

**COMPREHENSIVE GUIDELINES FOR LICENSE APPLICATIONS
TO ENGAGE IN TRAVEL-RELATED TRANSACTIONS INVOLVING CUBA**

**OFFICE OF FOREIGN ASSETS CONTROL
U.S. DEPARTMENT OF THE TREASURY**

TABLE OF CONTENTS

	<u>Page Nos.</u>
Introduction	4
General Licenses	5
Specific Licenses	6
How to Apply for a Specific License	7
Requests to Extend or Renew Specific Licenses	8
Arranging Authorized Travel to Cuba	8
Authorized Exportation of Merchandise for Personal Use	8
Prohibited Importation of Merchandise with the Exception of Cuban-Origin Information and Informational Materials	8
Authorized Travel-Related Transactions; U.S. Interests Section	9
 <u>Guidelines by Category of Travel Activity</u>	
1. Family Visits	10
2. Official Government Travel	12
3. Journalistic Activities	13
4. Professional Research and Professional Meetings	16
5. Educational Activities	20
6. Religious Activities	26
7. Public Performances, Clinics, Workshops, Athletic and Other Competitions, and Exhibitions	30
8. Support for the Cuban People	33
9. Humanitarian Projects	35
10. Activities of Private Foundations or Research or Educational Institutes	38
11. Exportation, Importation, or Transmission of Information or Informational Materials	40
12. Licensed Exportations	43

Appendix

Remittances to Independent Non-Governmental Entities and Individuals in Cuba

50

Introduction

The Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the “Regulations”), administered by the U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”), prohibit persons subject to the jurisdiction of the United States from engaging in transactions in which Cuba or a Cuban national has any interest whatsoever, direct or indirect, including transactions related to travel.¹

These *Comprehensive Guidelines for License Applications to Engage in Travel-Related Transactions Involving Cuba* (the “Application Guidelines”) are intended to promote the transparency, timeliness, and consistency of OFAC licensing determinations. The Application Guidelines are also intended to assist persons who wish to engage in travel-related transactions involving Cuba in making their own determinations as to whether their travel is authorized by a general license (*i.e.*, where no application is needed) or to assess whether their activities might fall within one of the categories for which a specific license may be granted (*i.e.*, where an application is required). The Application Guidelines are intended to establish reliable, defined parameters for the application process to ensure that qualifying travel-related transactions are authorized while reducing the potential for illegal tourist activities.

The Application Guidelines contain a brief overview of the activities for which travel-related transactions either (1) are authorized pursuant to a general license, or (2) may be authorized pursuant to a specific license. The Application Guidelines then address in separate sections each of the activities and set forth the criteria that must be adequately addressed by each applicant applying for a specific license. Examples and other information are also included under most sections, as well as the address to which applications should be sent.

The Application Guidelines should not be relied upon as a substitute for the Regulations. It is the responsibility of individuals wishing to engage in travel-related transactions involving Cuba to demonstrate or document that their proposed activities in Cuba are authorized by a general license or, with respect to qualification for specific licenses, that they meet the application criteria set forth in the Application Guidelines. OFAC may request additional information beyond that provided for in these Application Guidelines to determine whether an applicant qualifies for a license. Meeting all of the relevant specific licensing criteria in a given section does not guarantee that a specific license will be issued, as foreign policy considerations and additional factors may be considered by OFAC in making its licensing determinations.

Applications that fail to identify an applicable licensable activity or fail to adequately address the application criteria relevant to that activity, generally will be denied. In some cases, OFAC may request supplemental information before making a determination. Authorization to engage in travel-related transactions involving Cuba is not transferable, and specific licenses are not granted as a matter of right. Authorization extended to any individual does not extend under either a general or specific license to individuals who do not qualify in their own right under applicable criteria. Failure to properly use and, where applicable, oversee use of a specific license may result in suspension or revocation of the license and, in certain circumstances, referral to OFAC’s Enforcement Division for possible penalty action.

¹ Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000, Pub. L.106-387(“TSRA”), provides that OFAC may only license travel-related transactions involving activities “expressly authorized in . . . paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000).” Any activity falling outside of these twelve categories is defined in this section of TSRA as “tourist activities” and may not be authorized by either a general or specific license. This statutory restriction was incorporated into the Regulations in section 515.560(b).

Travel-related transactions involving Cuba that are not authorized under a general or specific license contained in or issued pursuant to the Regulations are prohibited and subject to enforcement and penalty provisions set forth in Subpart D of the Reporting, Procedures and Penalties Regulations, 31 C.F.R. Part 501, and OFAC's Economic Sanctions Enforcement Guidelines published in Appendix A to Part 501.

These Application Guidelines supersede and replace any licensing application guidelines previously issued by OFAC concerning travel to Cuba. The Application Guidelines may be amended or modified from time to time as circumstances warrant. Refer to the current version of the Application Guidelines on OFAC's website at http://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_tr_app.pdf. The effective date of the Application Guidelines appears on the bottom right-hand corner of each page.

General Licenses

The Regulations currently contain eight general licenses authorizing travel-related transactions involving Cuba. General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. No further permission from OFAC is required to engage in transactions covered by a general license. Individuals wishing to engage in the following activities involving Cuba should first review the general license contained in the Regulations to determine whether their travel-related transactions are covered by a general license:

- 1) visiting "close relatives" who are nationals of Cuba or visiting "close relatives" who are U.S. Government employees assigned to the U.S. Interests Section in Havana, Cuba (See Section I below);
- 2) official business travel by officials of the U.S. Government, foreign governments, or intergovernmental organizations of which the United States is a member (See Section II below);
- 3) journalistic activities by persons regularly employed as journalists by a news reporting organization or by persons regularly employed as supporting broadcast or technical personnel (See Section III below);
- 4) professional research conducted by full-time professionals in their professional areas, attendance at certain professional meetings or conferences organized by international professional organizations, or participation in certain telecommunications-related professional meetings (See Section IV below);
- 5) educational activities by faculty, staff, and students of accredited U.S. graduate and undergraduate degree-granting academic institutions (See Section V below);
- 6) religious activities under the auspices of a religious organization located in the United States (See Section VI below);
- 7) the commercial marketing, sales negotiation, accompanied delivery, or servicing in Cuba of telecommunications-related items that have been authorized for commercial export or

re-export by employees of, or an entity duly appointed to represent, a telecommunications services provider (See Section XII below);

- 8) the commercial marketing, sales negotiation, accompanied delivery, or servicing in Cuba of agricultural commodities, medicine, or medical devices by employees of a producer or distributor or an entity duly appointed to represent a producer or distributor (See Section XII below).

Specific licenses are not issued for transactions that are authorized pursuant to the provisions of a general license. *See* 31 C.F.R. § 501.801(a). Those individuals who determine that their activities are authorized by a general license must be able to document that their travel qualifies under that general license and must keep records that are required to be furnished to OFAC or other law enforcement officials (*e.g.*, U.S. Customs and Border Protection) upon demand for a period of five years after the travel transactions take place. *See* 31 C.F.R. §§ 501.601, 501.602.

Specific Licenses

OFAC will consider the issuance of specific licenses on a case-by-case basis to permit travel-related transactions where the proposed activity is not covered by a general license but is addressed by one of the statements of licensing policy listed in section 515.560(a) and set forth in related sections of the Regulations. A specific license applicant must wait for OFAC to issue the license **prior** to engaging in travel-related transactions.

Individuals wishing to engage in the following travel-related transactions involving Cuba should first review the specific license policies to determine whether their activities may qualify for a specific license:

- 1) visiting a close relative who is neither a national of Cuba nor a U.S. Government employee assigned to the U.S. Interests Section in Havana, Cuba (See Section I below);
- 2) journalistic activities for a free-lance journalistic project (See Section III below);
- 3) professional research and professional meetings that do not qualify for the general license (See Section IV below);
- 4) academic educational activities not authorized by the general license for accredited U.S. graduate or undergraduate degree-granting academic institutions (See Section V below);
- 5) educational exchanges not involving academic study pursuant to a degree program and that take place under the auspices of an organization that promotes people-to-people contact (See Section V below);
- 6) academic seminars, conferences, and workshops related to Cuba or global issues involving Cuba and sponsored or co-sponsored by the traveler's accredited U.S. graduate or undergraduate academic institution (See Section V below);
- 7) religious activities not authorized by the general license for religious organizations located in the United States (See Section VI below);

- 8) athletic competitions by amateur or semi-professional athletes or teams selected by the relevant U.S. federation (See Section VII below);
- 9) participation in a public performance, clinic, workshop, other athletic or non-athletic competition, or exhibition in Cuba (See Section VII below);
- 10) activities intended to provide support for the Cuban people (See Section VIII);
- 11) humanitarian projects in or related to Cuba designed to directly benefit the Cuban people (See Section IX below);
- 12) activities by private foundations or research or educational institutes that have an established interest in international relations to collect information related to Cuba for noncommercial purposes (See Section X below);
- 13) activities related to the exportation, importation, or transmission of information or informational materials (See Section XI below);
- 14) the marketing, sales negotiation, accompanied delivery, or servicing in Cuba of exports that appear consistent with the export or re-export licensing policy of the Department of Commerce and that are not authorized by a general license (See Section XII below); and
- 15) the marketing, sales negotiation, accompanied delivery, or servicing of medicine, medical supplies, or certain telecommunications equipment by a U.S.-owned or -controlled firm in a third country to Cuba (See Section XII below).

How to Apply for a Specific License

A written application in letter format with relevant supporting documentation must be made to OFAC to obtain a specific license. Alternatively, an applicant may use OFAC's automated online process to complete an application form, which must be printed, signed and mailed to OFAC. To use the online form process, go to <https://cubatravel.ofac.treas.gov/>. We recommend that you submit an application to OFAC no later than 45 days prior to the proposed date of departure.

For individuals who wish to apply by submitting an application in letter format, the contents of a letter application should be structured in a manner that adequately addresses **all** the applicable criteria for that category. To facilitate review, applications may be typed in an outline format with a header citing the category of travel and addressing each application criterion and other relevant information. In most circumstances, the receipt of an application will automatically generate an acknowledgment letter, assigning a case number that should be referenced in all subsequent oral and written communication with OFAC concerning the application. You may also use your case number to obtain the status of your application by contacting our automated voice response system at (202) 622-2480.

Persons specifically licensed must keep records that are required to be furnished to OFAC or other law enforcement officials (*e.g.*, U.S. Customs and Border Protection) upon demand for a period of five years after the travel transactions take place. *See* 31 C.F.R. §§ 501.601 and 501.602.

