Office of Foreign Assets Control, Treasury

§ 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:
§ 515.559
31 CFR Ch. V (7–1–13 Edition)

(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;
   (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.


(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.

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
§ 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 the applicable general and specific licensing criteria):

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

(b) Effective October 28, 2000, no specific licenses will be issued authorizing the travel-related transactions in paragraph (c) of this section in connection with activities other than those referenced in paragraph (a) of this section.

(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 are authorized.
2. Living expenses in Cuba. All transactions ordinarily incident to travel anywhere within Cuba, including payment of living expenses and the acquisition in Cuba of goods for personal consumption there, are authorized, provided that, unless otherwise 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 maximum per diem rate is published in the Department of State’s “Maximum Travel per Diem Allowances for Foreign Areas,” a supplement to section 925, Department of State Standardized Regulations (Government Civilians, Foreign Areas), which is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371945, Pittsburgh, PA 15203-7954, and on the Department of State’s Office of Allowances Web site (http://aoprals.state.gov).
3. Importation of Cuban merchandise prohibited. Nothing in this section authorizes the importation into the United States of any merchandise purchased or otherwise acquired in Cuba, including but not limited to any importation of such merchandise as accompanied baggage. The importation of Cuban-origin information and informational materials is exempt from the prohibitions of this part, as described in § 515.206.
4. Carrying remittances to Cuba. The carrying to Cuba of any remittances that the licensed traveler is authorized to remit pursuant to § 515.570 is authorized, provided that: