

OFAC

Office of Foreign Assets Control

CUBA:

WHAT YOU NEED TO KNOW ABOUT U.S. SANCTIONS AGAINST CUBA

This document is explanatory only and does not have the force of law. The Cuban Assets Control Regulations (31 C.F.R. part 515) contain the legally binding provisions governing the sanctions that OFAC administers. This document does not supplement or modify those regulations.

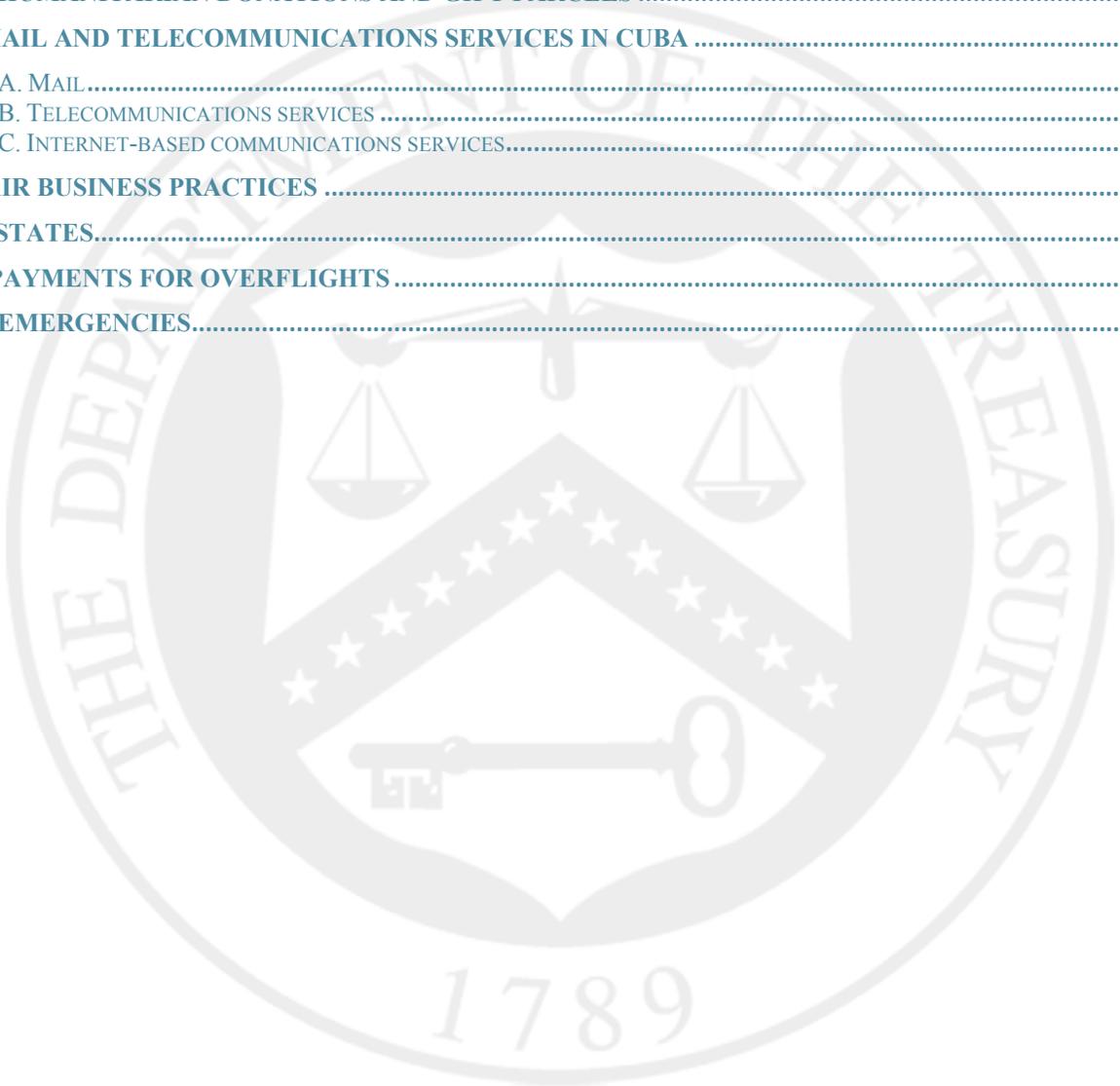


Updated January 24, 2012

Contents

I. INTRODUCTION	4
II. WHO MAY TRAVEL TO CUBA PURSUANT TO A GENERAL LICENSE?	4
A. PERSONS VISITING “CLOSE RELATIVES” WHO ARE NATIONALS OF CUBA.....	4
B. PERSONS VISITING “CLOSE RELATIVES” WHO ARE U.S. GOVERNMENT EMPLOYEES ASSIGNED TO THE U.S. INTERESTS SECTION IN HAVANA	5
C. OFFICIALS OF THE U.S. AND FOREIGN GOVERNMENTS AND OF INTERGOVERNMENTAL ORGANIZATIONS OF WHICH THE UNITED STATES IS A MEMBER TRAVELING ON OFFICIAL BUSINESS	5
D. JOURNALISTS AND SUPPORT PERSONNEL	5
E. FULL-TIME PROFESSIONALS CONDUCTING PROFESSIONAL RESEARCH OR ATTENDING CERTAIN PROFESSIONAL MEETINGS	6
F. FACULTY, STAFF AND STUDENTS OF ACCREDITED U.S. GRADUATE AND UNDERGRADUATE DEGREE-GRANTING ACADEMIC INSTITUTIONS.....	6
G. MEMBERS AND STAFF OF U.S. RELIGIOUS ORGANIZATIONS	7
H. EMPLOYEES OF A U.S. TELECOMMUNICATIONS SERVICES PROVIDER OR OF AN ENTITY REPRESENTING SUCH A PROVIDER	8
I. EMPLOYEES OF A PRODUCER OR DISTRIBUTOR OF CERTAIN AGRICULTURAL COMMODITIES, MEDICINE, OR MEDICAL DEVICES OR OF AN ENTITY REPRESENTING SUCH A PRODUCER OR DISTRIBUTOR.....	8
III. WHO MAY TRAVEL TO CUBA PURSUANT TO A SPECIFIC LICENSE?.....	8
A. PERSONS PARTICIPATING IN EDUCATIONAL ACTIVITIES NOT COVERED BY A GENERAL LICENSE.....	9
B. PERSONS PARTICIPATING IN RELIGIOUS ACTIVITIES NOT COVERED BY A GENERAL LICENSE.....	9
C. PERSONS PROVIDING SUPPORT FOR THE CUBAN PEOPLE.....	9
D. PERSONS PARTICIPATING IN HUMANITARIAN PROJECTS.....	10
E. FREE-LANCE JOURNALISTS	10
F. PERSONS PARTICIPATING IN PROFESSIONAL RESEARCH OR PROFESSIONAL MEETINGS NOT COVERED BY A GENERAL LICENSE.....	10
G. PERSONS PARTICIPATING IN PUBLIC PERFORMANCES, CLINICS, WORKSHOPS, ATHLETIC OR OTHER COMPETITIONS, OR EXHIBITIONS	10
H. PERSONS PARTICIPATING IN ACTIVITIES OF PRIVATE FOUNDATIONS OR RESEARCH OR EDUCATIONAL INSTITUTES.....	10
I. PERSONS PARTICIPATING IN ACTIVITIES RELATED TO THE EXPORTATION, IMPORTATION, OR TRANSMISSION OF INFORMATION OR INFORMATIONAL MATERIALS.....	11
J. PERSONS PARTICIPATING IN ACTIVITIES INCIDENT TO EXPORTS TO CUBA NOT COVERED BY A GENERAL LICENSE.....	11
K. PERSONS VISITING “CLOSE RELATIVES” WHO ARE NEITHER CUBAN NATIONALS NOR U.S. GOVERNMENT EMPLOYEES ASSIGNED TO THE U.S. INTERESTS SECTION IN HAVANA.....	11
IV. WHAT CUBA-RELATED TRAVEL TRANSACTIONS ARE AUTHORIZED BY OFAC LICENSES?.....	11
A. GENERALLY.....	11
B. VESSELS USED FOR TRAVEL.....	12
C. TRAVEL SERVICE PROVIDERS	12
D. CARRIER SERVICE PROVIDERS.....	12
V. WHAT CAN BE BROUGHT BACK FROM CUBA?	12
VI. SENDING OR CARRYING MONEY TO CUBA: REMITTANCES.....	13
A. FAMILY REMITTANCES.....	13
B. PERIODIC \$500 REMITTANCES.....	13
C. REMITTANCES TO RELIGIOUS ORGANIZATIONS IN CUBA.....	13
D. REMITTANCES TO STUDENTS IN CUBA PURSUANT TO AN EDUCATIONAL LICENSE	14
E. EMIGRATION-RELATED REMITTANCES	14
F. REMITTANCES FROM BLOCKED ACCOUNTS.....	14

G. SPECIFIC LICENSES FOR CERTAIN REMITTANCES	14
H. REMITTANCE FORWARDERS	15
VII. GENERAL PROHIBITIONS ON EXPORTS, IMPORTS, AND CERTAIN OTHER TRANSACTIONS.....	15
A. TRANSACTIONS INVOLVING PROPERTY IN WHICH CUBA OR A CUBAN NATIONAL HAS AN INTEREST	15
B. EXPORTING TO CUBA.....	16
C. VESSELS ENGAGED IN TRADE WITH CUBA.....	17
D. IMPORTING CUBAN-ORIGIN GOODS OR SERVICES	17
E. NATIONALS OF CUBA; SPECIALLY DESIGNATED NATIONALS; CUBAN NATIONALS WHO HAVE TAKEN UP PERMANENT RESIDENCE OUTSIDE OF CUBA.....	17
