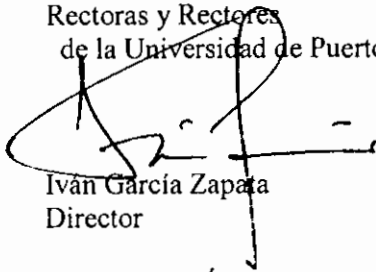


12 de agosto de 2008

Administración
Central
Universidad de
Puerto Rico

20 AUG 2008 10:45 RECIBIDO 9.5

Rectoras y Rectores
de la Universidad de Puerto Rico



Iván García Zapata
Director

**ORGANIZACIÓN DE CURSOS DE ESTUDIOS EN CUBA
CON MENOS DE DIEZ SEMANAS DE DURACIÓN**

El Departamento del Tesoro Federal de los Estados Unidos, a través de su dependencia, *Office of Foreign Assets Control (OFAC)*, ha autorizado a la Universidad de Puerto Rico (UPR) a organizar y promover cursos de estudio en acuerdo con organizaciones educativas en Cuba, por medio de una licencia institucional otorgada a esos efectos. Esta licencia se ha concedido en función de lo establecido en las directrices sobre viajes a Cuba contenidas en la reglamentación federal aplicable, 31 C.F.R. § 515.565.



A los fines de aclarar el marco normativo aplicable a las actividades académicas bajo esta licencia, traigo a su atención que conforme los términos de la misma, los cursos que se interesen coordinar con cualquier institución educativa con sede en Cuba, tanto aquellos dirigidos a estudiantes como a personal docente de la Universidad, tienen que tener un período de duración, como mínimo, de diez semanas calendarios. La coordinación de un curso, bien sea para docentes o estudiantes, con una duración menor a diez semanas calendarios requiere de la aprobación previa del OFAC y no puede tramitarse o promoverse usando la licencia institucional que la Universidad de Puerto Rico tiene al presente.

De otra parte, traigo a su atención que ni bajo la referida licencia institucional concedida a la Universidad, como tampoco bajo cualquier acuerdo de intercambio académico realizado en función de dicha licencia, se permite organizar, promover o auspiciar la participación del personal docente o estudiantes de la Universidad en actividades de tipo académico, a ser impartidas en instituciones educativas con base en Cuba, cuando éstas tengan menos de diez semanas de duración. Esta prohibición es aplicable tanto a los casos de actividades de tipo académico, organizadas de forma directa por instituciones educativas con base en Cuba, como aquellas organizadas mediando algún tipo de auspicio de la Universidad. Para esta clase de actividades académicas, es necesario que la unidad académica interesada gestione y obtenga la correspondiente autorización específica del OFAC.

De tener alguna interrogante sobre el particular, quedo a sus órdenes.

mdcg

c Lic. Antonio García Padilla

Oficina de
Asuntos Legales

08-33988

Jardín Botánico Sur
1187 Calle Flamboyán
San Juan, Puerto Rico
00926-1117

Tel. (787) 250-0000
Fax. (787) 250-0821

09-911

Text of Regulatory Provision for § 515.565:

§ 515.565 Educational activities.

(a) *Specific institutional licenses.* Specific licenses for up to one year in duration may be issued to an accredited U.S. undergraduate or graduate degree-granting academic institution authorizing the institution, its students enrolled in an undergraduate or graduate degree program at the institution, and its full-time permanent employees to engage, under the auspices of the institution, in the travel-related transactions set forth in § 515.560(c) and such additional transactions that are directly incident to:

(1) Participation in a structured educational program in Cuba as part of a course offered at the licensed institution, provided the program includes a full term, and in no instance includes fewer than 10 weeks, of study in Cuba. An individual planning to engage in such transactions must carry a letter from the licensed institution stating that the individual is a student currently enrolled in an undergraduate or graduate degree program at the institution or is a full-time permanent employee of the institution, stating that the Cuba-related travel is part of a structured educational program of the institution that will be no shorter than 10 weeks in duration, and citing the number of the institution's license;

