

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

OFFICE OF FOREIGN ASSETS CONTROL

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Introduction

The Cuban Assets Control Regulations, 31 CFR part 515 (the "Regulations"), administered by the U.S. Treasury Department'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. OFAC's authority to license Cuba travel-related transactions was restricted by section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000, Pub. L. No. 387, 114 Stat. 1549, 1549A-71-72 ("TSRA"), which 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 "tourism" and may not be the basis for issuing such a license. This statutory restriction was incorporated into the Regulations in section 515.560(b). See 66 Fed. Reg. 36687-88, July 12, 2001.

Within the confines of TSRA and current licensing policy, 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 falls into one of the general license categories (no application needed) and, if not, to assess whether their activities might fall within one of the categories for which a specific license may be granted (application 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 touristic activities.

The Application Guidelines contain a brief overview of the categories describing 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 each of the categories of activities for which a specific license may be issued in the order in which it is listed in § 515.560(a) and set forth the criteria that must be adequately addressed by each applicant. Examples and other information are also included under most categories, as well as the address to which applications should be sent. The text of the relevant provision(s) of the Regulations for each category of

travel is provided immediately following the contact information in the Application Guidelines for each category for ease of reference. Appendix 1 contains the regulatory text of § 515.560(c), which describes the scope of the travel-related transactions that are licensed. Information concerning the arrangement of authorized travel, authorized transactions incident to travel, and the authorized exportation and importation of merchandise in conjunction with authorized travel can be found later in this Introduction.

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 fall into one of the general or specific license categories of activities listed in section 515.560(a) and related sections of the Regulations, and, with respect to qualification for specific licenses, 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.

Applications that fail to identify an applicable category of licensable activity or fail to adequately address the application criteria relevant to that category will be denied. OFAC will only process fully completed applications. 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 non-qualifying spouses or other family members or friends who do not qualify under 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.

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 the Regulations and in OFAC's Enforcement Guidelines. See: 68 Fed. Reg. 4422, January 29, 2003.

These Application Guidelines supercede 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. Please always refer to the current version of the Application Guidelines on OFAC's website at www.treas.gov/ofac. The effective date of the Application Guidelines appears on the bottom right-hand corner of each page.

General Licenses

The Regulations currently contain three general licenses authorizing travel-related transactions involving Cuba. General licenses constitute blanket authorization for those transactions set forth in the relevant regulation and are self-selecting and self-executing. No further permission from OFAC is required to engage in transactions covered by that general license. Individuals wishing to engage in travel-related transactions involving Cuba relevant to:

- 1) official government travel by officials of the U.S. Government, foreign governments and international organizations of which the United States is a member;
- 2) journalism by journalists regularly employed in that capacity by a news reporting organization, including supporting broadcast or technical personnel; or
- 3) full-time professional research conducted by professionals in their professional areas, or attendance at certain professional meetings or conferences,

should first review the general license categories to see if their activities are covered by a general license. Specific licenses will not be issued for transactions that are authorized pursuant to the provisions of a general license. See § 501.801(a) of the Reporting and Procedures Regulations, 31 C.F.R. Part 501. Those individuals who determine that their activities fall into one of the general license categories must be able to document that their travel qualifies under that category and must keep records that may be furnished to OFAC or other law enforcement officials (e.g., Bureau of Customs and Border Protection) upon demand for a period of five years after the travel transactions take place. See 31 CFR 501.601 and 501.602.

Specific Licenses

OFAC also will consider the issuance of specific licenses on a case-by-case basis to permit travel-related transactions in certain limited instances where the proposed activity is not covered by a general license but is addressed by one of the statements of licensing policy set forth in § 515.560(a) and related sections of the Regulations. A written application in letter format with relevant supporting documentation must be made to OFAC to obtain a specific license. A specific license applicant must wait for OFAC to issue the license **prior** to engaging in travel-related transactions. Specific licenses normally will not be issued to individuals seeking to engage in an activity run by a third-country entity not subject to the jurisdiction of the United States.

How to Apply for a Specific License

In most cases, applications for specific licenses should be made in writing to OFAC in letter format not less than forty-five (45) days but no more than six (6) months prior to the proposed date of departure to Cuba. The processing of applications by the OFAC-Miami office for specific licenses to visit immediate family (both Cuban nationals and non-Cuban nationals) may be expedited by using the format suggested later in this document.

The contents of the 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 must be furnished to OFAC or other law enforcement officials (e.g., Bureau of Customs and Border Protection) upon demand for a period of five years after the travel transactions take place. See 31 CFR 501.601 and 501.602.

Most applications to engage in travel-related transactions involving Cuba are processed by OFAC's main office in Washington, DC, with the notable exception of applications to visit immediate family members in Cuba, which are processed by OFAC's Miami Office.

Requests of Extensions or Renewals of Specific Licenses

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

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 Miami, New York, or Los Angeles to Cuba. To obtain a current list of TSPs, you may consult our Internet website at www.treas.gov/ofac 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 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 in third countries 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 CFR Parts 730-774, (the "EAR"), administered by the Department of Commerce. The EAR currently provide general authorization to carry to Cuba personal effects and accompanied baggage but limits the amount carried to 44 pounds per traveler for all travelers other than those traveling under §§ 515.562 (official government business), 515.563 (journalistic activity), 515.566 (religious activity), 515.574 (support for the Cuban people), 515.575 (humanitarian projects), and 515.545 (exportation, importation, or transmission of informational materials). 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

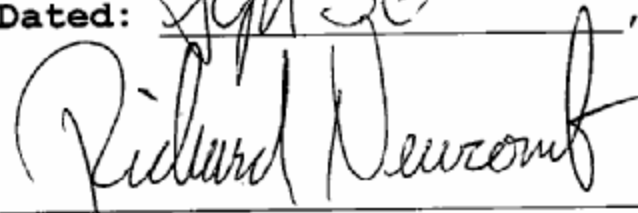
Pursuant to 515.560(c)(3) of the Regulations, authorized travelers are prohibited from importing into the United States any merchandise purchased or otherwise acquired in Cuba, including but not limited to cigars and alcohol, whether as accompanied baggage or otherwise. The importation of Cuban-origin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

Authorized Travel-Related Transactions; United States Interests Section

With the exception of persons visiting members of their immediate family in Cuba, authorized travelers to any part of Cuba may engage in travel-related transactions involving Cuba at the Havana *per diem* rate applicable to U.S. Government travelers as set by the State Department. Please consult the State Department's Internet website at <http://www.state.gov/m/a/als/prdm> for the current rate. Transactions considered to be incident to travel and thus authorized under general or specific licenses are set forth in § 515.560(c) of the Regulations, a copy of which is included in Appendix 1 of these Application Guidelines. With the exception of persons visiting immediate family members in Cuba, the Regulations also authorize all licensed travelers to engage in additional transactions that are directly incident to carrying out the activities for which their travel-related transactions are authorized.

For visits to members of a person's immediate family pursuant to § 515.561, \$50 per day is authorized plus up to an additional \$50 per trip, if needed, to cover within-Cuba transportation-related expenses.

Persons authorized to travel to Cuba may also visit the U.S. Interests Section in Havana (tel. 537-833-3551) while in Cuba for additional information that may be helpful in conducting their activities.

Dated: Sept 30, 2004


R. Richard Newcomb
Director
Office of Foreign Assets Control
U.S. Department of the Treasury

**OVERVIEW OF ACTIVITIES FOR WHICH TRAVEL-RELATED TRANSACTIONS ARE
GENERALLY LICENSED OR MAY BE SPECIFICALLY LICENSED**

**I. Persons Visiting Members of their Immediate Family in Cuba
(§§ 515.560(a)(1) & 515.561)**

Specific license consideration for visiting a member of the person's immediate family who is a national of Cuba every three years and for visiting a member of the person's immediate family who is not a national of Cuba in certain exigent circumstances.

**II. Official business of the U.S. and foreign governments and
certain intergovernmental organizations (§§ 515.560(a)(2) &
515.562)**

Authorized by general license for officials of the U.S. Government, any foreign government, and certain intergovernmental organization of which the United States is a member who are traveling on official business.

III. Journalistic activity (§§ 515.560(a)(3) & 515.563)

Authorized by general license for journalists regularly employed by a news reporting organization and for persons regularly employed as supporting broadcast or technical personnel.

Specific license consideration for free-lance journalists

**IV. Professional research and meetings (§§ 515.560(a)(4) &
515.564)**

Authorized by general license for full-time professionals attending meetings or conferences or conducting professional research in their professional areas. 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. Meetings or conferences must be organized by an international professional organization, institution, or association headquartered outside the United States that regularly sponsors meetings or conferences in other countries. If a meeting or conference is organized by an organization headquartered in the United States, that organization must have a specific license from OFAC to organize the meeting or conference. The meetings or conferences may not be for the purpose of promoting tourism in Cuba or other commercial activities involving Cuba that are not licensable under current U.S. policy and may not be intended primarily for

the purpose of fostering production of any biotechnological products.

Specific license consideration for other professional research and attendance at professional meetings when the general license criteria above do not apply.

V. Educational activities (§§ 515.560(a)(5) & 515.565)

Specific license consideration for an accredited U.S. undergraduate or graduate degree-granting academic institution authorizing the institution, its students enrolled in an undergraduate or graduate degree program at the institution, and its full-time permanent employees to engage in transactions incident to:

- (1) participation in a structured educational program as part of a course offered at the licensed institution, provided the program constitutes a full term of study and no shorter than 10 weeks in duration in Cuba;
- (2) noncommercial academic research in Cuba specifically related to Cuba for the purpose of obtaining a graduate degree;
- (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 undergraduate or graduate degree at the licensed institution and provided that the course of study is no shorter than 10 weeks in duration;
- (4) teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at the licensed institution, provided the teaching activities are related to an academic program at the Cuban institution and the duration of the teaching will 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 the licensed institution; or
- (6) the organization of and preparation for activities described in (1)-(5) above by a full-time permanent employee of the licensed institution.

Specific license consideration for individual students to engage in educational activities described in (2)-(3) above but that do not take place pursuant to a license issued to an academic institution.

VI. Religious activities (§§ 515.560(a)(6) & 515.566)

Specific license consideration for a religious organization located in the United States authorizing the organization and

individuals and groups affiliated with it, to engage in a full-time program of religious activities in Cuba under the auspices of the organization.

Specific license consideration for religious activities engaged in by individuals that do not take place pursuant to a license issued to a religious organization.

VII. Public performances, athletic and other competitions, and exhibitions (§§ 515.560(a)(7) & 515.567)

Specific license consideration for athletic competition by amateur or semi-professional athletes or teams selected by the relevant U.S. federation and traveling to participate in athletic competition held in Cuba under the auspices of the relevant international sports federation when the competition is open for attendance, and in relevant situations participation, by the Cuban public.

Specific license consideration of participation in a public performance, other athletic competition, non-athletic competition, or exhibition in Cuba by participants in such activities, provided that the event is open for attendance, and in relevant situations participation, by the Cuban public and all U.S. profits from the event after costs are donated to an independent nongovernmental organization in Cuba or a U.S.-based charity that benefits the Cuban people.

VIII. Support for the Cuban people (§§ 515.560(a)(8) & 515.574)

Specific license consideration of activities 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.

IX. Humanitarian projects (§§ 515.560(a)(9) & 515.575)

Specific license consideration of 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.

X. Activities of private foundations or research or educational institutes (§§ 515.560(a)(10) & 515.576)

Specific license consideration of 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.

XI. Exportation, importation, or transmission of information or informational materials (§§ 515.560(a)(11) & 515.545)

Specific license consideration of travel-related transactions for purposes related to the exportation, importation, or transmission of information or informational materials as defined in § 515.332.

XII. Certain export transactions that may be considered for authorization under existing Department of Commerce regulations with respect to Cuba or engaged in by U.S.-owned or controlled foreign firms (§§ 515.560(a)(12), 515.533 & 515.559)

Exports from the United States and reexports of 100% U.S.-origin items: Specific license consideration of travel-related transactions and other transactions that are directly incident to the marketing, sales negotiation, accompanied delivery, or servicing of exports and reexports that appear consistent with the export licensing policy of the Department of Commerce, including but not limited to the commercial export sale of agricultural commodities and the donation of goods to meet basic human needs.

