

# PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request <b>Treasury/Office of Foreign Assets Control ("OFAC")</b>	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. <b>1505-0168</b>
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input checked="" type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, <b>without change</b> , of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, <b>with change</b> , of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number <i>For b-f, note Item A2 of Supporting Statement instructions</i>	4. Type of review requested ( <i>check one</i> ) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by: ___/___/___ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 6. Requested expiration date: a. <input checked="" type="checkbox"/> Three years from the approval date <span style="float: right;">b. <input type="checkbox"/> Other: ___/___/___</span>
7. Title <b>Travel Service Provider and Carrier Service Provider Submission</b>	
8. Agency form number(s) ( <i>if applicable</i> ) N/A	
9. Keywords <b>Travel, Service, Provider, TSP, Carrier, CSP, Cuba, Reporting, Recordkeeping</b>	
10. Abstract <b>Submissions will provide the U.S. Government with information to be used in enforcing various economic sanctions programs administered by OFAC under 31 CFR chapter V.</b>	
11. Affected public ( <i>Mark primary with "P" and all others with "X"</i> ) a. <input type="checkbox"/> Individuals or households <span style="margin-left: 100px;">d. <input type="checkbox"/> Farms</span> b. <input checked="" type="checkbox"/> Business or other for-profit <span style="margin-left: 100px;">e. <input type="checkbox"/> Federal Government</span> c. <input type="checkbox"/> Not-for-profit institutions <span style="margin-left: 100px;">f. <input type="checkbox"/> State, Local, or Tribal Government</span>	12. Obligation to respond ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Voluntary b. <input checked="" type="checkbox"/> Required to obtain or retain benefits c. <input checked="" type="checkbox"/> Mandatory
13. Annual reporting and recordkeeping hour burden a. Number of respondents <span style="float: right;">181</span> b. Total annual responses <span style="float: right;">228,000</span> 1. Percentage of these responses collected electronically <span style="float: right;">100 %</span> c. Total annual hours requested <span style="float: right;">19,000</span> d. Current OMB inventory <span style="float: right;">19,000</span> e. Difference <span style="float: right;">0</span> f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs <span style="float: right;">0</span> b. Total annual costs (O&M) <span style="float: right;">0</span> c. Total annualized cost requested <span style="float: right;">0</span> d. Current OMB inventory <span style="float: right;">0</span> e. Difference <span style="float: right;">0</span> f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits <span style="margin-left: 100px;">e. <input type="checkbox"/> Program planning or management</span> b. <input type="checkbox"/> Program evaluation <span style="margin-left: 100px;">f. <input type="checkbox"/> Research</span> c. <input type="checkbox"/> General purpose statistics <span style="margin-left: 100px;">g. <input checked="" type="checkbox"/> Regulatory or compliance</span> d. <input checked="" type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input checked="" type="checkbox"/> Recordkeeping <span style="margin-left: 100px;">b. <input type="checkbox"/> Third party disclosure</span> c. <input checked="" type="checkbox"/> Reporting: 1. <input type="checkbox"/> On occasion <span style="margin-left: 100px;">2. <input type="checkbox"/> Weekly</span> <span style="margin-left: 100px;">3. <input type="checkbox"/> Monthly</span> 4. <input type="checkbox"/> Quarterly <span style="margin-left: 100px;">5. <input type="checkbox"/> Semi-annually</span> <span style="margin-left: 100px;">6. <input type="checkbox"/> Annually</span> 7. <input type="checkbox"/> Biennially <span style="margin-left: 100px;">8. <input checked="" type="checkbox"/> Other (describe) <span style="float: right;">Variable</span></span>
17. Statistical methods Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	18. Agency contact ( <i>person who can best answer questions regarding the content of this submission</i> ) Name: <b>Peter Kucik</b> Phone: <b>202-622-3939</b>

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

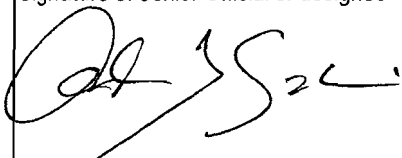
**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b)(3) about:
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee



Date

10/23/08

## SUPPORTING STATEMENT

This filing contains the information required by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520, and 5 CFR part 1320.

