



Cuba Frequently Asked Questions

Effective October 17, 2016

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This document is provided for informational purposes only and does not have any force of law. Where specific questions arise, please consult the relevant legal authority, such as the underlying statutes, regulations, and Executive Orders, and, if appropriate, consult with legal counsel.

Only the license exceptions specified in 15 CFR § 746.2(a)(1) are available for Cuba. Please read 15 CFR §§ 740.1 and 740.2 for general information regarding the use of license exceptions and read the specific terms and conditions of the license exception that you want to use.

Updated October 14, 2016



I. General

1. What are the main changes in the October 17, 2016 rule? (NEW)

This rule makes cargo transiting Cuba via aircraft on temporary sojourn eligible for License Exception Aircraft, Vessels and Spacecraft (AVS) (§ 740.15 of the EAR). This rule also makes exports or reexports of eligible items sold directly to eligible individuals in Cuba for their personal use or their immediate family's personal use eligible for License Exception Support for the Cuban People (SCP) (§ 740.21 of the EAR). Finally, this rule revises the lists of Cuban government and Cuban Communist Party officials that are ineligible for provisions of three license exceptions: individual gift parcels (GFT, § 740.12(a) of the EAR), consumer communications devices (CCD, § 740.19 of the EAR), and software and commodities that will be used by the private sector or by individuals to improve the free flow of communications or support certain private sector activities in Cuba (SCP, § 740.21(d)(4) of the EAR). This rule limits ineligible recipients to members of the Council of Ministers, flag officers of the Revolutionary Armed Forces, and members of the Politburo.

2. What were the main changes in the March 16, 2016 rule?

The rule allowed vessels departing the United States on temporary sojourn to Cuba with cargo for other destinations to travel to Cuba under a license exception rather than having to obtain a license for the cargo bound for those other destinations to transit Cuba. The rule also authorized exports of certain items to persons authorized by the Department of the Treasury to establish and maintain a physical or business presence in Cuba. Finally, the rule adopted a licensing policy of case-by-case review for exports and reexports of items that would enable or facilitate exports of items produced by the private sector in Cuba, subject to certain limitations.

3. What were the main changes in the January 27, 2016 rule?

The rule amended the exceptions to the general policy of denial in § 746.2 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774) for exports and reexports to Cuba by identifying additional types of exports and reexports that are subject to a general policy of approval: items for safety of civil aviation and safe operation of commercial aircraft engaged in international air transportation, certain telecommunications and agricultural items, items to human rights organizations or individuals and non-governmental organizations that promote independent activity intended to strengthen civil society in Cuba, and items for use by U.S. news bureaus. The rule also amended the exceptions to the general policy of denial in the EAR for exports and reexports to Cuba by identifying types of exports and reexports that will be reviewed to determine, on a case-

by-case basis, whether such transactions meet the needs of the Cuban people, including exports and reexports for this purpose made to state-owned enterprises and agencies and organizations of the Cuban government that provide goods and services to the Cuban people. The Bureau of Industry and Security made these changes to further implement the Administration's policy of empowering and engaging the Cuban people. The rule retained the prohibition on the export or reexport of items subject to the EAR to Cuba without a license or applicable license exception.

4. Did the January 27, 2016 rule make fundamental changes to U.S. trade policy towards Cuba?

No. The rule retained the prohibition on the export or reexport to Cuba of items subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) without a license or applicable license exception. Consistent with long-standing policy to support the Cuban people, the rule amended the licensing policy in § 746.2 of the EAR to add a general policy of approval for certain exports and reexports previously subject to case-by-case review and a policy of case-by-case review for exports and reexports of items not eligible for license exception to meet the needs of the Cuban people.

5. What types of items are now generally approved for export to Cuba?

The January 27, 2016 rule revised the licensing policy from possible approval on a case-by-case basis to a general policy of approval for exports and reexports of telecommunications items that would improve communications to, from, and among the Cuban people; certain commodities and software to human rights organizations or to individuals and non-governmental organizations that promote independent activity intended to strengthen civil society in Cuba; commodities and software to U.S. news bureaus in Cuba whose primary purpose is the gathering and dissemination of news to the general public, and agricultural items that are outside the scope of "agricultural commodities" as defined in Part 772 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774) (such as insecticides, pesticides and herbicides) as well as agricultural commodities not eligible for License Exception Agricultural Commodities (AGR) (15 CFR § 740.18) (such as those that are specified in an entry on the Commerce Control List (CCL), i.e., are not designated EAR99). Additionally, exports of medicines and medical devices to Cuba continue to be generally approved, with certain exceptions specified in § 746.2(b)(1) of the EAR.

6. Why does the Cuba licensing policy look different?

In addition to making substantive changes to the licensing policy for Cuba in § 746.2 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774), the January 27,

2016 rule also consolidated the statements of licensing policy for exports and reexports to Cuba in order to improve clarity and readability of the EAR.

7. What were the main changes in the September 21, 2015 rule?

The rule amended the Export Administration Regulations (EAR) (15 CFR Parts 730-774) to expand the scope of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) to facilitate engagement between the U.S. and Cuban people; the free flow of information to, from, and among the Cuban people; and independent economic activity generated by Cuba's private sector. It also made temporary sojourns of certain categories of vessels to Cuba eligible for License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15). Additionally, the rule created a case-by-case review policy for license applications to export and reexport to Cuba items to ensure the safety of civil aviation and safe operation of commercial passenger aircraft. (The January 27, 2016 rule amended this licensing policy, making it a general policy of approval for items necessary to ensure the safety of civil aviation and safe operation of commercial aircraft engaged in international air transportation, including the export or reexport of such aircraft leased to state-owned enterprises.) Finally, it amended the deemed export and deemed reexport license requirements for releases of technology and source code to Cuban nationals; removed certain unintended restrictions on exports and reexports under License Exception SCP and License Exception Consumer Communications Devices (CCD) (15 CFR § 740.19); and made certain technical corrections to License Exception Agricultural Commodities (AGR) (15 CFR § 740.18).

