

**SUPPORTING STATEMENT FOR
UNAUTHORIZED ENTRY IN TO CUBAN TERRITORIAL WATERS
OMB Control No.: 1625-0106**

A. Justification

1. Explain circumstances that make 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. Pursuant to the Department of Commerce's new regulation, "Restricting the Temporary Sojourn of Aircraft and Vessels to Cuba" published on June 5, 2019, Coast Guard District 7 will only accept Applications to Enter Cuban Territorial Seas (form CG-3300) that are accompanied by an approved special license from the Department of Commerce.

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 46 U.S.C. 70051, 46 U.S.C. 70052, 46 U.S.C. 70053, 50 U.S.C. 195, 14 U.S.C. 701; Presidential Proclamations 6867, 7757, 9398, and 9699; and Secretary of Homeland Security Order 2004-001.

2. Indicate how, by whom, how frequently, and for what purpose information is to be used.

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 regulations require that applicants possess licenses from the U.S. Department of Commerce's Bureau of Industry and Security (BIS), and the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) that permit exports to, and transactions with Cuba. The CG permit process thus allows the agency to collect information from applicants regarding their status of the BIS and OFAC licenses, and monitor compliance with BIS and OFAC regulations. BIS and OFAC administer statutes and regulations that proscribe exports to, and transactions with Cuba, respectively. Accordingly, in order to assist BIS and OFAC in the

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enforcement of these license requirements, as directed by the President and the Secretary of Homeland Security, the CG is requiring certain U.S. vessels, and vessels without nationality, to procure and submit these licenses before they depart for Cuban waters.

3. Describe whether, and to what extent the collection of information involves the use of automated or other collection techniques.

Information to assist the respondent and the required form, Application for Permit to Enter Cuban Territorial Seas (CG-3300), will be available online at: <https://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.

4. Describe efforts to identify duplication.

It is unlikely that any duplication will occur. Based upon actual experience and available data for the period of 05 June 2019 through 21 May 2020, the period since the final rule went into effect, the Coast Guard anticipates that approximately 20 requests will be submitted to the Coast Guard for permission to sail to Cuba each year, for as long as the regulations remain as-is. Permit holders must reapply for each trip to Cuba.

5. Does collection of information impact small businesses?

The information collection does not have an impact on small businesses or other small entities. Of the approximately 20 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, resulting in minimal impact on small businesses. Furthermore, 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 is not conducted or is conducted less frequently.

The collection is made only at the time of application for each individual trip. Subsequent applications by vessel owners shall 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 would cause an information collection to be conducted in a certain manner.

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

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection.

A 60-day Notice was published in the Federal Register to obtain public comment on this

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collection (See [USCG-2020-0190]; June 12, 2020, 85 FR 35946) and 30-Day Notice (August 27, 2020 85 FR 53012) were published in the Federal Register to obtain public comment on this collection. We received one comment in response to our 60 day notice. The commenter expressed their support for the collection of information stating that the USCG should be allowed to collect the necessary information from all U.S. vessels and vessels with no nationality transiting these waters. The commenter also stated that this rule not only will reinforce the cargo but it will increase security. The U.S. Coast Guard enforces these requirements on all applicable vessels. Under existing authority, the Coast Guard can request this information from operators of vessels identified as being without nationality or stateless. No changes have been made to the information collection request in response to the coment.

9. Explain any decision to provide any payment or gift to respondents.

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.

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

12. Provide estimates of the hour burden of the collection of information.

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:	20
Number of responses per respondents:	1
Burden hour per applicant:	15 minutes = 0.25 hours
Total burden hours:	20 responses X 0.25 hour per responses = 5 hours per year
Total cost per respondents:	\$36.75 X .25 hour = \$9.18
Total annual cost for all respondents:	\$36.75 X 5 hours = \$183.75

Based on actual experience and data available to the Coast Guard for the period 05 June 2019 through 21 May 2020, the period since the final rule went into effect, the collection will take approximately 5 hours each year for all applications. Using the General Schedule (GS) pay scale,

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at \$36.75 (GS-13) per hour labor cost, and 15 minutes to submit required information, the cost is approximately \$183.75 annually to all respondents.

The total annual collection of information costs to all respondents from permit application requirements and USCG boarding activities are approximately \$183.75

13. Provide an estimate of the total annual cost burden to respondents or record keepers.

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

14. Provide estimates of annualized cost to the Federal Government.

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

Based on actual experience and data available to the Coast Guard for the period 05 June 2019 through 21 May 2020, the period since the final rule went into effect, the cost of processing 20 permits is no more than 25 minutes per permit. At \$30 per hour (E-6), the cost of processing 20 permits each year is approximately \$250.00 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 \$250.00.

15. Explain the reasons for any changes or adjustments reported in items 13 or 14.

The measureable decrease in burden, and outflow of applications is an adjustment due to the reinforced restrictions and current status of diplomatic relations between the United States and Cuban governments. Consequently, fewer 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 and publication.

This information collection will not be published for statistical purposes.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons.

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, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

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