### **A. Justification.**

*1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

The accompanying OMB 83-I application is submitted to extend the information collection authority with regard to information collected from Travel Service Providers (“TSP”) and Carrier Service Providers (“CSP”) and provided to the Office of Foreign Assets Control (“OFAC”) pursuant to the Cuban Assets Control Regulations set forth in 31 CFR part 515 (the “Regulations”). See Attachment 1. These Regulations are implemented pursuant to the Trading With the Enemy Act (50 U.S.C. App. 1-44) and the Cuban Liberty and Democratic Solidarity Act (22 U.S.C. 6021-91). See Attachments 2 and 3, respectively.

Since 1989, OFAC has regulated certain businesses [TSPs and CSPs] that are authorized by OFAC to engage in limited and regulated business activity with Cuba in connection with travel to Cuba. TSPs and CSPs handle travel arrangements to, from, or within Cuba and provide the service of transporting passengers to Cuba on chartered aircraft. In order for OFAC to ensure that all travel to Cuba on direct flights is in accordance with U.S. law, OFAC must collect certain personal data about the travelers from the TSPs and CSPs. The information is similar to that collected by a business in the normal process of arranging travel to Cuba and is a condition of the TSP’s and CSP’s authorization by OFAC to provide such services. The collection is as follows:

- 1) The TSPs first collect personal data (full name, including mother’s maiden name; address; date of birth; passport country of issuance and number; and category of travel under OFAC regulations permitting certain travel) for each traveler when making a reservation for the traveler to travel to Cuba.
- 2) TSPs must provide this information to the CSPs before the CSPs may accept a reservation or sell a seat on a CSP flight.
- 3) CSPs then forward, for each traveler, the personal information collected by the TSPs, coupled with the U.S. departure and return dates and the name of the TSP that arranged for the travel, to OFAC in Washington, DC no later than 72 hours after the departure of the flight.

*2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

The information collected is used by OFAC to verify that all travel to Cuba on direct flights is in accordance with U.S. law. Specifically, the information is used by OFAC to verify that travelers

to Cuba on direct flights are licensed by OFAC to engage in such travel and facilitate OFAC's learning of, and following up on, potential violations of U.S. law.

*3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

This collection is done completely by electronic mail (e-mail) in order to improve the timeliness, efficiency and effectiveness of relaying this enforcement-related data to OFAC.

*4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2. above.*

There is no duplication of records as each submission is specific to a particular person and a particular travel itinerary.

*5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.*

The TSPs, who collect this personal information from travelers, and the CSPs, who transmit this data to OFAC, are businesses that have been granted authorization from OFAC to engage in Cuba travel transactions for several reasons, including their capability to collect and process the information travelers to Cuba are required to provide.

CSPs, by their very nature, require sophisticated computer systems containing Internet and e-mail access, as a practical necessity. This fact allows CSPs to easily utilize our user-friendly e-mail format and entering the data for each traveler should not exceed 5 minutes.

*6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

If the collection were not conducted by OFAC in this electronic format, OFAC's enforcement of the Regulations would suffer, as the information would not be timely.

Generally, the information could not be collected less frequently unless it was not collected at all. For example, the information is only collected on each traveler to Cuba when that traveler makes the reservation and is only sent to OFAC once the traveler has purchased a seat on a CSP flight to Cuba. To collect the information less frequently would result in incomplete records regarding travel to Cuba, prevent OFAC from tracking and ensuring compliance with the Regulations, and jeopardize potential civil penalty or other enforcement actions.

*7. Explain any special circumstances that require the collection to be conducted in a manner:*

- X *requiring respondents to report information to the agency more often than quarterly;*  
Collection of information from the CSPs is required more often than quarterly because there are several flights a week to Cuba and OFAC needs the information no later than 72 hours after departure from the United States. TSPs must provide the specified information to CSPs with respect to every reservation on a flight sponsored by that CSP.
- X *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*  
See above.
- X *requiring respondents to submit more than an original and two copies of any document;*  
CSPs are required to submit only one copy of the required documents.
- X *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*  
TSPs and CSPs are required to retain a copy of the information for five years as a condition of OFAC authorization to engage in Cuba-related travel transactions.
- X *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*  
The information collections are not part of a statistical survey.
- X *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*  
Not Applicable.
- X *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use;*  
It is the policy of OFAC to protect the confidentiality of information in appropriate cases pursuant to the exemptions from disclosure provided under the Freedom of Information Act and the Privacy Act.
- X *requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*  
The information requested is personal identification information for law enforcement purposes. Moreover, it is the policy of OFAC to protect the confidentiality of information in appropriate cases pursuant to the exemptions from disclosure provided under the Freedom of Information Act and the Privacy Act.

