No. 24-983

IN THE
Supreme Court of the United States

HAVANA DOCKS CORPORATION,

Petitioner,

v.

ROYAL CARIBBEAN CRUISES, LTD., ET AL.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

BRIEF OF THE U.S. TRAVEL ASSOCIATION, THE U.S. TOUR OPERATORS ASSOCIATION, AND THE AMERICAN SOCIETY OF TRAVEL ADVISORS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

Bradley J. Bondi
Counsel of Record
Ronald K. Anguas, Jr.
Michael D. Wheatley
Joseph C. Schroeder
Nicholas Griepsma
PAUL HASTINGS LLP
2050 M Street, NW
Washington, DC 20036
(202) 551-1700
BradBondi@paulhastings.com

Counsel for Amici Curiae

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes

Rules and Regulations

Other Authorities

INTEREST OF *AMICI CURIAE*[1]

Amici are organizations and trade associations representing different aspects of the travel industry, including travel advisors (also known as travel agents) and tour operators. These organizations and trade associations share a commitment to fostering and promoting travel, educating the traveling public and members of the travel industry, and encouraging a culture of professionalism among their membership.

The travel industry depends on clear, reliable guidance from the Executive Branch of the federal government regarding the administration and enforcement of travel-related federal statutes and regulations. A reversal of the Eleventh Circuit's decision in this case would mean that *Amici* cannot rely on actions by the Executive Branch, or the failure to take such actions, to provide fair notice of what travel violates federal statutes and regulations. As a result, *Amici*, whose members act as information specialists for the traveling public, would be unable to advise travelers appropriately and lawfully.

For these reasons, *Amici* have a substantial interest in this case and support affirming the Eleventh Circuit's decision.

Amici are:

U.S. Travel Association ("U.S. Travel"): a national, non-profit organization representing all components of the travel industry. U.S. Travel

---

[1] Pursuant to this Court's Rule 37.6, counsel for *Amici* states that no counsel for any party authored this brief in whole or in part, and no person or entity, aside from *Amici*, their members, or their counsel, made any monetary contribution intended to fund this brief's preparation or submission.

advocates on behalf of the travel industry to shape the travel experience favorably. Its mission is to increase travel to and within the United States and, in so doing, fuel the nation's economy and future growth. U.S. Travel has more than 1,000 members, consisting primarily of travel service providers, travel destinations, travel associations, and allied members.

United States Tour Operators Association ("USTOA"): a professional, voluntary trade association created with the purpose of promoting integrity within the tour operator industry. USTOA was founded in 1972 by a small group of California tour operators that recognized the need for a unified voice to protect the traveling public and represent the interests of tour operators. USTOA's goals are to: (1) educate the travel industry, government agencies, and the public about tours, vacation packages, and tour operators; (2) protect consumers and travel advisors from financial loss in the event of a USTOA member's bankruptcy, insolvency, or cessation of business; (3) foster a high level of professionalism within the tour operator industry; and (4) promote and develop travel worldwide.

American Society of Travel Advisors ("ASTA"): a trade association founded in 1931 whose mission is to facilitate the business of selling travel through effective representation, shared knowledge, and the enhancement of professionalism. ASTA's current membership consists of over 11,000 travel agencies and supplier companies employing over 100,000 people. These companies encompass a diverse range of organizations, ranging from independent home-based entrepreneurs to traditional "brick and mortar" operations to the largest travel management companies and online travel agencies, such as

Expedia. ASTA requires its members to abide by its code of ethics to promote professionalism in the travel industry and trust among the general public.

INTRODUCTION AND SUMMARY OF ARGUMENT

U.S. foreign policy ebbs and flows, often in tandem with changes in administration following a presidential election. The U.S. travel industry depends on clear, reliable guidance from the Executive Branch regarding federal rules and regulations restricting travel. This guidance has been a reliable lodestar for U.S. companies and citizens that navigate changes in foreign policy.

Travel industry dependence on Executive Branch guidance is particularly important when it comes to Cuba, which is subject to multiple restrictive travel policies that sometimes shift in response to changing political objectives. The travel advisors and tour operators that *Amici* represent depend on cruise lines and other commercial carriers receiving clear, reliable guidance from the federal government regarding lawful travel.

