

*Frequency:* 0–6,444 complaints per year for each respondent (A range of the lowest number of complaints and an average of the highest number of complaints received over the past three years).

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of the Department's functions, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR part 1.

Issued in Washington, DC, on December 14, 2018.

**Blane A. Workie,**

*Assistant General Counsel for Aviation Enforcement and Proceedings.*

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Agency Information Collection Activities; Proposed Renewal; Comment Request; Reports of Foreign Financial Accounts Regulations and FinCEN Form 114, Report of Foreign Bank and Financial Accounts

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** FinCEN invites comment on a renewal, without change, of existing information collection requirements concerning reports of foreign financial accounts and FinCEN Form 114, Report of Foreign Bank and Financial Accounts (“FBAR”). This request for comments is being made pursuant to the Paperwork Reduction Act (“PRA”) of 1995.

**DATES:** Written comments are welcome and must be received on or before February 19, 2019 to be assured of consideration.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2018–0018 and the Office of Management and Budget (“OMB”) control number 1506–0009.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2018–0018 and OMB control number 1506–0009.

Please submit comments by one method only. Comments will also be incorporated to FinCEN's retrospective regulatory review process, as mandated by E.O. 12866 and 13563. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Resource Center at 800–767–2825 or electronically at [frc@fincen.gov](mailto:frc@fincen.gov).

**SUPPLEMENTARY INFORMATION:** The Bank Secrecy Act (“BSA”), Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5314 and 5316–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.<sup>1</sup> Title III of the USA PATRIOT Act of 2001, Pub. L. 107–56, included certain amendments to the anti-money laundering provisions of Title II of the BSA, 31 U.S.C. 5311 *et seq.*, which are intended to aid in the prevention, detection, and prosecution of international money laundering and terrorist financing.

Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer Title II of the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement as well

<sup>1</sup> Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, P.L. 107–56 (“USA PATRIOT Act”).

as regulatory authorities in the identification, investigation, and prosecution of money laundering and other matters.

Under 31 U.S.C. 5314, the Secretary is authorized to require any “resident or citizen of the United States or a person in, and doing business in, the United States, to . . . keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency.” The term “foreign financial agency” encompasses the activities found in the statutory definition of “financial agency,”<sup>2</sup> which means, in pertinent part, “a person acting for a person as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, or a transaction in money, credit, securities, or gold.”<sup>3</sup> The Secretary is also authorized to prescribe exemptions to the reporting requirement and to prescribe other matters the Secretary considers necessary to carry out section 5314.

Pursuant to the authority in section 5314, 31 CFR 1010.350 generally requires each U.S. person having a financial interest in, or signature or other authority over, a bank, securities, or other financial account in a foreign country to report such relationship to the Commissioner of Internal Revenue for each year in which such relationship exists, and to provide and report such information specified in a reporting form prescribed under 31 U.S.C. 5314. Section 1010.350 provides certain exceptions from reporting. FinCEN Form 114 (the FBAR) is the form used to file the required information. The recordkeeping requirements associated with foreign financial accounts required to be reported under section 1010.350 are set forth in 31 CFR 1010.420. Specifically, filers must retain records of such accounts for a period of 5 years and make the records available for inspection as authorized by law.<sup>4</sup>

In accordance with the requirements of the PRA and its implementing regulations, the following information is presented concerning the information collection below.

*Title:* Reports of foreign financial accounts and records to be made and retained by persons having financial

<sup>2</sup> 31 U.S.C. 5312(b)(2).

<sup>3</sup> See 31 U.S.C. 5312(a)(1), which exempts from the definition of financial agency a person acting for a country, a monetary or financial authority acting as a monetary or financial authority or an international financial institution of which the United States government is a member.

<sup>4</sup> The penalties provided in the BSA apply to both the FBAR reporting and recordkeeping requirement.

interests in foreign financial accounts (31 CFR 1010.350, 1010.420) and FinCEN Form 114, Report of Foreign Bank and Financial Accounts.

*OMB Control Number:* 1506-0009.

*Form Number:* FinCEN Form 114.

