

**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control****31 CFR Part 515****Cuban Assets Control Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is amending the Cuban Assets Control Regulations to implement portions of the President's foreign policy toward Cuba. This amendment removes an authorization for group people-to-people educational travel and provides a "grandfathering" provision to authorize certain group people-to-people educational travel that previously was authorized where the traveler has already completed at least one travel-related transaction (such as purchasing a flight or reserving accommodation) prior to June 5, 2019.

**DATES:** *Effective:* June 5, 2019.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Assistant Director for Licensing, 202-622-2480, Assistant Director for Regulatory Affairs, 202-622-4855, Assistant Director for Sanctions Compliance & Evaluation, 202-622-2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, 202-622-2410.

**SUPPLEMENTARY INFORMATION:****Electronic Availability**

This document and additional information concerning OFAC are available from OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

**Background**

The Department of the Treasury issued the Cuban Assets Control Regulations, 31 CFR part 515 (the Regulations), on July 8, 1963, under the Trading With the Enemy Act (50 U.S.C. 4301-41). OFAC has amended the Regulations on numerous occasions. In particular, on November 9, 2017, OFAC, the Department of Commerce's Bureau of Industry and Security, and the Department of State (State) took coordinated actions to implement National Security Presidential Memorandum-5, "Strengthening the Policy of the United States Toward Cuba," signed by the President on June 16, 2017 (NSPM-5). Among other things, in accordance with section 3(b)(ii) of NSPM-5, OFAC amended § 515.565(b) to require that people-to-people educational travel be conducted

under the auspices of an organization that is subject to U.S. jurisdiction and that sponsors such exchanges to promote people-to-people contact (group people-to-people educational travel) (82 FR 51998).

On April 17, 2019, National Security Advisor Ambassador John Bolton delivered a foreign policy address (April 2019 Address) announcing regulatory changes to further implement NSPM-5 and the President's foreign policy toward Cuba. Among other changes, the April 2019 Address announced that the Department of the Treasury would further restrict non-family travel.

In accordance with the April 2019 Address, OFAC is amending § 515.565 to remove the authorization for group people-to-people educational travel in § 515.565(b). OFAC is adding a "grandfathering" provision in § 515.565(b) to authorize certain group people-to-people educational travel that previously was authorized where the traveler has already completed at least one travel-related transaction (such as purchasing a flight or reserving accommodation) prior to June 5, 2019. Finally, OFAC is adding a Note to § 515.572(a)(2) highlighting the fact that the export or reexport of vessels or aircraft providing carrier services under § 515.572(a)(2) requires separate authorization from the Department of Commerce.

**Public Participation**

Because the amendments of the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, as well as the provisions of Executive Order 13771, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply.

**Paperwork Reduction Act**

The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations") and § 515.572 of this part. Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information are covered by the Office of Management and Budget under control numbers 1505-0164, 1505-0167, and 1505-0168. 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 control number.

**List of Subjects in 31 CFR Part 515**

Administrative practice and procedure, Banking, Blocking of assets, Cuba, Financial transactions, Reporting and recordkeeping requirements, Travel restrictions.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR part 515 as set forth below:

**PART 515—CUBAN ASSETS CONTROL REGULATIONS**

■ 1. The authority citation for part 515 continues to read as follows:

**Authority:** 22 U.S.C. 2370(a), 6001-6010, 7201-7211; 31 U.S.C. 321(b); 50 U.S.C. 4301-4341; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104-114, 110 Stat. 785 (22 U.S.C. 6021-6091); Pub. L. 105-277, 112 Stat. 2681; Pub. L. 111-8, 123 Stat. 524; Pub. L. 111-117, 123 Stat. 3034; E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959-1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

**Subpart E—Licenses, Authorizations, and Statements of Licensing Policy**

- 2. Amend § 515.565 by:
- a. Redesignating the Note to paragraphs (a) and (b) as Note 4 to paragraph (a);
  - b. Revising the newly redesignated Note 4 to paragraph (a);
  - c. Revising paragraph (b); and
  - d. In paragraph (g), remove the phrase "general licenses" and add in its place "general license" and remove the text "or (b)".

