



■ **BACKGROUND** - Travel to Cuba is severely restricted under the Cuban Assets Control Regulations (the "Regulations") promulgated under The Trading With The Enemy Act. Under these Regulations, spending money relating to Cuban travel is prohibited unless the traveler is licensed. The restrictions include spending money (in any currency) whether travelers go directly to Cuba or via a third country and providing services of any kind to Cuba or a Cuban national. Any foreign person in the United States, is subject to these restrictions while physically present in the United States. Criminal penalties for violating the Regulations, which are enforced by the Department of the Treasury, Office of Foreign Assets Control ("OFAC"), range up to 10 years in prison, \$1,000,000 in corporate and \$250,000 in individual fines. Civil penalties up to \$55,000 per violation may also be imposed.

■ **WHO CAN GO** - The following travelers are authorized, under OFAC general license, to engage in travel transactions while in Cuba:

- **Journalists and support broadcasting or technical personnel** (regularly employed in that capacity by a news reporting organization and traveling for journalistic activities);
- Official **government** travelers (traveling on official business);
- Members of **international organizations** of which the United States is also a member (traveling on official business);
- Persons traveling **once a year** to visit close relatives in circumstances of **humanitarian need** (additional trips within one year will need an OFAC specific license);
- Travelers who have received **specific** licenses from OFAC **prior** to going.
- Full-time professionals whose travel transactions are directly related to **professional research** in their professional areas, provided that their research: (1) is of a noncommercial academic nature, (2) comprises a full work schedule in Cuba, and (3) has a substantial likelihood of public dissemination;
- Full-time professionals whose travel transactions are directly related to attendance at **professional meetings or conferences** in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it is specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any biotechnological products; and
- **Amateur or semi-professional athletes** or teams traveling to Cuba to participate in an athletic competition held under the auspices of the relevant international sports federation. The athletes must have been selected for the competition by the relevant U.S. sports federation, and the competition must be one that is open for attendance, and in relevant situations, participation, by the Cuban public.

■ **SPECIFIC LICENSES FOR EDUCATIONAL INSTITUTIONS** - Specific licenses may be issued by OFAC to authorize travel transactions related to certain educational activities by students or employees affiliated with a licensed academic institution. Such licenses are only available to U.S. academic institutions accredited by an appropriate national or regional accrediting association, and such licenses must be renewed after a period of two years. Once an academic institution has applied for and received such a specific license, the following categories of travelers affiliated with that academic institution are authorized to engage in travel-related transactions incident to the following activities without seeking further authorization from OFAC:

- **Undergraduate or graduate students participating in a structured educational program** as part of a course offered at an accredited United States college or university. Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is enrolled in an undergraduate or a graduate degree program at the institution, and (3) that the travel is part of an educational program of the institution;
- Persons doing **noncommercial Cuba-related academic research in Cuba for the purpose of qualifying academically as a professional** (e.g. research towards a graduate degree). Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institutions's license number, (2) that the student is enrolled in a graduate degree program at the institution, and (3) that the Cuba research will be accepted for credit toward that graduate degree;
- **Undergraduate or graduate students participating in a formal course of study at a Cuban academic institution**, provided the Cuban study will be accepted for credit toward a degree at the licensed U.S. institution. A student planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is currently enrolled in an undergraduate or graduate degree program at the institution, and (3) that the Cuban study will be accepted for credit toward that degree.
- Persons regularly employed in a teaching capacity at a licensed college or university who plan to **teach part or all of an academic program at a Cuban academic institution**. An individual planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, and (2) that the individual is regularly employed by the licensed institution in a teaching capacity.
- **Cuban scholars** teaching or engaging in other scholarly activities at a licensed college or university in the United States. Licensed institutions may sponsor such Cuban scholars, including payment of a stipend or salary.
- **Secondary school students** participating in educational exchanges sponsored by Cuban or U.S. secondary schools and involving the 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. A reasonable number of adult chaperons may accompany the students to Cuba. A secondary school group planning

to engage in such transactions in Cuba must carry a letter from the licensed secondary school sponsoring the trip stating: (1) the school's license number, and (2) the list of the names of all persons traveling with the group.

□ Full-time employees of a licensed institution **organizing or preparing** for the educational activities described above. An individual engaging in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, and (2) that the individual is regularly employed by the institution.

■ **SPECIFIC LICENSES FOR RELIGIOUS ORGANIZATIONS** - Specific licenses authorizing travel transactions related to religious activities by individuals or groups affiliated with a religious organization may be issued by OFAC. Such licenses are only available to religious organizations located in the United States, and such licenses must be renewed after a period of two years. Once a religious organization has applied for and received such a specific license, travelers affiliated with that religious organization are authorized to engage in travel-related transactions incident to a full-time program of religious activities in Cuba under the auspices of the licensed religious organization without seeking further authorization from OFAC. Individuals planning to engage in such transactions must carry a letter from the licensed religious organization stating: (1) the organization's license number, (2) that they are affiliated with the licensed organization, and (3) that they are traveling to Cuba to engage in religious activities under the auspices of the licensed organization.

■ **OTHER TRAVELERS** - All other travelers who wish to engage in travel-related transactions with Cuba must seek a specific license from OFAC. Such applications will be evaluated on a case-by-case basis. Licenses for pleasure travel to Cuba will not be considered.

