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SUMMARY

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Cuba: U.S. Restrictions on Travel and Remittances

Restrictions on travel and remittances to Cuba have constituted a key and often contentious component in U.S. efforts to isolate Cuba's communist government since the early 1960s. Over the years, there have been divergent views in Congress, and at times congressional action, regarding such restrictions. The restrictions are largely part of the Cuban Assets Control Regulations (CACR), the overall embargo regulations administered by the Department of the Treasury's Office of Foreign Assets Control (OFAC), as well as certain parts of the Export Administration Regulations (EAR), administered by the Department of Commerce's Bureau of Industry and Security. Various Administrations have eased and tightened these restrictions over the years through amendments as U.S. policy toward Cuba has changed.

The Obama Administration significantly eased restrictions on travel and remittances. In 2009, the Administration lifted all restrictions on family travel and remittances In 2011, it eased restrictions on other types of travel, including people-to-people educational travel, and allowed any U.S. person to send remittances to individuals in Cuba. In 2015 and 2016, the Administration eased restrictions on nonfamily travel and remittances, with the Treasury Department amending the CACR five times. The Department of Commerce also amended the EAR, issuing license exceptions authorizing temporary sojourn passenger vessels to Cuba; cruise ship travel to Cuba began in 2016. The Administration also negotiated a bilateral arrangement to permit regularly scheduled air flights to Cuba that began in 2016.

The Trump Administration significantly increased restrictions on travel and remittances. In 2017, Treasury prohibited direct transactions with entities on a State Department "Cuba restricted list" that were identified as affiliated with the Cuban military, intelligence, or security services; such entities include certain Cuban hotels, tourist agencies, marinas, and stores. In 2019, the Administration prohibited people-to-people educational travel, terminated cruise ship travel, prohibited air travel to Cuban cities other than Havana, limited the amount and frequency of family remittances, and eliminated donative remittances to Cuban nationals. In 2020, Treasury prohibited U.S. travelers from staying at more than 400 accommodations on another list maintained by the State Department and prohibited the processing of remittances through entities on the "Cuba restricted list," which resulted in Western Union ceasing its services to Cuba.

In May 2022, the Biden Administration announced a change of policy toward Cuba that included reversing some restrictions on travel and remittances imposed by the Trump Administration. The Administration reauthorized scheduled and charter flights to Cuban locations beyond Havana, reinstated an authorization for people-to-people educational travel for groups, and reauthorized travel, pursuant to a general license, for attending or organizing professional meetings or conferences in Cuba. With regard to remittances, the Administration eliminated the dollar and frequency limits for family remittances and restored the category of donative remittances.

Legislative Initiatives

In the 117th Congress, two introduced bills would lift economic sanctions on Cuba, including restrictions on travel and remittances: S. 249, the United States-Cuba Trade Act of 2021, introduced in February 2021, and H.R. 3625, the United States-Cuba Relations Normalization Act, introduced in May 2021. The Biden Administration's policy changes regarding travel and remittances drew mixed reaction in Congress, with some Members criticizing the action as supporting the Cuban regime, some viewing it as a tepid step forward, and others welcoming it as a way to undo U.S. policies that harm the Cuban people. An **Appendix** provides a history of legislative action related to the restrictions on travel and remittances to Cuba from 1999 through 2020. Also see CRS In Focus IF10045, *Cuba: U.S. Policy Overview*, CRS Insight IN11937, *Biden Administration's Cuba Policy Changes*, and CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration*.

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Introduction

Since the United States imposed comprehensive economic sanctions against Cuba in the early 1960s, there have been numerous policy changes to restrictions on travel and remittances to Cuba.[1] In 1963, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued the Cuban Assets Control Regulations (CACR), prohibiting most financial transactions unless otherwise authorized; the CACR (found at 31 C.F.R. Part 515) have been amended many times over years to reflect changes in policy toward Cuba, including restrictions on travel and remittances. The CACR also require that all exports to Cuba be licensed by the Department of Commerce, where the Bureau of Industry and Security administers the Export Administration Regulations (EAR, found at 15 C.F.R. Sections 730-774); the EAR also include provisions regulating the temporary sojourns of aircraft and vessels to Cuba.

The CACR do not ban travel itself but place restrictions on any financial transactions related to travel to Cuba. Accordingly, from 1963 to 1977, travel to Cuba was effectively banned under the CACR because of such restrictions. In 1977, the Carter Administration made changes to the regulations that essentially lifted the restrictions on travel-related transactions. In 1982, the Reagan Administration made changes to the CACR that once again restricted travel to Cuba but allowed for travel-related transactions by certain categories of travelers. In June 1984, the Supreme Court, in a 5-4 decision in the case of *Regan v. Wald*, rejected a challenge to the regulations limiting travel to Cuba and asserted the executive branch's right to impose travel restrictions for national security reasons.

Under the Clinton Administration, there were several changes to the CACR, with some at first tightening the restrictions and others later loosening the restrictions. In October 2000, Congress prohibited travel to Cuba solely for tourist activities when it enacted the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA; P.L. 106-387, Title IX). A provision in the law, Section 910(b), prohibits travel-related transaction for tourist activities, defined as any activity not expressly authorized in the 12 categories of travel in the CACR. The provision essentially circumscribes the executive branch's authority to issue licenses for activities beyond the broad categories of travel allowed and would have to be amended, superseded by new legislation, or repealed to expand categories of travel to Cuba or lift travel restrictions altogether.

The George W. Bush Administration tightened the travel regulations significantly, with additional restrictions on family visits, educational travel, and travel for those involved in amateur and semiprofessional international sports federation competitions. In addition, the categories of fully hosted travel and people-to-people educational exchanges were eliminated as permissible travel to Cuba. The Bush Administration also cracked down on those traveling to Cuba illegally, further restricted religious travel by changing licensing guidelines for such travel, and suspended the licenses of several travel service providers in Florida for license violations.

The Obama Administration significantly eased restrictions on travel and remittances. Congress initially took legislative action in March 2009 to ease restrictions on family travel and on travel related to U.S. agricultural and medical sales to Cuba (P.L. 111-8, §§620 and 621 of Division D). In April 2009, the Obama Administration went further and lifted all restrictions on family travel

[1] President John F. Kennedy proclaimed an embargo on trade between the United States and Cuba in February 1962, citing Section 620(a) of the Foreign Assistance Act of 1961, which authorizes the President "to establish and maintain a total embargo upon all trade between the United States and Cuba." (27 *Federal Register* 1085, February 7, 1962.) The authority for the embargo was later expanded in March 1962 to include the Trading with the Enemy Act (27 *Federal Register* 2765-2766, March 24, 1962).

and family remittances. In 2011, the Obama Administration further eased travel related to religious, journalistic, and educational activities, including people-to-people travel exchanges; allowed U.S. international airports to become eligible for licensed charter flights to and from Cuba; and issued new general licenses to send remittances to any Cuban national (with certain limitations) and to religious organizations in Cuba.[2] As part of President Obama's policy shift of engagement with Cuba announced in December 2014, the Administration took further actions to ease restrictions on travel and remittances in 2015 and 2016. These actions included authorizing travel by general license for all 12 categories of travel to Cuba set forth in the CACR; eliminating traveler per diem limits; authorizing people-to-people educational travel for individuals; removing dollar limits on donative remittances; and providing a general license for remittances for humanitarian projects, support to the Cuban people, and the development of private businesses. Both cruise ship travel and regularly scheduled flights to Cuba began in 2016. (For details, see "Obama Administration Policy," below.)

The Trump Administration took significant actions to restrict travel and remittances to Cuba. In 2017, the State Department issued a list of restricted Cuban entities (referred to as the "Cuba restricted list") affiliated with the Cuban military, intelligence, or security services with which direct financial transaction would disproportionately benefit such services at the expense of the Cuban people or private enterprise in Cuba. The Treasury Department amended the CACR in 2017 to prohibit those traveling under most categories of permissible travel from engaging in direct financial transactions with these entities; such entities include certain hotels, tourist agencies, marinas, and stores. In 2019, the Administration eliminated people-to-people educational travel, ended cruise ship travel to Cuba, and restricted air travel. In 2020, the State Department issued a list of over 400 accommodations for lodging in Cuba, and the Treasury Department prohibited U.S. travelers from staying at those properties.

The Trump Administration also restricted remittances in several ways. In 2019, the Administration prohibited remittances to close family members of prohibited Cuban government officials and Cuban communist party officials; capped family remittances to any one Cuban national to $1,000 per quarter; and eliminated the category of donative remittances (sometimes referred to as *nonfamily remittances*) to Cuban nationals. In 2020, the Treasury Department amended the CACR to prohibit, effective November 26, 2020, the processing of remittances through any entities on the "Cuba restricted list," an action that led Western Union to close its operations in Cuba. (For details, see "Trump Administration Policy," below.)

The Biden Administration announced a change of policy toward Cuba in May 2022 that included expanding authorized travel to Cuba and easing some restrictions on remittances. The expansion of travel included reauthorizing scheduled and charter flights to Cuban locations beyond Havana; reinstating the CACR authorization for people-to-people educational travel for groups under a general license (but not individual or self-directed people-to-people travel); and reauthorizing in the CACR travel, pursuant to a general license, for attending or organizing professional meetings or conferences in Cuba. With regard to remittances, the Administration eliminated the dollar and frequency limits for family remittances in the CACR and restored the category of donative remittances, which had been eliminated in 2019. U.S. officials maintained that the Administration would not remove Cuban entities from the "Cuba restricted list," which as noted above, had led Western Union to terminate its services in Cuba in late 2020.

[2] A general license provides the authority to engage in a transaction without the need to apply to the Treasury Department for permission. In contrast, a specific license is a written document issued by the Treasury Department to a person or entity authorizing a particular transaction in response to a written license application.

Obama Administration Policy

Easing of Restrictions in 2009

The tightening of family travel restrictions in 2004 became an issue during the 2008 presidential campaign, with candidate Barack Obama pledging to lift restrictions for family travel and remittances to Cuba. With the election of Obama, the 111th Congress moved to ease family travel restrictions in March 2009 by approving two provisions that eased sanctions on travel to Cuba in FY2009 omnibus appropriations legislation (P.L. 111-8). Unlike the Bush Administration, the Obama Administration did not threaten to veto such legislation easing Cuba sanctions. This marked the first congressional action easing Cuba sanctions in almost a decade.

In the first provision, as implemented by the Treasury Department, family travel was again allowed once every 12 months under a general license to visit a close relative for an unlimited length of stay, and the limit for daily expenditure allowed by family travelers became the same as for other authorized travelers to Cuba (the State Department maximum per diem rate for Havana). The definition of "close relative" was expanded to mean any individual related to the traveler by blood, marriage, or adoption who is no more than three generations removed from that person.

The second provision in the omnibus measure required a general license for travel related to the marketing and sale of agricultural and medical goods to Cuba. The Treasury Department's Office of Foreign Assets Control ultimately issued regulations implementing this omnibus provision on September 3, 2009. The regulations required a written report at least 14 days before departure identifying both the traveler and the producer or distributor and describing the purpose and scope of such travel. Another written report was required within 14 days of return from Cuba describing the activities conducted, the persons met, and the expenses incurred. The regulations also required that such travelers under this provision be regularly employed by a producer or distributor of the agricultural commodities or medical products or an entity duly appointed to represent such a producer or distributor.

Going even further, the Obama Administration announced several significant measures to ease U.S. sanctions on Cuba in April 2009. Fulfilling a campaign pledge, President Obama announced that all restrictions on family travel and on remittances to family members in Cuba would be lifted. This significantly superseded the action taken by Congress in March that had essentially reverted family travel restrictions to as they had been before they were tightened in 2004. Under the new policy announced by the Administration in April, there were no limitations on the frequency or duration of family visits (which would still be covered under a general license), and the 44-pound limitation on accompanied baggage was removed. Family travelers were allowed to spend the same as allowed for other travelers, up to the State Department's maximum per diem rate for Havana. With regard to family remittances, the previous limitation of no more than $300 per quarter was removed with no restriction on the amount or frequency of the remittances. Authorized travelers were again authorized to carry up to $3,000 in remittances.[3] Regulations for the above policy changes were issued by the Treasury and Commerce Departments on September 3, 2009.

Easing of Restrictions in 2011

On January 14, 2011, the Obama Administration announced a series of policy changes further easing restrictions on travel and remittances to Cuba that had been rumored in the second half of

[3] White House, "Fact Sheet: Reaching Out to the Cuban People," April 13, 2009.

2010. The changes were designed to make it easier to engage in educational, religious, and other types of people-to-people travel and allow all Americans to send remittances to Cuba. The changes were similar to policy that was in place from 1999 under the Clinton Administration through mid-2004 under the Bush Administration. President Obama directed the Secretaries of State, the Treasury, and Homeland Security to amend regulations and policies "in order to continue efforts to reach out to the Cuban people in support of their desire to freely determine their country's future."[4] The Administration maintained that the policy changes would increase people-to-people contact, help strengthen Cuban civil society, and make Cuban people less dependent on the Cuban state.[5] The changes occurred at the same time that the Cuban government began laying off thousands of state workers and increasing private enterprise through an expansion of the authorized categories for self-employment.

The measures (1) increased purposeful travel to Cuba related to religious, educational, and journalistic activities (general licenses were authorized for certain types of educational and religious travel; people-to-people travel exchanges were authorized via a specific license); (2) allowed any U.S. person to send remittances (up to $500 per quarter) to nonfamily members in Cuba and made it easier for religious institutions to send remittances for religious activities (general licenses are now authorized for both); and (3) allowed all U.S. international airports to apply to provide services to licensed charter flights to and from Cuba. In most respects, these new measures appeared to be similar to policies that were undertaken by the Clinton Administration in 1999 but subsequently curtailed by the Bush Administration in 2003 and 2004.

An exception was the expansion of airports to service licensed flights to and from Cuba. The Clinton Administration had expanded airports eligible to service licensed charter flights beyond that of Miami International Airport to international airports in Los Angeles and New York (JFK) in 1999, but the January 2011 policy change allowed all U.S. international airports to apply to provide services for chartered flights to and from Cuba under certain conditions.

By early July 2011, OFAC confirmed that it had approved the first licenses for U.S. people-to-people organizations to bring U.S. visitors to Cuba, and the first such trips began in August 2011.[6] On July 25, 2011, however, prior to the trips' beginning, OFAC issued an advisory maintaining that misstatements in the media had suggested that U.S. policy allowed for virtually unrestricted group travel to Cuba, and reaffirmed that travel conducted by people-to-people travel groups licensed for travel to Cuba must "certify that all participants will have a full-time schedule of educational exchange activities that will result in meaningful interaction between the travelers and individuals in Cuba." The advisory stated that authorized activities by people-to-people groups are not "tourist activities," and pointed out that the Trade Sanctions Reform and Export Enhancement Act of 2000 prohibits OFAC from licensing transactions for tourist activities.[7]

In the first session of the 112th Congress, there were several attempts aimed at rolling back the Obama Administration's actions easing restrictions on travel and remittances, including a provision originating in the House Appropriation Committee's version of the FY2012 Financial Services and General Government appropriations measure, H.R. 2434. The White House had

[4] White House, Office of the Press Secretary, "Reaching Out to the Cuban People," January 14, 2011, at http://www.whitehouse.gov/the-press-office/2011/01/14/reaching-out-cuban-people.

