



UNITED STATES DEPARTMENT OF COMMERCE  
Under Secretary for Industry and Security  
Washington, DC 20230

October 27, 2020

The Honorable Eliot L. Engel  
Chairman, Committee on Foreign Affairs  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

I hereby report to the Congress the export licensing actions taken by the Department of Commerce's Bureau of Industry and Security relating to exports and reexports of agricultural commodities to Cuba during the preceding two-year period of October 1, 2018, through September 30, 2020, as required by Section 906(c) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) (Title IX of Pub. L. 106-387), as amended.

Should you have any further questions, please contact Michael Cys, Director, Office of Congressional and Public Affairs for the Bureau of Industry and Security, at (202) 482-1069.

Sincerely,

Cordell A. Hull,  
Acting Under Secretary  
for Industry and Security

Enclosure

## **DEPARTMENT OF COMMERCE REPORT**

### **ACTIONS TAKEN PURSUANT TO SECTION 906(a)(1) OF THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000, AS AMENDED**

Section 906(c) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA) (Title IX of Pub. L. 106-387), as amended, requires that the appropriate federal government department or agency submit a report to the Congress, not later than two years from the date of enactment of TSRA, and every two years thereafter, on the operation of the licensing system under Section 906(a)(1) for the preceding two-year period. Specifically, TSRA requires that the report include the following information: (1) the number and types of licenses applied for; (2) the number and types of licenses approved; (3) the average amount of time elapsed from the date of filing a license application until the date of its approval; (4) the extent to which the licensing procedures were effectively implemented; and (5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

Accordingly, the Bureau of Industry and Security (BIS) within the Department of Commerce is submitting this report covering its licensing activity relating to exports of agricultural commodities under Section 906(a)(1) of TSRA to Cuba from October 1, 2018, through September 30, 2020.

To implement the TSRA requirements for exports of agricultural commodities to Cuba, the Department of Commerce created License Exception Agricultural Commodities (AGR). Under License Exception AGR, an exporter must submit notification of a proposed transaction to BIS. The exporter may proceed with the shipment once BIS confirms that no reviewing agency has raised an objection to the transaction (confirmation is generally provided within 12 business days), provided the transaction meets all of the other requirements of the License Exception. This expedited review process includes screening the ultimate recipient of the commodities to ensure that it does not promote international terrorism. Exports of medicines and medical devices to Cuba are not eligible for License Exception AGR and continue to be subject to the license application and review requirements of Section 1705(c) of the Cuban Democracy Act of 1992.

Pursuant to Section 906(c) of TSRA, BIS is submitting this report on License Exception AGR activity involving exports to Cuba for the preceding two-year period since submission of its last biennial report to the Congress, in October 2018. The data covers all License Exception AGR notifications and licensing activity for AGR-eligible commodities to Cuba from October 1, 2018, through September 30, 2020.

BIS received 198 notifications of proposed transactions pursuant to License Exception AGR during the reporting period. Of those, 128 were approved in an average of nine calendar days. BIS returned 66 notifications without action in an average of two calendar days due to

errors and technical deficiencies or upon the request of the applicants. Four notifications were denied in an average of 10 days, three because they were ineligible for License Exception AGR, and the fourth one because it was for the same transaction for which an export license was denied (see below for details on the license denial).

BIS also received 51 license applications for AGR-eligible items. The processing of those cases followed licensing procedures described in the Export Administration Regulations and Executive Order 12981, as amended. BIS approved 16 of the license applications in an average of 24 calendar days. BIS returned 34 license applications without action in an average of six calendar days, either for resubmission as License Exception AGR notifications, or to address errors and technical deficiencies. One standard export license for food stores destined to a cruise ship was denied in 61 days because the vessel sailed to Cuba, and remained in Cuban waters, without authorization (as mentioned above, a License Exception AGR notification was denied for this same transaction).

Please note that this report entails reconciliation of numbers included on all previous quarterly reports. Notifications and applications for the export of AGR-eligible commodities that are returned without action due to inaccurate information are often corrected, re-submitted and generally approved. Thus, many notifications or applications that are returned without action may be counted twice in this report.

During the reporting period, BIS effectively implemented licensing procedures required by TSRA. The reviewing agencies adequately screened the transactions, thereby effectuating the goals of the legislation, while maintaining the ability to deny license applications to entities that promote international terrorism. Simultaneously, the AGR notifications were consistently processed within the 12 business day cycle created as part of License Exception AGR. Thus, BIS procedures are consistent with the requirements of Section 906(a)(1) of TSRA.

In accordance with the requirement set forth in Section 906(c)(5) of TSRA, BIS published a *Federal Register* notice (85 FR 54982) on September 3, 2020, requesting public comments on the effectiveness of its licensing procedures for the export of agricultural commodities to Cuba. BIS did not receive any comments during the 30-day comment period.