

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

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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 the 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 eleven categories for which a specific license may be granted (application required). The Application Guidelines do not represent any shift in U.S. foreign policy, but 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 twelve 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 eleven 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. The Appendix at the end of the Application Guidelines discusses the arrangement of authorized travel, authorized transactions incident to travel, and the authorized exportation and importation of merchandise in conjunction with authorized travel. The Appendix also sets forth relevant regulatory text.

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.

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 under either a general or specific license extends only to the individual(s) who qualifies under the applicable criteria, and not to non-qualifying spouses or other family members or friends.

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 FR 4422, January 29, 2003. Individuals who plan to avoid engaging in transactions in Cuba by being fully hosted by a non-U.S. party must be able to meet all of the requirements in § 515.420 of the Regulations, which are available under the legal section on OFAC's Internet website at www.treas.gov/ofac (See 31 CFR 515.420)

These Application Guidelines supercede and replace any licensing application guidelines previously issued by OFAC concerning travel to Cuba pursuant to any of the twelve listed travel categories. 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 as set forth on OFAC's website.

General Licenses

The Regulations currently contain five general licenses authorizing travel-related transactions involving Cuba. General licenses constitute blanket authorization for those transactions set forth in the relevant general license 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) visiting Cuban-national close relatives once during any consecutive twelve-month period;
- 2) official government travel by officials of the U.S. Government, foreign governments and international organizations of which the United States is a member;
- 3) journalism by journalists regularly employed in that capacity by a news reporting organization, including supporting broadcast or technical personnel;
- 4) full-time professional research conducted by professionals in their professional areas, or attendance at certain professional meetings or conferences; or
- 5) athletic competition by certain amateur or semi-professional athletic teams,

should first review the general license categories to see if their activities are covered by a general license. Specific licenses shall not be issued authorizing transactions that are authorized pursuant to the provisions of a general license. See: 31 CFR § 501.801(a). If individuals determine that their activities fall into one of the general license categories, those individuals must be able to document that their travel qualifies under the general license category and must keep records that may be furnished to OFAC or other law enforcement officials (e.g., U.S. Customs) upon demand for a period of five years after the travel transactions take place. See 31 CFR 515.601 and 515.602.

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 eleven statements of licensing policy set forth in § 515.560(a) and related sections of the Regulations and detailed as separate travel activity categories in the Application Guidelines. 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 set forth in the Regulations but taking place as part of a project, humanitarian or otherwise, run by a third-country entity not subject to the jurisdiction of the United States. While travel-related transactions might be authorized if the associated entity were subject to U.S. jurisdiction, they remain prohibited when the associated entity is not subject to U.S. jurisdiction.

How to Apply for a Specific License

With the exception of emergency situations, applications for specific licenses should be made in writing to OFAC in letter format not less than forty-five (45) days prior to the proposed date of departure to Cuba. Applications to the OFAC-Miami office for specific licenses to visit close relatives (both Cuban nationals and non-Cuban nationals) may ease the processing of the applications by using the formats suggested later in this document.

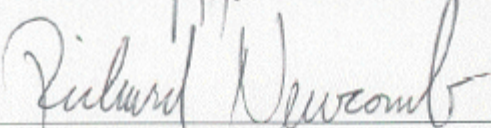
The contents of the letter application should be structured in an orderly manner and the applicant must adequately address **all** the applicable criteria for that category. To facilitate review, applications may be typed in an outline format with a header citing the category of travel and with each application criterion or other relevant information addressed separately immediately below it. In most circumstances, the receipt of an application will automatically generate an acknowledgment letter, assigning an "FAC" number that should be referenced in all subsequent oral and written communication with OFAC concerning the application.

Persons specifically licensed must keep records that may be furnished to OFAC or other law enforcement officials (e.g., U.S. Customs) upon demand for a period of five years after the travel transactions take place. See 31 CFR 515.601 and 515.602.

Requests of Extensions or Renewals of Specific Licenses

When applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must normally apply for a new license in accordance with these Application Guidelines.

Note: Licenses outstanding as of **April 29, 2003**, remain in effect until the applicable expiration date set forth in each license, unless specifically modified, suspended, or revoked.

Dated: April 29, 2003

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

(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 close relatives in Cuba, which are processed by OFAC's Miami Office.)

I. Visits to close relatives (§§ 515.560(a)(1) & 515.561)

- First visit to a Cuban national close relative in any 12-month period authorized by general license.
- Subsequent visits during the consecutive 12-month period and any visits to close relatives who are not Cuban nationals are specifically licensed.

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

- Authorized by general license.

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.
- Free-lance journalists specifically licensed upon submission of a detailed itinerary, a detailed description of the proposed research, and a resume showing a record of publications.

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. 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 unless otherwise authorized. The meetings or conferences may not be for purpose of promoting tourism in Cuba or other commercial activities involving Cuba that are inconsistent with 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)

- Two-year specific licenses issued to accredited U.S. academic institutions (covering their employees and students) for preparing for or engaging in the following categories of educational activities:
 - (1) participation in a structured education program by an undergraduate or graduate student or student group as part of a course offered at an accredited U.S. college or university;
 - (2) noncommercial academic research in Cuba specifically related to Cuba by a person working to qualify as a professional and currently enrolled in a graduate degree program;
 - (3) participation in a formal course of study at a Cuban academic institution by an undergraduate or graduate student currently enrolled in a degree program at an accredited U.S. college or university for credit toward the student's degree;
 - (4) teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at an accredited U.S. college or university, provided the teaching activities are related to an academic program at the Cuban institution; and
 - (5) Educational exchanges sponsored by Cuban or U.S. secondary schools involving secondary school students' participation in a formal course of study or in a structured educational program, including participation of a reasonable number of adult chaperones.
- Specific license consideration for educational activities described in (1)-(3) above that do not take place pursuant to a license issued to an accredited U.S. academic institution.

