

## U.S. – CUBA POLICY IN THE 111<sup>th</sup> CONGRESS

### The Cuba travel ban: a background

- Most U.S. citizens are legally prohibited from traveling to Cuba. Restrictions on travel by Americans to Cuba are based on legislation granting the President statutory authority to regulate spending by persons subject to U.S. jurisdiction in a foreign country during a national emergency or time of war. **Cuba is the only country in the world to which the United States government bans travel by its citizens.**
- For decades, the ban on legal travel by Americans to Cuba was imposed through Executive Orders and regulations, rather than by statute. Presidents have exercised their authority in different ways:
  - In 1977, President Carter chose to eliminate all travel restrictions for all Americans.
  - In 1982, President Reagan re-imposed the ban.
  - In the 1990s, President Clinton did not lift the travel ban, but permitted licensed people-to-people contacts with Cuba, and encouraged travel by academics, agriculture organizations, businesses, journalists, religious groups, athletes and performers, and Cuban Americans, among others.
- In 2000, when Congress passed legislation permitting the sale of agricultural goods to Cuba, embargo proponents attached legislative restrictions on U.S travel to Cuba. All tourist travel was prohibited, and the President's authority to allow certain categories of non-tourist travel was curtailed.
- Today, the president can loosen or tighten travel rules for twelve specific categories of travelers (such as researchers, religious workers, government officials, etc.). But it would take an Act of Congress to restore full travel rights to all Americans.
- In its first term, the Bush administration issued guidelines and regulations restricting or eliminating travel under many of the twelve categories. For example, travel by academic institutions, non-profit research institutions and national religious organizations was severely restricted. In 2004, it put new, more onerous restrictions on Cuban Americans, limiting their right to travel to Cuba to once every three years.
- Under the current rules, there is very little travel between Cuba and the United States. Most individuals who qualify under one of the twelve categories must apply for an individual travel license, a lengthy and uncertain bureaucratic application process through the Treasury Department's Office of Foreign Assets Control.
- Legislation to end the ban on travel to Cuba has been offered in both the House and the Senate in each of the last several Congresses. In 2003, the Senate Foreign Relations Committee marked up and passed S.950, the Freedom to Travel to Cuba Act, but it did not receive consideration on the Senate floor. Efforts to cut off funding for enforcement of the travel ban were approved in the House in 2001, 2002, and 2003, and in the Senate in 2003, but were stripped in conference committee.
- **It is likely that legislation to end the ban on travel to Cuba will be introduced early in 2009, in both the House and the Senate.**

## **LIFT THE BAN ON AMERICAN TRAVEL TO CUBA: IT'S WHAT AMERICA WANTS AND NEEDS**

- **A majority of Americans and Cuban Americans want an end to the ban on U.S. travel to Cuba.**

Polls show that a majority of U.S. citizens support travel to Cuba. According to a Zogby/Inter-American Dialogue poll released in October of 2008, **68% of likely voters believe all U.S. citizens should be allowed to travel to Cuba.** The same poll found that 62% of voters believe U.S. companies should be allowed to trade with Cuba and 60% believe the U.S. should revise its policies toward Cuba.

A 2008 Florida International University (FIU) poll reports that 67 percent of Cuban Americans, including a majority of registered voters, support unrestricted travel to Cuba for all Americans.

- **Bipartisan majorities in the House and the Senate support easing the embargo against Cuba.**

In 2003, the House voted 227-188 in favor of unrestricted travel and the Senate supported the measure by a vote of 59 to 36. It was the fourth consecutive year the House had voted to end the entire Cuba travel ban. While both houses have changed in composition since 2003, key members in both the House and Senate are committed to a coordinated, bicameral and bipartisan, end to the travel ban in the 111<sup>th</sup> Congress.

- **An end to travel restrictions and increased U.S. travel to Cuba would expand demand for U.S. products, help the tourist travel and airline industries and create much-needed American jobs.**

U.S. economic output would increase by **between \$1.18 billion and \$1.61 billion a year and create 16,888 to 23,020 new jobs** if current restrictions on travel to Cuba were lifted, according to an independent study conducted in 2002 by The Brattle Group, a respected economic forecasting firm.

According to the Brattle Group report, increased demand for air travel alone would generate significant economic activity due to the corresponding increase in demand for inputs to airline service and the ripple effect on consumer spending. Applying a multiplier estimate of 2.6 to capture these “indirect” and “induced” spending effects, the total impact would range from \$650 million to \$1.08 billion a year in additional U.S. output and the creation of 9,285 to 15,417 new jobs.