This case is the result of the Executive Branch's guidance regarding travel to Cuba—specifically, the Executive Branch's licensing and encouragement of the Respondent cruise lines' travel to Cuba under the "lawful travel" exception to the Helms-Burton Act, 22 U.S.C. § 6023(13)(B)(iii), and the Cuban Assets Control Regulations ("CACR"), 31 C.F.R. §§ 515.101–515.901. The Executive Branch's guidance signaled to the Respondent cruise lines *and* Petitioner Havana Docks Corporation that Respondents' cruises to Cuba were lawful.

The District Court's summary judgment order inappropriately undercuts Respondents' and *Amici*'s ability to rely on federal guidance and called into question the authority of the Executive Branch to shape foreign policy. The Eleventh Circuit correctly reversed the District Court's order. But a reversal of the Eleventh Circuit's decision would, once again, undermine the travel industry's ability to rely on Executive Branch guidance regarding travel-related federal statutes and regulations, raising significant due process and fair notice concerns.

The uncertainty created by undermining reliance on Executive Branch guidance has chilled—and will continue to chill—travel generally by casting doubt on the meaning of "lawful travel." This chill threatens to harm the U.S. travel industry and the many small businesses that rely on it. The Court should recognize the significant reliance interests created by Executive Branch guidance to the travel industry and affirm the decision of the court of appeals.

ARGUMENT

Freedom to travel is a fundamental right of national citizenship embedded in multiple provisions of the Constitution of the United States, including the Privileges and Immunities Clause of Article IV and the Privileges or Immunities Clause of the Fourteenth Amendment. *See Kent v. Dulles*, 357 U.S. 116, 125–126 (1958).

Consistent with this longstanding right, the Helms-Burton Act exempts from its anti-trafficking restrictions any "transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel." 22 U.S.C. § 6023(13)(B)(iii). One such method of "lawful travel"

is the general license provision under 31 C.F.R. § 515.565(b), which allows "people-to-people travel" that facilitates educational exchange activities.

Between 2015 and 2019, the Executive Branch issued clear guidance to Respondents and the travel industry generally that significant travel to Cuba, including cruises, was lawful. This guidance included a general license for people-to-people travel to Cuba. The travel industry appropriately relied on Executive Branch guidance regarding the scope of this general license as it pertains to the Helms-Burton Act's lawful travel exception.

The District Court's subsequent summary judgment order in favor of Petitioner created uncertainty regarding the travel industry's ability to rely on Executive Branch guidance and has impinged upon the fundamental right to travel. Before the District Court's order, travel agents and advisors relied on Executive Branch guidance to navigate complex travel regulations such as the CACR. The District Court's order, however, undercuts the Executive Branch as a reliable source of guidance regarding what travel would be treated as "lawful" for purposes of the Helms-Burton Act. The Eleventh Circuit correctly reversed the District Court, restoring the rightful legitimacy and reliability of Executive Branch guidance. For these reasons, *Amici* support affirming the Eleventh Circuit's decision.

I. Affirming the Eleventh Circuit's Decision Would Restore the Reliability of Executive Branch Guidance.

The travel industry relies on numerous Executive Branch agencies for clear guidance concerning the "enforcement of various travel-related policies" to ensure that "travel advisors, suppliers and consumers

can make informed decisions." Letter from Zane Kerby, President and CEO of ASTA, to Hon. Rochelle Walensky, Director of CDC (Feb. 9, 2021), https://www.asta.org/common/Uploaded%20files/ASTA/Advocacy/TestimonyAndFilings/2021/ASTA-to-CDC-Director-Walensky-re-Standards-for-Resuming-Travel-2.9.2021-FINAL.pdf. The ability to rely on such guidance is critical for travel advisors and agents in the United States, a country which "has a long history of judicially sanctioned restrictions on citizens' international travel in the interests of foreign affairs and national security." *Mohamed v. Holder*, 266 F. Supp. 3d 868, 878 (E.D. Va. 2017).

Reliance on the Executive Branch by travel advisors, agents, and tour operators is especially important when dealing with travel to Cuba, a country which is subject to a complex and restrictive travel policy by the United States. Restrictions on travel to Cuba can change (and have changed) sharply when control of the Executive Branch shifts from one political party to another. *See* American Society of Travel Advisors, *Regulatory Compliance Handbook* 39 (2025) (observing that "[t]he current regulations governing travel to Cuba are extensive" and the "rules have been liberalized, restricted, liberalized again, and restricted again"). Travel advisors and tour operators—as information specialists for their clients—must make every effort to stay informed of changes to travel restrictions so that they can disseminate accurate and reliable information to their traveling clients. *See generally Pellegrini v. Landmark Travel Grp.*, 628 N.Y.S.2d 1003, 1005 (Yonkers City Ct. 1995) (describing the travel agent as an "information specialist[]" that is "relied upon much like other information specialists and professionals such as attorneys, doctors and accountants").

