

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

This filing contains the information required by the Office of Management and Budget (OMB) 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 renew 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. 4301-4341) and other applicable authorities.

The information in 1505-0168 is a certification required pursuant to § 515.572 of the Regulations by persons subject to the jurisdiction of the United States who engage in authorized travel to Cuba. The information will be used by the Office of Foreign Assets Control (OFAC) to monitor compliance with regulations governing persons subject to U.S. jurisdiction providing authorized travel and carrier services with respect to Cuba and persons who travel to Cuba. The record keeping burden for travel and carrier service providers associated with these collections is addressed in 1505-0164.

OFAC has amended the Regulations on numerous occasions, most recently in June 2022. Currently, persons subject to U.S. jurisdiction are authorized by general license to engage in travel-related transactions involving Cuba within the 12 existing travel categories in the Regulations. OFAC may authorize by specific license travel-related transactions that do not fall within the scope of an existing general license. In addition, persons subject to U.S. jurisdiction, including travel agents, airlines, and vessel operators, are generally authorized to provide travel and carrier services in connection with travel-related transactions authorized by the Regulations. See 31 CFR § 515.572(a)(1) and (2).

As to information collection requirements, since January 2015, OFAC has required that persons subject to U.S. jurisdiction providing services authorized pursuant to 31 CFR § 515.572 obtain and retain for at least five years from the date of the transaction a certification from each customer indicating the section of the Regulations that authorizes the person to travel to Cuba. The names and addresses of individual travelers must be retained on file with all other information required by 31 CFR § 501.601. These records must be furnished to OFAC on demand.

A significant number of individuals typically travel to Cuba each year. Between 2019 and mid 2022, the number of such travelers decreased due to a variety of factors, including government travel restrictions and the Coronavirus Disease 2019 (COVID-19) pandemic; however, OFAC believes that the number of travelers will rise in the near future with the recent relaxation of certain sanctions restrictions and COVID-19 related travel restrictions (see “Reason for Change” below for further information).

OFAC made multiple changes between 2017 and 2020 to the Regulations to implement the Administration's policy toward Cuba at that time, including by imposing restrictions on travel to Cuba by individuals and attendant services by travel service providers. The U.S. Department of Commerce's Bureau of Industry and Security (BIS) also made changes to the Export Administration Regulations, 15 CFR part 730 *et seq.*, that further restricted the export to Cuba of certain types of aircraft and vessels. Each of these changes had the effect of limiting the number of travelers to Cuba. However, in June 2022, OFAC issued a set of amendments to the Regulations to implement the Administration's new Cuba policy, which lifted some of the restrictions on travel imposed between 2017 and 2020. Further, the Cuban government has relaxed the lockdowns it imposed to curb the spread of COVID-19 and moved toward a greater openness to permitting visitors. Accordingly, OFAC expects that during the next three years, the number of travelers to Cuba will slowly increase when compared with the 2019–2022 period.

2. Purpose and Use of the Information Collected.

The information collected supports OFAC's implementation of its compliance and enforcement programs pursuant to the Regulations, including whether travel-related transactions involving Cuba are authorized pursuant to the Regulations. Specifically, the information may be requested by OFAC to verify that travelers to Cuba are authorized under the Regulations to engage in such travel-related transactions and facilitate OFAC's ability to address 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 and is available only by obtaining from each traveler. Each individual certification is separate and unique. Thus, there is no duplication of records.

5. Reducing the Burden on Small Entities.

Because the traveler certifications are collected from individuals, there is no estimated burden on small business or other 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, and is addressed in OMB 1505-0164.

6. Consequences of Not Conducting Collection.

The information collected is used primarily by OFAC for compliance and enforcement purposes. This information is used to assess whether transactions are conducted consistent with

the Regulations. The lack of such information may hinder investigations.

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 requested by OFAC. To collect the information less frequently would result in incomplete records regarding travel to Cuba, may hinder OFAC's ability to assess whether such travel complied with the Regulations, and may impact 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 restricted transaction subject to the provisions of 31 CFR chapter V or from the date that blocked property is unblocked. Under 31 CFR § 501.601, the requirement for five years of record retention beyond a transaction corresponds to the five-year statute of limitations set forth in 28 U.S.C. 2462.

- *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.*

OFAC will ensure that this information will only be shared in a manner consistent with the Privacy Act including the routine uses published in the Federal Register, the Freedom of Information Act, the Treasury FOIA Implementing Instructions found at 31 CFR §1.5, 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).

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.

On April 22, 2022, OFAC published a Notice in the *Federal Register* soliciting comments concerning the information collection covered by this authority within a 60-day comment period (87 FR 24224). OFAC did not receive any public comments in relation to the Notice.

9. Payment or Gift.

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

10. Confidentiality.

OFAC will ensure that this information will only be shared in a maner consistent with the Privacy Act including the routine uses published in the Federal Register, the Freedom of

Information Act, the Treasury FOIA Implementing Instructions found at 31 CFR §1.5, 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 (76 FR 4995).

11. Questions of a Sensitive Nature.

The information requested makes no request for sensitive information of this type.

12. Burden of Information Collection.

Based on recent travel data and trends, the estimated number of records is 565,000 annually. It is estimated 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 565,000 minutes (9,417 hours) annually in the aggregate.

