



United States Department of State

Washington, D.C. 20520

September 1, 2022

Case No. FL-2014-06088

Mr. Jason I. Poblete
Poblete Tamargo LLP
Courthouse Square
510 King Street, Suite 350
Alexandria, Virginia 22314

Dear Mr. Poblete:

We refer you to our letter dated August 3, 2022, regarding the release of certain Department of State (“Department”) records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The Department has identified four additional responsive records subject to the FOIA. We have determined that all four records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each record. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, you may contact Jeremy S. Simon at (202) 252-2528 or Jeremy.Simon@usdoj.gov. Please refer to the case number, F-2014-06088, and the civil action number, 18-cv-02335, in all correspondence regarding this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diamonece Hickson', written in a cursive style.

Diamonece Hickson
Acting Chief, Litigation and Appeals Branch
Office of Information Programs and Services

Enclosures: As stated

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

From: Melamud, Anna <MelamudA@state.gov>
Sent: Thursday, April 2, 2015 5:09 PM
To: Grosh, Lisa J <GroshLJ@state.gov>; Rogers-Springs, Mary Brett <Rogers-SpringsMB@state.gov>; Simcock, Julian C <SimcockJC@state.gov>
Cc: WHA-CCA Economic Unit <WHA-CCAEconomicUnit@state.gov>; Allison, Robert S <AllisonRS@state.gov>
Subject: RE: FOR IMMED L/CID REVIEW: Response to Poblete on Cuba; Potential Title IV Matter
Attach: Poblete Response.docx

RELEASED IN PART TO CERTAIN PARTIES
B5

[Redacted]

B5

~~SBU~~
This email is UNCLASSIFIED.

From: Grosh, Lisa J
Sent: Thursday, April 02, 2015 5:01 PM
To: Rogers-Springs, Mary Brett; Melamud, Anna; Simcock, Julian C
Cc: WHA-CCA Economic Unit; Allison, Robert S
Subject: RE: FOR IMMED L/CID REVIEW: Response to Poblete on Cuba; Potential Title IV Matter

Thanks Mary-Brett. [Redacted]

B5
B5

Lisa

~~SBU~~
This email is UNCLASSIFIED.

From: Rogers-Springs, Mary Brett
Sent: Thursday, April 02, 2015 4:50 PM
To: Grosh, Lisa J; Melamud, Anna; Simcock, Julian C
Cc: WHA-CCA Economic Unit; Allison, Robert S
Subject: RE: FOR IMMED L/CID REVIEW: Response to Poblete on Cuba; Potential Title IV Matter

Lisa:

Thanks for reviewing the text. [Redacted]

B5
B5

Thanks,
Mary Brett

From: Grosh, Lisa J
Sent: Thursday, April 02, 2015 4:41 PM
To: Rogers-Springs, Mary Brett; Melamud, Anna; Simcock, Julian C
Cc: WHA-CCA Economic Unit; Allison, Robert S
Subject: RE: FOR IMMEDIATE L/CID REVIEW: Response to Poblete on Cuba; Potential Title IV Matter

All,
I agree with Anna suggestions.

[Redacted]

[Redacted]

B5
B5

Thanks,
Lisa

~~ODU~~
This email is UNCLASSIFIED.

DECONTROLLED

From: Rogers-Springs, Mary Brett
Sent: Thursday, April 02, 2015 4:09 PM
To: Melamud, Anna; Simcock, Julian C; Grosh, Lisa J
Cc: WHA-CCA Economic Unit; Allison, Robert S
Subject: FOR IMMEDIATE L/CID REVIEW: Response to Poblete on Cuba; Potential Title IV Matter

Anna:

Many thanks for taking a look.

