

MIT Export Control

Protecting MIT's open research policy and the free interchange of information among scholars while complying with U.S. Export Control Law

Subject: Guidance and information re interactions with Cuba

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Background:

Cuba is among the group of nations with whom the US maintains embargoes for reasons of anti-terrorism. It is in the company of countries such as Iran, North Korea, Crimea area, and Syria.

Many of the restrictions can be found in the Cuban Assets Control Regulations (CACR). Sanctions against Cuba are in a state of flux. You should check early in your plans with MIT's export Control Officer to verify that your planned activity is legal.

Export Control Considerations:

See Export Administration Regulations (EAR) section 746.2 page 2 (<https://bis.doc.gov/index.php/documents/regulation-docs/420-part-746-embargoes-and-other-special-controls/file>) for permissible exports and "deemed exports" to Cuba. Note that a license is still required to export many kinds of items. What has changed is the U.S. Government is much more likely to approve them now for certain categories of items.

Note: the President in June 2017 instructed Treasury to issue regulations that will end individual people-to-people travel, which is educational travel that: (i) does not involve academic study pursuant to a degree program; and (ii) does not take place under the auspices of an organization that is subject to U.S. jurisdiction that sponsors such exchanges to promote people-to-people contact. The announced changes do not take effect until the new regulations are issued. See https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_faqs_20170616.pdf for new frequently-asked-questions regarding the recent changes.

Going to Cuba for tourism purposes is not permitted by the US Government. However, the Department of Treasury's Office of Foreign Assets Control (OFAC) has issued a general license authorizing 12 categories of travel:

1. Educational activities for schools,
2. Professional research and professional meetings
3. Public performances, clinics, workshops, athletic and other competitions, and exhibitions
4. Religious activities
5. Humanitarian projects
6. Journalistic activities
7. Family visits

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8. Official business of the U.S. government, foreign governments, and certain intergovernmental organizations
9. Journalistic activity
10. Activities in Cuba by private foundations or research or educational institutes;
11. Exportation, importation, or transmission of information or informational materials
12. Certain authorized export transactions including agricultural and medical products, and tools, equipment and construction supplies for private use

If you wish to engage in an activity not permitted by the 12 categories, you must apply for and obtain a license from OFAC.

Note: for several of these you are required to keep a journal of your daily activities. It is probably OK to attend a tourist type of activity on weekends when you are outside of business hours, but be sure to note this in your journal. You should keep a copy of your journal for 5 years and, in addition, you can file a copy with the MIT Export Control Officer.

You should carry with you a letter on MIT stationery stating your affiliation with MIT, purpose for travel, that you are travelling under the Cuba Assets Control Regulations (CACR 31 CFR Section 515.565 (a)(1)) and under which of the 12 permissible categories your activities fall. The letter should be signed by the traveler and his/her Department/Lab/Center head. A copy should be filed with the MIT Export Control Officer (exportcontrolhelp@mit.edu).

Health and Safety Considerations:

The U.S. Department of State provides more information about traveling to Cuba at Travel.State.Gov.

Since you will be conducting your business entirely in cash, and the populace knows this, be aware that Cuba is a very poor country and foreign visitors make attractive targets for personal property theft.

The CDC has listed Cuba as a Level 2 Alert (Practice Enhanced Precautions), for the Zika virus. Protection against mosquito bites is a necessary mitigation to follow to reduce your risk of contracting the virus through mosquito bites. Zika has been sexually transmitted as well and therefore appropriate use of personal protection for sexual activity should be reviewed, planned, and practiced.

Travel Advice, Visas, Currency, Journal Requirements, etc.:

If you meet the conditions of the general license you do not need to apply for an additional license from OFAC to travel to Cuba. See the Treasury Department's FAQs for more detail on the definitions of the terms in the 12 permitted reasons to travel to Cuba here: https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_faqs_new.pdf.

Making payments to Cuba, even those for which you have a license or no license is required, is still prohibitively difficult. Also, in Cuba you will not have access to ATM networks you are accustomed to in the US and Europe. Check with your financial institution before traveling to Cuba to determine whether

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the institution has established the mechanisms for its credit or debit cards to be used in Cuba. Likely it has not. Count on paying for everything in cash.

The Cuban government requires all citizens traveling to Cuba to obtain a Cuban visa prior to their arrival into Cuba. A Cuban visa is also known as a "tourist card." For US Citizens this "tourist" card may also be referred to as a "visitor" card to avoid the appearance of tourism, which is not a sanctioned activity by the U.S. Government. US authorities do not seem to be concerned about Americans using the tourist card as long as they are travelling under one or more of the 12 permitted categories. The Cuban visa is valid for a single entry and allows the holder to stay in Cuba for 30 days. The Cuban visa is a two-part card. Cuban immigration officials will take one half upon arrival in Cuba, and guests will surrender the other half upon departure. Make sure to keep your Cuban visa in a safe place with you throughout your trip so you have it with you when you depart the country.

For questions please contact the Export Control Office, Janet C. Johnston, 617 253 2762, jcjohnst@mit.edu or International Safety & Security, Todd Holmes, 617-324-7696, tholmes@mit.edu. Also for guidance in planning, negotiating and implementing international projects, please contact the International Coordinating Committee (ICC) at internationalhelp@mit.edu or visit their website (<http://icc.mit.edu/>).