[5] Mary Beth Sheridan, "Obama Loosens Travel Restrictions to Cuba," *Washington Post,* January 15, 2011.

[6] Peter Orsi, "U.S. Licensing Travel Operators to Start Up Legal Cuba Trips, Treasury Department Says," Associated Press, July 1, 2011; Mimi Whitefield, "People-to-People Tours to Cuba Take Off Thursday," *Miami Herald,* August 10, 2011; and Jeff Franks, "Purposeful Cuba Trips Resume," *Chicago Tribune,* August 18, 2011. Also see the following online resource: *Organizations Sponsoring People-to-People Travel to Cuba,* Latin America Working Group Education Fund, at http://www.lawg.org/storage/documents/people2people.pdf.

[7] U.S. Department of the Treasury, OFAC, "Cuba Travel Advisory," July 25, 2011.

threatened to veto the bill if it contained the provision and stood firm when congressional leaders were considering including the provision in a "megabus" FY2012 appropriations bill, H.R. 2055. Ultimately congressional leaders agreed not to include the provision in the appropriations measure (P.L. 112-74). (See **Appendix**, below.)

Developments in 2012 and 2013

In 2012, some Members of Congress expressed concerns about people-to-people travel that appeared to be focusing on tourist activities rather than on purposeful travel. In response, the Treasury Department issued an announcement in March 2012 warning about misleading advertising regarding some people-to-people trips that could lead to OFAC investigating the organization conducting the trips. The announcement maintained that licenses could be revoked and that organizations may be issued a civil penalty up to $65,000 per violation.[8] OFAC followed up this announcement in May 2012 by revising its people-to-people license guidelines. The revised guidelines reflected similar language to the March announcement and also required an organization applying for a people-to-people license to describe how the travel "would enhance contact with the Cuban people, and/or support civil society in Cuba, and/or promote the Cuban people's independence from Cuban authorities."[9]

In June 7, 2012, congressional testimony, then-Assistant Secretary of State for Western Hemisphere Affairs Roberta Jacobson set forth a clear-cut description of U.S. policy toward Cuba in which she expressed strong U.S. support for democracy and human rights activists in Cuba and defended the Obama's Administration policy on travel and remittances. The Assistant Secretary asserted that "the Obama Administration's priority is to empower Cubans to freely determine their own future." She maintained that "the most effective tool we have for doing that is building connections between the Cuban and American people, in order to give Cubans the support and tools they need to move forward independent of their government." The Assistant Secretary maintained that "the Administration's travel, remittance and people-to-people policies are helping Cubans by providing alternative sources of information, taking advantage of emerging opportunities for self-employment and private property, and strengthening civil society."[10]

In September 2012, various press reports cited a slowdown in the Treasury Department's approval or reapproval of licenses for people-to-people travel since the agency had issued new guidelines in May (described above). Companies conducting such programs complained that the delay in the licenses was forcing them to cancel trips and even to lay off staff.[11] By early October 2012, however, companies conducting the people-to-people travel maintained that they were once again receiving license approvals.

In April 2013, some Members of Congress strongly criticized singers Beyoncé Knowles-Carter and her husband Shawn Carter, better known as Jay-Z, for traveling to Cuba. Members were concerned that the trip, as described in the press, was primarily for tourism, which would be

[8] U.S. Department of the Treasury, OFAC, "Advertising Educational Exchange Travel to Cuba for People-to-People Contact," March 9, 2012, at http://www.treasury.gov/resource-center/sanctions/Programs/Pages/cuba_ppl_notice.aspx.

[9] U.S. Department of the Treasury, OFAC, "Comprehensive Guidelines for License Applications to Engage in Travel-Related Transactions Involving Cuba," Revised May 10, 2012.

[10] Testimony of Roberta S. Jacobson, Assistant Secretary of State for Western Hemisphere Affairs, Senate Foreign Relations Committee, Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics, at a hearing entitled "The Path to Freedom: Countering Repression and Strengthening Civil Society," June 7, 2012.

[11] Damien Cave, "Licensing Rules Slow Tours to Cuba," *New York Times*, September 16, 2012; Paul Haven, "U.S. Travel Outfits Say Rules for Legal Travel to Cuba Getting Tighter," Associated Press, September 13, 2012.

contrary to U.S. law and regulations. The Treasury Department stated that the two singers were participating in an authorized people-to-people exchange trip organized by a group licensed by OFAC to conduct such trips. (In August 2014, the Treasury Department's Office of the Inspector General issued a report concluding that no U.S. sanctions were violated and that OFAC's decision not to pursue a formal investigation was reasonable.)[12]

Easing of Restrictions in 2015 and 2016

Just after the adjournment of the 113th Congress in December 2014, President Obama announced a major shift in U.S. policy toward Cuba, moving away from a sanctions-based policy toward one of engagement and a normalization of relations. The policy shift included changes in U.S. restrictions on travel and remittances to Cuba, which were implemented by the Treasury Department's OFAC as amendments to the CACR that went into effect on January 16, 2015.[13]

Changes to the Travel Restrictions. With regard to travel, the changes included authorization for general licenses for the 12 existing categories of travel to Cuba set forth in the CACR related to the following activities: (1) family visits; (2) official business of the U.S. government, foreign governments, and certain intergovernmental organizations; (3) journalistic activity; (4) professional research and professional meetings; (5) educational activities; (6) religious activities; (7) public performances, clinics, workshops, athletic and other competitions, and exhibitions; (8) support for the Cuban people; (9) humanitarian projects; (10) activities of private foundations or research or educational institutes; (11) exportation, importation, or transmission of information or information materials; and (12) certain export transactions that may be considered for authorization under existing regulations and guidelines.

Before the policy change, travelers under several of these categories had to apply for a specific license from the Treasury Department before traveling. Under the new regulations, both travel agents and airlines were able to provide services for travel to Cuba without the need to obtain a specific license. Under the January 2015 changes to the CACR, travelers also were authorized to bring back up to $400 worth of goods from Cuba as accompanied baggage for personal use, with no more than $100 worth of tobacco products and alcohol combined (as noted below, these value limits were subsequently removed altogether in October 2016).

OFAC issued four additional rounds of regulatory changes to the CACR in September 2015 and January, March, and October 2016 that further eased the travel restrictions. Among the changes were the following:

- **September 2015.** OFAC amended the regulations to allow close relatives to visit or accompany authorized travelers to Cuba for additional activities. The January 2015 changes had permitted close relatives to visit a person located in Cuba on official government business or there for certain educational activities. The September 2015 changes authorized close relatives to visit or accompany authorized travelers for additional educational activities, journalistic activity, professional research, religious activities, activities related to humanitarian projects, and activities of private foundations or certain research or educational

[12] U.S. Department of the Treasury, Office of Inspector General, "Terrorist Financing/Money Laundering: Review of Travel to Cuba by Shawn Carter and Beyoncé Knowles-Carter," Memorandum Report OIG-CA-14-014, August 20, 2014.

[13] U.S. Department of the Treasury, "Treasury and Commerce Announce Regulatory Amendments to the Cuba Sanctions," January 15, 2016.

institutes. The changes also allowed all authorized travelers to open and maintain bank accounts in Cuba to access funds for authorized transactions. Transportation by vessel of authorized travelers between the United States and Cuba was also authorized by general license, and certain related lodging aboard vessels used for such travel was authorized (related to ferry and cruise ship travel). At the same time, the Commerce Department amended the EAR, issuing license exceptions authorizing temporary sojourns for cargo and passenger vessels to Cuba.[14]

- **January 2016.** OFAC amended the CACR to authorize travel-related transactions related to professional media or artistic productions of information or informational materials for exportation, importation, or transmission. These activities included the filming or production of media programs, the recording of music, and the creation of artworks in Cuba. OFAC also amended the regulations to allow travel for the organization of professional meetings and public performances, clinics, workshops, athletic and other competitions, and exhibitions. Previously, the general license was only for attending or participating in such events. OFAC also removed requirements that U.S. profits from public performances, clinics, workshops, athletic and other competitions, and exhibitions be donated to an independent nongovernmental organization (NGO) in Cuba or a U.S.-based charity. Travel for humanitarian projects was also expanded to include disaster preparedness and response.[15]
- **March 2016.** OFAC amended the CACR to allow individuals to travel to Cuba for individual people-to-people educational travel. Previously, such educational travel required trips to take place under the auspices of an organization that conducted such travel and required travelers to be accompanied by a representative of the sponsoring organization. According to the Treasury Department, the change is intended to make such travel to Cuba more accessible and less expensive for U.S. citizens and will increase opportunities for direct engagement between Cubans and Americans.[16]
- **October 2016.** OFAC amended the CACR, removing the value limit for Cuban products that U.S. travelers to Cuba (as well as U.S. travelers to third countries) can import into the United States as accompanied luggage for personal use. Normal limits on duty and tax exemption apply.[17]

As part of the change in bilateral relations, U.S. and Cuban officials signed a bilateral arrangement in February 2016 to permit regularly scheduled air flights to Cuba, and by August 2016 the first flights began. Cruise ship service to Cuba from the United States also began in May 2016.[18]

Changes to the Regulations on Remittances. With the Obama Administration's change in Cuba policy, OFAC significantly eased restrictions on remittances to Cuba. In January 2015, OFAC

[14] U.S. Department of the Treasury, "Treasury and Commerce Announce Further Amendments to the Cuba Sanctions Regulations," September 18, 2015.

[15] U.S. Department of the Treasury, "Treasury and Commerce Announce Further Amendments to the Cuba Sanctions Regulations," January 26, 2016.

[16] U.S. Department of the Treasury, "Treasury and Commerce Announce Significant Amendments to the Cuba Sanctions Regulations Ahead of President Obama's Historic Trip to Cuba," March 15, 2016.

[17] U.S. Department of the Treasury, "Treasury and Commerce Announce Further Amendments to Cuba Sanctions Regulations," October 14, 2016.

[18] For more details, see "Restrictions on Travel and Remittances" in CRS Report R43926, *Cuba: Issues and Actions in the 114th Congress*, by Mark P. Sullivan.

increased the amount of money that could be sent by any U.S. person to nonfamily members in Cuba (referred to as remittances to a Cuban national) to $2,000 per quarter (up from the previous limit of $500 per quarter). Authorized travelers were permitted to carry up to $10,000 in remittances to Cuba, up from the previous limit of $3,000. In September 2015, however, OFAC amended the regulations that lifted the dollar limits altogether on nonfamily remittances (referring to them as "donative remittances to Cuban nationals") and on amounts that licensed travelers may carry to Cuba.

In addition, the CACR were amended in January 2015 to authorize by general license remittances to individuals and independent NGOs in Cuba without limit for humanitarian projects; activities of recognized human rights organizations, independent organizations designed to promote a rapid peaceful transition to democracy, and individuals and NGOs that promote independent activity to strengthen civil society; and the development of private businesses, including small farms.

Under the Obama Administration, OFAC also amended the CACR in October 2016 to more narrowly define the terms "prohibited officials of the Government of Cuba" and "prohibited members of the Cuban Communist Party." The definition of these terms was significant because of the prohibition in the CACR against providing remittances to these individuals.

Prior to the October 2016 change (and since 2004), prohibited government officials included all ministers and vice ministers; members of the Council of State and the Council of Ministers; members and employees of the National Assembly of People's Power; members of any provincial assembly; local sector chiefs of the Committees of the Defense for the Revolution; director generals and subdirector generals of all ministries and state agencies; employees of the Ministry of the Interior and Ministry of Defense; secretaries and first secretaries of the Confederation of Labor of Cuba and its component unions; chief editors, editors, and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; and members and employees of the Supreme Court. With the October 2016 change, prohibited government officials were defined as including members of the Council of Ministers and flag officers of the Revolutionary Armed Forces.

Similarly, prior to the October 2016 CACR change (and since 2004), the definition of members of the Cuban Communist Party included members of the Politburo, the Central Committee, department heads and employees of the Central Committee, and secretaries and first secretaries of the provincial central committees. With the October 2016 change, the definition of the term was narrowed to include members of the Politburo.

Trump Administration Policy

In contrast to the Obama Administration's actions, the Trump Administration tightened restrictions on travel to and from Cuba and on the transfer of private remittances to Cuba.

Tightening of Travel Restrictions

The Trump Administration made several significant changes to the CACR's travel provisions.

- **Restricting Financial Transactions with Certain Cuban Entities: Cuba Restricted List.** In November 2017, OFAC added a new section (31 C.F.R. 515.209) to the CACR setting forth restrictions, with some exceptions, on direct financial transactions with any person that the Secretary of State has identified as an entity or subentity under the control of, or acting for or on behalf of, the Cuban military, intelligence, or security services or personnel, and with which

direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba.[19] The State Department issued a list of restricted Cuban entities and subentities in November 2017, commonly referred to as the "Cuba restricted list," which was updated several times, most recently in January 2021. The list currently includes 231 Cuban entities, including 111 hotels, 2 tourist agencies, 5 marinas, and 10 stores in Old Havana.[20] Most categories of permissible travel (discussed below) authorized by general license, with the exception of travel for official government business, journalistic activities, humanitarian projects, and export transactions, have provisions prohibiting direct financial transactions with entities on the State Department's restricted list.

- **People-to-People Educational Travel.** OFAC amended the CACR in November 2017 to eliminate people-to-people educational travel for individuals but still allowed such travel in groups.[21] In June 2019, however, OFAC further amended the CACR to remove the authorization altogether for people-to-people educational travel.[22]
- **Cuba Prohibited Accommodations List.** Effective September 24, 2020, OFAC amended the CACR, adding a new section (31 C.F.R. 515.210) that prohibits any person subject to U.S. jurisdiction from lodging, paying for lodging, or making any reservation for or on behalf of a third party to lodge at any property in Cuba that the Secretary of State has identified as a property owned or controlled by the Cuban government, a prohibited Cuban government official, a prohibited member of the Communist Party, or a close relative of either.[23] Several days later, the State Department issued a "Cuba Prohibited Accommodations list" that included over 400 hotels (all Cuban hotels), as well as privately owned residences for rent (*casas particulares*) if they are controlled by a prohibited government official or Communist Party member or close relative of either.[24] Most categories of permissible travel authorized by general license, with the exception of travel for official government business, have provisions that prohibit lodging, paying for lodging, or making any reservation for or on behalf of a third party to lodge at any property on the "Cuba Prohibited Accommodations List."
- **Removal of General License Authorizations for Professional Meetings or Conferences and Public Performances, Clinics, Workshops, Competitions, and Exhibitions.** Effective September 24, 2020, OFAC amended the CACR to eliminate general licenses for attending or organizing professional meetings or conferences in Cuba and for participating in public performances, clinics,

[19] 82 *Federal Register* 51998-5200, November 9, 2017.