Exports from foreign countries of certain foreign-produced merchandise: Specific license consideration of travel-related transactions and other transactions that are directly incident to marketing, sales negotiation, accompanied delivery, or servicing of medicine or medical supplies, or donated food, from a third country to Cuba, or of telecommunications equipment from a third country to Cuba, when the equipment is determined to be necessary for efficient and adequate telecommunications service between the United States and Cuba.

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I. VISTING FAMILY MEMBERS - 31 CFR § 515.561

You may request a specific license to engage in travel-related transactions (1) to visit a member of the your immediate family who is a national of Cuba once in a three-year period or (2) to visit a member of the your immediate family who is not a national of Cuba in certain exigent circumstances. Applications in this category should be submitted to OFAC's Miami office.

Note: For the purpose of this section, the term "member of your immediate family" means any spouse, child, grandchild, parent, grandparent, or sibling of you or your spouse, as well as any spouse, widow, or widower of any of the foregoing. 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."

1. Application criteria for specific licenses for persons visiting members of their immediate family who are nationals of of Cuba - 31 CFR § 515.561(a)

Suggested Format: Applications for specific licenses to visit a family member who is a national of Cuba pursuant to § 515.561(a) may be made using the attached suggested OFAC format to speed review and processing, but in any event must include the following information:

1. Identity yourself. Please provide the following:
 - (a) Last Name (Patronymic); Last Name (Matronymic)
 - (b) First Name; Middle Name
 - (c) Last Name by Marriage
 - (d) Date of Birth
 - (e) Street Address; Apt No.
 - (f) City; State; Zip Code;
 - (g) Phone No.

2. Provide the following immigration identification document information: (a) the document type (passport, alien registration card, etc.), (b) the document number, and (c) the country of issuance. If you have a U.S. passport or other U.S.-issued immigration identification, that information must be submitted. If not, then provide information about the document issued by another country.

3. Identify the person in Cuba that you seek to visit. Please include the following:
 - (a) Relationship to you
 - (b) Last Name (Patronymic); Last Name (Matronymic)
 - (c) First Name; Middle Name
 - (d) Last Name by Marriage

- (e) Cuban Identification (Cedula) Number
- (f) Address and City in Cuba

4. Provide all of the following three dates (please note that if one or more of the following three dates does not apply to you, you must specifically state that it does not by writing, for example, "I have not emigrated from Cuba"; do not simply write "not applicable" or "N/A"):

- (a) The date you emigrated from Cuba.
- (b) The date you left Cuba after your most recent trip to visit family there pursuant to the general license available for family visits prior to June 30, 2004.
- (c) The date of issuance of your most recent specific license to visit family in Cuba (the date on the face of that OFAC specific license).

5. Identify the Service Provider, if any, that you used in making this application:

- (a) Name of Service Provider
- (b) Name of Service Provider employee who assisted you
- (c) Street Address; Suite No.
City; State; Zip Code
- (d) Phone No. of the Service Provider

2. Application criteria for specific licenses for persons visiting members of their immediate family who are not Cuban nationals - 31 CFR § 515.561(b)

Applications for specific licenses to visit a family member who is not a national of Cuba pursuant to § 515.561(b) must be made in the form of a letter that includes the following information:

1. Identify yourself. Please provide all of the following:

- (a) Last Name
- (b) First Name; Middle Name
- (c) Last Name by Marriage
- (d) Date of Birth
- (e) Street Address; Apt No.
- (f) City; State; Zip Code
- (g) Phone No.

2. Provide the following immigration identification document information: (a) the document type (passport, alien registration card, etc.), (b) the document number, and (c) the country of issuance. If you have a U.S. passport or other U.S.-issued immigration identification, that information must

be submitted. If not, then provide information about the document issued by another country.

3. Identify the person in Cuba that you seek to visit. Please include all of the following information:

- (a) Relationship to you
- (b) Last Name
- (c) First Name; Middle Name
- (d) Last Name by Marriage
- (e) Address and City in Cuba

4. State which specific or general license, if any, that authorizes the person you seek to visit to engage in transactions in Cuba.

5. If the person you seek to visit is covered by a specific license issued to an entity of which that person is a member, e.g., a religious organization or educational institution, provide the name of a contact person at the licensed organization. Provide the identity and phone number for a point of contact with that organization. This person must be aware of the details of the situation affecting the person you seek to visit.

6. Identify the particular exigency in Cuba that gives rise to your application. Describe what has happened. Identify the name of the point of contact at the U.S. Interests Section in Havana to whom the exigent circumstances have been reported.

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 33122-9008
Tel.: To Be Announced**

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.561:

§ 515.561 Persons visiting members of their immediate family in Cuba.

(a) *Visiting a family member who is a national of Cuba.* Specific licenses may be issued on a case-by-case basis to persons subject to U.S. jurisdiction to engage in the travel-related transactions set forth in § 515.560(c) for the purpose of visiting a member of the person's immediate family who is a national of Cuba, as that term is defined in § 515.302 of this part, in Cuba for a period not to exceed 14 days in duration, provided it has been at least three years since the most recent of the following three dates:

(1) If the applicant emigrated from Cuba, the date of emigration;

(2) The date the applicant left Cuba after the applicant's most recent trip to visit family there pursuant to a general license from OFAC;

(3) The date of issuance of the applicant's most recent specific license to visit family in Cuba.

(b) *Visiting a family member who is not a national of Cuba.* Specific licenses may be issued on a case-by-case basis authorizing persons subject to U.S. jurisdiction to engage in the travel-related transactions set forth in § 515.560(c) and additional travel-related transactions that are directly incident to the purpose of visiting a member of the person's immediate family who is not a national of Cuba, as that term is defined in § 515.302 of this part, in Cuba in exigent circumstances, provided the person to be visited is in Cuba pursuant to an OFAC authorization, the particular exigency has been reported to the U.S. Interests Section in Havana, and issuance of the license would support the mission of the U.S. Interests Section in Havana.

(c) For the purpose of this section, the term "member of a person's immediate family" means any spouse, child, grandchild, parent, grandparent, or sibling of that person or that person's spouse, as well as any spouse, widow, or widower of any of the foregoing.

II. JOURNALISTIC ACTIVITIES - 31 CFR § 515.563

General license for journalistic activity by regularly employed journalists and supporting broadcast or technical personnel:

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 fall into this category should review § 515.563(a), which is included at the end of this category in these Application Guidelines, and § 515.560(c), which can found in Appendix 1.

Each person engaging in travel-related transactions under a general license must be able to document how he or she qualifies under the general license. An OFAC-authorized travel service provider ("TSP") is not responsible for making the determination that a traveler qualifies under the general license, although the TSP may ask the person to fill out an affidavit affirming that he or she qualifies before the TSP makes the travel arrangements.

Application criteria for specific licenses for free-lance journalism - 31 CFR § 515.563(b):

If you wish to engage in free-lance journalism in Cuba, you must apply for a specific license pursuant to § 515.563(b) in the form of a letter to OFAC providing the following information:

1. Identify yourself. Furnish your name, address, and daytime phone number.
2. Identify the category of travel. State your request for a specific license under § 515.563(b) of the Regulations to engage in travel-related transactions to, from, and within Cuba for the purpose of doing research for a free-lance article.
3. Describe 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 article's subject matter and provide a detailed description of the proposed research in Cuba that would be the basis for the free-lance article.

5. Identify the proposed publisher. Identify the news media organization(s) to which you expect to submit your article for publication.

6. Document your qualifications. Provide a copy of your resume or similar document showing your record of publications in the news media within the past 3 years. Free-lance journalists who cannot demonstrate a record of publications in the news media within the past three years normally will not qualify for a license. The periodic publication of articles based solely on personal travel experience normally will not qualify as demonstration of a record of publications.

7. Provide a detailed itinerary. Set forth a detailed itinerary demonstrating that the research constitutes a full-work schedule that could not be completed in a shorter period of time.

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 original license or, if the original license was renewed, the most recent renewal; and

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

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

Note: Free-lance journalists with a significant record of publications may apply for and be authorized to engage in multiple trips during the validity period of the license.

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:

Licensable

Example : A free-lance photo-journalist with a significant record of publication over the past three years as a sports photographer wishes

to travel to Cuba to photograph specific sports events. The proposed publication will include a written article.

Not licensable

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.

Example 2: A professional photographer wishes to take photographs for the purpose of publishing a pictorial book about Cuba. His itinerary consists of travel to obtain first impressions and find interesting faces and scenery. No written narrative will supplement the photographs.

Note: Full-time professionals conducting research of an academic nature in their full-time professional areas who intend to publish a free-lance article in a professional journal should consult § 515.564 of the Regulations. (See: Application Guidelines, III. PROFESSIONAL RESEARCH & MEETINGS - 31 CFR § 515.564.)

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

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.563:

§ 515.563 Journalistic activities in Cuba.

(a) *General license.* The travel-related transactions set forth in § 515.560(c) and such additional transactions as 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 are authorized.

Note to paragraph (a): See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. The exportation of equipment and other items to be used in journalistic activities may require separate licensing by the Department of Commerce.

(b) *Specific licenses.* (1) Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to doing research in Cuba for a free-lance article upon submission of an adequate written application including the following documentation:

(i) A detailed itinerary and a detailed description of the proposed research; and

(ii) A resume or similar document showing a record of publications.

(2) To qualify for a specific license pursuant to this section, the itinerary for the proposed research in Cuba for a free-lance article must demonstrate that the research constitutes a full work schedule that could not be accomplished in a shorter period of time.

(3) 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 free-lance journalism.

III. PROFESSIONAL RESEARCH & MEETINGS - 31 CFR § 515.564

General license for certain professional research and attendance of certain meetings or conferences:

Section 515.564(a) sets forth a general license authorizing certain travel-related and additional transactions that are directly incident to full-time professionals conducting professional research in their professional areas in Cuba or attending meetings or conferences in Cuba. 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. Meetings or conferences must be organized by an international professional organization, institution, or association headquartered outside the United States that regularly sponsors meetings or conferences in other countries. (An 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 not licensable under current U.S. policy and may not be intended primarily for the purpose of fostering production of any biotechnological products. Please review § 515.564(a) of the Regulations, which is included at the end of this category in the Application description and § 515.560(c) of the Regulations in Appendix 1.

Each person engaging in travel-related transactions under a general license must be able to document how he or she qualifies under the general license. For example, a resume or curriculum vitae generally demonstrates an individual's full-time professional area. A written work plan done prior to travel might also support an individual's intention of engaging in a full-time schedule of research. No prior written approval from OFAC is required for travel under a general license. An OFAC-authorized travel service provider ("TSP") is not responsible for making the determination that a traveler qualifies under the general license, although the TSP may ask the person to fill out an affidavit affirming that he or she qualifies before the TSP makes the travel arrangements.

Examples:

Licensed

Example 1: An international professional association 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 research in Cuba because his background research indicates that Cuba may have a plant strain that is resistant to disease. He is generally licensed to engage in travel-related transactions to conduct research provided the research is non-commercial in nature and there is substantial likelihood the research will be publicly disseminated.

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 a 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.

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

If you wish to conduct professional research or attend professional meetings and conferences in Cuba that do not qualify for the general license in § 515.564(a), you must apply for a specific license pursuant to § 515.564(b) in the form of a letter to OFAC 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, tell us what type of organization it is. If available, provide a copy of a brochure or other literature describing typical activities it undertakes.
3. Identify the category of travel. State your request for a specific license under § 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 § 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 and discuss how it is specific to Cuba and cannot take place elsewhere. A detailed description of the research should include (1) a statement of the thesis, (2) a description of the research plan or methodology, and (3) a description of the quantity and the nature of the resources you will be using, e.g., archives, interviews, etc.

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 conference program and/or agenda. Specific licenses will not be issued pursuant to § 515.564(b) simply because a professional does not qualify under the general license in § 515.564(a). Clearly articulate why your attendance at the particular meeting/conference is necessary and explain whether a similar conference elsewhere is not readily available.