[Redacted]

[Redacted]

B5
B5

[Redacted]

B5

Thank again,
Mary Brett

From: Melamud, Anna
Sent: Thursday, April 02, 2015 3:59 PM
To: Rogers-Springs, Mary Brett
Cc: WHA-CCA Economic Unit; Allison, Robert S; Grosh, Lisa J; Simcock, Julian C
Subject: RE: FOR ANNA REVIEW: Response to Poblete on Cuba; Potential Title IV Matter

Mary Brett,

[Redacted]

B5

Thanks,
Anna

~~SBU~~

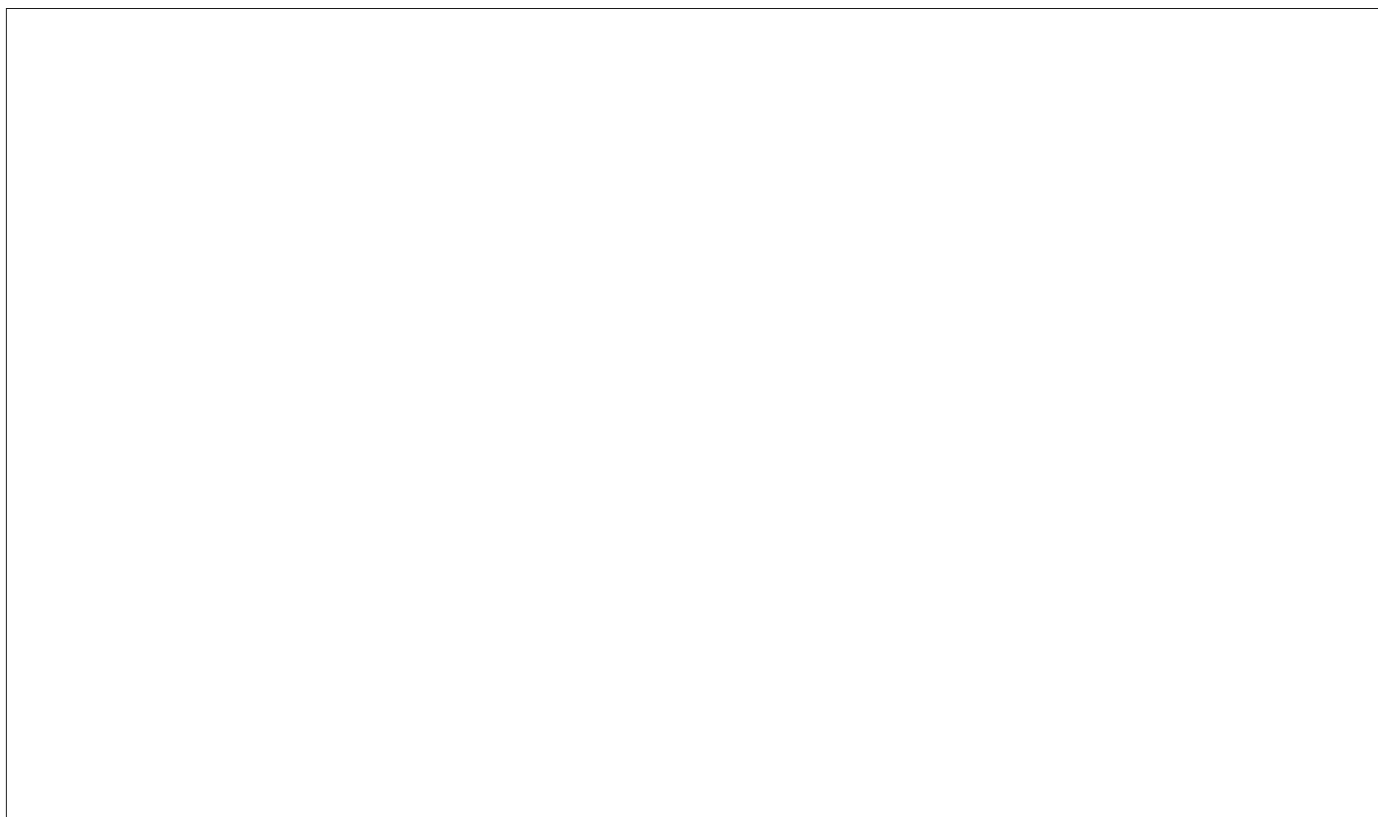
This email is UNCLASSIFIED.