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.*

*Specifically address comments received on cost and hour burden.*

A copy of the Federal Register Notice of July 1, 2008, 73 FR 37532, soliciting comments is included as Attachment 4. OFAC received no comments.

*Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.*

We solicited comments through the Federal Register notice referenced above and received no responses. However, upon further internal review, it was determined that the number of respondents would only equal the number of TSPs and CSPs, as the information collection is required of those entities and not the traveler who provides the information. In the above-referenced Federal Register notice, the individual traveler entries, multiplied by two in order to reflect the submission of the information from the TSP to the CSP and then the submission by the CSP to OFAC for each traveler, were utilized as the number of respondents. The correct number of respondents, the 181 licensed TSPs and CSPs, is now listed on the attached 83-I.

*Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.*

Not applicable.

*9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.*

Respondents receive no payment or gifts for completing the subject electronic manifest.

*10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

The information requested is personal identification information and is needed for law enforcement. Moreover, it is the policy of OFAC to protect the confidentiality of information pursuant to the exemptions from disclosure provided under the Freedom of Information Act and the Privacy Act.

*11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

OFAC makes no requests for sensitive information of the type described above.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- X* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

The time it should take for each TSP to provide the required information with respect to each traveler to the CSPs is one to five minutes per entry. We anticipate there will be up to 2,192 entries per week, or up to 114,000 entries annually, for all of the TSPs in the aggregate. At five minutes each, the entries to be made by the TSPs will take approximately 570,000 minutes (9,500 hours) annually in the aggregate. The estimate is based on several Treasury employees' attempts to compile the information that TSPs will forward to CSPs for each traveler.

Completing the electronic manifest form should take CSPs one to five minutes per entry, and there will be up to 2,192 entries per week, or up to 114,000 entries annually, for CSPs in the aggregate. At five minutes each, the entries to be made by the CSPs will take approximately 570,000 minutes (9,500 hours) annually in the aggregate. The estimate was based several Treasury employees' attempts to complete the electronic form that will be required of the CSPs.

- X* If the request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

There is only one form.

- X* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

At 9,500 hours annually for TSPs in the aggregate, the hour burden amounts to 4.75 employees for the TSPs as an aggregate or an average of .03 employees per TSP. At 9,500 hours annually for CSPs in the aggregate, the hour burden amounts to 4.75 employees for the CSPs in the aggregate or an average of .13 employees per CSP.

13. Provide an estimate of the total annual cost burden to respondents or record-keeper resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- X* The cost estimate should be split into two components: (a) a total capital and start-up

*cost component (annualized over its expected useful life) and (b) a total operation and maintenance component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*

The burden imposed on the CSPs by this electronic form is minimal as OFAC has provided software and assisted in the installation and maintenance of such software.

The burden imposed TSPs and CSPs is also minimal since the collection, maintenance and submission of the information has been required in the past and has been eased further through the use of software, the internet and e-mail.

- X If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*

Not applicable.

- X Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

Not applicable.

*14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from paragraphs 12, 13, and 14 in a single table.*

The cost to the U.S. Government attributable to this information collection effort is comprised of maintenance and installation of the electronic manifest software, and the daily receipt of the e-mail submissions from the CSPs. This is roughly 240 hours of time by a GS-14 employee. This cost is far below the alternative costs that would be incurred by the U.S. Government in receiving approximately 2,192 hardcopy submissions per week and entering the data into a database.



*15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.*

There has been a small increase in the number of TSPs and CSPs from 175 to 181. This increase has had no effect on the total annual responses or hours.

*16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

Results will not be published.

*17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

Not applicable.

*18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

Not applicable.

**B. Collections of Information Employing Statistical Methods.**

Not applicable.

# **ATTACHMENT 1**

(3) No payment or transfer is made from a blocked account in which a specially designated national has an interest.

(c) This section does not authorize any transfer of property to Cuba, or, except as otherwise authorized in paragraph (b) of this section, any debit to a blocked account.

NOTE TO § 515.571: For the authorization of certain transactions by Cuba nationals who become U.S. citizens, apply for or receive U.S. permanent resident alien status, or are paroled into the United States, see § 515.505 of this part.

