

Unauthorized Entry Into Cuban Territorial Waters 1625-0106

Supporting Statement

1. Explain the circumstances that make the collection of information necessary.

The President by proclamation and the Secretary of Homeland Security by order have directed and authorized the U.S. Coast Guard to regulate the anchorage and movement of certain U.S. vessels, and vessels without nationality, located within the territorial waters of the United States, that thereafter enter Cuban territorial waters or evidence intent to enter Cuban territorial waters. This rule is necessary to provide for the safety of United States citizens and residents, to improve enforcement of economic sanctions against, Cuba, as part of the embargo against the Government of Cuba, and to prevent a threatened disturbance of the international relations of the United States.

The Coast Guard issued a final rule requiring all U.S. registered vessels, and vessels without nationality, less than 100 meters in length to apply for and receive a permit to enter Cuban territorial waters. This permit requirement is necessary to preclude covered vessels from departing U.S. waters and thereafter entering Cuban waters, unless such vessels hold a license from other government agencies that allow them to engage in exports to, and transactions with, Cuba.

Permit applicants must provide certain information to the Coast Guard in order for the regulation to be effective and enforceable.

2. Purpose of the collection.

The information is collected to regulate departure from U.S. territorial waters of U.S. vessels, and vessels without nationality, and entry thereafter into Cuban territorial waters. The need to regulate this vessel traffic supports ongoing efforts to enforce the Cuban embargo, which is designed to bring about an end to the current government and a peaceful transition to democracy. Accordingly, only applicants that demonstrate prior U.S. government approval for exports to and transactions with Cuba will be issued a Coast Guard permit.

The permit regulation requires that applicants hold United States Department of Commerce, Bureau of Industry and Security (BIS) and U.S. Department of Treasury the Office of Foreign Assets Control (OFAC) licenses that permit exports to and transactions with Cuba. The USCG permit process thus allows the agency to collect information from applicants about their status vis-à-vis BIS and OFAC licenses and monitor compliance with BIS and OFAC regulations. These two agencies administer statutes and regulations that proscribe exports to (BIS) and transactions with (OFAC) Cuba. Accordingly, in order to assist BIS and OFAC in the enforcement of these license requirements, as directed by the President and the Secretary of Homeland Security, the Coast Guard is requiring certain U.S. vessels, and vessels without nationality, to demonstrate that they hold these licenses before they depart for Cuban waters.

3. Considerations of the use of improved information technology to reduce the burden.

The permit process is managed by USCG Seventh District in Miami, FL. Information to assist the applicant is available online, at no cost to the applicant.

4. Describe efforts to identify duplication.

It is unlikely that any duplication will occur. Based upon actual experience and available data for the period 02 July 2004 through 31 August 2007, the period since the Coast Guard established the final rule set forth in 33 C.F.R. 107, each year the Coast Guard anticipates that approximately four [4] requests will be submitted to the Coast Guard for permission to sail to Cuba. Permit holders must reapply for each trip to Cuba.

5. If the collection of information involves small business or other small entities, describe the methods used to minimize burden.

No significant collection burden will fall on any small entity. Of the approximately four [4] vessels the Coast Guard anticipates may request permits each year, the Coast Guard anticipates that few or none will seek to enter Cuba for commercial purposes, so the impact of the permit system on small businesses is minimal. Further, the permit is only necessary for vessels actually entering Cuban waters. Vessels traveling in the vicinity of Cuba in international waters are not affected, so international and American commerce is not significantly affected by the rule.

6. Describe the consequence to Federal program or policy activities if the collection were conducted less frequently.

The collection is made only once at the time of application. Subsequent applications by vessel owners must be reconsidered based on the nature of each trip. Thus, there is no way to make the collection less frequently.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines.

Information is collected in a manner that is consistent with the guidelines.

8. Consultation.

A 60 day Notice was published in the Federal Register to obtain public comment on this collection. (See [USCG-2007-0007], October 18, 2007, 72 FR 59100). The USCG has not received any comments on this information collection.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gifts of any kind are provided to respondents

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurance of confidentiality is provided to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are considered private.

There are no issues of a sensitive nature involved in this information collection.

12. Provide estimates of hour burden to respondent.

Each applicant will submit information that should be readily available. Each applicant should take no more than a quarter hour to provide the required information.

Number of respondents:	4
Number of responses:	4
Burden hour per applicant:	15 minutes = 0.25 hours
Total burden hours:	4 responses X 0.25 hour per responses = 1 hour per year
Total cost per respondents:	\$55 X 1 hour = \$55
Total annual cost for all respondents:	\$55 X 4 hours = \$220

Based on actual experience and data available to the Coast Guard for the period 02 July 2004 through 31 August 2007, the period since the final rule was effective, assuming four [4] permit requests each year, the collection will take approximately 1.0 hour for all applications. Using the General Schedule (GS) pay scale, at \$55 (GS-13) per hour labor cost, and 15 minutes to submit required information, the cost is approximately \$55.00 annually to all respondents.

The total annual collection of information costs to all respondents from permit application requirements is approximately \$55.00.

Coast Guard boardings of vessels in which boarding teams verify compliance with 33 C.F.R. 107 would be conducted as a matter of routine activity verifying compliance with other laws and regulations. Accordingly, the regulation adds no additional government costs associated with boarding activity.

The total annual collection of information costs to all respondents from permit application requirements and USCG boarding activities are approximately \$220.00.

13. Estimates of annualized capital and start-up costs.

There are no annualized capital and start-up costs.

14. Provide estimates of annualized costs to the federal government.

The cost to the Coast Guard of collecting the information stems from processing applications and boarding events.

Based upon the actual experience and data available to the Coast Guard for the period 02 July 2004 through 31 August 2007, the period since the final rule was effective, the cost of processing four [4] permits is no more than two hours per permit. At \$43 per hour (O-3), the cost of processing four [4] permits each year is approximately \$344.00 annually.

Coast Guard boardings of vessels in which boarding teams verify compliance with 33 C.F.R. 107 would be conducted as a matter of routine activity verifying compliance with other laws and regulations. Accordingly, the regulation adds no additional government costs associated with boarding activity.

The total costs to the federal government associated with processing permits and conducting compliance boardings are approximately \$344.00.

15. Explain reasons for any program changes or adjustments reported in Items 13 or 14.

The change in burden is an ADJUSTMENT due to a change in the number of applicants. Annualized costs to respondents changed immeasurably if at all. There has been a substantial decrease in the number of applications submitted which correlates to the dramatic increase the Coast Guard has observed in go-fast smuggling events. We anticipate fewer legitimate applications as Cuban maritime flow shifts conveyances from rafts to high-speed, organized, smuggling operations.

16. Outline plans for tabulation, statistical analysis, and publication.

This information will not be published and there are no complex analytical techniques involved.

17. If seeking approval to not display the expiration data for OMB approval, explain reasons display would be inappropriate.

We are not seeking such approval. The OMB Number will appear on appropriate PRA disclosure information.

18. Explain each exception to the certification statement identified in Item 19.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.

