

**DEPARTMENT OF THE TREASURY
OFFICE OF FOREIGN ASSETS CONTROL**

Guidelines for License Applications

Specific Licenses for Travel in Connection with
Exportation of Medicines and Medical Supplies,
and Agricultural Commodities

The Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), which are administered by the Office of Foreign Assets Control ("OFAC"), prohibit persons subject to U.S. jurisdiction from engaging in unlicensed and non-exempt transactions in which Cuba or a Cuban national has an interest, including transactions related to travel to, within, and from Cuba.

OFAC will consider, on a case-by-case basis, issuing a specific license pursuant to § 515.533(e) of the CACR (copy attached), for a person seeking to engage in travel-related transactions for the purpose of marketing, sales negotiation, accompanied delivery, or servicing of exports or re-exports of medicines, medical supplies or agricultural commodities to Cuba consistent with the licensing policy of the Department of Commerce. To obtain such a license, a person must apply for and obtain a specific license from the OFAC-Miami office. Normally such licenses will be valid for one year and authorize the necessary employees, officials, consultants or agents of the licensee to engage in travel-related transactions. The license application may be submitted using the attached suggested OFAC format, or, if you prefer, in the form of a letter, which should include the following information:

1. A request for a specific license to engage in travel-related transactions to, from, and within Cuba that states the reason for the requested license, i.e., marketing, sales negotiation, accompanied delivery, or servicing of exports.

2. A clear description of the products -- medicine, medical supplies, or agricultural commodities -- that have been or will be offered for sale in Cuba, and a statement that any exportation from the United States has been or will be done consistent with the applicable Department of Commerce export regulations.

3. A description of the applicant's business and the activities the applicant plans to undertake in Cuba and, if appropriate, a statement of the applicant's current ability to undertake the proposed transactions.

4. A statement of the proposed number of persons who would use this license and their affiliation to the applicant.

5. The applicant's name, address, phone number, and name and title of an official point of contact for the applicant.

Note: Confidential business information should not be placed on the OFAC suggested format. Please provide any such information on a separate page.

The completed format or letter of application shall be mailed to:

**Office of Foreign Assets Control
U.S. Department of the Treasury
909 SE First Ave #736
Miami, FL 33131**

Questions should be directed to the OFAC-Miami office at (305) 810-5140.

Attachments

Section 515.533(e) of the CACR
Section 515.560 of the CACR
Travel Restrictions

**REQUEST FOR A SPECIFIC LICENSE
FOR TRAVEL IN CONNECTION WITH
THE EXPORT OR RE-EXPORT OF CERTAIN GOODS**

FOR OFFICIAL USE ONLY

1.

Name and Address in #1.
Clearly written on the lines above so that the Post Office
may read the information.
Telephone #: (_____) _____

2. Briefly identify in this space the products -- medicine, medical supplies, or agricultural commodities -- that have been or will be offered for sale in Cuba and a statement that the exportation has been or will be done consistent with the applicable Department of Commerce export rules and regulations. If the product would need later servicing, so indicate with your application. You may continue, if necessary, on the reverse or on additional pages.

3. Briefly describe your business and the activities you plan to undertake in Cuba and, if appropriate, state your current ability to undertake the proposed transactions.

4. Briefly state the proposed number of travelers to Cuba and their affiliation to your business. _____

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

I, the Travel Service Provider ("TSP") representative, have received this application and have given the applicant English/Spanish copies of OFAC's Travel Restrictions.

Applicant's Signature

Date Authorized TSP
Representative's Signature/Print Name (if any used)

Name of Authorized TSP (if any used)

The applicant and TSP (if used) 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**

TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER V--OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 515--CUBAN ASSETS CONTROL REGULATIONS--Table of Contents

Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.533 Transactions incident to exportations from the United States to Cuba.

(a) All transactions ordinarily incident to the exportation of goods, wares, and merchandise from the United States to any person within Cuba are hereby authorized, provided the following terms and conditions are complied with:

- (1) The exportation 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) Banking institutions within the United States, prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any exportation pursuant to this section, or engaging in any other transaction herein authorized shall satisfy themselves that:
 - (i) Each such transaction is incident to a bona fide exportation and is customary in the normal course of business, and that the value of such exportation reasonably corresponds with the sums of money involved in financing such transaction; and
 - (ii) Such exportation is made pursuant to all the terms and conditions of this section.