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

- Two-year specific licenses issued to religious organizations located in the United States, and individuals and groups affiliated with them, to engage, while in Cuba, in a full-time program of religious activities under the auspices of the organization.
- Specific license consideration for religious activities that do not take place pursuant to a license issued to a religious organization.

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

- Authorized by general license 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, clinic, workshop, athletic or other 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; 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 that benefits the Cuban people; and 3) any clinic or workshop in Cuba is organized and run, at least in part, by the licensee.

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 skill; 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 and guidelines 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 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.

I. VISITING CLOSE RELATIVES - 31 CFR § 515.561

General license to a visit close relatives who is a Cuban national once during every consecutive twelve-month period - § 515.561(a): The general license allows for travel-related transactions that are directly incident to visiting a close relative who is a national of Cuba, provided that the person seeking to engage in travel-related transactions has not engaged in such transactions under the general license in the last twelve months. Transactions incident to additional visits to a close relative who is a national of Cuba require a specific license issued pursuant to paragraph (b) of this section. Transactions incident to all visits to a non-Cuban national close relative require a specific license issued pursuant to paragraph (c) of this section. Please review this section of the Regulations, which is included at the end of this category description, and § 515.560(c), which is included in Appendix I at the end of the Application Guidelines.

Suggested Format: Application for specific licenses to visit a close relative under § 515.561(b) or (c) may be made using the attached suggested OFAC format to speed review and processing, or, if you prefer, in the form of a letter that includes the following information:

1. Application criteria for specific licenses for additional visits to close relatives who are Cuban nationals - 31 CFR § 515.561(b)

1. Identify yourself. Furnish your name, address, and daytime phone number. Also identify any other persons sharing a common dwelling as a family with you who will be accompanying you on the trip.

2. Identify the category of travel. State your request for a license under 515.561(b) to visit a close relative who is a national of Cuba.

3. Date of your last generally licensed visit to Cuba. Provide the date of your last trip to Cuba undertaken pursuant to the general license set forth in § 515.561(a). Specific licenses will not be issued to someone who has not engaged in travel-related transactions within the last twelve months and therefore would qualify under the general license.

4. Identify the close relative to be visited. Furnish the name, address, and relationship of the close relative you are seeking authorization to visit.

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

2. Application criteria for specific licenses to visit close relatives who are not Cuban nationals - 31 CFR § 515.561(c)

1. Identify yourself. Furnish your name, address, and daytime phone number. Also identify any other persons sharing a common dwelling as a family with you who will be accompanying you on the trip.

2. Identify the category of travel. State your request for a license under 515.561(c) to visit a close relative who is not a national of Cuba.

3. Identify the close relative to be visited. Furnish the name, address and relationship of the close relative you are seeking authorization to visit. Provide the general license citation or the number of the specific license authorizing the close relative to engage in travel-related transactions involving Cuba and state the expected duration of the close relative's stay in Cuba. Absent dire circumstances, specific licenses normally will be issued only to visit a close relative who is authorized to be in Cuba for at least six months.

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

Note regarding visits to close relatives: For the purpose of this section, the term *Cuban national* means a citizen of Cuba, an individual domiciled in Cuba, or a permanent resident of Cuba but does not include any individual in Cuba pursuant to a license from the U.S. Government. For the purpose of this section, the term *close relative* used with respect to any person means any individual related to that person by blood, marriage, or adoption who is no more than three generations removed from that person or from a common ancestor with that person.

For example, your mother's cousin is your *close relative* for the purposes of this rule, because you

are both no more than three generations removed from your great-grandparents, who are the ancestors you have in common. Similarly, your husband's great-grandson is your *close relative* for the purposes of this rule, because he is no more than three generations removed from you. Your daughter's father-in-law is not your close relative for the purposes of this section, because you have no common ancestor.

Travelers authorized under this section may take currency in excess of the applicable *per diem* to permit additional travel-related transactions that are directly incident to the purpose of visiting close relatives. Such additional transactions might include paying the transportation-related expenses on behalf of one close relative in Cuba for the purpose of visiting another close relative located elsewhere in Cuba.

Mailing Address: Applications for specific licenses under this category, using the suggested format or in the form of a letter, should be submitted to:

OFAC Miami Office
U.S. Department of the Treasury
909 S.E. First Avenue, Suite 736
Miami, FL 33131
Tel. 305/810-5140

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

Text of regulatory provision for § 515.561 and suggested application formats:

§ 515.561 Persons visiting close relatives in Cuba.

(a) *General license for visiting a close relative who is a national of Cuba once in any 12-month period.* Persons subject to the jurisdiction of the United States and persons traveling with them who share a common dwelling as a family with them are authorized 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 close relative who is a national of Cuba, as that term is defined in § 515.302 of this part. The authorization contained in this paragraph may be used only once in any 12-month period. Any transactions related to additional family visits must be specifically licensed pursuant to paragraph (b) of this section.

(b) *Specific licenses for visiting a close relative who is a national of Cuba more than once in any 12-month period.* Specific licenses may be issued on a case-by-case basis authorizing persons subject to the jurisdiction of the United States and persons traveling with them who share a common dwelling

as a family with them 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 close relative who is a national of Cuba, as that term is defined in § 515.302 of this part, more than once in any 12-month period.