8. What were the main changes in the July 22, 2015 rule?

The rule removed anti-terrorism (AT) license requirements from Cuba and eliminated references to Cuba as a State Sponsor of Terrorism in the Export Administration Regulations (EAR) (15 CFR Parts 730-774), while maintaining preexisting license requirements for all items subject to the EAR unless authorized by a license exception. The rule also removed Cuba from Country Group E:1 (terrorist supporting countries) in Supplement No. 1 to Part 740 of the EAR, making Cuba eligible for a general 25 percent *de minimis* level and additional portions of License Exceptions Servicing and Replacement of Parts and Equipment (RPL) (15 CFR § 740.10); Governments, International Organizations, International Inspections under the Chemical Weapons Convention, and the International Space Station (GOV) (15 CFR § 740.11); Baggage (BAG) (15 CFR § 740.14); and Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15). However, consistent with the comprehensive embargo on trade with Cuba, a license is still required to export or reexport to Cuba any item subject to the EAR unless authorized by a license exception specified in § 746.2(a)(1) of the EAR. License applications submitted to the

Bureau of Industry and Security are reviewed pursuant to the licensing policy in § 746.2(b) of the EAR.

9. What were the main changes in the January 16, 2015 rule?

The rule created License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizing the export without a license of certain categories of items to the Cuban private sector. It also allowed for the export or reexport without a license of certain telecommunications items, including internet-related items, intended to improve the free flow of information to, from, and among the Cuban people. The rule also expanded the scope of two existing license exceptions which will now authorize the commercial sale of consumer communications devices and the shipment of consolidated gift parcels, again without a license. Additionally, it set a general policy of approval for license applications to export items necessary for the environmental protection of U.S. and international air quality, waters and coastlines (including items related to renewable energy or energy efficiency).

10. Has the Department of the Treasury also amended its regulations?

Yes. The Department of the Treasury's Office of Foreign Assets Control (OFAC) has also amended its regulations to implement the President's policy to engage and empower the Cuban people. For additional information, please see the OFAC website: <http://www.treasury.gov/cuba>.

II. Embargo

11. Do these changes lift the trade embargo against Cuba?

No. As required by statute, the United States continues to maintain a trade embargo against Cuba. Only limited categories of items may be exported or reexported to Cuba subject to authorization by Department of Commerce's Bureau of Industry and Security. These changes implement the policy announced by the President on December 17, 2014, aimed at supporting independent economic activity in Cuba and improving communications by and living conditions for the Cuban people.

12. Due to the embargo, do all export transactions also require separate authorizations from the Department of the Treasury's Office of Foreign Assets Control (OFAC)?

An OFAC general license authorizes all transactions ordinarily incident to exportation from the United States or reexportation of 100% U.S. origin items to Cuba, provided that the exportation or reexportation is licensed or otherwise authorized (including by license exception) by the Bureau of Industry and Security.

III. Private Sector Economic Activity

13. How do you define “private sector”?

For the purposes of § 740.21 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774), the private sector in Cuba encompasses economic activity generated by private individuals and groups as enterprises for profit and also that which is generated by non-profit organizations and charities. Companies and corporations that are government owned, operated, or controlled are not considered private sector.

14. What general categories of items may I sell to the Cuban private sector without obtaining a license?

License Exception Support for the Cuban People (SCP) (15 CFR § 740.21), among other provisions, authorizes the export and reexport to Cuba, without a license, of certain commercially sold categories of items:

- building materials, equipment, and tools for use by the private sector to construct or renovate privately-owned buildings, including privately-owned residences, businesses, places of worship, and buildings for private sector social or recreational use;
- tools and equipment for private sector agricultural activity; and
- tools, equipment, supplies, and instruments for use by private sector entrepreneurs.

Items eligible for this provision must be designated as EAR99 or controlled on the Commerce Control List (CCL) (15 CFR Part 774, Supplement No. 1) only for anti-terrorism (AT) reasons.

15. May Cuban government import agencies and other government owned, operated, or controlled companies and corporations receive and deliver eligible items to the private sector?

Yes. Cuban government import agencies and other government owned, operated, or controlled companies and corporations may act as consignees to receive and effect delivery of eligible items to the private sector. With the exception of telecommunications discussed below, Cuban government owned, operated, or controlled companies and corporations may not be end users of the items exported or reexported to Cuba pursuant to License Exception Support for the Cuban People (SCP) (15 CFR § 740.21).

16. Does License Exception Support for the Cuban People cover the export of instruction manuals or other information on how to assemble and use authorized tools and equipment?

Instruction manuals or other information on how to assemble and use authorized tools and equipment are likely not subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) under § 734.7 (Published Information and Software) or by the definition of “use” in Part 772. If such information is subject to the EAR, it is likely eligible for export to Cuba under § 740.13(a) of the EAR.

17. Can eligible items now be leased or loaned to authorized end-users under License Exception Support for the Cuban People (SCP)?

Yes, if the items, end-uses, and end-users qualify for paragraph (b) or (d)(1) of License Exception SCP (15 CFR § 740.21). Paragraph (b) authorizes certain exports and reexports to improve living conditions and support independent economic activity in Cuba. Paragraph (d)(1) authorizes certain exports and reexports to improve the free flow of information to, from, and among the Cuban people. On September 21, 2015, License Exception SCP was amended to remove a requirement that the items be sold or donated when exported or reexported pursuant to paragraph (b) or (d)(1). This change is intended to support other types of transactions, such as leases and loans of eligible items for use by eligible end-users.

18. May I sell items to Cuban state-owned enterprises under License Exception Support for the Cuban People (SCP)?

Items exported under paragraph (b) of License Exception SCP (15 CFR § 740.21) must be for use by the Cuban private sector. However, they may be sold to Cuban government-owned, operated, or controlled companies and corporations, provided that such entities will resell or otherwise distribute the items to the private sector, *in accordance with the terms and conditions of the license exception*. Items exported to improve telecommunications infrastructure pursuant to paragraph (d)(1) of License Exception SCP may be sold to *and* used by Cuban government-owned, operated, or controlled companies and corporations, provided that all of the terms and conditions of the license exception are met.