F. ACCOUNTS AND ASSETS	18
VIII. HUMANITARIAN DONATIONS AND GIFT PARCELS	18
IX. MAIL AND TELECOMMUNICATIONS SERVICES IN CUBA	19
A. MAIL.....	19
B. TELECOMMUNICATIONS SERVICES	19
C. INTERNET-BASED COMMUNICATIONS SERVICES.....	20
X. FAIR BUSINESS PRACTICES	20
XI. ESTATES.....	21
XII. PAYMENTS FOR OVERFLIGHTS.....	21
XIII. EMERGENCIES.....	21



AN OVERVIEW OF THE CUBAN ASSETS CONTROL REGULATIONS

I. INTRODUCTION

The Cuban Assets Control Regulations, 31 CFR Part 515 (the “Regulations”), were issued by the U.S. Government on July 8, 1963, under the Trading With the Enemy Act in response to certain hostile actions by the Cuban Government. They apply to all persons (individuals and entities) subject to U.S. jurisdiction – including all U.S. citizens and permanent residents wherever located, all persons in the United States, and all branches and subsidiaries of U.S. organizations throughout the world – as well as all persons engaging in transactions that involve property in or otherwise subject to the jurisdiction of the United States. The Regulations are administered by the Department of the Treasury’s Office of Foreign Assets Control (“OFAC”). Criminal penalties for violating the Regulations range up to 10 years in prison, \$1,000,000 in corporate fines, and \$250,000 in individual fines. Civil penalties up to \$65,000 per violation may also be imposed. The Regulations require those dealing with Cuba (including traveling to Cuba) to maintain records for five years and, upon request from OFAC, to furnish information regarding such dealings.

General and specific licenses are available to engage in certain transactions that are otherwise prohibited by the Regulations. A “general license” authorizes a particular type of transaction without the need for an application to, or further permission from, OFAC. A “specific license” authorizes specific transactions, and is issued to a specific person or persons, usually in response to an application. Types of specific licenses that OFAC frequently issues are set forth in the Regulations as statements of licensing policy.

The following subjects are governed by the Regulations.

II. WHO MAY TRAVEL TO CUBA PURSUANT TO A GENERAL LICENSE?

Unless authorized by a general or specific license, any person subject to U.S. jurisdiction who engages in any Cuba travel-related transaction violates the Regulations and may be subject to penalties. In addition to the Regulations, a potential traveler to Cuba is advised to review the *Comprehensive Guidelines for License Applications to Engage in Travel-Related Transactions Involving Cuba* (the “*Application Guidelines*”) to determine whether proposed transactions qualify under a general license and, if not, whether the transactions might be authorized pursuant to a specific license from OFAC. The *Application Guidelines* are available on OFAC’s Web site at www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_tr_app.pdf. Only persons whose travel falls into one of the categories discussed below may be authorized to engage in transactions in connection with travel to, from, and within Cuba. Please see part III of this brochure for information on specific licenses for travel to Cuba.

A. Persons visiting “close relatives” who are nationals of Cuba

Persons visiting a “close relative” who is a national of Cuba, and persons traveling with them who share a common dwelling as a family with them, are authorized to engage in Cuba travel-related transactions and additional transactions directly incident to visiting a close relative pursuant to

§ 515.561(a)(1) of the Regulations, without limitation on the frequency or duration of such travel to Cuba.