DECONTROLLED

From: Rogers-Springs, Mary Brett
Sent: Thursday, April 02, 2015 10:52 AM
To: Melamud, Anna
Cc: WHA-CCA Economic Unit; Allison, Robert S
Subject: FOR ANNA REVIEW: Response to Poblete on Cuba; Potential Title IV Matter

Anna:

Thanks again for sharing your thoughts. How about this as a response:



B5

Let me know if you think this works.
Cheers, Mary Brett

From: Jason Poblete [<mailto:jpoblete@pobletetamarco.com>]
Sent: Thursday, April 02, 2015 6:51 AM
To: Wells, Mark A (Cuban Affairs); Rogers-Springs, Mary Brett
Cc: Mauricio Tamargo
Subject: Re: Cuba; Potential Title IV Matter

Mark/ Mary Brett,

Good Morning.

We wanted to call you attention to a story in today's Wall Street Journal: "*Airbnb Begins Offering Accommodations in Cuba: Home Rental service is the latest U.S. Company to make move into Cuba amid that in relations*" (appended below). What measures, if any, are being studied or undertaken to ensure that there is no trafficking taking place in properties subject to a certified claim (or just trafficking, in the case of un-certified confiscated properties)?

Many of our clients, as well as others who have followed this issue for decades, are somewhat concerned that little has been said about claims, certified or otherwise, as the discussions on re-establishment of diplomatic relations have proceeded.

Thank you for your efforts,

Regards,

Jason

Airbnb Begins Offering Accommodations in Cuba

Home-rental service is latest U.S. company to make move into Cuba amid thaw in relations

By

KEJAL VYAS

April 2, 2015 6:00 a.m. ET

0 COMMENTS

ENLARGE

A Cuban flag hangs from a building in Havana in 2013. More than 1,000 guesthouse operators have listed with Airbnb in Cuba, around 40% of which are located in Havana, the company said. *PHOTO: ADALBERTO ROQUE/AGENCE FRANCE-PRESSE/GETTY IMAGES*

Home-rental service Airbnb Inc. said Thursday it began offering accommodations to licensed U.S. travelers in Cuba, becoming the latest U.S. business to tap opportunities made possible by thawing U.S.-Cuba relations.

Since both countries announced their détente in December, U.S. firms—many in the technology and telecommunications sectors—have been evaluating new business prospects as the struggling Communist island looks to boost its economy and attract foreign investment.

“Airbnb expects significant demand for Cuban accommodations from the U.S.,” the company said in a statement, adding that it has seen a 70% rise in searches from the U.S. for listings in Cuba since the governments began rapprochement. This year, more Americans have searched for Cuba than other Latin American hot spots like Rio de Janeiro, Mexico City and Buenos Aires, Airbnb said.

The San Francisco-based rental marketplace will make use of Cuba’s wide network of *casas particulares*—private guesthouses in homes that are made available to foreign tourists.

Advertisement

The guesthouses were among the Communist island’s first experiments with private business in decades and have become a popular low-budget option, offering lodging for as little as \$30 a night. They were made possible by subtle reforms introduced by President Raúl Castro in 2010 that also allowed Cubans to open small restaurants in their houses, measures aimed at helping the country capitalize on the vital tourism trade.

More than 1,000 guesthouse operators have listed with Airbnb, around 40% of which are located in the capital, Havana, the company said. The move could expand the offering of lodging alternatives in a country with a limited number of hotel rooms, a significant hurdle affecting Cuba’s tourism industry.

In opening services in Cuba, Airbnb joins other U.S. companies like Netflix Inc., which in February made movie-streaming available on the island, and New Jersey-based IDT Corp., which in March became the first U.S. phone company to allow direct calls between the countries in decades.

The companies are looking to take advantage of the Obama administration’s move to relax some travel restrictions to Cuba, increase limits on remittances and allow U.S. credit cards to be used on the island.

In recent months, U.S. and Cuban officials have held numerous talks over restoring diplomatic relations and allowing U.S. technology firms to operate in the Caribbean country.