Travel advisors and tour operators also depend on cruise lines receiving clear regulatory guidance from the Executive Branch. Travel agencies and tour operators rely on the sale of cruises for a substantial portion of their income. *See* American Society of Travel Advisors, *2013 Financial Benchmarking* 36 (Oct. 2014) [hereinafter *Financial Benchmarking*] (reporting that travel advisors earn an average commission of 15 percent for cruise bookings); *see also* Andrea Zelinski, *Travel Advisors' Share of Cruise Bookings Is Bouncing Back*, Travel Weekly (Apr. 15, 2023) (reporting that travel advisors' share of cruise bookings was projected to reach 71% by 2026), https://perma.cc/C5DY-LEFJ; Mary Stein, *The Hosted Travel Agent Longitudinal Report 2020*, Host Agency Reviews ("[C]ruises were the top-selling product each year [from 2016 to 2019]."), https://perma.cc/4J3Q-TTEN. Any lack of clarity or reliability regarding Executive Branch guidance to cruise lines or other travel industry enterprises necessarily has a significant negative effect on travel agencies (and, by extension, individual travel advisors) and tour operators.

The Executive Branch licensed and encouraged Respondents to travel to Cuba under the "lawful travel" exception to the Helms-Burton Act, 22 U.S.C. § 6023(13)(B)(iii), and the licensing provisions of the CACR, 31 C.F.R. §§ 515.101–515.901. Respondents, *Amici*, and businesses and individuals represented by *Amici* rightfully relied on that guidance in organizing their affairs and pursuing business opportunities.

The Executive Branch encouraged travel to Cuba in multiple ways. For example, the Treasury Department's Office of Foreign Assets Control ("OFAC") informed Carnival, Norwegian Cruise Lines,

and Royal Caribbean Cruises in 2015 that it would not grant any further specific licenses for people-to-people travel because the CACR authorized such travel under a general license based on OFAC's January 2015 amendments.[2] *See* 31 C.F.R. § 501.801(a) ("It is the policy of OFAC not to grant applications for specific licenses authorizing transactions to which the provisions of a general license are applicable."). Unlike the general license for people-to-people travel in 31 C.F.R. § 515.565(b), the application process for a specific license under 31 C.F.R. § 501.801 requires a more particularized review of the applicant's proposed transaction "based on national security and foreign policy considerations." *Zarmach Oil Servs., Inc. v. U.S. Dep't of the Treasury*, 750 F. Supp. 2d 150, 153 (D.D.C. 2010). By steering cruise lines away from specific licenses, OFAC necessarily conveyed that Respondents' travel to Cuba was covered by the general license authorized by the CACR.

The Executive Branch's refusal to take enforcement action against the cruise lines also signaled that Respondents' travel to Cuba was lawful. On June 4, 2019, OFAC completed its review of Royal Caribbean's response to an Administrative Subpoena and issued Royal Caribbean a "Cautionary Letter." *See* J.A. 870–875. The Cautionary Letter identified

---

[2] *See* Letter from Davin Blackborow to Carnival Corporation, *Havana Docks Corp. v. Carnival Corp.*, No. 1:19-cv-21724 (S.D. Fla. Sept. 20, 2021) [ECF 326-35]; Letter from Andrew Sens to Norwegian Cruise Lines Holdings, Ltd., *Havana Docks Corp. v. Norwegian Cruise Line Holdings, Ltd.*, No. 1:19-cv-23591 (S.D. Fla. Sept. 21, 2021) [ECF 235-20]; Letter from Andrew Sens to Royal Caribbean Cruises, Ltd., *Havana Docks Corp. v. Norwegian Cruise Lines Holdings, Ltd.*, No. 1:19-cv-23591 (S.D. Fla. Sept. 21, 2021) [ECF 235-18].

only alleged recordkeeping issues—a sampling of passenger certifications revealed "that approximately 12 paper certifications failed to either select a general travel license or provide a specific license number." J.A. 874; *see also* 31 C.F.R. § 501.601 ("Except as otherwise provided, every person engaging in any transaction subject to the provisions of this chapter shall keep a full and accurate record of each such transaction engaged in."). But OFAC did not identify any fundamental problems with Royal Caribbean's travel to Cuba, did not find a CACR violation, and declined to impose any civil monetary penalties. OFAC's silence with respect to anything other than recordkeeping gave Royal Caribbean every reason to believe that, but for its recordkeeping practices, every other aspect of its excursions to Cuba complied with the law.