Persons seeking to offer services as a Travel Service Provider, Carrier Service Provider, and/or Remittance Forwarder (each, a "Service Provider") should be guided by the Travel, Carrier, and

Remittance Forwarding Service Provider Circular issued by OFAC, as amended or superseded, which is available on OFAC's web site. Application to become a Service Provider should be made only to the following address: Office of Foreign Assets Control, P.O. Box 229008, Miami, FL 33222-9008. If you have any questions about the Service Provider Program, including the application process, please call (786) 845-2828.

Requests to Extend or Renew Specific Licenses

When applying to extend or renew a license, please be sure to reference the license number in your application. You must also include an explanation why an extension or renewal is necessary and a detailed report setting forth a record of all activities undertaken pursuant to the original license. Please append to the submission a complete copy of the license, including related license amendments, if any.

Arranging Authorized Travel to Cuba

Authorized travelers may make their travel arrangements through an OFAC-authorized Travel Service Provider ("TSP") and may board direct charter flights departing from any U.S. international airport approved by the Department of Homeland Security for such flights. To obtain a current list of TSPs, you may consult our website at http://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_tsp.pdf or dial our fax-on-demand service at (202) 622-0077 and request document number 1207. The TSP will require you to provide a copy of your specific license or to certify that you qualify under a general license. Authorized travelers wishing to make their own travel arrangements without the use of a TSP must handle those arrangements directly with travel service providers that are located outside the United States and that are not subject to U.S. jurisdiction.

Authorized Exportation of Merchandise for Personal Use

Authorized travelers to Cuba may only take with them items authorized for export from the United States to Cuba under the Export Administration Regulations, 15 C.F.R. Parts 730-774 (the "EAR"), administered by the Department of Commerce. The EAR currently provide general authorization to carry to Cuba certain personal effects and accompanied baggage. For questions related to the licensing requirements for the exportation of goods to Cuba, please contact the U.S. Department of Commerce's Bureau of Industry and Security at (202) 482-4811.

Prohibited Importation of Merchandise with the Exception of Cuban-Origin Information and Informational Materials

Pursuant to sections 515.204 and 515.560(c)(3) of the Regulations, authorized travelers are prohibited from importing into the United States any merchandise purchased or otherwise acquired in Cuba, including but not limited to cigars and alcohol, whether as accompanied baggage or otherwise. The importation of Cuban-origin information and informational materials, as defined in section 515.332 of the Regulations (for example, publications, films, posters, phonograph records, photographs, tapes, compact discs, and artworks classified under Chapter subheadings 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States) is exempt from the prohibition.

Authorized Travel-Related Transactions

Persons authorized to engage in Cuba travel-related transactions are allowed to engage in all transportation-related transactions ordinarily incident to travel to and from (but not within) Cuba without any expenditure limitations. Transactions considered to be incident to travel and thus authorized under general or specific licenses are set forth in section 515.560(c) of the Regulations. Authorized travelers also may engage in all transactions ordinarily incident to travel anywhere within Cuba, such as hotel accommodations, meals, local transportation, and goods personally used by the traveler in Cuba, provided that the total for such expenses does not exceed the State Department *per diem* rate allowance for Havana, Cuba, in place during the period that the travel takes place, unless the authorized activities require increased expenditures. Please consult the Department of State's Office of Allowances Website at (<http://aoprals.state.gov>) for the current rate. *See* 31 C.F.R. § 515.560(c.) The Regulations also authorize most licensed travelers to engage in additional transactions that are directly incident to carrying out the activities for which their travel-related transactions are authorized.

United States Interests Section

Persons authorized to travel to Cuba may also visit the U.S. Interests Section in Havana ("USINT") while in Cuba for additional information that may be helpful in conducting their activities. USINT offers U.S. visitors information about the Cuban government, Cuban culture and society, and U.S. foreign policy. USINT also offers various services to U.S. visitors, including general briefings, contact information for Cuban officials, and a full range of consular services such as passport replacement and emergency assistance. USINT encourages all travelers to visit its website at <http://havana.usint.gov/> and to contact USINT directly prior to your trip to Cuba at Ask-USINT@state.gov. USINT is located on Calzada between L & M Streets, Vedado, Havana, tel. 537-833-3551.

Should you have any questions regarding the Application Guidelines or the Regulations, you may contact OFAC's Licensing Division at (202) 622-2480.

I. FAMILY VISITS – 31 C.F.R. § 515.561

General license to visit a close relative who is a national of Cuba or a close relative who is a U.S. Government employee assigned to the U.S. Interests Section in Havana, Cuba — 31 C.F.R. § 515.561(a):

Section 515.561(a) sets forth general licenses authorizing a person (the “family visitor”) to visit a close relative who is a national of Cuba or who is a U.S. Government employee assigned to the U.S. Interests Section in Havana, Cuba. A “close relative” is defined as any individual related to a person (in this context, the family visitor) by blood, marriage, or adoption who is no more than three generations removed from that person or from a common ancestor with that person. *See* 31 C.F.R. § 515.339. In addition, the section authorizes any person who shares a common dwelling as a family with a family visitor to accompany the family visitor on such a visit. A family visitor may engage in transactions ordinarily incident to travel and additional transactions directly incident to visiting a close relative.

Individuals who qualify for these general licenses should review section 515.561 and section 515.560(c) of the Regulations. General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. For persons satisfying all criteria and conditions in a general license, no further permission from OFAC is required to engage in transactions authorized by that general license. Each person engaging in transactions, including travel-related transactions, under a general license must be able to document how he or she qualifies under the general license.

Application criteria for specific licenses to visit a close relative who is neither a national of Cuba nor a U.S. Government employee assigned to the U.S. Interests Section in Havana, Cuba — 31 C.F.R. § 515.561(b):

If you wish to engage in travel-related transactions and additional transactions that are directly incident to visiting a close relative who is neither a national of Cuba nor a U.S. Government employee assigned to the U.S. Interests Section in Havana, you must apply for a specific license pursuant to section 515.561(b) in the form of a letter to OFAC providing the following information or by using OFAC’s online application form (see page 7):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify the type of travel. State your request for a specific license under section 515.561(b) of the Regulations to engage in travel-related transactions and additional transactions directly incident to visiting a close relative who is neither a national of Cuba nor a U.S. Government employee assigned to the U.S. Interests Section in Havana.
3. Identify the person in Cuba whom you wish to visit. Please provide the name of and state your relationship to the person you wish to visit in Cuba (*e.g.*, uncle), and confirm that the individual in Cuba is not a Cuban national.
4. Specify the OFAC authorization, if any, on which the person you wish to visit is relying. State which specific or general license, if any, authorizes the person you seek to visit to engage in transactions in Cuba.

5. Provide a point of contact for the licensed entity, if any. If the person you seek to visit is authorized either by a general license or by a specific license issued to an entity (*e.g.*, a religious organization or an educational institution), provide the name and phone number of a contact person at the licensed organization. This person must be aware of the details of the situation affecting the person you seek to visit.

6. Identify the situation in Cuba that gives rise to your application. Describe what has happened and why your presence in Cuba is necessary.

Note regarding visits to close relatives: For the purpose of this section, the term *national of Cuba* means any subject or citizen of Cuba as well as any permanent resident of Cuba, except an individual who is in Cuba pursuant to an OFAC license. An individual who is merely traveling in Cuba is not a “national of Cuba.”

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Office of Foreign Assets Control
U.S. Department of the Treasury
P.O. Box 229008
Miami, FL 33222
Tel.: 786/845-2828**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

II. OFFICIAL GOVERNMENT TRAVEL – 31 C.F.R. § 515.562

General license for officials of the United States Government, any foreign government, or any intergovernmental organization of which the United States is a member and who are traveling on the official business of their government or international organization — 31 C.F.R. § 515.562:

Section 515.562(a) sets forth a general license authorizing travel-related transactions and additional transactions as are directly incident to activities in their official capacities by persons who are officials of the United States Government, any foreign government, or any intergovernmental organization of which the United States is a member and who are traveling on the official business of their government or international organization.

Individuals who qualify for the general license should review section 515.562 and section 515.560(c) of the Regulations. General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. For persons satisfying all criteria and conditions in a general license, no further permission from OFAC is required to engage in transactions authorized by that general license. Each person engaging in transactions, including travel-related transactions, under a general license must be able to document how he or she qualifies under the general license.

III. JOURNALISTIC ACTIVITIES – 31 C.F.R. § 515.563

General license for journalistic activities by persons regularly employed as journalists or as supporting broadcast or technical personnel — 31 C.F.R. § 515.563(a):

Section 515.563(a) sets forth a general license authorizing certain travel-related and additional transactions that are directly incident to journalistic activities in Cuba by persons regularly employed as journalists by a news reporting organization or by persons regularly employed as supporting broadcast or technical personnel. Individuals who qualify for this license should review section 515.563(a) and section 515.560(c) of the Regulations. General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. For persons satisfying all criteria and conditions in a general license, no further permission from OFAC is required to engage in transactions authorized by that general license. Each person engaging in transactions, including travel-related transactions, under a general license must be able to document how he or she qualifies under the general license.

Examples:

Licensed:

Example 1: A local television station wishes to send regularly employed reporters and supporting broadcast personnel to Cuba to cover a news story. The reporters' and support personnel's journalistic activities in Cuba qualify for the general license.

Example 2: An organization that disseminates news images wishes to send two of its regularly employed photojournalists to Cuba to take pictures of a news event that the organization will post for sale on its website. Such activities in Cuba by the photojournalists qualify for the general license.

Application criteria for specific licenses for engaging in certain transactions directly incident to journalistic activities in Cuba for a free-lance journalistic project – 31 C.F.R. § 515.563(b):

If you wish to engage in travel-related transactions and additional transactions that are directly incident to journalistic activities in Cuba for a free-lance journalistic project, you must apply for a specific license pursuant to section 515.563(b) in the form of a letter to OFAC or by using OFAC's online application form (see page 7) providing the following information:

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify the type of travel. State your request for a specific license under section 515.563(b) of the Regulations to engage in travel-related transactions to, from, and within Cuba that are directly incident to journalistic activities in Cuba for a free-lance journalistic project.
3. Describe the duration of the proposed travel. Set forth the proposed dates and duration of the trip. If multiple trips are proposed, indicate the proposed dates and duration of each trip and provide a justification as to why multiple trips are necessary.