Telecommunications have played a central role in the discussions as Cuba looks to increase Internet access in one of the region’s least-wired countries, U.S. officials say. Only about a quarter of Cubans use the Internet, according to government statistics, due to few access points and service that is too costly for the residents.

“While some hosts have limited Internet access, others are working with hosting partners to help them manage their online requests and bookings,” Airbnb said.

So far, the company only has authorization to work with licensed U.S. travelers but plans to seek permission

to facilitate accommodations for non-U.S. travelers as well, it said.

Write to Kejal Vyas at kejal.vyas@wsj.com

On Fri, Mar 6, 2015 at 1:08 PM, Mr. Jason Ian Poblete <jpoblete@pobletetamargo.com> wrote:
Mark/Mary-Brett,

The appended letter, with exhibits, has been sent by courier to Assistant Secretary Jacobson's office. I wanted to make sure you all had a copy as well, however, due to the size of the final document, I'm sending just the letter via e-mail. We can arrange to have the exhibits downloadable from a our secure eRoom. Let us know. Have a good weekend.

Thank you.

Jason

Jason I. Poblete

Attorney at Law
PobleteTamargo LLP
International Square
1875 I Street, NW, Fifth Floor
Washington, DC 20006
P [202.558.9643](tel:202.558.9643)
F [202.558.9649](tel:202.558.9649)
E jpoblete@pobletetamargo.com
W <http://redirect.state.sbu/?url=www.pobletetamargo.com>

--

Jason I. Poblete

Attorney at Law
PobleteTamargo LLP
P 202.558.9643
F 202.558.9649
E jpoblete@pobletetamargo.com
W <http://redirect.state.sbu/?url=www.pobletetamargo.com>

This message contains information that may be confidential and privileged. Unless you are the intended addressee (or authorized to receive for the intended addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply at jpoblete@pobletetamargo.com and delete the message.

SBU
This email is UNCLASSIFIED.

DECONTROLLED

[Redacted] B5, B6

From: Melamud, Anna <MelamudA@state.gov>
Sent: Thursday, March 19, 2015 11:36 AM
To: Rogers-Springs, Mary Brett <Rogers-SpringsMB@state.gov>; Wyngowski, Seth A <WyngowskiSA@state.gov>
Cc: WHA-CCA Economic Unit <WHA-CCAEconomicUnit@state.gov>
Subject: RE: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter
Attach: FW_CCA_Letter_RSJ - Response to [Redacted] SHORT Fuse - Correspondance to [Redacted] on Title IV (Libertad Act) enforcement.msg

B6

Mary Brett,

[Redacted]

B5

Thanks,
Anna

~~SBU~~

This email is UNCLASSIFIED.

.....
From: Rogers-Springs, Mary Brett
Sent: Thursday, March 19, 2015 9:50 AM
To: Wyngowski, Seth A; Melamud, Anna
Cc: WHA-CCA Economic Unit
Subject: RE: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter

[Redacted]

B5

Thanks, Mary Brett

~~SBU~~

This email is UNCLASSIFIED.

From: Wyngowski, Seth A
Sent: Thursday, March 19, 2015 8:53 AM

To: Rogers-Springs, Mary Brett; Melamud, Anna
Cc: WHA-CCA Economic Unit
Subject: RE: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter

Confirmed with Beto –

[Redacted]

B5

Thanks,
Seth

~~SBU~~
This email is UNCLASSIFIED.

From: Wyngowski, Seth A
Sent: Wednesday, March 18, 2015 5:49 PM
To: Rogers-Springs, Mary Brett; Melamud, Anna
Cc: WHA-CCA Economic Unit
Subject: FW: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter

[Redacted]

B5

~~SBU~~
This email is UNCLASSIFIED.

From: Melamud, Anna
Sent: Monday, March 16, 2015 8:06 PM
To: Kovar, Jeffrey D; Rogers-Springs, Mary Brett; Simcock, Julian C
Cc: Quam, Hillary C; Wells, Mark A (Cuban Affairs); Allison, Robert S; WHA-CCA Economic Unit
Subject: RE: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter

[Redacted]

B5

Privacy/PII
This email is UNCLASSIFIED.