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.

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 original license or, if the original license was renewed, the most recent renewal; and

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

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 § 515.564 of the Regulations, which is included at the end of this category in these Application Guidelines. Additional examples are provided below.)

Licensable

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 wishes to travel to Cuba in order to engage in research necessary to produce a documentary book or film that will be published or otherwise distributed. Note: The making of a film absent the conduct of specific research would not qualify for a license. 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 conducted.

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.

Not licensable

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. Travel transactions related to research of a commercial nature with commercial ramifications designed to position a company's entry into the Cuban market once the embargo is lifted is

not normally permitted pursuant to a specific license issued under this section.

Example 4: A U.S. law firm seeks to sponsor a conference in Havana with a focus on Cuban law and lectures by Cuban attorneys. Absent any direct nexus between the law practices of participating attorneys and the need for exposure to the Cuban legal system, this activity is not eligible for authorization by specific license.

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**

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.564:

§ 515.564 Professional research and professional meetings in Cuba.

(a) *General license.* (1) The travel-related transactions set forth in § 515.560(c) and such additional transactions that are directly incident to professional research by full-time professionals who travel to Cuba to conduct professional research in their professional areas are authorized, provided that:

- (i) The research is of a noncommercial, academic nature;**
- (ii) The research comprises a full work schedule in Cuba;**
- (iii) The research has a substantial likelihood of public dissemination; and**
- (iv) The research does not fall within the categories of activities described in paragraph (c), (d), or (e) of this section.**

Note to paragraph (a)(1): This general license does not authorize as professional research any travel-related transactions incident to attendance at professional meetings or conferences. Such transactions must either qualify under the general license set forth in paragraph (a)(2) of this section or be the subject of a request for a specific license under paragraph (b) of this section.

(2) The travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to travel to Cuba by full-time professionals to attend professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors meetings or conferences in other countries are authorized, provided that:

- (i) The international professional organization, institution, or association is not headquartered in the United States unless that organization, institution, or association has been specifically licensed to sponsor the meeting in Cuba;**
- (ii) 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 this part; and**
- (iii) The meeting or conference is not intended primarily for the purpose of fostering production of any biotechnological products.**

Note to paragraph (a): See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Exportation of equipment and other items, including the transfer of technology or software to foreign persons ("deemed exportation") and items not eligible for Department of Commerce GFT or BAG License Exceptions, 15 CFR 740.12 and 740.14, may require separate authorization by the Department of Commerce.

(b) *Specific licensing.* Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to professional research and professional meetings that do not qualify for the general license in paragraph (a) of this section. 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 research. Specific licenses will not be issued for travel-related transactions for purposes of attendance at meetings or conferences in Cuba organized by the Cuban government where such meetings or conferences could be intended primarily for the purpose of fostering the production of any biotechnological products.

(c) Categories of activities that do not qualify for the general license in paragraph (a) of this section and for which the specific licenses described in paragraph (b) of this section will not be issued include recreational travel; tourist travel; travel in pursuit of a hobby; research for personal satisfaction only; and any travel for an authorized professional research purpose if the schedule of activities includes free time, travel, or recreation in excess of that consistent with a full work schedule of professional research or attendance at professional meetings or conferences.

(d) An entire group does not qualify for the general license in paragraph (a) of this section and will not be issued a specific license under paragraph (b) of this section merely because some members of the group could qualify individually for such licenses.

Example 1 to paragraph (d): A musicologist travels to Cuba to do research on Cuban music pursuant to the general license for professional researchers set forth in paragraph (a) of this section. Others who are simply interested in music but who do not research music as part of their careers may not engage in travel-related transactions with the musicologist in reliance on this general license. For example, an art historian who plays in the same band with the musicologist would not qualify as a professional researcher of Cuban music for purposes of this general license.

Example 2 to paragraph (d): A specific license issued pursuant to paragraph (b) of this section authorizing travel-related transactions by a fish biologist who travels to Cuba to engage in professional research does not authorize transactions by other persons who might travel with the fish biologist but whose principal purpose in travel is to engage in recreational or trophy fishing. The fact that such persons may engage in certain activities with or under the direction of the professional fish biologist, such as measuring or recording facts about their catch, does not bring these individuals' activities within the scope of professional research and similar activities.

(e) A person will not qualify as engaging in professional research merely because that person is a professional who plans to travel to Cuba.

Example 1 to paragraph (e): A professor of history interested in traveling to Cuba for the principal purpose of learning or practicing Spanish or attending general purpose lectures devoted to Cuban culture and contemporary life does not qualify for the general license in paragraph (a) of this section or for a specific license issued pursuant to paragraph (b) of this section.

Example 2 to paragraph (e): A professional photographer who wishes to take photographs in Cuba that will become the basis for creating post cards, paintings, and other secondary products or that merely document the photographer's travel does not qualify for the general license in paragraph (a) of this section or for a specific license issued pursuant to paragraph (b) of this section.

IV. ACADEMIC ACTIVITIES - 31 CFR § 515.565

You may request a specific license authorizing certain educational activities in Cuba engaged in by (1) a U.S. undergraduate or graduate degree-granting institution (and its students and employees) or (2) an individual undergraduate or graduate student.

1. Application criteria for specific licenses for accredited U.S. undergraduate or graduate degree-granting academic institutions - 31 CFR § 515.565(a)

Pursuant to § 515.565(a), OFAC will issue a one-year specific license to an accredited U.S. undergraduate or graduate degree-granting academic institution authorizing the institution, its students enrolled in an undergraduate or graduate degree program at the licensed institution, and its full-time permanent employees to engage in travel-related transactions and such additional transactions that are incident to:

(a)(1) participation in a structured educational program as part of a course offered at the licensed institution, provided the program constitutes a full term of study and no shorter than 10 weeks in duration in Cuba;

(a)(2) noncommercial academic research in Cuba specifically related to Cuba 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 undergraduate or graduate degree at the licensed institution and provided that the course of study is no shorter than ten weeks in duration;

(a)(4) teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at the licensed institution, provided the teaching activities are related to an academic program at the Cuban institution and the duration of the teaching will be no shorter than 10 weeks; and

(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 licensed institution; or

(a)(6) the organization of and preparation for activities described in (1)-(5) above by a full-time permanent employee of the licensed institution.

If your academic institution wishes to apply for such a license pursuant to § 515.565(a), it must provide the following information in a letter to OFAC:

1. Identify your organization. Provide the name and address of your 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 category of travel. State that a license is being requested pursuant to § 515.565(a) of the Regulations authorizing your institution, its students enrolled in an undergraduate or graduate degree program at the institution, and its full-time permanent employees to engage in transactions directly incident to one or more of the activities set forth in § 515.565(a)(1) through (a)(6).
3. Provide a certification of accreditation. Provide a statement certifying that your institution is accredited by an appropriate national or regional accrediting association.
4. Provide a certification of enrollment and academic credit. Certify that any students who use your institution's license will be enrolled in an undergraduate or graduate degree program at your institution and that the students' educational activities in Cuba will result in credit toward his or her undergraduate or graduate degree at your institution. Further certify that any employees who use your institution's license will be full-time permanent employees of your institution.
5. Provide a certification of duration of certain activities. For the following three categories of educational travel, certify that the educational activities in Cuba will be no less than ten weeks in duration: structured educational programs in Cuba offered as part of a course at the licensed institution; formal courses of study at a Cuban academic institution; and teaching at a Cuban academic institution.
6. 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 original license or, if the original license was renewed, the most recent renewal; and

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

7. Sign your letter. Applications may be submitted only under the signature of a dean or of the academic vice-president, provost, or president of an academic institution. The signature serves as a certification that the statements in the application are true and accurate.

Note: An academic institution's one-year specific license authorizes transactions incident to the educational activities set forth in § 515.565(a)(1)-(a)(6) of the Regulations by any student enrolled in an undergraduate or graduate degree program at the institution and any full-time permanent employee of the institution. Thus, an application for such a license need not include the names of prospective travelers.

A license granted to an academic institution pursuant to this section does not extend to students not enrolled in an undergraduate or graduate degree program at the institution even if they are enrolled in degree programs at other accredited academic institutions.

Travel-related transactions by full-time professionals who wish to conduct professional research or attend a meeting in Cuba are not authorized by a license granted to an academic institution. Full-time professionals who wish to engage in travel-related transactions with respect to such activities must qualify under the general license contained in § 515.564(a) or obtain a specific license under § 515.564(b). Graduate students who wish to attend a professional meeting must obtain a specific license under § 515.564(b). (See: Application Guidelines, III. PROFESSIONAL RESEARCH & MEETINGS - 31 CFR 515.564)

2. Application criteria for specific licenses for individual undergraduate or graduate students enrolled at an accredited U.S. academic institution - 31 CFR § 515.565(b)

Pursuant to § 515.565(b), OFAC will issue a specific license to an individual whose academic institution does not have a license under § 515.565(a) authorizing the individual to engage in travel-related transactions and such additional transactions that are incident to:

(a) noncommercial academic research in Cuba specifically related to Cuba for the purpose of obtaining a graduate degree; or

(b) 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 undergraduate or graduate degree at the licensed institution and provided that the course of study is no shorter than 10 weeks in duration;

If you wish to engage in one of these educational activities in Cuba and your academic institution does not have an OFAC license, you must provide the following information in a letter to OFAC:

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 category of travel. State your request for a specific license under § 515.565(b) of the Regulations. Specify whether your educational activities in Cuba are: 1) noncommercial academic research in Cuba specifically related to Cuba and for purposes of obtaining a graduate degree at your U.S. academic institution; or 2) participation in a formal course of study at a Cuban academic institution that will be accepted for credit toward a degree at your U.S. academic institution.

3. Describe the research or course. Provide a detailed description of the proposed research or formal course of study in Cuba. Set forth the proposed dates and duration of the trip. Participation in a formal course of study at a Cuban academic institution can be no shorter than ten weeks in duration.

4. Provide a letter from your academic institution. An appropriate representative of your academic institution (e.g., your professor or other official advisor) must provide a written statement certifying that: 1) the U.S. academic institution is accredited by an appropriate national or regional accrediting association; 2) you are enrolled in an accredited degree program at that institution; 3) you will receive academic credit toward that degree for your educational activities in Cuba; and 4) your study or research in Cuba is taking place with the knowledge and approval of the relevant dean or the academic vice-president, provost, or president of the institution.

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 original license or, if the original license was renewed, the most recent renewal; and

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

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

Examples:

Licensable

Example 1: An undergraduate student wishes to enroll in undergraduate courses at a university in Cuba for an 11-week semester to study advanced Spanish and Cuban literature for credit toward his degree program at his accredited U.S. academic institution.

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

Not licensable

Example 1: A doctor wishes to study a medical procedure at a clinic in Cuba for credit toward a continuing education requirement. The educational activity licenses do not authorize activities undertaken to fulfill continuing educational requirements to maintain one's professional credentials.

Example 2: A U.S. student enrolled in a degree program at a foreign university wishes to travel to Cuba with his or her class to participate in a course offered by the foreign university. Licenses issued under this section do not extend to U.S. students enrolled in courses at a foreign college or university.

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**

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.565:

§ 515.565 Educational activities.

