



Louisiana Maritime Association

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The below information (previously sent November, 2017) has been updated.

On October 14, 2016 the Treasury Department's Office of Foreign Assets Control (OFAC) and the Commerce Department's Bureau of Industry and Security (BIS) amended regulations relating to US-Cuba trade.

Of interest to LAMA members, OFAC eased the rule that prohibits a vessel that calls Cuba from entering a U.S. port within 180 days of its departure from Cuba.

The 'technical' reading:

Unless a vessel is engaging in or has engaged in transactions that would otherwise prohibit entry, the 180-day prohibition on entering a U.S. port will not apply to a foreign vessel that has engaged in the exportation to Cuba from a third country only of items that, were they subject to the Export Administration Regulations, would be designated as EAR99 or would be controlled on the Commerce Control List only for anti-terrorism reasons. Accordingly, a vessel that discharged only EAR99-type goods in Cuba may arrive at a U.S. port without having to wait 180 days.

What that means:

The Department of Commerce maintains a list of cargoes on a list referred to as the Commerce Control List (CCL). Link —> <https://www.bis.doc.gov/index.php/forms-documents/regulations-docs/13-commerce-control-list-index/file>

For a vessel to be exempt from the 180-day waiting period, the cargo the vessel delivered to Cuba from another country must meet one of the two following:

1. The cargo must NOT be listed on the CCL, or
2. **The cargo is listed on the CCL, but only for anti-terrorism reasons.**

Notes for #1. - Items that are not listed on the CCL are designated as EAR99. Most low-technology consumer goods are designated EAR99.

Notes for #2. - Items placed on the CCL only for anti-terrorism reasons are included in the exception, as Cuba is no longer designated as a State Sponsor of Terrorism and, but for the anti-terrorism designation, such items would likely be EAR99.

Therefore:

- **If the vessel carried a cargo fitting one the two categories above to Cuba; then the vessel is exempt from the 180 day waiting period for entering a US Port.**
- **No license needed.**
- **The vessel may proceed to the US and conduct cargo ops.**

Example:

- A vessel loads grain in Germany and proceeds to Cuba to offload half of the cargo. The vessel then proceeds to the US to offload the remaining cargo. The vessel is exempt from the 180-day waiting period.

Important Notes:

- The exemption provisions do not involve any cargo loaded in Cuba bound for the US. Exporting/Importing cargo to/from Cuba still falls under licensing and permitting regulations.

Additional Sources of Information:

- For additional information, please review [the rule](#), the Department of Commerce and Department of the Treasury's [joint fact sheet](#), and BIS's updated [Frequently Asked Questions](#) (See Item #95)
- Cuba Sanctions Information: [\(Click here\)](#)
- A listing of EAR99 Agricultural (and other) Commodities is available here —> [\(click here\)](#).
- For any specific questions regarding exports or reexports to Cuba, please contact the Commerce Departments' Foreign Policy Division at (202) 482-4252.

Sincerely,

"Capt Ron"

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