From: Melamud, Anna
Sent: Friday, March 06, 2015 3:35 PM
To: Kovar, Jeffrey D; Rogers-Springs, Mary Brett; Simcock, Julian C
Cc: Quam, Hillary C; Wells, Mark A (Cuban Affairs); Allison, Robert S; WHA-CCA Economic Unit

Subject: RE: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter

Mary Brett,



B5

Thanks,
Anna

Privacy/PII
This email is UNCLASSIFIED.

From: Kovar, Jeffrey D
Sent: Friday, March 06, 2015 2:21 PM
To: Rogers-Springs, Mary Brett; Melamud, Anna; Simcock, Julian C
Cc: Quam, Hillary C; Wells, Mark A (Cuban Affairs); Allison, Robert S; WHA-CCA Economic Unit
Subject: RE: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter



B5

Privacy/PII
This email is UNCLASSIFIED.

From: Rogers-Springs, Mary Brett
Sent: Friday, March 06, 2015 1:27 PM
To: Melamud, Anna; Kovar, Jeffrey D; Simcock, Julian C
Cc: Quam, Hillary C; Wells, Mark A (Cuban Affairs); Allison, Robert S; WHA-CCA Economic Unit
Subject: FOR L REVIEW/ADVICE: Cuba; Potential Title IV Matter

L folks:

For your consideration and advice. I don't think we've investigated a Title IV claim since I've been on the desk and any guidance you can provide is welcome.

As the documents/request were sent to A/S Jacobson, I'm looping in Hillary Quam to pass the info to us once received.

Cheers,
Mary Brett

Privacy/PII
This email is UNCLASSIFIED.

From: Mr. Jason Ian Poblete [<mailto:jpoblete@pobletetamargo.com>]
Sent: Friday, March 06, 2015 1:08 PM
To: Wells, Mark A (Cuban Affairs); Rogers-Springs, Mary Brett
Subject: Cuba; Potential Title IV Matter

Mark/Mary-Brett,

The appended letter, with exhibits, has been sent by courier to Assistant Secretary Jacobson's office. I wanted to make sure you all had a copy as well, however, due to the size of the final document, I'm sending just the letter via e-mail. We can arrange to have the exhibits downloadable from a our secure eRoom. Let us know. Have a good weekend.

Thank you.

Jason

Jason I. Poblete

Attorney at Law

PobleteTamargo LLP

International Square

1875 I Street, NW, Fifth Floor

Washington, DC 20006

P 202.558.9643

F 202.558.9649

E jpoblete@pobletetamargo.com

W <http://redirect.state.sbu/?url=www.pobletetamargo.com>

RELEASE IN
PART B5,B6

From: Grosh, Lisa J <GroshLJ@state.gov>
Sent: Wednesday, June 3, 2015 1:08 PM
To: Daley, John D <DaleyJD@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>
Cc: Simcock, Julian C <SimcockJC@state.gov>
Subject: RE: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

[Redacted]

B5

From: Grosh, Lisa J
Sent: Wednesday, June 03, 2015 1:01 PM
To: Daley, John D; Kovar, Jeffrey D
Cc: Simcock, Julian C
Subject: RE: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

John and Jeff,

[Redacted]

B5

Lisa

From: Daley, John D
Sent: Wednesday, June 03, 2015 12:22 PM
To: Grosh, Lisa J; Kovar, Jeffrey D
Subject: FW: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

Lisa – I’m just following up on the OFAC/FCSC licensing issue that we discussed with Jeff this morning. Below is the request State got from OFAC.

~~SBU~~

This email is UNCLASSIFIED.

DECONTROLLED

From: Kovar, Jeffrey D
Sent: Wednesday, June 03, 2015 12:19 PM
To: Daley, John D
Subject: FW: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

John – here it is. - Jeff

From: Wyngowski, Seth A
Sent: Wednesday, June 03, 2015 7:54 AM
To: Kovar, Jeffrey D; Grosh, Lisa J; Simcock, Julian C; Melamud, Anna
Cc: Barron, Benjamin A; Murakami, Kevin T; Christensen, Derek Shane; Perkins, Joan C
Subject: FW: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

Dear All,

We (CCA and L) met with Poblete and Tamargo about this proposal in November. OFAC referred it to State yesterday evening for foreign policy guidance.