(c) *Specific licenses for visiting a close relative who is not a national of Cuba.* Specific licenses may be issued on a case-by-case basis authorizing persons subject to the jurisdiction of the United States and persons traveling with them who share a common dwelling as a family with them 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 close relative who is not a national of Cuba, as that term is defined in § 515.302 of this part.

Example to paragraph (c): If your daughter is a U.S. national engaging in a year-long course of study in Cuba, you need a specific license issued pursuant to this paragraph (c) to engage in transactions incident to traveling to Cuba to visit her.

(d) For the purpose of this section, the term *close relative* used with respect to any person means any individual related to that person by blood, marriage, or adoption who is no more than three generations removed from that person or from a common ancestor with that person.

Example to paragraph (d): Your mother's cousin is your close relative for the purposes of this section, because you are both no more than three generations removed from your great-grandparents, who are the ancestors you have in common. Similarly, your husband's great-grandson is your close relative for the purposes of this section, because he is no more than three generations removed from you. Your daughter's father-in-law is not your close relative for the purposes of this section, because you have no common ancestor.

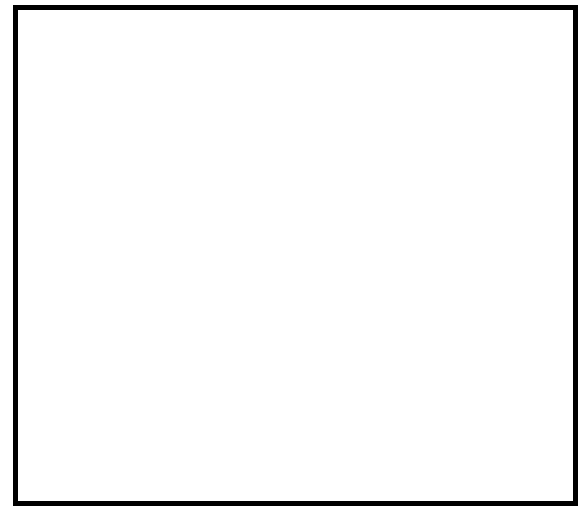
REQUEST FOR A SPECIFIC LICENSE

TO VISIT A CLOSE RELATIVE IN CUBA WHO IS A CUBAN NATIONAL
MORE THAN ONE TIME IN ANY 12- MONTH PERIOD. 31 CFR § 515.561(b)

Print your name and address below. Please write clearly so that
the Post Office may read the information.

1.

Telephone: (_____) _____
(Provide your daytime phone number in case we need to contact you.)



FOR OFFICIAL USE ONLY

2. Individuals traveling with you who share a dwelling with you as a family: _____

3. The person you wish to visit in Cuba: _____
Name Relationship

Cuban address of the person to be visited: _____

4. Date of your last trip to Cuba under a **General License** to visit a close relative: _____

5. I, the applicant, certify that the information given above
is true and correct.

I, the OFAC authorized service provider, have received this
application and have provided the applicant with copies in
English/Spanish of the OFAC Travel Restrictions

Applicant's Signature

OFAC Authorized Service Provider Representative's Signature

Print name

Date

Name of OFAC Authorized Service Provider

Both the service provider (if any is involved) and the applicant should keep a copy of this document for their records.

**United States Department of the Treasury – Office of Foreign Assets Control ("OFAC") OFAC-Miami Office
909 SE FIRST AVE #736 MIAMI FL 33131. Telephone (305) 810-5140**

SOLICITUD DE LICENCIA ESPECIFICA

PARA VISITAR UN FAMILIAR CERCANO EN CUBA QUIEN ES UN NACIONAL DE CUBA MAS DE UNA VEZ EN UN PERIODO DE 12 MESES. 31 CFR § 515.561(b)

Nombre y dirección. Claramente escritos en las líneas de abajo para que la Oficina de Correo pueda leer la información.

1.

Teléfono: (_____) _____
(Provea un número a donde se le pueda llamar durante el día.)



SOLO PARA USO OFICIAL

2. Personas que viajan con usted y quienes comparten con usted su vivienda como familia: _____

3. La persona que desea visitar en Cuba: _____
Nombre Parentesco

La dirección en Cuba de la persona que desea visitar: _____

4. Fecha de su último viaje a Cuba bajo una **Licencia General** para visitar a un familiar cercano: _____

5. Yo, el solicitante, afirmo que toda ésta información es verídica y correcta.

Yo, el representante del proveedor de servicios autorizado por OFAC he recibido esta solicitud y he proveído al solicitante copias en inglés/español de las Restricciones de Viaje a Cuba.

Firma del Solicitante

Firma del Representante del Proveedor de Servicios autorizado por OFAC

Nombre (impresión)

Fecha

Nombre del Proveedor de Servicios autorizado for OFAC

Tanto el proveedor de servicios (si se ha usado uno) como el solicitante retendrán una copia de éste documento para sus archivos.

