USG options: 1) Commission must comply with the Federal Advisory Committee Act (FACA), which requires that all meetings (except classified briefings) be public and announced in advance; that membership be "fairly balanced in terms of points of view represented"; has a charter published in the Federal Register; and reports/minutes must be available to the public. 2) All common costs must be paid by one agency, i.e., fulltime USG staff cannot be detailed to the Commission from agencies other than designated host department/agency.

- Nongovernmental. The President could endorse a proposal by Council on Foreign Relations, Inter-American Dialogue, or similar think-tank to form a nongovernmental commission. Would have significantly less prestige; more difficult to attract top-names. Significantly less USG influence over membership, mission, etc.

Authorities to Create Presidential Commission

Two options for creating USG commission:

- Presidential executive order. More common for commissions working for short term and on sensitive issues about which attaining Congressional consensus would be difficult. Gives President much greater

discretion on scope, membership, reporting requirements of commission. Executive Branch has to fund.

- Legislation. More common for longer-term issues about which there is basic political consensus to find solution, such as on aviation terrorism. Gives Congress much greater role in determining mission, makeup, etc. Congress provides funding.

Process

For Presidential Commission

Presidential Decision (including basics on mission, composition, and host agency) ⇨ OMB interagency vetting, including OLC review ⇨ Issuance of Executive Order formally establishing commission, establishing membership guidelines, setting objectives and reporting requirements ⇨ Presidential Personnel vetting of members ⇨ Standup of support staff ⇨ Commission work.

For Departmental Commission

Presidential approval (including basics on mission, composition, and host agency) ⇨ Department action.

Chairmanship/Membership/Counselors

Presidential discretion

- Chair usually is very senior current or former Administration official. National Security Adviser or Secretary of State would be consistent with past practice. Mack McLarty or Lawton Chiles might be possible "former" officials.
- The Executive Order establishing the "National Bipartisan Commission on Central America" stipulated that it would have "not more than 12 members appointed or designated by the President" from among "distinguished leaders of the government, business, labor, education, Hispanic and religious communities." It determined that no more than seven would be of the same political party. Presidential Personnel seems to prefer larger panels.
- President may designate "counselors" of proven individual experts to be available for consultation at

the Chair's request. On the Central America Commission, the President had the authority to select up to eight Members of Congress -- apparently from among Leadership nominations -- drawn in equal numbers from Senate and House, as "senior counselors." (Warner proposal is for same.)

Mission

Presidential discretion on scope, duration of mandate, and reporting requirements.

- The Executive Order establishing the Central American Commission laid out the following tasks:

Study U.S. interests in region and threats to them.
Provide advice to President, Secretary of State, and Congress on policy that would best respond to problems.

Provide advice on how to build national consensus on policy.

Report to the President by date certain (only 10 weeks) and terminate within 60 days of that.

Cost

To be born by designated Department/agency

- Costs include: administrative services, staff positions support, and travel expenses for non-USG commission members.
- The Central America Commission was budgeted at:
 - \$475,000 for operations and travel
 - \$225,000 staff support ("five man-years")

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. memo	To: The Secretary; From: Peter Romero; Re: Next Steps on Cuba (5 pages)	10/28/1998	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 [2]

2016-0920-F
sb2130

RESTRICTION CODES

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~~SECRET~~

WHITE HOUSE COMMUNICATIONS CENTER FACSIMILE COVER SHEET

PRECEDENCE:

FLASH

IMMEDIATE

PRIORITY

ROUTINE

SECURE FAX # _____

ADMIN FAX # _____

PAGES 8DTG 191405Z

RELEASER _____

FROM/LOCATIONTokyo NSC Office**TO/LOCATION**Jim Dobbins

TIME OF RECEIPT

INFO/LOCATION

SPECIAL INSTRUCTIONS/REMARKS

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTSInitials: AOB Date: 8/20/18

2016-0920-F

~~SECRET~~

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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011a. note	To: Sandy; From: Jim Dobbins; Re: [Attached memorandum] (1 page)	11/17/1998	P1/b(1)
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COLLECTION:

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

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011b. memo	To: The Secretary; From: Peter Romero; Re: Next Steps on Cuba (6 pages)	11/12/1998	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 [2]

2016-0920-F
sb2130

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~~Jim~~ -

This is group that's long wanted to
send cash in with care packages or
travellers, but OFAC + State have
resisted. Loose interpretation of our
remittances expansion should clear the
way (even though, strictly speaking, it's not
a "remittance")

Julk



Institute for Democracy in Cuba

Instituto para la Democracia en Cuba

Institut pour la Démocratie à Cuba

Institut für Demokratie in Kuba

November 9, 1998

VIA FACSIMILE & U.S. MAIL

(202) 736-4476

Mr. Michael Rannenberger
Department of State
Office of Cuban Affairs
Room 3234
Washington, D.C. 20520

Dear Michael:

On September 4, 1998, we wrote you to inquire about the status of the Institute for Democracy in Cuba's license request dated July 22, 1998 to send small amounts of private, non-USG money to pro-democracy and human rights activists in Cuba. To date, however, we have not heard from you on this matter.