[64 FR 25819, May 13, 1999, as amended at 68 FR 14148, Mar. 24, 2003; 69 FR 33773, June 16, 2004]

**§ 515.572 Authorization of transactions incident to the provision of travel services, carrier services, and remittance forwarding services.**

(a)(1) *Authorization of travel service provider.* The following persons wishing to provide services in connection with travel to Cuba are "travel service providers" for purposes of this part: Travel agents, ticket agents, commercial and noncommercial organizations that arrange travel to Cuba; tour operators; persons arranging through transportation to Cuba; persons chartering an aircraft or vessel on behalf of others in Cuba; and persons arranging hotel accommodations, ground transportation, local tours, and similar travel activities on behalf of others in Cuba. Travel service providers must obtain authorization from the Office of Foreign Assets Control before providing services with respect to travel to Cuba. The list stated above should not be considered exhaustive, as other persons may be "travel service providers" within the meaning of this part. Opinions may be obtained from the Office of Foreign Assets Control concerning the applicability of this licensing requirement in individual cases.

(2) *Authorization of carrier service provider.* Persons subject to U.S. jurisdiction wishing to provide carrier services by aircraft or vessels incidental to their non-scheduled flights or voyages to, from, or within Cuba are "carrier service providers" for purposes of this part. Carrier service providers must obtain authorization from the Office of

Foreign Assets Control before providing services with respect to non-scheduled flights or voyages to, from, or within Cuba. Carriage to or from Cuba of any merchandise, cargo or gifts, other than those permitted to individual travelers as accompanied baggage, must also be authorized by licenses issued by the U.S. Department of Commerce.

(3) *Authorization of remittance forwarders.* Persons subject to U.S. jurisdiction, including persons who provide remittance forwarding services and noncommercial organizations acting on behalf of donors, who wish to provide services in connection with the collection or forwarding of remittances authorized pursuant to this part must obtain a license from the Office of Foreign Assets Control. Depository institutions, as defined in § 515.533, must obtain a license pursuant to this section only for the provision of services in connection with the collection and forwarding of remittances authorized pursuant to paragraphs (a), (b), and (c) of § 515.570. Depository institutions do not need a license pursuant to this section to provide such services with respect to any other remittances authorized pursuant to this part.

(b) *Terms and conditions of authorization to engage in service transactions.* Authorization to engage in service transactions will be issued only upon the applicant's written affirmation and subsequent demonstration that it does not participate in discriminatory practices of the Cuban government against certain residents and citizens of the United States. Examples of such practices include, but are not limited to, charging discriminatory rates for air travel or requiring payment for services, such as hotel accommodations and meals, not desired, planned to be utilized, or actually utilized, based on such characteristics as race, color, religion, sex, citizenship, place of birth, or national origin. Authorization, whether a grant of provisional authorization or a license issued pursuant to this part, does not permit a travel or carrier service provider to provide services in connection with any individual's transactions incident to travel which are prohibited by this part.

§515.572

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(c) *Initial applications for licenses.* The initial application for a license shall contain:

(1) The applicant organization's name, address, telephone number, and the name of an official of the applicant organization responsible for its licensed services;

(2) The state of applicant's organization, if a juridical entity, the address of its principal place of business and all branch offices, the identity and ownership percentages of all shareholders or partners, and the identity and position of all principal officers and directors;

(3) Copies of any bylaws, articles of incorporation, partnership agreements, management agreements, or other documents pertaining to the organization, ownership, control, or management of the applicant; and

(4)(i) In the case of applications for authorization to serve as travel or carrier service providers, a report on the forms and other procedures used to establish that each customer is in full compliance with U.S. law implementing the Cuban embargo and either qualifies for one of the general licenses contained in this part authorizing travel-related transactions in connection with travel to Cuba or has received a specific license from the Office of Foreign Assets Control issued pursuant to this part. In the case of a customer traveling pursuant to a general license, the applicant must demonstrate that it requires each customer to attest, in a signed statement, to his or her qualification for the particular general license claimed. The statement must provide facts supporting the customer's belief that he or she qualifies for the general license claimed. In the case of a customer traveling under a specific license, the applicant must demonstrate that it requires the customer to furnish it with a copy of the license. The copy of the signed statement or the specific license must be maintained on file with the applicant.

(ii) In the case of applications for authorization as remittance forwarders, a report on the forms, account books, and other recordkeeping procedures used to determine whether each customer has violated the terms of any authorization for remittances contained in or issued pursuant to this

part, or sent remittances to persons ineligible to receive them under §515.570; and the method by which remittances are sent to Cuba and the procedures used by the applicant to ensure that the remittances are received by the persons intended.

