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LADB Staff

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Republican Leaders Save Travel Ban

by LADB Staff

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Congressional leaders killed an amendment that would have crippled the 40-year-old restrictions on travel to Cuba. An amendment, sponsored by a bipartisan coalition led by Sen. Richard Shelby (R-AL) and Sen. Byron Dorgan (D-ND), would have deprived the Treasury Department of funds to enforce currency controls, which severely inhibit free travel to Cuba. Legislation passed in 1963 makes spending money in Cuba by anyone except travelers holding Treasury Department licenses a criminal offense subject to heavy fines and prison time.

The amendment to derail the restrictions was attached to a large spending bill to fund the Treasury and Transportation departments, increase congressional salaries, and subsidize Amtrak, among other things. The Senate passed the amendment by a 59-36 vote Oct. 23. The House had passed an identical bill earlier, with a 227-188 vote. The House approved similar bills in the three previous years, but this is the first time the Senate has voted to undermine the travel restrictions.

As an indication of how support for the travel ban has waned, in 1999, the Senate voted 55-43 to defeat an attempt to free up travel. Thirteen Republicans who supported the ban in 1999 voted against it this year. With large majorities in both houses favoring the amendment, supporters reasoned that Republican congressional leaders would be dissuaded from stripping the amendment from the spending bill.

Furthermore, since the language of the amendment was the same in both versions, there were no conflicts to resolve in the House-Senate conference committee. Had the bill as amended reached President George W. Bush's desk, he would have had to veto it and delay funding of the two departments or agree to cripple the travel ban this after just having issued orders to crack down on illegal trips to Cuba.

Republican leaders stepped in to resolve the president's dilemma, announcing their intention to kill the amendment as soon as it passed. They did so Nov. 12. A Republican House staffer said, "We're going to try to pull it out. Our general strategy has been to not have the president veto one of our bills. I don't think we want to embarrass him." It was generally understood that the embarrassment would come from the reaction of anti-Castro voters in South Florida if the amendment had survived.

Backers of the amendment conceded defeat and condemned the Republican leadership for thwarting the will of Congress. The Cuban government responded with a statement from the Foreign Relations Ministry (MINREX) that said opponents of the amendment were trying to stop the movement toward ending "the irrational US policy toward Cuba."

Despite the setback, Cuba was still open to a "normal and constructive reconciliation" with the US, said the statement. Much of the US press objected to the tactic of stripping language from the bill and called for ending travel restrictions. The Wall Street Journal's editorial page uncharacteristically

called for lifting the travel ban, arguing that a flood of US tourists would undermine Cuba's faith in socialism and help bring down President Fidel Castro's regime faster than would the sanctions policy.

The pro-amendment camp may disagree with the logic of using tourism to effect regime change, but the newspaper's position showed how deep the division is on the anti-Castro right over travel, trade, and other sanctions. Other opinion focused on how the administration's zeal to enforce the travel ban could affect national security.

A Chicago Sun-Times editorial said, "In an age of very real terrorist threats, Cuba hardly makes the list. For the Department of Homeland Security to redouble its efforts and tie up more money and personnel in enforcing the travel ban against Cuba...is an incredible waste of resources."

Officials defend travel ban

A number of administration officials went to the media to repeat the official claim that tourists unwittingly help maintain Castro in power by providing the regime with dollars. Roger Noriega, assistant secretary of state for Western Hemisphere affairs, said that tourism aids the Cuban military, which owns numerous tourism facilities. He told a Senate committee that if US tourists were allowed to go to Cuba legally, they would funnel money to "the repressive apparatus of the state." Stephen Johnson, a senior policy analyst at the Heritage Foundation, a Washington-based conservative think tank, indicated that Bush and Castro agreed that the travel restrictions should remain in place.

In an article titled *Lift a Ban, Help a Dictator*, he wrote that the Cuban leader was against easing the ban for fear that a horde of US tourists would influence dissidents and undermine his regime. The idea here is that Castro wants the tourist dollars but not the tourists. Johnson also revived old claims that Cuba poses a threat to the US. "The only legal basis for travel restrictions is to keep the regime from regenerating its ability to become a security threat," he wrote.

Enforcement of travel ban stepped up

Even as the votes were being counted in the Senate, the administration was beginning the vigorous enforcement of travel restrictions that Bush announced in October. In response to anger in the exile community over his handling of the Cuba issue, Bush had outlined new initiatives to bring down the Castro government. Among them was the plan to crack down on illegal travel (see NotiCen, 2003-11-20). Earlier this year, the Treasury Department's Office of Foreign Assets Control (OFAC) stopped issuing licenses for most cultural and people-to-people exchanges that were embraced by former President Bill Clinton. Under that policy, educational and other groups could get a specific license for travel to Cuba, but the administration charged that the licenses were being sought for pleasure trips by ordinary tourists.

Since March, applicants in the remaining permitted categories have had to demonstrate the legitimacy of their trips. All educational travel to Cuba is now prohibited unless participants

can show the travel is related to actual course work. The anti-Castro Cuban American National Foundation (CANF) gave its support to the new rules.

Executive vice president Dennis Hays argued that travelers see only what the Cuban government allows them to see. While this argument would not seem a solid justification for limiting the right to travel, Hayes also repeated the administration's justification that travelers' dollars only benefitted the Castro regime. However, other provisions in the Bush directives contradict the notion that the purpose of the travel ban is to deprive Castro of dollars.

Under the new rules, Cuban-Americans are still permitted to travel to Cuba and the amount of cash they can give to close relatives in Cuba has been raised from US\$300 per quarter to US\$3,000. Furthermore, by enlarging the definition of "close relative" from two to three prior generations, more Cuban-Americans are permitted to go to Cuba with more dollars for more people, which, according to Hayes and the administration, will go to Castro. Treasury Department figures show that 160,000 travelers went to Cuba legally from the US in 2002. At least 80,000 of them were Cuban-Americans. OFAC began increasing enforcement of the travel ban in 2001.

By mid-2003, OFAC had issued twice the number of threatening letters to violators than were sent in the previous eight years. The maximum penalty for illegally spending money in Cuba is a prison term and a fine of US\$250,000, but OFAC settles for a fine averaging US\$7,500. Among those hit with dunning letters were a California grandmother who took a bicycle tour of Cuba and an Indiana schoolteacher fined US\$10,000 for handing out bibles in Cuba. Until this year, any of the several hundred who received such a letter could suspend the process by requesting a hearing, since no apparatus had ever been set up to consider appeals. Instead, OFAC relied on threats to coerce payments without any judicial process.

The Treasury Department has now begun to appoint administrative law judges to hear the backlog of cases. Agents of the Department of Homeland Security are now searching thousands of passengers on charter flights bound for Cuba. Officials said the government was initiating a policy of "100% inspection of flights to Cuba." The OFAC said that, in the first month of the crackdown, agents searched 8,800 passengers. Incoming passengers were also searched and agents seized cigars and other items purchased in Cuba. Homeland Security has also begun training agents to check up on non-Cuban-Americans heading for Cuba from third countries.

While cracking down on some types of travel, OFAC is expanding the number of humanitarian categories eligible for travel licenses. These include construction projects "intended to benefit legitimately independent civil-society groups." The vague description suggests that this type of travel would be aimed at supporting dissident or other organizations independent of the Cuban government. Also included is "educational training within Cuba...on topics including civic education, journalism, and advocacy and organizing."

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