19. May I export items that will enable or facilitate the exports of items produced by the Cuban private sector?

The March 16, 2016 rule established a case-by-case review policy for items that will enable or facilitate export from Cuba of items produced by the private sector. However, the Bureau of Industry and Security will conduct the case-by-case review consistent with

the policy standard set forth in § 746.2(b)(3)(i) of the EAR, which provides that “BIS generally will deny applications to export or reexport items for use by state-owned enterprises, agencies, and other organizations that primarily generate revenue for the state, including those engaged in tourism and those engaged in the extraction or production of minerals or other raw materials. Applications for export or reexport of items destined to the Cuban military, police, intelligence or security services also generally will be denied.”

20. May I now import products from Cuba?

The Department of the Treasury’s Office of Foreign Assets Control (OFAC) has jurisdiction over imports from Cuba. For additional information, please review OFAC’s Cuba sanctions webpage: <http://www.treasury.gov/cuba>. In addition, you may contact OFAC by calling its toll free hotline (1-800-540-6322), its local hotline (1-202-622-2490), or the Licensing Division (1-202-622-2480), or by sending a message to OFAC’s email hotline account (ofac_feedback@treasury.gov).

21. May I export products to Cuban cooperatives?

If the cooperatives are in the private sector, then you may be able to export your products to Cuba pursuant to License Exception Support for the Cuban People (SCP) (15 CFR § 740.21), subject to its terms and conditions. If the cooperatives are not in the private sector or your transaction is not otherwise eligible for a license exception specified in § 746.2(a)(1), then you must apply for a license from the Bureau of Industry and Security.

22. May I export eligible items to private sector bed and breakfasts/casas particulares that provide lodging to tourists?

Yes. Paragraph (b) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes exports and reexports of certain items to private sector entrepreneurs in Cuba, including for use in operating private sector bed and breakfasts/casas particulares. If a specific item is not eligible for License Exception SCP, you are encouraged to submit a license application through the Bureau of Industry and Security’s online portal, SNAP-R (<http://www.bis.doc.gov>).

23. Do I need a license to export parts for classic cars?

A license is required to export or reexport to Cuba any item subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) unless authorized by a license exception specified in § 746.2(a)(1). If the parts are intended for use by the private sector (*e.g.*, a private sector auto mechanic), the export or reexport of the parts may be eligible under License Exception Support for the Cuban People (15 CFR § 740.21). Additionally, paragraph (a) of License Exception Servicing and Replacement of Parts and Equipment

(RPL) (15 CFR § 740.10) authorizes certain exports and reexports associated with one-on-one replacement of parts, components, accessories, and attachments. If your export is not eligible for an available license exception, then you must apply for a license from the Bureau of Industry and Security. Please note that the Department of the Treasury's Office of Foreign Assets Control administers restrictions on the importation of items from Cuba, including cars and car parts.

IV. Direct Sales

24. Can items be sold directly through the Internet to individuals in Cuba for their personal use? (NEW)

Yes, paragraph (b)(4) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the export or reexport to Cuba of eligible items that are sold directly to eligible individuals in Cuba for their personal use or their immediate family's personal use. The eligible items may be sold by online retailers and others that sell consumer products directly to end users. To be eligible, the items must be designated as EAR99 or controlled on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) only for anti-terrorism reasons. Additionally, the purchasers and end users must not be members of the Council of Ministers, flag officers of the Revolutionary Armed Forces, or members of the Politburo.

V. State-Owned Enterprises

25. What can I export to Cuban state-owned enterprises?

The January 27, 2016 rule established a case-by-case review policy for exports and reexports of certain items to meet the needs of the Cuban people, including exports and reexports to state-owned enterprises, agencies, and other organizations of the Cuban government that provide goods and services for the use and benefit of the Cuban people. This case-by-case review policy includes exports and reexports of items for agricultural production; artistic endeavors (including the creation of public content, historic and cultural works and preservation); education; food processing; disaster preparedness, relief and response; public health and sanitation; residential construction and renovation; and public transportation. The policy also includes exports and reexports of items for use in construction of: facilities for treating public water supplies; facilities for supplying electricity or other energy to the Cuban people; sports and recreation facilities; and other infrastructure that directly benefits the Cuban people. Additionally, it includes exports and reexports to wholesalers and retailers of items for domestic consumption by the Cuban people. Licenses issued under this case-by-case review licensing policy generally will have a condition prohibiting both reexports from Cuba to any other destination and uses

that enable or facilitate the export of goods or services from Cuba, that primarily generate revenue for the state.

Under certain circumstances, Cuban state-owned enterprises may receive exports or reexports authorized by license exception, such as License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) or License Exception Consumer Communications Devices (CCD) (15 CFR § 740.19). Please review other relevant frequently asked questions and the license exceptions for additional information.

26. Are all items now eligible for export to Cuban state-owned enterprises?

No. The January 27, 2016 rule created a case-by-case licensing policy for exports and reexports of items to meet the needs of the Cuban people, including exports and reexports to state-owned enterprises, agencies, and other organizations of the Cuban government that provide goods and services for the use and benefit of the Cuban people. A general policy of denial continues to apply to exports and reexports of items for use by state-owned enterprises, agencies, or other organizations of the Cuban government that primarily generate revenue for the state, including those engaged in tourism and those engaged in the extraction or production of minerals or other raw materials. Additionally, applications to export or reexport items destined to the Cuban military, police, intelligence, and security services remain subject to a general policy of denial.

27. Can I export U.S.-origin agricultural equipment to Cuban state-owned farms and cooperatives that produce food for the benefit of the Cuban people?

A license from the Bureau of Industry and Security (BIS) is required to export or reexport items to Cuban state-owned farms and cooperatives, including agricultural equipment. Such exports or reexports may be authorized on a case-by-case basis, provided the items will be used to meet the needs of the Cuban people. You are encouraged to submit a license application through BIS's online portal, SNAP-R (<http://www.bis.doc.gov>).

