

Congress of the United States
Washington, DC 20515

21 October 2016

President Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We write to express our profound concern regarding your recent Presidential Policy Directive which further seeks to weaken the congressionally-enacted sanctions against the communist Castro regime. These changes, which your Administration alleges are intended to “help create more economic opportunity,” circumvent current law yet again and sidestep Congress and the American people.

Since you laid out your vision for reestablishing diplomatic relations with Cuba in December 2014, human rights conditions in the country have worsened. As former Treasury official and executive director of Cuba Democracy Advocates, Mauricio Claver-Carone, noted in front of the House Committee on Agriculture in September, political arrests in Cuba have intensified, Internet connectivity has dropped, and religious freedom violations have increased tenfold since the policy change was announced.¹ The on-island Cuban Commission for Human Rights and National Reconciliation, documented 8,616 political arrests in 2015, and 8,505 political arrests through September of this year.² According to Christian Solidarity Worldwide (CSW), 2,000 churches were declared illegal and 100 were designated for demolition last year.³ In just the first half of 2016, CSW documented 1,606 separate violations of religious freedom in Cuba.⁴ Additionally, several of the prisoners released by Cuba as part of the announcement of the reestablishment of diplomatic relations were rearrested with even longer prison sentences, according to your State Department’s own human rights report.⁵ It is also deeply disturbing that many pro-democracy women activists, such as the Ladies in White, are routinely imprisoned.⁶

Furthermore, the Castro regime has shown no inclination to end its rogue, anti-American activities. It was caught smuggling 240 tons of military weapons to North Korea in 2013, which a U.N. panel of experts determined was the largest violation of sanctions against that country to date.⁷ The Castro regime in August and September 2016 deepened ties with Iran,⁸ and

¹ http://agriculture.house.gov/uploadedfiles/claver-carone_testimony.pdf

² http://www.diariodecuba.com/derechos-humanos/1475823299_25838.html

³ <http://www.csw.org.uk/2016/01/11/press/2948/article.htm>

⁴ <http://www.csw.org.uk/2016/08/16/news/3227/article.htm>

⁵ <http://www.state.gov/documents/organization/253217.pdf>

⁶ http://www.huffingtonpost.com/entry/obama-cuba-civil-rights-activists_us_56ef405de4b084c67220a5e0

⁷ http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/147

⁸ [https://www.aei.org/publication/iranian-envoy-shoring-up-ties-on-us-doorstep/;](https://www.aei.org/publication/iranian-envoy-shoring-up-ties-on-us-doorstep/)

<http://www.usnews.com/news/world/articles/2016-09-19/iran-leader-meets-with-fidel-castro-during-stop-in-havana>

has allowed Russian spy ships to dock from its territory.⁹ Russia also announced earlier this month that it is considering opening a military base in Cuba.¹⁰ The Director of National Intelligence, General James R. Clapper, testified in February 2016 before the Senate Armed Services committee that the Castro dictatorship remained an espionage threat on par with Iran, behind only China and Russia.¹¹

As the American people rightly have many questions regarding your continued circumvention of the congressionally-enacted embargo on Cuba, we respectfully request you provide an answer in writing to the following questions no later than October 31, 2016:

- 1) Section 204(a) of Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (P.L. 104-114) states that the embargo on Cuba may be lifted only pursuant to certification that a genuine transition government in Cuba is in power. As there is no democratically-elected government in power in Cuba, please explain how your policy of weakening sanctions adheres to both the letter and the spirit of this law.
- 2) Were any of the changes to the Cuban Assets Control Regulations (CACR) or Export Administration Regulations (EAR) announced on October 14, 2016 requested by any member of the Castro dictatorship? Did any other entity approach you or any U.S. government official directly or indirectly in support of these changes prior to them being announced?
- 3) In authorizing “all transactions incident to the processing and payment of credit and debit cards” while Americans are traveling to Cuba, how will your Administration ensure compliance with section 103 of the LIBERTAD Act, which prohibits credit and financing to any person involving confiscated property which is claimed by a U.S. national? What procedures and safeguards are in place at the Department of the Treasury, and other federal agencies, to ensure that U.S. law is followed and that confiscated properties are not trafficked as defined in the Act?
- 4) How many total outstanding claims are there against the Castro regime for confiscation of property from U.S. claimants? Are you communicating to U.S. businesses the litigation risk involved in trafficking expropriated property in Cuba?
- 5) What steps is your administration taking to ensure that trademarks belonging to U.S. companies are not adversely affected, or possibly further exploited or expropriated, by your policy of allowing imports of rum and tobacco products?
- 6) Is your Administration in full compliance with section 201(b) of the LIBERTAD Act, which requires U.S. diplomatic personnel to communicate the reasons for the economic embargo on Cuba and encourage foreign officials to cooperate more effectively with the embargo? If so, please explain what steps your Administration is taking to execute this law.

You have made it clear that you oppose current U.S. law in regard to sanctions against the Castro regime. However, absent further action by Congress, it is imperative that your administration act in a way that is consistent with the laws passed by the American people’s representatives in

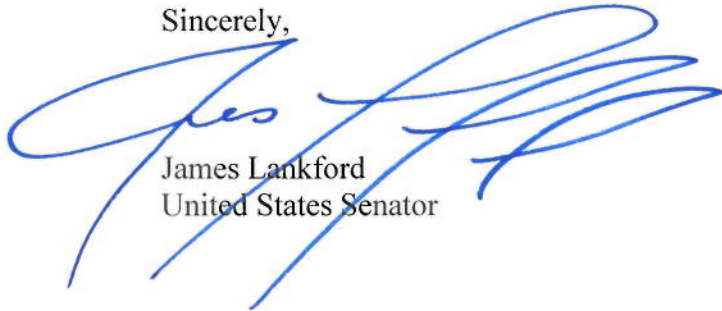
⁹ <http://www.foxnews.com/politics/2015/09/03/russian-spy-ship-spotted-near-us-sub-base.html>

¹⁰ <http://www.reuters.com/article/us-russia-military-bases-idUSKCN1270PN>

¹¹ <http://www.armed-services.senate.gov/hearings/16-02-09-worldwide-threats>, at approximately the 37-minute mark.

Congress and signed into law by a previous president. We encourage you and your administration, in the waning days of your presidency, to provide at least as much transparency and engagement with the U.S. Congress as you apparently have cultivated with the Castro dictatorship.

Sincerely,



James Lankford
United States Senator



Mario Diaz-Balart
United States Congressman