**Departamento del Tesoro de los Estados Unidos – Oficina de Control de Bienes Extranjeros ("OFAC") OFAC-Miami Office
909 SE FIRST AVE #736 MIAMI FL 33131. Teléfono (305) 810-5140**

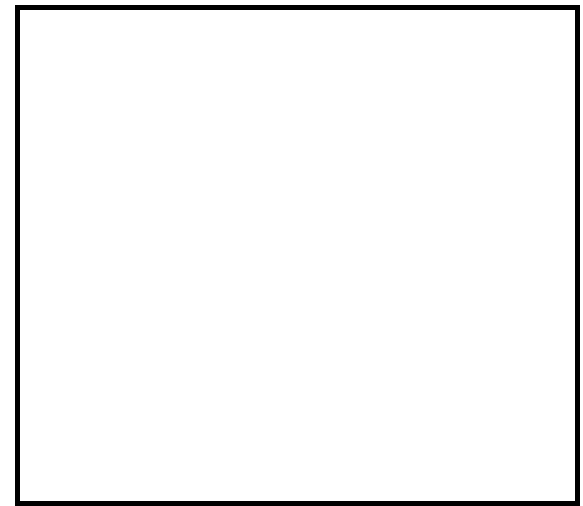
REQUEST FOR A SPECIFIC LICENSE

TO VISIT NON-CUBAN NATIONAL CLOSE RELATIVE IN CUBA. 31 CFR § 515.561(c)

Print your name and address below. Please write clearly so that the Post Office may read the information.

1.

Telephone: (_____) _____
(Provide your daytime phone number in case we need to contact you.)



FOR OFFICIAL USE ONLY

2. Individuals traveling with you who share a dwelling with you as a family: _____

3. The person you wish to visit in Cuba: _____
Name Relationship

Cuban address of person to be visited: _____

4. Provide the general license citation or the number of the specific license authorizing your close relative to engage in transactions in Cuba and the expected duration of his or her stay in Cuba. If less than six (6) months, explain the circumstances that compel you to visit him or her at this time:

5. I, the applicant, certify that the information given above is true and correct.

Applicant's Signature

Date

I, the OFAC authorized service provider, have received this application and have provided the applicant with copies in English/Spanish of the OFAC Travel Restrictions

OFAC Authorized Service Provider Representative's Signature

Print name

Name of OFAC Authorized Service Provider

Both the service provider (if any is involved) and the applicant should keep a copy of this document for their records.

**United States Department of the Treasury – Office of Foreign Assets Control ("OFAC") OFAC-Miami Office
909 SE FIRST AVE #736 MIAMI FL 33131. Telephone (305) 810-5140**

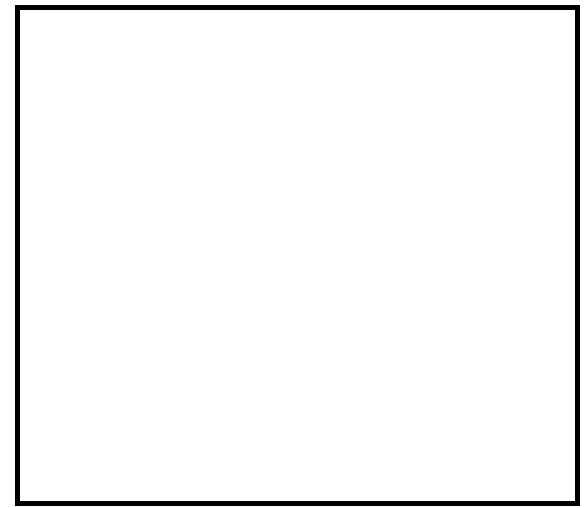
SOLICITUD DE LICENCIA ESPECIFICA

PARA VISITAR UN FAMILIAR CERCANO EN CUBA QUIEN NO ES UN NACIONAL DE CUBA. 31 CFR § 515.561(c)

Nombre y dirección. Claramente escritos en las líneas de abajo para que la Oficina de Correo pueda leer la información.

1.

Teléfono: (_____) _____
(Provea un número a donde se le pueda llamar durante el día.)



SOLO PARA USO OFICIAL

2. Personas que viajan con usted y quienes comparten con usted su vivienda como familia: _____

3. La persona que desea visitar en Cuba: _____
Nombre Parentesco

La dirección en Cuba e la persona que desea visitar: _____

4. Provea la citación de la licencia general ó el número de la licencia específica autorizando a su familiar cercano a entablar transacciones en Cuba y el tiempo que espera estar su familiar en Cuba. Si menos de seis (6) meses, explique las circunstancias que lo llevan a usted a visitar a su familiar.

5. Yo, el solicitante, afirmo que toda ésta información es verídica y correcta.

Firma del Solicitante

Fecha

Yo, el representante del proveedor de servicios autorizado for OFAC he recibido esta solicitud y he proveído al solicitante copias en inglés/español de las Restricciones de Viaje a Cuba.

Firma del Representante del Proveedor de Servicios autorizado por OFAC

Nombre (imprenta)

Nombre del Proveedor de Servicios autorizado for OFAC

Tanto el proveedor de servicios (si se ha usado uno) como el solicitante retendrán una copia de éste documento para sus archivos

**Departamento del Tesoro de los Estados Unidos – Oficina de Control de Bienes Extranjeros ("OFAC") OFAC-Miami Office
909 SE FIRST AVE #736 MIAMI FL 33131. Teléfono (305) 810-5140**

II. JOURNALISTIC ACTIVITIES - 31 CFR § 515.563

General License: Section 515.563(a) sets forth a general license authorizing travel-related 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. Please review this section of the Regulations, which is included at the end of this category description, and § 515.560(c), which is included in Appendix I at the end of the Application Guidelines.

Application for specific licenses to conduct research relating to free-lance journalism pursuant to § 515.563(b) must include the following information:

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

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 free-lance journalism.
3. 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.
4. Identify the proposed publisher. Identify the news media organization(s) to which you expect to submit your article for publication.
5. Document qualifications. Provide a copy of your resume or similar document showing your record of publications in the news media within the past 3 years.
6. 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.