4. State the subject matter and describe the research. State the proposed journalistic project's subject matter and provide a detailed description of the proposed journalistic activities in Cuba that would be the basis for the free-lance journalistic project.
5. Identify the proposed news media organization. Identify the news media organization(s) to which you intend to submit the product of your free-lance journalistic project.
6. Document your qualifications. Provide a copy of your resume or similar document showing your record of journalism in the news media within the past three years. Free-lance journalists who cannot demonstrate a record of journalism in the news media within the past three years normally will not qualify for a license. Periodic journalism projects based solely on personal travel experience normally will not qualify as demonstration of a record of journalism.
7. Provide a detailed itinerary. Set forth a detailed itinerary demonstrating that the proposed journalistic activities constitute a full-work schedule that could not be accomplished in a shorter period of time.
8. Extensions & renewals. When applying for an extension or renewal of a license, please be sure to reference the license number in your application and include the following:
 - (a) an explanation why an extension or renewal is necessary;
 - (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any license amendments. The report should include a detailed description of each activity and the dates of travel of each trip; and
 - (c) a complete copy of the license and any license amendments.
9. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: Specific licenses may be issued pursuant to this section authorizing transactions for multiple trips to Cuba over an extended period of time by applicants demonstrating a significant record of journalism.

For questions related to the licensing requirements for the exportation of equipment and other goods from the United States to Cuba, please contact the U.S. Department of Commerce's Bureau of Industry and Security at (202) 482-4811.

Examples:

Potentially licensable under current policy

Example 1: A free-lance writer wishes to travel to Cuba to write a series of articles on Cuban music. The writer has a significant record of publication during the past three years and will have his articles published in a newspaper.

Example 2: A free-lance photo-journalist with a significant record of publication of her photographs over the past three years as a sports photographer wishes to travel to Cuba to photograph specific sporting events. The photographs will be used in a photo essay in a magazine.

Normally not licensable under current policy

Example 1: An avid traveler whose personal travelogues are published periodically in a local newspaper wishes to get a first-hand impression of Cuba and write about the experience. The application contains a description of activities that include visiting popular locations, video recording local cultural scenes, and taking contemporaneous notes regarding personal impressions of the sights and scenes. Past journalistic projects based solely on personal travel experience normally will not qualify as demonstration of a record of journalism and therefore a license would not be granted.

Example 2: A professional photographer wishes to take photographs for the purpose of publishing a pictorial book about Cuba. Her itinerary consists of travel to obtain first impressions and find interesting faces and scenery. This is not a journalistic project and therefore a license would not be granted.

Note: Full-time professionals conducting research of an academic nature in their professional areas who intend to, for example, publish an article in a professional journal, should consult section 515.564 of the Regulations. (*See also* Application Guidelines at page 16.)

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

IV. PROFESSIONAL RESEARCH & PROFESSIONAL MEETINGS – 31 C.F.R. § 515.564

General license for certain professional research and attendance at certain meetings or conferences - 31 C.F.R. § 515.564(a):

Section 515.564(a) sets forth general licenses authorizing certain travel-related and additional transactions that are directly incident to full-time professionals conducting professional research in Cuba, attending certain international professional organization meetings or conferences in Cuba, and attending certain professional meetings related to the provision of telecommunications services.

Research requires a full work schedule of noncommercial, academic research that has a substantial likelihood of public dissemination and is in the traveler's professional area.

International professional organization meetings or conferences must be organized by an international professional organization, institution, or association headquartered outside the United States (unless licensed by OFAC) that regularly sponsors meetings or conferences in other countries. A professional organization headquartered in the United States cannot organize or hold a meeting or conference in Cuba without a specific license issued by OFAC. In addition, the meetings or conferences may not be for the purpose of promoting tourism in Cuba or other commercial activities involving Cuba that are normally not licensable under current U.S. policy and may not be intended primarily for the purpose of fostering production of any biotechnological products.

Professional telecommunications-related meetings must be for the commercial marketing of, sales negotiation for, or performance under contracts for the provision of telecommunications services, or the establishment of facilities to provide telecommunications services, that are authorized by paragraphs (b), (c), or (d)(1) of section 515.542.

Please review section 515.564(a) of the Regulations and section 515.560(c) of the Regulations. For meetings related to the provision of telecommunications-related services, please review sections 515.533(f) and 515.564(a)(3) of the Regulations.

General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. For persons satisfying all criteria and conditions in a general license, no further permission from OFAC is required to engage in transactions authorized by that general license. Each person engaging in transactions, including travel-related transactions, under a general license must be able to document how he or she qualifies under the general license.

Examples:

Licensed

Example 1: An international professional association of jurists headquartered in England organizes an annual training conference. This year the conference will be held in Cuba. The prior venues for this conference have included locations in Spain, China, and Mexico. The general license is applicable to individuals who are full-time professionals.

Example 2: A university professor with a specialty in plant disease wishes to conduct a full-time schedule of non-commercial research in Cuba because his background research indicates that Cuba may have a plant strain that is resistant to disease. He plans to disseminate his findings in scholarly articles.

Example 3: Employees of a telecommunications services provider that is a person subject to U.S. jurisdiction wish to travel to Cuba to negotiate a roaming services agreement with a Cuban telecommunications services provider or to establish facilities linking the United States and Cuba.

Not licensed

Example 1: A company located in Brazil organizes professional conferences to be held in various countries and has organized a conference to be held in Cuba. Although the conference is endorsed by many international professional organizations and associations, the general license for conference attendance does not apply because the organizer of the conference is not an international professional organization, institution, or association.

Example 2: A Cuban organization has organized an international conference that is endorsed by several professional organizations in third countries. This conference does not qualify under the general license because it is not organized by an international professional organization, institution, or association that holds conferences in various international locations.

Example 3: Employees of a telecommunications services provider that is a person subject to U.S. jurisdiction wish to travel to Cuba to negotiate a contract to establish facilities to provide telecommunication services linking third countries and Cuba.

Application criteria for specific licenses for other professional research, meetings, or conferences – 31 C.F.R. § 515.564(b):

If you wish to conduct professional research or attend professional meetings or conferences in Cuba that do not qualify for the general license in section 515.564(a), you must apply for a specific license pursuant to section 515.564(b) in the form of a letter to OFAC or by using OFAC's online application form (see page 7) providing the following information:

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, describe the organization and its goals/objectives. If available, provide a copy of a brochure or other literature describing typical activities it undertakes.
3. Identify the type of travel. State your request for a specific license under section 515.564(b) of the Regulations to engage in transactions directly incident to professional research or attendance at a professional meeting or conference or for the organization of a professional meeting or conference in Cuba that does not qualify for the general license under section 515.564(a).
4. Describe duration of the proposed travel. Set forth the proposed dates and duration of trip. If multiple trips are proposed, indicate dates and duration of each trip and justification as to why multiple trips are necessary. Multiple trips to Cuba over an extended period of time may be requested and authorized for applicants demonstrating a significant record of research.

5. Describe the proposed research or meeting/conference.

(a) Research: Provide a detailed description of the research you propose to conduct in Cuba. A detailed description of the research should include (1) a statement of the thesis, (2) a description of the research plan or methodology, (3) a description of the quantity and the nature of the resources you will be using, *e.g.*, archives, interviews, etc., and (4) how you plan to utilize or disseminate the product of your research.

(b) Meeting/Conference: Describe the meeting or conference and the subject matter involved. Name the entity organizing the meeting or conference, if any, and indicate where it is headquartered. Furnish a copy of the meeting/conference program and/or agenda. Clearly articulate why your attendance at the particular meeting/conference is necessary. Specific licenses will not be issued pursuant to section 515.564(b) simply because a professional does not qualify under the general license in section 515.564(a).

6. Document your qualifications. Provide evidence of your professional qualifications, including, at a minimum, a copy of your resume or curriculum vitae. Discuss how your professional background or area of expertise is related to the subject matter you wish to research or the meeting or conference you wish to attend. In addition, please describe past research you have conducted that is of a similar nature to the type you wish to conduct in Cuba.

7. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and also include the following:

(a) an explanation why an extension or renewal is necessary;

(b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip, and the number of individuals that traveled on each trip; and

(c) a complete copy of the license and any license amendments.

8. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: For questions related to the licensing requirements for the exportation of goods from the United States to Cuba, please contact the U.S. Department of Commerce, Bureau of Industry and Security at (202) 482-4811.

Examples: Examples are set forth in section 515.564 of the Regulations. Additional examples are provided below.

Potentially licensable under current policy

Example 1: An estate attorney is handling a probate case in the United States in which a Cuban national is named as an heir. The attorney needs to gather information relevant to a conclusive determination regarding the Cuban national's entitlement that can only be ascertained by conducting research in Cuba. Licensing policy in such instances favors facilitating the resolution of legal proceedings.

Example 2: A professional writer or film maker with expertise in a certain subject wishes to travel to Cuba to engage in research necessary to produce a documentary book or film on that subject that will be published or otherwise distributed. (Please note that the making of a film absent the conduct of specific research would not qualify for a license under this section.) The making of a documentary film is a legitimate basis for issuing a license only if it is a vehicle for the presentation of the research.

Example 3: An expert in orthopedic medicine seeks to travel to Cuba to attend an orthopedic conference organized solely by a Cuban entity and not by any international organization. The conference concludes with a two-day tour of medical clinics where certain procedures used only in Cuba will be observed first-hand.

Normally not licensable under current policy

Example 1: A railroad hobbyist desires to research aging locomotives in Cuba. The Regulations provide that licenses are not granted for travel in pursuit of a hobby or research for personal satisfaction only.

Example 2: A group of architects wants to arrange a sight-seeing trip to view the architecture of Old Havana. This does not constitute research and would not qualify for a license since it constitutes travel for personal satisfaction only.

Example 3: Oil company engineers want to research Cuba's offshore oil reserves. Current policy does not support issuing licenses authorizing travel transactions related to research of a commercial nature with commercial ramifications designed to position a company's entry into the Cuban market.

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

V. EDUCATIONAL ACTIVITIES - 31 C.F.R. § 515.565

General license for certain educational activities of accredited U.S. graduate or undergraduate academic institutions – 31 C.F.R. § 515.565(a):

Section 515.565(a) sets forth a general license authorizing accredited U.S. graduate and undergraduate degree-granting academic institutions, including faculty, staff, and students of such institutions, to engage in travel-related transactions and such additional transactions that are directly incident to:

- (a)(1) Participation in a structured educational program in Cuba as part of a course offered for credit by the sponsoring U.S. academic institution;
- (a)(2) Noncommercial academic research in Cuba specifically related to Cuba and for the purpose of obtaining a graduate degree;
- (a)(3) Participation in a formal course of study at a Cuban academic institution, provided the formal course of study in Cuba will be accepted for credit toward the student's graduate or undergraduate degree;
- (a)(4) Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at the sponsoring U.S. academic institution, provided the teaching activities are related to an academic program at the Cuban institution and provided the duration of the teaching will be no shorter than 10 weeks;
- (a)(5) Sponsorship, including the payment of a stipend or salary, of a Cuban scholar to teach or engage in other scholarly activity at the sponsoring U.S. academic institution; or
- (a)(6) The organization of, and preparation for, activities described in (a)(1)-(5) above by members of the faculty and staff of the sponsoring U.S. academic institution.