The Executive Branch's guidance to *Petitioner* further signaled that Respondents' conduct was lawful. The record below reflects that Mickael Behn, President of Havana Docks, attempted to contact OFAC by email in 2018 (as part of a joint effort with other claimants to property expropriated by the Cuban government) to spur U.S. enforcement efforts against the cruise lines. *See* J.A. 754–757. OFAC acknowledged receipt of Mr. Behn's complaint but did not take enforcement action against the cruise lines, and Mr. Behn's efforts to spur OFAC enforcement action were unsuccessful. The State Department likewise refused Mr. Behn's invitation for regulatory action, informing Mr. Behn and others working with him that the State Department was "not currently pursuing . . . actions in relation to commercial cruise lines" given the "clear exclusion in [the] definition of 'traffics' of transactions and uses of property incident to lawful travel to Cuba." J.A. 834.

The District Court's order threatened Respondents' and *Amici*'s reliance on Executive Branch guidance by inappropriately calling into question the validity of such guidance, in particular regarding what constitutes "lawful travel." The District Court reasoned that "lawful travel" does not necessarily mean "travel licensed and encouraged by the Executive Branch," and Respondents therefore were not "immunize[d]" by the Executive Branch's encouragement. *See* J.A. 189. The unavoidable consequence of the District Court's order is that Respondents—and, in turn, *Amici*—cannot rely on clear and unambiguous guidance from the Executive Branch to advise the traveling public.

The inability of stakeholders in the travel industry to depend on Executive Branch guidance raises serious due process concerns. "Rule of law principles require that parties have fair notice and an opportunity to conform their behavior to legal rules." *Circus Circus Casinos, Inc. v. NLRB*, 961 F.3d 469, 476 (D.C. Cir. 2020). "This requirement of clarity . . . is essential to the protections provided by the Due Process Clause of the Fifth Amendment." *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012) (citing *United States v. Williams*, 553 U.S. 285, 304 (2008)). The District Court's conclusion means that the travel industry cannot rely on future guidance from the Executive Branch for fair notice of what conduct violates travel regulations—whether to Cuba or to any other destination country subject to travel restrictions.

Fortunately, the Eleventh Circuit reversed the District Court, albeit without reaching the question of Executive Branch authority over foreign affairs. This Court should consider carefully the implications of reversing the Eleventh Circuit's decision and opening

the door for the District Court's conclusion to stand. Travel advisors, travel agencies, tour operators, and other industries rely on clear and consistent guidance from the Executive Branch to provide information services to the American public. The District Court's decision created significant due process problems by undermining their reasonable reliance on clear guidance from the Executive Branch.

II. The Court Should Interpret the Helms-Burton Act To Permit the Executive Branch—and the President in Particular—To Exercise Its Constitutional Power Over Foreign Affairs.[3]

It is a bedrock separation of powers principle that "participation in the exercise of the [federal power over foreign affairs] is significantly limited. . . . 'The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.'" *United States v. Curtiss-Wright Exp. Corp.*, 299 U.S. 304, 319 (1936) (quoting Annals, 6th Cong., col. 613). Additionally, "congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction." *Id.* at 320.

The Helms-Burton Act appropriately respects these bedrock principles of Executive Branch

---

[3] The Eleventh Circuit did not address Respondents' argument that Petitioner's trafficking claims were foreclosed because use of the docks was incident and necessary to lawful travel, as administered and enforced by the Executive Branch. *See* J.A. 3 n.1. *Amici* raise the points in this section for the Court's consideration in case the Court remands with instructions to the Eleventh Circuit.

authority. Pursuant to a long-established statutory regime, the President can issue licenses to allow specific types of transactions with otherwise sanctioned countries. *See* 50 U.S.C. § 4304; *Odebrecht Constr., Inc. v. Sec'y, Fla. Dep't of Transp.*, 715 F.3d 1268, 1275 (11th Cir. 2013). The President has exercised this power to promulgate rules governing travel to Cuba. 31 C.F.R. pt. 515. And the Department of the Treasury's OFAC administers and enforces the CACR. *See Odebrecht*, 715 F.3d at 1276. The Helms-Burton Act operates within this regime and codifies the Department of the Treasury's ability to enforce the CACR. *See* 50 U.S.C. § 4315(b)(1).

