

New § 515.512 formalizes existing practice with respect to provision of legal services. Persons subject to U.S. jurisdiction are authorized to provide certain legal services to Cuba or Cuban nationals but must be licensed to receive payment.

Section 515.533 is amended by adding a new general license to paragraph (b) authorizing persons subject to U.S. jurisdiction to negotiate and sign contracts with Cuban nationals for sales of products from the United States or 100% U.S.-origin products from overseas subsidiaries provided such exports are consistent with current Department of Commerce licensing policy and provided performance of such contracts is expressly made contingent upon the prior authorization by the Department of Commerce. This change further implements the Trade Sanctions Reform and Export Enhancement Act of 2000. Various other technical correction and clarifications are made to § 515.533.

Section 515.559 is clarified to better explain the effects of the Cuban Democracy Act of 1992 (the "CDA"). A note is added to paragraph (b) explaining how the CDA prohibited all but certain specific classes of licenses from being issued under this section. Paragraph (d) of § 515.559 is deleted to clarify that persons within the United States can be involved with the licensed export activities of foreign subsidiaries that receive authorization pursuant to § 515.559.

A new paragraph is added to § 515.567 to clarify that travel-related transactions for attendance at and participation in clinics and workshops in Cuba will only be given if the clinic or workshop is organized and run, at least in part, by the licensee. This section is not meant to be used by individuals wishing to travel to Cuba to engage in such activities when they are organized solely by Cuban entities.

Finally, § 515.572 is amended to reflect that the current licenses for carrier, travel, and remittance forwarding service providers only require annual instead of quarterly reports.

#### **Request for Comments; Procedural Requirements**

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) (the "APA") requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. However, because of the importance of the issues addressed in these

regulations, this rule is being issued in interim form and comments will be considered in the development of final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views. Comments may address the impact of the Regulations on the submitter's activities, whether of a commercial, non-commercial or humanitarian nature, as well as changes that would improve the clarity and organization of the Regulations.

The period for submission of comments will close May 23, 2003. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the submission be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such submission to the originator without considering them in the development of final regulations. In the interest of accuracy and completeness, the Department requires comments in written form.

All public comments on these Regulations will be a matter of public record. Copies of the public record concerning these Regulations will be made available not sooner than June 23, 2003 and will be obtainable from OFAC's Web site (<http://www.treas.gov/ofac>). If persons are not able to use that service, written requests for copies may be sent to: Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW., Washington, DC 20220, Attn: Chief, Records Division.

Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

#### **Paperwork Reduction Act**

The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting and Procedures Regulations"). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been previously approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless the collection of information displays a valid control number.

#### **List of Subjects in 31 CFR Part 515**

Administrative practice and procedure, Air carriers, Banks, Banking, Blocking of assets, Cuba, Currency, Estates, Exports, Foreign trade, Imports, Reporting and recordkeeping requirements, Securities, Shipping, Specially designated nationals, Travel restrictions, Vessels.

For the reasons set forth in the preamble, 31 CFR part 515 is amended as follows:

#### **PART 515—CUBAN ASSETS CONTROL REGULATIONS**

1. The authority citation for 31 CFR part 515 continues to read as follows:

**Authority:** 18 U.S.C. 2332d; 22 U.S.C. 2370(a), 6001–6010; 31 U.S.C. 321(b); 50 U.S.C. App 1–44; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 106–387, 114 Stat. 1549; E.O. 9193, 7 FR 5205, 3 CFR, 1938–1943 Comp., p. 1147; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959–1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

#### **Subpart C—General Definitions**

2. Amend § 515.302 by revising paragraph (a) to read as follows:

##### **§ 515.302 National.**

(a) The term national when used with respect to a country shall include:

(1) A subject or citizen of that country or any person who has been domiciled in or a permanent resident of that country at any time on or since the "effective date," except persons who were permanent residents of or domiciled in that country in the service of the U.S. Government and persons whose transactions in that country were authorized by the Office of Foreign Assets Control.

(2) Any partnership, association, corporation, or other organization that, on or since the effective date:

(i) Was or has been organized under the laws of that country;

(ii) Had or has had its principal place of business in that country; or

(iii) Was or has been controlled by, or a substantial part of the stocks, share, bonds, debentures, notes, drafts, or other securities or obligations of which was or has been controlled by, directly or indirectly, that country and/or one or more nationals thereof.

(3) Any organization's office or other sub-unit that is located within that country.

(4) Any person to the extent that such person, on or since the "effective date"