(a) *Specific institutional licenses.* Specific licenses for up to one year in duration may be issued to an accredited U.S. undergraduate or graduate degree-granting academic institution authorizing the institution, its students enrolled in an undergraduate or graduate degree program at the institution, and its full-time permanent employees to engage, under the auspices of the institution, in the travel-related transactions set forth in § 515.560(c) and such additional transactions that are directly incident to:

(1) Participation in a structured educational program in Cuba as part of a course offered at the licensed institution, provided the program includes a full term, and in no instance includes fewer than 10 weeks, of study in Cuba. An individual planning to engage in such transactions must carry a letter from the licensed institution stating that the individual is a student currently enrolled in an undergraduate or graduate degree program at the institution or is a full-time permanent employee of the institution, stating that the Cuba-related travel is part of a structured educational program of the institution that will be no shorter than 10 weeks in duration, and citing the number of the institution's license;

(2) Noncommercial academic research in Cuba specifically related to Cuba and for the purpose of obtaining a graduate degree. A student planning to engage in such transactions must carry a letter from the licensed institution stating that the individual is a student currently enrolled in a graduate degree program at the institution, stating that the research in Cuba will be accepted for credit toward that degree, and citing the number of the institution's license;

(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 undergraduate or graduate degree at the licensed U.S. institution and provided the course of study is no shorter than 10 weeks in duration. An individual planning to engage in such transactions must carry a letter from the licensed U.S. institution stating that the individual is a student currently enrolled in an undergraduate or graduate degree program at the U.S. institution, stating that the study in Cuba will be accepted for credit toward that degree and will be no shorter than 10 weeks in duration, and citing the number of the U.S. institution's license;

(4) Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at the licensed institution, provided the teaching activities are related to an academic program at the Cuban institution and provided that the duration of the teaching will be no shorter than 10 weeks. An individual planning to engage in such transactions must carry a written letter from the licensed U.S. institution stating that the individual is a full-time permanent employee regularly employed in a teaching capacity at the U.S. institution and citing the number of the U.S. institution's license;

(5) Sponsorship, including the payment of a stipend or salary, of a Cuban scholar to teach or engage in other scholarly activity at the licensed institution (in addition to those transactions authorized by the general license contained in § 515.571). Such earnings may be remitted to Cuba as provided in § 515.570 or carried on the person of the Cuban scholar returning to Cuba as provided in § 515.560(d)(3); or

(6) The organization of and preparation for activities described in paragraphs (a)(1) through (a)(5) of this section by a full-time permanent employee of the licensed institution. An individual engaging in such transactions must carry a written letter from the licensed institution stating that the individual is a full-time permanent employee of that institution and citing the number of the institution's license.

Note to paragraph (a): See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Exportation of equipment and other items, including the transfer of technology or software to foreign persons (“deemed exportation”), may require separate authorization from the Department of Commerce.

(b) *Other specific licenses.* Specific licenses may be issued to individuals on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions directly incident to the educational activities described in paragraphs (a)(2) and (a)(3) of this section but not engaged in pursuant to a specific license issued to an institution pursuant to paragraph (a) of this section.

(c) Transactions related to activities that are primarily tourist-oriented, including self-directed educational activities that are intended only for personal enrichment, are not authorized by this section.

V. RELIGIOUS ACTIVITIES 31 CFR § 515.566

You may request a specific license authorizing transactions incident to religious activities in Cuba engaged in by (1) a qualified U.S. religious organization (and its members and employees), or (2) an individual or group of individuals. Religious 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.

1. Application criteria for specific licenses for religious activities by religious organizations - 31 CFR § 515.566(a)

If you wish to apply on behalf of a religious organization, you must provide the following information in a letter to OFAC:

1. Identify your organization. Provide the name and address of your religious organization. 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. Provide a certification of your organization's status. Certify by written statement that your organization:

(a) is a tax exempt organization under the Internal Revenue Code that is organized and operated exclusively for religious purposes;

(b) has an established congregation served by an organized ministry;

(c) provides regular religious services;

(d) provides for religious education of the young;

(e) disseminates a formal religious doctrine; and

(f) has a membership not associated with any other denomination.

If you cannot certify to all of the above, you may provide a copy of an IRS determination that your organization qualifies

as a "church" under the Internal Revenue Code - 26 USC 508(c)(1)(A).

3. Identify the category of travel. State your request for a specific license pursuant to § 515.566(a) of the Regulations authorizing individuals and groups affiliated in a formal significant way with your religious organization to engage in transactions directly incident to a full-time program of religious activities in Cuba under the auspices of your religious organization. The term "affiliated" means individuals that are employees or members of your religious organization. Individuals who are not otherwise affiliated with your religious organization and whose participation in religious activities in Cuba is solicited by your religious organization do not qualify as "affiliated."

4. List and provide examples of activities. Provide a list of the types of activities to be engaged in by individuals and groups traveling under the auspices of your religious organization. Also provide a few detailed examples of those activities. OFAC does not normally consider merely "visiting" a religious group in Cuba to be an activity that qualifies for a religious travel license.

5. Provide additional certifications. Certify by written statement the following:

(a) your religious organization's license will not be used for the purpose of travel that is primarily touristic in nature or for travel that is not for genuine religious purposes;

(b) the proposed travel will be supervised by an official of your religious organization. Failure to properly oversee the use of a license is the basis for suspension and/or revocation of the license; and

(c) all persons traveling to Cuba pursuant to the license will engage in a "full-time schedule of religious activities in Cuba."

6. 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 original license or, if the original license was renewed, the most recent renewal; and

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

7. Sign your application. The representative submitting the application on behalf of your religious organization must sign the application and certify that he or she is submitting the application on behalf of your religious organization. The signature serves as a certification that the statements in the application are true and accurate.

Note: Organizations that do not meet the criteria under § 515.566(a) may submit applications naming specific individuals pursuant to § 515.566(b). (See: Application criteria for specific licenses for individual religious travel - 31 CFR § 515.566(b)).

If your religious organization is proposing to engage in a humanitarian project or in the delivery of donated goods as part of or in addition to its religious activities, authorization for travel-related transactions with respect to such activities must be requested and authorized under the application criteria set forth with regard to humanitarian projects or accompanied delivery of donated goods described in § 515.575 or § 515.533(e), respectively. (See: Application Guidelines, VIII. HUMANITARIAN PROJECTS - 31 CFR 515.575 and XI. TRAVEL RELATED TO LICENSED EXPORTATIONS: 1. Exportations licensed by the U.S. Department of Commerce - 31 CFR 515.533(e)). Such additional authorization may be included in the same license issued pursuant to this section or in amendments thereto. 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.

Financial donations or other funds transfers incident to religious activities require separate authorization under § 515.570(d)(1) of the Regulations. (See: Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA 31 CFR § 515.570(d)(1)).

Examples:

Licensable

Example 1: A religious organization seeks a license for its members to travel to Cuba to assist in restoring a church building and attend services there.

Example 2: A religious organization seeks to have its members teach in its Cuban counterpart's religious school and to transfer funds to its Cuban counterpart. The religious organization may receive a two-

year license under this section at this time, and separate authorization pursuant to § 515.570(d)(1) to transfer the funds to its counterpart. If the religious organization seeks to transfer additional funds in the future, it should seek an amendment to its funds transfer license for additional transfers. (See: Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA 31 CFR § 515.570(d)(1)).

Not Licensable

Example 1: An organization that specializes in organizing "heritage tours" for persons of a particular denomination applies for a specific license 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 organization at issue is not a religious organization for purposes of this section. Although religious activities may extend to pilgrimages to religious sites, they do not encompass such "heritage tours."

Example 2: A group that seeks to promote interfaith understanding applies for a license to take an interdenominational group to Cuba to participate in religious activities ranging from Catholic mass to Santeria. This group is not a religious organization for purposes of this section.

2. Application criteria for specific licenses for religious activities by individuals - 31 CFR § 515.566(b)

If you are not applying on behalf of an organization that qualifies for a license under § 515.566(a), you must provide the following information in a letter to OFAC:

1. Identify all proposed travelers. Furnish the name(s), address(es), and daytime phone number(s) of each applicant 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 a religious organization that does not qualify under the criteria set forth in § 515.566(a), you must:

(a) provide the name of your religious organization;

(b) describe your religious organization (what type of organization is it and what are 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 domestic religious activities engaged in by your religious organization;

(d) provide the name of the Cuban counterpart religious organization, if any, with which your religious organization will work in Cuba.

3. Identify the category of travel. State your request for a specific license under § 515.566(b) of the Regulations, authorizing individuals to engage in transactions 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 the individuals identified in your answer to 1. above. 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 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 schedule of religious activities that could not be completed in a shorter period of time."

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 original license or, if the original license was renewed, the most recent renewal; and

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

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

Note: If you are affiliated with a religious organization, you might check with the appropriate official of the organization as to whether it holds a valid specific license pursuant to § 515.566(a) of the Regulations under which your transactions may already be authorized or whether that organization might wish to apply for such a license. This would avoid the need to apply for your own specific license. Persons traveling under any specific license issued pursuant to § 515.566 must comply with the condition that authorized travelers engage in a full-time program of religious activities.

Persons seeking a specific license to engage in a humanitarian project or in the delivery of donated goods as part of or in addition to their religious activities must request and receive authorization for travel-related transactions with respect to such activities under separate application criteria set forth with regard to humanitarian projects or accompanied delivery of donated goods in § 515.575 or § 515.533(e), respectively. (See: Application Guidelines, VIII. HUMANITARIAN PROJECTS - 31 CFR 515.575 and XI. TRAVEL RELATED TO LICENSED EXPORTATIONS: 1. Exportations licensed by the U.S. Department of Commerce - 31 CFR 515.533(e)). Such additional authorization may be included in the same license issued pursuant to this section or in amendments thereto. 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.

Financial donations or other funds transfers incident to religious activities require separate authorization under § 515.570(d)(1) of the Regulations. Such additional authorization may be included in the same license issued pursuant to this section or in amendments thereto. (See: Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA 31 CFR § 515.570(d)(1)).

Examples:

Licensable

Example 1: A U.S. ministry seeks authorization to permit specifically named individuals of the ministry to engage in religious activities in Cuba for the purpose of attending worship services and ecclesiastical ceremonies, meeting with congregations to encourage support and growth in the church, and providing consultation and assistance for future church construction. A specific license will be granted to the ministry for a two-year period permitting multiple trips by the named individuals.

Example 2: A U.S. bible college wishes to send a group of pastors to Cuba to train Cuban pastors and church leaders. In addition, the individuals will visit churches to minister and provide

encouragement. As in the previous example, the bible college has provided a specific list of individuals needed to accomplish their mission. A specific license will be granted to the bible college for a two-year period and permit multiple trips by the named individuals.

Example 3: 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 schedule to participate in the service and meet with the congregation.

Example 4: A minister has been invited to teach full-time at a seminary in Cuba during the coming year.

Not Licensable

Example 1: An organization that offers weekend faith retreats and pilgrimages to developing countries for the purpose of understanding others' religious and cultural values wishes to send individuals, solicited via the internet, to Cuba.

Example 2: A medical fellowship requests a license to send a group of healthcare professionals to Cuba to provide medical services to members of a Cuban congregation. Licenses issued under this section pertain solely to engaging in religious activities and do not normally authorize the provision of medical services. Persons interested in providing medical or other humanitarian services in Cuba should review VIII. HUMANITARIAN PROJECTS - 31 CFR § 515.575 of these Application Guidelines.

Example 3: 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 whoever will listen. Absent a record of similar prior experience and a defined full-time schedule of religious activities over a specified period of time, this activity does not qualify for a specific license.

Example 4: 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 schedule 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**

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.566:

§ 515.566 Religious activities in Cuba.

(a) *Specific license for U.S. religious organizations -- (1) Issuance; renewal.* A specific license may be issued to a religious organization located in the United States authorizing the organization and individuals and groups affiliated with the organization to engage, under the auspices of the organization, in religious activities involving transactions (including travel-related transactions) in which Cuba or a Cuban national has an interest. The application for the specific license must set forth examples of religious activities to be undertaken in Cuba. The religious organization's specific license may be renewed after a period of two years to authorize the organization and individuals and groups affiliated with the organization to continue to engage in the transactions authorized under the organization's license.

(2) *Scope of transactions authorized under U.S. religious organization's specific license; documentation.* Upon receipt by the religious organization located in the United States of a specific license pursuant to paragraph (a)(1) of this section, the organization and individuals or groups affiliated with the organization are authorized to engage in the travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to religious activities in Cuba under the auspices of the organization. Travel-related transactions pursuant to this authorization must be for the purpose of engaging, while in Cuba, in a full-time program of religious activities. Financial and material donations to Cuba or Cuban nationals are not authorized by this paragraph (a)(2). All individuals who engage in transactions in which Cuba or Cuban nationals have an interest (including travel-related transactions) pursuant to this paragraph (a)(2) must carry with them a letter from the specifically-licensed U.S. religious organization, citing the number of the organization's specific license and confirming that they are affiliated with the organization and are traveling to Cuba to engage in religious activities under the auspices of the organization.

