



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JUL - 2 2004

FAC No. [Text Deleted]

[Text Deleted]

[Text Deleted]

[Text Deleted]

[Text Deleted]

[Text Deleted]

Dear [Text Deleted]:

On May 6, 2004, President Bush directed the implementation of certain changes to the Cuba embargo to implement recommendations in the report of the Commission on Assistance to a Free Cuba. The Office of Foreign Assets Control ("OFAC") is amending the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"), effective June 30, 2004, to make substantive changes consistent with the President's policy. See 69 *Fed. Reg.* 33768. A copy of the *Federal Register* notice is posted on our website at www.treas.gov/ofac.

Please find below a summary of the some of the amended Regulations that affect authorized travel, carrier, and remittance forwarding service providers:

Travel to visit relatives in Cuba. A number of significant changes have been made to this policy:

- The general license contained in former § 515.561(a) authorizing travel-related transactions for family visits once in a twelve-month period is eliminated effective June 30, 2004. All existing specific licenses issued by OFAC pursuant to former § 515.561(b) authorizing an additional visit within the same twelve-month period have been amended to terminate on June 30, 2004. However, due to the Cuban Government's control of the flow of information within Cuba, individuals currently traveling legally in Cuba may not have access to accurate information about the amendments to the Regulations. **For this reason, OFAC has issued a general license authorizing any person traveling in Cuba on June 29, 2004, under a family visit general or specific license to continue to engage in transactions in Cuba authorized by that license through July 31, 2004. Accordingly, authorized service providers may continue to provide their services to such travelers until 12:01 a.m. Eastern Daylight Time on August 1, 2004.**
- Beginning June 30, 2004, under new §515.561(a) of the Regulations, OFAC will issue specific licenses for persons to visit in Cuba "a member of the person's immediate family" who is a national of Cuba ("Immediate Family specific license"). A suggested application format is enclosed. To obtain a specific license, the new rules require that:
 - (1) the person to be visited in Cuba must be a spouse, child, grandchild, parent, grandparent, or sibling of the traveler or the traveler's spouse, as well as any spouse, widow or widower of any of the foregoing;

(2) the traveler must not have emigrated from Cuba to the United States in the last three years;

(3) the traveler must not have engaged in travel-related transactions to, from, or within Cuba under a general license for a family visit in the last three years; and

(4) the traveler must not have been issued a specific license for a family visit in the past three years.

- The Immediate Family specific license does not allow another person to accompany the authorized traveler merely because the second person shares a common dwelling as a family with the authorized traveler. All travelers must be members of the immediate family of the person to be visited in Cuba.
- Visits under the Immediate Family specific license are limited to no more than 14 days.
- Amended § 515.560(c) restricts persons traveling under the Immediate Family specific license to spending no more than \$50 a day plus an additional \$50 per trip, if needed, for transportation-related expenses in Cuba. (The per diem for other authorized travelers -- e.g., qualified journalists -- remains unchanged.)
- Additional visits under the Immediate Family specific license will not be authorized.
- All applications for specific licenses under former § 515.561(b) to visit a Cuban national family member more than once per year will not be authorized in view of the new policy.
- Under amended § 515.561(b), OFAC may issue specific licenses for persons to visit a non-Cuban national member of the person's immediate family who is in Cuba pursuant to an OFAC license (such as a daughter traveling in Cuba under an educational institution license) under exigent circumstances provided the particular exigency has been reported to the U.S. Interests Section in Havana, and issuance of the license would support the mission of the U.S. Interests Section in Havana.

Exportation of accompanied baggage. The Bureau of Industry and Security of the Department of Commerce has published amendments to the Export Administration Regulations limiting the amount of accompanied baggage a traveler may take to Cuba to 44 pounds. This limitation does not apply to persons traveling pursuant to a license issued under 31 C.F.R. §§ 515.545 (exportation, importation, or transmission of informational materials), 515.562 (official business of the U.S. Government, foreign governments, and certain international organizations), 515.563 (journalistic activities), 515.566 (religious activities), 515.574 (support for the Cuban people), or 515.575 (humanitarian projects).

Carrying remittances to Cuba. Amended § 515.560(c) reduces the total amount of quarterly remittances that can be carried to Cuba by an authorized traveler from \$3,000 to \$300.

Importation of Cuban merchandise. Amended § 515.560(c) eliminates the authorization of travelers to bring back to the United States \$100 worth of merchandise purchased or otherwise acquired in Cuba. With the exception of informational materials, no Cuban merchandise may be imported into the United States unless pursuant to an OFAC specific license.

Fully-hosted travel. The amendments to the Regulations eliminate the concept of fully-hosted travel contained in former § 515.420. The acceptance of lodging or any other service or good in Cuba, even if provided as a gift, is now considered a violation of the Regulations. No Service Provider may provide any regulated service to a person not specifically or generally licensed by OFAC. However, due to the Cuban Government's control of the flow of information within Cuba, individuals currently traveling legally in Cuba may not have access to accurate information about the new amendments to the Regulations. **For this reason, any person traveling in Cuba on June 29, 2004, who is fully hosted as set forth in former § 515.420 will not be considered to have violated the Regulations provided they do not stay in Cuba beyond July 31, 2004. Accordingly, authorized service providers may continue to provide the limited services (as set forth in *Circular 2001*) to such travelers until 12:01 a.m. Eastern Daylight Time on August 1, 2004.**

Attendance at certain professional meetings or conferences. Amended § 515.564(a)(1) clarifies that the "professional research" general license contained therein cannot be used to attend a professional meeting or conference in Cuba. Meeting or conference attendance in Cuba either must qualify under the "professional meetings and conferences" general license set forth in § 515.564(a)(2) or be authorized pursuant to a specific license.

