

**Supporting Statement
Vessel Entrance or Clearance Statement
1651-0019**

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.**

CBP Form 1300, *Vessel Entrance or Clearance Statement*, was developed through agreement by the United Nations Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. The form was developed as a single form to replace the numerous other forms used by various countries for the entrance and clearance of vessels. CBP Form 1300 is authorized by 19 U.S.C. 1431, 1433, and 1434, and provided for by 19 CFR 4.7-4.9. This form is accessible at http://forms.cbp.gov/pdf/CBP_Form_1300.pdf

- 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 .**

CBP Form 1300 is used to collect essential commercial vessel data at time of formal entrance and clearance in U.S. ports. The form allows the master to attest to the truthfulness of all CBP forms associated with the manifest package, and collects detailed information on the vessel, cargo, purpose of entrance, certificate numbers and expiration for various certificates. It also serves as a record of fees and tonnage tax payments in order to prevent overpayments.

- 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 .**

Currently this form can be filled out on-line, printed, and submitted on paper at the port. However automated submission of this form is planned for CBP's Automated Commercial Environment (ACE) and the future release of the Conveyance Management System by late 2014.

- 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 collected in any form, and therefore is not duplicated elsewhere.

- 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, as well as any technical or legal obstacles to reducing burden.**

If this information collection was conducted less frequently CBP could not fulfill its regulatory requirements to verify vessel manifest documents and the master of the vessel could receive a fine.

- 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 1320.6.

- 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 July 5, 2011 (Volume 76, Page 39114) on which one comment was received, and on September 27, 2011 (Volume 76, Page 59711) on which one comment was received.

A letter was received from the Maritime Exchange for the Delaware River and Bay. Their comments were as follows:

Comment:

The Maritime Exchange, together with the World Shipping Council, has worked with CBP to develop a paperless I-418 Passenger List/Crew List process. This work resulted in the pilot program currently in production. Much like the I-418 form, most

of the information required on form 1300 is already available through the CBP AMS submission and the USCG Notice of Arrival/Departure (eNOA/D). Accordingly, we strongly support federal efforts to automate data collection and eliminate the need to deliver documents by mail, facsimile, and hand delivery wherever possible.

It is with this goal in mind that we offer the following comments for consideration:

We recommend that CBP discontinue collecting paper 1300 forms and utilize the data already received via the manifest and eNOA/D. Those few data elements which are unique to the 1300 can and should be added to an existing system, such as ACE. We also recommend the use of electronic signatures if needed for Masters' certifications.

The complex paper process, wherein vessel operators or their agents must submit original 1300 forms to CBP at the vessel's arrival could be eliminated. This would save hours of work time in completing the paper forms, as well as eliminate paper processing and storage charges for CBP.

CBP Response:

It is CBP's position that the CBP Form 1300, which makes up one form of the vessel manifest package, remains the primary document for the collection of vessel arrival and departure information.

CBP Form 1300, Vessel Entrance or Clearance Statement, was developed through agreement by the United Nations Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. This form is a consolidation of numerous other forms used by various countries for the entrance & clearance of vessels pursuant to U.S. Statutes.

CBP Form 1300 is required to be presented to CBP by a vessel agent, master or other qualified persons at the time a commercial vessel arrives and or clears a U.S. port. The form allows the master of the vessel to attest to the truthfulness of all CBP forms associated with the manifest and provides pertinent vessel information not found on any other CBP Forms.

The data submitted by the master on the CBP Form 1300 is collected and analyzed by CBP. Once this process is completed, CBP is obligated by MOU to share this data with other government agencies to satisfying their responsibilities according to the statute and regulations they enforce. A few examples would be: the Department of Commerce, Bureau of Census (CENSUS); the U.S. Army Corp. of Engineers (USACE); and the U.S. Coast Guard (USCG).

When comparing the CBP Form 1300, Vessel Entrance and Clearance Statement, to the CBP Form I-418, Passenger List – Crew List, you will find the forms serve

two distinct purposes. The CBP Form-1300 is primarily used to list conveyance details, while the CBP Form I-418 focuses on capturing crew and passenger details for admissibility determinations and accountability of persons.

In comparison you will find that the CBP Form-1300 contains thirty-nine (39) blocks of required data, primarily for the purpose of capturing: (1) Vessel Identification (i.e., name, year built, owner/operator, tonnage and IMO#), (2) Cargo Information (description, SCACs) and (3) Fee Assessment/Collection (CBP User Fee, APHIS User Fee, Navigational Fees and Tonnage Tax). The CBP Form I-418 contains approximately thirty-seven (37) data fields, of which only thirteen (13) are similar to those found on the CBP Form-1300. Although the CBP Form I-418 data fields capture some Vessel Identification information, none of the thirteen (13) comparable data elements captured on the CBP Form I-418 provides Cargo or Fee Assessment/Collection information, both essential areas of responsibility to CBP's mission. Currently, CBP does not have an electronic data system capable of capturing all of these critical data sets directly from the trade that satisfies CBP as well as Other Government Agencies requirements.

CBP is mandated by Public Law 109-347, dated October 13, 2006, Security and Accountability For Every Port Act (also know as "Safe Port Act), Sec. 405, International Trade Data System and Sec. 422 of the Tariff Act of 1930 (19 USC), which states the Secretary of the Treasury to oversee the establishment of an electronic data exchange system, know as the International Trade Data System (ITDS).

The ITDS is to be implemented not later than the date that the Automated Commercial Environment (ACE) is fully implemented. The purpose of ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade by establishing a single portal system, operated by the CBP, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

CBP continues to work with the private sector and other government agencies to identify law, regulations, polices and procedures that require update or change to assist CBP's efforts to meet Safe Port Act requirements.

