

U.S.-Cuba Trade and Economic Council, Inc.

New York, New York

Telephone (917) 453-6726 • E-mail: council@cubatrade.org

Internet: <http://www.cubatrade.org> • Twitter: @CubaCouncil

Facebook: www.facebook.com/uscubatradeandeconomiccouncil

LinkedIn: www.linkedin.com/company/u-s--cuba-trade-and-economic-council-inc-

Not Yet... “Cuba Policy Review” 365 Days Since Announcement.

Is The Biden-Harris Administration Committed To Entrepreneurs, Self-Employed, Micro, Small & Medium-Size Enterprises (MSME’s) In Cuba? No- *All Words. No Action.*

OFAC Unresponsive To License Applications And Guidance Requests.

BIS Focusing Upon No Rather Than Yes. With Thus Far One-Half Surprise.

OLA Engagement In Title IV Outreach- No Letters Reported.

State Department Deferring To NSC?

NSC General Policy Of Denial To Everything.

Is Anyone In Charge?

Waiting For Godot?

“The Biden administration will review U.S. policy on Cuba, the White House said on Thursday [Reuters- 28 January 2021], after former President Donald Trump rolled back a historic Obama-era detente with Havana. ***“Our Cuba policy is governed by two principles. First, support for democracy and human rights - that will be at the core of our efforts. Second is Americans, especially Cuban Americans, are the best ambassadors for freedom in Cuba. So, we’ll review the Trump administration policies.”*** Jen Psaki, White House Press Secretary

“But Cuba is not represented solely by its leadership. There are many different sectors that we can and should work with to support progress in Cuba- including entrepreneurs, religious groups, universities, young people and human rights defenders.” Joseph Biden, Candidate for Democratic Party Nomination for President of the United States

“Which is why I’m proud to say: If you look at my presidency so far, it’s a jobs presidency and it’s a small business presidency.” Joseph Biden, President of the United States

“In a global economy, powered by ideas and information, a country’s greatest asset is its people. In the United States, we have a clear monument to what the Cuban people can build: it’s called Miami. Here in Havana, we see that same talent in cuentapropistas...And in recent years, the Cuban government has begun to open up to the world, and to open up more space for that talent to thrive. In just a few years, we’ve seen how cuentapropistas can succeed while sustaining a distinctly Cuban spirit.” Barack Obama, President of the United States

“The United States recommits to accompanying the Cuban people in your quest to determine your own future. We will support those improving the lives of families and workers, cuentapropistas who have forged their own economic paths, and all who are building a better Cuba- and a better tomorrow for themselves in Cuba.” Antony Blinken, United States Secretary of State

Rather than fertilize with inspiration the Republic of Cuba private sector garden, the Biden-Harris Administration (2021-) has starved the very roots of those whose aspiration is to gain more control of their livelihood- and about whom the Biden-Harris Administration continues to claim connectivity. 365 days and counting that connectivity remains imaginary and an illusion.

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Despite a lack of demonstrable interest from the Biden-Harris Administration, the self-employed and owners of micro, small and medium-sized enterprises (MSMEs) in the Republic of Cuba have persevered despite obstacles created by their government designed to impair and constrain rather than benefit and create widespread success; and despite a government-mandated ideological construct which belies conflict with a successful private sector.

Engagement and re-engagement by a government can be likened to an artist painting a landscape. If a color is not working, the artist tries another color, and another, and another until one color, or combination of colors, works. The Biden-Harris Administration fancies itself too as an artist, a political one, but tragically remains in a gravitational pull towards and adhering to *paint-by-number* rather than *freehand creativity*.

Where is the Biden-Harris Administration and its *Cuba Policy Review*? 365 days and yet the collective interaction, inter-agency review process of The White House (National Security Council- NSC), United States Department of State, United States Department of the Treasury, United States Department of Commerce, United States Department of Defense, and United States Department of Justice remains a ghost. They are focused upon questions rather than crafting answers. Not only are they risk-adverse, but they are also risk-centric which only serves to reinforce doing nothing. Doing nothing re-confirms weakness. Doing nothing is not an indicator of muscularity.

Summit of the Americas Participation

Why would not the Biden-Harris Administration and in particularly the United States Department of State be enthusiastic to provide the foundation for a delegation of management from MSMEs in the Republic of Cuba to attend the *Summit of the Americas* from 6 June 2022 to 10 June 2022 in Los Angeles, California?

Imagine if each of these MSMEs had direct investment from United States-based individuals and companies. Imagine if each of these MSMEs had direct financing from United States-based individuals and companies and arrived to Los Angeles in the company of their United States-based investors and sourcing of financing. That would be a powerful message- demonstrating connectivity.

Background Press Call by Senior Administration Officials at The White House (20 January 2022):
“So with that said, look, the summit, I’ll say, will focus on -- our theme for the summit is: “Building a Sustainable, Resilient, and Equitable Future.”

Is not a sustainable, resilient, and equitable future connected with a sustainable, resilient, and equitable private sector?