[20] U.S. Department of State, "List of Restricted Entities and Subentities Associated with Cuba Effective January 8, 2021," at https://www.state.gov/cuba-restricted-list/list-of-restricted-entities-and-subentities-associated-with-cuba-effective-january-8-2021/.

[21] 82 *Federal Register* 51998-5200, November 9, 2017.

[22] 84 *Federal Register* 25992-25993, June 5, 2019.

[23] 85 *Federal Register* 60068-60072, September 24, 2020.

[24] U.S. Department of State, "Cuba Prohibited Accommodations List Initial Publication," September 28, 2020, at https://www.state.gov/cuba-sanctions/cuba-prohibited-accommodations-list/cuba-prohibited-accommodations-list-initial-publication/.

workshops, certain athletic or nonathletic competitions, and exhibitions.[25] (A general license remained, however, for amateur and semiprofessional international sports federation competitions.) Although specific licenses could be issued on a case-by-case basis for transactions related to the above activities, the amended CACR did not refer to organizing professional meetings.

- **Prohibition of Cruise Ships and Flight Limitations.** The Trump Administration took actions to reduce transportation between the United States and Cuba. In June 2019, the Department of Commerce (whose Bureau of Industry and Security regulates temporary sojourns to Cuba of both vessels and aircraft) amended the EAR to generally prohibit passenger and recreational vessels, including cruise ships, sailboats, yachts, fishing boats, and other similar vessels, from sailing to Cuba.[26] The prohibition on cruise ships, in particular, had a significant effect on fledging private business that had sprung up catering to cruise ship passengers.[27]

  The Administration also took multiple actions to restrict air travel to Cuba. In June 2019, the Department of Commerce prohibited private and corporate aircraft ineligible for a license exception to fly to Cuba.[28] In December 2019, the Department of Transportation, at the request of the Department of State, suspended commercial flights by U.S. carriers between the United States and Cuban cities other than Havana; this prohibition was extended to public charter flights (to cities other than Havana) in January 2020, which were subsequently capped to 3,600 round-trip flights for the year beginning June 1, 2020.[29] In August 2020, the Department of Transportation, at the request of the Department of State, suspended private charter flights to Cuba, effective October 13, 2020, to all Cuban cities, including Havana.[30]

Tightening of Restrictions on Remittances

The Trump Administration tightened restrictions on remittances to Cuba through amendments to the CACR.

In November 2017, OFAC changed the definition of Cuban government officials to what it had been before the Obama Administration changed it in October 2016. The change was significant, because the CACR prohibits sending remittances to such government officials. Instead of being

[25] 85 *Federal Register* 60068-60072, September 24, 2020.

[26] U.S. Department of Commerce, "Restricting the Temporary Sojourn of Aircraft and Vessels to Cuba," 84 *Federal Register* 25986-25989, June 5, 2019.

[27] Mimi Whitefield, "U.S. Cruise Ships Brought a Boom to Cuba. Now, Some Small Businesses Are Struggling," *Miami Herald*, December 20, 2019.

[28] Ibid.

[29] U.S. Department of Transportation, "Notice (Suspending U.S.-Cuba Scheduled Services via Non-Havana Points," October 25, 2019, Dockets DOT-OST-2016-0021, DOT-OST-2016-0226, DOT-OST-1998-20; U.S. Department of Transportation, and "Final Order, U.S.-Havana Public Charter Authorizations, Docket DOT-OST-2020-0011, May 28, 2020; U.S. Department of State, "United States Restricts Scheduled Air Service to Cuba," media note, October 25, 2019; and U.S. Department of State, Secretary of State Michael R. Pompeo, "United States Further Restricts Air Travel to Cuba," press statement, January 10, 2020.

[30] U.S. Department of State, Secretary of State Michael R. Pompeo, "Suspension of Private Charter Flights between the United States and Cuba," press statement, August 13, 2020; and U.S. Department of Transportation, "Order, Suspension of U.S.-Cuba Charter Authorizations, Docket DOT-OST-2020-0129," August 13, 2020.

limited to "members of the Council of Ministers and flag officers of the Revolutionary Armed Forces," the definition of prohibited Cuban government officials was expanded to include all ministers and vice ministers; members of the Council of State and the Council of Ministers; members and employees of the National Assembly of People's Power; members of any provincial assembly; local sector chiefs of the Committees of the Defense for the Revolution; director generals and subdirector generals of all ministries and state agencies; employees of the Ministry of the Interior and Ministry of Defense; secretaries and first secretaries of the Confederation of Labor of Cuba and its component unions; chief editors, editors, and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; and members and employees of the Supreme Court.[31] (31 C.F.R. 515.337)

In September 2019, OFAC made several amendments to the CACR further restricting remittances to Cuba.

- OFAC capped family remittances to any one Cuban national to $1,000 per quarter; such family remittances had not been capped since 2009.
- In a new provision, OFAC prohibited sending remittances to close family members of prohibited officials of the Cuban government or close family members of prohibited members of the Cuban Communist Party.
- OFAC eliminated the category of donative remittances that had been established in 2015 but authorized remittances to support the operation of economic activity in the non-state sector by self-employed individuals.[32]

In June and September 2020, respectively, the State Department added to its "Cuba restricted list" two Cuban financial services companies—*Financiera Cimex* (FINCIMEX) and American International Services (AIS)—involved in facilitating the processing of foreign remittances to Cuba.[33] When FINCIMEX was added to the list in June, concerns were raised that remittances sent to Cuba via Western Union could be jeopardized, although Western Union at the time indicated that its remittance services would continue.[34] Notably, President Trump's 2017 national security presidential memorandum on Cuba had said that forthcoming regulatory changes related to the Administration's policy shift on Cuba would not prohibit transactions related "to sending, processing, or receiving authorized remittances."[35]

On October 27, 2020, however, OFAC amended the CACR to prohibit, effective November 26, 2020, the processing of remittances through any entities on the "Cuba restricted list," which included AIS and FINCIMEX.[36] The new regulations resulted in Western Union ceasing its operations in Cuba on November 22, 2020.[37] With more than 400 offices in Cuba, Western Union,

[31] U.S. Department of the Treasury, "Treasury, Commerce, and State Implement Changes to the Cuba Sanctions Rules," fact sheet, November 8, 2017; and 82 *Federal Register* 51998-5200, November 9, 2017.

[32] U.S. Department of the Treasury, "Treasury Issues Changes to Strengthen Cuba Sanctions Rules," fact sheet, September 6, 2019; and 84 *Federal Register* 47121-47123, September 9, 2019.

[33] U.S. Department of State, "List of Restricted Entities and Subentities Associated with Cuba Effective September 29, 2020."

[34] Nora Gámez Torres, "Remittances to Cuba Could Be in Peril after New Announcement by the Trump Administration," *Miami Herald*, June 3, 2020.

[35] 82 *Federal Register* 488875-48878, October 20, 2017.

[36] 85 *Federal Register* 67988-67989, October 27, 2020.

[37] Western Union, "Cuba: A Letter to Our Customers," November 13, 2020, at https://www.westernunion.com/blog/en/a-letter-to-our-cuba-customers /. Also see Ministry of Foreign Affairs, Republic of Cuba, "Measures Imposed by the U.S. Government Against FINCIMEX Harm the Cuban People," October 27, 2020; and Kirk Semple, "Cuba Says U.S.

which had partnered with FINCIMEX since 2016, had been the major financial services company used for transmitting remittances to Cuba.

Biden Administration Policy

In its initial months in office in 2021, the Biden Administration announced it was conducting a review of policy toward Cuba, would make human rights a core pillar of policy, and would examine policy decisions made in the prior Administration.[38] In the aftermath of the Cuban government's response to countrywide protests on July 11, 2021, which included more than 1,000 detentions and hundreds of convictions, the Biden Administration imposed several rounds of economic sanctions and visa restrictions targeting officials implicated in the government's repression. On May 16, 2022, the Administration announced several forthcoming changes to U.S. policy toward Cuba, with the overarching goal of increasing support for the Cuban people, who are facing "an unprecedented humanitarian crisis."[39] These changes included expanding authorized travel to Cuba and easing some restrictions on remittances.[40]

Partial Easing of Travel Restrictions

The Biden Administration's May 2022 announcement to expand authorized travel included three components.

- **Reauthorized Scheduled and Charter Flights to Cuban Cities Other than Havana.** The Administration announced it would reauthorize scheduled and charter flights to Cuban locations beyond Havana, which had been suspended by the Trump Administration in 2019 and 2020. In a May 31, 2022, letter to Secretary of Transportation Pete Buttigieg, Secretary of State Antony Blinken requested that the Department of Transportation terminate all civil aviation restrictions on flights between the United States and Cuba that had been implemented at the State Department's request in 2019 and 2020. As described above, these restrictions included suspending scheduled and charter flights to cities other than Havana and limiting the number of authorized flights. The Transportation Department followed through with an order on June 1, 2022, and revoked the restrictions imposed in 2019 and 2020.[41]
- **Educational Travel: Reinstatement of Group People-to-People Travel**. The Biden Administration announced it would reinstate group, but not individual, people-to-people educational travel, which the Trump Administration had eliminated in 2019. Treasury's OFAC amended the CACR (31 C.F.R. 515.565(b)) effective June 9, 2022, to permit such travel under certain conditions, including that the educational exchanges involve activities to enhance contact with the Cuban people, support civil society, or promote the Cuban people's

Restriction Imperils Its Economy," *New York Times*," October 29, 2020.

[38] U.S. Department of State, "Press Briefing by Press Secretary Jen Psaki and Deputy Director of the National Economic Council Bharat Ramamurti," March 9, 2021. Also see CRS In Focus IF10045, *Cuba: U.S. Policy Overview*, by Mark P. Sullivan.

[39] U.S. Department of State, "Biden Administration Measures to Support the Cuban People," Fact Sheet, May 16, 2022.

[40] Other policy changes included facilitating family reunification and increasing support for Cuba's private sector. See CRS Insight IN11937, *Biden Administration's Cuba Policy Changes*, by Mark P. Sullivan.

[41] U.S. Department of Transportation, Order 2022-6-1, June 1, 2022.

independence from Cuban authorities.[42] OFAC also amended the CACR to remove certain restrictions on authorized academic activities, including removal of the 10-week requirement for certain educational activities (31 C.F.R. 515.565(a)).

- **Reinstatement of a General License for Professional Meetings or Conferences.** OFAC amended the CACR (31 C.F.R. 515.564(a)(2)), effective June 9, 2022, to reinstate a general license authorizing attendance at, or organization of, professional meetings or conferences in Cuba.[43] OFAC also provided for a specific license, issued on a case-by-case basis, for attending or organizing conferences that do not qualify under terms of the general license. The Trump Administration had removed the general license for attending or organizing any meetings or conferences in September 2020 and had eliminated a provision permitting a specific license for organizing professional meetings or conferences.

Partial Easing of Restrictions on Remittances

The Biden Administration's May 2022 announced policy changes included partially easing restrictions on remittances. OFAC subsequently amended the CACR, at 31 C.F.R. 515.570, effective June 9, 2022, making two significant changes.[44] First, OFAC removed the Trump Administration's $1,000 quarterly limit (imposed in 2019) on family remittances to Cuban nationals who are close relatives. Second, it restored the category of donative remittances, adding a general license for such remittances to Cuban nationals who are not prohibited officials of the Cuban government or prohibited members of the Cuban Communist Party. U.S. officials maintain that donative remittances will be crucial in supporting the Afro-Cuban community on the island and that "only one of six Afro-Cubans receives family remittances."[45]

When the Biden Administration announced its changed policy, U.S. officials maintained that remittances processed through FINCIMEX would remain prohibited, as the Administration does not plan to remove entities from the "Cuba restricted list." FINCIMEX, a financial investment and remittance company incorporated in Panama, is owned by a Cuban military-controlled umbrella enterprise (*Grupo de Administración Empresarial S.A.*, or GAESA), according to the Treasury Department.[46] Western Union had partnered with FINCIMEX beginning in 2016 and was the major U.S. financial services company used for transmitting remittances to Cuba; the company ceased its operations in November 2020 when FINCIMEX was added to the "Cuba restricted list." State Department officials maintain that processing remittances through a Cuban civilian entity would be acceptable.[47]

[42] 87 *Federal Register* 35088-35091, June 9, 2022.

[43] Ibid.

[44] Ibid.

[45] White House, "Background Press Call by Senior Administration Officials on New Cuba Policy," May 16, 2022.

[46] U.S. Department of the Treasury, "Treasury Identifies Cuban State-Owned Businesses for Sanctions Evasion," December 21, 2020.

[47] White House, "Background Press Call by Senior Administration Officials on New Cuba Policy," May 16, 2022.

Current Permissible Travel to Cuba

According to Cuban government statistics, the number of travelers from the United States to Cuba reached almost 1.2 million in 2018 but fell slightly to 1.1 million in 2019. Travel declined significantly in 2020 and 2021, to around 188,000 and 36,000 travelers, respectively, largely due to Coronavirus Disease 2019 (COVID-19)-related travel restrictions but also because of U.S. travel restrictions imposed in 2019 and 2020 (see **Table 1**). In the first three months of 2022, as pandemic-related travel restrictions eased, travel to Cuba from the United States began to pick up, with over 69,000 travelers, almost double the number for all of 2021.[48]

Table 1. Travel to Cuba from the United States, 2018-2021

	2018	2019	2020	2021
U.S. Visitors	638,365	498,538	58,147	7,039
Cubans Living Abroad Embarking from the United States	521,134	552,895	129,865	29,451
Total	1,159,499	1,051,433	188,012	36,490

Sources: República de Cuba, Oficina Nacional de Estadísticas e Información (ONEI), Anuario Estadístico de Cuba 2020, Capítulo 15: Turismo (Edición 2021); and ONEI, Turismo Internacional Indicadores Seleccionados, Enero- Diciembre 2019 (Edición Marzo 2020), Enero-Diciembre 2020 (Edición May 2021), and Enero-Diciembre 2021 (Edición Marzo 2022).

At present, travel-related transactions for 12 categories of travel set forth in the CACR are authorized under a general license, meaning there is no need to obtain special permission from OFAC, although certain types of travel (public performances, clinics, workshops, and certain athletic competitions) require a specific license (issued by OFAC on a case-by-case basis). The travel regulations can be found at 31 C.F.R. 515.560, which references other sections of the CACR for travel-related transaction licensing criteria. In addition, for each of the 12 categories of travel set forth in the CACR, specific licenses may be issued by OFAC for persons engaging in activities related to the specific category that do not qualify for the general license set forth for each category. As noted, applications for specific licenses are reviewed and granted by OFAC on a case-by-case basis. Applicants for specific licenses have to wait for OFAC to issue the license prior to engaging in travel-related transactions. Those individuals traveling to Cuba under either a general or specific license are responsible for keeping records of their Cuba-related transactions for at least five years.

