

Supporting Statement for Crewmember Identification Documents

OMB No.: 1625-0113
COLLECTION INSTRUMENTS: Instruction

A. Justification.

1) Circumstances that make the collection of information necessary.

In the Maritime Transportation Security Act of 2002 (MTSA)¹, Congress directed the Secretary of the Department in which the Coast Guard is operating to require all crewmembers on vessels calling at U.S. ports to carry and present on demand any identification the Secretary decides is necessary. The Act also directed the Secretary to develop forms and processes for the identification and verification of crewmembers.

Congress directed the Secretary to consult with the Attorney General and Secretary of State when developing these crewmember identification requirements. The Secretary of the Department of Homeland Security (DHS) delegated this rulemaking authority to the Commandant of the Coast Guard² and directed the Commandant to develop these requirements in cooperation with U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA).

This information collection and the associated regulations fulfills Congress' mandate to require that crewmembers on vessels calling at U.S. ports must carry and present on demand an identification that allows the identity of crewmembers to be authoritatively validated. The regulations are in 33 CFR Part 160 Subpart D. The statutory authority is 46 U.S. Code 70111.

2) Purposes of the information collection.

Crewmembers are required to possess and present on demand an acceptable identification. This allows the Coast Guard to authoritatively verify crewmember identity in order to improve maritime domain awareness and control vessel and crewmember movement when warranted under the Coast Guard's maritime security and law enforcement responsibilities.

3) Consideration of the use of improved information technology.

The information is not submitted to the Coast Guard, rather a crewmember must carry and present on demand an acceptable identification. We estimate that 0 percent of the recordkeeping requirements can be accomplished electronically as valid forms of identification are not available in electronic format.

4) Efforts to identify duplication.

When determining the list of acceptable identification, the Coast Guard carefully reviewed existing types of identification required by other Coast Guard and DHS regulations, and applicable international conventions to coordinate requirements as much as possible. The regulations impose a requirement that crewmembers have in their possession at least one of five acceptable identification documents while in U.S. navigable waters. This requirement is independent of whether the crewmember seeks shore leave when calling at a U.S. port.

5) Methods to minimize the burden to small businesses if involved.

This information collection does not have an impact on small businesses or other small entities.

¹ MTSA—Public Law 107–295, 116 Stat. 2064, Nov. 25, 2002

² Section 2(97)(g) of DHS Delegation No. 0170.1, Delegation to the Commandant of the U.S. Coast Guard.

6) Consequences to the Federal program if collection were not done or conducted less frequently.

If this information collection and associated regulations were not in place, we would not meet the Congressional mandate in 46 U.S.C. 70111.

7) Special collection circumstances.

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

8) Consultation.

A 60-day Notice was published in the Federal Register to obtain public comment on this collection (See [USCG-2021-0173]; March 9, 2021, 86 FR 13570) and 30-Day Notice (May 24, 2021, 86 FR 27864) 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) Provide any payments or gifts to respondents.

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

10) Describe any assurance of confidentiality provided to respondents.

There are no assurances of confidentiality provided to the respondents for this information collection. This information collection request is covered by the Marine Information for Safety and Law Enforcement (MISLE) Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Links to the MISLE PIA and SORN are provided below:

- https://www.dhs.gov/sites/default/files/publications/privacy_pia_uscg_misle.pdf
- <http://edocket.access.gpo.gov/2009/E9-14906.htm>

11) Additional justification for any questions of a sensitive nature.

There are no questions of sensitive language.

12) Estimates of annual hour and cost burdens to respondents.

- The estimated annual number of respondents is 23,539.
- The estimated annual number of responses is 23,539.
- The estimated annual hour burden is 32,955 hours.
- The estimated annual cost burden is \$1,713,639.

The burden to respondents is provided in Appendix A. Respondents are crewmembers on vessels in the navigable waters of the U.S., coming from a foreign port or place. Respondents also include the operators of those vessels. We estimate the number of respondents based on Coast Guard records of the number of affected vessels that enter U.S. ports, Coast Guard estimates of the number of crewmembers on vessels, estimates of the frequency of crew rotation, and an estimate of the percentage of crewmembers that must obtain an ID before arriving in the U.S.³ We estimate one response per respondent.