7. Extensions & Renewals: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

8. 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: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

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: Section 515.564(a) sets forth a general license authorizing travel-related and such additional transactions as are directly incident to professional research and attendance at meetings and conferences in Cuba by full-time professionals in their professional capacities, subject to certain conditions set forth in this section. Please review this section of the Regulations, which is included at the end of this category description, and § 515.560(c), which is included in Appendix I at the end of these Application Guidelines.

Application for specific licenses to conduct professional research or attend professional meetings and conferences that do not qualify for the general license pursuant to § 515.564(b) must include the following information:

Application criteria for specific licenses for professional research or meetings - 31 CFR § 515.564(b):

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 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. State whether and how the research will be publicly disseminated.
 - b) Meeting/Conference: Describe the meeting or conference, the subject matter involved, and identify whether the entity sponsoring the meeting or conference is a person subject to U.S. jurisdiction, a Cuban national, a third-country national, or an international professional

organization. Furnish a copy of the conference or meeting invitation and a complete agenda, indicating the period of time involved. If you are requesting a license to organize the conference, explain why the conference must be held in Cuba.

5. 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.

6. Certification of full-time schedule. Certify that the research or participation at a conference or meeting will constitute a full-time schedule that could not be completed in a shorter period of time.

7. Extensions & Renewals: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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

Note: 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). As provided in § 515.564(e), a person will not qualify as engaging in professional research merely because that person is a professional who wishes to travel to Cuba. The applicant must clearly articulate why the travel is necessary and provide a justification for OFAC consideration. The qualifications of each individual traveler must also relate directly to the activity for which travel-related transactions have been authorized. For questions related to the licensing requirements for the exportation of goods from the United States to Cuba,

please contact: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

Multiple trips to Cuba over an extended period of time may be requested and authorized for applicants demonstrating a significant record of research.

Examples: (Additional examples are set forth in this section of the Regulations, which is included at the end of this category description.)

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 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 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 practice 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.

(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 ACTIITIES - 31 CFR § 515.565

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

1. Identify the organization. Provide the name and address of the academic institution seeking a specific license under this section, and include the name and phone number of the institutional contact responsible for the application and for ensuring compliance with the terms of the license once issued.
2. Identify the category of travel. State that a license is being requested pursuant to § 515.565(a) of the Regulations authorizing students and employees of the U.S. academic institution to engage in transactions directly incident to one or more of the activities set forth in § 515.565(a)(2)(i) through (vii).
3. Accreditation. Provide a statement certifying that the U.S. academic institution is accredited by an appropriate national or regional accrediting association.
4. Extensions & Renewals. When applying for extensions or renewals of licenses granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.
5. Signature. Applications may be submitted under the signature of a dean or of the academic vice-president, provost, or president of a college or university. In the case of a secondary school, applications must be submitted under the signature of the principal or headmaster. The signature serves as a certification that the statements in the application are true and accurate.

Note: An academic institution's two-year specific license authorizes transactions by any student or employee of the institution engaging in transactions set forth in

§ 515.565(a)(2)(i)-(vii). Thus, an application for such a license need not include the names of prospective travelers.

A license granted to an accredited academic institution pursuant to this section extends to students enrolled in degree programs at other accredited academic institutions who participate in programs offered by the licensed institution. Such students, however, must carry letters from the accredited academic institution at which they are enrolled certifying that the Cuba-related activities will be accepted for credit toward their degree program.

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)

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)

1. Identify yourself. Furnish the name(s), address(es), and daytime phone number(s) 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) part of a course offered by an accredited U.S. academic institution (identify the institution and a point of contact); 2) research for purposes of obtaining a degree to qualify academically as a professional; or 3) part of a formal course of study at a Cuban academic institution.
3. Identify your academic institution. Provide the name, address, and daytime phone number of an appropriate

representative of the accredited U.S. academic institution, e.g. your professor or other official advisor.

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.

5. Extensions & Renewals. If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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

Note: Former § 515.565(b)(2), pursuant to which specific licenses were granted to engage in educational exchanges not involving academic study pursuant to a degree program, was removed from the Regulations effective March 24, 2003. (See: 68 FR 14141, March 24, 2003)

Examples:

Licensable

Example 1: An undergraduate student wishes to enroll in undergraduate courses at a university in Cuba for a 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 travels to Cuba to engage in research for her dissertation.

Not licensable

Example 1: A high school student is awarded a scholarship to study the effect of the Cuban revolution on the status of African Cubans and applies for a license to travel to Cuba to carry out this project. Absent a request from the student's secondary school submitted by its principal or headmaster for a license under § 515.565(a) for its students to engage in a formal course of study or structured educational program in Cuba led by a teacher or other secondary school official, this activity does not qualify for a license under this section.

Example 2: A doctor wishes to study a medical procedure at a clinic in Cuba for credit toward a continuing education requirement. Qualifying academically as a professional does not extend to continuing educational requirements to maintain one's professional credentials.

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 license for U.S. academic institutions -- (1) Issuance; renewal. A specific license may be issued to an accredited U.S. academic institution authorizing the institution and its students and employees to engage, under the auspices of the institution, in educational activities involving transactions in which Cuba or a Cuban national has an interest. The application for the specific

license must establish that the U.S. academic institution is accredited by an appropriate national or regional educational accrediting association. The specific license may be renewed after a period of two years to authorize the accredited U.S. academic institution and its students and employees to continue to engage in the transactions authorized under the institution's license.

