

**SUPPORTING STATEMENT**  
**1505-0167, Cuba Remittance Affidavit**

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 C.F.R. 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.*

This application is submitted to extend the information collection authority pertaining to the Cuban Assets Control Regulations set forth in 31 CFR Part 515 (“the Regulations”). The Regulations are implemented pursuant to the Trading With the Enemy Act (50 U.S.C. App. 1-44), the Cuban Democracy Act of 1992 (22 U.S.C. 6001-6010), and the Cuban Liberty and Democratic Solidarity Act (22 U.S.C. 6021-91). This information is required by the Office of Foreign Assets Control (“OFAC”) to monitor compliance with regulatory requirements regarding monetary remittances to Cuba.

Under the Regulations, as set forth in 31 C.F.R. Part 515, and, as amended on January 28, 2011, U.S. persons are authorized to send the following types of remittances:

- (a) unlimited remittances to nationals of Cuba who are close relatives (such remittances may not be made from a blocked source, to prohibited officials of the Government of Cuba or prohibited members of the Cuban Communist Party, or for emigration-related purposes);
- (b) periodic remittances to Cuban nationals that do not exceed \$500 per quarter per recipient (such remittances may not be made from a blocked source, to prohibited officials of the Government of Cuba or prohibited members of the Cuban Communist Party, or for emigration-related purposes, and individual remitters must be 18 years of age or older);
- (c) unlimited remittances to religious organizations in Cuba (such remittances may not be made from a blocked source, and individual remitters must be 18 years of age or older);
- (d) remittances to close relatives who are students in Cuba pursuant to general or specific licenses authorizing certain educational activities (such remittances may not be made from a blocked source and must be for the purpose of funding licensed education-related transactions, and individual remitters must be 18 years of age or older); and
- (e) two one-time \$1,000 emigration-related remittances per payee.

The Regulations further provide that certain remittances from blocked sources may be authorized in some circumstances and that other types of remittances may be authorized by specific license. Remittance service providers historically have maintained records of such information. To ensure uniform and consistent compliance by remittance service providers, OFAC has prepared a

Cuban remittance affidavit form representing a voluntary, standardized method of information collection. This form is distributed in both print and electronic copy to all remittance forwarders.

*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 remitters are not exceeding the restrictions on the frequency, payees, and dollar amounts of remittances. Remittance service providers are required to collect from persons who use their services information showing compliance with the relevant remittance provisions of the Regulations. Typically, a remittance service provider will require a U.S. person who seeks to remit funds to Cuba to complete the subject form (affidavit) and submit it to the remittance service provider, which will then send the remittance to the designated recipient in Cuba. The remittance service providers will retain information showing compliance with the relevant remittance provisions of the Regulations (typically in the form of completed affidavits) on file for five years, subject to audit by the U.S. Department of the Treasury for compliance, civil penalty, and enforcement purposes.

*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.*

The use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology is not applicable to this collection. The Department of the Treasury provides the subject form to the remittance service providers in PDF format. The remittance service providers determine how to gather information showing compliance with the relevant remittance provisions of the Regulations from those wishing to send remittances to Cuba, verify the remitter's identity, and witness the remitter's signature on a certification.

*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.*

As each individual form (affidavit) is based upon a new remittance transaction, there is no duplication of records.

*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 storage of the information showing compliance with the relevant remittance provisions of the Regulations for five years may affect a limited number of remittance service providers, but this requirement is not expected to be onerous.

*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 is not conducted and the forms (affidavits) are not completed and signed, there could be unauthorized transmissions of money to Cuba.

Generally, the information could not be collected less frequently unless it was not collected at all. For example, the information showing compliance with the relevant remittance provisions of the Regulations is submitted only when the funds are going to be transferred. To collect the information less frequently would result in incomplete records of funds remitted 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:*

- *requiring respondents to report information to the agency more often than quarterly;*

Respondents are required to provide information showing compliance with the relevant remittance provisions of the Regulations for each remittance sent. A respondent may send more than one remittance per quarter and therefore fill out more than one form per quarter.

- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*

Respondents can download a copy of the voluntary form (affidavit) from OFAC's website or, depending on how the remittance service provider gathers information showing compliance with the relevant remittance provisions of the Regulations, pick up the voluntary form (affidavit) at the office of the remittance service provider at their convenience and complete and submit it whenever they are ready to send a payment.

- *requiring respondents to submit more than an original and two copies of any document;*

No documents are required.

- *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*

Respondents are not required to maintain any documents; remittance service providers are required to maintain information showing compliance with the relevant remittance provisions of the Regulations for a period of five years.

- *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.

- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*

Not Applicable.

- *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.

- *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 notice for public comment was published in the Federal Register on May 27, 2011 (76 FR 31011). 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.*

None.

*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 form (affidavit).

*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 related to 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:*

- *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 anticipated number of respondents is 3,000,000. It is anticipated that, of those, 1,000,000 will file four times annually, and 2,000,000 will file once a year. The time required to provide the information is approximately one minute. The estimate is based on several Treasury employees' attempts to complete the voluntary form (affidavit) as if they were persons seeking to send remittances to Cuba. Responses are once per incident, with a total annual hour burden of 100,000 hours.

- *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.

- *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 one minute for each form, which amounts to four minutes a year, there is no practical cost associated with this burden.

*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.)*

- *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 remittance service providers by this voluntary form (affidavit) is minimal as the form (affidavit) is only one page that is collected and stored for each relevant transaction. The burden imposed on the remitters is also minimal since the collection and maintenance of the information has been required in the past.

- *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.

- *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.*

There is no cost to the U.S. Government attributable to this information collection effort that would not have been incurred without the paperwork burden.

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

This information collection is being adjusted to reflect revisions to the Regulations, which OFAC published on January 28, 2011. These revisions implement certain policy changes announced by the President on January 14, 2011, designed to increase people-to-people contact, support civil society in Cuba, enhance the free flow of information to, from, and among the Cuban people, and help promote their independence from Cuban authorities. Specifically, the information collection is being revised to reflect an anticipated increase in the number of respondents from 2,100,000 to 3,000,000. While the voluntary form (affidavit) has been revised to reflect various revisions to the Regulations, OFAC does not anticipate that these changes will have an impact on the burden for those completing the form. However, given the anticipated increase in the total

number of respondents, OFAC has revised the total burden requested to 100,000 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.*

The display of the OMB expiration date may cause confusion with respondents as to when this information is required. It is requested not to display this expiration date.

*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.