General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. For persons satisfying all criteria and conditions in a general license, no further permission from OFAC is required to engage in transactions authorized by that general license. Each person engaging in transactions, including travel-related transactions, under a general license must be able to document how he or she qualifies under the general license.

Note: It is a requirement of the general license that travelers to Cuba authorized pursuant to this provision carry letters on official letterhead signed by a designated representative of the sponsoring academic institution (defined as a person designated by the relevant dean or the academic vice-president, provost, or president of the institution as the official responsible for overseeing the institution's Cuba travel program). Please refer to the relevant subsection within section 515.565(a) for more specific information concerning the necessary contents of such letters. In addition, U.S. academic institutions and individual travelers must retain records related to the transactions authorized pursuant to this provision. *See* 31 C.F.R. §§ 501.601 and 501.602.

The general license authorizes all members of the faculty and staff (including but not limited to adjunct faculty and part-time staff) of the sponsoring U.S. academic institution to participate in the activities

set forth in the general license. A student currently enrolled in a graduate or undergraduate degree program at any accredited U.S. academic institution is authorized pursuant to the general license to participate in the academic activities in Cuba set forth in the general license through any sponsoring U.S. academic institution, not only through the institution at which the student is pursuing a degree.

Full-time professionals who wish to engage in travel-related transactions to conduct professional research or attend professional meetings in Cuba are not authorized by this general license and must qualify under the general license contained in section 515.564(a) or obtain a specific license under section 515.564(b).

Application criteria for specific licenses for individuals to engage in certain educational activities that are not authorized by the educational activities general license – 31 C.F.R. § 515.565(b)(1):

Pursuant to section 515.565(b)(1), OFAC may issue a specific license authorizing an individual to engage in travel-related transactions and other transactions directly incident to educational activities of the following types:

- (a) noncommercial academic research in Cuba;
- (b) participation in a formal course of study at a Cuban academic institution; or
- (c) teaching at a Cuban academic institution.

If you wish to engage in educational activities in Cuba of the types described above and that are not authorized by the general license in Section 515.565(a) (e.g., because you do not plan to travel under the auspices of an accredited U.S. graduate or undergraduate degree-granting institution), you must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify yourself. Furnish the name, address, and daytime phone number of each applicant seeking to engage in travel-related transactions under the license.
2. Identify the type of travel. State your request for a specific license under § 515.565(b)(1) of the Regulations. Specify in which of the following types of educational activities you plan to engage:
 - (a) noncommercial academic research in Cuba;
 - (b) participation in a formal course of study at a Cuban academic institution; or
 - (c) teaching at a Cuban academic institution.
3. Describe the educational activities. Provide a detailed description of the proposed educational activities in Cuba, including a description of the activities and the proposed dates and duration of the trip.
4. Provide supporting information. Please provide any other supporting information, such as a letter from an appropriate representative of your academic institution.

5. Extensions & Renewals. When applying for an extension or a renewal of a license, be sure to reference the license number in your application and include the following:

- (a) an explanation why an extension or renewal is necessary;
- (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity and the dates of travel of each trip; and
- (c) a complete copy of the license and any license amendments.

6. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Examples:

Potentially licensable under current policy

Example 1: An individual regularly employed in a teaching capacity at a U.S. academic institution seeks to travel to Cuba to teach at a Cuban academic institution for nine weeks.

Example 2: A graduate student enrolled at an unaccredited U.S. academic institution and working toward her doctoral dissertation on the Cuban economy seeks to travel to Cuba to engage in research for her dissertation.

Normally not licensable under current policy

Example: A doctor wishes to study a medical procedure at a clinic in Cuba for credit toward a continuing education requirement. The educational activity licenses under this provision do not authorize courses of study that are not offered through Cuban academic institutions, and current policy does not support licensing activities undertaken to fulfill continuing educational requirements to maintain one's professional credentials.

Application criteria for specific licenses for certain educational exchanges not involving academic study pursuant to a degree program – 31 C.F.R. § 515.565(b)(2):

Pursuant to section 515.565(b)(2), OFAC may issue a specific license to an organization that sponsors and organizes programs to promote people-to-people contact authorizing the organization and individuals traveling under its auspices to engage in educational exchanges not involving academic study pursuant to a degree program. In general, licenses issued pursuant to this policy will be valid for one year and will contain no limitation on the number of trips that can be taken.

If your organization wishes to apply for a license pursuant to section 515.565(b)(2), it must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify your organization. Provide the name and address of your organization and include the name and phone number of the organization's contact responsible for the application and for ensuring compliance with the terms of the license once issued.

2. Identify the type of travel. State that your organization requests a specific license pursuant to section 515.565(b)(2) of the Regulations to engage in educational exchanges.
3. Provide information about your organization. Provide information that illustrates how your organization sponsors and organizes educational exchanges not involving academic study pursuant to a degree program and for the purpose of promoting people-to-people contact.
4. Provide and describe examples of activities. Provide a list of the types of activities to be engaged in by individuals traveling under your program(s). Also provide a few detailed examples of those activities and explain how those activities would result in meaningful interaction between the U.S. travelers and individuals in Cuba.
5. Provide a certification. Provide a certification that:
 - (a) each traveler will have a full-time schedule of educational exchange activities that will result in meaningful interaction between the travelers and individuals in Cuba; and
 - (b) the predominant portion of the activities to be engaged in by individuals traveling under your program(s) will not be with individuals or entities acting for or on behalf of a prohibited official of the Government of Cuba, as defined in 31 C.F.R. § 515.337, or a prohibited member of the Cuban Communist Party, as defined in 31 C.F.R. § 515.338.
6. Extensions & Renewals. When applying for an extension or a renewal of a license, be sure to reference the license number in your application and include the following:
 - (a) an explanation why an extension or renewal is necessary;
 - (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip and the number of individuals that traveled on each trip; and
 - (c) a complete copy of the license and any license amendments.
7. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Potentially licensable under current policy

Example: An organization wishes to sponsor and organize trips for individuals to learn side-by-side with Cuban individuals in areas such as environmental protection or the arts.

Normally not licensable under current policy

Example 1: An organization wishes to sponsor and organize trips to Cuba in which travelers engage in individually-selected and/or self-directed activities. Authorized trips are expected to be led by the licensed organization and to have a full-time schedule of activities in which the travelers will participate.

Example 2: An organization wishes to sponsor and organize trips to Cuba in which travelers only attend large lectures or otherwise engage in a schedule of activities that do not involve interaction with Cuban individuals.

Application criteria for specific licenses for academic seminars, conferences, and workshops related to Cuba or global issues involving Cuba – 31 C.F.R. § 515.565(b)(3):

Pursuant to section 515.565(b)(3), OFAC may issue a specific license to an accredited U.S. graduate or undergraduate degree-granting academic institution that wishes to sponsor or co-sponsor academic seminars, conferences, or workshops related to Cuba or global issues involving Cuba and attendance at such events by faculty, staff, and students of the licensed institution.

If your academic institution wishes to apply for a license pursuant to section 515.565(b)(3), it must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify your organization. Provide the name and address of the academic institution seeking a specific license under this section, and include the name and phone number of the institutional contact responsible for the application and for ensuring compliance with the terms of the license once issued.
2. Identify the type of travel. State that your academic institution requests a specific license pursuant to section 515.565(b)(3) of the Regulations.
3. Describe the proposed academic seminar, conference, or workshop. Describe the proposed academic seminar, conference, or workshop and the subject matter involved. Explain your involvement in the sponsorship of the event. Please indicate the anticipated size of the audience that may attend or participate and state who the participants will be. Identify the instructors or moderators guiding or leading the event. State whether there will be opportunity for interaction between the U.S. and Cuban participants.
4. State the number of travelers. State the number of people you expect to engage in the travel-related transactions.
5. Provide a certification of employment or enrollment. Certify that any individual who uses your institution's license will be a member of the faculty or staff or a student of the licensed institution.
6. Describe the duration of the proposed travel. Set forth the proposed dates and duration of the trip.
7. Identify the point of contact and venue in Cuba. Identify the contact person and/or organization in Cuba with whom you are coordinating and identify the venue where the event will be held.
8. Extensions & Renewals. When applying for an extension or a renewal of a license, be sure to reference your current license number in your application and include the following:

- (a) an explanation why an extension or renewal is necessary;
- (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip and the number of individuals that traveled on each trip; and
- (c) a complete copy of the license and any license amendments.

9. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Examples:

Potentially licensable under current policy

Example: An accredited U.S. college wishes to co-sponsor and organize a seminar in Cuba for its students and faculty on the history of jazz in Cuba.

Normally not licensable under current policy

Example: A commercial enterprise wishes to sponsor an annual conference for its employees in Cuba. This section only applies to U.S. academic institutions wishing to sponsor academic seminars, conferences and workshops related to Cuba or global issues involving Cuba.

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

VI. RELIGIOUS ACTIVITIES - 31 C.F.R. § 515.566

General license for religious organizations located in the United States — 31 C.F.R. § 515.566(a):

Section 515.566(a) sets forth a general license authorizing religious organizations located in the United States, including members and staff of such organizations, to engage in certain travel-related and additional transactions that are directly incident to religious activities in Cuba under the auspices of the organization. Travel-related transactions pursuant to this general license must be for the purpose of engaging, while in Cuba, in a full-time program of religious activities. Activities that are consistent with U.S. foreign policy include, but are not limited to, attendance at religious services as well as activities that contribute to the development of a Cuban counterpart's religious or institutional development such as ministerial training, education, or licensing; religious school development; youth outreach; training in or the conducting of marriage seminars; construction of places of worship or other facilities for full-time use by a Cuban counterpart; production and distribution of religious materials; assistance in holding religious services; religious preaching or teaching; and training or assistance in church administration.