We would sincerely appreciate your informing us in writing about the status of the license request and the timetable for its approval. We want to avoid a repetition of the handling of the *Puente* license request, which was submitted more than two years ago and to which a reply has not yet been received.

In that you have not asked us for further information, we assume that you have all the necessary information in your hands to make a determination on the request. Should you need further information, however, please do not hesitate to contact us. Thank you very much for your assistance.

Very truly yours,

THE INSTITUTE FOR DEMOCRACY IN CUBA

Rafael Sánchez-Aballi
Executive Director

cc: Roger Noriega - Senate Foreign Relations Committee
Fulton Armstrong - National Security Council

letters\rannenberger.008

WASHFAX
DEPARTMENT OF STATE

SITE

4

8

'98 NOV -6 10:11

NOV 6 1998

000606

Message No. _____ Classification Unclass Sensitive No. Pages Attached 2
From: Wendy Sherman C 647-5529 7509
(Officer name) (Office symbol) (Phone number) (Room number)

MESSAGE DESCRIPTION Eyes Only Sensitive - Cuban
Restrictions

TO: (Agency)	DELIVER TO: (Person/Office)	Phone no.	Room no.
<u>NSC</u>	<u>Jim Nabers</u>	<u>456-9131</u>	<u>7526</u>
_____	_____	_____	_____
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FOR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT ☒

REMARKS: Brenda - Please pass to Jim and treat Eyes Only /
Sensitive. Wendy wants to set up a conference call
early next week with Dula and Jim. Shargo

S/S Officer: _____

Sensitive/ Eyes Only

Madonna

Subject: Proposed HBO Concert: Legal and Regulatory Considerations

Home Box Office (HBO) Cable Network has proposed staging in Cuba a free public concert, featuring a prominent U.S. performer, which would be broadcast back to the United States. The following are key legal and regulatory issues that should be considered in deciding how to respond to this proposal. Other issues may emerge as more information is developed.

1. Licensing Authority. The Treasury OFAC regulations on financial transactions with Cuba contain a provision (31 CFR 515.565) that permits issuance of specific licenses "in appropriate cases" for transactions related to participation in a "public exhibition or performance in Cuba." This was one of the measures added to the regulations in October 1995, pursuant to the President's initiative, intended to promote democratic change and the development of civil society in Cuba.

2. Cultural Event or Commercial Entertainment? The licensing authority has been used to authorize the holding of "cultural events" and "workshops," but not commercial entertainments, which would produce hard currency for Cuba. A concert featuring a prominent U.S. entertainer, and broadcast over the HBO cable network, may generate criticism this is not a bona fide "cultural event." Recent appearances in the U.S. by a well-known Cuban jazz pianist have skirted close to the edge. (He was allowed in after the events were restructured to look more like "workshops.")

3. Limitations on Payments to Cuba. Generally, under the regulations, payments to Cuba or Cuban nationals in connection with such events are limited to expenses incurred. Expressly prohibited are payments to Cuba for "television rights, appearance fees, royalties, pre-performance expenses, or other such payments" related to the performance. Based on the experience of broadcast television networks during the Pope's visit, however, the Cuban government can be expected to find inventive ways to assess "expenses" (e.g. high charges for television transmission services, high rent for a stadium or public square to stage the event, etc.). This could become a problem, if it appears Cuba will make too much money off the event in the guise of "expenses."

4. Per Diem Limit for Licensed Travelers. Licensed U.S. travelers to Cuba are limited to \$100 per diem for their living expenses while in Cuba. This includes, but is not limited to, lodging, transportation and meals. During the Pope's visit, special licenses were issued to the television networks, allowing the corporations to contract for lodging and other expenses for their personnel. The networks negotiated with the Cubans, and then submitted to Treasury estimated budgets for "reasonable and necessary expenses." There was some discussion of reducing the allowable per diem for individuals, e.g., \$50, since they would not have to pay individual lodging costs. We would have to check with

Treasury to determine whether the final licenses contained such a restriction. The precedent should be followed here.