OFAC maintains on its website a document of frequently asked questions on the Cuba sanctions program that provides information on the travel restrictions, including the various categories of travel. This document, along with the travel regulations themselves, provides guidance for potential travelers to Cuba.[49]

As noted previously, most categories of permissible travel set forth in the CACR and discussed below—with the exception of travel for official government business, journalistic activities, humanitarian projects, and export transactions—have provisions prohibiting direct financial

[48] República de Cuba, Oficina Nacional de Estadísticas e Información, Turismo Internacional, Indicadores Seleccionados, Enero-Marzo 2022 (Edición Mayo 2022).

[49] U.S. Department of the Treasury, OFAC, "Frequently Asked Questions on Changes to the Cuba Sanctions Program," updated as of June 8, 2022, at https://home.treasury.gov/policy-issues/financial-sanctions/faqs/topic/1541.

transactions with entities on the State Department's "Cuba restricted list" last updated in January 2021. In addition, most categories of travel set forth in the CACR, with the exception of travel for official government business, have provisions prohibiting any person subject to U.S. jurisdiction from lodging at Cuban hotels and other properties on the State Department's "Cuba Prohibited Accommodations List" issued in September 2020.

The 12 categories of U.S. travel to Cuba set forth in the CACR are the following:[50]

- **Family Visits.** Persons subject to the jurisdiction of the United States and persons traveling with them who share a common dwelling as a family visiting a close relative who is a national of Cuba or a person ordinarily resident in Cuba, or visiting a close relative in Cuba or accompanying a close relative traveling to Cuba pursuant to authorizations for such travel as official government business, journalistic activity, professional research, certain educational activities, religious activities, humanitarian projects, or activities of private foundations or research or educational institutes (31 C.F.R. 515.561(a)). A close relative is defined as any individual related to the traveler by blood, marriage, or adoption who is no more than three generations removed from the traveler or from a common ancestor with the traveler (31 C.F.R. 515.339).
- **Official Government Business.** Employees, contractors, or grantees of the U.S. government, any foreign government, or any intergovernmental organization of which the United States is a member or holds observer status, who are on official business (31 C.F.R. 515.562).
- **Journalistic Activities.** A person involved in journalistic activities and is at least one of the following: regularly employed as a journalist by a news reporting organization; regularly employed as supporting broadcast or technical personnel; a freelance journalist with a record of previous journalistic experience working on a freelance journalistic project; or broadcast or technical personnel with a record of previous broadcast or technical experience who are supporting a freelance journalist working on a freelance project (31 C.F.R. 515.563).

Professional Research and Professional Meetings. Professional research, provided that the purpose of the research directly relates to the traveler's profession, professional background, or area of expertise, including area of graduate-level full-time study; and the traveler's schedule does not include free time or recreation in excess of that consistent with a full-time schedule of professional research (31 C.F.R. 515.564(a)(1)).

Attendance at a professional meeting or conference, provided the purpose directly relates to the traveler's profession, professional background, or area of expertise, including area of graduate-level full-time study. Organization of a professional meeting or conference on behalf of an entity, provided the traveler's profession is related to the organization of professional meetings or conferences or the traveler is an employee or contractor of an entity that is organizing the meeting or conference. For both attendance at and organization of such meetings or conferences, the traveler's schedule of activities is not to include free time or recreation in excess of that consistent with a full-time schedule of attendance at,

[50] The descriptions of the 12 travel categories are drawn from, but not a substitute for, the actual CACR provisions available at 31 C.F.R Part 515. Unless indicated, the descriptions are for travel authorized pursuant to a general license. For each travel category, the CACR provides for specific licenses to be issued on a case-by-case basis for travel that does not qualify for the general license.

or organization of, such meetings or conferences (31 C.F.R. 515.564(a)(2)).

Specific licenses may be issued related to professional research in Cuba or professional meetings in Cuba that do not qualify for a general license under the general license authorizations described above. (31 C.F.R. 515.564(e)).

- **Educational Activities.** U.S. academic institutions and their faculty, staff, and students involved in the following activities: (1) participation in a structured educational program in Cuba as part of a course offered at a U.S. graduate or undergraduate degree-making institution; (2) noncommercial academic research in Cuba specifically related to Cuba for the purpose of obtaining an undergraduate or graduate degree; (3) participation in a formal course of study at a Cuban academic institution, provided the formal course of study in Cuba will be accepted for credit toward the student's graduate or undergraduate degree; (4) teaching at a Cuban academic institution related to an academic program, provided that the individual is regularly employed in a teaching capacity by a U.S. or other non-Cuban academic institution; (5) sponsorship of a Cuban scholar to teach or engage in other scholarly activity at the sponsoring U.S. academic institution; (6) educational exchanges sponsored by Cuban or U.S. secondary schools involving student participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official (including participation by a reasonable number of adult chaperones); (7) sponsorship or co-sponsorship of noncommercial academic seminars, conferences, symposia, and workshops related to Cuba or global issues involving Cuba and attendance at such events by faculty, staff, and students of a participating U.S. academic institution; (8) establishment of academic exchanges and joint noncommercial academic research projects with universities or academic institutions in Cuba; (9) provision of standardized testing services to Cuban nationals; (10) provision of internet-based courses to Cuban nationals, provided that the course content is at the undergraduate level or below; (11) the organization of, and preparation for, the ten activities described above, by employees or contractors of the sponsoring organization subject to U.S. jurisdiction; and (12) the facilitation by a U.S. organization, or by a staff member of that organization, of licensed educational activities in Cuba on behalf of U.S. academic institutions or secondary schools with certain provisions for the U.S. organization (31 C.F.R. 515.565(a)).
- **People-to-People Travel.** Travel directly incident to educational exchanges not involving academic study pursuant to a degree program. Travel-related transactions pursuant to this authorization must be for the purpose of engaging, while in Cuba, in a full-time schedule of activities intended to enhance contact with the Cuban people, support civil society in Cuba, or promote the Cuban people's independence from Cuban authorities. The exchanges are to take place under the auspices of an organization that sponsors such exchanges to promote people-to-people contact, and an employee, paid consultant, or agent of the organization is to accompany each group traveling to Cuba to ensure each traveler has a full-time schedule of educational exchange activities. The predominant portion of the activities is not to be with a prohibited official of the Cuban government (as defined in 31 C.F.R. 515.337) or a prohibited member of the Cuban Communist Party (defined in 31 C.F.R. 515.338).

- **Religious Activities.** Religious organizations located in the United States and members and staff of such organizations engaged in a full-time program of religious activities (31 C.F.R. 515.566).
- **Public Performances, Clinics, Workshops, Athletic and Other Competitions, and Exhibitions.** Participation in amateur and semiprofessional international sports federation competitions, provided that the athletic competition is held under the auspices of the international sports federation for the relevant sport; the U.S. participants are selected by the U.S. federation for the relevant sport; and the competition is open for attendance, and in relevant situations, participation, by the Cuban public. (31 C.F.R. 515.567(a)).

  Specific licenses may be issued on a case-by-case basis for participation in, or organization of, public performances, clinics, workshops, other athletic or nonathletic competitions, or exhibitions in Cuba, and conditional on the event being open for attendance, and in relevant situations, participation, by the Cuban public (31 C.F.R. 515.567 (b)). (Prior to OFAC changes to the CACR in September 2020, these activities were covered by a general license.)
- **Support for the Cuban People.** Those traveling for activities in support of the Cuban people, provided that the activities are of recognized human rights organizations; independent organizations designed to promote a rapid, peaceful transition to democracy; or individuals and nongovernmental organizations that promote independent activity intended to strengthen civil society in Cuba. Each traveler is to engage in a full-time schedule of activities that enhance contact with the Cuban people, support civil society in Cuba, or promote the Cuban people's independence from Cuba authorities; the activities are also to result in meaningful interaction with individuals in Cuba (31 C.F.R. 515.574).
- **Humanitarian Projects.** Those involved in the following humanitarian projects in Cuba that are designed to directly benefit the Cuban people: medical and health-related projects; construction projects intended to benefit legitimately independent civil society groups; disaster preparedness, relief, and response; historical preservation; environmental projects; projects involving formal or non-formal educational training, within Cuba or off-island, on entrepreneurship and business, civil education, journalism, advocacy and organizing, adult literacy, or vocational skills; community-based grassroots projects; projects suitable to the development of small-scale private enterprise; projects that are related to agricultural and rural development that promote independent activity; microfinancing projects; and projects to meet basic human needs (31 C.F.R. 515.575).
- **Activities of Private Foundations or Research or Educational Institutes.** Those involved in activities by private foundations or research or education institutes with an established interest in international relations to collect information related to Cuba for noncommercial purposes (31 C.F.R. 515.576).
- **Exportation, Importation, or Transmission of Information or Informational Materials.** Those involved in the exportation, importation, or transmission of informational materials, defined in 31 C.F.R. 515.332 as publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD-ROMs, artworks, news wire feeds, and other informational and informational articles. Those involved in professional media or artistic

productions of information or informational materials for exportation, importation, or transmission, including the filming or production of media programs (such as movies and television programs), the recording of music, and the creation of artworks in Cuba, provided that the traveler is regularly employed in or has demonstrated professional experience in a field relevant to such professional media or artistic productions (31 C.F.R. 515.545).

- **Export Transactions.** Those involved in activities directly incident to the conduct of market research, commercial marketing, sales or contract negotiation, accompanied delivery, installation, leasing, servicing, or repair in Cuba of items consistent with the export or re-export licensing policy of the Department of Commerce (31 C.F.R. 515.533 and 31 C.F.R. 515.559).

Current Policy on Remittances

U.S. restrictions on remittances to Cuba are defined under the CACR. Similar to restrictions on travel, restrictions on remittances have changed over time, with the Obama Administration significantly easing restrictions, the Trump Administration imposing new restrictions, particularly in late 2020, and the Biden Administration partially reversing the Trump-era restrictions. Cash remittances to Cuba reportedly increased from almost $1.7 billion in 2009 to $3.7 billion in 2019, before the COVID-19 pandemic, according to a Miami-based consulting group.[51] In 2019, some 45% of remittances to Cuba reportedly were carried by individuals; the remainder went through remittance-forwarding companies, with the largest being Western Union.[52] As noted above, Western Union ceased its operations in Cuba in November 2020 because of new OFAC regulations prohibiting the processing of remittances through any entities on the "Cuba restricted list."

The termination of Western Union's services to Cuba, other restrictions on remittances and travel imposed during the Trump Administration, and the imposition of COVID-19-related travel restrictions led to a drop in remittances sent to Cuba in 2020 and 2021. A Canadian-based remittance-forwarding company estimates that cash remittances to Cuba fell to $3 billion in 2020 and $1.9 billion in 2021.[53] The extent to which the Biden Administration's easing of some restrictions on remittances and travel (including flights to cities other than Havana) may lead to an increase in cash remittances to Cuba is uncertain.

- **Family Remittances.** Persons subject to the jurisdiction of the United States who are 18 years of age or older are authorized to send remittances to close relatives in Cuba (31 C.F.R. 515.570(a)). A close relative is defined as any individual related to the remitter by blood, marriage, or adoption who is no more than three generations removed from the remitter or from a common ancestor with the remitter (31 C.F.R. 515.339). The recipient of the remittances cannot be a prohibited official of the Cuban government (defined in 31 C.F.R. 515.337), a prohibited member of the Cuban Communist Party (defined in 31 C.F.R. 515.338), or a close relative of a prohibited official of the Cuban government or

[51] Emilio Morales, The Havana Consulting Group and Tech, "Remittances, An Investment Route for Cubans," September 27, 2019, and "COVID-19 Hits the Remittance Market Hard in Latin America," March 31, 2020.

[52] Emilio Morales, "COVID-19 Crushes the 'Mule' Business," Havana Consulting Group and Tech, May 28, 2020.

[53] RevoluGROUP Canada Inc. "RevoluSEND Remittances Adds Cuba and Morocco Topping 116 Countries," news release, February 18, 2022.

of a prohibited member of the Cuban Communist party. (Restrictions on the amount or frequency of family remittances were eliminated on June 9, 2022.)

- **Donative Remittances.** Persons subject to U.S. jurisdiction are authorized to send donative remittances to Cuban nationals, provided the recipient is not a prohibited official of the Cuban government (defined in 31 C.F.R. 515.337), a prohibited member of the Cuban Communist Party (defined in 31 C.F.R. 515.338), or a close relative (as defined in 31 C.F.R. 515.539) of a prohibited official of the Cuban government or of a prohibited member of the Cuban Communist party (31 C.F.R. 515.570(b)). (This category of remittances was established in 2015, eliminated in 2019, and reestablished on June 9, 2022.)
- **Remittances to Religious Organizations.** Persons subject to the jurisdiction of the United States are authorized to send remittances to religious organizations in Cuba in support of religious activities (31 C.F.R. 515.570(c)).
- **Remittances to U.S. Students in Cuba.** Remittances are authorized to send to close relatives in Cuba who are students involved in licensed educational activities (31 C.F.R. 515.570(d)).
- **Emigration-Related Remittances.** Two one-time $1,000 emigration-related remittances are authorized (31 C.F.R. 515.570(e)).
- **Remittances to Certain Individuals and Independent Nongovernmental Organizations in Cuba.** Persons subject to U.S. jurisdiction may send remittances to certain individuals and independent nongovernmental entities in Cuba, including prodemocracy groups and civil society groups, and to members of such organizations, to support humanitarian projects designed to directly benefit the Cuban people; activities of recognized human rights organizations, independent organizations designed to promote a rapid, peaceful transition to democracy, and individuals and NGOs that promote independent activity intended to strengthen civil society in Cuba; and the development of private businesses and economic activity in the non-state sector by self-employed individuals (31 C.F.R. 515.570(g)). *Self-employed individuals* means an owner of a small private business or a sole proprietorship, including restaurants (*paladares*), taxis, and bed-and-breakfasts (*casas particulares*); an independent contractor or consultant; a small farmer who owns his or her own land; or a small usufruct farmer who cultivates state-owned land to sell products on the open market (31 C.F.R. 515.340).
- **Carrying of Remittances to Cuba.** Authorized travelers to Cuba may carry authorized remittances to Cuba (31 C.F.R. 515.560(c)(4)). Emigration-related remittances may not be carried to Cuba unless a U.S. immigration visa has been issued for the recipient and the licensed traveler can produce certain information regarding the recipient.

Legislative Initiatives in the 117th Congress

There have been divergent views in Congress over the years regarding U.S. restrictions on travel and remittances to Cuba. As noted, Congress approved legislation in 2000, the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA; P.L. 106-387, Title IX), with a provision prohibiting travel to Cuba for tourist activities. In 2009, Congress enacted an omnibus appropriations measure (P.L. 111-8, Division D, Sections 620 and 621) with two provisions easing restrictions on family travel to Cuba and on travel for the marketing and sale of

agricultural and medical goods to Cuba. Numerous other legislative initiatives, including provisions in appropriations measures, have been introduced over the years to further ease or lift restrictions on travel and remittances to Cuba, while other initiatives were introduced to tighten restrictions on travel and remittances; none of these measures were enacted. (See the **Appendix** for background on legislative action and initiatives from the 106th through the 116th Congress, 1999-2020.)