Additionally, for persons providing authorized travel or carrier services, there may be some burden associated with developing or modifying systems in order to collect the required certification, although this is not a new requirement. This record keeping burden associated with maintaining the certifications for five years is addressed in OMB 1505-0164.

REPORT OR INFORMATION COLLECTION	ASSOCIATED FORM NUMBER	ESTIMATED NUMBER OF ANNUAL RESPONSES	ESTIMATED TIME PER FORM (hours per form)	ESTIMATED TOTAL BURDEN (hours)
Record of individual traveler's authorization for travel to Cuba	n/a	565,000	0.01667 (1 minute)	9,417
Total		565,000		9,417

13. Annual Cost to Respondents.

The burden imposed on persons traveling to Cuba 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 the authorized travel or carrier services providers). At one minute per certification, there is no practical cost to individual travelers associated with this burden.

14. Cost to the Federal Government.

The total estimated annual cost to the U.S. Government attributable to this information collection is based on an estimated number of hours spent by an OFAC employee to conduct an audit of the records, as well as time spent by a supervisor to discuss findings. An OFAC officer in Washington, D.C. at the GS 13 step 1 level (\$51.18 per hour) plus 60 percent Federal Government benefits is a total cost of \$81.88 per hour. The average cost for a supervisor in Washington, D.C. at the GS-15 step 1 (\$71.15 per hour) plus 60 percent benefits is a total cost of \$113.84 per hour. The average time of review is approximately two weeks per year for an officer (\$6,550) and one day per year for a supervisor (\$910.72), regardless of the number of records created. The estimated total cost to the Federal Government is \$7,460.72 annually.

15. Reason for Change.

Both the conditions relating to travel to Cuba and OFAC's own methodology for gathering information relating to such travel have changed since OFAC's prior submission in 2019. For this submission, OFAC used traveler data from the Department of Homeland Security's Customs and Border Protection to inform and refine its estimates of the number of travelers. Additionally, as explained below, the COVID-19 pandemic caused a drop in authorized travel to Cuba. With the COVID-19 pandemic receding, however, OFAC estimates that approximately 565,000 records will be created annually for the 2022–2025 period.

Between November 2017 and September 2020, OFAC amended the Regulations to remove an authorization for people-to-people educational travel, remove an authorization to attend or organize professional meetings or conferences in Cuba, and add a requirement that certain categories of educational travel take place under the auspices of an institution or organization that is a person subject to U.S. jurisdiction. However, due to U.S. foreign policy changes, OFAC amended the Regulations in June 2022 to, among other things, reinstate group people-to-people educational travel to Cuba, remove certain restrictions on authorized academic educational activities, and authorize travel to attend or organize professional meetings or conferences in Cuba. OFAC believes that these recent regulatory changes will have the effect of increasing authorized travel to Cuba during the next reporting period.

Separately, in June 2019, BIS restricted the types of aircraft and vessels that may be exported or reexported to Cuba on temporary sojourn, which significantly limited the available travel methods for authorized travelers to Cuba and effectively eliminated travel by cruise ships between the United States and Cuba. As long as these restrictions remain in place, OFAC assesses that they will continue to limit the number of travelers to Cuba.

Travel to Cuba also declined sharply in the spring of 2020, with the emergence of the COVID-19 pandemic. Cuba was among the nations implementing strict restrictions on visitors, and even though those restrictions have been lifted, as of 2022, U.S. international travel to all destinations has yet to recover to pre-COVID-19 levels.

However, OFAC estimates that over the next three years travel to Cuba will rebound. This estimate is based in part on June 2022 changes to the Regulations that ease restrictions on authorized academic activities and resume authorization for professional meetings and conferences and for group people-to-people educational travel. While travel in 2022 may still be depressed due to concerns about COVID-19, it seems likely that, as the pandemic subsides, some

travelers who have postponed trips to Cuba will be more likely to take such trips in the coming years.

The June 2022 amendments to the Regulations were issued after OFAC published the April 2022 *Federal Register* notice, which estimated the total number of annual records to be approximately 350,000. OFAC is now revising its April 2022 estimate upward to approximately 565,000 annual records, based on the June 2022 amendments’ expansion of authorized travel. This number is an average of the number of travelers reported in 2019 and those reported in 2021.

Compared to the 400,000 estimate of annual records approved in 2019, OFAC estimates an increase in the number of records for the period from 2022 to 2025. As described above, OFAC has changed its methodology for estimating the annual number of records, and is now relying on data from the Department of Homeland Security. OFAC attributes the increase of 165,000 estimated annual records from the 2019 estimate to the 2022 estimate due to changes in methodology and regulatory changes. A total of 9,417 burden hours is requested; this is an increase of 2,750 burden hours from the 6,667 burden hours requested in 2019.

	PREVIOUSLY APPROVED	PROGRAM CHANGE DUE TO AGENCY DISCRETION	CHANGE DUE TO ADJUSTMENT IN AGENCY ESTIMATE	REQUESTED
Annual Number of Responses	400,000	+165,000	0	565,000
Annual Time Burden (Hr)	6,667	+2,750	0	9,417

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.