28. What types of items will generally be denied for export or reexport to the Cuban government?

As stated in § 746.2(b) of the Export Administration Regulations (EAR) (15 CFR Parts 730-774), items requiring a license from the Bureau of Industry and Security are subject to a general policy of denial, with certain exceptions. The January 27, 2016 rule created a new exception to the general policy of denial, establishing a case-by-case review policy for exports and reexports of items to meet the needs of the Cuban people. However, the general policy of denial still applies to exports and reexports of items to Cuba for use by state-owned enterprises, agencies, or other organizations of the Cuban government that

primarily generate revenue for the state, such as those engaged in tourism or the extraction or production of minerals or other raw materials.

29. How does the Bureau of Industry and Security define “artistic endeavors”?

For purposes of the case-by-case licensing policy for items to meet the needs of the Cuban people in § 746.2(b)(3)(i) of the Export Administration Regulations (EAR) (15 CFR Parts 730-774), artistic endeavors could include the creation of public content, historic and cultural works, and preservation. License applications to export or reexport such items must explain how the items would be used for artistic endeavors to meet the needs of the Cuban people.

30. Public health and sanitation are listed in the case-by-case review policy in the amended regulations. Does this mean that the licensing policy for medicine and medical devices has changed?

No, applications to export to Cuba medicines and medical devices, as defined in Part 772 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774), continue to be generally approved, except in certain circumstances specified in § 746.2(b)(1) of the EAR. No changes have been made to the licensing policy for medicine and medical devices.

VI. Physical and Business Presence

31. Can persons authorized to establish a physical presence in Cuba receive exports and reexports of eligible items to support their presence?

Paragraph (e)(1) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes exports and reexports to Cuba of certain items for use by specified persons to establish and maintain a physical or business presence in Cuba. Please note that separate authorization is required for exports, reexports, or transfers (in-country) of items that would be sold, donated, or otherwise used by other persons.

VII. Communications

32. What telecommunications and internet-related items may I sell to Cuba?

License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the export and reexport to Cuba of certain items, including equipment, intended to improve the free flow of information to, from, and among the Cuban people. Paragraph (d)(1) authorizes certain the export or reexport to Cuba of items for telecommunications infrastructure creation and upgrades. Items eligible for export or reexport to Cuba are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons.

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Paragraph (d)(4) of License Exception SCP (15 CFR § 740.21) authorizes the export or reexport of certain commodities and software to individuals and private sector entities in Cuba that will be used to develop software that will improve the free flow of information or that will support private sector activities described in paragraph (b) of License Exception SCP. The Cuban Government, Cuban Communist Party and certain officials thereof are designated as ineligible end users for commodities and software exported under paragraph (d)(4). Additionally, commodities and software authorized for export or reexport under this paragraph (d)(4) are limited to those that are either EAR99 (*i.e.*, items subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) but not specified in any Export Control Classification Number (ECCN)) or controlled on the Commerce Control List (CCL) for anti-terrorism reasons only.

License Exception Consumer Communications Devices (CCD) (15 CFR § 740.19) now authorizes the export and reexport to Cuba of certain consumer communications items for use by eligible recipients. License Exception CCD specifies the eligible items by description and Export Control Classification Number (ECCN).

Please see License Exceptions SCP and CCD for additional information. If your transaction is not eligible for one of those license exceptions, you may submit an export license application to the Department of Commerce's Bureau of Industry and Security (BIS). BIS accepts applications through its online portal, SNAP-R.

33. May I sell telecommunications infrastructure equipment to Cuban government owned, operated, or controlled companies and corporations?

Yes. Subject to the terms and conditions of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21), certain items may be sold to Cuban government owned, operated, or controlled companies and corporations for telecommunications infrastructure creation and upgrades. Items eligible for export or reexport to Cuba pursuant to this portion of License Exception SCP are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons. If your transaction is not eligible for that license exception, you may submit an export license application to the Bureau of Industry and Security (BIS). BIS accepts applications through its online portal, SNAP-R.

34. Are all exports of telecommunications items to Cuba now subject to a general policy of approval?

The general policy of approval applies to telecommunications items that would improve communications to, from, and among the Cuban people. Note that certain exports or reexports of telecommunications items to Cuba are eligible for License Exception Support

for the Cuban People (SCP) (15 CFR § 740.21) or License Exception Consumer Communications Devices (CCD) (15 CFR § 740.19). Please review other relevant frequently asked questions and the license exceptions for additional information.

35. May I sell consumer communications devices to Cuban government owned, operated, or controlled companies and corporations for resale to the Cuban people?

Yes. Consumer communications devices such as mobile phones, computers and related hardware and software may be sold to Cuban government owned, operated, or controlled companies and corporations for resale to the Cuban people. Please note that such items are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons; other items require an individual validated license.

36. What changes have been made to License Exception for Consumer Communications Devices (CCD)?

On January 16, 2015, License Exception CCD (15 CFR § 740.19) was amended to authorize commercial sales, in addition to donations, of eligible items. Additionally, technical revisions were made to more precisely track the current technical specifications for some of the specified items and to explicitly state that some items must be consumer items to be eligible for the license exception. On September 21, 2015, License Exception CCD was amended to remove a requirement that items exported or reexported pursuant to the license exception be sold or donated. This change is intended to support other types of transactions, such as leases and loans of eligible items for use by eligible end-users. On October 17, 2016, License Exception CCD was amended to revise the list of ineligible recipients.

37. What is the difference between eligible consumer communications items in License Exception Consumer Communications Devices (CCD) and those eligible for export under License Exception Support for the Cuban People (SCP)?

Certain consumer communications items listed in License Exception CCD (15 CFR § 740.19) would also be eligible for export under License Exception SCP (15 CFR § 740.21) to support independent economic activity, including mobile phones, consumer “information security” equipment and software, consumer computers, modems, and network access controllers. Under certain circumstances, both license exceptions may apply and in those cases either may be relied on for authorization.