5. No Credit Cards. U.S. travelers may not use their credit or charge cards in Cuba. Payment of expenses normally is done in cash. Given the expected large sums for corporate expenses, Treasury may have to issue special licenses to permit wire transfers.

6. Shipment of Equipment. The shipment of television equipment, etc. from the U.S. to Cuba will require an export license from the Department of Commerce. If Treasury OFAC licenses the necessary financial transactions for the event, DOC normally will license the export of the necessary equipment. This was the practice followed during the Pope's visit. It may be necessary to hire a special barge to carry the equipment. HBO would have to make arrangements to offload the equipment in Cuba. Here again the Cubans make take advantage of the opportunity to impose additional "expenses."

7. Payments to the Performer? The purpose of the embargo is to deny payments from U.S. sources to Cuba or Cuban nationals. Thus, payments from a U.S. cable network to a U.S. entertainer, without any benefit going to Cuba, ordinarily would not necessarily be prohibited by the embargo. However, payments at the customary rate for a prominent U.S. performer would far exceed amounts approximating "expenses incurred," and would lend credence to criticism that this is "commercial entertainment" and not a "cultural event." If the performer were to donate the payments (or all in excess of expenses) to a charity, that may ameliorate the criticism.

8. Charges for the Broadcast? HBO is a premium cable service, with programming available only to paying subscribers, except for occasional "free view" days when programming is made available to general cable subscribers in order to attract potential new customers. Even if HBO broadcasts the program on one of its "free view" days, it would be available only to general cable subscribers. To the extent the broadcast is available only to paying subscribers, whether HBO subscribers or general cable subscribers, HBO would receive a commercial benefit from staging the event in Cuba. Again this would lend support to the criticism that this is more of a "commercial entertainment" than a bona fide "cultural event."

9. Future Implications. Events that have been licensed thus far have been relatively low in visibility. However, the proposed HBO concert in Cuba would be a high-visibility event, which would open the door for similar requests in the future, e.g., a tour by a Major League Baseball team (such as proposed by Peter Angelos of the Baltimore Orioles a year or so ago). The Administration will need to consider whether it would be possible to maintain any reasonable distinction between "cultural events" and "commercial entertainments."

AGENDA FOR CUBA MEETING

7509

October 27

UNGA:

Coercive Measures Resolution Vote Result
Human Rights Statements

Expulsions

Hold on Counter-terrorism and Counter-narcotics Steps

November Package and Contacts with Hill

Bipartisan Commission

Noriega Request for Briefing on Issues Raised in Helms
Statement (Expulsions, CN, Juragua, Lourdes, Travel
Restrictions, etc.)

Family Reunification Initiative in Response to Bishop Roman

Migration Talks Dates

Results of Policy Briefing for Cuban-Americans

Shootdown Victims' Families Request to Meet Secretary

Public Diplomacy Steps

Licensing Issues:

Council of American Ambassadors
Congresswoman Barbara Lee Group
Congressional Black Caucus
Leucadia (Rick Nuccio)

Orioles Initiative

Memo attached

Wendy Sherman mty 10/27

Novak + Warner

Casputinis - FBI more info

Jim: Torridge, Burke + Charles staff signed if appropriate right
old support

Bayer wants to structure proposal for President.

- how gay? who? where?

- when report back?

- go ahead if measures at same time?

Comm. endorse
for photo
copy
re support
even if
collect
benefit
GOC

food, remittances + direct mail = humanitarian support, not govt
permissible under LDA

try to open up Cuba to democracy

Common will be seen as cover for policy D regardless of what we say
- if get Tom + Graham, split in lobby at
cost of giving representative

Alternative: outside group like Jackson
if Adm. get overwhelmed

① ARA
w/me, try to package for Nov. rollout
try to launch Comm or endorse
outside Comm.

- if do Comm, who wd look like,

② research

end of the
or early
next

Navya bfi

CD/CT- (X) = perhaps? or a loan for Sady + Madhavi

Visa - Roman proposal -

INS's Hill enters don't like idea, so

INS unaffable.

ARA cont. to pursue.

Nathan - go back + look

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012a. paper	Issues for Sherman Meeting (3 pages)	10/27/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Cuba-Wendy Sherman Meetings / Policy Papers [2]

2016-0920-F
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012b. paper	Next Steps on Support for the Cuban People (5 pages)	10/27/1998	P1/b(1)

COLLECTION:

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OA/Box Number: 2925

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2016-0920-F
sb2130

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]
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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]
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Points for Discussions With Hill on Cuba Legislation

We remain committed, as the President stated, to work with the Congress in an effort to fashion bipartisan legislation on Cuba focusing on the transfer of food, humanitarian assistance, and support for the Cuban people.

