September 1, 2017

Ms. Samantha Sultoon  
Office of Foreign Assets Control  
U.S. Department of the Treasury  
Treasury Annex  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

Re: Anticipated Changes to the Cuban Assets Control Regulations (CACR)

Dear Ms. Sultoon:

The Association of University Export Control Officers (AUECO) respectfully submits this letter in anticipation of forthcoming revised regulations implementing the National Security Presidential Memorandum on Strengthening the Policy of the United States toward Cuba issued June 16, 2017. The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) has done an excellent job facilitating the educational and research endeavors of U.S. Institutions of Higher Education (IHE) in Cuba, in large part by minimizing the need for specific licenses that can be cumbersome not only for the regulated community, but also for Government licensing offices. As discussed further below, AUECO respectfully encourages OFAC to continue preserving and advancing U.S. and Cuban IHE and research institution relationships in a manner consistent with U.S. foreign policy goals.

AUECO is an association of over 200 senior export control professionals with compliance responsibility at over 140 institutions of higher education within the United States. AUECO is committed to monitoring changes in the administration of export and sanctions laws and regulations that may impact the unique nature of higher education, including academic and research collaborations.

**Preservation of Partnerships**

Thanks in large part to the current general licenses for *bona fide* research and educational activities,¹ students, scholars, and scientists at U.S. IHEs have a vested interest in collaborations with Cuban IHEs and research institutions. In order to prevent those collaborations from becoming unduly restricted or even unworkable, we suggest that Cuban IHEs, research institutions, and health and education officials be specifically excluded from the revised definition of “prohibited officials of the Government of Cuba.”²

---

¹ 31 C.F.R. §§ 515.564 and 515.565.  
² 31 C.F.R. § 515.337.
(In the alternative, an explicit carve-out could be included in a current general license to allow the continued involvement and investment in relationships with Cuban IHEs and research institutions.) If the definition of “prohibited officials of the Government of Cuba” is categorically adjusted to include Ministers, Vice-Ministers, or other officials of the Ministry of Education and Ministry of Public Health going forward, relationships between U.S. and Cuban IHEs and research institutions could be grievously impacted.

**Preservation of General Licenses**

OFAC should try to avoid, to the extent practicable, the unnecessary imposition of new restrictions on existing general licenses. Subsection 3(a)(iii)(H) of the Presidential Memorandum states that the “regulatory changes shall not prohibit transactions that the Secretary of the Treasury . . . determines . . . otherwise further the national security or foreign policy interests of the United States.” As the U.S. Government has recognized for years, positive academic and professional research exchanges with Cuban IHEs, research institutions, scientists, scholars, and students further U.S. foreign policy interests.

While the expected changes to individual, non-academic people-to-people travel are likely to have little effect on university research and educational travel, it is possible other changes might unduly impact currently authorized academic activities. We ask that OFAC take care to preserve the general licenses outlined in subsection 515.565(a), allowing travel to Cuba for legitimate educational purposes, and section 515.564, permitting travel for professional research and meetings.

Of particular concern is the potential effect of the Department of State’s planned list of restricted entities controlled by the Cuban military, intelligence, or security services. Such entities could include hotels and other venues at which academic conferences might be held. To avoid unintended consequences of this list of prohibited entities, we suggest that OFAC consider adding a provision to the general licenses at sections 515.564 and 515.565 that would allow payment for lodging, food, and other living expenses at Cuban hotels and other meeting locations, even if they appear on the Department of State’s list. Such a provision would spare both U.S. IHEs and OFAC the sudden and unnecessary burden of dealing with specific licenses to attend academic conferences—an activity OFAC has generally licensed (with some adjustments) since 1999.

* * *

---

3 31 C.F.R. § 515.565(a).
4 31 C.F.R. § 515.564(a).
5 If necessary, OFAC could limit the proposed provision to specified pre-approved entities at which conferences are routinely held, or those not controlled by particularly problematic organizations.
AUECO appreciates OFAC’s willingness to consider input from stakeholders, and the opportunity to submit this comment letter.

Please don’t hesitate to email us at contact@aueco.org with any questions about this submission. Thank you.

With best regards,

J. Patrick Briscoe

Chair
Association of University Export Control Officers
Website:  http://aueco.org