38. What changes have been made with regard to the export and reexport of items for use by news media?

Paragraphs (d)(2) and (d)(3) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the export and reexport to Cuba without a license of certain items for use by news media personnel and U.S. news bureaus engaged in the gathering and dissemination of news to the general public. Please note that such items are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons; other items require an individual validated license.

39. Do I need a license to export commodities and software to Cuba for use in software development?

Paragraph (d)(4) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes exports and reexports of certain commodities and software to individuals and private sector entities in Cuba that will be used to develop software that will improve the free flow of information or that will support private sector activities described in paragraph (b) of License Exception SCP. The Cuban Government, Cuban Communist Party and certain officials thereof are designated as ineligible end users for commodities and software exported under paragraph (d)(4). Additionally, commodities and software authorized for export or reexport under this paragraph (d)(4) are limited to those that are either EAR99 (*i.e.*, items subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) but not specified in any Export Control Classification Number (ECCN)) or controlled on the Commerce Control List (CCL) for anti-terrorism reasons only.

40. Can I now lease or loan eligible items under License Exception Consumer Communications Devices (CCD)?

Yes, if the items and end-users qualify for License Exception CCD (15 CFR § 740.19). On September 21, 2015, License Exception CCD was amended to remove a requirement that items exported or reexported pursuant to the license exception be sold or donated. This change is intended to support other types of transactions, such as leases and loans of eligible items for use by eligible end-users.

VIII. State Sponsor of Terrorism Rescission

41. Since Cuba is no longer a State Sponsor of Terrorism, what changes have been made to the Export Administration Regulations (EAR)?

On July 22, 2015, the Bureau of Industry and Security (BIS) published a rule in the Federal Register to implement the rescission of Cuba's State Sponsor of Terrorism

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designation. The rule removed anti-terrorism (AT) license requirements from Cuba and eliminated references to Cuba as a State Sponsor of Terrorism in the EAR (15 CFR Parts 730-774), while maintaining preexisting license requirements for all items subject to the EAR unless authorized by a license exception. The rule also removed Cuba from Country Group E:1 (terrorist supporting countries) in Supplement No. 1 to Part 740 of the EAR, making Cuba eligible for a general 25 percent *de minimis* level and additional portions of License Exceptions Servicing and Replacement of Parts and Equipment (RPL) (15 CFR § 740.10); Governments, International Organizations, International Inspections under the Chemical Weapons Convention, and the International Space Station (GOV) (15 CFR § 740.11); Baggage (BAG) (15 CFR § 740.14); and Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15). However, consistent with the comprehensive embargo on trade with Cuba, a license is still required to export or reexport to Cuba any item subject to the EAR unless authorized by a license exception specified in § 746.2(a)(1) of the EAR. License applications submitted to BIS are reviewed pursuant to the licensing policy in § 746.2(b) of the EAR.

42. Does the rescission of Cuba’s State Sponsor of Terrorism designation mean items controlled for anti-terrorism reasons no longer require a license for export or reexport to Cuba?

No. Consistent with the comprehensive embargo on trade with Cuba, a license is still required to export or reexport to Cuba any item subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) unless authorized by a license exception specified in § 746.2(a)(1), including any item controlled on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) only for anti-terrorism (AT) reasons. The license requirements and licensing policy for Cuba are specified in § 746.2 of the EAR.

43. I have licenses with conditions that refer to Country Group E:1. Since Cuba is no longer in Country Group E:1, does that mean the conditions specific to Country Group E:1 no longer apply to Cuba?

No. The rule that removed Cuba from Country Group E:1 also created General Order No. 3 in Supplement No. 1 to Part 736 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774). General Order No. 3 specifies that all conditions that apply to Country Group E:1 on licenses issued prior to July 22, 2015, that are in effect on that date, are revised to apply to Country Groups E:1 and E:2 as specified in Supplement No. 1 to Part 740 of the EAR. Since Cuba is in Country Group E:2, those conditions continue to apply to Cuba. If you seek authorization for a transaction that is affected by General Order No. 3, you may submit a license application that refers to General Order No. 3 and

explains the reason for the request in Block 24 of the application. All license applications involving Cuba are reviewed pursuant to the licensing policy in § 746.2(b) of the EAR. The request should provide any available information in support of the argument that the transaction would be consistent with the licensing policy in § 746.2(b) of the EAR.

44. My foreign-made products contain less than 25 percent U.S.-origin content. Do I still need a license to reexport to Cuba?

If your foreign-made products contain 25 percent or less U.S.-origin controlled content by value, then they *may* not be subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) if exported from abroad to Cuba. Please review Part 734 of the EAR for additional information, including exceptions to the general 25 percent *de minimis* rule and guidelines for *de minimis*.

45. Do I need a license to export replacement parts to Cuba?

Your transaction may be eligible for paragraph (a) of License Exception Servicing and Replacement of Parts and Equipment (RPL) (15 CFR § 740.10). That provision authorizes certain exports and reexports associated with one-on-one replacement of parts, components, accessories, and attachments. With the removal of Cuba from Country Group E:1 (terrorist sponsoring countries), Cuba is no longer subject to the exclusions to License Exception RPL in paragraphs (a)(3)(iv)-(vi) relating to aircraft, commodities controlled for national security (NS) reasons, explosives detection equipment and software, and concealed object detection equipment and software.

46. What was the effect of the rescission on License Exception Governments, International Organizations, International Inspections under the Chemical Weapons Convention, and the International Space Station (GOV)?

Since Cuba is no longer in Country Group E:1, the following restrictions in License Exception GOV (15 CFR § 740.11) no longer apply to Cuba:

- Paragraphs (a)(2)(iv) and (d)(4), which restricts access by Country Group E:1 nationals to certain computers used for authorized international safeguards, inspections, and verification activities;
- Paragraph (e)(7)(i), which precludes the export, reexport, or transfer (in-country) to Country Group E:1 nationals of items used to support of the International Space Station (ISS); and paragraph (e)(8)(iii), which precludes the return of parts for the ISS to destinations in Country Group E:1.