Educational activities in Cuba. Amended § 515.565(a) eliminates the authorization for secondary school activities in Cuba, limits the students and staff who may travel under a undergraduate or graduate institution's license to only those students enrolled in an undergraduate or graduate degree program at the licensed institution and those staff members who are full-time permanent employees of the licensed institution, and requires the duration of most educational activities in Cuba to be at least 10 weeks. Recognizing that some current holders of educational institution licenses may have already planned summer activities in Cuba that would not meet the new requirements, OFAC is authorizing those licensed institutions to engage in all transactions authorized under former § 515.565(a) provided that the trips and all associated activities are completed by August 15, 2004.

Participation in international sports federation competitions as well as clinics and workshops in Cuba. Amended § 515.567 moves participation in international sports federation competitions from a general to a specific licensing category. The policy of authorizing participation in clinics and workshops in Cuba is eliminated.

Remittances. Amended § 515.570(a) restricts the quarterly \$300-per-household remittances so that now they may be sent only to members of the remitter's immediate family (spouse, child, grandchild, parent, grandparent, or sibling of the remitter or the remitter's spouse, as well as any spouse, widow or widower of any of the foregoing). Such remittances may not be sent to certain government officials and certain members of the Cuban Communist Party as listed in the Regulations. As before, OFAC may specifically license remittances to non-governmental

organizations, including pro-democracy groups, independent civil society groups, and religious organizations, as well as to individual members of such organizations. Amended § 515.570 also eliminates the general license authorizing depository institutions to act as remittance forwarders directly for individuals sending quarterly and emigration-related remittances (requiring that such institutions now obtain a specific license before providing those services). These institutions, however, may continue to transfer funds for their clients who are authorized remittance forwarding service providers.

If you have any questions, feel free to contact the OFAC-Miami office at (305) 810-5140.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Newcomb". The signature is fluid and cursive, with a large, sweeping flourish at the end.

R. Richard Newcomb
Director
Office of Foreign Assets Control

Enclosures:

Suggested Formats (English & Spanish)

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

(Suggested Application Format)

Date of Last Family Visit to Cuba under the General License _____ (DD/MM/YYYY)
Date of Issuance of Last OFAC Specific License for Family Visit _____ (DD/MM/YYYY)
Date of Emigration from Cuba _____ (DD/MM/YYYY)

APPLICANT INFORMATION

Last Name (Patronymic) _____ Last Name (Matronymic) _____

First Name _____ Middle Name _____

Street Address _____ Apt No. _____

City _____ State _____ Zip Code _____ Phone No. _____

Document Type: _____

Document Number: _____

Country of Issuance: _____

Note: If the applicant has a US passport or other US-issued immigration identification, that information must be submitted. If not, then provide your immigration identification document issued by another country.

The Person You Wish to Visit in Cuba

Relationship to Applicant _____

Last Name (Patronymic) _____ Last Name (Matronymic) _____

First Name _____ Middle Name _____

Cedula Number _____

Address _____

City _____

Service Provider Information

Check here if the Traveler is Represented by a Service Provider

Name of Service Provider _____

Name of Service Provider Employee _____

Street Address _____ Suite No. _____

City _____ State _____ Zip Code _____ Phone No. _____

WARNING: Transactions relating to travel, trade, and financial dealings with Cuba are restricted under the Cuban Assets Control Regulations 31 C.F.R. Part 515, the Reporting and Procedures Regulations 31 C.F.R. Part 501, and the Trading With the Enemy Act, 50 USC App. Section 5(b). 18 USC 1001 provides for up to 5 years imprisonment and a US\$10,000 fine for falsification or misrepresentation of the facts requested in this form and any other information submitted to OFAC. You are reminded that it is illegal to make use of charge cards during your stay in Cuba. Please be advised that each authorized traveler may carry only \$300 of quarterly remittances to Cuba and may not return with any merchandise acquired in Cuba other than exempt informational materials.

SIGN BELOW: I have read the above statements and all of the information I have provided above is true and accurate:

SIGNATURE

DATE (DD/MM/YYYY)

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

Formulario de Solicitud Sugerido

Fecha del Ultimo Viaje a Cuba Bajo la Licencia General _____ (Día/Mes/Año)
Fecha de la Última Licencia Específica Para Visita Familiar _____ (Día/Mes/Año)
Fecha de Emigración de Cuba _____ (Día/Mes/Año)

INFORMACION DEL SOLICITANTE

Apellido (Paterno) _____ Apellido Materno _____
Nombre (Primero) _____ Nombre (Segundo) _____

Dirección (Calle) _____ Apartamento Número _____

Ciudad _____ Estado _____ Código Postal _____ Teléfono _____

Tipo de Documentación: _____
Número de Documento _____
País de Expedición _____

Nota: Si el solicitante tiene un pasaporte de los Estados Unidos ú otra forma de identificación de inmigración expedida por el Gobierno de los Estados Unidos, tal información debe ser presentada. Si no, proveea su identificación de inmigración expedida por otro país.

La Persona Que Desea Visitar en Cuba

Parentesco con el Solicitante _____

Apellido (Paterno) _____ Apellido Materno _____
Nombre (Primero) _____ Nombre (Segundo) _____
Número de Cedula _____

Dirección _____

Ciudad _____

Información del Proveedor de Servicio

Marque Aquí si el Solicitante Está Representado Por un Proveedor de Servicio

Nombre del Proveedor de Servicio _____

Nombre del Empleado del Proveedor de Servicio _____

Dirección (Calle) _____ Despacho Número _____

Ciudad _____ Estado _____ Código Postal _____ Teléfono _____

=====

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

FIRME ABAJO: He leído las declaraciones hechas y toda la información que he proveído arriba es verídica y correcta:

_____ **FIRMA**

_____ **FECHA** (Día/Mes/Año)