

EXPORT CONTROLS GUIDANCE ACTIVITIES INVOLVING CUBA AND CUBAN NATIONALS

The United States (US) embargo of Cuba remains in place largely under two regulatory schemes: the Office of Foreign Assets Control's (OFAC) Cuban Assets Control Regulations (CACR) and the Department of Commerce's Bureau of Industry and Security (BIS) Export Administration Regulations (EAR). Under these regulations, US Persons are generally prohibited from engaging in travel, imports, exports and financial transactions involving Cuba and Cuban Nationals. There are some limited exceptions to these general prohibitions available through general and specific licenses authorized by the US federal government. Faculty and researchers planning to teach, train, collaborate on research projects, provide educational advice or other activities involving Cuba and Cuban Nationals are encouraged to seek guidance from the Export Controls Office before engaging in such activities.

The United States (US) currently administer a comprehensive embargo on Cuba through the Office of Foreign Assets Control's (OFAC) Cuban Assets Control Regulations (CACR) and the Department of Commerce's Bureau of Industry and Security (BIS) Export Administration Regulations (EAR). OFAC regulation can be found in 31 CFR 515 and the BIS regulations can be found in 15 CFR 730-774. Under these regulations, US Persons are generally prohibited from engaging in travel, imports, exports and financial transactions involving Cuba and Cuban Nationals. There are some limited exceptions to these general prohibitions available through general and specific licenses authorized by the US federal government. Faculty and researchers planning to teach, train, collaborate on research projects, provide educational advice or other activities involving Cuba and Cuban Nationals are encouraged to seek guidance from the Export Controls Office before engaging in such activities.

Activities generally prohibited include, but are not limited to:

- Travel to Cuba
- Transmission of controlled or proprietary information;
- Financial transactions with Cuba and Cuban Nationals;
- Furnishing or receiving any goods or services to or from Cuba or to or from Cuban Nationals even if no money is exchanged.

Several general licenses are available under CACR to cover some of the activities that faculty and researchers typically engage in. General licenses are available without the need to apply for them from the federal government provided the specific criteria are met. The requirements are complex, subject to frequent change, and fact specific. In addition, even if a general license applies to one component of an activity, other portions of the activity may be restricted or prohibited. Please note many hotels, stores, and tourist agencies are on the "List of Restricted Entities and Sub entities Associated with Cuba as of November 9, 2017"; therefore, transactions with these entities are prohibited even if the activities fall under a general license. The Export Controls Office can provide assistance in determining the application of a general license and provide guidance on the record retention obligations mandated by the federal government.

Below are several examples of current CACR general licenses:

- Transactions relating to informational materials and publishing (31 C.F.R. 515.545).
- Professional research and meetings (31 C.F.R.515.564)
- Educational activities (31 C.F.R. 515.565(a))
- Cuban Nationals in the US (31 C.F.R. 515.571)

If an activity does not meet the requirements of a general license, a specific license will be needed. Specific licenses are issued on a case by case basis, and just because an activity meets the OFAC requirements for a general license, a specific license may still be needed from BIS. The federal regulations governing Cuba are complex, case specific, and subject to frequent change.

Both the CACR and EAR impose record retention obligations for five years. Some of these record retention obligations can be fairly extensive, requiring retaining full and accurate records of all travel transactions including documentation demonstrating that the activities conducted in Cuba consist of a full-time schedule and do not include free time or recreation in excess of that consistent with a full time schedule and documentation supporting any license exception or exemption relied upon.

Before engaging in activities involving Cuba, please contact the Export Controls Office as soon as possible. The Export Controls Office will help determine how these regulations apply to specific activities and whether or not any entities or individuals appear on U.S. government restricted or prohibited lists.

For more information contact:

[Export Controls/Conflict of Interest/Responsible Conduct of Research Office](#)

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Phone: 979-862-6419

Useful Links:

OFAC Resource Center – Cuba Sanctions:

<https://www.treasury.gov/resource-center/sanctions/Programs/pages/cuba.aspx>

OFAC – Frequently Asked Questions Related to Cuba:

https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_faqs_new.pdf

BIS – Cuba Frequently Asked Questions:

<https://www.bis.doc.gov/index.php/forms-documents/pdfs/1568-bis-cuba-consolidated-faqs-3/file>

US Department of State – International Travel – Cuba:

<https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Cuba.html>