47. What was the effect of the rescission on License Exception Baggage (BAG)?

Since Cuba is no longer in Country Group E:1, the following restrictions in License Exception BAG (15 CFR § 740.14) no longer apply to Cuba:

- Paragraph (f)(1), which authorizes certain exports and reexports of encryption commodities and software subject to Encryption Items (EI) controls on the Commerce Control List by United States citizens and permanent resident aliens to destinations other than Country Group E:1;
- Paragraph (f)(2), which authorizes such exports and reexports by individuals other than nationals of a country in Country Group E:1; and
- Paragraph (g), which authorizes certain exports and reexports of technology by U.S. persons, but excludes in paragraph (g)(4) exports and reexports of encryption technology controlled in Export Control Classification Number (ECCN) 5E002 to destinations in Country Group E:1.

48. Now that Cuba is no longer a State Sponsor of Terrorism, do I need a license to sell items to the Cuban government or Cuban state-owned enterprises?

A license is still required to export or reexport to Cuba any item subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) unless authorized by a license exception specified in § 746.2(a)(1).

IX. Vessels and Aircraft

49. Do I need an export license to sail my boat to Cuba?

You do not need an export license to sail your boat to Cuba if your temporary sojourn is eligible for paragraph (d)(6) of License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15). That paragraph authorizes certain temporary sojourns to Cuba, including temporary sojourns of recreational vessels that are used in connection with travel authorized by the Department of the Treasury's Office of Foreign Assets Control (OFAC). However, you must submit a license application to the Bureau of Industry and Security if your vessel would remain in Cuba for longer than 14 consecutive days before departing for a country to which the vessel could be exported without a license or to the United States.

50. Are cargo and passenger vessels destined for Cuba eligible for License Exception Aircraft, Vessels and Spacecraft (AVS)?

Yes, provided all of the terms and conditions paragraph (d)(6) of License Exception AVS (15 CFR § 740.15) are met. That paragraph authorizes temporary sojourns to Cuba of the following types of vessels for the specified purposes: (1) cargo vessels for hire for use in the transportation of items; (2) passenger vessels for hire for use in the transportation of passengers and/or items; and (3) recreational vessels that are used in connection with travel authorized by the Department of the Treasury's Office of Foreign Assets Control (OFAC). However, you must submit a license application to the Bureau of Industry and Security if your vessel would remain in Cuba for longer than 14 consecutive days before departing for a country to which the vessel could be exported without a license or to the United States. Additionally, vessels used to transport both passengers and items to Cuba may transport automobiles only if the export or reexport of the automobiles to Cuba have been authorized by a separate license issued by the Bureau of Industry and Security (*i.e.*, not authorized by license exception).

51. May I fly my aircraft to Cuba and remain there for more than one day?

You do not need an export license to fly aircraft to Cuba if your temporary sojourn is eligible for paragraph (a) of License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15). General aviation now qualifies for License Exception AVS in order to fly to Cuba, provided that all of the terms and conditions of the license exception are met. However, you must submit a license application to the Bureau of Industry and Security if your aircraft would remain in Cuba for longer than seven consecutive days before departing for a country to which the aircraft could be exported without a license or to the United States. Please note that persons subject to the jurisdiction of the United States, including crew, must be separately authorized to travel to Cuba by the Department of the Treasury's Office of Foreign Assets Control (OFAC).

52. Does general aviation qualify for License Exception Aircraft, Vessels and Spacecraft (AVS) in order to fly to Cuba?

General aviation now qualifies for License Exception AVS (15 CFR § 740.15) in order to fly to Cuba, provided that all of the terms and conditions of the license exception are met. With the removal of Cuba from Country Group E:1, there is no longer a requirement for U.S.-registered aircraft destined for Cuba to apply for a license.

53. What changes did the January 27, 2016 rule make to the existing licensing policy for civil aviation safety?

The rule established a general policy of approval for exports and reexports to Cuba of items necessary to ensure the safety of civil aviation and the safe operation of commercial aircraft engaged in international air travel, including the export or reexport of such aircraft leased to state-owned enterprises. This change was a revision to the case-by-case review policy for items necessary to ensure the safety of civil aviation and the safe operation of commercial passenger aircraft that was created on September 21, 2015.

54. Are cargo aircraft eligible for the general policy of approval for civil aviation?

Yes, cargo aircraft are eligible for the general policy of approval for exports and reexports of items necessary to ensure the safety of civil aviation and the safe operation of commercial aircraft engaged in international air transportation.

55. If I have a pending license application for a vessel that now qualifies for License Exception Aircraft, Vessels and Spacecraft (AVS), will my application still be processed?

If, based upon the information included in your application, the proposed temporary sojourn appears to meet all the terms and conditions of License Exception AVS (15 CFR § 740.15), the Bureau of Industry and Security will return your license application without action (RWA). However, you are ultimately responsible for ensuring that you meet all of the terms and conditions of the license exception.

56. If I travel to Cuba on a ferry, may I take my automobile?

You may not take an automobile when traveling to Cuba on a ferry without an export license from the Bureau of Industry and Security (BIS). BIS generally would not approve such an application.

57. May I transit Cuba with cargo destined for other countries?

Vessels or aircraft on temporary sojourn to Cuba may transport authorized cargo from the United States to Cuba and then travel to other countries with any remaining cargo that was unloaded in the United States, provided the terms and conditions of paragraph (e) of License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15) are met *and* the cargo is properly authorized for export to the country of ultimate destination.

58. May I transfer cargo to another vessel or aircraft in Cuba?

No. Pursuant to General Prohibition Eight in § 736.2 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774), you may not transfer cargo in Cuba to another vessel or aircraft without authorization from the Bureau of Industry and Security (BIS) if the cargo is subject to the EAR. BIS generally would not approve such a transfer in Cuba.

59. What restrictions apply to cargo transiting Cuba?

To be eligible for paragraph (e) of License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15), cargo laden on board an aircraft or vessel may transit Cuba provided that:

- the aircraft or vessel is exported or reexported on temporary sojourn to Cuba pursuant to paragraph (a) or paragraph (d) of License Exception AVS respectively, or a license from the Bureau of Industry and Security (BIS); and
- the cargo departs with the aircraft or vessel at the end of its temporary sojourn to Cuba, is not removed from the aircraft or vessel for use in Cuba and is not transferred to another aircraft or vessel while in Cuba.