No Movement

After one year the Biden-Harris Administration has yet to determine how to engage and re-engage with the re-emerging private sector in the Republic of Cuba without providing a benefit to the government of the Republic of Cuba. Well, shock here. Within current commercial, economic, and political construct of the 780-mile-long archipelago upon which 11.3 million citizens reside, there is no means to engage and re-engage with the private sector without benefit provided to the government of the Republic of Cuba.

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With this fact indisputable, the Biden-Harris Administration defaults to waiting until “*realities on the ground*” change. With this predicate, there will be no engagement and re-engagement by the Biden-Harris Administration with the private sector in the Republic of Cuba. The Biden-Harris Administration legacy will be one of supervision from afar of a private sector petrified forest of decay.

What has since 20 January 2021 the Biden-Harris Administration done to provide support for entrepreneurs, self-employed, micro, small & medium-size enterprises (MSME’s) in the Republic of Cuba?

Authorized direct investment in a MSME? **No.**

Authorized direct financing to a MSME? **No.**

Authorized direct export of electric vehicles to an MSME? **No.**

Authorized direct correspondent banking permitting funds to efficiently move directly from the United States to an MSME in the Republic of Cuba and move directly from an MSME in the Republic of Cuba to the United States? **No.**

A flawed strategy, yet one embraced by bureaucracy, is to await changes to the commercial, economic, and political infrastructures within a country prior to the creation of private sector-focused incentives.

A dynamic strategy, one predicated upon strength of commitment rather than fear of consequences, is to authorize a free-as-possible from restrictions engagement by United States-based investors and financiers with Republic of Cuba nationals who are self-employed and who own and manage MSME’s.

For a dynamic strategy to be successful, the Biden-Harris Administration needs to shift from mouthing that it has confidence in the decision-making prowess of United States-based investors and financiers to demonstrating that it has confidence in the prowess of United States-based investors.

If authorized by the Biden-Harris Administration, United States-based investors and financiers will as a direct consequence of “*Seeking Alpha*” require changes to the self-employed landscape in the Republic of Cuba. This means changes to the banking system, more efficiency, and more transparency. This means changes to product and service import and export authorizations.

Critical for the Biden-Harris Administration not to default to “*when the Cuban government makes changes, we will respond.*”

Current Policy Impacting Investors And Financiers

The Office of Foreign Assets Control (**OFAC**) of the United States Department of the Treasury has delayed processing of license applications- some submitted nearing one year ago; and refused to provide guidance as to applicability of existing regulations (for example, whether direct financing to the self-employed and to MSMEs is authorized). ***Waiting For Godot?***

The Bureau of Industry and Security (**BIS**) of the United States Department of Commerce which has traditionally been an advocate for United States-based exporters and sought to guide United States-based exporters through the licensing process, is now focused upon how to deny an application rather than how to approve an application. The Biden-Harris Administration has

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renewed a BIS license first issued during the Trump-Pence Administration (2017-2021) for the export of vehicles (including electric) to embassies located in the Republic of Cuba, including to the United States Embassy in the city of Havana, Republic of Cuba, but the license does not authorize exports to the self-employed and MSMEs. *Also, Waiting for Godot?*

The Office of Legal Adviser (OLA) at the United States Department of State has engaged with plaintiffs and potential plaintiffs with preparing and delivering Title IV letters as provided for within the Cuban Liberty and Democratic Solidarity Act of 1996 (known as “*Libertad Act*”). Title IV restricts entry into the United States by individuals who have connectivity to unresolved certified claims or non-certified claims. Thus far, there is no publicly-reported Title IV letter issued by the Biden-Harris Administration. One Canada-based company and one Mexico-based companies each sanctioned during the Clinton-Gore Administration (1993-2001) and one Spain-based company sanctioned during the Trump-Pence Administration are subject to this provision based upon a certified claim and non-certified claim. Title III, implemented in 2019 by the Trump-Pence Administration, authorizes lawsuits in United States District Courts against companies and individuals who are using a certified claim or non-certified claim where the owner of the certified claim or non-certified claim has not received compensation from the Republic of Cuba or from a third-party who is using (“trafficking”) the asset.

Statements By Biden, Blinken, Obama

On 18 July 2020 to The Washington Post by Joseph Biden, then candidate for the presidential nomination of the Democratic Party: “*I have no illusions about the situation in Cuba, and it’s deeply concerning that the Cuban government continues to assert strong political and economic control while failing to respect press freedom and the freedom of assembly,*” ... “*But Cuba is not represented solely by its leadership. There are many different sectors that we can and should work with to support progress in Cuba- including entrepreneurs, religious groups, universities, young people and human rights defenders.*”

“*Which is why I’m proud to say: If you look at my presidency so far, it’s a jobs presidency and it’s a small business presidency.*” Joseph Biden (20 November 2021)

In a press statement on Cuba’s *Independence Day*, directed to the 11.3 million citizens of the 800-mile-long archipelago, The Honorable Antony Blinken, United States Secretary of State (who in the Obama-Biden Administration (2009-2017) served as Deputy Secretary of State from 2015-2017 and Deputy National Security Advisor from 2013-2015), expressed United States support for Cuba entrepreneurs: “*The United States recommits to accompanying the Cuban people in your quest to determine your own future. We will support those improving the lives of families and workers, cuentapropistas who have forged their own economic paths, and all who are building a better Cuba- and a better tomorrow for themselves in Cuba.*”

Secretary of State Blinken was, in his remarks, reiterating the bipartisan conviction of every United States president from Obama-to-Trump-to-Biden that the United States should “*support the development of private business and [the] operation of economic activity in the non-state sector by self-employed individuals,*” as that language is codified at 31 CFR § 515.570(g)(3).