- **Travel restrictions are inconsistent with U.S. policy on citizen travel to other countries.**

Restrictions on travel to Cuba continue, while U.S. citizens are allowed to travel to other communist nations, including North Korea, China, and Vietnam. With the recent end to the ban on travel to Libya, Cuba is the only country to which U.S. citizens cannot travel without special government permission.

- **Cuba is not a security threat to the U.S. or its citizens; there is no reason to ban travel there.**

While Cuba and the United States disagree about a number of issues, Cuba is not a security threat to the United States. Its military forces have been reduced, and its offensive capabilities limited. Previous Administration officials charged that Cuba has “a limited offensive biological warfare research and development effort.” But the claim is misleading and the Administration provided no evidence for it, citing only Cuba’s advanced biotechnology sector. None of the reports by the Defense Department, CIA or other U.S. government agencies list Cuba as a threat to the U.S. or other countries. According to former President Jimmy Carter, prior to his 2002 trip to Cuba, State Department and intelligence officials who briefed him assured him that Cuba posed no terrorist threat to the United States.

- **The travel ban is a waste of U.S. government resources. The U.S. faces real security challenges, but they do not come from Cuba. The disproportionate focus on enforcement of the travel ban takes resources away from real threats, and compromises the security of all Americans.**

In a 2008 report, the GAO found that the Treasury Department's disproportional focus on enforcement of restrictions on travel and trade with Cuba "have strained C.B.P.'s [Customs and Border Protection, Department of Homeland Security] capacity to carry out its primary mission of keeping terrorists, criminals and inadmissible aliens from entering the country."

The GAO also found that after 2001, OFAC opened more investigations and imposed more penalties for embargo violations, such as buying Cuban cigars, than for violations of other sanctions, such as those on Iran.

- **Whatever economic impact the travel ban has on Cuba is felt by the Cuban people, not by the Cuban government.**

The strategy of starving the Cuban government by restricting U.S. travel is ineffective since millions of tourists from Canada and Europe visit the island each year.

To the extent that the travel ban does hurt the Cuban economy by cutting off potential income from U.S. visitors, the impact is felt by the Cuban people, not by the government. The Cuban government withstood years of severe economic hardship after the fall of the Soviet Union; the economic impact of the current travel ban is unlikely to hurt the Cuban government. It is felt instead by the ordinary Cubans who are cut off from relatives and friends, and denied the benefits that economic growth in the tourist sector might provide them.

- **Politically, the travel ban limits contact between Cubans and their relatives abroad and between Cubans and U.S. citizens more generally. It isolates Cubans from people in the U.S., their ideas and their values.**

Dissidents and former political prisoners in Cuba recognize this fact and have repeatedly urged the United States to lift restrictions on Americans' travel to Cuba, and especially for an end to restrictions on family travel:

- Hector Palacios, one of the 75 dissidents who was jailed in 2003 recently affirmed his position in favor of unrestricted family travel (as reported by AFP on May 30, 2008).
  - Marta Beatriz Roque, another former political prisoner, asked President Bush in May, 2008, to lift restrictions on family travel (as reported on NPR's All Things Considered on May 7, 2008).
  - Oscar Espinosa Chepe, another of the 75 jailed in 2003 but provisionally released for health reasons, favored the immediate step of allowing unrestricted family travel (in an interview in May, 2008, with Spanish daily *El País*).
- **Allowing Americans to travel to Cuba will send an important signal to Latin America as a whole – that the U.S. can approach our relationship with the region in a new and less-polarized way.**
- Relations between the United States and Latin American are at an all-time low. In a 2007 Latinobarómetro survey of Latin Americans' opinions of the region's leaders as well as President Bush, President Bush was rated 4.5 on a scale of 0-10. (0 denoting the lowest possible rating and 10, the highest). This was the same score given to Venezuela's Hugo Chavez and only 0.2 higher Fidel

Castro's rating of 4.3. We need to take steps to change that view. Removing the ban on travel to Cuba would signal that change

- Restoring all Americans' ability to travel to Cuba will allow President Obama the ability to initiate a dialogue on other issues that affect U.S. national security. Talks on migration, drug interdiction, coast guard cooperation and the environment risks posed to the Florida coast as a result of oil exploration by foreign countries, are all areas where cooperation would be in the of mutual interest of both the U.S. and Cuba.