

**Supporting Statement  
Small Vessel Reporting System (SVRS)  
1651-0137**

**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.**

The Small Vessel Reporting System (SVRS) streamlines the traditional inspection process for small vessels. Below, we describe (1) the traditional process, (2) the SVRS process, and (3) the legal and administrative requirements that govern small vessel inspection.

**1. The Traditional Process**

*Generally*

Before the creation of CBP, pleasure boat operators and passengers were subject to two separate inspections when arriving in the United States: (1) a customs inspection under Title 19 and (2) an immigration inspection under Title 8. For customs purposes, the master of the vessel is required to announce his/her vessel and passenger arrival to CBP (formerly the legacy U.S. Customs Service) and to declare any foreign merchandise on the vessel. Separately, for immigration purposes, aliens arriving by pleasure vessel generally apply for admission to the United States with CBP (formerly the legacy Immigration and Naturalization Service (INS)) in person at a port of entry and present required documentation to CBP.<sup>1</sup> Similarly, a person claiming U.S. citizenship must establish that fact to the examining officer's satisfaction and must present a U.S. passport or other acceptable documentation to CBP.<sup>2</sup> Below, under the captions, "Customs Inspection Requirements" and "Immigration Inspection Requirements," we provide more PRA, operational, and legal background on each reporting process.

The Homeland Security Act of 2002 merged these functions into CBP—now the sole agency responsible for handling border inspections for both customs and immigration purposes.<sup>3</sup> Shortly after its formation, CBP implemented an initiative, known as "One

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<sup>1</sup> See 8 U.S.C. §§ 1225(a)(3), (b), 1182(a)(7); 8 CFR part 235.

<sup>2</sup> See 8 U.S.C. § 1185(b); 8 CFR part 235.

<sup>3</sup> See Public Law No. 107-296.

Face at the Border," to streamline customs and immigration processes so that one CBP Officer would perform both functions. Although this initiative eliminated the need for separate immigration and customs officers and combined the inspections into one encounter with CBP, the initiative did not merge the underlying regulatory requirements for customs reporting and immigration inspection at the border. Effectively, CBP Officers now perform one consolidated inspection for two purposes under separate legal authorities – Title 19 and Title 8.

### *The Challenge of Regulating Pleasure Vessels*

The United States contains approximately 95,000 miles of shoreline, 300,000 square miles of waterways, 360 ports of call, and 12,000 marinas.<sup>4</sup> These factors, combined with the fact that small vessel operators have a tradition and expectation of largely unrestricted access to U.S. waterways, present unique challenges for CBP in how it regulates pleasure vessels and processes their arrival to the United States from foreign ports, as required by law.<sup>5</sup> As a result, CBP has regulated small vessels using a port-specific process based on a number of factors, including vessel traffic, staffing, the physical location of the local CBP office, hours of operation, and the proximity of physical reporting locations.<sup>6</sup>

Recognizing the challenges involved in regulating small vessels, CBP has initiated the SVRS program to centralize and streamline small vessel reporting and the immigration inspection processes to facilitate small vessel reporting and allow CBP to better target security risks posed by small vessels.

### *Customs Inspection Requirements*

In the context of small vessel inspection and immigration inspection of the persons on board, CBP is responsible for receiving pleasure vessel reports under Title 19 and performing immigration inspections of those on board under Title 8. Under Title 19 customs requirements, the master of a vessel arriving in the United States from a foreign port or place must immediately report the arrival to the nearest CBP facility or other location designated by the port director.<sup>7</sup> The master generally may make her or his report of arrival by any means of communication.<sup>8</sup> In practical terms, the master of a

<sup>4</sup> U.S. Department of Homeland Security, Office of Inspector General, *DHS' Strategy and Plans to Counter Small Vessel Threats Need Improvement*, OIG-09-100. September 2009.

<sup>5</sup> See 19 U.S.C. §§ 1433 and 1434.