In the 117th Congress, two bills have been introduced that would lift economic sanctions on Cuba, including restrictions on travel and remittances: S. 249 (Wyden), the United States-Cuba Trade Act of 2021, introduced in February 2021; and H.R. 3625 (Rush), the United States-Cuba Relations Normalization Act, introduced in May 2021. In March 2021, 79 Members of Congress wrote a letter to President Biden urging him to reverse restrictions on remittances and travel imposed during the Trump Administration.[54]

In the aftermath of the Biden Administration's Cuba policy changes announced in May 2022, reaction among Members of Congress was mixed. Some Members who support maximum sanctions pressure criticized the changes as "providing concessions to the brutal Cuban dictatorship."[55] Some Members specifically opposed authorizing group travel to Cuba, characterizing it as "akin to tourism," or saying they "remain[ed] unconvinced"[56] that it would weaken Cuba's oppressive policies. Among those advocating for engagement, some characterized the changes as "a timid but very welcome step,"[57] some maintained the policy shift was "a significant step" in returning toward engagement and reversing policies that harm the Cuban people,[58] and some emphasized support for the Administration's "measures to support the Cuban people."[59]

[54] Letter from Representative Bobby L. Rush and 78 other Members of Congress to President Joe Biden, March 2, 2021, at https://rush.house.gov/media-center/press-releases/rush-cohen-lee-moore-75-democratic-colleagues-urge-president-biden; and Sarah Marsh, "Exclusive: U.S. House Democrats Urge Biden to Revert to Obama-Era Cuba Détente," Reuters News, March 3, 2021.

[55] Senator Marco Rubio, "Rubio, Colleagues Slam Biden Admin's Appeasement to Cuban Dictatorship," press release, May 16, 2022.

[56] Representative Debbie Wasserman Schultz, "Wasserman Schultz Statement on President Biden's Cuba Policy Announcement," press release, May 17, 2022.

[57] Senator Patrick Leahy, "Statement on U.S. Policy Toward Cuba," press release, May 17, 2022.

[58] House Foreign Affairs Committee, "Chair Meeks Issues Statement Regarding Administration Reversal of Certain Trump-Era Cuba Policies," press release, May 17, 2022.

[59] Senator Amy Klobuchar, "Klobuchar Statement on New Biden Administration Measures to Expand U.S.-Cuba Relations, May 17, 2022.

Appendix. Legislative Action from the 106th to the 116th Congress, 1999-2020

Legislative Initiatives in the 106th Congress, 1999-2000

Action completed by the 106th Congress relating to Cuba travel involved a tightening of travel restrictions. The final version of the FY2001 agriculture appropriations measure (P.L. 106-387, Title IX, Trade Sanctions Reform and Export Enhancement Act of 2000) included a provision that restricts travel to Cuba to those categories of nontourist travel already allowed by the Treasury Department regulations. Section 910 of the law provides that neither general nor specific licenses for travel to Cuba can be provided for activities that do not fit into the 12 categories expressly authorized in the Cuban Assets Control Regulations, Section 515.560 (a) of Title 31, C.F.R., paragraphs (1) through (12)).

As noted in the law, the Secretary of the Treasury may not authorize travel-related transactions "for travel to, from, or within Cuba for tourist activities," which are defined as any activity that is not expressly authorized in the 12 categories of the regulations. The provision prevents the Administration from loosening the travel restrictions to allow tourist travel. This, in effect, strengthens restrictions on travel to Cuba and somewhat circumscribes the authority of OFAC to issue specific travel licenses on a case-by-case basis. Regulations implementing the provision of the law were issued by OFAC on July 12, 2001.

In other legislative action, the Senate considered the issue of travel to Cuba in June 30, 1999, floor action on the FY2000 Foreign Operations Appropriations bill, S. 1234. An amendment was introduced by Senator Christopher Dodd that would have terminated regulations or prohibitions on travel to Cuba and on transactions related to such travel in most instances.[60] The Senate defeated the amendment by tabling it in a 55-43 vote on June 30, 1999. On November 10, 1999, Senator Dodd introduced identical language as S. 1919, the Freedom to Travel to Cuba Act of 2000; no action was taken on the bill.

The House took up the issue of travel to Cuba when it considered H.R. 4871, the Treasury Department appropriations bill, on July 20, 2000. A Sanford amendment was approved (232-186) to prohibit funds in the bill from being used to administer or enforce the Cuban Assets Control Regulations with respect to any travel or travel-related transaction. Subsequently, the language of the amendment was dropped from a new version of the FY2001 Treasury Department appropriations bill, H.R. 4985, introduced on July 26. H.R. 4985 was appended to the conference report on the legislative branch appropriations bill—H.R. 4516, H.Rept. 106-796—in an attempt to bypass Senate debate on its version of the Treasury appropriations bill, S. 2900. The Senate initially rejected this conference report on September 20, 2000, by a vote of 28-69, but later agreed to the report, 58-37, on October 12. The House had agreed to the conference report earlier, on September 14, 2000, by a vote of 212-209.

[60] The Dodd amendment allowed for travel restrictions to be imposed if the United States is at war with Cuba, if armed hostilities are in progress, or when threats to physical safety or public health exist. Under current law, the Secretary of State has the same authority to restrict travel (22 U.S.C. 211a).

Legislative Initiatives in the 107th Congress, 2001-2002[61]

In the 107th Congress, although various measures were introduced that would have eliminated or eased restrictions on travel to Cuba and the House voted in both the first and second sessions to prohibit spending to administer the travel regulations, no legislative action was completed by the end of the second session.

First Session Action

During July 25, 2001, floor action on H.R. 2590, the FY2002 Treasury Department appropriations bill, the House approved an amendment that would prohibit spending for administering Treasury Department regulations restricting travel to Cuba. H.Amdt. 241, offered by Representative Flake (which amended H.Amdt. 240 offered by Representative Smith (NJ)), would prohibit funding to administer the Cuban Assets Control Regulations (administered by OFAC) with respect to any travel or travel-related transaction. The amendment was approved by a vote of 240 to 186, compared to a vote of 232-186 for a similar amendment in last year's Treasury Department appropriations bill.

The Senate version of H.R. 2590, approved September 19, 2001, did not include any provision regarding U.S. restrictions on travel to Cuba, and the House provision was not included in the House-Senate conference on the bill (H.Rept. 107-253). During Senate floor debate, Senator Byron Dorgan noted that he had intended to offer an amendment on the issue, but that he decided not to because he did not want to slow passage of the bill. He indicated that he would support the House provision during conference, but ultimately the House-Senate conference report on the bill did not include the Cuba provision. In light of changed congressional priorities in the aftermath of the September 11 attacks on New York and Washington DC, conference negotiators reportedly did not want to slow passage of the bill with any controversial provisions. The George W. Bush Administration had threatened to veto the Treasury bill if it included the Cuba travel provision.

Second Session Action

The Cuba travel issue received further consideration in the second session of the 107th Congress. A bipartisan House Cuba working group of 40 Representatives vowed as one of its goals to work for a lifting of travel restrictions. On February 11, 2002, the Senate Appropriations Committee's Subcommittee on Treasury and General Government held a hearing on the issue, featuring Administration and outside witnesses.

The travel issue was part of debate during consideration of the FY2003 Treasury Department appropriations bill (H.R. 5120 and S. 2740). Secretary of State Colin Powell and Secretary of the Treasury Paul O'Neill said they would recommend that the President veto legislation that includes a loosening of restrictions on travel to Cuba (or a weakening of restrictions on private financing for U.S. agricultural exports to Cuba).[62] The White House also stated that President Bush would veto such legislation.[63]

In July 23, 2002, floor action on H.R. 5120, the House approved three Cuba sanctions amendments, including one on the easing of travel restrictions offered by Representative Jeff

[61] For a complete listing and discussion of all Cuba bills in the 107th Congress, see CRS Report RL30806, *Cuba: Issues for the 107th Congress*, by Mark P. Sullivan and Maureen Taft-Morales.

[62] U.S. Department of State, International Information Programs, Washington File, "Bush Administration Opposes Legislative Efforts to Amend Cuba Policy," July 16, 2002.

[63] White House, press briefing by Ari Fleischer, July 24, 2002.

Flake (the two other amendments would have eased restrictions on remittances and U.S. agricultural sales). The House approved the Flake travel amendment (H.Amdt. 552), by a vote of 262-167, which provided that no funds could be used to administer or enforce the Treasury Department regulations with respect to travel to Cuba. The Flake amendment would not prevent the issuance of general or specific licenses for travel to Cuba. Some observers raised the question of whether the effect of this amendment would be limited since the underlying embargo regulations restricting travel would remain unchanged; enforcement action against violations of the relevant embargo regulations could potentially take place in future years when the Treasury Department appropriations measure did not include the funding limitations on enforcing the travel restrictions.[64]

During consideration of H.R. 5120, the House also rejected two Cuba amendments. A Rangel amendment (H.Amdt. 555), rejected by a vote of 204-226, would have prevented any funds in the bill from being used to implement, administer, or enforce the overall economic embargo of Cuba, which includes travel. A Goss amendment (H.Amdt. 551), rejected by a vote of 182-247, would have provided that any limitation on the use of funds to administer or enforce regulations restricting travel to Cuba or travel-related transactions would only apply after the President certified to Congress that certain conditions were met regarding biological weapons and terrorism.[65] The rule for the bill's consideration, H.Res. 488 (H.Rept. 107-585), had provided that the Goss amendment would not be subject to amendment.

The House subsequently passed H.R. 5120 on July 24, 2002, by a vote of 308-121, with the three Cuba amendments, including the Flake Cuba travel amendment.

The Senate version of the Treasury Department appropriations measure, S. 2740, as reported by the Senate Committee on Appropriations on July 17, 2002 (S.Rept. 107-212), included a provision, in Section 516, that was similar, although not identical, to the Flake amendment described above. It provided that no funds may be used to enforce the Treasury Department regulations with respect to any travel or travel-related transactions and would not prevent OFAC from issuing general and specific licenses for travel to Cuba. In addition, Section 124 of the Senate bill stipulated that no Treasury Department funds for "Departmental Offices, Salaries, and Expenses" may be used by OFAC until OFAC has certain procedures in place to expedite license applications for travel to Cuba.

Congress did not complete action on the FY2003 Treasury Department appropriations measure before the end of the 107th Congress, so action was deferred until the 108th Congress.

Additional Legislative Initiatives in the 107th Congress

Several other initiatives were introduced in the 107th Congress that would have eased U.S. restrictions on travel to Cuba, but no action was taken on these measures.

- H.R. 5022 (Flake), introduced June 26, 2002, would have lifted all restrictions on travel to Cuba.
- Several broad bills would have lifted all sanctions on trade, financial transactions, and travel to Cuba: H.R. 174 (Serrano), the Cuban Reconciliation Act, introduced January 3, 2001, and identical bills S. 400 (Baucus) and H.R. 798

[64] "House Approves Limits on Treasury Enforcement of Cuba Embargo," *Inside U.S. Trade*, July 26, 2002.

[65] For further information on the issues of biological weapons and terrorism as they relate to Cuba, see CRS Report RL30806, *Cuba: Issues for the 107th Congress*, by Mark P. Sullivan and Maureen Taft-Morales.

(Rangel), the Free Trade with Cuba Act, introduced February 27 and 28, 2001, respectively.

- S. 1017 (Dodd) and H.R. 2138 (Serrano), the Bridges to the Cuban People Act of 2001, introduced June 12, 2001, would, among other provisions, have removed all restrictions on travel to Cuba by U.S. nationals or lawful permanent resident aliens.
- Several bills would, among other provisions, have repealed the travel restrictions imposed in the 106th Congress by the Trade Sanctions Reform and Export Enhancement Act of 2000 (P.L. 106-387, Title IX, Section 910). These include identical bills S. 402 (Baucus) and H.R. 797 (Rangel), the Cuban Humanitarian Trade Act of 2001, introduced February 27 and 28, 2001; S. 171 (Dorgan), introduced January 24, 2001; and S. 239 (Hagel), the Cuba Food and Medicine Access Act of 2001, introduced February 1, 2001.

Legislative Initiatives in the 108th Congress, 2003-2004[66]

In the 108th Congress, several FY2004 and FY2005 appropriations bills had provisions that would have eased Cuba travel restrictions in various ways, but ultimately these provisions were not included in final appropriations measures. The George W. Bush Administration had threatened to veto legislation if it contained provisions weakening Cuba sanctions. In addition, several bills in the 108th Congress were introduced that specifically would have lifted or eased restrictions on travel to Cuba, but no action was taken on these measures.

First Session Action

Since action on FY2003 Treasury Department appropriations was not completed before the end of the 107th Congress, the 108th Congress faced early action on it and other unfinished FY2003 appropriations measures. The final version of the FY2003 omnibus appropriations measure, H.J.Res. 2 (P.L. 108-7), which included Treasury Department appropriations, did not include provisions affecting restrictions on travel to Cuba. The White House had threatened to veto the measure if it contained provisions weakening the embargo. While the Senate version did not include the Senate Appropriations Committee provision from the 107th Congress that would have eased travel restrictions by prohibiting any funding for enforcing the Cuba travel regulations, it did include a provision (contained in Division J, Section 124) that would have expedited action on travel applications for travel by OFAC within 90 days of receipt. Ultimately, however, the Senate provision was dropped in the conference report (H.Rept. 108-10) on the omnibus measure.

Both the House and Senate versions of the FY2004 Transportation-Treasury appropriations bill, H.R. 2989, had nearly identical provisions that would have prevented funds from being used to administer or enforce restrictions on travel or travel-related transactions. But the provisions were dropped in the conference report to the FY2004 Consolidated Appropriations Act, P.L. 108-199 (H.R. 2673, H.Rept. 108-401, filed November 25, 2003), which incorporated seven regular appropriations acts, including Transportation-Treasury appropriations. The conference also dropped two Cuba provisions from the House version of H.R. 2989 that would have eased restrictions on remittances and on people-to-people educational exchanges. The White House again threatened to veto any legislation that would weaken economic sanctions against Cuba.

[66] For a complete listing and discussion of all Cuba bills in the 108th Congress, see CRS Report RL31740, *Cuba: Issues for the 108th Congress*, by Mark P. Sullivan.

The House provisions had been approved during September 9, 2003, House floor consideration of the H.R. 2989: H.Amdt. 375 (Flake), approved by a vote of 227-188, would have prevented funds from enforcing travel restrictions (§745 of the House version); H.Amdt. 377 (Delahunt), approved by a vote of 222-196, would have prevented funds from enforcing restrictions on remittances (§746); and H.Amdt. 382 (Davis (FL)), approved by a vote of 246-173, would have prohibited funds from being used to eliminate the travel category of people-to-people educational exchanges (§749).

During Senate floor consideration of H.R. 2989 on October 23, 2003, the Senate approved by voice vote S.Amdt. 1900 (Dorgan), nearly identical to the Flake amendment noted above that would have prevented funds from being used to administer or enforce restrictions on travel or travel-related transactions (§643 of the Senate version). A motion to table the Dorgan amendment was defeated by a vote of 59-36. The Senate approved the bill by a vote of 91-3. The only difference between the Senate and House language was that the Dorgan amendment, as amended by S.Amdt. 1901 (Craig), provided that the section would take effect one day after enactment of the bill.