A “close relative” is any individual related to a person by blood, marriage, or adoption who is no more than three generations removed from that person or from a common ancestor with that person. For example, your mother’s first cousin is your close relative for purposes of the Regulations, because you are both no more than three generations removed from your great-grandparents, who are the ancestors you have in common. Similarly, your husband’s great-grandson is your close relative, because he is no more than three generations removed from your husband. However, your daughter’s father-in-law is not your close relative, because you have no common ancestor. See § 515.339.

Please see part III(K) of this brochure for information on specific licenses for persons visiting close relatives who are neither Cuban nationals nor U.S. Government employees assigned to the U.S. Interests Section in Havana.

B. Persons visiting “close relatives” who are U.S. Government employees assigned to the U.S. Interests Section in Havana

Persons visiting a “close relative” who is a U.S. Government employee assigned to the U.S. Interests Section in Havana, as well as persons traveling with them who share a common dwelling as a family with them, are authorized to engage in Cuba travel-related transactions and additional transactions directly incident to visiting a close relative pursuant to § 515.561(a)(2) of the Regulations. There is no limit on the duration or frequency of such travel to Cuba.

Please see part III(K) of this brochure for information on specific licenses for persons visiting close relatives who are neither Cuban nationals nor U.S. Government employees assigned to the U.S. Interests Section in Havana.

C. Officials of the U.S. and foreign governments and of intergovernmental organizations of which the United States is a member traveling on official business

U.S. and foreign government officials, and officials of intergovernmental organizations of which the United States is a member, who are traveling on official business in their official capacities are authorized to engage in Cuba travel-related transactions and such additional transactions as are directly incidental to activities in their official capacities pursuant to § 515.562 of the Regulations. This authorization does not extend, for example, to officials of the government of a state, municipality, or territory within the United States.

D. Journalists and support personnel

Journalists and supporting broadcast or technical personnel regularly employed in that capacity by a news reporting organization and traveling for journalistic activities are authorized to engage in Cuba travel-related transactions and such additional transactions as are directly incident to journalistic activities in Cuba pursuant to § 515.563(a) of the Regulations. Please see part III(E) of this brochure for information on specific licenses for free-lance journalists.

E. Full-time professionals conducting professional research or attending certain professional meetings

1. Professional research. Full-time professionals are authorized to engage in Cuba travel-related transactions and such additional transactions that are directly incident to conducting professional research in their professional areas pursuant to § 515.564(a)(1) of the Regulations, provided that their research (1) is of a noncommercial academic nature; (2) comprises a full work schedule in Cuba; (3) has a substantial likelihood of public dissemination; and (4) does not fall within certain categories listed in § 515.564(c)-(e).
2. Professional meetings organized by an international professional organization. Full-time professionals are authorized to engage in Cuba travel-related transactions and such additional transactions as are directly incident to travel to Cuba to attend professional meetings or conferences in Cuba pursuant to § 515.564(a)(2), provided that (1) the meeting or conference is organized by an international professional organization, institution, or association that regularly sponsors meetings or conferences in other countries; (2) the organization, institution, or association sponsoring the meeting or conference is not headquartered in the United States unless it has been specifically licensed to sponsor the meeting; (3) the purpose of the meeting or conference is not the promotion of tourism in Cuba or other commercial activities involving Cuba that are inconsistent with the Regulations; and (4) the meeting or conference is not intended primarily to foster production of any biotechnological products.
3. Professional meetings for commercial telecommunications transactions. Regular employees of a U.S. telecommunications services provider or of an entity duly appointed to represent such a provider are authorized to engage in Cuba travel-related transactions and such additional transactions as are directly incident to travel to Cuba to participate in professional meetings for the commercial marketing of, sales negotiation for, or performance under contracts for the provision of authorized telecommunications services, or the establishment of facilities to provide such services pursuant to § 515.564(a)(3), provided the travelers' schedule of activities does not include free time, travel, or recreation in excess of that consistent with a full work schedule.

Please see part III(F) of this brochure for information on specific licenses for professionals conducting professional research or attending professional meetings not covered by a general license.

F. Faculty, staff and students of accredited U.S. graduate and undergraduate degree-granting academic institutions

Pursuant to § 515.565(a) of the Regulations, the faculty, staff and students of accredited U.S. graduate and undergraduate degree-granting academic institutions are authorized to engage in Cuba travel-related transactions and such additional transactions that are directly incident to:

1. Participation in a structured educational program in Cuba as part of a course offered for credit by a sponsoring U.S. academic institution. Note that a student traveling under this general

license must currently be enrolled in an accredited U.S. graduate or undergraduate degree program and the study in Cuba must be accepted for credit toward that degree.

2. Noncommercial academic research in Cuba specifically related to Cuba for the purpose of obtaining a graduate degree. Note that a student traveling under this general license must currently be enrolled in an accredited U.S. graduate degree program and the study in Cuba must be accepted for credit toward that degree.
3. Participation in a formal course of study at a Cuban academic institution, provided that the student is currently enrolled in an accredited U.S. graduate or undergraduate degree program and that the formal course of study in Cuba will be accepted for credit toward the student's graduate or undergraduate degree.
4. Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at a sponsoring U.S. academic institution. The teaching activities must be related to an academic program at the Cuban institution and the duration of the teaching must be no shorter than 10 weeks.
5. Sponsorship, including the payment of a stipend or salary, of a Cuban scholar to teach or engage in other scholarly activity at a sponsoring U.S. academic institution. (Such earnings may be remitted to Cuba as provided in § 515.570 or carried by the returning Cuban scholar as provided in § 515.560(d)(3).)
6. The organization of the five activities listed immediately above by members of the faculty and staff of the sponsoring U.S. academic institution.

A student currently enrolled in a graduate or undergraduate degree program at any accredited U.S. academic institution may travel under this general license through any sponsoring U.S. academic institution, not only through the institution at which the student is pursuing a degree. An individual traveling to Cuba pursuant to § 515.565(a) must carry a letter on official letterhead, signed by a designated representative of the sponsoring U.S. academic institution, stating the basis for the travel.

Please see part III(A) of this brochure for information on specific licenses for persons participating in educational activities not covered by a general license.

G. Members and staff of U.S. religious organizations

Pursuant to § 515.566(a) of the Regulations, members and staff of U.S. religious organizations are authorized to engage in Cuba travel-related transactions and such additional transactions as are directly incident to religious activities in Cuba under the auspices of the organization. Travel-related transactions must be for the purpose of engaging in a full-time program of religious activities while in Cuba.

