

To: Our Clients and Friends

## Administration to Ease Sanctions Against Cuba; White House Fact Sheet, However, Leaves Many Unanswered Questions

The White House has announced that it will ease sanctions against Cuba in four areas:

- Travel of family members;
- Remittances to family members;
- Telecommunications; and
- The export of humanitarian items.

A White House "Fact Sheet" relating to the changes, however, leaves many questions unanswered, especially in the telecommunication field.

According to the Fact Sheet, the President has directed the secretaries of State, Treasury and Commerce to

- "Authorize U.S. telecommunications network providers to enter into agreements to establish fiber-optic cable and satellite telecommunications facilities linking the United States and Cuba;"
- "License U.S. telecommunications service providers to enter into roaming service agreements with Cuba's telecommunications service providers;"
- "License U.S. satellite radio and satellite television service providers to engage in transactions necessary to provide services to customers in Cuba;"
- "License persons subject to U.S. jurisdiction to activate and pay U.S. and third-country service providers for telecommunications, satellite radio and satellite television services provided to individuals in Cuba;" and
- "Authorize the donation of certain consumer telecommunication devices without a license."

What it means to "authorize" or "license" is unclear. Authorizing in the sense of eliminating any need for U.S. government approval is one thing. Authorizing or licensing pursuant to application for and the receipt of permission from the government is quite another. Current regulations authorize the U.S. government to license many, if not most, transactions with Cuba. It's the need for a license on a case-by-case basis that is the hang-up.

As usual, the devil is in the details. While the direction of the movement is quite clear, how fast the glacier melts will be up to the regulators. Stay tuned.

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