If reinstated, the District Court's order would threaten to upset the Helms-Burton Act's appropriate deference to the Executive Branch. By concluding that "travel licensed and encouraged by the Executive Branch" does not qualify as "'lawful travel,'" the order undermines the Executive Branch's ability to administer and enforce the CACR, such as by setting the bounds of the lawful travel exception. *Havana Docks Corp. v. Norwegian Cruise Line Holdings, Ltd.*, No. 19-23591 (S.D. Fla. Mar. 31, 2022) [ECF 367, at 117]. *But see* Brief for United States as *Amicus Curiae* at 15, *Garcia-Bengochea v. Carnival Corp.*, No. 20-12960, 2022 WL 1135129 (11th Cir. Apr. 11, 2022) (travel-related transactions are lawful if "they are authorized by OFAC regulations at the time of the transaction").

Petitioner's citation to the June 30, 2025 National Security Presidential Memorandum ("NSPM") underscores the importance of appropriate deference to the Executive Branch with respect to foreign policy. *See* Pet. Br. 18. The NSPM significantly altered U.S. policy toward Cuba and illustrates the shifts in policy

that often occur after a change in presidential administration. Executive Branch guidance in furtherance of the president's foreign policy objectives must carry the force of law so entities that depend on such guidance to organize their affairs—such as Respondents, *Amici*, and individuals and entities represented by *Amici*—can do so with confidence. After all, few businesses or citizens would be willing to facilitate the president's foreign policy objectives if they could face massive liability after the next presidential election.

Shifts in foreign policy demonstrate the need for Respondents' dependence on clear, reliable guidance from the Executive Branch regarding lawful travel. Correct application of the Helms-Burton Act must afford appropriate deference to Executive Branch guidance, especially with respect to lawful travel.

III. Uncertainty Regarding Executive Branch Guidance Financially Harms the Travel Industry.

The uncertainty created by the District Court's order contributed to the cessation of cruises to Cuba. The cessation of such travel may be consistent with the current administration's objectives, but if the restrictions on cruises to Cuba are lifted in the future, reversal of the Eleventh Circuit's decision will have a negative financial effect on the travel industry.

In 2019, Cuba received 4.3 million foreign visitors. *See* Dave Sherwood, *No fuel? No problem; Tourists in Cuba brave worsening shortages*, Reuters (Feb. 17, 2023), https://www.reuters.com/world/americas/no-fuel-no-problem-tourists-cuba-brave-worsening-shortages-2023-02-17. In 2024, the number of foreign visitors was 2.2 million—the worst figure since 2007, excluding 2020–2022, which were affected by the

COVID-19 pandemic. *See* Daniel Pradas, *Cuba's Viral Epidemic: New Blow to Tourist Industry*, Havana Times (Dec. 6, 2025), https://havanatimes.org/business/cubas-viral-epidemic-new-blow-to-tourist-industry. American travel restrictions and the sudden enforceability of the Helms-Burton Act, of which this case is a prominent example, undoubtedly suppressed visitor numbers. *See id.* (citing President Trump's 2019 reinstatement of travel restrictions to Cuba). Since 2019, "passenger and recreational vessels" generally have been prohibited from sailing to Cuba. *See* Restricting the Temporary Sojourn of Aircraft and Vessels to Cuba, 84 Fed. Reg. 25986, 25987 (June 5, 2019).[4] Even as other forms of travel to Cuba became available, travel by cruise ships did not. *See* Chris Gray Faust & Melinda Crow, *Can Americans Travel to Cuba on a Cruise? And More Questions Answered*, Cruise Critic (updated Mar. 1, 2023) ("It is now possible to fly to far more destinations within the country. There has been no change in restrictions on cruise passengers, however."), https://www.cruisecritic.com/articles/can-americans-travel-to-cuba-on-a-cruise-and-more-questions-answered.