All individuals traveling pursuant to § 515.566(a) must carry a letter on official letterhead, signed by a designated representative of the religious organization, confirming that they are members or

staff of the organization and traveling to Cuba to engage in religious activities under the auspices of the organization.

Please see part III(B) of this brochure for information on specific licenses for persons participating in religious activities not covered by a general license.

H. Employees of a U.S. telecommunications services provider or of an entity representing such a provider

Regular employees of a U.S. telecommunications services provider or of an entity duly appointed to represent such a provider may travel to Cuba under two separate general licenses, provided the travelers' schedule of activities does not include free time, travel, or recreation in excess of that consistent with a full work schedule.

1. Cuba travel-related transactions and additional transactions directly incident to participation in professional meetings for the commercial marketing of, sales negotiation for, or performance under contracts for the provision of authorized telecommunications services, or the establishment of facilities to provide such services, are authorized pursuant to § 515.564(a)(3) of the Regulations.
2. Cuba travel-related transactions 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 are authorized pursuant to § 515.533(f). Travelers under this provision must notify OFAC in writing prior to travel and meet certain other requirements.

I. Employees of a producer or distributor of certain agricultural commodities, medicine, or medical devices or of an entity representing such a producer or distributor

Pursuant to § 515.533(e) of the Regulations, regular employees of a producer or distributor of agricultural commodities, medicine, or medical devices or of an entity duly appointed to represent such a producer or distributor are authorized to engage in Cuba travel-related transactions and additional transactions directly incident to the commercial marketing, sales negotiation, accompanied delivery, or servicing in Cuba of such items. The items for export must appear consistent with the export or re-export licensing policy of the Department of Commerce, the traveler's schedule of activities must not include free time, travel, or recreation in excess of that consistent with a full work schedule, and travelers must notify OFAC in writing prior to travel.

III. WHO MAY TRAVEL TO CUBA PURSUANT TO A SPECIFIC LICENSE?

On a case-by-case basis OFAC considers applications for specific licenses to authorize Cuba travel-related transactions not covered by a general license but consistent with one of the categories of specific licenses listed in § 515.560(a) of the Regulations and described below.

Please refer to the *Application Guidelines* to determine whether you may be eligible for a specific license. Applications for a specific license must be submitted to OFAC either in letter format or using OFAC's automated application form, which is available on OFAC's Web site at <https://cubatravel.ofac.treas.gov>. Applicants must address the criteria set forth in the relevant section of the *Application Guidelines*. Applications that are mailed should be addressed to the Licensing Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

A. Persons participating in educational activities not covered by a general license

OFAC may issue specific licenses authorizing Cuba travel-related transactions and other transactions directly incident to educational activities not covered by a general license, including:

1. An individual's noncommercial academic research in Cuba, participation in a formal course of study at a Cuban academic institution, or teaching at a Cuban academic institution that is not authorized by a general license.
2. People-to-people educational exchanges. These are educational exchanges not involving academic study pursuant to a degree program that take place under the auspices of an organization that sponsors and organizes programs to promote people-to-people contact. Under this policy, the license is issued to the organization that is running the people-to-people programs.
3. Sponsorship or co-sponsorship by an accredited U.S. graduate or undergraduate degree-granting academic institution of academic seminars, conferences, and workshops related to Cuba or global issues involving Cuba and attendance at such events by faculty, staff, and students of the licensed institution.

Please see § 515.565(b) of the Regulations.

B. Persons participating in religious activities not covered by a general license

OFAC may issue specific licenses authorizing Cuba travel-related transactions and other transactions directly incident to religious activities not covered by a general license. Please see § 515.566(b) of the Regulations.

C. Persons providing support for the Cuban people

Specific licenses may be issued authorizing Cuba travel-related transactions and other transactions intended to provide support for the Cuban people, such as activities of recognized human rights organizations. Please see § 515.574 of the Regulations.



D. Persons participating in humanitarian projects

Specific licenses may be issued authorizing Cuba travel-related transactions and such additional transactions as are directly incident to certain humanitarian projects in or related to Cuba that are designed to directly benefit the Cuban people. Please see § 515.575 of the Regulations.

E. Free-lance journalists

Specific licenses may be issued authorizing Cuba travel-related transactions and other transactions directly incident to journalistic activities in Cuba for a free-lance journalistic project, provided certain conditions are met. Please see § 515.563(b) of the Regulations.

F. Persons participating in professional research or professional meetings not covered by a general license

OFAC may issue specific licenses authorizing Cuba travel-related transactions and other transactions directly incident to professional research and professional meetings that do not qualify for a general license. Please see § 515.564(b) of the Regulations.

G. Persons participating in public performances, clinics, workshops, athletic or other competitions, or exhibitions

OFAC may issue specific licenses authorizing Cuba travel-related transactions and other transactions directly incident to participation by amateur or semi-professional athletes or athletic teams in athletic competitions in Cuba held under the auspices of the international sports federation for the relevant sport. To qualify, U.S. participants must be selected by the relevant U.S. sports federation and the athletic competition in Cuba must be open for attendance and, in relevant situations, participation by the Cuban public. Please see § 515.567(a) of the Regulations.

OFAC may issue specific licenses authorizing Cuba travel-related transactions and other transactions directly incident to participation in a public performance, clinic, workshop, athletic competition (other than those described above), non-athletic competition, or exhibition in Cuba. Such events must be open for attendance and, in relevant situations, participation by the Cuban public; all U.S. profits from such events 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 contact or otherwise benefiting the Cuban people. Any clinics or workshops in Cuba must be organized and run, at least in part, by the licensee. Please see § 515.567(b).

H. Persons participating in activities of private foundations or research or educational institutes

OFAC may issue specific licenses authorizing Cuba travel-related transactions and such additional transactions as are directly incident to 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. Please see § 515.576 of the Regulations.

I. Persons participating in activities related to the exportation, importation, or transmission of information or informational materials

OFAC may issue specific licenses authorizing Cuba travel-related transactions for purposes related to the exportation, importation, or transmission of information or informational materials as defined in § 515.332 of the Regulations. Please see § 515.545.

J. Persons participating in activities incident to exports to Cuba not covered by a general license

For export-related travel to Cuba not covered by a general license, OFAC may issue specific licenses authorizing Cuba travel-related transactions and additional transactions 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. Please see § 515.533(g) of the Regulations.