In other action, the conference on the FY2004 Consolidated Appropriations Act, P.L. 108-199 (H.R. 2673), also dropped a provision in the Senate version of the FY2004 agriculture appropriations bill that would have allowed travel to Cuba under a general license for travel related to the sale of agricultural and medical goods. On July 17, 2003, the Senate Appropriations Committee approved its version of the FY2004 agriculture appropriations bill, S. 1427, that included a provision (§760) allowing travel to Cuba under a general license (which does not require applying to the Treasury Department) for travel related to the commercial sale of agricultural and medical goods. The Senate included this provision when it approved H.R. 2673 on November 6, 2003. The House-passed version of the bill, H.R. 2673, had no such provision. In early June 2003, the Treasury Department rejected an application for a specific license to travel to Cuba for organizers of a second U.S. food and agribusiness fair in Havana.[67] The first such trade fair, held in September 2002, featured some 288 exhibitors from more than 30 states and resulted in millions in U.S. agricultural sales to Cuba.[68]

Second Session Action

Several FY2005 appropriations measures had provisions that would have eased Cuba sanctions, but these were dropped in the FY2005 omnibus appropriations measure (H.R. 4818, H.Rept. 108-792).

The House-passed version of the FY2005 Commerce, Justice, and State appropriations bill, H.R. 4754, approved July 8, 2004 (397-18), included a provision (§801) that would have prohibited funds from being used to implement, administer, or enforce recent amendments to the Cuba embargo regulations that tightened restrictions on gift parcels and baggage taken by individuals for travel to Cuba. The provision was added by a Flake amendment, H.Amdt. 647, approved by a vote of 221-194 on July 7, 2004. The Senate version of the bill, S. 2809, as reported out of committee, did not include such a provision.

Both the House-approved version of the FY2005 Transportation/Treasury appropriations bill, H.R. 5025, and the Senate Appropriations Committee version of the bill, S. 2806, had provisions that would have eased Cuba sanctions in various ways. In its statement of policy on H.R. 5025,

[67] Nancy San Martin, "U.S. Pulls Plug on Cuba Expo," *Miami Herald*, June 18, 2003.

[68] Nancy San Martin, "U.S. Official Dampens Trade-Show Enthusiasm with Talks of Cuban Credit," *Miami Herald*, September 29, 2002.

the Administration indicated that the President would veto the measure if it contained provisions weakening Cuba sanctions.

The House-passed version of H.R. 5025 had three provisions that would have eased Cuba sanctions. During floor consideration on September 21, 2004, by a vote of 225-174, the House approved a Davis (of Florida) amendment (H.Amdt. 769), which provided that no funds could be used to administer, implement, or enforce the Bush Administration's June 2004 tightening of restrictions on visiting relatives in Cuba. On September 22, 2004, the House approved two additional Cuba amendments by voice vote, a Waters amendment (H.Amdt. 770) that would have prohibited funds from being used to implement any sanction imposed on private commercial sales of agricultural commodities or medicine or medical supplies to Cuba and a Lee amendment (H.Amdt. 771) that would have prohibited funds from being used to implement, administer, or enforce the Bush Administration's June 2004 tightening of restrictions on travel for educational activities. The House also rejected a Rangel amendment (H.Amdt. 772) on September 22, 2004, by a vote of 225-188 that would have more broadly prohibited funds from being used to implement, administer, or enforce the economic embargo of Cuba. During September 15, 2004, House floor consideration of H.R. 5025, Representative Jeff Flake announced his intention not to offer an amendment, as he had for the past three years, which would have prohibited funds from being used to administer or enforce restrictions on travel or travel-related transactions.

The Senate version of the FY2005 Transportation/Treasury appropriations bill, S. 2806, as reported out of the Senate Appropriations Committee (S.Rept. 108-342) on September 15, 2004, had a provision (§222) that would have prohibited funds from administering or enforcing restrictions on Cuba travel or travel-related transactions. That provision, which was proposed by Senator Byron Dorgan, was unanimously approved by the Subcommittee on Transportation, Treasury, and General Government on September 9, 2004.

The Senate version of the FY2005 Agriculture Appropriation bill, S. 2803, as reported by the Senate Appropriations Committee (S.Rept. 108-340), had a provision (§776) that would have directed the Secretary of the Treasury to promulgate regulations allowing for travel to Cuba under a "general license" when it was related to the commercial sale of agricultural and medical products. The House-passed version of the bill, H.R. 4766, had no such provision. In its statement of policy on the bill, the Administration stated that the President would veto the measure if it contained a provision weakening Cuba sanctions.

Additional Initiatives in the 108th Congress

Among other initiatives introduced in the 108th Congress, but not acted upon, two bills would specifically have lifted restrictions on travel to Cuba: S. 950 (Enzi), introduced April 30, 2003, and H.R. 2071 (Flake), introduced May 13, 2003. H.R. 3422 (Serrano), introduced October 30, 2003, would, among other provisions, have lifted restrictions on travel to Cuba. Three broad legislative initiatives were introduced that would have lifted all Cuba embargo restrictions, including those on travel: H.R. 188 (Serrano), introduced January 7, 2003, S. 403 (Baucus), introduced February 13, 2003, and H.R. 1698 (Paul), introduced April 9, 2003. Another initiative, S. 2449 (Baucus)/H.R. 4457 (Otter), introduced respectively on May 19 and 20, 2004, would have required yearly congressional approval for the renewal of trade and travel restrictions with respect to Cuba. Finally, H.R. 4678 (Davis of Florida), introduced June 24, 2004, in the aftermath of the President's tightening of Cuba sanctions, would have barred certain additional restrictions on travel and remittances to Cuba.

Legislative Initiatives in the 109th Congress, 2005-2006[69]

In the 109th Congress, several amendments to FY2006 and FY2007 appropriations bills that would have eased Cuba travel restrictions in various ways and restrictions on sending gift parcels to Cuba were defeated. Several bills were introduced that would have lifted or eased restrictions on travel and the provision of remittances to Cuba, but no action was taken on these measures.

First Session Action

On June 30, 2005, the House rejected three amendments easing Cuba sanctions to H.R. 3058, the FY2006 Transportation, Treasury, Housing and Urban Development, Judiciary, District of Columbia, and Independent Agencies Appropriations Act. The amendments failed during House floor consideration: H.Amdt. 420 (Davis (FL)) on family travel, by a vote of 208-211; H.Amdt. 422 (Lee) on educational travel, by a vote of 187-233; and H.Amdt. 424 (Rangel) on the overall embargo, by a vote of 169-250. An additional amendment on religious travel, H.Amdt. 421 (Flake), was withdrawn, and an amendment on family travel by members of the U.S. military, H.Amdt. 419 (Flake), was ruled out of order for constituting legislation in an appropriations bill. The introduction of H.Amdt. 419 was prompted by the case of a U.S. military member who served in Iraq, Sergeant Carlos Lazo, who was prohibited from visiting his two sons in Cuba because he last visited there in 2003.

During June 29, 2005, Senate consideration of H.R. 2361, the FY2006 Interior, Environment, and Related Agencies Appropriations Act, the Senate rejected (60-35; a two-thirds majority vote was required) a motion to suspend the rules with respect to S.Amdt. 1059 (Dorgan), which would have allowed travel to Cuba under a general license for the purpose of visiting a member of the person's immediate family for humanitarian reasons. The amendment was then ruled out of order. Its introduction had also been prompted by the case of Sergeant Carlos Lazo, who wanted to visit his sons in Cuba, one of whom was gravely sick.

On June 15, 2005, the House rejected (210-216) H.Amdt. 270 (Flake) to H.R. 2862, the FY2006 Science, State, Justice, Commerce, and Related Agencies Appropriations Act. The amendment would have prohibited the use of funds to implement, administer, or enforce June 2004 tightened restrictions on sending gift parcels to Cuba. H.Amdt. 269 (McDermott), which would have prohibited the use of funds in the bill to prosecute any individual for travel to Cuba, was offered but subsequently withdrawn.

During April 6, 2005, Senate floor consideration of the FY2006 and FY2007 Foreign Affairs Authorization Act, S. 600, the Senate considered S.Amdt. 281 (Baucus) and a second-degree amendment, S.Amdt. 282 (Craig) that would have facilitated the sale of U.S. agricultural products to Cuba. The language of the amendments consisted of the provisions of S. 328 (Craig), the Agricultural Export Facilitation Act of 2005, which included a provision for a general license for travel transactions related to the marketing and sale of agricultural products, as opposed to the then requirement of a specific license for such travel transactions. Neither action on the amendments nor on S. 600 was completed.

[69] For a complete listing and discussion of all Cuba bills in the 109th Congress, see CRS Report RL32730, *Cuba: Issues for the 109th Congress*, by Mark P. Sullivan.

Second Session Action

On June 14, 2006, the House rejected two amendments to the FY2007 Transportation/Treasury appropriation bill, H.R. 5576, which would have eased Cuba travel restrictions. H.Amdt. 1050 (Rangel), rejected by a vote of 183-245, would have prohibited funds from being used to implement the overall economic embargo of Cuba. H.Amdt. 1051 (Lee), rejected by a vote of 187-236, would have prohibited funds from being used to implement the Administration's June 2004 tightening of restrictions on educational travel to Cuba. An additional Cuba amendment, H.Amdt. 1032 (Flake), would have prohibited the use of funds to amend regulations relating to travel for religious activities in Cuba; it was withdrawn from consideration.

In other action, on June 22, 2006, the Senate Appropriations Committee reported its version of the FY2007 Agriculture appropriations bill, H.R. 5384 (S.Rept. 109-266), which contained a provision (§755) liberalizing travel to Cuba related to the sale of agricultural and medical goods. The provision would have provided for such travel under a general license, instead of under a specific license as then required, issued on a case-by-case basis by the Treasury Department. Final action on the appropriations measure was not completed by the end of the 109th Congress. Similar Senate provisions in FY2004 and FY2005 agricultural appropriations bills were stripped out of the final enacted measures.

Additional Initiatives in the 109th Congress

A number of other legislative initiatives were introduced in the 109th Congress that would have eased restrictions on travel and remittances to Cuba. Two bills—S. 894 (Enzi) and H.R. 1814 (Flake)—would have specifically lifted overall restrictions on travel to Cuba. H.R. 2617 (Davis (FL)) would have prohibited any additional restrictions on per diem allowances, family visits to Cuba, remittances, and accompanied baggage beyond those that were in effect on June 15, 2004. H.R. 3064 (Lee) would have prohibited the use of funds available to the Department of the Treasury to implement regulations from June 2004 that tightened restrictions on travel to Cuba for educational activities. H.Con.Res. 206 (Serrano), introduced in the aftermath of Hurricane Dennis that struck Cuba in July 2005 (causing 16 deaths and significant damage), would have expressed the sense of Congress that the President should temporarily suspend restrictions on remittances, gift parcels, and family travel to Cuba to allow Cuban Americans to assist their relatives.

Two bills—H.R. 208 (Serrano) and H.R. 579 (Paul)—would have lifted the overall embargo on trade and financial transactions with Cuba, including restrictions on travel and remittances to Cuba.

Two identical bills dealing with easing restrictions on exporting agricultural commodities to Cuba—H.R. 719 (Moran of Kansas) and S. 328 (Craig)—included provisions that would have provided for a general license for travel transactions related to the marketing and sale of agricultural products, as opposed to the then requirement of a specific license for such travel transactions.

Legislative Initiatives in the 110th Congress, 2007-2008[70]

In the 110th Congress, several House and Senate committee versions of appropriations bills had provisions that would have eased restrictions on travel to Cuba in various ways, but none of these provisions were included in final enacted legislation. Numerous other bills were introduced that would have eased restrictions on travel and remittance in various ways; no action was taken on these measures.

First Session Action

In the first session of the 110th Congress, two Senate Appropriations Committee-reported versions of appropriations bills had provisions that would have eased restrictions on travel to Cuba for the marketing and sale of agricultural and medical goods, but ultimately these provisions were not included in the FY2008 Consolidated Appropriations Act (P.L. 110-161). The Senate version of the FY2008 Financial Services and General Government appropriations bill, reported July 19, 2007, H.R. 2829, had a provision in Section 620 that would eased such travel restrictions, while the Senate version of the FY2008 Agriculture appropriations bill, S. 1859, reported July 24, 2007, had such a provision in Section 741.

Second Session Action

In the second session, several versions of House and Senate appropriations bills had provisions easing Cuba travel restrictions and other Cuba sanctions; none of these were included in the FY2009 continuing resolution. The House Appropriations Committee approved its version of the Financial Services and General Government Appropriations bill for FY2009 on June 25, 2008, which contained provisions in Title VI that would have eased restrictions on the sale of U.S. agricultural exports to Cuba and on family travel to Cuba. The committee ultimately introduced and reported the bill, H.R. 7323, on December 10, 2008 (H.Rept. 110-920). With regard to family travel, Section 622 would have allowed for such travel once a year (instead of the then restriction of once every three years), while Section 623 would have expanded such travel by a person to visit an aunt, uncle, niece, nephew, or first cousin (instead of the then restriction limiting such travel to visit a spouse, child, grandchild, parent, grandparent, or sibling).

On July 14, 2008, the Senate Appropriations Committee reported its version of the FY2009 Financial Services and General Government Appropriations bill, S. 3260 (S.Rept. 110-417), which included provisions easing restrictions on family travel and on travel to Cuba relating to the commercial sale of agricultural and medical goods. With regard to family travel, Section 620 would have provided that no funds could be used to administer, implement, or enforce the Administration's June 2004 tightening of restrictions related to travel to visit relatives in Cuba. With regard to travel for agricultural or medical sales, Section 619 would have allowed for a general license for such travel instead of a specific license that requires permission from the Treasury Department.

On July 21, 2008, the Senate Appropriations Committee reported its version of the FY2009 Agriculture Appropriations bill, S. 3289 (S.Rept. 110-426), with a provision in Section 737 that would have eased restrictions on travel to Cuba for the sale of agricultural and medical goods. The provision would have allowed for a general license for such travel instead of a specific

[70] For a complete listing and discussion of all Cuba bills in the 110th Congress, see CRS Report RL33819, *Cuba: Issues for the 110th Congress*, by Mark P. Sullivan.

license that requires permission from the Treasury Department. The measure had been approved by the committee on July 17, 2008.