Note: It is a requirement of the general license that travelers to Cuba authorized pursuant to this provision carry letters on official letterhead, signed by a representative of the sponsoring U.S. religious organization designated as the official responsible for overseeing the organization's Cuba travel program. Please refer to section 515.566(a) for more specific information concerning the necessary contents of such letters. U.S. religious organizations and individual travelers must also retain records related to the travel transactions authorized pursuant to this provision. *See* 31 C.F.R. §§ 501.601 and 501.602.

General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. For persons satisfying all criteria and conditions in a general license, no further permission from OFAC is required to engage in transactions authorized by that general license. Each person engaging in transactions, including travel-related transactions, under a general license must be able to document how he or she qualifies under the general license.

For the authorization of remittances to religious organizations in Cuba in support of religious activities see 31 C.F.R. § 515.570(c).

Examples:

Licensed

Example 1: A religious organization wishes to organize a trip to Cuba for its members for the purpose of assisting in restoring a church building and attending services there.

Example 2: A religious organization wishes to send its members to Cuba to teach in its Cuban counterpart's religious school and to transfer funds to its Cuban counterpart. The transfer of funds to a counterpart religious organization in Cuba to support its religious activities is separately authorized pursuant to the general license set forth in section 515.570(c).

Example 3: Members of a U.S. ministry wish to attend worship services and ecclesiastical ceremonies in Cuba, meet with congregations to encourage support and growth in the church, and provide consultation and assistance for future church construction.

Not Licensed

Example 1: A U.S. religiously-affiliated college wishes to send a class to Cuba to as part of a course offered at that college. The college's proposed travel does not fall within the scope of this general license but it may be authorized under the general license at section 515.565(a) of the Regulations.

Example 2: An organization that specializes in organizing "heritage tours" for persons of a particular denomination wishes to take interested practitioners of that faith on a trip to Cuba to visit historical sites and museums as well as existing communities of that denomination in Cuba. The proposed travel does not fall within the scope of the general license inasmuch as the organization putting together and leading the tour is not a religious organization.

Example 3: A group that seeks to promote interfaith understanding wishes to take an interdenominational group to Cuba to participate in religious activities ranging from Catholic mass to Santeria. The proposed travel does not fall within the scope of the general license inasmuch as the group organizing and leading the tour is not a religious organization.

Example 4: A medical fellowship wishes to send a group of health care professionals to Cuba to provide medical services to members of a Cuban congregation. The proposed travel does not fall within the scope of the general license inasmuch as the general license authorizes only religious activities and does not authorize the provision of medical services. Other travel licensing policies may separately cover this type of activity.

Application criteria for specific licenses for religious activities by individuals or organizations that do not qualify under the general license – 31 C.F.R. § 515.566(b):

Pursuant to section 515.566(b), specific licenses may be issued on a case-by-case basis authorizing certain travel-related and additional transactions that are directly incident to religious activities not authorized by the general license set forth in section 515.566(a). You must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify all proposed travelers (if no organization is involved). Furnish the name(s), address(es), and daytime phone number(s) of each person seeking to engage in travel-related transactions in Cuba under the license.
2. Identify your organization (organizations only). If you are applying on behalf of an organization that does not qualify under the criteria set forth in section 515.566(a), you must:
 - (a) provide the name of your organization;
 - (b) describe your organization (*i.e.*, the type of organization and its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.);
 - (c) describe prior overseas and/or domestic religious activities engaged in by your organization; and
 - (d) provide the name of the Cuban counterpart religious organization, if any, with which your organization will work in Cuba.

3. Identify the type of travel. State your request for a specific license under section 515.566(b) of the Regulations to engage in travel-related transactions and other transactions that are directly incident to religious activities in Cuba.

4. List and provide examples of activities (organizations only). Provide a list of the types of activities to be engaged in by your organization. Also provide a few specific, detailed examples of those activities.

5. Describe the proposed activities and the duration of the proposed travel (individual applicants only). Describe in detail all activities to be engaged in by the individuals identified in your answer to paragraph 1 above. Describe prior experiences or involvement, if any, of those individuals in similar activities. Set forth the proposed dates and duration of the trip. Explain why that amount of time is needed. If multiple trips are proposed, indicate the dates and duration of each trip and explain why multiple trips are necessary.

6. Provide a certification of a full-time schedule. Certify by written statement that the proposed religious activities will constitute a “full-time program of religious activities in Cuba.”

7. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and include the following:

(a) an explanation of why an extension or renewal is necessary;

(b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip and the number of individuals that traveled on each trip; and

(c) a complete copy of the license and any license amendments.

8. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: If you are an individual who is a member or staff of a religious organization, you may wish to check with the appropriate official of the organization as to whether it will permit individuals to travel under its auspices pursuant to the general license set forth in section 515.566(a) of the Regulations. This would avoid the need to apply for your own specific license.

For the authorization of certain remittances to religious organizations in Cuba in support of religious activities, see 31 C.F.R. § 515.570(c).

Examples:

Potentially licensable under current policy

Example: An evangelist seeks to travel to Cuba to give a sermon to a congregation of a certain denomination in Cuba. The travel is limited to the time necessary to constitute a full-time program to participate in the service and participate in meetings with the congregation.

Normally not licensable under current policy

Example 1: A couple living on their sailboat seeks to travel to Cuba and live on their boat for an undefined period of time in order to hand out bibles and preach the gospel to whomever will listen. Absent a record of similar prior experience and a full-time program of religious activities over a specified period of time, this activity does not qualify for a specific license.

Example 2: An individual seeks to travel to Cuba to participate in services one day a week over a period of several weeks. This does not qualify as a full-time program of religious activities.

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Second Floor Annex
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

VII. PUBLIC PERFORMANCES, CLINICS, WORKSHOPS, ATHLETIC AND OTHER COMPETITIONS, AND EXHIBITIONS – 31 C.F.R. § 515.567

You may request a specific license authorizing certain travel-related and additional transactions incident to participation in a public performance, clinic, workshop, athletic or other competition, or exhibition in Cuba. The event must be open for attendance and, in relevant situations, participation by the Cuban public. All U.S. profits from the event after costs must be donated to an independent nongovernmental organization in Cuba or a U.S.-based charity with the objective, to the extent possible, of promoting people-to-people contacts or otherwise benefiting the Cuban people. Such donation is not required for certain amateur or semi-professional athletic competitions held under the auspices of the relevant international sports federation.

Application criteria for specific licenses for public performances, clinics, workshops, other athletic and other competitions, or exhibitions under 31 C.F.R. § 515.567:

You must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, tell us about the organization: describe the type of organization (*e.g.*, an athletic team, an orchestra, or a ballet troop) and its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.
3. Identify the type of travel. State your request for a specific license under section 515.567 of the Regulations to engage in travel-related and other transactions that are directly incident to a public performance, clinic, workshop, athletic or other competition, or exhibition.
4. Describe the event. Describe the event and state whether it will be open for attendance and, in relevant situations, participation by the Cuban public. Please include an itinerary for your travel. Also, indicate the anticipated size of the Cuban audience that may attend or participate and state who the Cuban audience or Cuban participants will be. State whether there will be opportunity for interaction between the U.S. and Cuban participants. In the case of an amateur or semi-professional international sports federation competition, provide supporting documentation from the international sports federation that demonstrates it is holding the event in Cuba and indicate whether the U.S. participants in the athletic competition are selected by the United States federation for the relevant sport.
5. Certification for clinics and workshops. Certify that you will organize and run, at least in part, the clinic or workshop.
6. Describe disposition of profits. If the event is not an amateur or semi-professional international sports federation competition, state whether there will be an admission fee for the attendees and, if so, the amount. Identify the independent nongovernmental organization in Cuba or the U.S.-based charity to which all U.S. profits from the event after costs are to be donated. Describe the extent to which such donation will benefit the Cuban people.

7. Describe the participants. State the number of people who would need to engage in travel-related transactions and the nature of the travelers' roles in the event. Identify each traveler generically by title or role. If you are an individual applicant not traveling as a part of an organization, provide information about your background and how it relates to your participation in the event in Cuba.
8. Provide a certification of active participation. Certify that all persons traveling under the authority of the license will be active participants in the event scheduled to take place in Cuba.
9. Describe the duration of the proposed travel. Set forth the proposed dates and duration of the trip.
10. Identify the point of contact and venue in Cuba. Identify the contact person and/or organization in Cuba with whom/which you will be working and identify the venue where the event will be held.
11. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and include the following:
 - (a) an explanation why an extension or renewal is necessary;
 - (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip and the number of individuals that traveled on each trip; and
 - (c) a complete copy of the license and any license amendments.
12. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: Individuals who will not be fully engaged as active participants in the event, or, in the case of public performances, in an ancillary event that enhances the public benefit and the cultural exchange of the public performance, will not be licensed and are not eligible to travel under the authority of a license issued pursuant to this section. For example, non-participating patrons who may have lent financial support to an authorized group by paying its travel expenses would not be eligible to travel with that group. Similarly, U.S. individuals may not be licensed under this section to attend events in which they are not actively participating and are simply members of the audience. Also, note that any clinics or workshops in Cuba must be organized and run, at least in part, by the licensee.

For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact the U.S. Department of Commerce's Bureau of Industry and Security at (202) 482-4811.

Examples:

Potentially licensable under current policy

Example 1: A musical artist wishes to travel to Cuba to participate in a series of public performances with Cuban artists whose venues will be open to the Cuban public and whose profits after costs will be donated to an independent non-governmental organization in Cuba.

Example 2: Representatives of a U.S. film production company wish to travel to Cuba for the purpose of holding an exhibition of U.S. movies and will provide perspectives and insight on the making of the movies. Travelers who directly participated in the making of the movies to be exhibited may be licensed. Note: A specific license is not required to export/import films absent travel, and specific licenses may be granted for travel to export/import films. See the discussion of section 515.545 in these Application Guidelines.

Example 3: A community-associated baseball team wishes to travel to Cuba to compete against a comparable Cuban team in a baseball game that will be open to the Cuban public and where any costs after profits from the game will be donated to an independent non-governmental organization in Cuba.

Example 4: A legal services organization wishes to send a group of legal professionals to Cuba to conduct a series of clinics for Cuban law students on intellectual property issues.

Normally not licensable under current policy

Example 1: An orchestra wishes to travel to Cuba to perform under circumstances that would otherwise qualify, except that the orchestra is planning to take not only the musicians themselves but family members and persons who had donated a certain sum to the orchestra over the past year and who are seeking to be licensed under this section solely to attend the performance. Licenses issued under this section do not extend to persons who wish to travel solely to attend a performance.