(d) *Required reports and recordkeeping.*

(1) Each specific license or grant of provisional authority shall require that the service provider furnish annual reports to the Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, during the term of the license. The required content of such reports and their due dates shall be provided to the service provider in a letter authorizing the provider to commence services. Each such report will cover only the one-year period immediately preceding the date of the report.

(2) While the names and addresses of individual travelers or remitters, the number and amount of each remittance, and the name and address of each recipient, as applicable, need not be submitted with annual reports, this information must be retained on file with all other information required by §515.601 of this chapter. These records must be furnished to the Office of Foreign Assets Control on demand pursuant to §515.602 of this chapter.

(3) *Presentation of passenger lists.* Tour operators, persons operating an aircraft or vessel, or persons chartering an aircraft or vessel on behalf of others, for travel to, from, and within Cuba must furnish the U.S. Customs Service on demand a list of passengers on each flight or voyage to, from, and within Cuba.

(e) *Procedures governing the grant of provisional authority, denial, suspension, or revocation of authority to engage in service transactions—*(1) *Grant of provisional authority.* Following submission of a complete application as described in paragraph (c) of this section, the submission of any additional relevant information, and a preliminary evaluation by the Office of Foreign Assets Control, the applicant will be notified in writing that provisional authority has been granted to provide the services contemplated in the application. This provisional authority to provide services will remain in effect pending a

final decision to grant or deny the license.

(2) *Denial of license*—(i) *Notice of denial*. If the Director, Office of Foreign Assets Control, determines that the application for a license to engage in service transactions related to travel to Cuba, carrier service transactions related to travel to Cuba, or transactions related to remittance forwarding should be denied for any reason, notice of denial shall be given to the applicant. The notice of denial shall state the reasons for the denial.

(ii) *Grounds for denial*. The causes sufficient to justify denial of an application for a license may include, but need not be limited to:

(A) Any cause which would justify suspension or revocation of the authority of a service provider pursuant to paragraph (e)(3) of this section;

(B) Failure to file a full and complete application;

(C) Any willful misstatement of pertinent facts in the application;

(D) Evidence indicating that the applicant participates in discriminatory practices of the Cuban Government against certain residents and citizens of the United States as described in paragraph (b) of this section; or

(E) A reputation imputing to the applicant criminal, dishonest, or unethical conduct, or a record of such conduct.

(3) *Suspension or revocation of a license or provisional authorization*. A license or provisional authorization issued pursuant to this section may be suspended for a specific period of time, or revoked, for the following reasons:

(i) The service provider has willfully made or caused to be made in any application for any license, request for a ruling or opinion, or report be filed with the Office of Foreign Assets Control, any statement that was, at the time and in light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any application, request for ruling or opinion, or report any material fact that was required;

(ii) The service provider has failed to file timely reports or comply with the recordkeeping requirements of his license or provisional authorization.

(iii) The service provider has been convicted, at any time after filing an application for a license under this section, of any felony or misdemeanor that:

(A) Involved the importation, exportation, or transfer of property in violation of any law or regulation administered by the Office of Foreign Assets Control;

(B) Arose directly out of the conduct of the business covered by the license; or

(C) Involved larceny, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, misappropriation of funds, or a violation of the Customs laws, export or import control laws, or banking laws.

(iv) The service provider has violated any provision of law enforced by the Office of Foreign Assets Control or the rules or regulations issued under any such provision;

(v) The service provider has counseled, commanded, induced, procured, or knowingly aided or abetted the violation by any other person of any provision of any law or regulation referred to above;

(vi) The service provider has, in the course of the business covered by the license, with felonious intent, in any manner willfully and knowingly deceived, defrauded, misled, threatened, or coerced any client or prospective client; or

(vii) The service provider has committed any other act or omission that demonstrates unfitness to conduct the business covered by the license.

[57 FR 53999, Nov. 16, 1992, as amended at 59 FR 31142, June 17, 1994; 59 FR 44886, Aug. 30, 1994; 63 FR 27349, May 18, 1998. Redesignated and amended at 64 FR 25813, 25819, May 13, 1999; 68 FR 14148, Mar. 24, 2003; 69 FR 33773, June, 16, 2004]

#### § 515.573 Transactions by news organizations.

(a) Specific licenses may be issued authorizing all transactions necessary for the establishment and operation of news bureaus in Cuba whose primary purpose is the gathering and dissemination of news to the general public. Transactions that may be authorized

# **ATTACHMENT 2**

## TRADING WITH THE ENEMY ACT (“TWEA”)

### UNITED STATES CODE

TITLE 50. WAR AND NATIONAL DEFENSE  
TITLE 50 APPENDIX -- WAR AND NATIONAL DEFENSE  
TRADING WITH THE ENEMY ACT OF 1917  
ACT OCT. 6, 1917, CH 106, 40 STAT. 411

#### **Sec. 5. Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties**

(b) (1) During the time of war, the President may, through any agency that he may designate, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise--

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or

any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof, [including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas]: Provided, however, That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. As used in this section the term "person" means an individual, partnership, association, or corporation.

(4) The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979 [50 USCS Appx. @ 2404], or under section 6 of that Act [50 USCS Appx. @ 2405] to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code [ <=1> 18 USCS @@ 791 et seq.].

#### **Sec. 16. Offenses; punishment; forfeitures of property**

(a) Whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of the Act shall, upon conviction, be fined not more than \$ 1,000,000, or if a natural person, be fined not more than \$ 100,000, or imprisoned for not more than ten years or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall, upon conviction, be fined not more than \$ 100,000 or imprisoned for not more than ten years or both.

(b)(1) A civil penalty of not to exceed \$ 50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States



Government.

(3) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

(4) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.

(c) Upon conviction, any property, funds, securities, papers, or other articles or documents, or any vessel, together with tackle, apparel, furniture, and equipment, concerned in any violation of subsection (a) may be forfeited to the United States.

# **ATTACHMENT 3**

# CUBAN DEMOCRACY ACT (“CDA”)

## UNITED STATES CODE

### TITLE 22. FOREIGN RELATIONS AND INTERCOURSE CHAPTER 69.

#### **Section 6001. Findings**

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban

Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

**Sec. 6002. Statement of policy**

It should be the policy of the United States--

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(10) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

**Sec. 6003. International cooperation**

(a) Cuban trading partners. The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title [22 USCS §§ 6001 note].

(b) Sanctions against countries assisting Cuba.

(1) Sanctions. The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) Definition of assistance. For purposes of paragraph (1), the term "assistance to Cuba"--

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba;

(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and

(C) does not include--

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1705(c) [22 USCS § 6004(c)].

As used in this paragraph, the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to "a foreign state" deemed to be a reference to "Cuba".

(3) Applicability of section. This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1708(a) [22 USCS § 6007(a)].

**Sec. 6004. Support for the Cuban people**

(a) Provisions of law affected. The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961 [22 USCS § 2370], and notwithstanding the exercise of authorities, before the enactment of this Act [enacted Oct. 23, 1992], under section 5(b) of the Trading With the Enemy Act [50 USCS Appx § 5(b)], the

International Emergency Economic Powers Act [50 USCS §§ 1701 et seq.], or the Export Administration Act of 1979.

(b) Donations of food. Nothing in this or any other Act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) Exports of medicines and medical supplies. Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted--

(1) except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 [50 USCS Appx § 2404(m)] or section 203(b)(2) of the International Emergency Economic Powers Act [50 USCS § 1702(b)(2)];

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) Requirements for certain exports.

(1) Onsite verifications.

(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) Licenses. Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) Telecommunications services and facilities.

(1) Telecommunications services. Telecommunications services between the United States and Cuba shall be permitted.

(2) Telecommunications facilities. Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate

telecommunications services between the United States and Cuba.

(3) Licensing of payments to Cuba.

(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title [22 USCS §§ 6001 et seq.], except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act [50 USCS Appx § 5(b)].

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act [50 USCS Appx § 5(b)].

(4) Authority of Federal Communications Commission. Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(5) Prohibition on investment in domestic telecommunications services. Nothing in this subsection shall be construed to authorize the investment by any United States person in the domestic telecommunications network within Cuba. For purposes of this paragraph, an "investment" in the domestic telecommunications network within Cuba includes the contribution (including by donation) of funds or anything of value to or for, and the making of loans to or for, such network.