Such a position would accord with the Biden-Harris Administration’s reiteration of support for cuentapropistas, as articulated by Secretary Blinken on 20 May 2021, and previously espoused by then-United States President Barack Obama (when now President Biden was then Vice President Biden) when he said in the *Gran Teatro de la Habana* on 22 March 2016: “*In a global economy,*

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powered by ideas and information, a country's greatest asset is its people. In the United States, we have a clear monument to what the Cuban people can build: it's called Miami. Here in Havana, we see that same talent in cuentapropistas...And in recent years, the Cuban government has begun to open up to the world, and to open up more space for that talent to thrive. In just a few years, we've seen how cuentapropistas can succeed while sustaining a distinctly Cuban spirit."

LINKS To Self-Employed, Micro, Small & Medium-Size Enterprise (MSME) Analyses

[Surprise Decision: Biden-Harris Administration Renews Trump-Pence Administration License To Export EVs To Embassies In Cuba. Company Offers To Donate EV Chargers To U.S. Embassy/Ambassador Residence January 25, 2022](#)

[Cuba Updates Status Of Micro, Small & Medium-Sized Enterprises January 19, 2022](#)

[Why Is National Security Council \(NSC\) In The White House Refusing To Permit U.S.-Based Investors/Financiers To Directly Support Women-Owned \(Or Men-Owned\) Businesses In Cuba? State Dept. Complicit? January 06, 2022](#)

[Embassy Of Italy: V International Workshop of Women Entrepreneurs In Cuba: "The Talent Of Women. Art, Crafts & Design" January 06, 2022](#)

[President Biden Rejects BIS License Application To Export Electric Vehicles/Chargers To Cuba's Self-Employed, MSME's. Reversal Of "General Policy Of Approval." President Trump Authorized EV Exports. December 20, 2021](#)

[Cuba Again Expanding MSME Authorizations To Include Accessing Foreign Capital, Foreign Bank Accounts, Local Development Projects Qualify. December 02, 2021](#)

[Why Won't Biden Administration Permit U.S. Entities To Invest/Finance MSMEs? In December, Cuba's FIMELSA Begins Convertible Currency-Equivalent Loans At 6.5% For 120 Days; Lower For CUP. November 25, 2021](#)

[Update: More Than 700 Micro, Small And Medium-Sized Enterprises Approved In Cuba November 25, 2021](#)

[OFAC & BIS To 107 Tech Companies? Cuba. Yes, You Can Go There, But We Dare You. "Encourage & Enable" Not The Same As "Access & Use." Memo: Donilon, Klain, Ricchetti, Richmond, Sullivan. November 23, 2021](#)

[Will President Biden's Statement That His Is "a small business presidency" Extend To Supporting Small Businesses In Cuba? November 22, 2021](#)

[Update On Registration Of Micro, Small & Medium-Size Enterprises In Cuba. Now More Than 600. November 21, 2021](#)

[Cuba Continues To Report On Activity Of MSME's- The Numbers Increase. November 06, 2021](#)

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Joint Venture Between Banco de Sabadell Of Spain And Banco Internacional de Comercio In Cuba Will Provide Financing In Foreign Currency To MSMEs & Non-Agricultural Cooperatives November 05, 2021

Beginning Today Residents Of Cuba May Purchase And Install Residential Solar Systems. Cost 55,000.00 Pesos (US\$2,300.00). Call 7833-3333. November 04, 2021

Bormey srl Among The First 35 Newly-Constituted Medium-Sized Enterprises In Cuba, Exported 5,000 Peanut Bars To Italy. Is United States Next? U.S. Department Of State Regulations Would Approve. October 26, 2021

Cuba Approves First 35 MIPYME Applications- Confirms No Application Thus Far Denied. Many More Applications Expected. Result Beneficial For Biden Administration Goal To Support SME's. September 30, 2021

Cuba Suspends Tariffs And Fees For Non-Commercial (SME's Next?) Solar Systems. Another Opportunity For Biden-Harris Administration To Support U.S. Exporters And Florida Companies Should Benefit. July 30, 2021

ProLimp Cleaning In Cuba Precisely Type Of Entrepreneurship Biden Administration Should Support. Will Cuba Permit U.S. Venture Capitalists? March 08, 2021

Cuba To Unify Currencies; Result Could Present Opportunities For Biden Administration And U.S. Companies December 11, 2020

Florida Company Receives License To Export Electric Vehicles To Cuba; Charging Stations From New Jersey-Based Company. January 25, 2017

Restriction On Sale Of Premium Gasoline May Benefit Electric Vehicles & Solar Panels; Embassies Concerned. April 07, 2017