K. Persons visiting “close relatives” who are neither Cuban nationals nor U.S. Government employees assigned to the U.S. Interests Section in Havana

OFAC may issue specific licenses authorizing Cuba travel-related transactions and additional transactions directly incident to visiting a “close relative” in Cuba who is neither a Cuban national nor a U.S. Government employee assigned to the U.S. Interests Section in Havana. Please see § 515.561(b) of the Regulations and § 515.339 for the definition of “close relative.”

IV. WHAT CUBA-RELATED TRAVEL TRANSACTIONS ARE AUTHORIZED BY OFAC LICENSES?

A. Generally

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 Cuba without any expenditure limitations. 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 Department of State’s Per Diem Rate Allowance for Havana, Cuba, in effect during the period that the travel takes place. The current per diem rate is available on the Department of State’s Web site at aoprals.state.gov/web920/per_diem.asp. Please see § 515.560(c) of the Regulations.

Most authorized travelers may also spend additional money for transactions directly incident to the activities for which they are authorized to travel to Cuba. Please see the specific Regulation provisions for details; if a specific license is required for the travel, this additional authorization will be included in the license if it is applicable. For example, journalists traveling in Cuba under the general license for journalistic activities may spend money over and above the current per

diem rate for other costs that are directly incident to covering a story in Cuba (a journalistic activity). Purchases of services unrelated to travel or a licensed activity, such as elective medical services, are prohibited. The purchase of publications, recorded music, and other informational materials (as defined in § 515.332) is not restricted, nor are expenditures associated with the use of telecommunications services.

B. Vessels used for travel

All persons onboard vessels that travel to Cuba, including the vessel operator, crew, and passengers, must be authorized by OFAC. Vessels carrying passengers to or from Cuba (including from or to a third country) are prohibited from entering a U.S. port with such passengers on board without authorization from OFAC. Please see § 515.207(b) of the Regulations. Vessels traveling to Cuba are also subject to regulations implemented by the Department of Commerce and the United States Coast Guard. Please see 15 CFR Parts 730 et seq. and 33 CFR § 107.200 et seq., respectively, for more information.

Please see part VII(C) of this brochure for information on vessels engaged in trade with Cuba.

C. Travel Service Providers

Any person subject to U.S. jurisdiction who provides services akin to those of a travel agent with respect to Cuba (for example, arranging travel to, from, or within Cuba, selling tickets for flights to Cuba, or reserving and selling accommodations for authorized travelers within Cuba) must be specifically licensed by OFAC as a Travel Service Provider. Please see § 515.572(a)(1) of the Regulations. An authorized traveler should not use any travel agent or tour operator in the United States that is not a licensed Travel Service Provider. A list of authorized Travel Service Providers is available on OFAC's Web site at www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_tsp.pdf. Persons interested in being licensed as a Travel Service Provider, should consult § 515.572(a)(1) and *Circular 2006*, which is available at www.treasury.gov/resource-center/sanctions/Programs/Documents/circ2006.pdf, for details on the Service Provider Program requirements.

D. Carrier Service Providers

Any person subject to U.S. jurisdiction who wishes to provide transportation services between the United States and Cuba must be specifically licensed as a Carrier Service Provider. Please see § 515.572(a)(2) of the Regulations. A list of authorized Carrier Service Providers is available on OFAC's Web site at www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_tsp.pdf. Persons interested in being licensed as a Carrier Service Provider, should consult § 515.572(a)(2) and *Circular 2006*, which is available at www.treasury.gov/resource-center/sanctions/Programs/Documents/circ2006.pdf, for details on the Service Provider Program requirements.

V. WHAT CAN BE BROUGHT BACK FROM CUBA?

No goods of Cuban origin, other than information or informational materials, may be transported out of Cuba or brought into the United States. There are no limits on the import or export of

informational materials. Such materials – including books, films, posters, photographs, CDs – are statutorily exempt from the prohibitions of the Regulations and may be purchased, sold, and transported freely. Blank tapes, CDs, and other media are not considered informational materials. Please see §§ 515.206(a) and 515.332 of the Regulations.

VI. SENDING OR CARRYING MONEY TO CUBA: REMITTANCES

Certain remittances to Cuban nationals are authorized pursuant to § 515.570 of the Regulations.

An authorized traveler may carry to Cuba up to \$3,000 in remittances authorized by § 515.570(a)-(d), as described below, pursuant to § 515.560(c)(4)(i). A national of Cuba departing the United States may carry back up to \$3,000 received as remittances for him or herself pursuant to § 515.560(d)(2). The Regulations do not limit the amount of emigration-related remittances (see § 515.570(e)) that an authorized traveler may carry to Cuba, but none may be carried until a visa has been issued to each payee and the traveler can provide the visa recipient's full name, date of birth, visa number, and visa date. Please see § 515.560(c)(4)(ii).

Carrying remittances to Cuba on behalf of other remitters is prohibited.

A. Family remittances

Individual persons subject to U.S. jurisdiction who are 18 years of age or older are authorized to send remittances to a “close relative” who is a Cuban national, whether in Cuba or in a third country. Please see § 515.339 of the Regulations for the definition of “close relative.” No family remittances may be sent to a prohibited official of the Government of Cuba or a prohibited member of the Cuban Communist Party as defined in §§ 515.337 and 515.338, respectively. There is no limit on the amount of family remittances or the frequency with which they may be sent. Please see § 515.570(a).

B. Periodic \$500 remittances

Persons subject to U.S. jurisdiction are authorized to make periodic remittances of up to \$500 to any Cuban nationals, including, but not limited to, remittances to support the development of private businesses. A remitter's total remittances to any one Cuban national may not exceed \$500 in any consecutive three-month period, and the remitter, if an individual, must be 18 years of age or older. No periodic \$500 remittances may be sent to a prohibited official of the Government of Cuba or a prohibited member of the Cuban Communist Party. Please see § 515.570(b) of the Regulations.

C. Remittances to religious organizations in Cuba

Persons subject to U.S. jurisdiction are authorized to make unlimited remittances to religious organizations in Cuba in support of religious activities. The remitter, if an individual, must be 18 years of age or older. Please see § 570(c) of the Regulations.

D. Remittances to students in Cuba pursuant to an educational license

Persons subject to U.S. jurisdiction who are 18 years of age or older are authorized to make remittances to close relatives who are students engaging in authorized educational travel in Cuba. The remittances must be for the purpose of funding transactions authorized by the license under which a student is traveling. Please see § 515.570(d) of the Regulations and § 515.339 for the definition of “close relative.”