Additionally, certain restrictions on all license exceptions are specified in § 740.2 of the EAR.

X. Temporary Exports

60. May I temporarily reexport eligible items to Cuba in support of professional meetings?

Paragraph (c)(2) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes certain temporary reexports to Cuba. Paragraph (c)(2) previously authorized certain temporary exports of items to Cuba by persons departing the United States for use in scientific, archeological, cultural, ecological, educational, historic preservation, or sporting activities, or in the traveler's professional research. Now, travelers departing the United States or a foreign country may temporarily export or reexport authorized items to Cuba for eligible end-uses under paragraph (c)(2) of License Exception SCP, including professional meetings, provided all of the terms and conditions are met.

61. Do I need a license for the temporary export or reexport of items for my own use while engaged in scientific, archaeological, cultural, ecological, educational, historic preservation or sporting activities or professional meetings or research in Cuba?

No. Paragraph (c)(2) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the temporary (up to two years) export or reexport to Cuba by travelers for the travelers' use in scientific, archaeological, cultural, ecological, educational, historic preservation or sporting activities or professional meetings or research. Please note that paragraph (c)(2) also includes certain additional limitations that could affect your eligibility.

62. May I take my company-owned laptop or mobile device to Cuba under License Exception Support for the Cuban People (SCP)?

Paragraph (c)(2) of License Exception SCP (15 CFR § 740.21) authorizes certain temporary exports and reexports by travelers to Cuba for the travelers' use in professional meetings and research. Eligible items include company-owned or personally-owned laptops and mobile devices designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons. Please note that paragraph (c)(2) also includes certain additional limitations that could affect your eligibility.

63. Do I need an export license to exhibit my products at a trade show in Cuba?

No, provided the items are temporarily exported and you meet the other terms and conditions of paragraph (f)(4) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21).

64. Do I need an export license for tools that I would take to Cuba to install or repair equipment?

No, provided the items are eligible under paragraph (f) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21), are temporarily exported, and you meet the other terms and conditions of paragraph (f)(1) and/or (f)(2) of License Exception SCP.

65. If I travel to Cuba on a ferry, may I take my automobile?

You may not take an automobile when traveling to Cuba on a ferry without an export license from the Bureau of Industry and Security (BIS). BIS generally would not approve such an application.

XI. Civil Society

66. Do I need a license to export or reexport items to human rights organizations or non-governmental organizations in Cuba?

License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the export and reexport to Cuba of certain items without a license to human rights organizations, individuals, or non-governmental organizations that promote independent activity intended to strengthen civil society. Please note that such items are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons; other items require an individual validated license.

67. Do I need a license to export or reexport *donated* items for use by the Cuban people?

License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the export and reexport to Cuba of certain *donated* items without a license for use in scientific, archaeological, cultural, ecological, educational, historic preservation or sporting activities. The activities may not relate to the development, production, use, operation, installation maintenance, repair, overhaul or refurbishing of any item enumerated or otherwise described on the United State Munitions List (USML) (22 CFR Part 121) or the Commerce Control List (CCL) unless the only reason for control that applies to the item as set forth in the Export Control Classification Number (ECCN) that controls the item is anti-terrorism (AT) reasons.

XII. Agricultural Commodities, Medicines, and Medical Devices

68. Have any changes been made with regard to the export and reexport to Cuba of agricultural commodities?

No. The terms and conditions of License Exception Agricultural Commodities (AGR) (15 CFR § 740.18) continue to apply. Notifications of intent to export/reexport eligible agricultural commodities may be submitted through the Bureau of Industry and Security's online portal, SNAP-R (<http://www.bis.doc.gov>).

69. When do I have to sign the contract for exports of agricultural commodities to Cuba?

Pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000, you must sign the contract within 12 months of receiving authorization from the Bureau of Industry and Security (BIS) to export agricultural commodities to Cuba. You have an additional 12 months from the signing of the contract to export the agricultural commodities to Cuba. Alternatively, you may sign the contract before receiving export authorization from BIS, but you are still required to obtain BIS authorization prior to exporting the agricultural

commodities and must export them within 12 months of the signing of the contract. However, you are not required to sign a contract for exports to Cuba of agricultural commodities that are donated or commercial samples, but you must still obtain BIS authorization to export them and must do so within 12 months of receiving BIS authorization. License Exception Agricultural Commodities (AGR) (15 CFR § 740.18) includes an expedited review process for exports of agricultural commodities to Cuba.

70. Have any changes been made with regard to the export and reexport to Cuba of medicine and medical devices?

No. As specified in § 746.2(b)(1) of the Export Administrations Regulations (EAR) (15 CFR Parts 730-774), medicine and medical devices continue to require an individual validated license. Exporters/reexporters may submit an export license application to the Bureau of Industry and Security through its online portal, SNAP-R (<http://www.bis.doc.gov>). Applications for the export/reexport of medicine and medical devices will generally be approved subject to certain limited exceptions.

71. Public health and sanitation are listed in the case-by-case review policy in the amended regulations. Does this mean that the licensing policy for medicine and medical devices has changed?

No, applications to export to Cuba medicines and medical devices, as defined in Part 772 of the Export Administration Regulations (EAR) (15 CFR Parts 730-774), continue to be generally approved, except in certain circumstances specified in § 746.2(b)(1) of the EAR. No changes have been made to the licensing policy for medicine and medical devices.

XIII. Environmental Protection

72. Do I need a license to sell items necessary for environmental protection to Cuba?

Yes. The export and reexport of items necessary for environmental protection require a license. You may submit an export license application to the Bureau of Industry and Security through its online portal, SNAP-R (<http://www.bis.doc.gov>). Applications for items necessary for the environmental protection of U.S. and international air quality, waters and coastlines (including items related to renewable energy or energy efficiency) will generally be approved. No license exception applies.

