




U.S. – CUBA POLICY IN THE 111th CONGRESS

- **H.R. 874, ending the ban on travel to Cuba, has been introduced in the House by Congressmen Delahunt and Flake.**
- **S. 428, ending the ban on travel to Cuba, has been introduced in the Senate by Senators Dorgan, Dodd, Enzi and Lugar.**

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 limited.
- 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 were severely restricted. In 2004, the Administration put new, more onerous restrictions on Cuban Americans, limiting their right to travel to Cuba to once every three years and narrowing the categories of family members whom they may visit.

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- 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. 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. 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.
 - In April 2009, President Obama fulfilled his campaign promise and removed restrictions on travel to Cuba by Cuban-Americans. All signs indicate his administration is open to further changes in the policy.

Prepared by the Center for Democracy in the Americas, www.democracyinamericas.org, the Latin America Working Group, www.lawg.org, the Lexington Institute, www.lexingtoninstitute.org, the New America Foundation, www.newamerica.net, and Washington Office on Latin America, www.wola.org