■ **HOW MUCH MONEY MAY BE SPENT WHILE IN CUBA** - Only authorized travelers, as listed above, may spend up to the State Department Travel *Per Diem* Allowance for Havana, Cuba, for their living expenses while in Cuba. This includes, but is not limited to, expenditures for lodging, transportation and meals. Please see <<<http://www.state.gov/www/perdiems/index.html>>> for up-to-date changes in the *per diem*. You should also be aware that certain travelers may carry additional funds as necessary to engage in the activities for which they are licensed to travel.

■ **WHAT CAN BE BROUGHT BACK** - The above listed travelers may reenter the United States with up to \$100 of Cuban origin goods for personal use, such as cigars and rum. [Section 515.560(c)(3) of the Regulations]. If unauthorized U.S. travelers return from Cuba with Cuban origin goods, such goods, with the exception of informational materials, may be seized at Customs' discretion. [Section 515.204 of the Regulations]. There are no limits on the import or export of informational materials. [Section 515.206 of the Regulations]. Such materials are statutorily exempt from regulation under the embargo and such items as books, films, tapes and CDs may be transported freely. However, blank tapes and CDs are not considered informational materials and may be seized.

■ **VESSELS** - All persons on board vessels, including the owner, must be an authorized traveler, as listed above, to engage in travel transactions in Cuba. If you are not an authorized traveler, you may **not** purchase meals, pay for transportation, lodging, dockage or mooring fees, cruising fees, visas, entry or exit fees and you may not bring any Cuban origin goods back to the United States. Any payment to

the Marina Hemingway International Yacht Club is considered a prohibited payment to a Cuban national and therefore in violation of the Regulations. Vessel owners are prohibited from carrying travelers to Cuba who pay them for passage if the owner does not have a specific license from OFAC authorizing him to be a Service Provider to Cuba.

■ **FULLY HOSTED TRAVELERS** - Fully-hosted or fully-sponsored travelers may travel to Cuba without contacting OFAC if the traveler's Cuba-related expenses are covered by a person not subject to U.S. jurisdiction. Travel to Cuba is not fully hosted or fully sponsored if a person subject to U.S. jurisdiction pays-before, during, or after the travel--any expenses related to the travel, including travel to Cuba on a Cuban carrier, even if the payment is made to a third-country person or entity that is not subject to U.S. jurisdiction. Examples of costs commonly incurred by travelers to and in Cuba are for meals, lodging, transportation, bunkering of vessels or aircraft, visas, entry or exit fees, and gratuities. In addition, fully-hosted travel to and from Cuba cannot be aboard a direct flight between the United States and Cuba. Travelers whose expenses are covered by a person not subject to U.S. jurisdiction may not bring back any Cuban origin goods, except for informational materials. [see Note to Section 515.420(c) of the Regulations]. Importation of gifts received in Cuba by a fully-hosted traveler may be licensed by OFAC provided the gift is of small value and represents no commercial benefit to Cuba. Customs will detain gifts, pending the outcome of an OFAC license application. Before a licensing determination can be made, all facts surrounding the receipt of the gift must be reviewed. [Section 515.544 of the Regulations].

Any person subject to U.S. jurisdiction determined to have traveled to Cuba without an OFAC general or specific license is presumed to have engaged in prohibited travel-related transactions. In order to overcome this presumption, any traveler who claims to have been fully hosted or fully sponsored or not to have engaged in any travel-related transactions may be asked by Federal enforcement agencies to provide a signed explanatory statement, accompanied by any relevant supporting documentation. Fully-hosted travelers are also prohibited from providing any services to Cuba or to Cuban nationals.

■ **EMERGENCIES** - In case of emergencies requiring financial transactions such as emergency repair of vessels or medical treatment, travelers are urged to contact OFAC at (202)622-2480, to discuss necessary authorizations.

■ **HUMANITARIAN DONATIONS** - There is joint OFAC and Commerce Department ("USDOC") administration over export of gift parcels and humanitarian goods to Cuba to meet basic human needs. If an export is licensed by USDOC, OFAC authorizes financial and other transactions related to that export. Pursuant to the Cuban Democracy Act, donations of food and vitamins to an individual or non-governmental organization may not be restricted. However, the export of medicines and medical supplies must be specifically licensed by USDOC prior to departure. Gift parcels to individuals or non-governmental organizations may be exported under USDOC "General License GIFT" without prior written government approval. [Section 740.12 of the Export Administration Regulations]. The combined content must be valued below \$200, may contain only items for personal use, and may not be for resale. Gift packages may include only the following items: Food, vitamins, seeds, medicines, medical supplies and devices, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, soap making equipment, and certain radio equipment and batteries for such equipment.

This document is explanatory only and does not have the force of law. The statutes, Executive Orders, and implementing regulations relating to Cuba contain the legally binding provisions governing the sanctions and this document does not supplement or modify those statutes, Executive Orders, or regulations. The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving Iraq, Libya, the Balkans, North Korea, the Federal Republic of Yugoslavia (Serbia and Montenegro), the National Union for the Total Independence of Angola (UNITA), the Taliban in Afghanistan, Iran, Syria, Sudan, Burma (Myanmar), Sierra Leone, Liberia, Foreign Terrorist Organizations, designated terrorists and narcotics traffickers, and designated foreign persons who have engaged in activities related to the proliferation of weapons of mass destruction. For additional information about these programs or about the Cuban sanctions program, please contact the:

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202-622-2520 / 305-810-5140

<<<http://www.treas.gov/ofac>>>