<sup>6</sup> See, e.g., Canadian Border Boater Landing Program (Form I-68), [http://www.cbp.gov/xp/cgov/travel/pleasure\\_boats/boats/cbbl.xml](http://www.cbp.gov/xp/cgov/travel/pleasure_boats/boats/cbbl.xml); Outlying Areas reporting Station (OARS), [http://www.cbp.gov/xp/cgov/travel/pleasure\\_boats/boats/oars.xml](http://www.cbp.gov/xp/cgov/travel/pleasure_boats/boats/oars.xml).

<sup>7</sup>

19 C.F.R. § 4.2.

<sup>8</sup> The master and passengers onboard are also required to declare any foreign merchandise on his boat that is subject to duty and, if required file a written Customs Declaration on CBP Form 6059b.

pleasure vessel typically reports arrival either in-person at the nearest open marine port of entry or telephonically to CBP upon arriving in the United States from a foreign port or place. Failure to properly report may result in fines. Any small vessel operator arriving from a foreign port who fails to report as required may be liable for a fine of \$5,000 for the first violation and \$10,000 for each subsequent violation, and any small vessel used in connection with any such violation to be subject to seizure and forfeiture.<sup>9</sup>

### *Immigration Inspection Requirements*

In addition to the master's responsibilities under Title 19, persons entering the United States must undergo an immigration inspection by CBP. Aliens seeking admission to the United States generally must apply for admission to CBP in person at a port of entry and present required documentation to CBP.<sup>10</sup> Similarly, a person claiming U.S. citizenship must establish that fact to the examining officer's satisfaction and must present a U.S. passport or other acceptable documentation to CBP.<sup>11</sup>

Under current regulations, once the vessel master announces arrival, a CBP Officer typically directs the master and his vessel passengers to the nearest port of entry or reporting location to undergo a face-to-face immigration inspection. In other instances, times, the CBP Officer may direct the vessel master and passengers to remain on the vessel until a CBP Officer can come to the vessel to conduct the in-person inspection.

The customs and immigration inspections have historically not been considered an information collection under the PRA. Rather, the inspections are exempt because they gather "facts . . . obtained through direct observation by an employee . . . or through non-standardized oral communication in connection with such direct observations."<sup>12</sup> During primary inspection, CBP Officers interview people appearing before them and inspect their documents. The case-by-case nature of the interview and type of interview questions is contingent upon numerous factors, including the nature of the vessel and voyage, the applicant's citizenship, travel history, documents presented, and behavior.

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<sup>9</sup> See 19 U.S.C. § 1436(b)

<sup>10</sup> See 8 U.S.C. §§ 1225(a)(3), (b), 1182(a)(7); 8 C.F.R. part 235.

<sup>11</sup> See 8 U.S.C. § 1185(b); 8 C.F.R. part 235.

<sup>12</sup> See 5 C.F.R. § 1320.3(h).

## 2. The SVRS Process

SVRS is part of a number of programs created by CBP consistent with congressional direction to “develop a plan to accelerate the full implementation of biometric entry and exit data systems” for the purpose of enhancing security while simultaneously expediting registered travelers across international borders. 8 USC 1365b. To this end, SVRS enables participants to streamline their arrival reporting by (1) meeting the registration requirements, (2) filing a vessel float plan containing information about their voyage through a web-based system in advance of arrival, and then (3) placing a telephone call to a CBP Officer upon arrival in the United States. The registration process requires an in-person interview with CBP for all persons who have not already had an in-person interview in connection with another CBP Trusted Traveler program. This process will, in most cases, make it unnecessary for SVRS participants to also report for an in-person inspection upon arrival to the United States.

To enroll in the SVRS program, new applicants must register online by filling out the SVRS application, which collects biographical information and vessel information.<sup>13</sup> Participants also self-schedule an in-person interview and inspection with a CBP Officer at an authorized reporting location. Based on the SVRS application and interview, a CBP Officer will either approve or deny an applicant’s membership into the SVRS program. Approved members receive an SVRS registration number that allows participants to log into the SVRS website, establish a password, and begin participating in the SVRS program.