(b) This section does not authorize any exportation under General License SHIP STORES, 15 CFR 771.9, to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(c) This section does not authorize:

- (1) The financing of any transaction 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 is consigned, has an interest, or has had an interest since the ``effective date."

(d) This section does not authorize any exportation under License Exception GFT, 15 CFR 740.12, except gift parcels that contain only 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, or certain radio equipment and batteries for such equipment, as specifically set forth in 15 CFR 740.12, and that otherwise comply with the requirements of that section.

(e) Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in Sec. 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 licensing policy of the Department of Commerce.

(f) This section does not authorize trade financing with respect to the commercial sale of food or agricultural commodities.

Note to Sec. 515.533: For the waiver of the prohibition contained in Sec. 515.207 on certain vessel transactions for vessels transporting shipments of goods, wares, or merchandise between the United States and Cuba pursuant to this section, see Sec. 515.550.

[28 FR 6974, July 9, 1963, as amended at 57 FR 15216, Apr. 24, 1992; 59 FR 44885, Aug. 30, 1994; 64 FR 25813, May 13, 1999]

TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER V--OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 515--CUBAN ASSETS CONTROL REGULATIONS--Table of Contents

Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.560 Travel-related transactions to, from, and within Cuba by persons subject to U.S. jurisdiction.

(a) The travel-related transactions listed in paragraph (c) of this section may be authorized either by a general license or on a case-by-case basis by a specific license for travel related to the following activities (see the referenced sections for general and specific licensing criteria):

- (1) Family visits (general and specific licenses) (see Sec. 515.561);
- (2) Official business of the U.S. government, foreign governments, and certain intergovernmental organizations (general license) (see Sec. 515.562);
- (3) Journalistic activity (general and specific licenses) (see Sec. 515.563);
- (4) Professional research (general and specific licenses) (see Sec. 515.564);
- (5) Educational activities (specific licenses) (see Sec. 515.565);
- (6) Religious activities (specific licenses) (see Sec. 515.566);
- (7) Public performances, clinics, workshops, athletic and other competitions, and exhibitions (general and specific licenses) (see Sec. 515.567);
- (8) Support for the Cuban people (specific licenses) (see Sec. 515.574);
- (9) Humanitarian projects (specific licenses) (see Sec. 515.575);
- (10) Activities of private foundations or research or educational institutes (specific licenses) (see Sec. 515.576);
- (11) Exportation, importation, or transmission of information or informational materials (specific licenses) (see Sec. 515.545); and
- (12) 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 (specific licenses) (see Secs. 515.533 and 515.559).

(b) Travel-related transactions in connection with activities other than those referenced in paragraph (a) of this section may be authorized on a case-by-case basis by a specific license issued pursuant to Sec. 515.801.

(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 Sec. 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 Sec. 515.570, provided that no more than \$300 of remittances authorized by

Sec. 515.570(a) or (b) is carried in any one trip, unless otherwise authorized. Those licensed travelers carrying either of the emigration remittances authorized pursuant to Sec. 515.570(c) must be able to produce the visa recipient's full name and date of birth and the number and date of issuance of the visa or other travel authorization issued. A licensed traveler to Cuba is only authorized to carry remittances that he or she is authorized to remit and may not carry remittances being made by other persons.

(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 Sec. 515.420.

(d) A Cuban national departing the United States may carry currency, as that term is defined in paragraph (c)(5) of this section, as follows:

- (1) The amount of any currency brought into the United States by the Cuban national and registered with the U.S. Customs Service upon entry;
- (2) Up to \$300 in funds received as remittances by the Cuban national during his or her stay in the United States; and
- (3) Compensation earned by a Cuban national from a U.S. academic institution up to any amount that can be substantiated through payment receipts from such institution as authorized pursuant to Sec. 515.565(a)(2)(v).

(e) The following transactions by persons generally or specifically licensed to engage in travel-related transactions to, from, and within Cuba are prohibited by Sec. 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 Sec. 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.

[64 FR 25814, May 13, 1999]