E. Emigration-related remittances

Persons subject to U.S. jurisdiction are authorized to send two separate one-time remittances per Cuban national payee to enable the payee to emigrate from Cuba to the United States. One remittance of no more than \$1,000 per payee, for the purpose of covering the payee’s preliminary emigration expenses, may be sent before the payee has received a valid visa from the Department of State or other approved U.S. immigration documents.

Up to an additional \$1,000 per payee, for the purpose of enabling the payee to emigrate from Cuba to the United States, may be sent after the Cuban national has received a visa or other approved U.S. immigration documents. At the time such a remittance is sent, the remitter must be able to provide the visa recipient’s full name, date of birth, visa number, and visa date of issuance. Please see § 515.570(e) of the Regulations.

F. Remittances from blocked accounts

Pursuant to § 515.570(f) of the Regulations, funds deposited in a blocked account in a banking institution in the United States held in the name of, or in which the beneficial interest is held by, a national of Cuba as a result of a valid testamentary disposition, intestate succession, or payment from a life insurance policy or annuity contract triggered by the death of the policy or contract holder may be remitted to that Cuban national provided that she or he is a “close relative” of the decedent. Please see § 515.339 for the definition of “close relative.” Such inherited blocked funds may also be remitted as emigration-related remittances in accordance with § 515.570(e) whether or not the Cuban national recipient is a “close relative” of the decedent.

Up to \$300 in any consecutive three-month period also may be sent from any blocked account in a banking institution in the United States to a Cuban national in a third country who is an individual in whose name, or for whose beneficial interest, the account is held.

G. Specific licenses for certain remittances

Pursuant to § 515.570(g) of the Regulations, OFAC may issue specific licenses on a case-by-case basis authorizing remittances:

1. To independent non-governmental entities in Cuba, including but not limited to pro-democracy groups and civil society groups, and to members of such groups or organizations, or to individuals or independent non-governmental entities to support the development of

private businesses, including small farms, in excess of the \$500 per quarter authorized by the general license in § 515.570(b);

2. From a blocked account to a Cuban national in excess of the \$300 per consecutive three-month period authorized by the general license in § 515.570(f)(2); or
3. To a person in Cuba, directly or indirectly, for transactions to facilitate non-immigrant travel by an individual in Cuba to the United States under circumstances where humanitarian need is demonstrated, including but not limited to illness or other medical emergency, in excess of the \$500 per quarter authorized by the general license in § 515.570(b).

H. Remittance forwarders

Any persons subject to U.S. jurisdiction other than depository institutions, as defined in § 515.333 of the Regulations, who provide services in connection with the collection or forwarding of authorized remittances must be specifically licensed as Remittance Forwarders pursuant to § 515.572(c). OFAC maintains a current list of authorized Remittance Forwarders (other than depository institutions), Travel Service Providers, and Carrier Service Providers on its Web site at http://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_tsp.pdf.

Depository institutions, as defined in § 515.333, are authorized as Remittance Forwarders pursuant to § 515.572(a)(3) to collect and forward authorized remittances to Cuba. To facilitate this, depository institutions are permitted to set up testing arrangements and exchange authenticator keys with Cuban financial institutions. Depository institutions may not, however, open or use direct correspondent accounts with Cuban financial institutions.

For details on the Service Provider Program requirements, please consult *Circular 2006*, which is available on OFAC's Web site at www.treasury.gov/resource-center/sanctions/Programs/Documents/circ2006.pdf. All authorized Remittance Forwarders (including depository institutions) must collect information from the persons who use their services showing compliance with remittance provisions and must retain the information for five years. All specifically authorized Remittance Forwarders must report to OFAC annually on the transactions undertaken pursuant to their licenses.

VII. GENERAL PROHIBITIONS ON EXPORTS, IMPORTS, AND CERTAIN OTHER TRANSACTIONS

A. Transactions involving property in which Cuba or a Cuban national has an interest

The Regulations prohibit any person subject to U.S. jurisdiction from dealing in any property in which Cuba or a Cuban national has or has had any interest. Under the Regulations, "property" is very broadly defined and includes such things as contracts and services. For example, unless authorized, persons subject to U.S. jurisdiction (including U.S. overseas subsidiaries) may not purchase Cuban cigars in third countries; may not sign a contract with a foreign firm if the contract terms include Cuba-related provisions, even if those provisions are contingent upon the lifting of the embargo; and may not provide accounting, marketing, sales, or insurance services to

a Cuban company or to a foreign company with respect to the foreign company's Cuba-related business.

B. Exporting to Cuba

Exporting to Cuba requires dealing in property in which Cuba or a Cuban national has an interest. Thus, with certain exceptions, no products, technology, or services may be exported from the United States to Cuba or a Cuban national, either directly or through third countries, such as Canada or Mexico, without a license from OFAC. This prohibition includes dealing in or assisting with the sale of goods or commodities to Cuba, even if done entirely offshore. Such brokering is considered to be dealing in property in which Cuba or a Cuban national has an interest and is therefore prohibited. Exceptions to the general prohibition include the following, with limitations: publications and other informational materials (such as compact disks and artwork) (see § 515.206(a) of the Regulations), donated food (see § 515.206(b)), goods licensed for export or re-export by the Department of Commerce (such as medicine and medical devices, food, agricultural commodities, and gift parcels) (see § 515.533), generally licensed legal services (see § 515.512), generally licensed telecommunications services (see § 515.542), and generally licensed services incident to Internet-based communications (see § 515.578).

Pursuant to § 515.533, all transactions ordinarily incident to the exportation of items from the United States to Cuba, or the reexportation of 100% U.S.-origin items from a third country to Cuba, are generally authorized, provided the export is licensed or otherwise authorized by the Department of Commerce and that certain payment and financing terms are used. Pursuant to provisions of the Cuban Democracy Act of 1992 (the "CDA") and the Trade Sanctions Reform and Export Enhancement Act of 2000, the Department of Commerce maintains a favorable licensing policy with respect to the sale and export or re-export of medicine and medical devices, food, and agricultural commodities to Cuba. Those interested in engaging in such exports or re-exports must first obtain authorization from the Department of Commerce's Bureau of Industry and Security. All licensed sales must be financed either by "payment of cash in advance," as defined in § 515.533(a)(2)(i)(A), or by third-country banks that are not U.S. persons or Government of Cuba entities. Foreign subsidiaries of U.S. banks, however, are not prohibited from directly financing licensed sales of agricultural products. All U.S. banks may advise or confirm any of the transactions authorized pursuant to § 515.533(a). Transactions incident to the donation of food to independent non-governmental organizations or individuals in Cuba are not prohibited.