(2) Scope of transactions authorized under U.S. academic institution's specific license; documentation. Upon receipt of a specific license pursuant to paragraph (a)(1) of this section by the accredited U.S. academic institution, the institution and its students and employees are authorized to engage in the travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to any of the categories of educational activities set forth in paragraphs (a)(2)(i) through (a)(2)(vii) of this section undertaken under the auspices of the specifically-licensed institution. Activities covered by this authorization are limited to the following:

(i) Participation in a structured educational program by an undergraduate or graduate student or undergraduate or graduate student group as part of a course offered at an accredited U.S. college or university. A student planning to engage in such transactions in Cuba must carry a letter from the U.S. academic institution stating that the student is currently enrolled in an undergraduate or graduate degree program there and that the Cuba travel is part of a structured educational program of that institution and citing the number of the relevant U.S. academic institution's specific license.

(ii) Noncommercial academic research in Cuba specifically related to Cuba by a person working to qualify academically as a professional (for example, research toward a graduate degree). A student planning to engage in such transactions in Cuba must carry a letter from the student's accredited U.S. academic institution stating that the individual is currently enrolled in a graduate degree program and that the Cuba research will be accepted for credit toward that degree and citing the number of the relevant U.S. academic institution's specific license.

(iii) Participation in a formal course of study at a Cuban academic institution by an undergraduate or graduate student currently enrolled in a degree program at an accredited U.S. college or university, provided the formal course of study in Cuba will be accepted for credit toward the student's undergraduate or graduate degree at that U.S. college or university. A student planning to engage in such transactions in Cuba must carry with him or her a letter from the student's U.S. academic institution stating that the student is currently enrolled in an undergraduate or graduate degree program and that the Cuban study will be accepted for credit toward that degree and citing the number of the relevant U.S. academic institution's specific license.

(iv) Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at an accredited U.S. college or university, provided the teaching activities are related to an academic program at the Cuban institution. An individual planning to teach at a Cuban academic institution must obtain and carry a written letter from the individual's U.S. academic institution, citing the number of that institution's specific license and stating that the individual is regularly employed there in a teaching capacity.

(v) Sponsorship, including the payment of a stipend or salary, of a Cuban scholar to teach or engage in other scholarly activity at a college or university in the United States (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).

(vi) Educational exchanges sponsored by Cuban or U.S. secondary schools involving secondary school students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. This authorization includes participation by a reasonable number of adult chaperones to accompany the secondary school student(s) to Cuba. A secondary school group planning to engage in such transactions in Cuba must carry a letter from the secondary school sponsoring the trip, citing the number of the school's specific license and listing the names of all persons traveling with the group.

(vii) The organization of and preparation for transactions and activities described in paragraphs (a)(2)(i) through (a)(2)(vi) of this section by a full-time employee of a U.S. academic institution. An individual engaging in such transactions must carry a written letter from the individual's U.S. academic institution, citing the number of that institution's specific license and stating that the individual is regularly employed there.

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 licensing from the Department of Commerce.

(b) Specific license. 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:

(1) Educational activities described in paragraphs (a)(2)(i) through (a)(2)(iii) of this section not covered by a specific license issued pursuant to paragraph (a) of this section to an accredited U.S. academic institution.

(2) [Reserved]

(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

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

1. Identify the organization. Provide the name and address of the religious organization 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 your request for a specific license pursuant to § 515.566(a) of the Regulations authorizing individuals and groups affiliated with the religious organization to engage in transactions directly incident to a full-time program of religious activities in Cuba under the auspices of the religious organization.

3. Examples of activities. Provide examples of the religious activities to be engaged in by the persons traveling under the auspices of the religious organization.

4. Extensions & renewals. When applying for extensions or renewals of licenses granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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

Note: A religious organization's two-year specific license authorizes transactions by any individuals or groups affiliated

with the organization. Thus, an application for such a license need not include the names of prospective travelers.

If the 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 independently of this section under the 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: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

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.

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. The religious organization may apply for a two-year license authorizing its members to engage in travel-related transactions involving those activities.

Example 2: A religious organization seeks to transfer funds to its Cuban counterpart now, but will send members to Cuba for purposes of participating in religious activities at a later time. The religious organization may receive a two-year license under this section at this time, which may also contain authorization pursuant to § 515.570(d)(1) to transfer the funds to its counterpart on a one-time basis. If the religious organization seeks to

transfer additional funds in the future, it should seek an amendment to its license for each additional transfer.

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. Although religious activities may extend to pilgrimages to religious sites, they do not encompass tourism for purposes of this section and touristic activities will not be authorized.

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, but may seek to qualify under § 515.566(b).

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)

2. Application criteria for specific licenses for individual religious travel - 31 CFR § 515.566(b)

1. Identify yourself. Furnish the name(s), address(es), and daytime phone number(s) 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 § 515.566(b) of the

Regulations, authorizing individuals to engage in transactions directly incident to religious activity in Cuba. If you seek to travel to Cuba on more than one round trip, the application should so state, explaining the circumstances.

3. Identify the activities. Identify the religious activities in which you wish to engage in Cuba and the duration of those activities.

4. Certification of full-time schedule. Certify that the proposed religious activities will constitute a full-time schedule that could not be completed in a shorter period of time.

5. Extensions & renewals: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

6. 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 if that organization holds a valid OFAC two-year specific license (under § 515.566(a) of the Regulations) under which your transactions may already be authorized or if 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 a two-year specific license issued to a religious organization, however, must still 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: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

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.