There are two information-related activities associated with the rule that may incur a burden/cost:

- Acquiring an acceptable identification; and
- Carrying and presenting on demand the identification.

³ For this ICR, we calculate respondents by multiplying the number of distinct vessel arrivals (as found in the current Coast Guard Port State Control Report) by a factor of 77. We then take 3% of that figure.

Burden associated with acquiring an acceptable form of identification: We estimate that nearly all foreign crewmembers carry a passport because, under the Immigration and Nationality Act and implementing DHS regulations in 8 CFR 252.1(d), a passport is required for shore leave. However, a small fraction of crewmembers will be required to obtain a new identification from the list of acceptable forms of identification. We estimate that all U.S. crewmembers on vessels impacted by these requirements possess an acceptable identification because, under 46 U.S.C. 8701, every crewmember on almost every seagoing vessel of at least 100 gross tons must have a Merchant Mariner Credential.

We estimate that 97% of crewmembers possess an identification that is acceptable under regulations. For these respondents, there is no additional burden associated with acquiring an acceptable identification. We estimate that 3% of crewmembers do not possess an acceptable identification. To comply with our requirements, we assume that all these crewmembers must acquire a new identification.

We use the burden and cost to obtain a U.S. passport as an estimate of the burden and cost associated with crewmembers acquiring an acceptable form of identification. The U.S. State Department estimates that it requires 85 minutes or 1.4 hours to apply for a U.S. passport⁴. Thus, the burden associated with acquiring an acceptable identification is found by multiplying 3% of the estimated crewmember population times the number of hours it takes to apply for a passport. We expect that an individual crewmember would be responsible to make an application for his/her own an identification document. We estimate that a crewmember's wage rate is equivalent to the average of—(1) Bureau of Labor Statistics (BLS) wage rate for Captains, Mates, and Pilots of Water Vessels (53-5021) [May 2019, mean hourly wage, loaded 50%, and rounded]⁵ and (2) Sailors and Marine Oilers (53-5011) [May 2019, mean hourly wage, loaded 50%, and rounded].⁶

Burden associated with possessing an acceptable form of identification: Through the regulations, crewmembers are required to carry and present on demand an acceptable identification. This imposes an information related recordkeeping requirement to crewmembers and the vessel operators who are responsible for ensuring that crewmembers comply with this requirement. However, we believe that there is no additional net increase in burden associated with the requirements to possess and present on demand identification as these activities already take place due to other applicable regulations and customary business practices. Specifically, the notice of arrival regulations require vessel operators report certain information for each vessel arrival and departure, including crewmember name and type and number of the document used to confirm the identity of the crewmember. Also, U.S. Customs and Border Protection regulations require that crewmembers possess and present identification for inspection upon entry to a U.S. port. Thus, crewmembers are already expected to possess some identification. Possessing the acceptable identification that would be required under these regulations would not result in any new burden.

Further, it is a common business practice for crewmembers to secure their identification and other important documents on the vessel with the master. Since we consider this practice as consistent with the requirements of the regulations, if the identification is aboard and can be presented upon demand, there is no additional burden for this activity.

13) Total of annualized capital and start-up costs.

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

14) Estimates of annualized Federal Government costs.

The estimated annual Federal Government cost is \$428,484 (see Appendix B). The cost is based on Coast Guard personnel review of crewmember identification documents during periodic inspections, random boardings, and post-casualty investigations. We estimate that about 5% of all crewmember

⁴ Source: U.S. Department of State, Application for a U.S. Passport, Form DS-11, 06-2016.

⁵ <https://www.bls.gov/oes/2019/may/oes535021.htm>

⁶ <https://www.bls.gov/oes/2019/may/oes535011.htm>

arrivals (i.e., responses) will be reviewed per year, with the review conducted by a CG Lieutenant (O-3) taking about 0.25 minutes (0.01 hours) per review. The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15) Explain the reason for the change in burden.

There is no change in burden. There is no proposed change to the recordkeeping requirements of this collection. The recordkeeping requirements, and the methodology for calculating burden, remain unchanged.

16) Plans for tabulation, statistical analysis, and publication.

This information collection will not be published for statistical purposes.

17) Approval for not explaining the expiration date for OMB approval.

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

18) Explain each exception to the certification statement.

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.