We have come to get your views and to share some of our thinking.

It must be clear in any legislation that the main principles of U.S. policy on Cuba remain in place. This includes economic pressure as a central pillar of our policy.

We seek legislation as broadly-based and bipartisan as possible.

That will require genuine compromise on the Hill.

Our goal should be to help the Cuban people without strengthening the Cuban government.

Our view is that legislation should not be fashioned in a way which makes it easy for Castro to reject. The more reasonable we appear, the more possible it is to obtain our objective and the more unreasonable Castro will seem if he rejects the proposal.

We believe that legislation should contribute to the growth of civil society by expanding the experience and bolstering the capabilities of non-governmental groups in Cuba.

One way to do this is, for example, by expanding exchanges.

Increased humanitarian assistance should be one of several foreign policy tools used to promote our goal of a peaceful transition to democracy.

If we depend on Caritas or other Cuban NGOs, we will need their cooperation. The Cuban Church has said publicly that it will not accept USG or other foreign government assistance (this would seem to rule out any type of PL-480 assistance).

At the same time, we believe we need to find a way to consider authorizing some type of direct sales of food to

private entrepreneurs (essentially the restaurants), and agricultural inputs to private farmers.

We will oppose measures which would restrict the President's freedom of action (or, more generally, the President's discretion, authority, earmarking of funds).

We should consider carefully any measures which will damage relations with friends and allies.

What are your views? Specifically we are interested in your reading of how the Cuba legislation will move, prospects for compromise, and reaction to what we have said.

Drafted: ARA/CCA - Ranneberger

Cleared: ARA - JHamilton

Dist to (eyes only)

PA - Lula Rodriguez

S - Jim O'Brien

ARA - PRomero

ARA - JHamilton

NSC - Armstrong/Dobbins

G - Wsherman

P - SSchwartz

E - Dnorland

Sept 21, 1998

3:30 pm

Congress of the United States

Washington, DC 20515

October 19, 1998

Stuart Eizenstat
Under Secretary, Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Eizenstat:

We are writing in support of an application by PWN Exhibicon International to hold a medical/healthcare exhibition in Cuba. We ask that you authorize this trade exhibition and grant this company the necessary license.

Exhibicon International, a company in Westport, Connecticut, was given permission to travel to and from Cuba "for the purpose of meeting with Cuban officials to arrange for a trade exhibition by U.S. medical and pharmaceutical companies to promote the sale of medicines and medical supplies...." As a result, the company spent close to \$300,000 organizing this event, which has drawn the confirmed interest of more than 120 U.S. companies.

Subsequently, the Department of the Treasury's Office of Foreign Assets Control denied Exhibicon International the license authorizing the exhibition. We believe this decision needs to be reversed.

While the United States must continue to maintain appropriate pressure on Cuba's communist regime, great care must be taken not to lose compassion for the people of Cuba, and humanitarian exceptions to the U.S. embargo -- particularly food and medical supplies -- should be continued.

The trade exhibition being organized by Exhibicon International will help the Cuban people while benefitting U.S. businesses, two goals we can all support. We urge you to grant Exhibicon International the licenses necessary to proceed with this exhibition.

Sincerely,


Christopher Shays
Member of Congress (Calif)


Tom Campbell
Member of Congress (Calif)

cc: James F. Dobbins
Michael Ranneberger
Richard Newcomb

Jim-
You were going
to raise ~~the~~ cases
like this in Wendy's.
meeting, right?
As you'll recall, applicants
offense was to give this
a public spin ~~this~~
inconvenient
for U.S.
P

Ranneberger, Michael E

From: Ranneberger, Michael E
Sent: Thursday, October 08, 1998 3:00 PM
To: Munter, Cameron P.; Norland, David W.; Schwartz, Stephen M.; Witajewski, Robert M; Rodriguez, Lula; O'Brien, James C.; DeLAURENTIS, JEFFREY; HAMILTON, JOHN R; ROMERO, PETER F
Cc: Ranneberger, Michael E
Subject: Orioles New Initiative to Cuba

At lunch today with Scott Armstrong, he raised a new initiative to get the Orioles to Cuba. You all will recall that over the last two years the Orioles have made a couple of runs at getting their team to Cuba for an exhibition game, all of which we parried, not ruling out definitively, but saying that timing made it out of question for the time-being.

