



Committee On Finance

Max Baucus, Ranking Member

NEWS RELEASE

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BAUCUS, ENZI LEAD SENATORS QUESTIONING RESTRICTIONS ON MISSIONARY WORK, MINISTRY IN CUBA

New rules seem to discriminate against national religious organizations

Washington, DC – U.S. Senator Max Baucus (D-Mont.), Ranking Democrat on the Senate Finance Committee and Sen. Mike Enzi (R-Wyo.) today led a group of 17 Senators questioning new rules that are keeping American religious groups from ministering and performing missionary work in Cuba. Baucus, Enzi and their colleagues wrote to Treasury Secretary John Snow, who oversees the Office of Foreign Asset Control (OFAC), asking why major religious organizations are suddenly being restricted as they try to maintain relationships with and provide support to fellow believers in Cuba.

The text of the Senators' letter follows:

March 7, 2006

The Honorable John Snow
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretary Snow:

National U.S. religious institutions and their local congregational expressions have developed strong ties to religious communities in Cuba. They view these ties as essential relationships that exist between believers of a common faith across the globe. The level of religious organization has no bearing whatsoever on the nature or significance of this religious, spiritual, and institutional relationship.

Over the past several months, we have become aware that a number of long-established national U.S. religious institutions, who in the past have received licenses from the Office of Foreign Asset Control allowing them regular travel to Cuba to develop and maintain relations with church counterparts there, are now suddenly being denied their licenses for reasons that do not appear well-founded. We are disturbed that OFAC appears to be defining what is and is not a religious organization -- in itself a precarious role for a U.S. Government agency -- and that its operating definition appears to be prejudiced against recognized, mainstream national religious institutions.

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We thus are writing to request you provide us with the official new Cuba travel regulations being applied to religious organizations, a clear explanation for the rationale behind the changes, and an explanation of any new interpretation of prior regulations.

To the best of our understanding, the only relevant textual change to the Cuban Assets Control Regulations has been the addition on March 31, 2005 of a paragraph to section §515.566(b), which states:

“If you are applying on behalf of a religious organization, a license, if issued, will only authorize up to twenty-five (25) individuals to travel to Cuba per trip and will permit no more than one trip per calendar quarter. The license will be valid for no longer than one year.”

It appears that the significant increase in the number of religious applications denied by OFAC is based either on (a) the new text included in this paragraph cited above, which was added with no advance notice, period for public comment, or explanation to many of the churches; or (b) on a new set of internal OFAC guidelines that have not been made available to the general public, including religious institutions and Members of Congress. Given this lack of clarity, we would very much appreciate receiving your detailed response to the following inquiries:

1. Religious organizations that are considered “national” and not “local” have previously traveled under licenses applied for under the guidelines set forth in subsection §515.566(a). These national religious organizations are now being referred to section §515.566(b), which has historically been used for “religious activities by individuals” or “religious organizations that do not qualify under the criteria set forth in §515.566(a)”.

- Neither the regulations nor any published guidelines state specific reasons why a religious organization would “not qualify” under §515.566(a). As no language has been changed in this section, why do these organizations suddenly not qualify to apply under this section, whereas local congregations may qualify?
- Why is OFAC making distinctions among different organizational levels of the same religious institution? For most denominations, individual congregations are the local expressions of these national institutions.
- We believe it is very important for religious organizations to be able to understand clearly the regulatory framework and apply under the appropriate categories. Therefore, we would appreciate you explaining the differences between churches and religious organizations that can apply under section (a) and those that must apply under section (b). Please explain as well the rationale for the distinctions that OFAC is making.

2. The paragraph in question states that licenses granted to religious organizations under section §515.566(b) “will only authorize up to 25 individuals to travel to Cuba per trip,” no more than four times per year. The lack of clarity in this sentence has caused considerable confusion for many religious organizations. Please explain if OFAC is requiring that no more than 25 individuals can travel in a year, or if OFAC means to permit up to four trips, each of which could have up to 25 distinct individuals (meaning that the applications could include up to 100 names).

3. Whether OFAC intends to limit the total number of licensed travelers to 25 or to 100, please explain the rationale for limiting the number of individuals that a religious organization can take to Cuba, given that the purpose of the trip is to engage in full-time religious activities while in Cuba.

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4. The new regulations requiring the final list of travelers more than a year ahead of time excessively burden religious organizations and restrict church-to-church contact. During the time between submitting an application to OFAC and the trip departing for Cuba, there will likely be a turnover in church personnel and/or changes in church relationships. Whether a trip to Cuba is being organized at the national or local organizational level of the religious institution, the final list of participants on any given trip can only realistically be finalized on a much shorter timeline.

- Can changes to the list of names be submitted to OFAC for timely approval before the trip if new individuals want to join the group after the application has been submitted, either as substitutions or to bring the group up to the maximum permitted 25?

5. Section §515.566(b) requires that the applicant “identify all proposed travelers” (name, address, phone, etc.). However, licenses granted to other religious organizations under section §515.566(a) do NOT require the listing of specific names in advance. Again, why is there a need for this artificial distinction between local and national churches and the excessive burden of more than a year advance application for “all proposed travelers?”

We understand the complicated political reality that exists between the United States and Cuban governments. However, we believe it is inappropriate and unacceptable for politics and government to serve as a hurdle and now as a barrier to faith-based connections between individuals. If anything, these connections foster greater religious freedom in Cuba and contribute to a severely-lacking free-flowing exchange of ideas between the two countries.

Thank you in advance for your serious consideration of these inquiries. We await your prompt response and hope to continue a discussion with you about these important faith-based issues.

Sincerely,

Max Baucus
John Sununu
Byron Dorgan
Ron Wyden
Christopher Dodd
Tom Harkin
James M. Jeffords
Dick Durbin
Kent Conrad

Michael Enzi
Jeff Bingaman
Patrick Leahy
Dianne Feinstein
Edward Kennedy
Mary Landrieu
Barack Obama
Lincoln Chafee

Cc: The Honorable Condoleezza Rice, Secretary of State

Stuart Levy, Under Secretary, Office of Terrorism and Financial Intelligence, Department of the Treasury

Barbara Hammerle, Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury

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