

COLUMBIA UNIVERSITY
INTERDEPARTMENTAL MEMORANDUM
OFFICE OF PROJECTS AND GRANTS
254 Engineering Terrace; MC 2205
(t) 212 854-6851; (f) 212-854 2738

July 2, 2004
OPG: 6145

To: All Principal Investigators, Department Administrators

Subject: Travel to Cuba Prohibited Without Explicit Prior OPG Approval

The U. S. Treasury Department’s Office of Foreign Assets Control (“OFAC”) Cuban Assets Control Regulations have been amended to **severely restrict** the ability of individuals to travel to Cuba. These amendments, announced in the June 16, 2004 *Federal Register*, were immediately effective. The following summarizes the new rules applicable to academic travel to Cuba.

Travel to Cuba without a general or specific license is presumptively a violation of the U.S. embargo against Cuba, which could result in **personal** civil and criminal penalties.

Fully Hosted Travel Now Prohibited – OFAC has rescinded regulations that once allowed U.S. persons to travel to Cuba as long as their expenses were covered by a Cuban or other non-U.S. entity. Now, the receipt of goods and services in Cuba, even if provided free-of-charge, is prohibited *unless* travel in Cuba is covered by a general or specific license.

I. General Licenses for Cuba Travel

A. Travel Directly Incident to Professional Research

If academic travel to Cuba meets each of the criteria below, then an academic professional has a “general license” to travel to Cuba. In other words, he or she does not need to obtain any specific approval from OFAC before traveling to Cuba. In order to obtain a general license for travel to Cuba:

1. Travel must be directly incident to professional research;
2. The traveler must be a full-time professional;
3. Travel to Cuba must be for the purpose of conducting professional research in the traveler’s professional area of expertise;
4. The research must be of a noncommercial, academic nature;
5. The research must comprise a full work schedule in Cuba;
6. The research must have a substantial likelihood of public dissemination; and
7. None of the general prohibitions in Part III below apply.

B. Travel to Attend a Professional Meeting or Conference

An academic professional has a general license to travel to Cuba in order to attend a professional meeting or conference and need not obtain OFAC's approval for such travel, if all of the following criteria apply:

1. Travel must be directly incident to attendance at a professional meeting or conference;
2. The traveler must be a full-time academic professional;
3. The meeting or conference must be organized by an international professional organization, institution or association that regularly sponsors meetings in countries other than Cuba;
4. The sponsoring organization cannot have its headquarters in the United States unless it is specifically licensed by OFAC to sponsor a meeting in Cuba;
5. The purpose of the meeting or conference may not be the promotion of tourism in Cuba or other commercial activities involving Cuba;
6. The primary purpose of the meeting or conference may not be to foster production of biotechnological products; and
7. None of the general prohibitions in Part III below apply.

II. Specific Licenses

If a professional researcher or a student does **not** qualify for a general license under Part I.A or I.B above, the researcher may apply for a "specific license" from OFAC. OFAC issues specific licenses on a case-by-case basis, which may involve substantial delay. Please contact Beth Israel, Executive Director, Office of Projects and Grants in order to learn more about applying for an OFAC specific license for travel to Cuba.

A. Professional Research or Academic Meetings

OFAC will consider applications for a specific license to conduct academic research in Cuba or attend a professional academic conference in Cuba. But no specific license is available for travel to a conference sponsored by the Cuban government or concerning the production of biotechnological products.

B. Educational Activities

OFAC may issue a specific license to accredited U.S. academic institutions allowing its enrolled students or full-time permanent employees to travel to Cuba for up to one year. Particularly, under a specific license, students and employees of the accredited institution may:

- Participate in an educational program sponsored by the U.S. institution in Cuba, as long as the course lasts a full term (not less than 10 weeks).

- Engage in noncommercial academic research in Cuba for the purpose of obtaining a graduate degree.
- Participate in a formal course of study at a Cuban academic institution (no less than 10 weeks in duration), if accepted for credit toward the student's degree from the U.S. institution.
- Teach at a Cuban academic institution (for no less than 10 weeks) on a subject related to an academic program at the Cuban institution, as long as the traveler also regularly teaches at the U.S. institution.
- Sponsor a Cuban scholar to teach or engage in other scholarly activity at the U.S. institution.
- Organize and coordinate these activities.

In most cases, persons traveling to or from Cuba under these specific licenses must carry a letter stating the license number and certain other facts. For more information, contact Richard Tudisco, Associate Provost and Director, International Student & Scholars Office, x43587 or via email at rbt3@columbia.edu. Recordkeeping and reporting requirements may also apply.

C. Other Specific Licenses

OFAC will grant specific licenses for other educational activities on a case-by-case basis. Tourism-based travel generally will not be authorized.

III. Transactions Allowed & Prohibited Under A License

If a researcher qualifies for a general license under Part I.A or I.B, or obtains a specific license under Part II, then he or she may engage in transactions involved in traveling to and from Cuba, covering living expenses in Cuba, and so forth. Nonetheless, detailed rules restrict these transactions. For example, U.S. persons generally may not bring Cuban merchandise back to the United States for personal consumption. For more information, U.S. persons traveling to Cuba should contact Beth H. Israel, OPG.

General Prohibitions – Certain types of Cuba travel by academic professionals is always barred. If a researcher's itinerary includes tourist travel, pursuit of a hobby, research for personal satisfaction only (i.e., not intended to produce academic publications), or academic activities outside the researcher's field of expertise, then the trip as a whole is prohibited.

The licenses discussed above that allow academic travel to Cuba apply to individuals, not *groups*. In other words, even if OFAC allows one academic professional in a group to travel to Cuba, other persons in his or her party would be barred unless they individually qualify for a license.

In order to ensure the University (and its employees) are in compliance with these complicated regulations, effective immediately all travel to Cuba (by faculty, researchers, graduate students, etc.) requires explicit prior written approval from OPG

whether or not the need for such travel was detailed in an approved proposal and/or budget.

Beth H. Israel
Executive Director

cc: Dr. David I. Hirsh
Mr. Richard Tudisco
Mr. Howard Jacobson
Ms. Elizabeth Keefer
Ms. Jane Booth