For each voyage, the SVRS participant will be required to submit a float plan about their voyage via the SVRS website in advance of arrival in the United States. This will be done on the SVRS website using the SVRS registration number that they received when they enrolled along with the password. The float plan includes vessel information, listing of all persons on board, estimated dates and times of departure and return, and information on the locations to be visited on the trip. Participants in SVRS can create a float plan for an individual voyage or a template for a float plan that can be used multiple times. The float plan can be added or modified at any time prior to arrival in the United States. Multiple float plans may be saved in the system. After the float plan is submitted to CBP, the SVRS participant will receive a float plan number. CBP reviews these float plans to provide a risk-based assessment of the vessel and those on board prior to arrival. When the vessel arrives in the United States, the master of the vessel will report arrival by telephone and cite the float plan number. The CBP Officer will then proceed with the inspection by telephone. Based on the information provided on the telephone call, CBP will verify that the master and all passengers of the vessel are SVRS participants and determine if the master’s report satisfies arrival requirements. In most cases, this telephone inspection will make an additional in-person inspection unnecessary, though the CBP Officer may require an in-person inspection at his/her discretion.

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<sup>13</sup> In addition to the description in this Supporting Statement, we provide a comprehensive walkthrough of the web-based questionnaire via a separate slideshow attached.

For pleasure boats and persons arriving by pleasure boat, CBP Officers enter any information gathered during a passenger admission interview and vessel inspection into the Pleasure Boating Reporting System, a subset of CBP databases.

SVRS participants may be U.S. citizens, U.S. lawful permanent residents, Canadian citizens, and permanent residents of Canada who are nationals of Visa Waiver Program countries listed in 8 CFR 217.2(a). In addition, participants of one or more Trusted Traveler pilots or programs and current Canadian Border Boater Landing Permit (CBP Form I-68) holders may participate in SVRS. SVRS is authorized by 8 USC 1103, 8 USC 1225, 8 USC 1365b, 8 CFR 235.1, 19 USC 1433, 19 USC 1498, and 19 CFR 4.2. Applicants who provide false or incomplete information, applicants who do not meet the immigration or citizenship requirements, and applicants known or suspected of being or having been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism are ineligible to participate.

### **3. Legal and Administrative Background**

As noted above, the SVRS program merges the vessel and immigration inspection processes. The SVRS program does not substantially change the vessel inspection process, because most vessel masters currently report telephonically. With respect to immigration inspection, however, SVRS streamlines the existing process so that the vessel master and passengers generally do not have to undergo a face-to-face immigration inspection at the time of arrival.

Current CBP regulations do not exempt SVRS participants from the requirement to apply for admission in person. Under 8 CFR 235.1(a), “[a]pplication to lawfully enter the United States shall be made in person to an immigration officer at a U.S. port-of-entry when the port is open for inspection, or as otherwise designated in this section.” Exceptions to the in-person requirement cited in section 235.1 include a number of alternative inspections programs, such as the Canadian Border Boat Landing (I-68) Program, the former Immigration and Naturalization Service Passenger Accelerated Service System (INSPASS), and the former Port Passenger Accelerated Service System (PORTPASS). 8 CFR 235.1(g). Although SVRS participants may be registered under these or other programs referenced in section 235.1 (to the extent such programs are still operational), the regulations do not exempt the SVRS program specifically.

Because the SVRS registration process requires an in-person interview with CBP (at which time identification must be presented), for enforcement purposes, CBP deems a person who meets the conditions and requirements for participation in the SVRS program to have satisfied the immigration inspection reporting requirements of 8 CFR 235.1. For these purposes, each successful use of SVRS constitutes a separate and completed inspection and application for entry by the program participants on the date SVRS is used. *Cf. Establishment of Global Entry Program*, 74 FR 59,932, 59,936-37 (Nov. 19, 2009) (“Each successful use of Global Entry constitutes a separate and completed inspection and application for entry by the program participants on the date

Global Entry is used.”). CBP recognizes that the current regulations are outdated and unclear on this point, and is committed to updating these regulations expeditiously and with full opportunity for public participation. CBP is also committed, prospectively, to engaging in appropriate process prior to implementing additional programmatic exceptions to the in-person inspection requirement at 8 CFR 235.1(a).

