

SUPPORTING STATEMENT
1505-0167, Cuban 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 CFR Part 1320.

A. Justification.

1. Circumstances Making the Collection Necessary.

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. 6021-6091). 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 CFR 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, TD F 90-22.52, representing a voluntary, standardized method of information collection. This form is distributed in both print and electronic copy to all remittance forwarders.

2. Purpose and Use of the Information Collected.

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. Consideration Given to Information Technology.

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. Duplication of Information.

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

5. Reducing the Burden on Small Entities.

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. Consequences of not Conducting Collection.

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. Special Circumstances.

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

Applicants are advised to retain a copy of their application to OFAC. The Reporting, Procedures and Penalties Regulations, 31 CFR Part 501, require the retention of records for five years from the date of a restricted transaction or from the date that blocked property is unblocked. Under § 501.601, the requirement for five years of record retention beyond a transaction corresponds to the statute of limitations set forth in 28 U.S.C. 2462.

- *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 as appropriate pursuant to the exemptions from disclosure provided under the Freedom of Information Act and consistent with the Privacy Act and the Trade Secrets Act.

- *Requiring respondents to submit proprietary trade secret, or other confidential information unless the bureau 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 consistent with the Privacy Act and Trade Secrets Act.

There are no other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

8. Consultation with Persons Outside the Agency.

A copy of the Federal Register notice of April 29, 2014, soliciting comments can be found at 79 FR 24064. OFAC received no comments.

9. Payment or Gift.

Respondents receive no payment or gifts for completing the form (affidavit).

10. Confidentiality.

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 (particularly, those at 5 USC 552(b)(6) and (b)(7)) and consistent with the Privacy Act (5 USC 552A) and the Trade Secrets Act (18 USC 1905). Treasury's FOIA and Privacy Act regulations

are at 31 CFR Subparts A and C, respectively

11. Questions of a Sensitive Nature.

A privacy impact assessment (PIA) has been conducted for information collected under this request and a Privacy Act System of Records a notice (SORN) has been issued for this system under DO .120 – Records Related to Office of Foreign Assets Control Economic Sanctions.

12. Burden of Information Collection.

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. There is only one form And at one minute for each form, which amounts to four minutes a year, there is no practical cost associated with this burden.

13. Annual Cost to Respondents.

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.

14. Cost to the Federal Government.

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. Reason for Change.

Not Applicable.

16. Tabulation of Results, Schedule, and Analysis Plans.

Results will not be published.

17. Display of OMB Approval Date.

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. Exceptions to Certification For Paperwork Reduction Act Submission.

Not applicable.

B. Collections of Information Employing Statistical Methods.

Not applicable.