

January 14, 2009

Addendum to Circular 2006

FAC No. CU-405468

Representative
Company Name
Address One
City State Zip

Dear Salutation:

The Office of Foreign Assets Control (“OFAC”), in administering § 515.572 of the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the “Regulations”), hereby updates **Circular 2006** by the publication of this letter of addendum to **Circular 2006** (the “Addendum”). The Addendum reflects administrative changes and interpretive clarifications affecting persons who apply and/or whom OFAC has authorized under § 515.572 of the Regulations as Service Providers (“SPs”): Carrier Service Providers (“CSPs”), Travel Service Providers (“TSPs”), and Remittance Forwarders (“RFs”). These changes and interpretations in the Addendum, which are to be inserted into the Circular when it is further updated, take effect on the day of publication of the Addendum on the OFAC webpage. Both **Circular 2006** and the Addendum will be available on the OFAC webpage at www.treas.gov/ofac.

First, OFAC hereby amends Appendix V (Service Provider Enforcement Guidelines) of **Circular 2006** by removing section V (OFAC Enforcement Guidelines) from that Appendix. OFAC has moved the content of one paragraph elsewhere in Appendix V and added a reference to the ECONOMIC SANCTIONS ENFORCEMENT GUIDELINES, which are available on the OFAC webpage. A copy of Appendix V, as amended, is enclosed.

Additionally, OFAC is making the following four interpretive clarifications affecting **Circular 2006**.

- **Circular 2006** limits the transactions involving Cuba in which an SP may engage. *OFAC hereby clarifies that* no SP may alter a Government of Cuba ("GoC") visa (e.g., by writing in the name of an SP client or by changing dates of validity). A TSP is authorized to assist an OFAC-licensed client in (1) engaging in the necessary transactions to make application for a GoC visa on behalf of that client or (2) receiving from the GoC an executed GoC visa and forwarding it to that client.
- **Circular 2006**, in the SP Application Guidelines (Appendix I), requires each RF applicant to provide information concerning any foreign contracts relating to the provision of regulated services. *OFAC hereby clarifies that* for each international transfer of funds that an RF makes in forwarding a remittance to Cuba, the RF must ensure that the transfer goes only to the entity the SP identified in its SP Application process which will pay out the remittance to the intended payee consistent with the RF's contract.

- **Circular 2006**, in the SP Application Guidelines, requires each RF applicant to describe “the Scope of Your RF Operations.” See Appendix I §IV. (B). *OFAC hereby clarifies that this section relates to RF Operations in the United States.* OFAC is adding this underlined language to clarify the requirement. RFs are not permitted to operate in Cuba.
- **Circular 2006** requires each SP to keep records of the details of each transaction in which the SP engages with a client (e.g., receipt of payment for services). *OFAC hereby clarifies that the SP’s records must show the deposit into the SP’s bank account of any check, money order, draft, banker’s check, or other negotiable instrument that the SP receives in connection with the provision of regulated services.*

Finally, OFAC is adding the following to the SP Application Guidelines, a part of **Circular 2006**:

- An applicant must disclose for any “Nominee,” as defined in the SP Application Guidelines, if the Nominee has engaged in travel-related transactions involving Cuba in the last five years, providing the dates of travel, the category of travel, and the general license provision or specific license number by which the travel-related transactions were authorized.

A copy of the 19 questions that must be completed as part of an SP application, including this new question, is also enclosed. OFAC will insert the entire updated list into the SP Application Guidelines (Appendix I), superseding all such previous application questions.

If you have any questions, feel free to contact the OFAC-Miami office at (786) 845-2828.

Sincerely,



Charles Bishop
OFAC Sanctions Coordinator
Office of Foreign Assets Control

Enclosures

Circular 2006 Addendum (Revised questions as of January 6, 2009)
Appendix V of Circular 2006 (Revised as of January 6, 2009)
31 CFR Part 501 --Economic Sanctions Enforcement Guidelines
Updated List of Cuba Service Providers (Dated January 16, 2009)