Armstrong said that Cardinal Keeler of Baltimore is interested in supporting getting the Orioles to Cuba, with a Church role. Orioles owner D'Angelos is close to Keeler. Idea would be to set up the game as a publicity/profits benefit for Caritas. Armstrong says Keeler has talked with CRS, which has explored idea with Caritas, which is interested, but that Ortega has not pronounced on it as yet. D'Angelos wants to break even, but any proceeds from games could be designated for Caritas (from game attendance and/or broadcasting). The game would be televised (ESPN etc), which would yield a profit for ESPN via commercials.

Armstrong says he ran this by Ramirez at CUBINT and by DeCossio, who expressed interest (saying of course it would have to be approved by the Cuban Sports Authority -- i.e. Fidel). He also says he mentioned this to Sandy Berger at a dinner, who did not discourage him from pursuing (but it sounds like they had a more or less two-sentence exchange on this). Keeler may call Sen Graham to feel him out.

Their timeframe is to take the team to Cuba in March 1999, and to have the Cuban national team come to Baltimore after that, around April 1. (They are not linking the two, and would be willing just to do the game in Cuba.) Apparently, the Orioles do their spring schedule in December, so they would need to have a green light soon and send people to Cuba in November to work out the details. That would require a Treasury license.

There are, of course, a number of issues: we would have to be able to argue this was not essentially a commercial event, but rather part of people-to-people, and would have to make Caritas role central (and would need Ortega's blessing for that).

I told Armstrong I would sound out some people and let him know whether anyone considered this worth pursuing. So:
-- We can go back and say still out of question for now
-- We can say we are not ruling out, but would need clearer indications of Church approval for idea and Caritas role

We should not give the license for the Nov trip unless we think there is a reasonable chance of approval for the holding of the game itself. (Orioles would not consider doing any of this "fully hosted," which is good). Views/guidance please.

I am copying this to NSC.

OPTIONAL FORM 99 (7-90)		# of pages ▶ 1
FAX TRANSMITTAL		
To <u>Ed Fulton</u>	From <u>MER</u>	
Dept./Agency	Phone #	
Fax #	Fax #	
NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION		

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

October 6, 1998

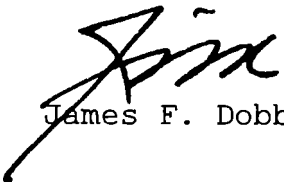
MEMORANDUM FOR WENDY SHERMAN

Wendy:

One point I forgot to raise.

Berger still feels we should move now on counternarcotics. He has raised the issue twice with the Secretary, who said she would think it over and get back to him. If you have an opportunity you might want to see whether Sandy's argument (i.e., moving ahead now would attenuate the eventual reaction to expulsions) has had any impact.

Perhaps we should include this in any Berger/Reno/Albright discussion, although that puts the two steps in closer juxtaposition than I think ideal.



James F. Dobbins

Sherman 9/22

CD/CT - expulsions
↳ DOS &P - continuing press guidance

- Wendy will ask A.P. to call Sandy. Copy of TPs to us.
- two teeth

WFP - hold off/ask us to
- only taken donations so far
still over Hill head-up.

"November" paper + WFP TPs.

Wendy: too early to preview all. Preview only food part.

let's us choose path.

ARA redraft point to focus on food. Take other elements into consideration.

Dodd ~~on~~ points. Klosson call Maria.

framing vs. remittances

Remittances - Option 2 (3) - agree in principle
/ but ensure ~~principles~~ effective monitoring

broad 4/c
categories in 2
which work

Exchange - add more meat - consolidate
add USA more active IV program

add new Marti aerosol

Lula - P.A. less of actors
will work w/ us on.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. paper	Draft Version of 012b [with edits in pen] (5 pages)	09/21/1998	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 [2]

2016-0920-F
sb2130

RESTRICTION CODES

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Our view is that legislation should not be fashioned in a way which makes it easy for Castro to reject. The more reasonable we appear, the more possible it is to obtain our objective and the more unreasonable Castro will seem if he rejects the proposal.

We believe that legislation should contribute to the growth of civil society by expanding the experience and bolstering the capabilities of non-governmental groups in Cuba.

One way to do this is by expanding exchanges and remittances.

- By streamlining visa procedures we could expand the quality and quantity of people-to-people exchanges, including artists, cultural groups, academics, religious, athletes, etc.
- It is clear that remittances help to exacerbate differences within Cuban society, and to highlight the failure of the Cuban system. We could expand the amount of remittances authorized and/or authorize U.S. citizens and groups by general or specific license to send remittances to independent organizations and individuals in Cuba.

