



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

OFFICE OF FOREIGN ASSETS CONTROL

GUIDANCE ON IMPLEMENTATION OF
CUBA TRAVEL AND TRADE-RELATED PROVISIONS
OF THE OMNIBUS APPROPRIATIONS ACT, 2009

This guidance outlines the actions taken by the Department of the Treasury's Office of Foreign Assets Control to implement provisions related to Cuba sanctions in the Omnibus Appropriations Act, 2009.

Travel to Visit Relatives in Cuba. Congress has directed that none of the funds made available in the Omnibus Appropriations Act, 2009, may be used to administer, implement, or enforce the June 16, 2004 amendments made to sections 515.560 and 515.561 of Title 31, Code of Federal Regulations, related to travel to visit relatives in Cuba. In consultation with the Department of State, today Treasury has implemented this provision of the Act by issuing a general license authorizing persons subject to the jurisdiction of the United States to travel to Cuba to visit an expanded category of family members who are nationals of Cuba, defined as "close relatives," once every 12 months for an unlimited length of stay and at the same expenditure limits as all other authorized travel to Cuba. This general license thus reinstates the authorization for family travel to Cuba that existed prior to the June 16, 2004 amendments.

Any traveler who has a qualifying relative in Cuba may take advantage of this general license immediately. A new 12-month period will begin for each traveler upon return from a trip that is authorized pursuant to this general license. Any travel to visit family in Cuba that was authorized pursuant to a specific license issued on or before March 11, 2009, and completed within 14 days of departure will not count for the purpose of calculating the 12-month period set forth in the general license. The general license will cover all transactions that would otherwise be authorized by any specific license a traveler may have obtained on or before March 11, 2009, for visits to immediate family who are nationals of Cuba. Accordingly, such specific licenses are no longer necessary for the first trip in a 12-month period. Specific licenses may be issued on a case-by-case basis for additional visits during the 12-month period, as well as for travel to Cuba to visit a close relative who is not a national of Cuba.

This general license also extends authorized visitation beyond the immediate family to "close relatives," defined as any individual related to the traveler by blood, marriage, or adoption who is no more than three generations removed from the traveler or from a common ancestor with the traveler.

Travelers also are now authorized to engage in travel-related transactions at the “maximum per diem rate” in the city of Havana, Cuba, in effect during their travel, as established by the State Department. Currently, that rate is \$179 per day. As this rate may change, please consult 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), which is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371945, Pittsburgh, PA 15250-7954, as well as on the Internet at <http://aoprals.state.gov/web920>.

Please visit the following link to access the general license:

http://www.treas.gov/offices/enforcement/ofac/programs/cuba/gl_omni2009.pdf

Travel to, from, or within Cuba for the Marketing and Sale of Agricultural and Medical Goods. In another provision of the Omnibus Appropriations Act, 2009, Congress has directed Treasury to promulgate regulations authorizing, by general license, travel-related transactions for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods. Treasury will implement this provision in the coming weeks. Until promulgation of new regulations, these travel-related transactions must be authorized by specific license, as set forth in section 515.533(e) of Title 31, Code of Federal Regulations.

“Cash in Advance.” Congress also has directed that none of the funds made available in the Act may be used to administer, implement, or enforce the February 25, 2005 amendment to section 515.533 of Title 31, Code of Federal Regulations. That amendment clarified the agency’s view that the term “cash in advance” — a term used in the Trade Sanctions Reform and Export Enhancement Act of 2000 (“TSRA”) — should be given its ordinary commercial meaning, which requires payment to be received by the seller or the seller’s agent in advance, prior to shipment of goods from the port at which they are loaded. Because the Act does not amend the requirement in TSRA that agricultural exports to Cuba be either paid for by “cash in advance” or financed using a third-country bank, TSRA’s statutory provisions remain in place.

March 11, 2009