Additional Initiatives in the 110th Congress

A number of other initiatives introduced in the 110th Congress would have eased Cuba travel restrictions. H.R. 654 (Rangel), S. 721 (Enzi), and Section 254 of S. 554 (Dorgan) would prohibit the President from regulating or prohibiting travel to Cuba or any of the transactions incident to travel. Two bills that would lift overall economic sanctions—H.R. 217 (Serrano) and H.R. 624 (Rangel)—would also lift travel restrictions. H.R. 177 (Lee) would ease restrictions on educational travel to Cuba. H.R. 757 (Delahunt) would lift restrictions on family travel and the provision of remittances for family members in Cuba. H.R. 1026 (Moran, Jerry), which would facilitate the sale of U.S. agricultural products to Cuba, includes a provision that would provide for general license authority for travel-related transactions for people involved in agricultural sales and marketing activities or in the transportation of such sales. H.R. 2819 (Rangel) and S. 1673 (Baucus), which would ease restrictions on U.S. agricultural and medical exports to Cuba, would also lift restrictions on travel to Cuba. The Senate Committee on Finance held a hearing on S. 1673 on December 11, 2007.

Legislative Initiatives in the Aftermath of 2008 Hurricanes

In the aftermath of the Hurricanes Gustav and Ike that struck Cuba, respectively, in late August and early September 2008, several legislative initiatives were introduced that would have temporarily eased U.S. embargo restrictions in several areas, including restrictions on family travel, remittances, the provision of gift parcels, and the sale of relief supplies to Cuba. On September 15, 2008, Senator Dodd offered S.Amdt. 5581 to the Department of Defense authorization bill (S. 3001) that would have, for a 180-day period, allowed unrestricted family travel; eased restrictions on remittances by removing the limit and allowing any American to send remittances to Cuba; expanded the list of allowable items that may be included in gift parcels; and allowed for unrestricted U.S. cash sales of food, medicines, and relief supplies to Cuba. The amendment was not considered and therefore not part of the final bill.

In the House, two legislative initiatives were introduced in the aftermath of the hurricanes that would have temporarily eased restrictions in various ways. On September 16, 2008, Representative Flake introduced H.R. 6913, which would have prohibited any funds from going to the Department of Commerce to implement, administer, or enforce tightened restrictions on the contents of gift parcels to Cuba that were introduced in June 2004. On September 18, 2008, Representative Delahunt introduced H.R. 6962, the Humanitarian Relief to Cuba Act, which would have, for a 180-day period, allowed unrestricted family travel; eased restrictions on remittances by removing the limit and allowing any American to send remittances to Cuba; and expanded the list of allowable items that may be included in gift parcels.

Legislative Initiatives in the 111th Congress, 2009-2010[71]

The 111th Congress took action in March 2009 to ease restrictions on family travel and travel for the marketing and sale of agricultural and medical goods. The eased family travel restrictions were superseded by the Obama Administration's April 2009 action to allow unlimited family travel and remittances. At the same time, the Administration also eased restrictions for travel for

[71] For a complete listing and discussion of all Cuba bills in the 111th Congress, see CRS Report R40193, *Cuba: Issues for the 111th Congress*, by Mark P. Sullivan.

telecommunications-related sales and for attendance at professional meetings related to commercial telecommunications. Numerous other bills introduced in the 111th Congress would have lifted or eased restrictions on travel and remittances to Cuba, but these restrictions were not considered. One House initiative, H.R. 4645 (Peterson), would have lifted all restrictions on travel to Cuba and also would have eased restrictions on the payment mechanisms for U.S. agricultural exports to Cuba. The House Agriculture Committee approved the measure; no further action was taken on the bill.

First Session Action

On March 11, 2009, President Obama signed into law the Omnibus Appropriations Act, 2009 (P.L. 111-8), with two provisions easing restrictions on travel to Cuba.[72] The provisions were identical to provisions that had been included in the Senate Appropriations Committee version of the FY2009 Financial Services and General Government Appropriations bill in the 110th Congress, S. 3260.

In the enacted bill, Section 620 of Division D, Financial Services and General Government Appropriations Act, 2009, amended the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) to require the Secretary of the Treasury to issue regulations for travel to, from, or within Cuba under a general license for the marketing and sale of agricultural and medical goods, meaning that there would be no requirement to obtain special permission from OFAC. Such travel had required a specific license from OFAC, issued on a case-by-case basis. OFAC issued regulations implementing this provision on September 3, 2009.

Section 621 of Division D prohibited funds from being used to administer, implement, or enforce family travel restrictions that were imposed by the Bush Administration in June 2004. OFAC implemented this provision by reinstating a general license for family travel as it existed prior to the Bush Administration's tightening of restrictions in June 2004. As implemented by the Treasury Department, travel was allowed once every 12 months to visit a close relative for an unlimited length of stay, and the limit for daily expenditure allowed by family travelers became the same as for other authorized travelers to Cuba (the State Department maximum per diem rate for Havana). The new general license also expanded the definition of "close relative" to mean any individual related to the traveler by blood, marriage, or adoption who is no more than three generations removed from that person. This provision was superseded by the Obama Administration's further liberalization of family travel to Cuba announced in April 2009.

The joint explanatory statement to P.L. 111-8 also required the Department of the Treasury to prepare a report within 90 days on the steps that it is taking to assess OFAC's allocation of resources for investigating and penalizing violations of the Cuba embargo with respect to the numerous other sanctions programs it administers. As part of the report, the Treasury Department was directed to provide detailed information on OFAC's Cuba-related licensing on its enforcement of the Cuba embargo.

On November 19, 2009, the House Committee on Foreign Affairs held a hearing on U.S. restrictions on travel to Cuba entitled "Is It Time to Lift the Ban on Travel to Cuba?" that featured former U.S. government officials and other private witnesses.

[72] A third Cuba provision in the law prohibited funding to administer, implement, or enforce certain requirements for U.S. agricultural exporters using the "payment of cash in advance" payment mechanism for selling their goods to Cuba.

Second Session Action

In the second session, legislative action related to Cuba travel restrictions occurred in the House Committee on Agriculture, and no subsequent action was taken. On March 11, 2010, the committee held a hearing to review U.S. agricultural sales to Cuba. At the hearing, there was discussion of recently introduced H.R. 4645 (Peterson), a measure that would remove restrictions on travel to Cuba and also remove some restrictions regarding payments for U.S. agricultural exports to Cuba. On June 30, 2010, the committee reported out H.R. 4645 by a vote of 25-20 (H.Rept. 111-653). The bill would have lifted all restrictions on travel to Cuba. It also included two provisions easing restrictions on the payment mechanisms for U.S. agricultural exports to Cuba. The House Committee on Foreign Affairs was scheduled to hold a markup of the bill on September 29, 2010, but postponed its consideration, and in the aftermath of the 2011 U.S. legislative elections, no further action was taken. An identical companion bill in the Senate, S. 3112 (Klobuchar), was introduced March 15, 2010, and referred to the Committee on Foreign Relations.

On April 29, 2010, the House Ways and Means Committee, Subcommittee on Trade, held a hearing on U.S.-Cuba policy that examined whether relaxing current Cuba travel and trade restrictions would advance U.S. economic objectives, as well as U.S. political and human rights goals in Cuba.

Additional Initiatives in the 111th Congress

Several other legislative initiatives were introduced in the 111th Congress that would have eased restrictions on travel to Cuba; no action was taken on these measures. H.R. 874 (Delahunt)/S. 428 (Dorgan) and H.R. 1528 (Rangel) would have prohibited restrictions on travel to Cuba. H.R. 188 (Serrano), H.R. 1530 (Rangel), and H.R. 2272 (Rush) would have lifted the overall embargo on trade and financial transactions with Cuba, including travel restrictions. H.R. 1531 (Rangel)/S. 1089 (Baucus) would have facilitated the export of U.S. agricultural products to Cuba and also would have prohibited restrictions on travel to Cuba. H.R. 332 (Lee) would have eased restrictions on educational travel by providing that no funds made available to the Department of the Treasury may be used to implement, administer, or enforce regulations to require specific licenses for travel-related transactions directly related to educational activities in Cuba. S. 774 (Dorgan), H.R. 1918 (Flake), and S. 1517 (Murkowski) would have amended the Trade Sanctions Reform and Economic Enhancement Act of 2000 to require the Secretary of the Treasury to authorize travel to Cuba under a general license in connection to hydrocarbon exploration and extraction activities. In contrast, H.Con.Res. 132 (Tiahrt) would have called for the fulfillment of certain democratic conditions before the United States increases trade and tourism to Cuba.

Legislative Initiatives in the 112th Congress, 2011-2012[73]

There were several attempts in the first session of the 112th Congress aimed at rolling back the Obama Administration's actions easing restrictions on travel and remittances; none of these were approved. Several legislative initiatives were also introduced that would have further eased or lifted such restrictions altogether; no action was taken on these measures.

[73] For a complete listing and discussion of all Cuba bills in the 112th Congress, see CRS Report R41617, *Cuba: Issues for the 112th Congress*, by Mark P. Sullivan.

FAA Reauthorization

During consideration of the Federal Aviation Administration reauthorization bill, S. 223, in February 2011, an amendment was submitted, but never considered, S.Amdt. 61 (Rubio), that would have prohibited an expansion of flights to locations in countries that are designated state sponsors of terrorism (which, at the time, included Cuba).

FY2012 Financial Services and General Government Appropriations

The House Appropriations Committee reported its version of the FY2012 Financial Services and General Government Appropriations bill, H.R. 2434, on July 7, 2011, with a provision in Section 901 that would have rolled back the Obama Administration's actions easing restrictions on family travel and on remittances overall. (The Senate Appropriations Committee version of the measure, S. 1573, did not contain a similar provision.) The House provision had been offered as an amendment by Representative Mario Diaz-Balart that was agreed to by voice vote during the committee's June 24, 2011, markup of the measure. The provision would have repealed amendments to the Cuban Assets Control Regulations made since January 19, 2009, regarding family travel (31 C.F.R. 515.561), carrying remittances (31 C.F.R. 515.560(c)(4)(i)), and sending remittances to Cuba (31 C.F.R. 515.570). According to the provision, such regulations would be restored and carried out as in effect on January 19, 2009, notwithstanding any guidelines, opinions, letters, presidential directives, or agency practices relating to such regulations that are issued or carried out after such date.

If the provision were to be enacted, family travel would have been limited to once every three years for a period of up to 14 days and would have required a specific license from the Treasury Department; licensed travelers would have been allowed to carry $300 in remittances compared to the $3,000 currently allowed; family remittances would have been limited to $300 per quarter; nonfamily remittances restored by the Obama Administration, up to $500 per quarter, would not have been allowed; and the general license for remittances to religious organizations would have been eliminated, with such remittances permitted via specific license.

The White House's Statement of Administration Policy on H.R. 2434, issued July 13, 2011, stated that the Administration opposed Section 901 because it would reverse the President's policy on family travel and remittances, and that the President's senior advisors would recommend a veto if the bill contained the provision. According to the statement, Section 901 "would undo the President's efforts to increase contact between divided Cuban families, undermine the enhancement of the Cuban people's economic independence and support for private sector activity in Cuba that come from increased remittances from family members, and therefore isolate the Cuban people and make them more dependent on Cuban authorities."[74]

A second Cuba amendment agreed to by voice vote during the markup of H.R. 2434 was offered by Representative Jeff Flake. The amendment made changes to the committee report to the bill (H.Rept. 112-136) and would have required a report from OFAC on the current number of pending applications seeking specific licenses related to educational exchanges not involving academic study pursuant to a degree program under the auspices of an organization that sponsors and organizes such programs to promote people-to-people contact. The report also would have required information on the number of these licenses that OFAC has approved to date, its plan for getting through the current queue of license applications, and its plan for expeditiously reviewing those applications in the future.

[74] Executive Office of the President, Office of Management and Budget, Statement of Administration Policy, H.R. 2434—Financial Services and General Government Appropriations Act, 2012, July 13, 2011.

In November 2011, an attempt to include the Senate version of the Financial Services appropriations measure, S. 1573, in a "minibus" with two other full-year appropriations measures and a short-term continuing resolution failed in part because of disagreement over a Cuba provision that would have allowed direct transfers from a Cuban financial institution to a U.S. financial institution to pay for U.S. agricultural and medical exports to Cuba.

In December 2011, a legislative battle ensued over the Consolidated Appropriations Act, FY2012, H.R. 2055, a "megabus" bill that combined nine full-year appropriations measures, including the Financial Services and General Government bill. At issue was the potential inclusion of two Cuba provisions that had been in the House Appropriations Committee-approved version of the Financial Services bill, H.R. 2434: one described above that would roll back to January 2009 the Obama Administration's actions easing restrictions on family travel and on remittances; and the second a provision that would continue to clarify, for the third fiscal year in a row, the definition of "payment of cash in advance" for U.S. agricultural and medical exports to Cuba so that the payment was due upon delivery in Cuba as opposed to being due before the goods left U.S. ports. (The text of the two Cuba provisions was also included in Division C, Sections 632 and 634, of H.R. 3671, a new "megabus" bill introduced by House Republicans on December 14, 2011.)

Ultimately, congressional leaders agreed to not include the two Cuba provisions in H.R. 2055 (H.Rept. 112-331), and the measure was approved by the House and Senate, respectively, on December 16 and 17, 2011, and signed into law on December 23, 2011 (P.L. 112-74). The White House reportedly had exerted strong pressure not to include the Cuba provision that would have rolled back the Administration's easing of restrictions on travel and remittances. Dropping the second provision on the definition of "payment of cash in advance" for U.S. agricultural and medical products appears to have been a political tradeoff made to compensate for the travel rollback provision being dropped.

FY2012 Foreign Relations Authorization Act

In other congressional action, on July 21, 2011, the House Committee on Foreign Affairs marked up H.R. 2583 (H.Rept. 112-223), the FY2012 Foreign Relations Authorization Act, with a provision (§1126 of the reported bill) that would have required the President to fully enforce all U.S. regulations on travel to Cuba as in effect on January 19, 2009, and impose the corresponding penalties against individuals determined to be in violation of such regulations. The provision was added by an amendment offered by Representative David Rivera, approved 36-6, that had the intent of reinstating tighter travel restrictions as they existed under the Bush Administration in January 2009.

Amendments to the Cuban Adjustment Act

Two additional measures introduced in August 2011 would have amended the Cuban Adjustment Act of 1966 (CAA, P.L. 89-732) to curb travel to Cuba by Cubans who had recently immigrated to the United States. Introduced on August 1, 2011, H.R. 2771 (Rivera) would have amended the CAA to increase to five years the period during which a Cuban national must be physically present in the United States in order to qualify for adjustment of status to that of a permanent resident. The legislation also would have provided that an alien would be ineligible for adjustment to permanent resident status if the alien returned to Cuba after admission or parole into the United States before becoming a U.S. citizen. A subsequent version, H.R. 2831 (Rivera), introduced August 30, 2011, just contained the provision maintaining that an alien from Cuba would be ineligible for adjustment to permanent resident status under the CAA if he or she returned to Cuba before becoming a U.S. citizen. The House Committee on the Judiciary,

Subcommittee on Immigration on Policy Enforcement, held a hearing on H.R. 2831 on May 31, 2012.