Note to paragraph (a): See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Exportation of items to be used in Cuba may require separate licensing by the Department of Commerce.

(b) *Specific licenses.* Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to religious activities not covered by a specific license issued pursuant to paragraph (a) of this section to a U.S. religious organization. Specific licenses may be issued pursuant to this section authorizing transactions for multiple trips over an extended period of time to engage in a full-time program of religious activities in Cuba.

**VI. PUBLIC PERFORMANCES, ATHLETIC AND OTHER COMPETITIONS, AND
EXHIBITIONS - 31 CFR § 515.567**

You may request a specific license authorizing transactions incident to participation in a public performance, athletic competition, non-athletic 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 that benefits the Cuban people. This is not required for certain amateur or semi-professional athletic competitions held under the auspices of the relevant international sports federation.

1. Application criteria for specific licenses for public performances, athletic and other competitions, or exhibitions under 31 CFR § 515.567

You must provide the following information in a letter to OFAC:

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: explain what type of organization it is, e.g., an athletic team, an orchestra, or a ballet troop, and describe its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.
3. Identify the category of travel. State your request for a specific license under § 515.567 of the Regulations to engage in travel-related and other transactions that are directly incident to a public performance, athletic or other competition, or an 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 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. 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.

6. 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 participation in the event in Cuba.

7. 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.

8. Describe the duration of the proposed travel. Set forth the proposed dates and duration of the trip.

9. Identify the point of contact and venue in Cuba. Identify the contact person and/or organization in Cuba that you are coordinating with and identify the site or venue where the event will be held.

10. 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 original license or, if the original license was renewed, the most recent renewal; and

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

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 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. In like manner, 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. Licenses are not granted to individuals to participate in Cuban-organized international festivals inasmuch as the proposed participation goes beyond the direct, bilateral interaction between U.S. and Cuban nationals contemplated by this provision. In addition, licenses will not be granted under this provision for participation in clinics and workshops or continuing education programs.

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:

Licensable

Example 1: A hip-hop 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. Travelers who are directly related to the production of the movies to be exhibited may be licensed.

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.

Not licensable

Example 1: A professional musician wishes to travel to Cuba to conduct a workshop for a Cuban organization. Licenses are not granted in connection with conducting workshops in Cuba pursuant to this licensing provision.

Example 2: 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. Licenses issued under this section do not extend to persons not directly involved in the authorized activity.

Example 3: A consultant to the entertainment industry has been invited to Cuba to participate in a film festival that is being held there. 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, competitions, and exhibitions under § 515.567(b) of the Regulations.

Example 4: 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. However, an individual team may submit a request to travel to Cuba for the purpose of engaging in one-on-one athletic competitions or games with Cuban team.

Example 5: A U.S. dance club wishes to attend a Latin American dance festival being held in Cuba. Performers from several Latin American countries will also participate in this international festival in which the exchange of dance techniques for dancing Mambo and other dances will take place. Licenses are not granted to individuals to participate in Cuban-organized international festivals inasmuch as the proposed participation goes beyond the direct, bilateral interaction between U.S. and Cuban nationals contemplated by this licensing provision.

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**

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

§ 515.567 Public performances, athletic and other competitions, and exhibitions.

(a) *Amateur and semi-professional international sports federation competitions.* Specific licenses, including for multiple trips to Cuba over an extended period of time, may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to athletic competition by amateur or semi-professional athletes or athletic teams wishing to travel to participate in athletic competition in Cuba, provided that:

(1) The athletic competition in Cuba is held under the auspices of the international sports federation for the relevant sport;

(2) The U.S. participants in the athletic competition are selected by the U.S. federation for the relevant sport; and

(3) The competition is open for attendance, and in relevant situations participation, by the Cuban public.

(b) *Public performances, other athletic or other non-athletic competitions, and exhibitions.* Specific licenses, including for multiple trips to Cuba over an extended period of time, may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to participation in a public performance, athletic competition not covered by paragraph (a) of this section, non-athletic competition, or exhibition in Cuba by participants in such activities, provided that:

(1) The event is open for attendance, and in relevant situations participation, by the Cuban public; and

(2) All U.S. profits from the event after costs are donated to an independent nongovernmental organization in Cuba or a U.S.-based charity, with the objective, to the extent possible, of benefiting the Cuban people.

(c) Specific licenses will not be issued pursuant to this section authorizing any debit to a blocked account.

Note to § 515.567. See § 515.571 for the authorization of certain transactions related to the activities of nationals of Cuba traveling in the United States.

VII. SUPPORT FOR THE CUBAN PEOPLE - 31 CFR § 515.574

You may request a specific license authorizing transactions incident to activities 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:

1. Identify yourself. Furnish your name, address, and daytime phone number. Describe prior, any relevant experiences you have had with regard to activities similar to those proposed in the application.

2. Identify your organization. If you are applying on behalf of an organization, tell us about the organization: explain what type of organization it is (e.g., a human rights organization that monitors the status of political dissidents) and describe 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 category of travel. State that a specific license is being requested pursuant to § 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. Identify the recipient(s) of any proposed funds transfers to Cuba and any other financial transactions involved as well as any materials and supplies required to complete the project and sources thereof.

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. 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 original license or, if the original license was renewed, the most recent renewal; and

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

8. 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 §§ 515.570(d)(1) or 515.801 of the Regulations. (See: Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA 31 CFR § 515.570(d)(1)). Separate authorization under these provisions of the Regulations may be included in the same license issued pursuant to this section or in amendments thereto.

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**

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.574:

§ 515.574 Support for the Cuban People.

(a) Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are intended to provide support for the Cuban people including, but not limited to, the following:

- (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 non-governmental organizations that promote independent activity intended to strengthen civil society in Cuba.

(b) Licenses will be issued pursuant to this section once the applicant shows that the proposed transactions are consistent with the purposes of this section and provides an explanation that no significant accumulation of funds or financial benefit will accrue to the government of Cuba.

VIII. HUMANITARIAN PROJECTS - 31 CFR § 515.575

You may request a specific license authorizing transactions incident to 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:

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: explain what type of organization it is (e.g., a non-governmental organization that does charity work, etc.) and describe 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 regard to projects similar to those proposed in the application.
3. Identify the category of travel. State that your request is for a specific license pursuant to § 515.575 of the Regulations to engage in a humanitarian project based in 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 your organization would draft a grant proposal requesting

funding. 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 570(d)(1) (See Appendix 2, REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NON-GOVERNMENTAL ENTITIES IN CUBA - 31 CFR§ 515.570(d)(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 3 doctors and 2 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. 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 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 original license or, if the original license was renewed, the most recent renewal; and

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

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 under XI. TRAVEL RELATED TO LICENSED EXPORTATIONS - 31 CFR §§ 515.533 & 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:

Licensable

Example 1: A medical group wishes to help renovate a health clinic. They want to purchase some lumber and other construction supplies in Cuba. Provided the clinic is run by a Cuban non-governmental organization, such transactions may be licensed.

Example 2: 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 3: A group of doctors wishes to run a clinic in Cuba open to the Cuban public where the doctors can provide hands-on instruction to the Cuban people on how to administer CPR and other emergency medical techniques.

Example 4: A farmers' cooperative wishes to educate and train independent farmers in Cuba regarding organic sustainable agricultural practices.

Example 5: A medical team of ophthalmologists wants to travel to Cuba with their mobile clinic to perform eye surgery on Cuban patients and deliver prescription medicines. Note that both the temporary exportation of their mobile clinic and the exportation of the medications must qualify for a Department of Commerce license.

Not licensable

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, the provision of the services themselves, and the promotion of tourism in Cuba would not be licensed.

Example 2: A U.S. humanitarian organization wants a license to enable it to solicit participation by any interested persons to travel to Cuba to provide humanitarian aid, which the travelers themselves are to purchase. The organization is not eligible for a license insofar as it intends to use that authorization to permit travel-transactions by persons having no relationship to it.

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 U.S. company wants to send its representatives to Cuba to donate shoes it produces to various Cuban educational facilities. While commercial entities may donate goods to licensed non-governmental/private voluntary organizations for delivery to Cuba, commercial entities normally are not licensed to make the donations directly. Additionally, requests to accompany delivery of authorized exports should follow the guidelines set forth in XI. TRAVEL RELATED TO LICENSED EXPORTATIONS -31 CFR §§ 515.533 and 515.559 of these Application Guidelines.

Example 5: A group of doctors wish to provide medical training to Cuban healthcare professionals. Travel related transactions involving medical training would not be licensed. It is important to note the distinction between providing direct medical care to the Cuban people, as referenced in Example 3 above, from providing training services to Cuban healthcare professionals.

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**

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.575:

§ 515.575 Humanitarian projects.

Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to certain humanitarian projects in or related to Cuba not otherwise covered by this part that are designed to directly benefit the Cuban people. Such projects may include, but are 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 grassroots 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. Specific licenses may be issued authorizing transactions for multiple visits for the same project over an extended period of time by applicants demonstrating a significant record of overseas humanitarian projects.

IX. PRIVATE FOUNDATIONS AND EDUCATIONAL AND RESEARCH INSTITUTES -
31 CFR § 515.576

You may request a specific license on behalf of your private foundation or educational or research institute authorizing transactions incident to activities intended to provide support for the Specific license consideration of 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.

Application Criteria for a specific license under § 515.576:

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. Provide information that illustrates how your organization qualifies as a private foundation, research institute, or educational institute.
2. 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 the organization engages in.
3. Identify the category of travel. State that your organization requests a specific license pursuant to § 515.576 of the Regulations to collect information related to Cuba for noncommercial purposes.
4. Identify 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. Provide a declaration 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 original license; and

(c) a complete copy of the license.

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

Examples:

Licensable

Example 1: A private research foundation with a 10-year history of producing essays on international relation issues wishes to send a team made up of its full-time employees to Cuba to collect information relevant to a current study of the relationship that countries in the Western Hemisphere have with Russia. This current project as well as the information collected in Cuba will not be used for any commercial purpose.

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.

Not licensable

Example 1: 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. In addition, the display of artworks of Cuban artists would not be viewed as an international relations project. Authorization may be available, however, under § 515.545, regarding the importation of informational materials. (See: Application Guidelines, X. EXPORTATION/IMPORTATION OF INFORMATION AND INFORMATIONAL MATERIALS - 31 CFR § 515.545.)

Example 2: An interest group that organizes information gathering trips to Cuba for individuals who are not full-time employees or paid consultants of the organization wants to take a delegation to Cuba to learn about the country's current conditions. This fact-finding mission to allow prominent citizens to be educated about Cuba so they

can participate in the public debate concerning the U.S. embargo against Cuba is not eligible for a license.

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

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.576:

§ 515.576 Activities of private foundations or research or educational institutes.

Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) 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, not otherwise covered by the general license for professional research contained in § 515.564 or more properly issued under § 515.575, relating to humanitarian projects. Specific licenses may be issued pursuant to this section authorizing transactions for multiple trips to Cuba for the same project over an extended period of time.

**X. EXPORTATION/IMPORTATION OF INFORMATION AND INFORMATIONAL
MATERIALS - 31 CFR § 515.545**

Application criteria for a specific license under § 515.545:

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: what type of organization is it (e.g., a book distributor, a telecommunications company, etc.) and what are its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.

3. Identify the category of travel. State your request for a specific license to engage in transactions directly incident to the exportation/importation of information or informational materials under § 515.545(c) of the Regulations.

4. Identify the information or informational materials.

(a) 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 31 CFR § 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.

(b) Telecommunications: Companies seeking to engage in Cuba travel-related transactions incident to the provision of telecommunications services between the United States or third countries and Cuba should state the specific purpose of the travel and what Federal Communications Commission licenses or authorizations they hold.

5. Qualifications. If the specific license is being sought by an individual, provide a copy of your resume or other documentation to demonstrate your professional background relevant to the informational materials of the type that you seek to export/import. Representatives of telecommunications companies may provide their position title(s).

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.

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 original license; and

(c) a complete copy of the license.

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

Note: Please review §§ 515.206, 515.332, 515.542, and 515.545 of the Regulations, the text of which is set forth at the end of this category description, which contain the rules regarding transactions involving information or informational materials and telecommunications.