(2) Noncommercial academic research in Cuba specifically related to Cuba and for the purpose of obtaining a graduate degree. A student planning to engage in such transactions must carry a letter from the licensed institution stating that the individual is a student currently enrolled in a graduate degree program at the institution, stating that the research in Cuba will be accepted for credit toward that degree, and citing the number of the institution's license;

(3) Participation in a formal course of study at a Cuban academic institution, provided the formal course of study in Cuba will be accepted for credit toward the student's undergraduate or graduate degree at the licensed U.S. institution and provided the course of study is no shorter than 10 weeks in duration. An individual planning to engage in such transactions must carry a letter from the licensed U.S. institution stating that the individual is a student currently enrolled in an undergraduate or graduate degree program at the U.S. institution, stating that the study in Cuba will be accepted for credit toward that degree and will be no shorter than 10 weeks in duration, and citing the number of the U.S. institution's license;

(4) Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at the licensed institution, provided the teaching activities are related to an academic program at the Cuban institution and provided that the duration of the teaching will be no shorter than 10 weeks. An individual planning to engage in such transactions must carry a written letter from the licensed U.S. institution stating that the individual is a full-time permanent employee regularly employed in a teaching capacity at the U.S. institution and citing the number of the U.S. institution's license;

(5) Sponsorship, including the payment of a stipend or salary, of a Cuban scholar to teach or engage in other scholarly activity at the licensed institution (in addition to those transactions authorized by the general license contained in § 515.571). Such earnings may be remitted to Cuba as provided in § 515.570 or carried on the person of the Cuban scholar returning to Cuba as provided in § 515.560(d)(3); or

(6) The organization of and preparation for activities described in paragraphs (a)(1) through (a)(5) of this section by a full-time permanent employee of the licensed institution. An individual engaging in such transactions must carry a written letter from the licensed institution stating that the individual is a full-time permanent employee of that institution and citing the number of the institution's license.

Note to paragraph (a): See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Exportation of equipment and other items, including the transfer of technology or software to foreign persons (“deemed exportation”), may require separate authorization from the Department of Commerce.

(b) *Other specific licenses.* Specific licenses may be issued to individuals on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and other transactions directly incident to the educational activities described in paragraphs (a)(2) and (a)(3) of this section but not engaged in pursuant to a specific license issued to an institution pursuant to paragraph (a) of this section.

(c) Transactions related to activities that are primarily tourist-oriented, including self-directed educational activities that are intended only for personal enrichment, are not authorized by this section.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

Cuban Assets Control Regulations

License No. CT-10110

L I C E N S E

(Granted under the authority of 50 U.S.C. App. 5(b), 22 U.S.C. 2370(a),
22 U.S.C. 6001 et seq., Proclamation 3447, and 31 CFR Parts 501 and 515)

To: **University of Puerto Rico (the "Licensee")**
Office of the President
1187 Calle Flamboyán
San Juan, Puerto Rico 00926-1117
Attn: Antonio García-Padilla, President

1. Pursuant to your application dated June 20, 2007, as supplemented August 2, 2007 (collectively, the "Application"), the following is hereby licensed:

*****SEE REVERSE*****

2. This license is granted upon the statements and representations made in your application, or otherwise filed with or made to the Treasury Department as a supplement to your application, and is subject to the conditions, among others, that you comply in all respects with all regulations, rulings, orders and instructions issued by the Secretary of the Treasury under the authority cited above and the terms of this license.

3. The Licensee shall furnish and make available for inspection any relevant information, records or reports requested by the Secretary of the Treasury or any duly authorized officer or agency of the Secretary.

4. This license expires on **November 15, 2008**, and is not transferable, is subject to the provisions of 31 C.F.R. Parts 501 and 515, and any regulations and rulings issued pursuant thereto and may be revoked or modified at any time at the discretion of the Secretary of the Treasury acting directly or through the agency through which the license was issued, or any other agency designated by the Secretary of the Treasury. Willful misrepresentation by you or your agent to secure this license is grounds for declaring it void from the date of its issuance, or from any other date, and may constitute a violation of law. 18 U.S.C. 1001. Violations of this license or other provisions of 31 C.F.R. Parts 501 or 515 may subject you to the penalties described in 31 C.F.R. §515.701. Attention is also directed to 18 U.S.C. 545, 19 U.S.C. 1592 and 1595a, and 50 U.S.C. App. 16.