Example 2: A consultant to the entertainment industry has been invited to Cuba to participate in a film festival. Her participation will consist of attending the events that will be held during the festival, which includes showings of films and discussions of the films shown with the actual filmmakers and others, both industry experts and laypersons, who also attend the festival. The consultant would also collaborate with Cuban filmmakers on techniques with respect to a film they are working on. These attendance and consultation activities are not what is meant by “participation” in public performances, clinics, workshops, competitions, and exhibitions under section 515.567(b) of the Regulations.

Example 3: An organization that provides services to arrange travel by individuals to foreign countries to participate in athletic competitions wishes to organize a series of baseball games between U.S. and Cuban baseball teams. This activity will not be licensed inasmuch as licenses under this section authorize individuals who will be active participants in the athletic competition(s), not organizations that arrange their travel. However, an individual team may submit a request to travel to Cuba for the purpose of engaging in one-on-one athletic competitions with a Cuban team. Additionally, authorization may be available under section 515.572 for an organization wishing to provide travel services related to Cuba.

Mailing Address: Applications for specific licenses under this category should be submitted to:

Licensing Division

Office of Foreign Assets Control

U.S. Department of the Treasury

1500 Pennsylvania Avenue, N.W.

Washington, D.C. 20220

Tel. 202/622-2480

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

VIII. SUPPORT FOR THE CUBAN PEOPLE – 31 C.F.R. § 515.574

You may request a specific license authorizing certain travel-related and other transactions that are intended to provide support for the Cuban people including but not limited to: (1) activities of recognized human rights organizations; (2) activities of independent organizations designed to promote a rapid, peaceful transition to democracy; and (3) activities of individuals and nongovernmental organizations that promote independent activity intended to strengthen civil society in Cuba.

Application criteria for a specific license to engage in activities providing support for the Cuban people under § 515.574:

You must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, tell us about the organization: describe the type of organization (*e.g.*, a human rights organization that monitors the status of political dissidents) and its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes. Describe any prior, relevant experiences the organization has had with regard to activities similar to those proposed in the application.
3. Identify the type of travel. State that a specific license is being requested pursuant to section 515.574 of the Regulations to engage in activities intended to provide support for the Cuban people.
4. Describe the project. Provide a detailed description of the activities to be undertaken and how they will be carried out and monitored. State in what manner the activities support human rights, will promote a rapid, peaceful transition to democracy or independent activity intended to strengthen civil society, or otherwise will provide support for the Cuban people.
5. Describe the numbers of persons involved. State the number of persons who would need to engage in travel-related transactions to carry out the activities and the role of each person involved.
6. Provide a certification of a full-time schedule. Certify that the proposed activities will constitute a full-time schedule that could not be completed in a shorter period of time. State the projected time frame for completion of the activities.
7. Describe funds or financial benefit to Cuba. Provide an explanation in the application that no significant accumulation of funds or financial benefit will accrue to the Government of Cuba.
8. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and include the following:
 - (a) an explanation why an extension or renewal is necessary;

(b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip, and the number of individuals that traveled on each trip; and

(c) a complete copy of the license and any license amendments.

9. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: Authorization to engage in funds transfers incident to licensed activities must be specifically requested and independently authorized under section 515.570(g)(1) of the Regulations. (See Appendix 1.)

For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact the U.S. Department of Commerce's Bureau of Industry and Security at (202) 482-4811.

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

IX. HUMANITARIAN PROJECTS – 31 C.F.R. § 515.575

You may request a specific license authorizing certain travel-related and additional transactions that are directly incident to certain humanitarian projects in or related to Cuba designed to directly benefit the Cuban people, including but not limited to medical and health-related projects; construction projects intended to benefit legitimately independent civil society groups; environmental projects; projects involving formal or non-formal educational training, within Cuba or off-island, on topics including civil education, journalism, advocacy and organizing, adult literacy, and vocational skills; community-based grass roots projects; projects suitable to the development of small-scale private enterprise; projects that are related to agricultural and rural development that promote independent activity; and projects to meet basic human needs.

Application criteria for a specific license to engage in activities incident to a humanitarian project under § 515.575:

You must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, tell us about the organization: describe the type of organization (*e.g.*, a non-governmental organization that does charity work, etc.) and its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes. Describe any prior, relevant experiences the organization has had in foreign countries with projects similar to those proposed in the application.
3. Identify the type of travel. State that your request is for a specific license pursuant to section 515.575 of the Regulations to engage in a humanitarian project in or related to Cuba.
4. Describe the project. Provide the following information with respect to the project:
 - (a) State the nature of the non-commercial humanitarian project: for example, a medical, health-related, or water conservation project.
 - (b) Provide a concrete, detailed proposal of the project and how it will be carried out and monitored. This proposal should be drafted in a manner similar to how an organization would draft a grant proposal. Describe all financial transactions and any materials and supplies required to complete the project and sources thereof, including an accounting of all the materials and supplies needed for the project.
 - (c) If funds other than travel-related expenses would need to be spent in Cuba to carry out the project, provide a budget for the expenditures pursuant to § 515.570(g)(1) (See Appendix 1).
 - (d) State in what manner the project will directly benefit the Cuban people.
 - (e) State the projected time frame for completion of the project.

5. Describe the number and relevant credentials of the persons involved. State the number of persons who would need to engage in travel-related transactions to carry out the project and the qualifications and role of each person in the project. If specific travelers have not been identified at the time of application, they may be identified generically if the qualifications are self-evident (*e.g.*, an application for a medical project might state that three doctors and two nurses will participate).
6. Provide a certification of a full-time schedule. Certify by written statement that the proposed activities will constitute a “full-time schedule for all the participants that could not be completed in a shorter period of time.”
7. Identify a point of contact in Cuba. If possible, identify any Cuban individuals and/or non-governmental organization(s) that will participate in carrying out the project. Give the name and address of the Cuban individuals, non-governmental organization(s), and individual points of contact associated with such organizations.
8. Identify any Government of Cuba contacts. Identify any Cuban governmental entity or government-affiliated entity you must contact for permits or other approvals to do the project and describe the nature of the contacts and any involvement of the Cuban entity in the project.
9. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and include the following:
 - (a) an explanation why an extension or renewal is necessary;
 - (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip, and the number of individuals that traveled on each trip; and
 - (c) a complete copy of the license and any license amendments.
10. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: If the proposed humanitarian project solely involves the accompanied delivery of donated goods, please refer to the licensing criteria set forth regarding sections 515.533 and 515.559 in these Application Guidelines. For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact the U.S. Department of Commerce’s Bureau of Industry and Security at (202) 482-4811.

Examples:

Potentially licensable under current policy

Example 1: A U.S. environmental organization seeks to help preserve the habitat of an endangered species in Cuba in part through an educational campaign designed to improve understanding of environmental issues.

Example 2: A U.S. group of medical professionals that specializes in the treatment of HIV/AIDS wishes to support a community in Cuba by providing the latest techniques and literature in HIV/AIDS education and prevention directly to the Cuban people.

Example 3: A farmers' cooperative wishes to educate and train independent farmers in Cuba regarding organic sustainable agricultural practices.

Normally not licensable under current policy

Example 1: A consulting firm seeks to provide services to the Cuban government with respect to the promotion of eco-tourism as a means of preserving undeveloped areas of the country. Travel-related transactions with respect to such services, and the provision of the services themselves, would not be licensed.

Example 2: A U.S. humanitarian organization wants a license to travel to Cuba to provide humanitarian aid and will solicit participation by any interested persons under such a license. The travelers would not be affiliated with the organization except for the purpose of travel to Cuba under the license and the travelers will purchase the humanitarian aid that will be donated.

Example 3: A volunteer organization seeks a license to assist with a school construction project in Cuba. Since most schools in Cuba are government run, this project normally would not be licensed.

Example 4: A group of doctors wish to provide medical training to Cuban healthcare professionals. Travel-related transactions in connection with providing medical training of professionals would not be licensed under this licensing policy.

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

X. ACTIVITIES OF PRIVATE FOUNDATIONS OR RESEARCH OR EDUCATIONAL INSTITUTES – 31 C.F.R. § 515.576

You may request a specific license authorizing certain travel-related and additional transactions directly incident to activities by private foundations or research or educational institutes that have an established interest in international relations to collection information related to Cuba for noncommercial purposes.

Application criteria for a specific license under § 515.576:

You must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify your organization. Provide the name and address of your organization and include the name and phone number of the organization's contact responsible for the application. Please indicate whether your organization is a private foundation, an educational institute, or a research institute. Provide information that illustrates how your organization qualifies as a private foundation, research institute, or educational institute.
 2. Describe your organization's established interest in international relations. Provide a description, including supporting documentation, of your organization's established interest in international relations. You may include a mission statement, charter, by-laws, or other literature describing typical activities of the organization.
 3. Identify the type of travel. State that your organization requests a specific license pursuant to section 515.576 of the Regulations to collect information related to Cuba for noncommercial purposes.
 4. Describe the project. Describe the specific international relations project your organization is working on that necessitates the collection of information in Cuba, the methods that will be used for collecting that information, how your organization will record that information, and whether and how the information collected will be publicly disseminated. Certify by written statement that the information collected related to Cuba will be used for non-commercial purposes.
- If your organization seeks authorization to engage in travel-related transactions for multiple trips to Cuba for the same project, explain why multiple trips are necessary. State the projected time frame for completion of the project.
5. Certification of full-time schedule. Certify that the proposed information collection activities will constitute a full-time schedule for all the participants that could not be completed in a shorter period of time.
 6. Extensions & renewals. When applying for extensions or renewals of licenses, be sure to reference the license number in your application. You must also include the following:

- (a) an explanation why an extension or renewal is necessary;

(b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip, and the number of individuals that traveled on each trip; and

(c) a complete copy of the license and any license amendments.

7. Signature. Your signature is your certification that the statements in your application are true and accurate.

Examples:

Potentially licensable under current policy

Example 1: A private research foundation with a ten-year history of producing essays on international relations issues wishes to send a team made up of its full-time employees to Cuba to collect information for a current study of the relationship that countries in the Western Hemisphere have with European countries. This project is for noncommercial purposes.

Example 2: The same research foundation described in the first example wishes to hire temporarily and send to Cuba a college professor, who is not an employee of the foundation, to collect information for the same project.

Normally not licensable under current policy

Example: A museum of fine arts wishes to send its board of directors to Cuba to collect information relevant to an upcoming display of artworks of Cuban artists at the museum. The fact that the museum has displayed works of international artists on numerous occasions in its history does not demonstrate that the museum has an established interest in international relations. Authorization may be available, however, under section 515.545, regarding the importation of informational materials.