If we depend on Caritas or other Cuban NGOs, we will need their cooperation. The Cuban Church has said publicly that it will not accept USG or other foreign government assistance (this would seem to rule out any type of PL-480 assistance).

Increased humanitarian assistance should be one of several foreign policy tools used to promote our goal of a peaceful transition to democracy.

At the same time, we believe it would be worthwhile to consider authorizing some type of direct sales of food to private entrepreneurs (essentially the restaurants), and agricultural inputs to private farmers.

We oppose any legislation which would create onerous reporting and other requirements with workload implications for State.

We will oppose measures which would restrict the President's freedom of action (or, more generally, the President's discretion, authority, earmarking of funds).

We should consider carefully any measures which will damage relations with friends and allies.

What are your views? Specifically we are interested in your reading of how the Cuba legislation will move, prospects for compromise, and reaction to what we have said.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014a. agenda	Agenda for Cuba Meeting (1 page)	09/22/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

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2016-0920-F
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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014b. note	To: Jim; Re: [Quick Update for Wendy Sherman's meeting at 11:00] (1 page)	09/22/1998	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 [2]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
015. note	To: Jim; From: Fulton; Re: [Ranneberger's draft] (2 pages)	09/17/1998	P1/b(1)

COLLECTION:

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

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016. paper	Draft Version of 012b [with edits in pencil] (5 pages)	09/10/1998	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 [2]

2016-0920-F
sb2130

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Our view is that legislation should not be fashioned in a way which makes it easy for Castro to reject. The more reasonable we appear, the more unreasonable Castro will seem if he rejects the proposal. *likely, will allow its objective of the end*

We believe that legislation should contribute to the growth of civil society by expanding the experience and bolstering the capabilities of non-governmental groups in Cuba.

One way to do this is by broadening exchanges and expanding remittances. *probably need brief elaboration*

✓ If we depend on Caritas or other Cuban NGOs, we will need their cooperation. The Cuban Church has said publicly that it will not accept USG or other foreign government assistance (this would seem to rule out any type of PL-480 assistance).

Increased humanitarian assistance should be one of several foreign policy tools used to promote our goal of a peaceful transition to democracy.

* At the same time, we believe it would be worthwhile to consider authorizing some type of direct sales of food to private entrepreneurs (essentially the restaurants), and agricultural inputs to private farmers.

increased flow of food to a country

We oppose any legislation which would create onerous reporting and other requirements with workload implications for State. *a. [unclear] [unclear]*

We will oppose measures which would restrict the President's freedom of action (or, more generally, the President's discretion, authority, earmarking of funds).

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What are your views? Specifically we are interested in your reading of how the Cuba legislation will move, prospects for compromise, and reaction to what we have said.

✓ add. Marking study
✓ use this - [unclear]
program

Drafted: ARA/CCA - Ranneberger

Cleared: ARA - JHamilton

Dist to (eyes only)

PA - Lula Rodriguez

S - Jim O'Brien

ARA - PRomero

ARA - JHamilton

NSC - Armstrong/Dobbins

G - WSherman

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
017. email	To: Natl Security Advisor; From: Armstrong, Fulton; Re: Cuba (1 page)	09/15/1998	P1/b(1)

COLLECTION:

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

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~~SECRET~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

6428
LIMITED ACCESS

September 18, 1998

fte - final

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: JAMES F. DOBBINS *JK*
FROM: FULTON T. ARMSTRONG *fk*
SUBJECT: Update on Cuba Proposals

At Tab I is the Memorandum for the President that you requested informing him of the status of initiatives related to Cuba.

Concurrence by: Mara Rudman *MR*; Mary DeRosa *MD*

RECOMMENDATION

That you forward the Memorandum for the President.

Attachment

Tab I Memorandum for the President

~~SECRET~~

Reason: 1.5 b,d
Declassify On: 09/18/08

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *ASB* NARA, Date *8/20/18*
2016-0920-F

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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018. memo	To: POTUS; From: Samuel Berger; Re: Update on Cuba Initiative (3 pages)	00/00/0000	P1/b(1)
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COLLECTION:

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National Security Council
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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)]

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07/27/98

Possible Additional Track II Steps

- Facilitating expansion of academic, cultural and sports exchanges. Allowing incrementally higher-profile visits. Restoring general license for research and educational travel.
- Related measures: 1) Streamlining visa approval process. 2) Adjusting guidance on visas for government officials, focussing tougher restrictions on more senior persons. 3) Pegging maximum allowable daily expenditure (currently set at \$100 a day) to USG per-diem rate.
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
019. email	To: Natl Security Advisor; From: Armstrong, Fulton; Re: SRB/JBS Meeting on Cuba (1 page)	09/16/1998	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 [2]