5. This license does not excuse compliance with any law or regulation administered by the Office of Foreign Assets Control or another agency (including reporting requirements) applicable to the transactions(s) herein licensed, nor does it release Licensee(s) or third parties from civil or criminal liability for violation of any law or regulation.

Issued by direction and on behalf of the Secretary of the Treasury:

OFFICE OF FOREIGN ASSETS CONTROL

By Jeffrey R. Braunger
Jeffrey R. Braunger
Program Manager, Cuba Travel

11/13/07
Date

SECTION 1 – AUTHORIZATION: (a) This license authorizes the Licensee, students enrolled in an undergraduate or graduate degree program at the Licensee, and its full-time permanent employees to engage in travel-related transactions involving Cuba set forth in 31 CFR § 515.560(c) of the Cuban Assets Control Regulations (the “Regulations”) and such additional transactions as are directly incident to participation in the educational activities listed in § 515.565(a)(1)-(a)(6) of the Regulations, subject to the conditions set forth in Section 2 below.

(b) This license authorizes **multiple trips** during the validity period of the license.

Authority: 31 CFR §§ 515.560(c) and 515.565(a).

SECTION 2 - CONDITIONS: (a) It is a condition of this license that the transactions undertaken in Cuba conform to the scope of activities set forth in § 515.565(a)(1) – (a)(6) of the Regulations.

(b) It is a condition of the license that the educational activities described in § 515.565(a)(1), (a)(3) and (a)(4) authorized by the license shall be no shorter than ten weeks.

(c) It is a condition of this license that any students who use the Licensee’s license must be enrolled in an undergraduate or graduate degree program at the Licensee.

(d) It is a condition of this license that the Licensee provide each traveler with a letter confirming that the travel will be consistent with § 515.565(a)(1) – (a)(6) of the Regulations.

(e) It is a condition of this license that the Licensee inform each traveler of his/her responsibilities under the Regulations, by, for example, providing each traveler with OFAC’s “Travel Restrictions” brochure or other document providing information concerning the travel-related transactions authorized by 31 CFR 515.560(c) of the Regulations prior to travel.

SECTION 3 – WARNINGS: (a) Except as authorized in Section 1 above, nothing in this license authorizes any person subject to the jurisdiction of the United States to engage in any transaction or activity prohibited by the Regulations. This license only authorizes travel-related transactions consistent with a full-time schedule of activities authorized by this license.

(b) Travel-related transactions not involving academic study pursuant to a degree program, i.e., noncredit educational activities, are not authorized and travel-related transactions related to such activities are prohibited.

SECTION 4 – RECORDKEEPING REQUIREMENT: (a) The Licensee shall keep a list of the individuals who engaged in travel-related transactions under this license. This list shall be available for examination upon demand for at least five years from the date of each transaction.

(b) Each individual traveler must also retain records related to his/her travel transactions. Such records shall be available for examination for 5 years from the date of each transaction.

(c) The Office of Foreign Assets Control may require the submission of a report from Licensee, or students or employees concerning activities undertaken pursuant to this license. A report from the Licensee is required on activities undertaken pursuant to this license in conjunction with an application to renew or extend this license.

SECTION 5 – INFORMATION: (a) For information concerning the categories of travel for which licenses may be issued, please refer to our *Comprehensive Guidelines for License Applications to Engage in Travel-Related Transactions Involving Cuba* on our Internet website at www.treas.gov/ofac (Sanctions Programs & Country Summaries – Cuba, Guidelines and Information).

(b) The Department of State publishes consular information sheets (and, when necessary, travel warnings) on every country and territory in the world, including Cuba, which are available on the Internet at <http://travel.state.gov>, or through the State Department’s fax-on-demand service at (202) 647-3000. An abridged version of consular information sheets can be heard by calling (202) 647-5225.

SECTION 6 – PRECEDENTIAL EFFECT: The authorization contained in this license is limited to the facts and circumstances specific to the application.