Examples:

Licensable

Example 1: A U.S. book distributor proposes 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 proposes 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.

Not licensable

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 III. PROFESSIONAL RESEARCH AND MEETINGS - 31 CFR § 515.564 of the 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

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory provisions for §§ 515.545; 515.206; 515.332 and 515.542:

§ 515.545 Transactions related to information and informational materials.

(a) Except as provided in § 515.542(c), all financial and other transactions directly incident to the importation or exportation of information or informational materials are authorized.

(b) Transactions relating to the dissemination of informational materials are authorized, including remittance of royalties paid for informational materials that are reproduced, translated, subtitled, or dubbed. This section does not authorize the remittance of royalties or other payments relating to works not yet in being, or for marketing and business consulting services, or artistic or other substantive alteration or enhancements to informational materials, as provided in § 515.206(a)(3).

(c) Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) for purposes related to the exportation, importation, or transmission of information or informational materials as defined in § 515.332.

§ 515.206 Exempt transactions.

(a) *Information and informational materials.* (1) The importation from any country and the exportation to any country of information or informational materials as defined in § 515.332, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations of this part except for payments owed to Cuba for telecommunications services between Cuba and the United States, which are subject to the provisions of § 515.542.

(2) This section does not authorize transactions related to information or informational materials not fully created and in existence at the date of the transaction, or to the substantive or artistic alteration or enhancement of information or informational materials, or to the provision of marketing and business consulting services by a person subject to the jurisdiction of the United States. Such prohibited transactions include, without limitation, payment of advances for information or informational materials not yet created and completed, provision of services to market, produce or co-produce, create or assist in the creation of information or informational materials, and payment of royalties to a designated national with respect to income received for enhancements or alterations made by persons subject to the jurisdiction of the United States to information or informational materials imported from a designated national.

(3) This section does not authorize transactions incident to the transmission of restricted technical data as defined in the Export Administration Regulations, 15 CFR parts 730-774, or to the exportation of goods for use in the transmission of any data. The exportation of such goods to designated foreign countries is prohibited, as provided in § 515.201 of this part and § 785.1 of the Export Administration Regulations.

(4) This section does not authorize transactions related to travel to Cuba when such travel is not otherwise authorized under § 515.545.

Example #1: A U.S. publisher ships 500 copies of a book to Cuba directly from Miami aboard a chartered aircraft, and receives payment by means of a letter of credit issued by a Cuban bank and confirmed by an American bank. These are permissible transactions under this section.

Example #2: A Cuban party exports a single master copy of a Cuban motion picture to a U.S. party and licenses the U.S. party to duplicate, distribute, show and exploit in the United States the Cuban film in any medium, including home video distribution, for five years, with the Cuban party receiving 40% of the net income. All transactions relating to the activities described in this example are authorized under this section or § 515.545.

Example #3: A U.S. recording company proposes to contract with a Cuban musician to create certain musical compositions, and to advance royalties of \$10,000 to the musician. The music written in Cuba is to be recorded in a studio that the recording company owns in the Bahamas. These are all prohibited transactions. The U.S. party is prohibited under § 515.201 from contracting for the Cuban musician's services, from transferring \$10,000 to Cuba to pay for those services, and from providing the Cuban with production services through the use of its studio in the Bahamas. No information or informational materials are in being at the time of these proposed transactions. However, the U.S. recording company may contract to purchase and import preexisting recordings by the Cuban musician, or to copy the recordings in the United States and pay negotiated royalties to Cuba under this section or § 515.545.

Example #4: A Cuban party enters into a subpublication agreement licensing a U.S. party to print and publish copies of a musical composition and to sub-license rights of public performance, adaptation, and arrangement of the musical composition, with payment to be a percentage of income received. All transactions related to the activities described in this example are authorized under this section and § 515.545, except for adaptation, and arrangement, which constitute artistic enhancement of the Cuban composition. Payment to the Cuban party may not reflect income received as a result of these enhancements.

(b) *Donation of food.* The prohibitions contained in this part do not apply to transactions incident to the donation of food to nongovernmental organizations or individuals in Cuba.

§ 515.332 Information and informational materials.

(a) For purposes of this part, the term information and informational materials means:

(1) Publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, news wire feeds, and other information and informational articles.

(2) 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.

(b) The term information and informational materials does not include items:

(1) That would be controlled for export pursuant to section 5 of the Export Administration Act of 1979, 50 U.S.C. App. 2401-2420 (1993) (the "EAA"), or section 6 of the EAA to the extent that such controls promote nonproliferation of antiterrorism policies of the United States, including "software" that is not "publicly available" as these terms are defined in 15 CFR Parts 779 and 799.1 (1994); or

(2) With respect to which acts are prohibited by 18 U.S.C. chapter 37.

§ 515.542 Telecommunications, information, and informational materials.

(a) All transactions of common carriers incident to the receipt or transmission of mail between the United States and Cuba are hereby authorized.

(b) Except as provided in paragraph (c) of this section, all transactions incident to the use of cables, satellite channels, radio signals, or other means of telecommunications for the provision of telecommunications services between Cuba and the United States, including telephone, telegraph and similar services, and the transmission of radio and television broadcasts and news wire feeds between Cuba and the United States, are authorized.

(c) Full or partial payments owed to Cuba as a result of telecommunications services authorized in paragraph (b) of this section are prohibited unless authorized pursuant to specific licenses, which will be issued on a case-by-case basis provided such payments are determined to be consistent with the public interest and the foreign policy of the United States.

XI. TRAVEL RELATED TO LICENSED EXPORTATIONS

1. Exportations from the United States and exportations of 100% U.S.-origin items from overseas entities - 31 CFR § 515.533(e)

Application Criteria for a specific license under § 515.533(e):

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: what type of organization is it (e.g., charitable organization, producer, or seller of agricultural commodities), what are its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.
3. Identify the category of travel. State your request for a specific license under § 515.533(e) 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 are 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 other Department of Commerce authorization listing the donated goods; 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 5-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. 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. 3) If your organization is not itself a producer or distributor of the described goods, provide a letter from the producer or distributor stating that your organization directly represents that entity in your proposed marketing, sales negotiation, delivery, or servicing activities in Cuba.

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 to 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 original license; and

(c) a complete copy of the license.

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

Note: Consistent with the Trade Sanctions Reform and Export Enhancement Act of 2000 ("TSRA"), the Regulations provide that travel and other transactions that are directly incident to the "marketing, sales negotiation, accompanied delivery, or servicing of exports that appear consistent with the export licensing policy of the Department of Commerce" may be authorized by specific license. This licensing policy does not extend to trade missions to discuss transactions that are not currently authorized, such as direct U.S. financing, with a view toward the eventual end of the embargo. It also does not permit individuals whose qualifications have no apparent nexus to this licensing criteria to travel to Cuba, whether individually or in conjunction with other authorized travelers.

General transportation services relating to licensed exports are authorized by general license in § 515.533(a) of the Regulations. Financing of these exports is restricted by TSRA to payment of cash in advance or financing by third country financial institutions. Such financing may be confirmed or advised by a U.S. financial institution. Vessels are authorized by general license under § 515.550 of the Regulations to carry goods to Cuba that are authorized for export by the Department of Commerce or items that are exempt from the embargo, e.g., informational materials, provided that: 1) they have not engaged in unauthorized trade, including services in Cuba within 180 days and, 2) the vessels are not otherwise carrying goods or passengers in which Cuba or a Cuban national has an interest. Travel-related transactions by transportation services companies must be specifically licensed and will be considered pursuant to § 515.533(e) of the Regulations.

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:

Licensable

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 consultant hired by a U.S. medical supply company proposes to engage in travel-related transactions in Cuba for the purpose of meeting with Cuban officials to discuss the sale of medical supplies to Cuba eligible for exportation under Department of Commerce rules.

Example 3: A U.S. association representing grain producers proposes to engage in travel-related transactions in Cuba to discuss with Cuban officials the marketing and sale of grains in Cuba eligible for exportation under Department of Commerce rules.

Example 4: Representatives of a medical supplies company wish to attend a Cuba-sponsored trade fair on medical equipment and medicine to market and sell medical supplies to Cuban entities that are eligible consignees under Department of Commerce rules.

Example 5: A seaport authority wants 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 6: A state's department of agriculture wishes to send a delegation to Cuba consisting of state employees and local producers to market products and negotiate contracts of agricultural goods produced in the state.

Example 7: 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.

Not licensable

Example 1: City officials seek a license 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: A lawyer or consultant wants to obtain a license to market his ability to promote the sale of agricultural commodities in Cuba to prospective clients. Any person seeking to broker sales on behalf of companies that are eligible to sell their commodities under license from the Department of Commerce must have already been retained for that purpose.

Example 3: Employees of a general trade council propose to travel to Cuba to identify and negotiate the sale of agricultural products but they are not directly representing specific companies. Absent a letter from the producer or distributor stating that the general trade council directly represents a producer or distributor of a category of commodities eligible for export to Cuba and that the producer or distributor is interested in export of its products to Cuba, such a request would not be granted.

Example 4: An entity or individual wants to obtain a license to organize and hold a trade fair in Cuba. The activity is inconsistent with current U.S. foreign policy and will not be licensed.

Example 5: A company that provides inspection and testing services for cargo shippers wishes to travel to Cuba to hold technical discussions with Cuban officials for the purpose of

entering into a contractual agreement to provide services directly to a Cuban national. These services go beyond the type of activities permitted under this licensing provision.

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

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.533:

§ 515.533 Transactions incident to exportations from the United States and reexportations of U.S.-origin items to Cuba; negotiation of executory contracts.

(a) All transactions ordinarily incident to the exportation of items from the United States, or the reexportation of U.S.-origin items from a third country, to any person within Cuba are authorized, provided that:

(1) The exportation or reexportation is licensed or otherwise authorized by the Department of Commerce under the provisions of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401-2420) (see the Export Administration Regulations, 15 CFR 730-774); and

(2) Only the following payment and financing terms may be used:

(i) Payment of cash in advance;

(ii) For authorized sales of agricultural items, financing by a banking institution located in a third country provided the banking institution is not a designated national, U.S. citizen, U.S. permanent resident alien, or an entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches). Such financing may be confirmed or advised by a U.S. banking institution; or

(iii) For all other authorized sales, financing by a banking institution located in a third country provided the banking institution is not a designated national or a person subject to the jurisdiction of the United States. Such financing may be confirmed or advised by a U.S. banking institution.

Note to paragraph (a): The transactions authorized by this paragraph include, but are not limited to, all transactions that are directly incident to the shipping of specific exports or reexports (e.g., insurance and transportation of the exports to Cuba). Transactions that are not tied to specific exports or reexports, such as transactions involving future (non-specific) shipments, must be separately licensed by OFAC. For the waiver of the prohibitions on entry into U.S. ports contained in § 515.207 for vessels transporting shipments of items between the United States and Cuba pursuant to this section, see § 515.550.

(b) Persons subject to the jurisdiction of the United States are authorized to engage in all transactions ordinarily incident to negotiation of and entry into executory contracts for the sale of items that may be exported from the United States to Cuba or 100% U.S.-origin items that may be reexported from a third country to Cuba consistent with the export licensing policy of the Department of Commerce, provided that performance of such executory contracts is expressly made contingent on the prior authorization by the Department of Commerce.

Note to paragraph (b): This paragraph does not authorize transactions related to travel to, from, or within Cuba. See paragraph (e) for a statement of specific licensing policy with respect to such transactions.

(c) This section does not authorize:

(1) The financing of any transactions from any blocked account.

(2) Any transaction involving, directly or indirectly, property in which any designated national, other than a person located in the country to which the exportation or reexportation is consigned, has an interest or has had an interest since the effective date set forth in § 515.201 of this part.