The revisions to read as follows:

**§ 515.565 Educational activities.**

(a) \* \* \*

\* \* \* \* \*

**Note 4 to paragraph (a):** Each person relying on the general authorization in this paragraph must retain specific records related to the authorized travel transactions. See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements.

(b) *General license for certain people-to-people travel and related transactions where certain transactions were completed prior to June 5, 2019.* Persons subject to U.S. jurisdiction are authorized to engage in people-to-people travel and related transactions for a trip consistent with paragraph (b) of this section as those provisions existed on April 17, 2019, provided the traveler completed at least one travel-

related transaction (such as purchasing a flight or reserving accommodation) for that particular trip prior to June 5, 2019.

\* \* \* \* \*

■ 3. Amend § 515.572 by adding Note 1 to paragraph (a)(2) to read as follows:

**§ 515.572 Provision of travel, carrier, other transportation-related, and remittance forwarding services.**

(a) \* \* \*

(2) \* \* \*

**Note 1 to paragraph (a)(2):** The export or reexport to Cuba of items subject to the Export Administration Regulations (15 CFR part 730 *et seq.*), including vessels and aircraft used to provide carrier services, requires separate authorization from the Department of Commerce. See § 515.533.

\* \* \* \* \*

Dated: May 30, 2019.

**Andrea Gacki,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2019-11755 Filed 6-4-19; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2019-0121]

RIN 1625-AA00

#### Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its safety zone regulation for Annual Events in the Captain of the Port Buffalo Zone. This amendment adds eight new permanent safety zones. These amendments and additions are necessary to protect spectators, participants, and vessels from the hazards associated with annual maritime events, including fireworks displays, boat races, and air shows.

**DATES:** This rule is effective July 5, 2019.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2019-0121 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Sean Dolan, Chief of

Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716-843-9322, email [D09-SMB-SECBuffalo-WWM@uscg.mil](mailto:D09-SMB-SECBuffalo-WWM@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

On April 26, 2019, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) titled Safety Zones; Annual Events in the Captain of the Port Buffalo Zone (84 FR 17756). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this amendment to the CFR. During the comment period that ended May 28, 2019, we received no comments.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The purpose of the this rule is to update the safety zones in 33 CFR 165.939 to ensure accuracy of times, dates, and dimensions for various triggering and marine events that are expected to be conducted within the Captain of the Port Buffalo Zone throughout the year. The purpose of the rulemaking is also to ensure vessels and persons are protected from the specific hazards related to the aforementioned events. These specific hazards include obstructions in the waterway that may cause marine casualties; collisions among vessels maneuvering at a high speed within a channel; the explosive dangers involved in pyrotechnics and hazardous cargo; and flaming/falling debris into the water that may cause injuries.

##### IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published April 26, 2019. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule adds eight new safety zones to Table 165.939 within § 165.939 for annually recurring events in the Captain of the Port Buffalo Zone. These eight zones were approved and published in the **Federal Register** as temporary safety zones in 2018 and were added in order to protect the public from the safety hazards previously described. A list of specific changes and additions are

available in the attachments within this Docket.

The Captain of the Port Buffalo has determined that the safety zones in this rule are necessary to protect the safety of vessels and people during annual marine or triggering events in the Captain of the Port Buffalo zone. Although this rule will be effective year-round, the safety zones in this rule will be enforced only immediately before, during, and after events that pose a hazard to the public and only upon notice by the Captain of the Port Buffalo.

The Captain of the Port Buffalo will notify the public that the zones in this rule are or will be enforced by all appropriate means to the affected segments of the public, including publication in the **Federal Register**, as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners.

All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Buffalo or a designated representative. Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port or a designated representative. The Captain of the Port or a designated representative may be contacted via VHF Channel 16 or at 716-843-9525.

##### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

###### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the characteristics of the safety zones, including size, location, duration, and time-of-day. The safety