

SUPPORTING STATEMENT
OMB 1505-0168
Persons Providing Travel and Carrier Services

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. 3501-3521, and 5 CFR part 1320.

A. Justification.

1. Circumstances Making the Collection Necessary.

This application is submitted to revise 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) and other applicable statutes. This information is required by the Office of Foreign Assets Control (OFAC) to implement its compliance and enforcement programs with respect to regulatory requirements regarding providers of authorized travel and carrier services with respect to Cuba.

Before January 16, 2015, OFAC regulated travel service providers (TSPs) and carrier service providers (CSPs) that were authorized by OFAC to engage in limited and regulated business activity with Cuba in connection with travel to Cuba. OFAC also previously collected certain personal data about authorized travelers from the TSPs and CSPs.

As a result of policy changes announced by the President on December 17, 2014, which were implemented in regulatory changes published by OFAC on January 16, 2015 (80 FR 2291), OFAC generally authorized travel-related transactions within the 12 existing travel categories in the Regulations. In addition, OFAC generally authorized persons subject to U.S. jurisdiction, including travel agents and airlines, to provide travel and air carrier services in connection with travel-related transactions authorized by the Regulations. See 31 CFR § 515.572. As to information collection requirements, OFAC previously required licensed TSPs to gather certain personal data about authorized travelers and provide it to CSPs, which then submitted this and certain additional information to OFAC. OFAC now requires only that persons subject to U.S. jurisdiction providing services authorized pursuant to 31 CFR § 515.572 retain for at least five years from the date of the transaction a certification from each customer indicating the section of 31 CFR part 515 that authorizes the person to travel to Cuba. In the case of a customer traveling under a specific license, a copy of the license must be maintained on file with the person subject to U.S. jurisdiction providing services authorized pursuant to 31 CFR § 515.572.

As a result of the January 16, 2015 regulatory amendments, OFAC anticipates an increase in the frequency and duration of trips to Cuba by authorized travelers. In addition, OFAC has revised downward its estimate of the time required to comply with the information collection requirement for persons providing travel and air carrier services, because such persons are no longer required to enter into an electronic format and submit to OFAC personal data for each authorized traveler. OFAC has revised its estimates of the burden under this information collection to reflect these changes.

2. Purpose and Use of the Information Collected.

The information collected is used by OFAC to implement its compliance and enforcement programs pursuant to the Regulations, including with respect to whether all travel to Cuba on direct flights from the United States is in accordance with U.S. law. Specifically, the information may be requested by OFAC to verify that travelers to Cuba on direct flights were licensed by OFAC to engage in such travel and facilitate OFAC's addressing of potential violations of the Regulations.

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. Persons providing travel and air carrier services determine how to gather and retain the certification showing compliance with the relevant travel provisions of the Regulations from travelers.

4. Duplication of Information.

Generally, the information that OFAC requires pertains to individual travelers with individual travel itineraries and is not available other than if obtained from each traveler. Each individual certification is separate and unique. Thus, there is no duplication of records.

5. Reducing the Burden on Small Entities.

The storage of the required certifications showing compliance with the relevant travel provisions of the Regulations for five years will affect small businesses or other small entities that provide authorized travel and carrier services, but this requirement is not expected to be onerous.

6. Consequences of not Conducting Collection.

The information collected is used primarily by the Treasury Department for compliance and enforcement purposes. This information is used to determine whether transactions are conducted consistent with the regulatory authorization. Without these collections of information, provisions for authorizing otherwise prohibited transactions cannot be monitored and enforced.

Generally, the information could not be collected less frequently unless it was not collected at all. A certification is only collected from a traveler to Cuba when a person is providing authorized travel or carrier services. To collect the information less frequently would result in incomplete records regarding travel to Cuba, prevent OFAC from 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;*

The Reporting, Procedures and Penalties Regulations, 31 CFR Part 501, require the

retention of records for five years from the date of a transaction subject to the provisions of 31 CFR chapter V 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;*

The information requested may include personal identification information needed for law enforcement purposes. OFAC will ensure that this information will not be publicly released except to the extent allowed by law. Information will only be released in accordance with the criteria for disclosure set forth in the Privacy Act, the Freedom of Information Act, and, as applicable, the Trade Secrets Act. Information about OFAC's privacy practices has been issued under OFAC's Privacy Act system of records notice: Treasury/DO .120 – Records Related to Office of Foreign Assets Control Economic Sanctions (75 FR 61853).

- *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 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.

This request is being submitted for emergency processing. A Federal Register notice soliciting comments will be submitted pursuant to this process.

9. Payment or Gift.

Respondents receive no payment or gifts for completing or retaining the certifications.

10. Confidentiality.

The information requested may include personal identification information needed for law enforcement purposes. OFAC will ensure that this information will not be publicly released except to the extent allowed by law. Information will only be released in accordance with the criteria for disclosure set forth in the Privacy Act, the Freedom of Information Act, and, as applicable, the Trade Secrets Act. For further information about OFAC's privacy practices, please see OFAC's system of records notice: Treasury/DO .120 – Records Related to Office of

Foreign Assets Control Economic Sanctions (75 FR 61853).

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 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 entries is up to 1,000,000 annually, for all persons providing authorized travel and carrier services in the aggregate. It is anticipated that the time required to complete the certification is approximately one minute. At one minute each, the certifications to be completed by individuals traveling to Cuba under a general authorization in the Regulations will take approximately 1,000,000 minutes (16,667 hours) annually in the aggregate. The record keeping burden will be addressed in OMB 1505-0164.

13. Annual Cost to Respondents.

The burden imposed on persons providing authorized travel and carrier services by this information collection requirement is minimal as the certification that is collected and stored for each relevant transaction may be in any form, as determined by such persons. At one minute per certification, there is no practical cost associated with this burden.

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.

On January 16, 2015, OFAC amended the Regulations to implement certain policy changes announced by the President on December 17, 2014 to further engage and empower the Cuban people. Among other changes, OFAC generally authorized persons subject to U.S. jurisdiction to provide certain travel and air carrier services in connection with travel to Cuba. See 31 CFR § 515.572(a). In so doing, OFAC modified the information collection requirements as currently approved by OMB (No. 1505-0168). In addition, OFAC generally authorized travel-related transactions within the 12 existing travel categories in OFAC's regulations. As to information collection requirements, OFAC previously required licensed TSPs to gather certain personal data about authorized travelers and provide it to CSPs, which then submitted this and certain additional information to OFAC. OFAC now requires only that persons subject to U.S. jurisdiction providing services authorized pursuant to 31 CFR § 515.572 retain for at least five years from the date of the transaction a certification from each customer indicating the section of 31 CFR part 515 that authorizes the person to travel to Cuba. . In the case of a customer traveling under a specific license, a copy of the license must be maintained on file with the person subject to U.S. jurisdiction providing services authorized pursuant to 31 CFR § 515.572.

OFAC anticipates that the general authorizations for providing travel and carrier services in connection with travel to Cuba and for individual travel will increase the number of travelers, but that because OFAC has simplified its requirements, and no longer requires regular reports to OFAC, the time burden of the information collection has decreased both for each individual entry and overall.

The increase of 750,000 respondents and a reduction of 16,666 burden hours is attributed this program change. A total of 16,667 burden hours is requested.

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

Results will not be published.

17. Display of OMB Approval Date.

Not applicable.

18. Exceptions to Certification For Paperwork Reduction Act Submission.

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods.

Not applicable.