The present case risks further damage to the travel industry. A decision affirming the district court's position—and the accompanying potential for devastating litigation under the Helms-Burton Act—could imperil any American company seeking to

---

[4] On June 5, 2019, the Trump administration rescinded the general license for people-to-people travel. *See* Cuban Assets Control Regulations, 84 Fed. Reg. 25992 (June 5, 2019). On June 9, 2022, the Biden administration reinstated the general license but did not lift the restrictions on vessels. *See* Cuban Assets Control Regulations, 87 Fed. Reg. 35088 (June 9, 2022).

facilitate travel to Cuba. *See Will US Cruise Lines Return to Cuba? Passengers Are Pushing for a Comeback*, Cruise Pulse (Feb. 11, 2025) ("[A] federal appeals court ruled in favor of the cruise lines, but the case has since reached the US Supreme Court" and "could have significant implications for the future of US-Cuba cruise travel."); Johannes Werner, *Ruling Against Cruise Lines May Send Chill to Other U.S. Travel*, Cuba Standard (Mar. 25, 2022) ("[T]he [District Court's] opinion is now sending a chilling signal to other U.S. companies engaged in travel to Cuba."). A decision holding the cruise lines liable would create the possibility of liability for other travel industries, too. The airline industry, for example, also depends on the application of the "lawful travel" exception of the Helms-Burton Act. *See, e.g.*, Def.'s Mot. to Dismiss at 19–20, *Regueiro v. American Airlines, Inc.*, No. 19-cv-23965, 2021 WL 8501162 (S.D. Fla. Oct. 12, 2021) ("American's flights were clearly incident to lawful travel because OFAC regulations—published in the Federal Register—authorized U.S. companies to provide travel and carrier services to Cuba.").

The chill on cruises to Cuba, made worse by the District Court's ruling in this case, negatively affects bookings on cruise lines and the commission income of the travel advisors, agents, and operators that make those bookings. As a clear example, after the 2019 prohibition on sailing to Cuba, both Respondents Norwegian Cruise Lines and Royal Caribbean reported a decline in their earnings per share. *See Norwegian Cruise Line Says Cuba Travel Ban to Hit 2019 Earnings*, CNBC (June 7, 2019), https://www.cnbc.com/2019/06/07/norwegian-cruise-line-says-cuba-travel-ban-to-hit-2019-earnings.html. Carnival Corporation reported a similar decline. *See*

Mark Matousek, *Trump Banned US Cruise Ships from Traveling to Cuba, and Carnival Is Feeling the Pain*, Business Insider (June 20, 2019), https://www.businessinsider.com/carnivalhurt-by-trump-administration-cuba-travel-ban-2019-6. And any downturn in cruises causes significant harm to the economic health of travel agencies, whose income is largely commission-based and particularly reliant on cruise bookings due to their favorable commission structure. *Financial Benchmarking*, *supra*, at 34 ("Leisure [a]gencies [r]emain [h]ighly [d]ependent on [c]ommissions.").

Moreover, the above financial harm is neither *de minimis* nor limited to large corporations such as Respondents. In 2024, the travel industry supported more than 15 million American workers and directly employed 8 million people. *See* U.S. Travel Association, *Economic Impact of the U.S. Travel Industry: 2024 National Data*, https://www.ustravel.org/sites/default/files/2024-03/National%20Data_0.pdf. In the travel advisory sector alone, "there are close to 15,000 retail travel agency locations in the U.S. employing over 102,000 people, plus an additional 60,000 self-employed travel advisors." Letter from Eben Peck, Executive Vice President of ASTA, to the Hon. Mark Keam, Deputy Assistant Secretary, U.S. Department of Commerce (Mar. 15, 2023), https://www.asta.org/docs/default-source/testimony-filings/2023/asta-to-commerce-das-keam-recovid-19-impacts-march-2023.pdf. The vast majority of these businesses (95 percent) are small businesses. *See* American Society of Travel Advisors, *2025 Fact Sheet* at 1, https://asta.org/common/Uploaded%20files/ASTA/Advocacy/2025%20ASTA%20Fact%20Sheet.pdf. The Court should be mindful of the harm that the District

Court's conclusion could cause to an industry sustained by small businesses.

CONCLUSION

The Court should affirm the Eleventh Circuit's decision. Reversal would raise due process and fair notice concerns, undermine the authority of the Executive Branch to set foreign policy, and cause financial harm to the travel agency and tour operator industries that depend on reliable guidance from the Executive Branch.

Respectfully submitted,

Bradley J. Bondi
Counsel of Record
Ronald K. Anguas, Jr.
Michael D. Wheatley
Joseph C. Schroeder
Nicholas Griepsma
PAUL HASTINGS LLP
2050 M Street, NW
Washington, DC 20036
(202) 551-1700
BradBondi@paulhastings.com

Counsel for Amici Curiae

December 24, 2025