2016-0920-F
sb2130

RESTRICTION CODES

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
020a. memo	To: The Secretary; From: Peter Romero; Re: Letter to Holy See Foreign Minister (1 page)	09/16/1998	P1/b(1)

COLLECTION:

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
020b. letter	To: Your Excellency; From: Madeleine Albright (3 pages)	09/16/1998	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 [2]

2016-0920-F
sb2130

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
021. note	Handwritten Meeting Notes [Sherman] (2 pages)	09/15/0000	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 [2]

2016-0920-F
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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022. paper	Next Steps on Support for the Cuban People: Options and Scenario (5 pages)	09/10/1998	P1/b(1)
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COLLECTION:

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

FOLDER TITLE:

Cuba-Wendy Sherman Meetings / Policy Papers [2]

2016-0920-F
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Points for Discussions With Hill on Cuba Legislation

We remain committed, as the President stated, to work with the Congress in an effort to fashion bipartisan legislation on Cuba focusing on the transfer of food, humanitarian assistance, and support for the Cuban people.

We have come to get your views and to share some of our thinking.

It must be clear in any legislation that the main principles of U.S. policy on Cuba remain in place. This includes economic pressure as a central pillar of our policy.

We seek legislation as broadly-based and bipartisan as possible.

That will require genuine compromise on the Hill.

Our goal should be to help the Cuban people without strengthening the Cuban government.

Our view is that legislation should not be fashioned in a way which makes it easy for Castro to reject. The more reasonable we appear, the more unreasonable Castro will seem if he rejects the proposal.

We believe that legislation should contribute to the growth of civil society by expanding the experience and bolstering the capabilities of non-governmental groups in Cuba.

One way to do this is by broadening exchanges and expanding remittances.

If we depend on Caritas or other Cuban NGOs, we will need their cooperation. The Cuban Church has said publicly that it will not accept USG or other foreign government assistance (this would seem to rule out any type of PL-480 assistance).

Increased humanitarian assistance should be one of several foreign policy tools used to promote our goal of a peaceful transition to democracy.

At the same time, we believe it would be worthwhile to consider authorizing some type of direct sales of food to private entrepreneurs (essentially the restaurants), and agricultural inputs to private farmers.

We oppose any legislation which would create onerous reporting and other requirements with workload implications for State.

We will oppose measures which would restrict the President's freedom of action (or, more generally, the President's discretion, authority, earmarking of funds).

We should consider carefully any measures which will damage relations with friends and allies.

What are your views? Specifically we are interested in your reading of how the Cuba legislation will move, prospects for compromise, and reaction to what we have said.

Drafted: ARA/CCA - Ranneberger

Cleared: ARA - JHamilton

Dist to (eyes only)

PA - Lula Rodriguez

S - Jim O'Brien

ARA - PRomero

ARA - JHamilton

NSC - Armstrong/Dobbins

G - WSherman

Agenda for Cuba Meeting
(September 15, 1998)

1. Future package of support-for-the Cuban people steps
(direct food sales, expanded remittances, broadened exchanges, direct mail)
 - USIA and public diplomacy efforts
2. Drought status and letter from Helms et. al.
3. Arrests in Miami/possible expulsions/harassment of USINT officer
 - Next steps on counter-terrorism cooperation and counter-narcotics in light of this development
4. Follow-up letter to the Pope on human rights
5. UNGA update
6. Other issues:
 - 50 visas for Latin American Studies Assn meeting
 - USG participation in Dallas Morning News conference
 - Lauda Air request to lease Boeing aircraft to Cuba
 - License for certified claimant Lonestar to go to Cuba

SHERAGEN

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
023. note	To: Jim; Re: Visas for Cuban Government Officials and Communist Party Members (2 pages)	08/24/1998	P1/b(1)

COLLECTION:

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

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United States Department of State

Washington, D.C. 20520

August 21, 1998

To: ARA - Peter F. Romero, Acting
Thru: ARA - John R. Hamilton
From: ARA/CCA - Robert Witajewski, Acting *RW*
Subject: USINT Proposes To Modify Visa Clearance Process

Ref: a. Havana 4258
b. Presidential Proclamation 5377 of October 4, 1985

The System Is Broken:

We concur with USINT's view that the requirement for a Washington clearance impedes travel that is in the U.S. interest.