(6) Reports to Congress. The President shall submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

(f) Direct mail delivery to Cuba. The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) Assistance to support democracy in Cuba. The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

**Sec. 6005. Sanctions**

(a) Prohibition on certain transactions between certain United States firms and Cuba

(1) Prohibition. Notwithstanding any other provision of law, no license may be issued for any

transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) Applicability to existing contracts. Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act [enacted Oct. 23, 1992].

(b) Prohibitions on vessels.

(1) Vessels engaging in trade. Beginning on the 61st day after the date of the enactment of this Act [enacted Oct. 23, 1992], a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) Vessels carrying goods or passengers to or from Cuba. Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may not enter a United States port.

(3) Inapplicability of ship stores general license. No commodities which may be exported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) Definitions. As used in this subsection--

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft;

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)); and

(C) the term "Cuban national" means a national of Cuba, as the term "national" is defined in section 515.302 of title 31, Code of Federal Regulations, as of August 1, 1992.

(c) Restrictions on remittances to Cuba. The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.



(d) Clarification of applicability of sanctions. The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1705 or section 1707 of this Act [22 USCS § 6004 or 6006] or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

**Sec. 6006. Policy toward a transitional Cuban government**

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba--

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

**Sec. 6007. Policy toward a democratic Cuban government**

(a) Waiver of restrictions. The President may waive the requirements of section 1706 [22 USCS § 6005] if the President determines and reports to the Congress that the Government of Cuba--

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) Policies. If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

**Sec. 6008. Existing claims not affected**

Except as provided in section 1705(a) [22 USCS § 6004(a)], nothing in this title [22 USCS §§ 6001 et seq.] affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961 [22 USCS § 2370(a)(2)].

**Sec. 6009. Enforcement**

(a) Enforcement authority. The authority to enforce this title [22 USCS §§ 6001 et seq.] shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this title [22 USCS §§ 6001 et seq.]. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1705 [22 USCS § 6004] are carried out for the purposes set forth in this title [22 USCS §§ 6001 et seq.] and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) Authorization of appropriations. There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title [22 USCS §§ 6001 et seq.].

(c) [Omitted]

(d) Applicability of penalties. The penalties set forth in section 16 of the Trading With the Enemy Act [50 USCS Appx § 16(a)] shall apply to violations of this title [22 USCS §§ 6001 et seq.] to the same extent as such penalties apply to violations under that Act.

(e) Office of Foreign Assets Control. The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this title [22 USCS §§ 6001 et seq.].

**Sec. 6010. Definition**

As used in this title [22 USCS §§ 6001 et seq.], the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

# **ATTACHMENT 4**

OMB Number: 1505-0202.

**Abstract:** OFAC issues specific licenses authorizing travel-related transactions incident to visits to members of a person's immediate family who are nationals of Cuba once per three-year period and for no more than 14 days. In order to ensure that the one-trip-per-three-year-period and other requirements are not violated, OFAC uses forms TD-F 90-22 60 and TD-F 90-22 60 (SP) to collect information on the traveler and the family members in Cuba whom the traveler is visiting. The form is provided in English and Spanish to accommodate those persons for whom Spanish is the primary language. The use of the form provides a standardized method of information collection, ensures uniform and consistent compliance, and allows OFAC to maintain detailed records that enable OFAC to verify that travelers are not exceeding the restriction of the frequency of visits to Cuba and that they are only visiting members of their immediate family.

**Current Actions:** There are no changes being made to the form at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households.

**Estimated Number of Respondents:** 60,000.

**Estimated Time Per Respondent:** 10 minutes.

**Estimated Total Annual Burden Hours:** 10,000.

The following paragraph applies to all of the collections of information covered by this notice:

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 Office of Management and Budget ("OMB") control number. Books or records relating to a collection of information must be retained for five years.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 25, 2008.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E8-14816 Filed 6-30-08; 8:45 am]

BILLING CODE 4811-45-P

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Proposed Collection; Comment Request for Travel Service Provider and Carrier Service Provider Submission

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Office of Foreign Assets Control ("OFAC") within the Department of the Treasury is soliciting comments concerning OFAC's Travel Service Provider and Carrier Service Provider information collection.

**DATES:** Written comments should be received on or before September 2, 2008 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Rochelle E. Stern, Assistant Director, Policy, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex—2d Floor, Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information about the filings or procedures should be directed to Rochelle E. Stern, Assistant Director, Policy, Office of Foreign Assets Control, or Sean Thornton, Chief Counsel (Foreign Assets Control), Department of the Treasury, 1500 Pennsylvania Avenue, NW., 1500 Pennsylvania Avenue, Annex—2d Floor, Washington, DC 20220.