[Redacted]

B5

[Redacted]

B5

Best,
Seth

~~SBU~~
This email is UNCLASSIFIED.

From: [Redacted] [mailto:[Redacted]]
Sent: Tuesday, June 02, 2015 6:22 PM
To: Wyngowski, Seth A; WHA-CCA Economic Unit; non-TSRA
Cc: [Redacted]

B6

[Redacted]

B6
B6

Subject: RE: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

Caribbean Value Recovery Group LLC (CVRG) (CU-2014-315038-1) – Application to Deal in U.S. Certified Cuban Claims

OFAC received a request from Poblete Tamargo LLP (the “Application”), on behalf of the Caribbean Value Recovery Group LLC (CVRG), seeking authorization to organize and operate funds (each, a “Fund”), which will own and manage claims against Cuba certified by the Foreign Claims Settlement Commission (FCSC). The proposed authorization would allow claim holders to transfer or assign claims to the Fund without the need for a specific license but with strict reporting requirements; however, the Fund would allow certified claim holders to retain an interest in any claim assigned or transferred to the Fund and receive distributions from any cash receipts received by the Fund. *See* Application Ex. CC. The Fund would also disburse payments to claim holders with the added benefit of pooling claim holder interests to maximize the value of the claims. *See* Application Ex. AA Part 2.

Following the 1959 Cuban Revolution, the FCSC reviewed and certified claims against the Cuban government for the seizure of American property. According to the Application, FCSC-certified claims against Cuba are presently valued at approximately \$8 billion. Pursuant to public guidance from July 2008, OFAC regards an FCSC-certified claim against Cuba as property in which Cuba has an interest, as defined in section 515.311 of the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the “Regulations”). Accordingly, the transfer of a certified Cuban claim is generally prohibited absent authorization by OFAC. As a matter of policy, OFAC has stated that it may consider licensing the transfer of these claims, provided that any transactions are limited to persons subject to U.S. jurisdiction. *See* Notice Regarding the Transfer of Claims against Cuba Certified by the Foreign Claims Settlement Commission, <http://redirect.state.sbu/?url=http://www.treasury.gov/resource-center/sanctions/Programs/Documents/fcsc.pdf>.

[Redacted]

B5



B5

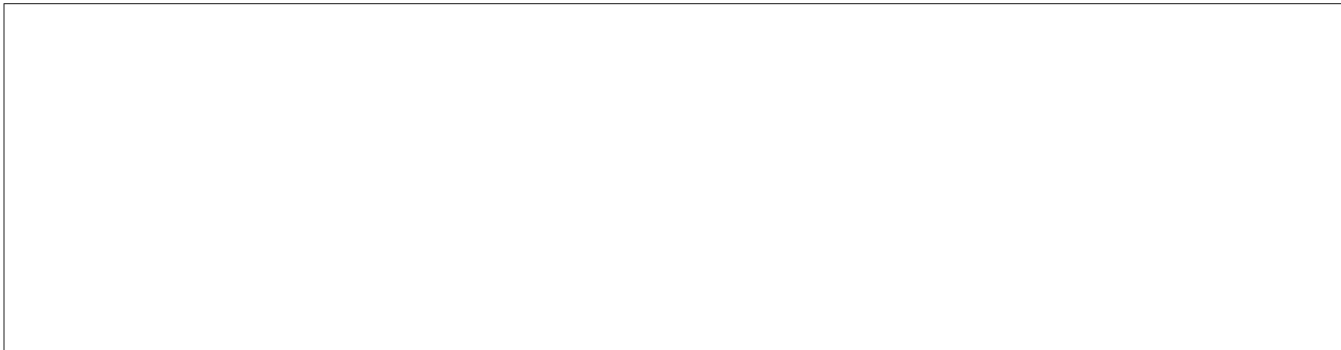
If you have any questions about the Application, please feel free to contact Case Officer, or Program Manager.