(d) [Reserved]

(e) **Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to the marketing, sales negotiation, accompanied delivery, or servicing of exports that appear consistent with the export or re-export licensing policy of the Department of Commerce.**

XI. TRAVEL RELATED TO LICENSED EXPORTATIONS (cont'd)

2. Exportations from U.S.-owned or controlled foreign firms - 31 CFR § 515.559

Application Criteria under § 515.559:

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: what type of organization is it (e.g., producer or seller of medicine, medical supplies or agricultural commodities,) and what are its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes.
3. Identify the category of travel. State your request for a specific license under § 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. 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 original license; and
 - (c) a complete copy of the license.

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

Note: This section provides for specific licensing of exportations of medicine or medical supplies and certain telecommunications equipment to Cuba by a U.S.-owned or controlled entity incorporated in a third country. With respect to medicine and medical supplies, the licensee must adhere to the following conditions in connection with the sale and exportation to Cuba of these items:

- a) The exportation of the items would not be restricted under section 5(m) of the Export Administration Act of 1979 if the exportation was subject to those provisions;
- b) The items are to be used only for the stated end-use;
- c) The items are to be used only for the use and benefit of the Cuban people;
- d) If a donation, the items are to be distributed to the Cuban people free of charge although a small fee incidental to the importation of the item is permitted;
- e) The Licensee, or an organization other than the government of Cuba appointed by the Licensee, must monitor the distribution of the goods to assure that all conditions of the license are met [Note: This condition is only in place if the export is going to a Cuban-government entity];
- f) Medicines, medical supplies and medical equipment may not be used for purposes of torture or other human rights abuses;
- g) Medicines derived from biological organisms controlled on the Commerce Control List are not authorized for export;
- h) Medical devices used to grow cultures are not authorized for export;
- i) The medicines, medical supplies and equipment are not to be used in the production of any biotechnological products;
- j) Medicines must be exported within their validity period; and
- k) No medicines, medical supplies or medical equipment under this license may be resold or reexported.

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). For example, medicines for proposed export to Cuba must be checked against the five schedules of controlled substances under the jurisdiction of the Drug Enforcement Administration ("DEA") (see e.g., 21 CFR Parts 1308 and 1311-1312). To clarify if your drugs or other medicines are under DEA jurisdiction, please call your local DEA office and ask to speak to the 'Diversion Group.' The DEA has domestic offices in most major port cities. For other locations, call the DEA in Washington, D.C. at (202) 307-2414.)

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

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.559:

§ 515.559 Certain transactions by U.S.-owned or controlled foreign firms with Cuba.

(a) Effective October 23, 1992, no specific licenses will be issued pursuant to paragraph (b) of this section for transactions between U.S.-owned or controlled firms in third countries and Cuba for the exportation to Cuba of commodities produced in the authorized trade zone or for the importation of goods of Cuban origin into countries in the authorized trade zone, unless, in addition to meeting all requirements of paragraph (b), one or more of the following conditions are satisfied:

(1) The contract underlying the proposed transaction was entered into prior to October 23, 1992;

(2) The transaction is for the exportation of medicine or medical supplies from a third country to Cuba, which shall not be restricted:

(i) Except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 or section 203(b)(2) of the International Emergency Economic Powers Act if the exportation were subject to these provisions;

(ii) Except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(iii) Except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; or

(iv) Except in a case in which the item to be exported could be used in the production of any biotechnological product; and

(v) Except in a case where it is determined that the United States Government is unable to verify, by on-site inspection or other means, that the item to be exported will be used for the purpose for which it was intended and only for the use and benefit of the Cuban people, but this exception shall not apply to donations for humanitarian purposes to a nongovernmental organization in Cuba.

(3) The transaction is for the exportation of telecommunications equipment from a third country, when the equipment is determined to be necessary for efficient and adequate telecommunications service between the United States and Cuba.

(b) Specific licenses will be issued in appropriate cases for certain categories of transactions between U.S.-owned or controlled firms in third countries and Cuba, where local law requires, or policy in the third country favors, trade with Cuba. The categories include:

(1) Exportation to Cuba of commodities produced in the authorized trade territory, provided:

(i) The commodities to be exported are non-strategic;

(ii) United States-origin technical data (other than maintenance, repair and operations data) will not be transferred;

(iii) If any U.S.-origin parts and components are included therein, such inclusion has been authorized by the Department of Commerce;

(iv) If any U.S.-origin spares are to be reexported to Cuba in connection with a licensed transaction, such reexport has been authorized by the Department of Commerce;

(v) No U.S. dollar accounts are involved; and

(vi) Any financing or other extension of credit by a U.S.-owned or controlled firm is granted on normal short-term conditions which are appropriate for the commodity to be exported.

(2) Travel-related transactions set forth in § 515.560(c) and other transactions that are directly incident to marketing, sales negotiation, accompanied delivery, or servicing of exports that are consistent with the licensing policy under this section.

(3) Importation of goods of Cuban origin into countries in the authorized trade territory.

Note to paragraph (b): On October 23, 1992, sections 1705 and 1706 of the Cuban Democracy Act of 1992, Public Law 102-484 (Oct. 23, 1992) (codified at 22 U.S.C. 6004 and 6005, respectively), prohibited OFAC from issuing licenses for any transaction described in this paragraph other than those transactions currently set forth in paragraph (a).

(c) The term strategic goods means any item, regardless of origin, of a type included in the Commodity Control List of the U.S. Department of Commerce (15 CFR part 399) and identified by the code letter "A" following the Export Control Commodity Numbers, or of a type the unauthorized exportation of which from the United States is prohibited by regulations issued under the Arms Export Control Act of 1976, 22 U.S.C. 2778, or under the Atomic Energy Act of 1954, 42 U.S.C. 2011, et seq., or successor acts restricting the export of strategic goods.

(d) Specific licenses issued pursuant to the policies set forth in this section do not authorize any person within the United States to engage in, participate in, or be involved in a licensed transactions with Cuba or Cuban nationals. Such involvement includes, but is not limited to, assistance or participation by a U.S. parent firm, or any officer or employee thereof, in the negotiation or performance of a transaction which is the subject of a license application. Such participation is a ground for denial of a license application, or for revocation of a license. To be eligible for a license under this section, the affiliate must be generally independent, in the conduct of transactions of the type for which the license is being sought, in such matters as decision-making, risk-taking, negotiation, financing or arranging of financing, and performance.

Note to § 515.559: For reexportation of U.S.-origin goods, wares, or merchandise by U.S.-owned or controlled foreign firms, see § 515.533. Transactions by U.S.-owned or controlled foreign firms directly incident to the exportation of information or informational materials or the donation of food to nongovernmental entities or individuals in Cuba are exempt from the prohibitions of this part. See § 515.206. For the waiver of the prohibitions contained in § 515.207 with respect to vessels transporting shipments of goods, wares, or merchandise pursuant to this section, see § 515.550.

APPENDICES

Appendix 1

Travel-Related Transactions Authorized by 31 CFR § 515.560(c)

Below is the regulatory provision concerning authorized travel-related transactions involving Cuba. Only persons whose travel falls into one of the three general license provisions or who travel pursuant to a specific license issued by OFAC are authorized to spend money related to travel to, from, or within Cuba.

Section 515.560(c) of the Regulations reads as follows:

(c) Persons generally or specifically licensed under this part to engage in transactions in connection with travel to, from, and within Cuba may engage in the following transactions:

(1) Transportation to and from Cuba. All transportation-related transactions ordinarily incident to travel to and from (not within) Cuba, provided no more than \$500 may be remitted to Cuba directly or indirectly in any consecutive 12-month period for fees imposed by the Government of Cuba in conjunction with such travel unless otherwise authorized.

(2) Living expenses in Cuba. All transactions ordinarily incident to travel anywhere within Cuba, including payment of living expenses and the acquisition in Cuba of goods for personal consumption there, are authorized, provided that, unless otherwise, the total for such expenses does not exceed:

(i) For visits to a members of a person's immediate family pursuant to § 515.561, \$50 per day plus up to an additional \$50 per trip, if needed, to cover within-Cuba transportation-related expenses.

(ii) For all other authorized activities, the "maximum per diem rate" for Havana, Cuba, in effect during the period that the travel takes place. The maximum per diem rate is published in the State Department's "Maximum Travel Per Diem Allowances for Foreign Areas," a supplement to section 925, Department of State Standardized Regulations (Government Civilians, Foreign Areas), which is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371945, Pittsburgh, PA 15250-7954, and on the Internet at <http://www.state.gov/m/a/als/prdm>.

(3) Importation of Cuban merchandise prohibited. Nothing in this section authorizes the importation into the United States of any merchandise purchased or otherwise acquired in Cuba, including but not limited to any importation of such merchandise as accompanied baggage. The importation of Cuban-origin information and informational materials is exempt from the prohibitions of this part, as described in § 515.206.

(4) Carrying remittances to Cuba. The carrying to Cuba of any remittances that the licensed traveler is authorized to remit pursuant to § 515.570 is authorized, provided that:

(i) The total of all family household remittances authorized by § 515.570(a) does not exceed \$300, and

(ii) No emigration remittances authorized by § 515.570(b) are carried to Cuba unless a U.S. immigration visa has been issued for each payee and the licensed traveler can produce the visa recipients' full names, dates of birth, visa numbers, and visa dates of issuance.

Note to paragraph (c)(4): This paragraph does not authorize a traveler to carry remittances on behalf of other remitters.

(5) Processing certain financial instruments. All transactions incident to the processing and payment of checks, drafts, travelers' checks, and similar instruments negotiated in Cuba by any person authorized pursuant to this part to engage in financial transactions in Cuba. For purposes of this section, the authorized transactions may be conducted using currency, which is defined as money, cash, drafts, notes, travelers' checks, negotiable instruments, or scrip having a specified or readily determinable face value or worth, but which does not include gold or other precious metals in any form.

Note to paragraph (c): The authorizations in paragraph (c) of this section do not apply to fully-hosted travelers because their travel-related transactions are not licensed or authorized pursuant to this part. See § 515.420.

Paragraphs (e)-(g) of § 515.560 of the Regulations set forth transactions that are not considered to be permissible transactions incident to travel:

(e) The following transactions by persons generally or specifically licensed to engage in travel-related transactions to, from, and within Cuba are prohibited by § 515.201 unless specifically authorized:

(1) All transactions by persons subject to U.S. jurisdiction related to the utilization of charge cards, including but not limited to debit or credit cards, for expenditures in Cuba.

(2) All transactions related to the processing and payment by persons subject to U.S. jurisdiction, such as charge card issuers or intermediary banks, of charge card instruments (e.g., vouchers, drafts, or sales receipts) for expenditures in Cuba. The issuer of a charge card, or a foreign charge card firm owned or controlled by persons subject to U.S. jurisdiction, is not authorized to deal with a Cuban enterprise, a Cuban national, or a third-country person, such as a franchisee, in connection with the extension of charge card services to any person in Cuba.

(f) Carrying accompanied baggage to Cuba. The carrying to Cuba of accompanied baggage, as described in 15 CFR 740.14, provided that no more than 44 pounds of accompanied baggage per traveler may be carried unless otherwise authorized by the Bureau of Industry and Security of the Department of Commerce or, for exportations of

non-U.S. origin accompanied baggage from third countries to Cuba, by a specific license from OFAC.

(g) Nothing in this section authorizes transactions in connection with tourist travel to Cuba, nor does it authorize transactions in relation to any business travel, including making or agreeing to make any investment in Cuba, establishing or agreeing to establish any branch or agency in Cuba, or transferring or agreeing to transfer any property to Cuba, except transfers by or on behalf of individual or group travelers authorized pursuant to this part.

Appendix 2

REMITTANCES BY PERSONS SUBJECT TO U.S. JURISDICTION TO INDEPENDENT NONGOVERNMENTAL ENTITIES IN CUBA - 31 CFR § 515.570(d)(1)

Section 515.570(d)(1) sets forth a policy of issuing specific licenses on a case-by-case basis authorizing remittances by persons subject to U.S. jurisdiction to independent nongovernmental entities or members of such entities in Cuba. The types of activities for which funds transfers will be considered include, but are not limited to, the following: the purchase, rent, and repair of property, equipment, and vehicles that will be used exclusively by and for the activities of a Cuban religious organization; funds to conduct religious services and outreach and to support religious training and education; funds to assist an independent farmers' cooperative in purchasing goods or to support an independent group in operating a nursing home for the elderly. In general, funds transfers will not be licensed under this subsection when they are intended to provide subsistence, salaries, or other non-project-specific remittances to members or employees of entities in Cuba. Please review paragraph (d)(1) of § 515.570 of the Regulations, which is included at this end of this section. For information about sending personal remittances to Cuba, please see paragraphs (a)-(c) of § 515.570.