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

XI. EXPORTATION, IMPORTATION, OR TRANSMISSION OF INFORMATION OR INFORMATIONAL MATERIALS – 31 C.F.R. § 515.545

You may request a specific license authorizing certain travel-related transactions for purposes related to the exportation, importation, or transmission of information or informational materials. For purposes of the Regulations, and as defined in section 515.332, the term information and informational materials means publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, news wire feeds, and other information and informational articles. To be considered informational materials, artworks must be classified under Chapter subheadings 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States.

Application criteria for a specific license under § 515.545:

You must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, tell us about the organization: describe the organization (*e.g.*, a book distributor, an art gallery, etc.) and its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.
3. Identify the type of travel. State your request for a specific license to engage in travel-related transactions for purposes related to the exportation/importation of information or informational materials under section 515.545(b) of the Regulations.
4. Identify the information or informational materials. Provide a description of the item(s) you seek to export and/or import. The items must fall within the scope of "information and informational materials" as defined in section 515.332. State the specific purpose of travel, *e.g.*, to identify and purchase Cuban books and arrange for their importation into the United States for resale by bookstores.
5. Qualifications. If the specific license is being sought by an individual, provide a copy of the individual's resume or other documentation to demonstrate his or her professional background relevant to the informational materials of the type that you seek to export/import.
6. Provide details of the travel. Provide the proposed number of trips per year, the duration of each trip, and an explanation justifying the duration and number of trips. Include a description of the activities.
7. Certification of full-time schedule. Certify that the proposed activities will constitute a full-time schedule that could not be completed in a shorter period of time.
8. Extensions & renewals. When applying for extensions or renewals of licenses, be sure to reference the license number in your application. You must also include the following:

- (a) an explanation why an extension or renewal is necessary;
- (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip and the number of individuals that traveled on each trip; and
- (c) a complete copy of the license and any license amendments.

9. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: Please review sections 515.206, 515.332, and 515.545 of the Regulations regarding transactions involving information or informational materials.

Examples:

Potentially licensable under current policy

Example 1: A U.S. book distributor wishes to engage in travel-related transactions in Cuba to purchase Cuban books intended for importation into the United States and resale through bookstores.

Example 2: A U.S. art gallery wishes to purchase Cuban artworks for importation into the United States and display at the art gallery and seeks to travel to Cuba for purposes of selecting appropriate artwork for importation into the United States.

Example 3: A U.S. music company wishes to travel to Cuba to import archived Cuban music to re-issue the music on compact discs for sale in record stores internationally.

Normally not licensable under current policy

Example 1: A U.S. author seeks to co-author a book with a Cuban author regarding a subject of interest to both and for which both are qualified. Licenses issued under this section pertain solely to exporting or importing pre-existing informational material and do not authorize the creation of new informational material. Authors interested in researching and writing a book about Cuba should review the discussion of 515.564 (Professional Research and Professional Meetings) in these Application Guidelines.

Example 2: A private art collector seeks to travel to Cuba in the hopes of acquiring Cuban artworks for his personal collection. Travel-related transactions are not authorized for purposes of acquiring informational materials to augment personal collections.

Example 3: A photographer wishes to travel to Cuba to take photographs for publication as greeting cards and coffee table books. Licenses issued under this section pertain solely to exporting or importing pre-existing informational material and do not cover the creation of new informational materials.

Mailing Address: Applications for specific licenses under this category should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury**

**1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

XII. LICENSED EXPORTATIONS– 31 C.F.R. §§ 515.533 and 515.559

1. Exportations from the United States and reexportations of 100% U.S.-origin items from a third country – 31 C.F.R. § 515.533

Section 515.533 sets forth two general licenses authorizing certain travel-related and additional transactions that are directly incident to the commercial marketing, sales negotiation, accompanied delivery, or servicing in Cuba of agricultural commodities, medicine, or medical devices that appear consistent with the export or re-export licensing policy of the Department of Commerce (515.533(e)), or of telecommunications items that have been authorized for commercial export or re-export to Cuba by the Department of Commerce (515.533(f)). Further information on each general license is provided in subsections below.

Each of these general licenses requires that a written report be submitted at least 14 days in advance of each departure to Cuba identifying both the traveler and the producer or distributor or the telecommunications services provider that is a person subject to U.S. jurisdiction, as applicable, and describing the purpose and scope of such travel. In addition, a written report must be submitted within 14 days of return from Cuba describing the business activities conducted, the persons with whom the traveler met in the course of such activities, and the expenses incurred. Reports must be captioned “Section 515.533(e) Report” or “Section 515.533(f) Report,” as applicable, and faxed to 202-622-1657 or mailed to the Office of Foreign Assets Control, *Attn:* Licensing Division, 1500 Pennsylvania Avenue, NW, Annex-2nd Floor, Washington, DC 20220. If more than one traveler is traveling on the same trip for or on behalf of the same producer or distributor, or the telecommunications services provider that is a person subject to U.S. jurisdiction, as applicable, one combined pre-trip and one combined post-trip report may be filed covering all such travelers.

General licenses constitute blanket authorization for those transactions set forth in the relevant regulation. For persons satisfying all criteria and conditions in a general license, no further permission from OFAC is required to engage in transactions authorized by that general license. Each person engaging in transactions, including travel-related transactions, under a general license must be able to document how he or she qualifies under the general license.

General license for travel-related transactions incident to sales of agricultural commodities, medicine, or medical devices — 31 C.F.R. § 515.533(e):

Section 515.533(e) sets forth a general license authorizing certain travel-related and additional transactions that are directly incident to the commercial marketing, sales negotiation, accompanied delivery, or servicing in Cuba of agricultural commodities, medicine, or medical devices that appear consistent with the export or re-export licensing policy of the Department of Commerce, provided that the traveler is regularly employed by a producer or distributor of the agricultural commodities, medicine, or medical devices or by an entity duly appointed to represent such a producer or distributor and that the traveler’s schedule of activities does not include free time, travel, or recreation in excess of that consistent with a full work schedule. The traveler must also submit to OFAC the written reports described above.

Examples:

Licensed

Example 1: Employees of a medical supply company wish to attend a Cuba-sponsored trade fair on medical equipment and medicine to market to Cuban entities medical devices that appear consistent with the export or re-export licensing policy of the Commerce Department. The employees submit reports at least 14 days in advance of departure to and after return from Cuba.

Example 2: A consulting company duly appointed by a U.S. agricultural commodities producer wishes to negotiate the sale to Cuba of agricultural products that appear consistent with the export or re-export licensing policy of the Commerce Department. The consulting company submits reports at least 14 days in advance of departure to and after return from Cuba.

Example 3: A medical company wishes to send an employee to Cuba to repair an X-ray machine that was sold to a Cuban purchaser for a health clinic and exported under a license issued by the Department of Commerce. The company reports at least 14 days prior to departure that their repair specialist will be traveling to service this equipment and reports within 14 days after the person has returned from Cuba.

Not licensed

Example: The U.S. office of a third-country medical supply company wishes to send its U.S. representatives to Cuba to market and sell to Cuba medical devices that will be wholly manufactured in and exported from that third country. The proposed travel does not fall within the scope of the general license because the medical devices are not U.S.-origin and therefore do not fall within the licensing jurisdiction of the U.S. Department of Commerce.

General license for travel-related transactions incident to sales of telecommunications-related items:

Section 515.533(f) sets forth a general license authorizing certain travel-related and additional transactions that are directly incident to the commercial marketing, sales negotiation, accompanied delivery, or servicing in Cuba of telecommunications-related items that have been authorized for commercial export or re-export to Cuba by the Department of Commerce, provided that the traveler is regularly employed by a telecommunications services provider that is a person subject to U.S. jurisdiction or by an entity duly appointed to represent such a provider and that the traveler's schedule of activities does not include free time, travel, or recreation in excess of that consistent with a full work schedule. The traveler must also submit to OFAC the written reports described above.

Examples:

Licensed

Example 1: Employees of a telecommunications services provider that is a person subject to U.S. jurisdiction wish to attend a Cuba-sponsored trade fair on telecommunications to negotiate the sale of telecommunications items that have been authorized for commercial export or re-export to Cuba by the Department of Commerce. The employees submit reports at least 14 days in advance of departure to and after return from Cuba.

Example 2: An employee of a telecommunications services provider that is a person subject to U.S. jurisdiction wishes to accompany the delivery of telecommunications-related items to Cuba that have

been authorized for commercial export or re-export to Cuba by the Department of Commerce. The employee submits reports at least 14 days in advance of departure to and after return from Cuba.

Example 3: A consulting company that has been duly appointed to represent a telecommunications services provider that is a person subject to U.S. jurisdiction wishes to meet with Cuban officials to discuss the sale of telecommunications-related items that have been authorized for commercial export or re-export to Cuba by the Department of Commerce. The consulting company submits reports at least 14 days in advance of departure to and after return from Cuba.

Not licensed

Example: Employees of a U.S. telecommunications services provider wish to travel to Cuba in order to negotiate the sale of foreign telecommunications equipment to Cuba. This would not qualify under the general license because the equipment has not been authorized for commercial export or re-export to Cuba by the Department of Commerce. The foreign subsidiary of a U.S. company may be licensed to sell non-U.S. origin telecommunications equipment to Cuba when it is determined to be necessary for U.S.-Cuba telecommunications. *See* 515.559(a)(3). Travel by persons subject to U.S. jurisdiction to negotiate the sale of such equipment would require a specific license.

Application criteria for a specific license under § 515.533(g):

If you wish to engage in travel-related transactions and additional transactions that are directly incident to the marketing, sales negotiation, accompanied delivery, or servicing in Cuba of exports that appear consistent with the export or re-export licensing policy of the Department of Commerce and are not authorized by the general licenses in paragraph (e) and (f) of this section, you must apply for a specific license pursuant to section 515.533(g) in the form of a letter to OFAC providing the following information or by using OFAC's online application form (see page 7):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, tell us about the organization: describe the type of organization (*e.g.*, charitable organization, state department of agriculture, specific trade council, seaport authority, cargo shipping company) and its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.
3. Identify the type of travel. State your request for a specific license under § 515.533(g) of the Regulations to engage in travel-related transactions in Cuba for the purpose of marketing, sales negotiation, accompanied delivery, or servicing of exports that appear consistent with the licensing policy of the U.S. Department of Commerce.
4. Identify the exportations involved.

