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New General License for AgMed Travel to Cuba

On September 3, 2009, the Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations (the "Cuba Regulations"), 31 C.F.R. Part 515 (2009), providing a General License for travel to Cuba for marketing and sales of eligible agricultural commodities and medical items. The revisions will be published in the September 8, 2009, Federal Register, but are effective as of September 3, 2009.

The revisions implement provisions of the 2009 Omnibus Appropriations Act ("Omnibus Act") and President Obama's April 13, 2009, initiative lessening restrictions imposed against Cuba (see previous *GT Alerts*, [Cuba: Congress Begins To Push Open The Door](#); [White House Continues Momentum on Relaxing Cuban Restrictions](#)).

The new General License, to be published at Section 515.533(e) of the Cuba Regulations, permits U.S. individuals, employees of U.S. companies and employees of subsidiaries of U.S. companies to travel to Cuba without prior authorization from OFAC for the marketing and sale of eligible U.S. agricultural commodities, medicine and medical devices to Cuba, under the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA), (also known as the "AgMed Program").

To use the new General License, a traveler must meet the following criteria:

- Only employees of, or entities appointed by, a distributor or producer of eligible agricultural or medical items may travel under the General License.
- At least 14 days prior to departing for Cuba, each traveler must submit to OFAC a written Section 515.533(e) Report identifying himself, his employer, and the purpose and scope of the trip to Cuba. We recommend that the employer complete the necessary reports for any employees traveling under the General License.
- The traveler's schedule in Cuba may not contain free time or tourist-related activities. Authorized travel under the General License is limited to business-related activities connected to the sale and marketing of eligible agricultural commodities or medical items.
- After completing a trip to Cuba, travelers must submit to OFAC a separate Section 515.533(e) Report summarizing the business activities conducted in Cuba, the expenses incurred, and the people with whom the traveler met in the course of conducting the authorized sales and marketing activities.

Apart from the requirements of the new General License, travelers and their employers must be vigilant in adhering to existing OFAC restrictions related to authorized travel to Cuba:

- Comply with OFAC reporting requirements, and keep all records related to Cuba travel for a period of five (5) years under current OFAC record-keeping requirements.
- Abide by per diem spending limits in country (currently US \$179 per day).
- Refrain from hand-carrying certain export-controlled items into Cuba.
- Refrain from using U.S. credit or debit cards in Cuba.

Furthermore, please note that, while the General License permits travel to Cuba in connection with eligible AgMed sales, the export or reexport of eligible AgMed products (including product samples that are hand-carried to Cuba) continues to require specific approval from the U.S. Department of Commerce, Bureau of Industry and Security prior to export.

Finally, the Cuban government imposes its own entry documentation or visa requirements on U.S. visitors into Cuba. Such documentation must be obtained prior to travel to Cuba.

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