Application criteria for specific licenses for remittances to independent nongovernmental entities in Cuba -- 31 CFR § 515.570(d)(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: what type of organization is it (e.g., a church, a private foundation, a nongovernmental organization)? 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 § 515.570(d)(1) of the Regulations to send remittances to an independent nongovernmental entity or its members in Cuba.
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. fund restoration of a church, fund the conduct of religious services, 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 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 affiliated with the nongovernmental entity that will be assisted and state the person's title or function within the entity.

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 a church: 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 new missionary recruits). 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 setting forth an accounting for all funds sent pursuant to the original license or, if the original license was renewed, the most recent renewal; and

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

7. 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:

Licensable

Example 1: A U.S. religious organization wants to transfer funds to a Cuban church to purchase construction materials for the purpose of renovating the church. Note that a separate license is required to permit members of the U.S. religious organization to travel to Cuba to assist in the church renovation. (See: Application Guidelines, V. RELIGIOUS ACTIVITIES - 31 CFR 515.566)

Example 2: A U.S. charitable organization requests authorization to send funds over a one-year period to an independent Cuban nongovernmental organization to support the rebuilding of poultry production farms and to provide training sessions to local poultry farmers.

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

Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries - Cuba, Guidelines and Information)

Text of Regulatory Provision for § 515.570:

§ 515.570 Remittances to nationals of Cuba.

(a) *Periodic \$300 family household remittances authorized.* Persons subject to the jurisdiction of the United States who are 18 years of age or older are authorized to make remittances to nationals of Cuba who are members of the remitter's immediate family, provided that:

(1) The remitter's total remittances do not exceed \$300 per recipient household in any consecutive 3-month period, regardless of the number of members of the remitter's immediate family comprising that household;

(2) The remittances are not made from a blocked source unless:

(i) The remittances are authorized pursuant to paragraph (c) of this section; or

(ii) The remittances are made to a recipient in a third country and are made from 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, the recipient; and

(3) The recipient is not a prohibited official of the Government of Cuba or a prohibited member of the Cuban Communist Party. For the purposes of this paragraph, the term "prohibited official of the

Government of Cuba” means: Ministers and Vice-ministers, members of the Council of State, and the Council of Ministers; members and employees of the National Assembly of People’s Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; and members and employees of the Supreme Court (Tribuno Supremo Nacional). For purposes of this paragraph, the term “prohibited members of the Cuban Communist Party” means: members of the Politburo; the Central Committee; Department Heads of the Central Committee; employees of the Central Committee; and secretary and first secretary of the provincial Party central committees.

(4) For the purposes of this paragraph (a), the term “member of the remitter’s immediate family” means a spouse, child, grandchild, parent, grandparent, or sibling of the remitter or the remitter’s spouse, as well as any spouse, widow, or widower of any of the foregoing.

Note to paragraph (a): The maximum amount set forth in this paragraph does not apply to remittances to a Cuban individual who has been unblocked or whose current transactions are otherwise authorized pursuant to § 515.505, because remittances to such persons do not require separate authorization.

(b) *Two one-time \$500 emigration-related remittances authorized.* Persons subject to the jurisdiction of the United States are authorized to remit the following amounts:

(1) Up to \$500 per payee on a one-time basis to any Cuban nationals for the purpose of covering the payees’ preliminary expenses associated with emigrating from Cuba to the United States. These remittances may be sent before the payees have received valid visas issued by the State Department or other approved U.S.-immigration documents, but may not be carried by a licensed traveler to Cuba until the payees have received valid visas issued by the State Department or other approved U.S.-immigration documents. See § 515.560(c)(4) of this part for the rules regarding the carrying of authorized remittances to Cuba. These remittances may not be made from a blocked source unless authorized pursuant to paragraph (c) of this section.

(2) Up to an additional \$500 per payee on a one-time basis to any Cuban nationals for the purpose of enabling the payees to emigrate from Cuba to the United States, including for the purchase of airline tickets and payment of exit or third-country visa fees or other travel-related fees. These remittances may be sent only once the payees have received valid visas issued by the State Department or other approved U.S.-immigration documents. A remitter must be able to provide the visa recipients’ full names, dates of birth, visa numbers, and visa dates of issuance. See § 515.560(c)(4) of this part for the rules regarding the carrying of authorized remittances to Cuba. These remittances may not be made from a blocked source unless authorized pursuant to paragraph (c) of this section.

(c) *Certain remittances from inherited blocked sources authorized.* The remittances authorized in paragraphs (a) and (b) of this section may be made from 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, the payee, provided that the funds were deposited in the blocked account 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.

(d) *Specific licenses.* Specific licenses may be issued on a case-by-case basis authorizing the following:

(1) Remittances by persons subject to U.S. jurisdiction, including but not limited to nongovernmental organizations and individuals, to independent nongovernmental entities in Cuba, including but not

limited to pro-democracy groups, civil society groups, and religious organizations, and to members of such groups or organizations.

(2) Remittances by persons subject to U.S. jurisdiction from blocked accounts to Cuban households in third countries in excess of the amount specified in paragraph (a) of this section; or

(3) Remittances by persons subject to U.S. jurisdiction 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.

Note to § 515.570: For the rules relating to the carrying of remittances to Cuba, see paragraph (c)(4) of § 515.560. Persons subject to U.S. jurisdiction are prohibited from engaging in the collection or forwarding of remittances to Cuba unless authorized pursuant to § 515.572. For a list of authorized U.S. remittance service providers, see the following Web site:

http://www.treas.gov/offices/eotffc/ofac/sanctions/cuba_tsp.pdf

**REQUEST FOR A SPECIFIC LICENSE TO VISIT AN IMMEDIATE FAMILY MEMBER
in Cuba who is a National of Cuba once in a three year period – 31 C.F.R. § 515.561(a)**

Complete each line with the requested information. Do NOT leave blank or write "N/A."

APPLICANT INFORMATION

1. Last Name (Patronymic) _____ Last Name (Matronymic) _____
2. First Name _____ Middle Name _____
3. Last Name by Marriage _____ Date of Birth _____ (MM/DD/YYYY)
4. Street Address _____ Apt # _____
5. City _____ State _____ Zip Code _____ Phone # _____
6. U.S. Passport # _____ or _____ I Have no U.S. Passport.
7. U.S. Alien Registration # _____ or _____ I Have no U.S. Alien Registration #.
8. Non-US Passport # _____ Country of Issuance _____
9. Last Family Visit under the _____ (MM/DD/YYYY) or _____ Never used General License for former General License family visit
10. Last Family visit under _____ (MM/DD/YYYY) or _____ Never used Specific License for family visit Specific License visit
11. Date of Emigration from Cuba _____ (MM/DD/YYYY) or _____ Never emigrated from Cuba

THE PERSON YOU WISH TO VISIT IN CUBA

12. Last Name (Patronymic) _____ Last Name (Matronymic) _____
13. First Name _____ Middle Name _____
14. Relationship to Applicant _____ Cuban Identification (Cedula) # _____
15. Address _____ City _____

SERVICE PROVIDER INFORMATION

16. Check here ONLY if the Traveler has not used a Service Provider _____ Or complete the following:
Name of Service Provider _____
Name of Service Provider Employee _____
Street Address _____ Suite # _____
City _____ State _____ Zip Code _____ Phone # _____

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WARNING: Transactions relating to travel, trade, and financial dealings with Cuba are restricted under the Cuban Assets Control Regulations, 31 C.F.R. Part 515, the Reporting and Procedures Regulations, 31 C.F.R. Part 501, and the Trading With the Enemy Act, 50 USC App. Section 5(b). 18 USC 1001 provides for up to 5 years imprisonment and a US\$10,000 fine for any person who knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation on this form or in any other information submitted to OFAC. You are reminded that it is illegal to make use of charge cards during your stay in Cuba. Please be advised that each authorized traveler may carry no more than \$300 of quarterly remittances to Cuba and may not return with any merchandise acquired in Cuba other than exempt informational materials.

SIGN BELOW: I have read the above statements, **completed all numbered lines**, and all the information provided above is true and accurate:

SIGNATURE

DATE (MM/DD/YYYY)

This application should be mailed to the following address:

Office of Foreign Assets Control
U.S. Department of the Treasury
P.O. Box 229008
Miami FL 33122-9008

**SOLICITUD DE LICENCIA ESPECIFICA PARA VISITAR UN FAMILIAR CERCANO
en Cuba quien es un nacional de Cuba una vez en un periodo de tres años – 31 C.F.R. §515.561(a)**

Complete cada línea y no deje ninguna en blanco ni tampoco escriba "No Aplica" ("N/A")

INFORMACION DEL SOLICITANTE

1. Apellido (Paterno) _____ Apellido (Materno) _____
2. Nombre (Primer) _____ Nombre (Segundo) _____
3. Apellido de Casada _____ Fecha de Nacimiento _____(Mes/Día/Año)
4. Dirección (Calle) _____ Apartamento # _____
5. Ciudad _____ Estado _____ Código Postal _____ Teléfono # _____
6. Número de pasaporte estadounidense _____ o _____ No tengo pasaporte estadounidense
7. Número de tarjeta de registro _____ o _____ No tengo tarjeta de registro de extranjero (tarjeta verde) extranjero (tarjeta verde)
8. Número de pasaporte (no estadounidense) _____ País de expedición _____
9. Ultima visita familiar bajo _____(Mes/Día/Año) o _____ Nunca usé la Licencia General para la antigua Licencia General visita familiar
10. Ultima visita familiar bajo _____(Mes/Día/Año) o _____ Nunca usé la Licencia Especifica para visita familiar la Licencia Especifica
11. Fecha de emigración de Cuba _____(Mes/Día/Año) o _____ Nunca emigré de Cuba

LA PERSONA QUE DESEA VISITAR EN CUBA

12. Apellido (Paterno) _____ Apellido (Materno) _____
13. Nombre (Primero) _____ Nombre (Segundo) _____
14. Parentesco con el Solicitante _____ Número de Carnet de Identidad (Cédula) _____
15. Dirección _____ Ciudad _____

INFORMACION DEL PROVEEDOR DE SERVICIO

16. Marque aquí solamente si el solicitante no ha usado un Proveedor de Servicio _____ o provea lo siguiente
Nombre del Proveedor de Servicio _____
Nombre del Empleado del Proveedor de Servicio _____
Dirección (Calle) _____ Despacho # _____
Ciudad _____ Estado _____ Código Postal _____ Teléfono # _____

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ADVERTENCIA: Transacciones relacionadas con viaje, comercio, y tratos financieros con Cuba están restringidas bajo la Regulación de Control de Bienes Cubanos, 31 C.F.R. Part 515, las Regulaciones de Reportes y Procedimientos, 31 C.F.R Part 501, y el Acto de Comercialización con el Enemigo, 50 USC App. Sección 5(b). 18 USC 1001 estipula 5 años de encarcelamiento y una multa de \$10,000 para cualquier persona quien deliberada e intencionalmente haga una declaración substancialmente falsa, ficticia o fraudalenta en éste formulario o en cualquier otra información presentada a OFAC. Se le recuerda que es ilegal hacer uso de tarjetas de crédito durante su estancia en Cuba. Favor de considerarse advertido de que cada persona autorizada para viajar puede llevar no mas de \$300 de remesas trimestrales a Cuba y no puede regresar con ninguna otra mercancía adquirida en Cuba que no sean materiales de información exentos.

FIRME ABAJO: He leído las declaraciones hechas, **completado todas las líneas** y toda la información proveída arriba es verídica y correcta:

FIRMA

FECHA (Mes/Día/Año)

Esta solicitud deberá ser enviada a la siguiente dirección:

Office of Foreign Assets Control
U.S. Department of the Treasury
P.O. Box 229008
Miami FL 33122-9008