(a) Humanitarian donations: The following must be provided in the application: (1) a copy of the Department of Commerce export license, or in the alternative, other Department of Commerce authorization listing the donated goods or information that demonstrates that the proposed items are eligible for exportation to Cuba pursuant to a Department of Commerce License Exception; (2) the name and address of the Cuban consignee(s) or donee(s); and (3) a description of the plan of delivery of the items in Cuba that correlates to the consignees identified in the Department of Commerce license. Travel-related transactions will only be

authorized for purposes of delivering the goods to consignees pre-approved and identified in the license issued by the Department of Commerce. Licenses will not be issued under this section in connection with carrying or transporting small quantities of items such as those that are eligible to be shipped in gift parcels. Furthermore, licenses will generally authorize five days of travel in Cuba for deliveries to Havana including arrival and departure, but additional days of travel for deliveries to areas outside of Havana, Cuba, may be authorized where appropriate.

(b) Commercial exportations: (1) provide a description of the goods that are or may be exported to Cuba and the purpose of travel in regard to such exports, *e.g.*, marketing, sales negotiation, accompanied delivery, or servicing, including a description of the activities; and (2) provide either a copy of the validated license issued by the Department of Commerce or a statement that the exportation from the United States has been or will be done consistent with the applicable Department of Commerce export regulations.

5. Identify the persons traveling. Provide a statement of the proposed number of persons who would travel under the authority of this license, their affiliation with the applicant, and the justification of their need to engage in Cuba travel-related transactions.

6. Certification of full-time schedule. Certify that the proposed transactions will constitute a full-time schedule for all the participants that could not be completed in a shorter period of time.

7. Extensions & renewals. When applying for extensions or renewals of licenses, be sure to reference the license number in your application. You must also include the following:

(a) an explanation why an extension or renewal is necessary;

(b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip, and the number of individuals that traveled on each trip; and

(c) a complete copy of the license and any license amendments.

8. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact the U.S. Department of Commerce, Bureau of Industry and Security at (202) 482-4811.

Examples:

Potentially licensable under current policy

Example 1: A U.S. charitable organization has obtained authorization from the U.S. Department of Commerce to deliver medicine and clothing to a Cuban non-governmental organization and furnishes a

copy of the license and information on the organization's plan for delivery of the goods to the consignees designated in the Commerce Department's license.

Example 2: A U.S. specific trade council (e.g., a trade council that focuses on a specific agricultural commodity or medical product) wishes to travel to Cuba to discuss with Cuban officials the marketing and sale of grains in Cuba eligible for exportation under Department of Commerce rules. Please note that, to the extent that the specific trade council has been duly appointed by each represented producer and the travelers are regularly employed by the duly appointed council, the proposed travel may fall within the scope of the general license provision set forth in section 515.553(e).

Example 3: A seaport authority wishes to travel to Cuba on its own behalf for a brief visit to discuss the marketing and sale of products that would be exported through that particular seaport to Cuba. Under current licensing policy, travel to Cuba by a seaport authority may be licensed once every consecutive 12-month period.

Example 4: A state's department of agriculture that does not meet the criteria for the general license wishes to send a delegation to Cuba consisting of state employees to market the state's agricultural products.

Example 5: A U.S. shipping company that provides cargo shipping services wishes to send its full-time employees to Cuba to discuss the delivery of its transportation services in order to enter into contracts with U.S. exporters who want their goods shipped to Cuba.

Normally not licensable under current policy

Example 1: City officials wish to travel to Cuba to establish a sister city relationship with government officials of a Cuban city or province. Travel to Cuba for this purpose is not within the scope of current licensing policy.

Example 2: Employees of a general trade council wish to travel to Cuba to identify and negotiate the sale of agricultural products. The general trade council has not been duly appointed by any specific companies. However, should the general trade council be duly appointed by a specific company to represent them in connection with the sale of agricultural products in Cuba, its employees' travel would fall within the scope of the general license provision. A specific license will not be granted when the traveler does not fall within the scope of the general license because he or she has not been duly appointed by a specific company.

Mailing Address: Applications for specific licenses should be submitted to:

**Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Tel. 202/622-2480**

Website address <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

2. Exportations of goods by U.S.-owned or -controlled foreign firms – 31 C.F.R. § 515.559

You may request a specific license authorizing certain travel-related and other transactions that are directly incident to marketing, sales negotiation, accompanied delivery, and servicing of exports that are consistent with the licensing policy under section 515.559. Section 515.559 provides for the licensing of exports to Cuba by U.S.-owned or controlled firms in third countries under certain limited circumstances, including exports of medicines and medical supplies or of telecommunications equipment determined to be necessary for efficient and adequate telecommunications services between the United States and Cuba.

Application criteria for a specific license under § 515.559:

You must provide the following information in a letter to OFAC or use OFAC's online application form (see page 7):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, tell us about the organization: describe the type of organization (*e.g.*, producer or seller of medicine, medical supplies, or telecommunications equipment) and its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.
3. Identify the type of travel. State your request for a specific license under section 515.559 of the Regulations to engage in travel-related transactions to, from, and within Cuba for the purpose of marketing, sales negotiation, accompanied delivery, or servicing of exports from an overseas entity.
4. Identify the authorized exports. Provide a description of the goods being exported or reexported to Cuba and the purpose for travel in regard to such exports.
5. Identify persons traveling and activities. Provide a statement of the proposed number of persons who would travel under the authority of this license, their affiliation to the applicant, and the justification of their need to travel in relation to the goods being exported.
6. Certification of full-time schedule. Certify that the proposed activities will constitute a full-time schedule for all the participants that could not be completed in a shorter period of time.
7. Extensions & renewals. When applying for extensions or renewals of licenses, be sure to reference the license number in your application. You must also include the following:
 - (a) an explanation why an extension or renewal is necessary;
 - (b) a detailed report setting forth a record of all activities undertaken pursuant to the license and any amendments. The report should include a detailed description of each activity, the dates of travel of each trip, and the number of individuals that traveled on each trip; and

(c) a complete copy of the license and any license amendments.

8. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: Licenses issued under this section do not relieve the exporter from complying with other applicable laws or regulations governing the export of these items (*e.g.*, rules administered by other U.S. Government departments and agencies, as listed in Supplement No. 3 to part 730 of the Export Administration Regulations).

Mailing Address: Applications for specific licenses should be submitted to:

Licensing Division

Office of Foreign Assets Control

U.S. Department of the Treasury

1500 Pennsylvania Avenue, N.W.

Washington, D.C. 20220

Tel. 202/622-2480

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

APPENDIX
REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT
NON-GOVERNMENTAL ENTITIES AND INDIVIDUALS IN CUBA - 31 C.F.R.
§ 515.570(g)(1)

You may request a specific license pursuant to Section 515.570(g)(1) authorizing remittances by persons subject to U.S. jurisdiction to independent nongovernmental entities or members of such entities in Cuba or to individuals or independent non-governmental entities to support the development of private businesses, including small farms. The types of activities for which funds transfers will be considered include, but are not limited to, the following: funds to assist an independent farmers' cooperative in purchasing goods or to support an independent group in operating a nursing home for the elderly. Please review section 515.570(g) of the Regulations. For information about sending personal remittances to Cuba, please see section 515.570(a)-(b).

Application criteria for specific licenses for remittances to independent non-governmental entities in Cuba or to individuals to support the development of private businesses - 31 C.F.R. § 515.570(g)(1):

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify your organization. If you are applying on behalf of an organization, tell us about your organization: describe the organization (*e.g.*, a church, a private foundation, a nongovernmental organization) and its goals/objectives. If available, provide a copy of a mission statement, brochure, or other literature describing typical activities your organization undertakes.
3. Identify the type of license requested. State that a specific license is being requested pursuant to section 515.570(g)(1) of the Regulations to send remittances to an independent nongovernmental entity or its members in Cuba or to individuals or independent non-governmental entities to support the development of private businesses, including small farms.
4. Identify the intended use of the remitted funds. Provide a detailed description of the purpose(s) for which you seek to send funds to Cuba (*e.g.*, assist an independent farmers' cooperative that raises and sells its own chickens in training its members). Please provide the name and address of the Cuban independent nongovernmental entity or individual that will be the ultimate recipient of the remittances you wish to send. State what the intended outcome is for providing the assistance.
5. Identify your contact in Cuba. Identify the actual individual(s) or independent nongovernmental entity you intend to send the funds to in Cuba and who will be responsible for receiving, spending/disbursing, and accounting for the funds. If the recipient is an individual, confirm that the individual is either (1) a member of the non-governmental entity that will be assisted, and state the person's title or function within the entity, or (2) an individual to whom funds are being sent to support the development of a private business, including a small farm.
6. Provide a budget and accounting of funds. State the amount of funds you wish to transfer to Cuba and how you plan to allocate the funds. You must provide a detailed budget accounting for the funds that itemizes the amount to be transferred by specific task or category of

expenditure (*e.g.* purchase of materials needed to renovate an orphanage: lumber-\$600.00; paint-\$200.00; concrete-\$800.00) or by specific purpose (*e.g.*, rental of a room to hold a training session for workers of an independent farmer cooperative). State how you will monitor to ensure the funds have been spent for the intended purposes.

7. Extensions & renewals. When applying for an extension or renewal of a license, be sure to reference the license number in your application and include the following:

(a) an explanation why an extension or renewal is necessary;

(b) a detailed report concerning the transfer of funds pursuant to the license and any amendments. The report should include an accounting of all funds sent to Cuba, a detailed description of how the funds were spent, the name of the Cuban individual(s) or entity(ies) that received the funds, and information concerning the status of the project; and

(c) a complete copy of the license and any license amendments.

8. Sign your letter. Your signature is your certification that the statements in your application are true and accurate.

Note: Any travel-related transactions incident to the transfer of funds must be authorized by a separate specific license.

Examples:

Potentially licensable under current policy

Example 1: A U.S. charitable organization wishes to transfer funds to Cuba to support the rebuilding of poultry production farms and to provide training sessions to local poultry farmers.

Example 2: An individual wishes to send \$1,000 to a Cuban national to buy the equipment necessary to start a small business. Note: Remittances to Cuban nationals, including, but not limited to, remittances to support the development of private businesses, that do not exceed \$500 in any consecutive three-month period are authorized by general license when certain requirements are met. Please refer to Section 515.570(b) for further information.

Example 3: A U.S. non-profit organization wishes to send funds over a one-year period to an independent Cuban nongovernmental organization to assist in the building of an orphanage.

Mailing Address: Applications for specific licenses under this category should be submitted to:

Licensing Division

Office of Foreign Assets Control

U.S. Department of the Treasury

1500 Pennsylvania Avenue, N.W.

Washington, D.C. 20220

Tel. 202/622-2480

Website address: <http://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>