CBP is actively engaged with stakeholders through the ACE Trade Support Network (TSN) and extension of the Multi Modal Manifest (MMM) Committee and the Customs Electronic Systems Action Committee (CESAC) which were established to identify legal, procedural and/or system issues and priority specific to industry and make recommendations for changes that may be necessary to existing systems and polices.

CBP encourages the Maritime Exchange for the Delaware River Bay to work within these established groups who share their same concerns. This relationship has

proven to work as ACE M1 readies for deployment in early 2012. CBP continues to work with the trade and other government agencies to identify and develop efficiencies for future ACE modules.

A letter was received Tom Lucek of Riley-Sherman Shipping Agency, Inc. stating the following:

Comment:

- CBP's current electronic data collection methods should be altered to handle the required information on entrance/clearance statements;
- Electronic signatures should be used in Box 31;
- Required vessel certificates, tonnage taxes, user fee receipts, etc. can be scanned;
- Required payments could be submitted via wire transfer.

CBP Response:

It is CBP's position that the CBP Form 1300, remains the primary document for the collection of vessel arrival and departure information. CBP Form 1300, Vessel Entrance or Clearance Statement, was developed through agreement by the United Nations Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. This form is a consolidation of numerous other forms used by various countries for the entrance & clearance of vessels pursuant to U.S. statutes. This form is required to be presented to CBP by a vessel agent, master or other qualified persons at the time a commercial vessel arrives and or clears a U.S. port. It allows the master of the vessel to attest to the truthfulness of all CBP forms associated with the manifest and provides pertinent vessel information not found on any other CBP Forms. CBP would not be able to eliminate this form without major regulatory revisions.

The data submitted by the master on Form 1300 is collected and analyzed by CBP. Once this collection process of information is completed, CBP is obligated by MOU to share this data with other government agencies to satisfying their responsibilities according to the statute and regulations they enforce. A few examples would be: the Department of Commerce, Bureau of Census (CENSUS); the U.S. Army Corp. of Engineers (USACE); and the U.S. Coast Guard (USCG). Additionally, CBP, by regulation provides specific data collected from the CBP Form 1300 be provided to the public.

The CBP Form 1300 contains thirty-nine (39) blocks of required data, primarily for the purpose of capturing: (1) Vessel Identification (i.e., name, year built,

owner/operator, tonnage and IMO#), (2) Cargo Information (description, SCACs) and (3) Fee Assessment/Collection (CBP User Fee, APHIS User Fee, Navigational Fees and Tonnage Tax). Currently, CBP does not have an electronic data system capable of capturing all of these critical data sets directly from the trade that satisfies CBP as well as Other Government Agencies requirements.

CBP is in agreement with commenter (RSSA) that automated collection techniques would be beneficial to the Trade, CBP, Other Government Agencies and all parties collecting and using CBP Form 1300 information. The efficiencies described in RSSA's letter such as increase accuracy of data, reduction and improved use of resources, security, safety, and timeliness of vessel documents and presentation of information all are reasonable expectations of using electronic systems.

CBP is mandated by Public Law 109-347, dated October 13, 2006, Security and Accountability For Every Port Act (also know as "Safe Port Act), Sec. 405, International Trade Data System and Sec. 422 of the Tariff Act of 1930 (19 USC), which states the Secretary of the Treasury to oversee the establishment of an electronic data exchange system, know as the International Trade Data System (ITDS).

The ITDS is to be implemented not later than the date that the Automated Commercial Environment (ACE) is fully implemented. The purpose of ITDS is to eliminate redundant information requirements, to efficiently regulate the flow of commerce, and to effectively enforce laws and regulations relating to international trade by establishing a single portal system, operated by the CBP, for the collection and distribution of standard electronic import and export data required by all participating Federal agencies.

CBP will continue to work with the private sector and other government agencies to identify law, regulations, polices and procedures that require update or change to assist CBP's efforts to meet Safe Port Act requirements. CBP is actively engaged with stakeholders through the ACE Trade Support Network (TSN) and extension of the Multi Modal Manifest (MMM) Committee and the Customs Electronic Systems Action Committee (CESAC) which were established to identify legal, procedural and/or system issues and priority specific to industry and make recommendations for changes that may be necessary to existing systems and polices.

Also, as stated in Item #3 of this Statement, CBP is working with the private sector on the development of the Conveyance Management System (CMS), which is a module in ACE that should address the needs of both CBP and the Trade on developing an automated solution for data collection in vessel entrance and clearance processing. This module is planned for 2014.

- 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.**

A PIA dated December 2, 2008, and a SORN for ACS/ACE, dated January 19, 2006 (Vol. 71, Page 3109) will be included in this ICR.

- 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.**

FORM	TOTAL BURDEN HOURS	NO. OF RESPONDENTS	NO. OF RESPONSES PER RESPONDENT	TOTAL ANNUAL RESPONSES	TIME PER RESPONSE
1300	132,000	12,000	22	264,000	30 minutes or (.5) hours

Public Cost

The estimated cost to the respondents is \$2,640,000. This is based on the estimated burden hours (132,000) multiplied (x) the estimated average hourly rate (\$20.00).

- 13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

There are no recordkeeping, capitalization or start-up costs associated with this 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 cost associated with collecting the information is \$1,474,704. This is based on an estimated time per response (8 minutes or .133 hours) x total responses (264,000) = 35,112 hours expended multiplied (x) by the estimated average hourly rate of \$42.00 = 1,474,704.

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 and there is no change to the information being collected.

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 for OMB approval of the information collection, explain the reasons that display would be inappropriate.

CBP 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".

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.