

**Supporting Statement  
Report of Diversion  
1651-0025**

**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 26, *Report of Diversion*, is used to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This form is initiated by the vessel owner or agent to notify and request approval by CBP for a vessel to divert while traveling coastwise from a U.S. port to another U.S. port, or a vessel traveling to a foreign port having to divert to a U.S. port when a change occurs in the vessel itinerary. CBP Form 26 collects information such as the name and nationality of the vessel, the expected port and date of arrival, and information about any related penalty cases, if applicable. This information collection is authorized by 46 U.S.C. 60105 and is provided for in 19 CFR 4.91. CBP Form 26 is accessible at [http://www.cbp.gov/sites/default/files/documents/CBP%20Form%2026\\_0.pdf](http://www.cbp.gov/sites/default/files/documents/CBP%20Form%2026_0.pdf)

**Proposed Change:**

This form is anticipated to be replaced as part of the maritime forms automation project otherwise known as the Vessel Entrance and Clearance System (VECS) which will eliminate the need for any paper submission of any vessel entrance or clearance requirements under the above referenced statutes and regulations. VECS will still collect and maintain the same data, but will automate the capture of data to reduce or eliminate redundancy with other data collected by CBP.

- 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 uses the information on CBP Form 26 to enforce the provisions of the Jones Act and regulations related to requirements to report diversions, and file accurate entrance and clearance information.

This form is anticipated to be replaced as part of the maritime forms automation project otherwise known as the Vessel Entrance and Clearance System (VECS), which will eliminate the need for any paper submission of any vessel entrance or clearance requirements. VECS will still collect and maintain the same data, but will automate the capture of data to reduce or eliminate redundancy with other

data collected by CBP.

- 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 Form 26 is a report to CBP in accordance with 19 CFR 4.91. The form is reviewed by the receiving CBP Officer, who verifies the vessel has not already arrived in the port diverted to, and forwarded to the diverted port for their awareness in order to prepare for the vessel's arrival.

CBP-OFO has built and is internally testing a system, known as the Vessel Entrance and Clearance System (VECS), for the electronic submission, review, and processing of this CBP form. Currently, CBP is developing a public facing portal, with recent DHS and CBP prioritization of VECS, the plan is to have an initial public portal by December 2021. A new Account type within ACE for Vessel Agencies will act as the public portal to VECS, operating as the pass-through from ACE to VECS. However, even with an initial portal, CBP will still need to perform testing and run a public pilot with a small universe of stakeholders, before nationwide roll out.

- 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.**

Aside from summary vessel identification information. This information is not duplicated in any other place or any other form. Through VECS automation this form will become automated.

- 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.**

If the information on CBP Form 26 were collected less frequently, CBP would not be able to enforce the Jones Act or other statutes and regulations related to the entrance and clearance of vessels.

**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 two Federal Register notices including a 60-day notice published on December 17, 2021 (86 FR 71652) on which no comments were received, and a 30-day notice published on April 05, 2022 (87 FR 19693) 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 PIA for ACE, dated July 31, 2015, and a SORN for Import Information System, dated July 26, 2016 (81 FR 48826), will be included in this ICR. 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
Form 26	233	1,400	2	2,800	5 minutes

					(.0833 hours)
--	--	--	--	--	---------------

**Public Cost**

The estimated cost to the respondents is \$12,480. This is based on the estimated burden hours (233) multiplied by the average loaded hourly wage rate for ship and boat captains and operators (\$53.56). CBP calculated this loaded wage rate by first multiplying the Bureau of Labor Statistics’ (BLS) 2020 median hourly wage rate for Ship and Boat Captains and Operators (\$35.39) by the ratio of BLS’ average 2020 total compensation to wages and salaries for Transportation and Material Moving occupations (1.5134), the assumed occupational group for ship and boat captains and operators, to account for non-salary employee benefits.<sup>1</sup> This figure is in 2020 U.S. dollars and CBP assumes an annual growth rate of 0 percent; the 2020 U.S. dollar value is equal to the 2021 U.S. dollar value.

**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 documents is \$39,859. This is based on the number of responses that must be reviewed (2,800) multiplied by the time burden to review and process each response (0.1667 hours) = 467 hours multiplied by the average hourly loaded rate for a CBP Officer (\$85.35)<sup>2</sup> = \$39,859.

---

1 Source of median wage rate: U.S. Bureau of Labor Statistics. Occupational Employment Statistics, “May 2020 National Occupational Employment and Wage Estimates United States.” Updated March 31, 2021. Available at [https://www.bls.gov/oes/2020/may/oes\\_nat.htm](https://www.bls.gov/oes/2020/may/oes_nat.htm). Accessed June 1, 2021. The total compensation to wages and salaries ratio is equal to the calculated average of the 2020 quarterly estimates (shown under Mar., June, Sep., Dec.) of the total compensation cost per hour worked for Transportation and Material Moving occupations (\$31.5350) divided by the calculated average of the 2020 quarterly estimates (shown under Mar., June, Sep., Dec.) of wages and salaries cost per hour worked for the same occupation category (\$20.8375). Source of total compensation to wages and salaries ratio data: U.S. Bureau of Labor Statistics. Employer Costs for Employee Compensation. Employer Costs for Employee Compensation Historical Listing March 2004 – December 2020, “Table 3. Civilian workers, by occupational group: employer costs per hours worked for employee compensation and costs as a percentage of total compensation, 2004-2020.” March 2021. Available at <https://www.bls.gov/web/ecec/ececqrtn.pdf>. Accessed June 1, 2021.

2 CBP bases this wage on the FY 2021 salary and benefits of the national average of CBP Officer Positions, which is equal to a GS-11, Step 9. Source: Email correspondence with CBP’s Office of Finance on September 7, 2021.

**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. There is no change to the information being collected. CBP anticipates a decrease in burden hours once the form has been completely automated.

**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.