Examples:

Licensable

Example 1: 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 2: A minister has been invited to teach full-time at a seminary in Cuba during the coming year.

Not licensable

Example 1: A couple living on their sailboat seeks to travel to Cuba and live on their boat for an undefined period of time in order to hand out Bibles and preach the gospel to whoever will listen. Absent a specified duration of time for the activities, this does not qualify for a specific license.

Example 2: An individual seeks to travel to Cuba to participate in services one day a week over a period of several weeks. This does not qualify as a full-time 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.
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, CLINICS, WORKSHOPS, COMPETITIONS, AND EXHIBITIONS - 31 CFR § 515.567

General License: Section 515.567(a) sets forth a general license authorizing travel-related and such additional transactions as are directly incident to athletic competition by amateur or semi-professional athletic teams traveling to participate in athletic competitions held in Cuba. Please review this section of the Regulations, which is included at the end of this category description, and § 515.560(c), which is included in Appendix I at the end of these Application Guidelines.

Application for specific licenses to conduct or participate in public performances, clinics, workshops, exhibitions, or competitions that do not qualify for the general license pursuant to § 515.567(a) must include the following information:

Application criteria for specific licenses under 31 CFR § 515.567(b):

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., an orchestra, ballet troop, artist guild) and what are its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes. Certify that your organization is not being organized solely for the purpose of traveling to Cuba.
3. Identify the category of travel. The application should state that a specific license is being requested pursuant to § 515.567(b) of the Regulations.
4. Description of participants and event.
 - (a) State the number of people who would need to engage in travel-related transactions and identify the nature of the travelers' roles in the event. Certify that all persons traveling under the authority of the license will be active participants in the event scheduled to take place in Cuba.
 - (b) 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. State whether there will be opportunity for interaction between the U.S. and Cuban participants.

(c) If the activity pertains to a clinic or workshop, certify that such clinic or workshop will be organized and run, at least in part, by your organization.

5. Disposition of profits. State whether there will be an admission fee for the attendees and, if so, the amount. Identify the 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 promote people-to-people contact or otherwise benefit the Cuban people.

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

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

8. Extensions & renewals: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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

Note: For groups such as an orchestra or dance troupe, you may identify active participants generically, e.g., 40 musicians and one conductor. Individuals who will not be fully engaged as active participants in the event, however, 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, such as a film festival, in which they are not actively participating and are simply members of the audience. Participation in clinics and workshops in which third-country nationals are the predominant participants also will not be licensed. For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

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 Cuba public and whose profits after costs will be donated to a suitable non-governmental organization in Cuba.

Example 2: A ceramics artist wishes to co-sponsor an exhibition of his art with Cuban artists. Note that specific licenses may be issued under this section for travel-related transactions involving Cuba relating to the export of items not otherwise qualifying as "information material" pursuant to § 515.545. (See: Application Guidelines, X. Exportation/Importation of Information and Informational Materials - 31 CFR 515.545.)

Example 3: A group of ballet dancers wishes to travel to Cuba to hold workshops with the Cuban ballet where they will, using hands-on instruction, exchange lessons on Cuban and American ballet techniques.

Example 4: 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 a suitable non-governmental organization in Cuba.

Not licensable

Example 1: A professional musician, in response to an invitation from a Cuban organization, wishes to travel to Cuba to participate in workshops run by that Cuban organization. Cuba travel-related transactions incident to participation in these workshops will not be authorized, since services to the Cuban entity in this regard are prohibited where the clinic or workshop is not organized, at least in part, by U.S. individuals or entities.

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 group of doctors wish 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. While not qualifying under this section, medical clinics of the type described may be licensed under § 515.575 of the Regulations. (See: Application Guidelines, VIII. Humanitarian Projects - 31 CFR 515.575.)

Example 4: 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, clinics, workshops, competitions, and exhibitions under § 515.567(b) of the Regulations.

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 § 515.567:

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

(a) General license. The travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to athletic competition by amateur or semi-professional athletes or amateur or semi-professional athletic teams traveling to participate in athletic competition held in Cuba are authorized, provided that:

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

(2) The United States participants in the athletic competition are selected by the United States federation for the relevant sport; and

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

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, 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, clinic, workshop, athletic or other 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;

(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 promoting people-to-people contacts or otherwise benefiting the Cuban people; and

(3) Any clinics or workshops in Cuba must be organized and run, at least in part, by the licensee. In general, an individual's attendance at a purely Cuba-organized clinic or workshop will not be authorized pursuant to this paragraph.

(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

Application Criteria for a specific license under § 515.574:

1. Identify yourself. Furnish your name, address, and daytime phone number. Describe prior, 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: what type of organization is it (e.g., a human rights organization that monitors the status of political dissidents) and what are its goals/objectives. If available, provide a copy of its mission statement, brochure, or other literature describing typical activities it undertakes. Describe prior, relevant experiences the organization has had with regard to activities similar to those proposed in the application.

3. Identify the category of travel. The application should 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. 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.

State the projected time frame for completion of the activities.

7. Budget. Describe what funds other than travel-related expenses would need to be spent in Cuba to carry out the activities and provide a budget for the expenditures. Describe how spending arrangements will be monitored and evaluated. Demonstrate that no significant accumulation of funds or financial benefit will accrue to the government of Cuba as a result of these activities.

8. Extensions & renewals: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a report describing activities undertaken pursuant to the original license and append a complete copy of the license to the submission. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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

Note: Authorization to engage in funds transfers incident to licensed activities must be specifically requested and independently authorized under §§ 515.570(d)(1) or 515.801 of the Regulations. 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: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

The applicant may also be required, in appropriate cases, to identify the Cuban individuals and/or non-governmental organization(s) that will participate in the activities and be responsible for expenditures if funds are transferred.

