

delegatee, to designate as a "benefit" under the Act any additional good or service beyond those enumerated in section 4302(a)(1)(A)–(G), I hereby designate as a benefit the privilege of disposing of a motor vehicle to a U.S. person within the United States. This designation of a benefit shall, as of this date, apply to all diplomatic and consular missions accredited to the United States. It is noted that the acquisition of a motor vehicle is already encompassed within the statutory designation of a "benefit", pursuant to the existing definitions in 22 U.S.C. 4301(a)(1)(C), "transportation".

(3) Based upon the facts and circumstances set forth in the Summary section above, I hereby find that with respect to the acquisition and disposition of motor vehicles, the Cuban Interests Section in Washington, its personnel, and their dependents enjoy significantly more favorable treatment than do the U.S. Interests Section in Havana, its personnel, and their dependents.

(4) I further find that, in the area of motor vehicles, the Cuban Government's treatment of the U.S. Interests Section in Havana, its personnel, and their dependents imposes additional undue and unjustifiable costs on the operation of the United States Interests Section in Havana; that it creates a source of dispute in relations between the United States and Cuba; and that the persistence of such an imbalance in the treatment of United States and Cuban diplomatic personnel in each other's state is contrary to the interests of the United States.

(5) *Determination To Deny Benefits:* In light of the findings discussed in Sections 3 and 4 above and pursuant to the statutory requirements and purposes of the Act, I hereby determine that imposition of the following terms and conditions on the acquisition and disposition of motor vehicles by or on behalf of the Cuban Interests Section in Washington is necessary on the basis of reciprocity:

(a) *Acquisitions of Vehicles:* The Cuban Interests Section shall be denied the benefit of acquiring any motor vehicle in the United States, subject only to the following exceptions:

(i) The rental of a vehicle from an established auto rental business, for a period not to exceed thirty (30) days;

(ii) The direct, duty-free importation of a vehicle from a vendor located outside the United States, utilizing the services of a manufacturer's authorized dealer, *provided that* such vehicle is less than four years old from date of manufacture and complies fully with all applicable Federal safety requirements.

In order to be eligible for this exclusion, the acquisition may not be made from any pre-existing dealer stock, and the ownership and importation documentation must clearly indicate the Cuban Interests Section as the consignee/transferee of said vehicle;

(iii) The duty-free importation into the United States from abroad by the Cuban Interests Section of any motor vehicle, the pre-existing ownership of which was already in the hands of the Government of Cuba, any employee thereof, or any dependent of such employee forming part of the employee's household, provided that such vehicle is less than four years old from date of manufacture and complies fully with all applicable Federal safety requirements;

(iv) The continued ownership by the Cuban Interests Section of any vehicles that are owned as of the effective date hereof;

(v) The continued retention and use, until and not beyond the expiration of the lease term, of any motor vehicle leased by the Cuban Interests Section as of the effective date hereof;

(vi) The purchase by the Cuban Interests Section of a motor vehicle from any accredited diplomatic or consular mission in the United States, or any accredited member of such a mission, or accredited dependent thereof, enjoying privileges and immunities in the United States pursuant to international law, provided that such transaction shall constitute a bona fide arms-length purchase not entered into for purposes of collusion or evasion of the general prohibition on vehicle acquisitions being imposed by this Determination. For purposes of ascertaining the bona fide nature of any such acquisition, it shall be presumed that the acquisition of any vehicle which was registered in the name of a foreign mission or accredited member or dependent thereof for longer than 120 days satisfies the requirements of a bona fide acquisition. The present exclusion, however, shall not apply to the purchase of vehicles currently leased by the Cuban Interests Section, its members, or their dependents.

(vii) The acquisition of any motor vehicle by and through the Department of State's Office of Foreign Missions.

(b) *Dispositions of Vehicles:* The Cuban Interests Section shall likewise be denied the benefit of disposing of any motor vehicle in the United States, subject only to the following exceptions:

(i) The return of any rental vehicle to the auto rental entity concerned;

(ii) The return of any prior leased vehicle to the dealership concerned;

(iii) The sale of any vehicle to any diplomatic or consular mission to the United States, any accredited member thereof, or any accredited dependent forming part of the household of such member, provided that such member or dependent is not a "U.S. person" as defined in Section 1(C), above; and

(iv) The sale of any vehicle by and through the Department of State's Office of Foreign Missions.

(c) *No Restriction on Exports or Imports of Vehicles:* Nothing in this Determination shall in any way operate to limit or restrict the right of the Cuban Interests Section, its personnel, and dependents thereof to import or export motor vehicles for mission or personal use from or to sources outside the United States.

(6) *Waiver of Recourse:* Pursuant to the Act at section 4304(d) and the Delegation of Authority thereunder, I hereby find and determine that, for the purposes of implementing the present restrictions on motor vehicle benefits, it is reasonably necessary in order to achieve the purposes set forth in the Act at § 4304, to require that the acceptance and use of all motor vehicle license tags issued by the Office of Foreign Missions to the Cuban Interests Section be conditioned, consistent with U.S. international obligations, as follows:

(a) The Cuban Interests Section, shall waive any recourse that the Interests Section, its agents or assigns may have in U.S. courts or administrative tribunals against any person or party with respect to any past, present, or future motor-vehicle-related transaction, whether such transaction is contracted for or has actually been concluded.

(b) Pursuant to the Act at 22 U.S.C. 4304(d) of the Act, I hereby designate the Deputy Director of the Office of Foreign Missions to be the agent for the Cuban Interests Section for purposes of effectuating such a waiver of recourse.

(c) The requirement for such waiver of recourse shall constitute a condition both as regards the continued use of license tags previously issued to the Cuban Interests Section as well as the acceptance and use of license tags in the future.

(7) *Enforcement:* Pursuant to the Act at 22 U.S.C. 4311, provision to the Cuban Interests Section of any motor vehicle-related benefit contrary to the terms and conditions set forth above shall be unlawful. The United States is authorized to bring legal action to obtain compliance with the aforementioned terms and conditions.

(8) *Date of Effect:* The provisions of this Determination shall take effect upon the earlier of (a) its publication in