

# **Unauthorized Entry In to Cuban Territorial Waters 1625-0106**

## **Supporting Statement Collection Instruments: Instruction and CG-3300**

### **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 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 the licenses 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.

Collection of this information is authorized by 33 C.F.R. Part 107, implemented under the authority of 50 U.S.C. 191, 50 U.S.C. 192, 50 U.S.C. 194, 50 U.S.C. 195, 14 U.S.C. 141; Presidential Proclamations 6867 and 7757; and Secretary of Homeland Security Order 2004-001.

### **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.**

Information to assist the respondent and the required form, Application for Permit to Enter Cuban Territorial Seas (CG-3300), will be available online at <http://www.atlanticarea.uscg.mil/Our-Organization/District-7/Useful-Information/>. Once completed respondents must fax the form to the Seventh Coast Guard District in Miami, FL at (305) 415-6809 for processing.

**4. Describe efforts to identify duplication.**

It is unlikely that any duplication will occur. Based upon actual experience and available data for the period 1 September 2007 through 30 September 2016, the period since the final rule was effective, each year the Coast Guard anticipates that approximately 840 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.**

The information collection does not have an impact on small businesses or other small entities. Of the approximately 840 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.**

This information collection is conducted in manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

**8. Consultation.**

A 60-day Notice (See [USCG-2017-0949], October 20, 2017, 82 FR 48837) and 30-day Notice (January 22, 2018, 83 FR 3010) were published in the *Federal Register* to obtain public comment on this collection. The Coast Guard 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.**

There is no offer of monetary or material value for this information collection.

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

There are no assurances of confidentiality provided to the respondents for this information collection. This information collection request is covered by the Vessel Requirements for Notices of Arrival and Departure (NOAD) and Automatic Identification System (AIS) Privacy Impact Assessment (PIA). No System of Records Notice (SORN) coverage is required. Links to the NOAD PIA is provided below:

- <https://www.dhs.gov/sites/default/files/publications/privacy-pia-update-uscg-noad-ais-04-28-2015.pdf>

**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:	840
Number of responses per respondents:	1
Burden hour per applicant:	15 minutes = 0.25 hours
Total burden hours:	840 responses X 0.25 hour per responses = 210 hour per year
Total cost per respondents:	\$55 X .25 hour = \$13.75
Total annual cost for all respondents:	\$55 X 210 hours = \$11,550

Based on actual experience and data available to the Coast Guard for the period 1 September 2007 through 30 September 2016, the period since the final rule was effective, assuming 840 permit requests each year, the collection will take approximately 210 hours 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 \$11,550 annually to all respondents.

The total annual collection of information costs to all respondents from permit application requirements and USCG boarding activities are approximately \$11,550.00.

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

There are no recordkeeping, capital, start-up or maintenance costs associated with this information collection.

**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 1 September 2007 through 30 September 2016, the period since the final rule was effective, the cost of processing 840 permits is no more than 25 minutes per permit. At \$30 per hour (E-6), the cost of processing 840 permits each year is approximately \$10,684.00 annually.

Coast Guard boardings of vessels to 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 \$10,684.00.

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

The change in burden (i.e., increase) is an ADJUSTMENT due to an increase in applications due to the normalization of foreign relations between the United States and Cuban governments. Therefore, more individuals are attempting to travel to Cuba via the maritime realm. Instructions have been created for this collection. The burden has been adjusted in ROCIS to correct the previously approved hours. The recordkeeping requirements, and methodology for calculating burden, remain unchanged.

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

This information collection will not be published for statistical purposes.

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

The Coast Guard will display the expiration date for OMB approval of this information collection.

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

The Coast Guard does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods.**

This information collection does not employ statistical methods.