Separately from section 235.1(a), and pursuant to the enforcement provisions of 19 CFR Part 162, SVRS participants may be subject to further CBP examination and inspection at any time during the arrival process.

**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.**

The SVRS application information will be used to determine whether an applicant is eligible to participate in the program. Information collected from SVRS participants, both from the initial application and from the float plan, will be used to determine if an additional in-person inspection is necessary. Information collected on the SVRS allows certain persons who enter the United States by small craft to be inspected only once during the initial application process, rather than each time they enter.

Float plan information includes information on the voyage and those on board. This is used to perform a risk analysis of the vessel/persons prior to arrival instead of at the time of arrival.

**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.**

SVRS is a web-based system. The website is: <https://svrs.cbp.dhs.gov>. Both the initial application and the float plan will be generated and submitted via the website through responding to a series of questions. The report of arrival for SVRS participants will generally be done by telephone.

There is also a website that provides additional information for pleasure boats at [http://www.cbp.gov/xp/cgov/travel/pleasure\\_boats/boats/pleasure\\_locations](http://www.cbp.gov/xp/cgov/travel/pleasure_boats/boats/pleasure_locations). This website describes pleasure boat requirements by location and provides a list of CBP telephone numbers to call to report vessel arrivals.

**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.**

A small number of small chartered vessels that are enrolled in the I-68 program may voluntarily choose to join SVRS. These vessels may qualify as small businesses. These participants will not need to undergo an in-person interview to enroll in SVRS since they already had an in person interview to enroll in the I-68 program. In collecting information, CBP will abide by all applicable laws, including the Trade Secrets Act, 18 U.S.C. § 1905. Additionally, if an SVRS participant who is a small business owner or employee wishes to take potential or current clients out on his or her pleasure boat, the SVRS participant may request that the passenger list be treated as confidential commercial information pursuant to the Trade Secrets Act.

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

This collection of information allows certain persons entering the United States by small boats to telephonically report their arrival without having to appear in person for an inspection by a CBP Officer. Under current regulations, CBP may not conduct the inspections described above less frequently. The existence of a PRA burden in this context is a necessary consequence of an automated, web-based system.

**7. Explain any special circumstances.**

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 a 60-day FRN published on October 3, 2013 (Volume 78, Page 61378) on which no comments were received, and a 30-day FRN published on December 20, 2013 (Volume 78, Page 77139) on which no comments have been received.

**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 SORN for Global Enrollment System which was published on January 16, 2013 (FR 78, Page 3441) has been included in this ICR. A PIA dated January 10, 2013, Global Enrollment System will also be included. No assurances of confidentiality are provided to respondents.

**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
SVRS Application	2,235	8,938	1	8,938	15 minutes (.25 hours)
Float Plan	398	2,252	1	2,252	10.6 minutes (.177 hours)
<b>Total</b>	<b>2,633</b>	<b>11,190</b>		<b>11,190</b>	

**Public Cost**

The estimated annual of the burden is **\$110,849**. This is based on the number of burden hours (2,633) multiplied (x) the estimated average hourly rate (\$42.10) = \$110,849.

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

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. 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 this collection is **\$54,403**. This is based on the estimated number of total responses (11,190) multiplied (x) by the time expended per response (5 minutes, or .083 hours) = 933 hours multiplied (x) by the average hourly rate (\$58.31) = \$54,403.

- 15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13.**

The number of responses and response times were adjusted based on updated estimates by CBP. There are no changes to the information 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, 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.