B6

RELEASE IN
PART B5,B6

From: Grosh, Lisa J <GroshLJ@state.gov>
Sent: Wednesday, June 3, 2015 1:02 PM
To: Daley, John D <DaleyJD@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>
Cc: Simcock, Julian C <SimcockJC@state.gov>
Subject: RE: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1
Attach: transfers of certified claims against Cuba.msg; Important Notice Regarding Transfers of Certified Cuban Claims.msg

John and Jeff,



B5

Lisa

From: Daley, John D
Sent: Wednesday, June 03, 2015 12:22 PM
To: Grosh, Lisa J; Kovar, Jeffrey D
Subject: FW: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

Lisa – I’m just following up on the OFAC/FCSC licensing issue that we discussed with Jeff this morning. Below is the request State got from OFAC.

SBU
This email is UNCLASSIFIED.

DECONTROLLED

From: Kovar, Jeffrey D
Sent: Wednesday, June 03, 2015 12:19 PM
To: Daley, John D
Subject: FW: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

John – here it is. - Jeff

From: Wyngowski, Seth A
Sent: Wednesday, June 03, 2015 7:54 AM
To: Kovar, Jeffrey D; Grosh, Lisa J; Simcock, Julian C; Melamud, Anna
Cc: Barron, Benjamin A; Murakami, Kevin T; Christensen, Derek Shane; Perkins, Joan C
Subject: FW: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

Dear All,

We (CCA and L) met with Poblete and Tamargo about this proposal in November. OFAC referred it to State yesterday

evening for foreign policy guidance.

[Redacted]

B5

Best,
Seth

SBU
This email is UNCLASSIFIED.

From: [Redacted] [mailto:[Redacted]]

B6

Sent: Tuesday, June 02, 2015 6:22 PM

To: Wyngowski, Seth A; WHA-CCA Economic Unit; non-TSRA

Cc: [Redacted]

B6
B6

Subject: RE: Referral to State: Caribbean Value Recovery Group LLC - CU-2014-315038-1

Caribbean Value Recovery Group LLC (CVRG) (CU-2014-315038-1) – Application to Deal in U.S. Certified Cuban Claims

OFAC received a request from Poblete Tamargo LLP (the “Application”), on behalf of the Caribbean Value Recovery Group LLC (CVRG), seeking authorization to organize and operate funds (each, a “Fund”), which will own and manage claims against Cuba certified by the Foreign Claims Settlement Commission (FCSC). The proposed authorization would allow claim holders to transfer or assign claims to the Fund without the need for a specific license but with strict reporting requirements; however, the Fund would allow certified claim holders to retain an interest in any claim assigned or transferred to the Fund and receive distributions from any cash receipts received by the Fund. *See* Application Ex. CC. The Fund would also disburse payments to claim holders with the added benefit of pooling claim holder interests to maximize the value of the claims. *See* Application Ex. AA Part 2.

Following the 1959 Cuban Revolution, the FCSC reviewed and certified claims against the Cuban government for the seizure of American property. According to the Application, FCSC-certified claims against Cuba are presently valued at approximately \$8 billion. Pursuant to public guidance from July 2008, OFAC regards an FCSC-certified claim against Cuba as property in which Cuba has an interest, as defined in section 515.311 of the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the “Regulations”). Accordingly, the transfer of a certified Cuban claim is generally prohibited absent authorization by OFAC. As a matter of policy, OFAC has stated that it may consider licensing the transfer of these claims, provided that any transactions are limited to persons subject to U.S. jurisdiction. *See* Notice Regarding the Transfer of Claims against Cuba Certified by the Foreign Claims Settlement Commission, <http://redirect.state.sbu/?url=http://www.treasury.gov/resource-center/sanctions/Programs/Documents/fcsc.pdf>.

[Redacted]

B5

If you have any questions about the Application, please feel free to contact [Redacted] Case Officer, or [Redacted] Program Manager.

B6