In the mid-1970s, § 515.559 was added to the Regulations to publicize the U.S. government policy at the time of licensing foreign subsidiaries of U.S. firms to conduct trade in foreign-produced commodities with Cuba so long as several specific criteria were met. In 1992, however, the CDA prohibited the issuance of licenses for transactions described in § 515.559, except for exports of medicines, medical supplies, and certain telecommunications equipment. Accordingly, OFAC licenses foreign subsidiaries of U.S. firms to conduct trade in foreign-produced commodities with Cuba only in limited circumstances.

C. Vessels engaged in trade with Cuba

Pursuant to the CDA and § 515.207 of the Regulations, no vessel carrying goods or passengers to or from Cuba, or carrying goods in which Cuba or a Cuban national has any interest, may enter a U.S. port without authorization from OFAC. This prohibition applies to vessels seeking to enter a U.S. port only to take on fuel and supplies (bunker), whether from U.S. fuel providers within the port limits or at offshore points, as well as to vessels discharging or loading merchandise offshore, by lighter or otherwise. In addition, absent a license from OFAC, vessels that enter a port or place in Cuba to engage in the trade of goods or services are prohibited from entering a U.S. port for the purpose of loading or unloading any freight for 180 days from the date the vessel departed Cuba. Vessels engaging solely in trade with Cuba that is authorized or exempt from the Regulations (e.g., vessels carrying authorized exports of agricultural products or donations of food to nongovernmental organizations or individuals) are authorized pursuant to § 515.550 to enter U.S. ports notwithstanding these two prohibitions.

D. Importing Cuban-origin goods or services

Importing from Cuba requires dealing in property in which Cuba or a Cuban national has an interest, and is therefore prohibited. The Regulations also include a specific prohibition on importing and dealing in merchandise that is of Cuban origin, that has been derived from Cuba-origin materials, or that has been located or transported through Cuba. As a result, no such merchandise (including souvenirs) may be imported into the United States either directly or through third countries such as Canada or Mexico absent a license from OFAC. The only exception to this prohibition is for “information or informational materials,” as defined in § 515.332 of the Regulations. Examples include publications, recorded music, and certain artwork.

E. Nationals of Cuba; specially designated nationals; Cuban nationals who have taken up permanent residence outside of Cuba

The Regulations prohibit transactions involving Cuban nationals wherever they are located. Cuban nationals who have become permanent residents or citizens of the United States, however, are authorized as “unblocked nationals,” and there are no restrictions on transactions with them. Most transactions with nationals of Cuba who are otherwise lawfully present in the United States in a non-visitor status also are authorized. Individual nationals of Cuba who have taken up permanent residence outside of Cuba may apply to OFAC to be specifically licensed as unblocked nationals. See § 515.505 of the Regulations.

Additionally, persons subject to U.S. jurisdiction are authorized by § 515.505(d) to engage in any transaction with an individual national of Cuba who has taken up permanent residence outside of Cuba as if that individual were unblocked, except that all property in which the individual national of Cuba has an interest that was blocked before establishing permanent residence, or was blocked before January 28, 2011, whichever date is later, shall remain blocked. For example, if a Cuban national establishes permanent residence in Spain in May 2012, new transactions initiated, or bank accounts opened, with U.S. banks after May 2012 are not blocked, and the U.S. bank may provide all banking services not otherwise prohibited. The Cuban national would not, however,

have access to funds blocked before May 2012. Those funds would remain blocked until the individual is specifically licensed as an unblocked national. If the Cuban national established permanent residence in Spain in May 2010, only transactions initiated, or bank accounts opened, after January 28, 2011 (not May 2010) would be authorized. In determining whether an individual national of Cuba has taken up permanent residence outside Cuba, persons subject to U.S. jurisdiction must obtain from the individual copies of at least two documents indicating permanent residence, such as a passport, voter registration card, permanent resident alien card, or national identity card.

Individuals and entities who act on behalf of Cuba anywhere in the world also are considered by OFAC to be nationals of Cuba. To help the public identify such individuals and entities, some of their names and other identifying information are published in the Federal Register and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List ("SDN List"). The SDN List is available on OFAC's Web site at www.treasury.gov/sdn. This list is non-exhaustive. All persons subject to U.S. jurisdiction engaging in transactions with foreign nationals are advised to make certain that such foreign nationals are not Cuban nationals.

F. Accounts and assets

Unless authorized or exempt, all property in which Cuba or a Cuban national has an interest and that is in the United States or in the possession or control of persons subject to U.S. jurisdiction is blocked. Such blocking imposes a complete prohibition on transfers or transactions involving Cuba or Cuban nationals. Payments, transfers, withdrawals, or other dealings with respect to blocked property may not take place unless authorized by the Department of the Treasury or exempt. All persons subject to U.S. jurisdiction in possession of blocked property are required to notify OFAC. See § 501.603 of the Regulations. Persons subject to U.S. jurisdiction who engage in any unauthorized transaction involving Cuba or a Cuban national or property in which Cuba or a Cuban national has an interest, either directly or indirectly, risk substantial monetary penalties and criminal prosecution.

U.S. banks receiving unauthorized wire transfer instructions in which there is a Cuban interest, or any instrument in which there is a Cuban interest, must freeze the funds on their own books or block the instrument, regardless of origin or destination. "Suspense accounts" are not permitted. Except as authorized, no bank in the United States or overseas branch or subsidiary of a U.S. bank may advise a letter of credit involving Cuba or a Cuban national, nor may it process documents referencing Cuba. Banks are permitted to collect normal service charges on blocked accounts, and must pay interest on funds in such accounts. "Set-offs" are not allowed.

Access to a safe deposit box leased to a Cuban national or containing property in which a Cuban national has an interest is authorized under certain conditions pursuant to § 515.517.

VIII. HUMANITARIAN DONATIONS AND GIFT PARCELS

OFAC and the Department of Commerce jointly administer the regulation of exports to Cuba of gift parcels and humanitarian donations. Most financial and other transactions related to exports from the United States, including humanitarian donations and gift parcels, authorized by the Department of Commerce are authorized by the Regulations. For the relevant Department of

Commerce regulations, please see parts 740 and 746 of the Department of Commerce's Export Administration Regulations (15 CFR Chapter 7, available online at <http://ecfr.gpoaccess.gov>). Please note that Cuba travel-related transactions directly incident to humanitarian donations must be specifically licensed by OFAC pursuant to § 515.533(g) of the Regulations.