USINT notes that some 95 percent of all visa cases submitted for clearance are approved. To facilitate the issuance of visas in these categories that are generally approved as being in the national interest, USINT suggests that

- the authority to waive ineligibility under the proclamation be delegated to post; or
- the categories of persons requiring a Departmental decision be narrowed.

Scope of the Presidential Proclamation Is Too Broad:

Narrowing the categories of persons requiring a Departmental decision would be preferable to delegating the authority to make a determination.

The authority to waive ineligibility laid out in a Presidential Proclamation is normally held in the Department to avoid the appearance that a post might be using the visa process to manipulate its contacts. However, the categories of persons requiring the name check process could be limited to senior officials of the central and provincial governments, members of the National Assembly and influential staffers, Communist Party Committee members, and others who take an active part in the perpetuation of the regime or whose presence in the United States would be inconsistent with the trade embargo. We would require name checks for mid-and

senior level officials of GONGOs, such as the Confederation of Cuban Workers and Vilma's Confederation of Cuban Women. The list would be subject to change as Castro creates new GONGOs to exploit the rules, or existing entities show independence and deserve to be taken off the list.

Breadth of the Proclamation Dilutes the Message:

USINT also points out that the clearance process, which is necessary to waive the ineligibility laid out in Presidential Proclamation, was originally designed as a response to the suspension of migration accords. However, the process continued after the accords were reinstituted. The scope of the proclamation is broad because it covers "officers or employees of the Government of Cuba or the Communist Party of Cuba," and virtually everyone in Cuba works for the government. The broadness of the proclamation makes the message much more diffuse than it would be if it were restricted to those who act against democratic reform or violate human rights.

Section 2 of the proclamation provides for exceptions, including "in such other cases or categories of cases as may be designated from time to time by the Secretary of state or designee." This provision would allow the Department to narrow the reach of the proclamation by deleting certain categories of individuals.

Another option would be to replace the 1985 proclamation, which bars the entry of individuals because of their status with the government or the Communist Party, with a new proclamation that would **bar entry to all persons who act against democratic reform or violate human rights**. Implementing instructions could specify classes of senior officials, policy makers, communists, and others that would require clearance from the Department before a visa could be issued.

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This would be a more lengthy and complicated process than the Department moving internally to exploit the latitude given by Section 2. We recommend moving forward in this direction. ??

1 Enclosure:

Presidential Proclamation 5377 of October 4, 1985

Drafted:ARA/CCA:RJFeatherstone 
SECCAHB/11212f02.DOC, 08/20/98, X79389

Suspension of Entry as Nonimmigrants by Officers or Employees of the Government of Cuba or the Communist Party of Cuba

By the President of the United States of America

A Proclamation

In light of the current state of relations between the United States and Cuba, including the May 20, 1985, statement that the Government of Cuba had decided "to suspend all types of procedures regarding the execution" of the December 14, 1984, immigration agreement between the United States and Cuba, thereby disrupting normal migration procedures between the two countries, I have determined that it is in the interest of the United States to impose certain restrictions on entry into the United States of officers or employees of the Government of Cuba or the Communist Party of Cuba.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended [8 U.S.C. 1182(f)], having found that the unrestricted entry of officers or employees of the Government of Cuba or the Communist Party of Cuba into the United States would, except as provided in Section 2, be detrimental to the interests of the United States, do proclaim that

Section 1. Entry of the following classes of Cuban nationals as nonimmigrants is hereby suspended: [a] officers or employees of the Government of Cuba or the Communist Party of Cuba holding diplomatic or official passports; and [b] individuals who, notwithstanding the type of passport that they hold, are considered by the Secretary of State or his designee to be officers or employees of the Government of Cuba or the Communist Party of Cuba.

Sec. 2. The suspension of entry as nonimmigrants set forth in Section 1 shall not apply to officers or employees of the Government of Cuba or the Communist Party of Cuba: [a] entering for the exclusive purpose of conducting official business at the Cuban Interests Section in Washington; at the Cuban Mission to the United Nations in New York; or at the United Nations in New York when, in the judgment of the Secretary of State or his designee, entry for such purpose is required by the United Nations Headquarters Agreement; [b] in the case of experts on a mission of the United Nations; and in the case of individuals coming to the United States on official United Nations business as representatives of nongovernmental organizations when, in the judgment of the Secretary of State or his designee, entry for such purpose is required by the United Nations Headquarters Agreement; or [c] in such other cases or categories of cases as may be designated from time to time by the Secretary of State or his designee.

Sec. 3. This Proclamation shall be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Oct. in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

[signed] Ronald Reagan