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

Application Criteria for a specific license under § 515.575:

1. Identify yourself. Furnish your name, address, and daytime phone number. Describe any prior, relevant experiences you have had with regard to projects 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: what type of organization is it (e.g., a non-governmental organization that does charity work, 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. Describe any prior, relevant experiences the organization has had 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 (including environmental) project based in Cuba.

4. Describe the project. State the nature of the humanitarian (including environmental) project: for example, a medical, health-related, or water conservation project. Provide a concrete, detailed proposal of the project and how it will be carried out and monitored. Describe any financial transactions and any materials and supplies required to complete the project and sources thereof. State whether funds other than travel-related expenses would need to be spent in Cuba to carry out the project and provide a budget for the expenditures. State in what manner the project will directly benefit the Cuban people. State the projected time frame for completion of the project.

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 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. 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. Identify 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. Government of Cuba. Identify any Cuban governmental entity or government-affiliated entity you must contact for permits or other approvals to do the project and state the nature of the contacts and any involvement of the Cuban entity in the project.

9. Extensions & Renewals: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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 IN CONNECTION WITH EXPORTATIONS - 31 CFR §§ 515.533 & 515.559 in the 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: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

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

Example 4: 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, 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 IN CONNECTIONS WITH EXPORTATIONS -31 CFR §§ 515.533 and 515.559 of the Application Guidelines.

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

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, a 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: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number

in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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 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.)

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. 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.

7. Extensions & Renewals: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

8. 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.

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. book dealer wishes to travel to Cuba to rent a booth at a book fair to display books he has for sale.

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 does 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 that are eligible to be shipped in gift parcels.
 - (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 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: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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 (the "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. Consistent with the Cuba Democracy Act, vessels are authorized under § 515.550 of the Regulations to carry goods to Cuba that are authorized for export by the Department of Commerce provided that: 1) they have not engaged in unauthorized trade or purchased or provided unauthorized services in Cuba within 180 days or; 2) the vessels are not otherwise carrying goods or passengers in which Cuba or a Cuban national has an interest. Vessels not qualifying for this general authorization may be specifically licensed. Financing of these exports is restricted by the TSRA to payment of cash in advance or to financing by third country financial institutions, except that such financing may be confirmed or advised by a United States financial institution.

For questions related to the licensing requirements for the exportation of commodities and humanitarian goods from the United States to Cuba, please contact: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252. When numerous individuals are involved in the proposed travel, a consolidated application may be submitted.

Examples:

Licensable

Example 1: 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 2: 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 3: 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 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.

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.

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.

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: If you are applying for an extension or renewal of a license granted subsequent to the issuance of these Application Guidelines on OFAC's website on **April 29, 2003**, be sure to reference the license number in your application. Provide an explanation why an extension or renewal is necessary. You must also include a 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. If you are seeking a renewal or extension of a license granted prior to **April 29, 2003**, you must apply for a new license in accordance with these Application Guidelines.

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.

APPENDIX

Travel-Related Transactions

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, and 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 Travel-Related Transactions; United States Interests Section

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/www/perdiems/index.html> 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 set forth in Appendix I to the Application Guidelines.

All categories of activities for which travel-related transactions are authorized also authorize such additional transactions as are **directly incident** to carrying out the activities. With respect to travel-related transactions to visit close relatives, such additional transactions are limited to those related to travel necessary to carry out the visit. These additional transactions are not subject to the *per diem* limitation referenced above.

Persons authorized to travel to Cuba pursuant to the Regulations may also visit the U.S. Interests Section in Havana (tel. 537-320-551) while in Cuba for additional information that may be helpful in conducting their activities.

Authorized Exportation and Importation 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 export personal effects and accompanied baggage. For questions related to the licensing requirements for the exportation of goods to Cuba, please contact: U.S. Department of Commerce, Bureau of Industry and Security, Foreign Policy Controls Division (202) 482-4252.

In accordance with § 515.560(c)(3) of the Regulations, authorized travelers to Cuba may purchase while in Cuba and bring back as accompanied baggage to the United States **once during any six-month period** merchandise with a foreign market value not to exceed \$100 per person. Such merchandise may be imported for personal use only and not for resale. Travelers should be sure to retain all receipts for purchase items they wish to bring back to the United States under this provision. The \$100 restriction does not apply to the importation of information and informational materials, as defined in part in § 515.332 of the Regulations to include 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.

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, provided that, unless otherwise authorized, the total for such expenses does not exceed the "maximum per diem rate" for Havana, Cuba in effect during the period that the travel takes place. The 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), available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or on the Internet at <http://www.state.gov/www/perdiems/index.html>.

(3) Purchase in Cuba and importation into the United States of merchandise. The purchase in Cuba and importation as accompanied baggage into the United States of merchandise with a foreign market value not to exceed \$100 per person, provided the merchandise is imported for personal use only. Such merchandise may not be resold. This authorization may be used only once every six consecutive months. As provided in § 515.206(a), the purchase and importation of information or informational materials are exempt from all restrictions contained in this part.

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

(i) The total of all household remittances authorized by § 515.570(a) does not exceed \$3,000, 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) Persons traveling to Cuba fully hosted as described in § 515.420 may not carry currency to pay for living expenses or the purchase of goods in Cuba except as specifically licensed pursuant to or exempted from the application of this part.

(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.