**SUPPLEMENTARY INFORMATION:** Title: Travel Service Provider and Carrier Service Provider Submission.

OMB Number: 1505-0168.

**Abstract:** The information is required of persons who have been authorized by the Office of Foreign Assets Control of the Department of the Treasury ("OFAC") to handle travel arrangements to, from, and or within Cuba or to provide charter air service to Cuba. Travel service providers are required to collect information on persons traveling on direct flights to Cuba and forward that information to carrier service providers, for ultimate submission to OFAC.

**Current Actions:** There are no changes being made to the notice at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households and businesses.

**Estimated Number of Respondents:** 228,000.

**Estimated Time Per Respondent:** 5 minutes per entry for travel service providers, or up to 570,000 minutes annually for travel service providers in the aggregate (9,500 hours); and up to 5 minutes per entry for carrier service providers, or up to 570,000 entries annually for carrier service providers in the aggregate (9,500 hours).

**Estimated Total Annual Burden Hours:** 19,000.

The following paragraph applies to all of the collections of information covered by this notice:

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 Office of Management and Budget ("OMB") control number. Books or records relating to a collection of information must be retained for five years.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 25, 2008.

**Adam J. Szubin,**

*Director, Office of Foreign Assets Control.*

[FR Doc. E8-14819 Filed 6-30-08; 8:45 am]

BILLING CODE 4811-45-P

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Unblocking of Entities Pursuant to Executive Order 13382

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control ("OFAC") is removing the names of two persons from the list of Specially Designated Nationals and Blocked Persons whose property and interests in property have been unblocked pursuant to Executive Order 13382 of June 28, 2005, "*Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.*" The entities, China Great Wall Industry Corporation and G.W. Aerospace, Inc, were designated pursuant to Executive Order 13382 on June 13, 2006.

**DATES:** The removal of the persons from the list of Specially Designated Nationals and Blocked Persons, whose property and interests in property were blocked pursuant to Executive Order 13382, is effective on June 19, 2008.

**FOR FURTHER INFORMATION CONTACT:** J. Robert McBrien, Associate Director, Investigations and Enforcement, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622-2420.

#### SUPPLEMENTARY INFORMATION:

##### Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (<http://www.treas.gov/ofac>) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622-0077.

##### Background

On June 28, 2005, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) ("IEEPA"), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the "Order"), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of

weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On June 13, 2006, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, designated two persons whose property and interests in property are blocked pursuant to the Order.

The Department of the Treasury's Office of Foreign Assets Control has determined that these persons no longer meet the criteria for designation under the Order and are appropriate for removal from the list of Specially Designated Nationals and Blocked Persons.

The following persons are removed from the list of Specially Designated Nationals and Blocked Persons:

China Great Wall Industry Corporation (a.k.a. CGWIC; a.k.a. Zhongguo Changcheng Gongye

Zonggongsi), No. 30 Haidian Nanlu, Beijing, China; Moscow, Russia; and all other locations worldwide;

G.W. Aerospace, Inc. (a.k.a. Great Wall Aerospace, Inc.), 21515 Hawthorne Blvd., Suite 670, Torrance, CA 90503; California Corporate Number C1458237 (United States).

The removal of the persons' names from the list of Specially Designated Nationals and Blocked Persons is effective as of June 19, 2008. All property and interests in property of these persons that are in or hereafter come within the United States or the possession or control of United States persons are now unblocked.

Dated: June 19, 2008.

**Adam J. Szubin,**

*Director, Office of Foreign Assets Control.*

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Unblocking of Specially Designated National Pursuant to Executive Order 13224

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control ("OFAC") is removing the name of one individual from the list of Specially Designated Nationals and Blocked Persons whose property and interests in property have been blocked pursuant to Executive Order 13224 of September 23, 2001, "*Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.*" The individual, MOHAMMED, Lokman Amin, was designated pursuant to Executive Order 13224 on December 5, 2005.

**DATES:** The removal of the individual from the list of Specially Designated Nationals and Blocked Persons whose property and interests in property have been blocked pursuant to Executive Order 13224 is effective as of June 18, 2008.

**FOR FURTHER INFORMATION CONTACT:** Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622-2490.

#### SUPPLEMENTARY INFORMATION:

##### Electronic and Facsimile Availability

This document and additional information concerning OFAC are