

SUPPORTING STATEMENT
Passenger List, Crew List
(Form I-418)
OMB No. 1651-0103

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Form I-418 is prescribed by the Department of Homeland Security, Customs and Border Protection (CBP), for use by masters, owners, or agents of vessels in complying with Sections 231 and 251 of the Immigration and Nationality Act (INA). This Form is filled out upon arrival of any person by water or by air at any port within the United States from any place outside the United States. The master or commanding officer of the vessel or aircraft is responsible for providing CBP officers at the port of arrival with lists or manifests of the persons on board such conveyances. This form is provided for in 8 CFR 251.1, 251.3, and 251.4.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Form I-418 is for use by masters, owners, or agents of conveyances in complying with sections 231 and 251 of the INA. This Form provides necessary information for the identification of arriving passengers and crew. This Form is a "traveling manifest" to be updated, as necessary, from the time a conveyance arrives in the United States until it departs.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

CBP is working on a project to automate this Form. System requirements are currently being developed. CBP plans to have this Form automated by 2012.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information is not duplicated in any other place or any other form.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

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

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Under section 231 of the INA, no master or commanding officer of an arriving vessel or aircraft shall be granted clearance until he or she has provided the passenger/crew list to CBP officers at the port of arrival.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

This information is collected in a manner consistent with the guidelines of 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, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Public comments were solicited through two Federal Register notices published on October 23, 2009 (Volume 74, Page 54840) and on January 8, 2010 (Volume 75, Page 1069). Four comments were received.

The CBP Program Office (Admissibility and Passenger Programs) is currently working on the I-418 process, and has been working closely with members of the maritime industry. Three of the commenters are members of the National Association of Maritime Organizations (NAMO), which CBP meets with regularly. These three of the commenters are represented on the National Maritime Security Advisory Committee, which CBP participates in. This topic has been discussed with both groups and two of the commenters are currently engaged in a working group with CBP and United States Coast Guard (USCG) on an automation project.

The commenters raise several specific issues:

1. Actual time to complete I-418
2. Elimination of the paper form
3. Issuance of penalties
4. Collaboration with CBP and USCG

1. The commenters have included in their calculations the process, start to finish of the I-418 from the data is entered prior to the vessel arrival until the submission to CBP at the time the vessel departs. CBP believes that the time to complete the capture of data on form I-418 is one hour.

2. Current regulatory guidelines require the capture of data on the I-418 and the submission of a paper form at departure. In order to eliminate the form in hard copy, the regulation will need to be changed. Additionally, automation the form does not account for the subsequent process that is annotated on the form. In order to eliminate the hard copy requirement, the process will need to be automated. Currently, no mechanism exists to capture the process in an automated format.

3. The issuance of fines or penalties, albeit tied to the regulatory requirement, is separate from the process of filing in the I-418.

4. CBP has discussed the automation of the I-418 in the framework of automating the process rather than merely automating the form. Although there are significant overlaps in the data collected on the I-418 and the data submitted via the eNOA/D process, as stated by the commenters, the eNOA/D submission satisfies the requirements for APIS, not the requirements for the I-418 under current regulations. The statement that only minimal changes are required to capture data from the eNOA/D to complete the I-418 may be true when looking to automate the form, but greatly oversimplifies the IT requirements for automating the process. This process is currently under development with CBP, in coordination with USCG. CBP plans to have this process, including the form, automated by 2012.

The CBP Program Office will address the specific concerns of the commenters in more detail in response letters that are currently under development.

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

There is no offer of a 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 of this information collection.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

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

INFORMATION COLLECTION	TOTAL ANNUAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL RESPONSES	TIME PER RESPONSE
Passenger List/ Crew List Form I-418	95,000	95,000	1	95,000	60 minutes (1 hour)

Public Cost

The estimated annual public cost is \$2,660,000. This is based on the burden hours (95,000) multiplied (x) by the average hourly rate (\$28.00) = \$2,660,000.

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

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

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

provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The estimated annual cost to the Federal Government associated with the review of these records is **\$662,340**. This is based on the number of responses (95,000) that must be reviewed (x) the time to review and process each response (.166 hours) = 15,770 hours (x) the average hourly rate (\$42.00) = \$662,340.

15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13 of this Statement.

There has been no increase or decrease in the estimated annual burden hours previously reported for this information collection

16. For collection of information whose results will be published, 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, explain the reasons that displaying the expiration date would be inappropriate.

CBP will display the expiration date for OMB approval of this information collection.

18. "Certification for Paperwork Reduction Act Submissions."

CBP does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

No statistical methods were employed.