Pursuant to parts 740 and 746 of the Department of Commerce's Export Administration Regulations (15 CFR Chapter 7, available online at <http://ecfr.gpoaccess.gov>), gift parcels may be sent or carried by an authorized traveler to an individual or to a religious, charitable, or educational organization in Cuba, subject to certain limitations.

Organizations that consolidate and send multiple gift parcels in single shipments must obtain a validated license from the Department of Commerce. Each gift parcel in the single shipment must meet specific commodity, dollar-value, and frequency limitations. If a parcel being shipped or carried to Cuba fails to meet these standards, it is subject to seizure by the U.S. Government. Please contact the Department of Commerce for further details.

IX. MAIL AND TELECOMMUNICATIONS SERVICES IN CUBA

A. Mail

All transactions of common carriers incident to the receipt or transmission of mail between the United States and Cuba are authorized. Please see § 515.542(a) of the Regulations.

B. Telecommunications services

Certain telecommunications services, contracts, related payments, and travel-related transactions are authorized pursuant to §§ 515.533, 515.542, and 515.564 of the Regulations.

1. U.S. telecommunications services providers are authorized to engage in all transactions incident to the provision of telecommunications services between the United States and Cuba, the provision of satellite radio or satellite television services to Cuba, and the provision of roaming services involving telecommunications services providers in Cuba. Please see § 515.542(b).
2. Section 515.542(c) authorizes persons subject to U.S. jurisdiction to contract with and pay non-Cuban telecommunications services providers for services provided to particular individuals in Cuba (other than certain prohibited Cubans). For example, an individual in the United States may pay a U.S. or third-country telecommunications company to provide cellular telephone service for a phone owned and used by that individual's friend in Cuba. Likewise, a U.S. telecommunications services provider may enter into a contract with a particular individual in Cuba to provide telecommunications services to that individual.
3. Transactions incident to establishing facilities to provide telecommunications services linking the United States and Cuba, including fiber-optic cables and satellite facilities, are authorized pursuant to § 515.542(d)(1). OFAC also may issue specific licenses on a case-by-case basis authorizing transactions incident to establishing facilities to provide telecommunications services linking third countries and Cuba in certain circumstances pursuant to

§ 515.542(d)(2). Please contact the Department of Commerce's Bureau of Industry and Security regarding any required authorization for the exportation or re-exportation of goods and technology to Cuba or a third country for the establishment of such telecommunications facilities.

4. Any entity subject to U.S. jurisdiction relying on § 515.542(b), (c), (d)(1), or (d)(2) must notify OFAC in writing within 30 days after commencing or ceasing to offer such telecommunications services, and furnish semiannual reports providing the total amount of all payments made to Cuba or a third country related to such services during the prior six months. Please see § 515.542(e).
5. As noted in part II(H)(1) of this brochure, Cuba travel-related transactions and other transactions that are directly incident to participation in professional meetings for the commercial marketing of, sales negotiation for, or performance under contracts for the provision of certain telecommunications services, or the establishment of facilities to provide certain telecommunications services, are authorized pursuant to § 515.564(a)(3), with limitations. As noted in part II(H)(2) of this brochure, Cuba travel-related transactions and other transactions that are directly incident to the commercial marketing, sales negotiation, accompanied delivery, or servicing in Cuba of telecommunications-related items that have been licensed for export by the Department of Commerce are authorized pursuant to § 515.533(f), with limitations.

C. Internet-based communications services

Pursuant to § 515.578 of the Regulations, persons subject to U.S. jurisdiction may export to persons in Cuba services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, provided that such services are publicly available at no cost to the user. This authorization does not extend to the exportation of services with knowledge or reason to know that such services are intended for a prohibited official of the Government of Cuba or a prohibited member of the Cuban Communist Party, the exportation of Internet connectivity services or telecommunications transmission facilities (such as satellite links or dedicated lines), or the exportation of web-hosting services that are for purposes other than personal communications (e.g., web-hosting services for commercial endeavors) or of domain name registration services.

OFAC may issue specific licenses on a case-by-case basis for the exportation of other services incident to the sharing of information over the Internet. Please see §§ 515.533 and 515.559.

X. FAIR BUSINESS PRACTICES

Pursuant to § 515.572(b) of the Regulations, authorized Travel, Carrier, and Remittance Forwarding Service Providers are prohibited from participating in discriminatory practices of the Government of Cuba against individuals or particular classes of travelers. The assessment of consular fees by the Government of Cuba, which is applicable worldwide, is not considered to be a discriminatory practice. However, requiring the purchase of services not desired by the traveler is not permitted. Persons wishing to provide information on such activities should call OFAC's

Miami office at 786/845-2829. All information furnished to the Department of the Treasury regarding arbitrary fees, payments for unauthorized purposes, or other possible violations will be handled confidentially.

XI. ESTATES

An estate of a Cuban national, or in which a Cuban national has an interest, including as a personal representative, creditor, heir, legatee, devisee, distributee, or beneficiary, and that is subject to U.S. jurisdiction is blocked. Any life insurance policy or annuity contract in which a Cuban national has an interest also is blocked. Please see § 515.570(f)(1) of the Regulations for information about remittances from inherited funds.

XII. PAYMENTS FOR OVERFLIGHTS

Specific licenses may be issued authorizing payment to Cuba for services rendered by Cuba in connection with overflights of Cuba or emergency landings in Cuba by United States aircraft. Please see § 515.548 of the Regulations.

XIII. EMERGENCIES

In case of an emergency while in Cuba, a traveler should contact the U.S. Interests Section in Havana at 537/833-3551 through 3559 during business hours, or 537/833-2302 for emergencies at other times.

This document is explanatory only and does not have the force of law. The statutes and implementing regulations pertaining to Cuba contain the legally binding provisions governing the embargo. This document does not supplement or modify those statutes or regulations.

The Department of the Treasury's Office of Foreign Assets Control also administers sanctions programs involving the Balkans, Belarus, Burma (Myanmar), Cote d'Ivoire, Rough Diamond Trading (Kimberley Process), Iran, Iraq, Lebanon, Liberia, Libya, North Korea, Somalia, Sudan, Syria, and Zimbabwe, as well as highly enriched uranium, terrorism, narcotics trafficking, transnational criminal organizations, and WMD proliferation. For additional information about these programs or about sanctions involving Cuba, please contact the:

OFFICE OF FOREIGN ASSETS CONTROL
U.S. Department of the Treasury
Washington, D.C. 202/622-2490
Miami, FL 786/845-2829
www.treasury.gov/ofac