



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

**Served: January 10, 2020**

**NOTICE**

By this Notice, the U.S. Department of Transportation (the Department) (1) suspends the authority granted to all public charter operators that authorizes public charter flights between any point in the United States and any point in Cuba, except José Martí International Airport (HAV) in Havana; and (2) establishes a limit on the number of authorized public charter flights between the United States and José Martí International Airport (HAV) in Havana.

The suspension of public charter flights to points other than Havana will be effective 60 days after the date of this Notice and will remain in effect until further notice of the Department. The procedures and effective date for the cap on public charter flights to Havana will be addressed by subsequent show-cause order.

The Department is taking this action at the request of the U.S. Department of State. By letter dated January 7, 2020, Secretary of State Michael R. Pompeo wrote to Secretary of Transportation Elaine L. Chao, stating that:

To strengthen the impact of the Administration's policy of applying economic pressure on the Cuban regime to respect human rights and fundamental freedoms for all in Cuba and to cease its unconscionable support for the illegitimate and totalitarian regime of former President Maduro in Venezuela, and in the foreign-policy interests of the United States, I respectfully request that the Department of Transportation suspend until further notice all public charter flights between the United States and all airports in Cuba except José Martí International Airport (HAV) in Havana. I further request that the Department of Transportation, in the foreign-policy interest of the United States, cap charter flights to José Martí International Airport at an appropriate level consistent with the policy objectives identified above.<sup>1</sup>

Accordingly, the Department finds that it is in the public interest to suspend the exemption authority granted to all public charter operators that permits them to organize

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<sup>1</sup> The full text of the letter is attached as an Appendix to this Notice.

and arrange public charters between any point in the United States and any of the nine international airports in Cuba other than Havana,<sup>2</sup> effective March 10, 2020.<sup>3</sup>

The Department also finds that it is in the public interest to establish a cap on the number of Havana round-trip public charter flights. We find, pursuant to the Department of State's request, that an appropriate level for the cap would be a level corresponding to current levels of service, based on public charter prospectuses accepted for calendar year 2019. For calendar year 2019, the Department accepted public charter prospectuses with Havana proposals totaling approximately 3,600 round-trip flights. Accordingly, the Department will limit the number of authorized public charter flights at Havana to that level for the initial charter year. The Department intends to propose by show-cause order a regulatory framework and allocation procedures by which carriers may apply to conduct public charter flights between the United States and Havana.<sup>4</sup>

The Department will serve this Notice by electronic mail on certificated U.S. carriers operating large aircraft; all foreign air carriers holding permits; all public charter operators with recent U.S.-Cuba operations; the U.S. Department of State; the Federal Aviation Administration (AFS-200); and the Ambassador of Cuba in Washington, DC.

By:

**DAVID E. SHORT**  
Deputy Assistant Secretary  
Aviation and International Affairs

(SEAL)

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<http://www.regulations.gov>

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<sup>2</sup> The nine international airports, other than Havana's José Martí International Airport (HAV), are: the Ignacio Agramonte International Airport in Camagüey (CMW); the Jardines del Rey Airport in Cayo Coco (CCC); the Vilo Acuña Airport in Cayo Largo (CYO); the Jaime González Airport in Cienfuegos (CFG); the Frank País Airport in Holguín (HOG); the Sierra Maestra Airport in Manzanillo (MZO); the Juan Gualberto Gómez Airport in Matanzas (VRA); the Abel Santamaría Airport in Santa Clara (SNU); and the Antonio Maceo Airport in Santiago de Cuba (SCU).

<sup>3</sup> Public charter operators are permitted to organize and arrange public charters by exemption authority pursuant to 14 CFR § 380.20. In 14 CFR § 380.24, Suspension of exemption authority, the Department expressly reserves the power to deny the exemption authority of any charter operator, without hearing, if it finds that such action is necessary in the public interest.

<sup>4</sup> The Department expects to issue this show-cause order shortly. In the meantime, while the Department considers the next appropriate regulatory steps, carriers and public charter operators with previously-filed and accepted prospectuses may continue to provide their proposed services to and from Havana. We do not, however, anticipate accepting any new prospectuses, or new amended prospectuses, for additional public charter flights that would result in exceeding current levels of public charter service to/from Havana.

THE SECRETARY OF STATE  
WASHINGTON

January 7, 2020

The Honorable  
Elaine L. Chao  
Secretary of Transportation  
1200 New Jersey Ave., SE  
Washington, DC 20590

Dear Madam Secretary:

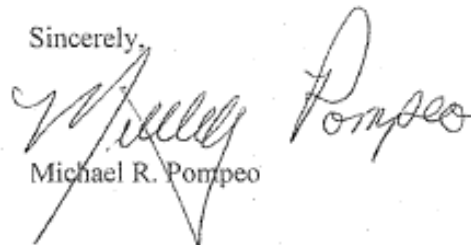
The Department of Transportation's October 25, 2019, action to suspend scheduled air service to nine Cuban airports took effect on December 10, 2019, the same day the world celebrated Human Rights Day. Since then, the Cuban regime has increased its repression of the Cuban people, detaining dozens of human-rights activists and entrenching policies that restrict freedom of religion, expression, and peaceful assembly.

To strengthen the impact of the Administration's policy of applying economic pressure on the Cuban regime to respect human rights and fundamental freedoms for all in Cuba and to cease its unconscionable support for the illegitimate and totalitarian regime of former President Maduro in Venezuela, and in the foreign-policy interests of the United States, I respectfully request that the Department of Transportation suspend until further notice all public charter flights between the United States and all airports in Cuba except José Martí International Airport (HAV) in Havana. I further request that the Department of Transportation, in the foreign-policy interest of the United States, cap charter flights to José Martí International Airport at an appropriate level consistent with the policy objectives identified above.

Suspending public charter flights to these nine airports and limiting such flights to Havana would send a clear message to the Cuban government that the United States is continuing to increase economic pressure on the regime in response to its ongoing repression of the Cuban people and support for Maduro. The suspension of public charter flights to all points outside of Havana will prevent public charter operators from expanding their services to compensate for the Administration's October 25, 2019, action suspending commercial flights to those airports. Maintaining and capping public charter flights to José Martí International Airport preserves the main gateway for travel from the United States to Cuba for family visitation or other lawful purposes, while preventing public charter operators from increasing service to Havana in response to the suspension of flights to all other airports in Cuba.

The Department of Transportation's implementation of this public charter suspension measure with a 60-day advance notice would allow for the orderly wind-down of flight operations. The Department of State considers that this action would not conflict with the U.S. government's obligations under applicable international agreements.

Sincerely,



Michael R. Pompeo