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U.S. Department Of State May Update Cuba Military List Expand To Include All subsidiaries & Subsidiaries-Of-Subsidiaries Exclude Indirect Payments Expect Monthly Updates

The Trump Administration, with encouragement from members of the United States Congress and individuals with interests in certified and non-certified claims against the government of the Republic of Cuba, is considering changes to the “List of Restricted Entities and Subentities Associates with Cuba (**Cuba Restricted List**)” published by the United States Department of State which identifies entities in the Republic of Cuba with whom individuals (and companies) subject to United States jurisdiction are prohibited (unless authorized) from engagement.

The current list is designed to discourage and prohibit individuals (and companies) from engagement with entities within the Republic of Cuba that are controlled by and/or affiliated with the Revolutionary Armed Forces of the Republic of Cuba (**FAR**) with a specific focus upon the Enterprise Administration Group (**GAESA**) which through its Gaviota subsidiary, among others, has a substantial role throughout the economy of the Republic of Cuba with a specific focus upon hospitality, transportation and infrastructure.

There are at least **five** (5) primary goals of the considered changes: **1)** Increase uncertainty, and thus cause hesitancy for any transaction with a Republic of Cuba government-operated entity **2)** Highlight the (illegitimate they argue) role of the military throughout the commercial and economic infrastructure of the Republic of Cuba with a belief that United States companies can be influenced through scrutiny by members of the United States Congress, specifically using the hearing process (increased significance if the Republican Party retains control of the United States Congress resulting from the 6 November 2018 elections) **3)** Persuade the government of the Republic of Cuba to enhance the role of the private sector throughout the Republic of Cuba **4)** Belief that an anti-military message is attractive and sustainable to individuals of Cuban descent who reside in the United States- including those who support further United States commercial, economic and political engagement with the Republic of Cuba and **5)** Publicizing that the list may be updated monthly will require individuals and companies to devote greater resources to monitoring; with an expectation for fewer individuals and companies believing that the effort is worth the desired result.

The challenge for the Trump Administration to achieve the goals is multifold; there are too many competing foreign policy priorities that excessively burden those United States government employees who must execute policies created by the goals.

With far fewer staff in 2018 than in 2017 at the United States Embassy in the city of Havana, Republic of Cuba, there are fewer human resources (regardless of agency/department affiliation) to identify military-linked entities.

With the Office of Foreign Assets Control (OFAC) of the United States Department of the Treasury tasked with enforcing sanctions policies towards priority countries including North Korea, Iran, Russia, China and Venezuela, there are not the resources to increase a focus toward the Republic of Cuba absent of additional budgetary allocations from the United States Congress.

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Lacking an increase in number of United States government employees, re-tasking existing United States government employees or adding to individual United States government employee portfolios, the remaining sources of information to expand the list maintained by the United States Department of State are from media reporting and from individuals of Cuban descent which are likely require thorough vetting.

U.S. Department Of State List:

<https://static1.squarespace.com/static/563a4585e4b00d0211e8dd7e/t/5a0315a80d92976e482769a7/1510151593500/2017-24449.pdf>

November 2017 Regulation Changes:

<https://www.cubatrade.org/blog/2017/11/8/treasury-commerce-and-state-implement-changes-to-the-cuba-sanctions-rules?rq=Department%20of%20State>

Understanding GAESA:

<https://www.cubatrade.org/blog/2017/6/11/want-to-plan-for-the-impact-of-trump-administration-decision-about-cuba-understand-gaesa?rq=GAESA>

Direct Versus Indirect Payments:

<https://www.cubatrade.org/blog/2018/3/10/2b05qodxrf4d2m8qego70oflydtezl?rq=GAESA>

Certified Claims:

<https://www.cubatrade.org/blog/2016/12/1/zigs56x0gme3a9rqg7aecx9vf2gqgk?rq=certified%20claims>