XIV. Consolidated Shipments and Gift Parcels

73. What responsibilities do consolidators retain pursuant to the Export Administration Regulations?

Given that an authorization is required for the export or reexport to Cuba of all items subject to the Export Administration Regulations (EAR) (15 CFR Parts 730-774), the consolidator must know which authorization (*i.e.*, the relevant license exception or an individual validated license) applies to the consolidated shipment. Additionally, consolidators and other parties involved in exports and reexports have general compliance responsibilities (*e.g.*, recordkeeping requirements) specified in the EAR.

74. What changes have been made with regard to gift parcels?

License Exception Gift Parcels and Humanitarian Donations (GFT) (15 CFR § 740.12) was amended to remove the note that excluded from eligibility consolidated shipments of multiple parcels for delivery to individuals residing in a foreign country. Now, individuals who wish to send gift parcels to Cuba do not have to search for parties that have received a license from the Bureau of Industry and Security authorizing consolidated shipments to Cuba. The list of ineligible recipients in Paragraph (a)(2)(v) of License Exception GFT was also amended.

XV. License Exception Usage and Eligibility

75. How do license exceptions relate to license requirements and licensing policy for Cuba in the Export Administration Regulations?

A license exception is an exception to the license requirement that would otherwise apply to the transaction. Thus if a license exception is available, requirements for a license and licensing policy specified in § 746.2 do not apply. For Cuba, only the license exceptions listed in § 746.2(a)(1) of the Export Administration Regulations (EAR) (15 CFR Parts 730-774) may be used. The transaction must meet all of the terms of the license exception and must not be prohibited by § 740.2 of the EAR. Persons who are unfamiliar with the structure of the EAR or the relationship of license exceptions to license requirements generally may wish to consult the Bureau of Industry and Security's online training room: <http://www.bis.doc.gov/index.php/compliance-a-training/export-administration-regulations-training>.

76. Do I need to notify the Bureau of Industry and Security prior to using a license exception available for Cuba?

The only license exception available for Cuba that requires prior notification is License Exception Agricultural Commodities (AGR) (15 CFR § 740.18). However, you should read 15 CFR §§ 740.1 and 740.2 for general information regarding the use of license exceptions and read the specific terms and conditions of the license exception that you want to use. You are responsible for making sure that your transaction meets the terms and conditions of the license exception.

77. Do I have to file an AES record in order to use a license exception?

The Bureau of Industry and Security's Export Administration Regulations (EAR) (15 CFR Parts 730-774) and the Census Bureau's Foreign Trade Regulations (FTR) (15 CFR 30) contain certain export clearance and recordkeeping requirements. In many instances, such as when using License Exceptions Support for the Cuban People (SCP) (15 CFR § 740.21) and Consumer Communications Devices (CCD) (15 CFR § 740.19), you are required to file Electronic Export Information (EEI) in the Automated Export System (AES) (15 CFR § 758.1(b)). Bear in mind that when citing a license exception in the EEI filing to AES, the exporter is representing to the United States Government that the export is in accordance with the terms and conditions of the license exception cited. Exporters should be sure of the facts related to the transaction before making such a representation.

78. What changes does the October 17, 2016 rule make to the lists of ineligible recipients in certain license exceptions? (NEW)

The October 17, 2016 rule revises the lists of Cuban government and Cuban Communist Party officials that are ineligible for provisions of three license exceptions: individual gift parcels (GFT, § 740.12(a) of the EAR), consumer communications devices (CCD, § 740.19 of the EAR), and software and commodities that will be used by the private sector or by individuals to improve the free flow of communications or support certain private sector activities in Cuba (SCP, § 740.21(d)(4) of the EAR). This rule limits ineligible recipients to members of the Council of Ministers, flag officers of the Revolutionary Armed Forces, and members of the Politburo. BIS is revising these lists to correspond to amendments that the Department of the Treasury's Office of Foreign Assets Control (OFAC) is making to its definitions of prohibited officials of the Government of Cuba and prohibited members of the Cuban Communist Party in §§ 515.337 and 515.338 of the Cuban Assets Control Regulations (CACR) (31 CFR Part 515), respectively.

XVI. Technology

79. Is a deemed export or deemed reexport license required for the release of EAR99 technology or source code to a Cuban National in the United States or a third country?

No. A deemed export or deemed reexport license is no longer required for the release of EAR99 technology or source code to a Cuban national in the United States or in a third country. However, a license is still required for the release of technology or source code on the Commerce Control List (including those controlled for anti-terrorism reasons only) to Cuban nationals within the United States or in a third country.

XVII. Foreign-Made Items

80. Do I need separate authorization from the Department of the Treasury to export to Cuba foreign-made items from the United States or reexport to Cuba items that are not 100 percent U.S.-origin from a third country?

Both the Department of Commerce's Bureau of Industry and Security (BIS) and the Department of the Treasury's Office of Foreign Assets Control (OFAC) administer Cuba sanctions pursuant to the Export Administration Regulations (EAR) (15 CFR Parts 730-774) and the Cuban Assets Control Regulations (CACR) (31 CFR Part 515), respectively. Most export or reexport transactions require general or specific authorizations from both BIS and OFAC. OFAC has issued a general license authorizing all transactions ordinarily incident to the exportation of items from the United States, or the reexportation of 100 percent U.S.-origin items from a third country, to any person in Cuba, provided that the exportation is licensed or otherwise authorized by BIS. *See* 31 CFR § 515.533.

Accordingly, for those BIS-licensed exports or reexports, further OFAC authorization generally is not needed. However, in some cases, a specific license from OFAC may be required in connection with BIS-authorized exports or reexports. For example, although BIS may authorize the export to Cuba of foreign-made items from the United States, persons may require a specific license from OFAC for the initial importation into the United States of items specifically intended for export to Cuba. Additionally, even if BIS has authorized the reexport of items that are not 100 percent U.S.-origin to Cuba, persons subject to U.S. jurisdiction would also require a specific license from OFAC to reexport the items, and OFAC's consideration of applications for such licenses may be subject to statutory restrictions. *See* 31 CFR § 515.559.