*Abstract:* Each U.S. person having a financial interest in, or signature or other authority over, a bank, securities, or other financial account in a foreign country shall report such relationship to the Commissioner of Internal Revenue for each year in which such relationship exists and shall provide such information as shall be specified in a reporting form prescribed under 31 U.S.C. 5314 to be filed by such persons. This information will be provided on the FinCEN Form 114. Records of accounts required by § 1010.350 to be reported shall be retained by each person having a financial interest in or signature or other authority over any such account. Such records shall be retained for a period of 5 years and shall be kept at all times available for inspection as authorized by law.

*Type of Review:* Renewal without change to a currently approved information collection.

*Affected Public:* Individuals, businesses or other for-profit institutions, and non-profit institutions.

*Burden:*

- *Estimated Number of Respondents:* 1,090,774.<sup>5</sup>

- *Estimated Number of Responses:* 1,090,774.

- *Estimated Average Annual Burden Per Response:* The estimated average burden associated with the recordkeeping requirements in the rules will vary depending on the number of reportable accounts. We estimate that the recordkeeping burden will range from five minutes to sixty minutes, and that the average burden will be 30 minutes. The estimated average burden associated with the reporting requirement (*i.e.*, FBAR form completion) will also vary depending on the number of reportable accounts and whether the filer will be able to take advantage of the exceptions provided in the rule. We estimate that the average reporting burden will range from approximately 15 minutes to 50 minutes and that the average reporting burden will be approximately 30 minutes. The estimated total annual recordkeeping and reporting burden per response will be 1 hour.

- *Estimated Total Annual Respondent Burden:* 1,090,774 hours (one hour per report).

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 OMB control number. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential but may be shared as provided by law with regulatory and law enforcement authorities.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: December 11, 2018.

**Jamal El-Hindi,**

*Deputy Director, Financial Crimes Enforcement Network.*

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**BILLING CODE 4810-02-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

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

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel. 202-622-4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202-622-2410.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website ([www.treasury.gov/ofac](http://www.treasury.gov/ofac)).

##### Notice of OFAC Action(s)

On December 14, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

##### Individuals

1. DIMITRY, Gregory Vasili (a.k.a. ADUOL, Gregory Deng Kuac; a.k.a. KUAC, Gregory Deng; a.k.a. KUACH, Gregory Deng; a.k.a. YALOURIS, Gregory Vasilis Dimitry), Juba, South Sudan; DOB 01 Jan 1961; POB Ajogo, South Sudan; nationality South Sudan; Gender Male (individual) [SOUTH SUDAN].

Designated pursuant to Section 1(a)(i)(A) of Executive Order 13664 of April 3, 2014, "Blocking Property of Certain Persons With Respect to South Sudan" (E.O. 13664) for being responsible for or complicit in, or having engaged in, directly or indirectly, in or in relation to South Sudan, actions or policies that threaten the peace, security, or stability of South Sudan.

2. ZIV, Israel (a.k.a. ZILBERSTEIN, Israel Baruch; a.k.a. ZIV, Israel Baruch; a.k.a. ZIV, Yisrael), Haela 16, Har Hadar, Israel; Haela 40, Har Adar, Israel; DOB 06 Jul 1957; nationality Israel; Gender Male; Passport 29037166 (Israel); National ID No. 5490537 (individual) [SOUTH SUDAN].

Designated pursuant to Section 1(a)(ii) of E.O. 13664 for being a leader of an entity that has, or whose members have, engaged in actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes.

3. OLAWO, Obac William (a.k.a. OLAH, Ubac William; a.k.a. OLAU, Obaj William), South Sudan; DOB 01 Jan 1962; POB Malakal, South Sudan; Gender Male; Passport M6200000021304 (South Sudan) (individual) [SOUTH SUDAN].

Designated pursuant to Section 1(a)(ii) of E.O. 13664 for being a leader of an entity that has, or whose members have, engaged in actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes.

<sup>5</sup> The total number of FBARs reported for foreign financial accounts reported for calendar year 2016 is 1,090,774.