Initiatives to Ease Restrictions on Travel and Remittances

In contrast to measures aimed at rolling back the Obama Administration's polices easing travel and remittances to Cuba, several measures would have eased or lifted travel restrictions altogether. H.R. 1886 (Rangel) would have prohibited restrictions on travel to Cuba. H.R. 1888 (Rangel), in addition to removing some restrictions on the export of U.S. agricultural products to Cuba, would also have prohibited Cuba travel restrictions. Two initiatives that would have lifted the overall embargo on trade and restrictions on financial transaction with Cuba, H.R. 255 (Serrano) and H.R. 1887 (Rangel), would also have lifted restrictions on travel and remittances to Cuba. H.R. 380 (Lee) would have provided that no funds made available to the Department of the Treasury could be used to implement, administer, or enforce regulations to require specific licenses for travel-related transactions directly related to educational activities in Cuba.

Legislative Initiatives in the 113th Congress, 2013-2014[75]

In the 113th Congress, appropriations measures had provisions that would have tightened and eased Cuba travel restrictions, but none of these provisions were included in final action. Additional measures were introduced that would have lifted travel restrictions; no action was taken on these measures.

First Session

In the first session of the 113th Congress, the House and Senate versions of the FY2014 Financial Services and General Government appropriations measure, H.R. 2786 and S. 1371, as reported by the Appropriations Committees in July 2013, had different provisions regarding U.S. policy regarding travel to Cuba. The House version would have tightened restrictions on travel by prohibiting funding for any additional authorization of people-to-people exchanges during the fiscal year, while the Senate version would have eased restrictions on travel by authorizing a new general license for professional travel related to disaster prevention, emergency preparedness, and natural resource protection. Ultimately, however, neither of these provisions was included in the FY2014 omnibus appropriations measure, H.R. 3547 (P.L. 113-76), signed into law January 17, 2014.

As reported out of the House Appropriations Committee on July 23, 2013, H.R. 2786 (H.Rept. 113-172) had a provision in Section 124 that would have prohibited FY2014 funding used "to approve, license, facilitate, authorize, or otherwise allow" travel-related or other transactions related to nonacademic educational exchanges (i.e., people-to-people travel) to Cuba set forth in 31 C.F.R. 515.565(b)(2) of the CACR. The committee report to the House bill contended that this category of travel violates the prohibition on travel related to tourist activities set forth in the Trade Sanctions Reform and Export Enhancement Act of 2000 (P.L. 106-387, Title IX). The report also maintained that the stated purpose of people-to-people travel—to promote the Cuban people's independence from Cuban authorities—"cannot be accomplished through itineraries that mainly feature interactions with representatives of a dictatorship that actively oppresses the Cuban people, nor can it be accomplished through itineraries that do not require meetings with pro-democracy activists or independent members of Cuban civil society."

[75] For a complete listing and discussion of all Cuba bills in the 113th Congress, see CRS Report R43024, *Cuba: U.S. Policy and Issues for the 113th Congress*, by Mark P. Sullivan.

The House bill had a second Cuba provision in Section 125 that would have required a Treasury Department report within 90 days of the bill's enactment with information for each fiscal year since FY2007 on the number of travelers visiting close relatives in Cuba, the average duration of these trips, the average amount of U.S. dollars spent per family traveler (including amount of remittances carried to Cuba), the number of return trips per year, and the total sum of U.S. dollars spent collectively by family travelers for each fiscal year.

As reported out of the Senate Appropriations Committee on July 25, 2013, S. 1371 (S.Rept. 113-80) had a provision in Section 628 that would have provided for a new general license for travel-related transactions for full-time professional research; attendance at professional meetings if the sponsoring organization was a U.S. organization; and the organization and management of professional meetings or conferences in Cuba if the sponsoring organization was a U.S. professional organization—if the travel was related to disaster prevention; emergency preparedness; and natural resource protection, including for fisheries, coral reefs, and migratory species. This provision would have expanded the general licenses available for professional research and meetings in Cuba that allow full-time professionals to conduct professional research in their areas (with certain conditions), attend professional meetings or conferences in Cuba organized by an international professional organization, and attend professional meetings for commercial telecommunications transactions (31 C.F.R. 515.564).

Second Session

In the second session of the 113th Congress, the House-passed version of the FY2015 Financial Services and General Government Appropriations Act, H.R. 5016 (H.Rept. 113-508), had a provision that would have prohibited the use of any funds in the act to approve, license, facilitate, authorize, or otherwise allow people-to-people travel. The measure also had a provision that would have required the Administration to prepare a report with specific information on family travel to Cuba since FY2007. A draft Senate bill (not introduced, but released by the Senate Committee on Appropriations in July 2014) did not include any provisions on Cuba sanctions.

H.R. 5016 was approved by the House July 16, 2014, by a vote of 228 to 195. Section 126 of the bill would have prevented any funds in the act from being used "to approve, license, facilitate, authorize or otherwise allow" people-to-people travel. Section 127 would have required a joint report from the Secretary of the Treasury and the Secretary of Homeland Security with information for each fiscal year since FY2007 on the number of travelers visiting close relatives in Cuba; the average duration of these trips; the average amount of U.S. dollars spent per family traveler (including amount of remittances carried to Cuba); the number of return trips per year; and the total sum of U.S. dollars spent collectively by family travelers for each fiscal year. As noted above, similar provisions had appeared in the House Appropriations Committee-reported FY2014 Financial Services and General Government Appropriations Act, H.R. 2786, but ultimately were not included in the Consolidated Appropriation Act, 2014 (P.L. 113-76).

The House Committee on Appropriations report to H.R. 5016 (H.Rept. 113-508) contended that the people-to-people category of travel "contravenes the explicit prohibition against tourist activities as provided in section 910(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA)," (22 U.S.C. 7209(b)). The report also maintained that the stated purpose of people-to-people travel—to promote the Cuban people's independence from Cuban authorities—"cannot be accomplished through itineraries that mainly feature interactions with representatives of a dictatorship that actively oppresses the Cuban people, nor can it be accomplished through itineraries that do not require meetings with pro-democracy activists or independent members of Cuban civil society."

Ultimately Congress did not complete action on H.R. 5016, and the FY2015 omnibus appropriations measure approved in December 2014 (P.L. 113-235) did not include the Cuba-related travel provisions in H.R. 5016.

Additional Legislation Introduced in the 113th Congress

In addition to the appropriations measured discussed above, several other initiatives were introduced in the 113th Congress that would lifted all travel restrictions, but no action was taken on these measures: H.R. 871 (Rangel) would have lifted travel restrictions; H.R. 873 (Rangel) would have lifted travel restrictions and restrictions on U.S. agricultural exports; and H.R. 214 (Serrano), H.R. 872 (Rangel), and H.R. 1917 (Rush) would have lifted the overall embargo, including travel restrictions.

Legislative Initiatives in the 114th Congress, 2015-2016[76]

Several legislative initiatives introduced in the 114th Congress would have lifted remaining restrictions on travel and remittances; no action was taken on these measures. Three bills would have lifted the overall embargo, including restrictions on travel and remittances: H.R. 274 (Rush), H.R. 403 (Rangel), and H.R. 735 (Serrano). One bill, H.R. 635 (Rangel), would have facilitated the export of U.S. agricultural and medical exports to Cuba and lifted travel restrictions. Three bills would have focused solely on prohibiting restrictions on travel to Cuba: H.R. 634 (Rangel), H.R. 664 (Sanford), and S. 299 (Flake). S. 2990 (Collins) would have permitted the provision of services to foreign air carriers en route to or from Cuba. (OFAC issued a license in July 2016 to Bangor International Airport to provide services to such flights.)

In contrast, other initiatives would have slowed down easing of travel restrictions or restricted regular scheduled air travel with Cuba. No action was taken on these measures. Two bills, S. 1388 (Vitter) and H.R. 2466 (Rooney), would have required the President to submit a plan for resolving all outstanding claims relating to property confiscated by the government of Cuba before taking action to ease restrictions on travel to or trade with Cuba. Two similar bills, H.R. 5728 (Katko) and S. 3289 (Rubio), would have prohibited scheduled passenger air transportation between the United States and Cuba until a study was completed regarding Cuba's airport security and until agreements had been reached with Cuba allowing the U.S. Federal Air Marshal Service to conduct missions on regularly scheduled flights and providing Transportation Security Administration (TSA) inspectors access to all areas of last-point-of-departure airports in Cuba for security assessments. (As noted above, Cuba and the United States reached an agreement in late September 2016 that will allow Federal Air Marshals on board regularly scheduled flights to and from Cuba.)

Efforts to ease and tighten travel restrictions played out in the FY2016 appropriations process, but ultimately no such provisions were included in the FY2016 omnibus appropriations measure (P.L. 114-113). The Senate Appropriations Committee-approved version of the FY2016 Financial Services appropriation bill, S. 1910, had a provision that would have lifted restrictions on travel to Cuba. In contrast, House-passed H.R. 2577, the FY2016 House Transportation, Housing, and Urban Development appropriations bill, had two Cuba provisions that would have affected the Administration's efforts to increase travel to and from Cuba by impeding the establishment of regularly scheduled air service and passenger ferry service. In addition, the House Appropriations

[76] For a complete listing and discussion of all Cuba bills in the 114th Congress, see CRS Report R43926, *Cuba: Issues and Actions in the 114th Congress*, by Mark P. Sullivan.

Committee-approved FY2016 Financial Services appropriations bill, H.R. 2995, had a broader provision that would have prevented people-to-people educational travel.

In the FY2017 appropriations process, the House and Senate versions of the Financial Services appropriations measure had contrasting provisions on travel, but the 114th Congress did not complete action on FY2017 appropriations. In the House Financial Services appropriations bill, H.R. 5485 (H.Rept. 114-624), as approved by the House on July 7, 2016, Section 132 would have prohibited funding that licenses, facilitates, or otherwise allows people-to-people travel. The measure would have had a significant impact on the expansion of U.S. travel to Cuba that has occurred in recent years, including the recently begun cruise ship travel to Cuba. Another provision in the House bill, Section 134, would have prohibited funding to approve, license, facilitate, authorize, or otherwise allow any financial transaction with an entity controlled, in whole or in part, by the Cuban military or intelligence service or any officer or immediate family member thereof. This provision could have had a significant effect on U.S. travel to Cuba because the Cuban military has an important role in hotel and other travel services in the country.

In the Senate Appropriations Committee's version of the FY2017 Financial Services appropriations measure, S. 3067 (S.Rept. 114-280), Section 635 would have prohibited funding in the act or in any act to implement any law, regulation, or policy that restricts travel to Cuba. The provision would have effectively lifted all restrictions on travel to Cuba. Another provision in the Senate bill, Section 637, would have prohibited funds in the act or in any act from being used to implement any law, regulation, or policy that prohibits the provision of technical services otherwise permitted under an international air transportation agreement in the United States for an aircraft of a foreign carrier that is en route to or from Cuba based on the restrictions set forth in the Cuban Assets Control Regulations. (As noted above, OFAC issued a license in July 2016 to Bangor International Airport to provide services to such flights.)

Congress approved a full-year FY2017 appropriations measure in May 2017, when it enacted the Consolidated Appropriations Act, 2017 (P.L. 115-31). The act did not include any of the contrasting provisions that had been in the House and Senate versions of the Financial Services appropriations measure discussed above.

Legislative Initiatives in the 115th Congress (2017-2018)[77]

In the 115th Congress, six bills would have lifted restrictions on travel to Cuba. H.R. 351 (Sanford), the Freedom to Travel Act of 2017, would have focused solely on travel by lifting current restrictions on travel and prohibiting the President from regulating, directly or indirectly, travel to Cuba or any transaction incident to such travel. S. 1287 (Flake), the Freedom for Americans to Travel Act of 2017, would have prohibited the President from restricting travel to Cuba or any transactions incident to travel to Cuba. H.R. 572 (Serrano), the Promoting American Agricultural and Medical Exports to Cuba Act of 2017, would have eased certain restrictions on agricultural and medical exports to Cuba and would have lifted restrictions on travel and prohibited restrictions on travel if such travel would be lawful in the United States. Three bills would have lifted the embargo on Cuba by removing provisions of law restricting trade and other financial transactions with Cuba, including restrictions on travel, and would have prohibited restrictions on travel if such travel would be lawful in the United States: H.R. 574 (Serrano), the Cuba Reconciliation Act; H.R. 2966 (Rush), the United States-Cuba Normalization Act of 2017;

[77] For a complete listing and discussion of all Cuba bills in the 115th Congress, see CRS Report R44822, *Cuba: U.S. Policy in the 115th Congress*, by Mark P. Sullivan.

and S. 1699 (Wyden), the United States-Cuba Trade Act of 2017. (Both H.R. 2966 and S. 1699 also would have prohibited restrictions on U.S. remittances to Cuba.)

The 115th Congress also took legislative action related to concerns about Cuba's airport security. Congress completed action on the FAA Reauthorization Act of 2018, signed into law October 6, 2018, as P.L. 115-254 (H.R. 302), which included a provision in Section 1957 requiring the TSA to provide Congress a briefing on certain aspects of security measures at airports in Cuba that have air service to the United States. (The language of the provision is similar, although not identical, to a provision in H.R. 3328 [Katko], the Cuban Airport Security Act of 2017, approved by the House in October 2017.)[78] P.L. 115-254 also required the TSA Administrator to (1) direct all public charters to provide updated flight data to more reliably track the public charter operations of air carriers between the United States and Cuba and (2) develop and implement a mechanism that corroborates and validates flight schedule data to more reliably track the public charter operations of air carriers between the United States and Cuba.[79]

Legislative Initiatives in the 116th Congress, 2019-2020[80]

In the 116th Congress, three bills were introduced that would have lifted restrictions on travel to Cuba. Identical bills H.R. 3960 (McGovern) and S. 2303 (Leahy), the Freedom for Americans to Travel to Cuba Act of 2019, would have prohibited most restrictions on travel to or from Cuba by U.S. citizens and legal residents or any transactions incident to such travel. H.R. 2404 (Rush), the United States-Cuba Relations Normalization Act, would have lifted most economic sanctions on Cuba, including restrictions on travel and remittances.

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[78] H.R. 3328 also would have prohibited a U.S. air carrier from employing a Cuban national in Cuba unless the carrier had publicly disclosed the full text of the formal agreement between the air carrier and the *Empresa Cubana de Aeropuertos y Servicios Aeronauticos* or any other entity associated with the Cuban government. The bill would also, to the extent practicable, have prohibited U.S. air carriers from hiring Cuban nationals if they had been recruited, hired, or trained by entities that are owned, operated, or controlled in whole or in part by Cuba's Council of State, Council of Ministers, Communist Party, Ministry of the Revolutionary Armed Forces, Ministry of Foreign Affairs, or Ministry of the Interior. An identical bill, S. 2023 (Rubio), was introduced in the Senate in October 2017.

[79] This requirement relating to public air charters to and from Cuba stems from a recommendation made by the Government Accountability Office (GAO) in a July 2018 report examining TSA's assessments of Cuban aviation security. See GAO, *Aviation Security, Actions Needed to Better Identify and Track U.S.-Bound Public Charter Operations from Cuba*, GAO-18-526, July 2018.

[80] For a complete listing and discussion of all Cuba bills in the 116th Congress, see CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration*, by Mark P. Sullivan.

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