



WORLD SHIPPING COUNCIL  
PARTNERS IN TRADE

Comments of the

## **World Shipping Council**

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Submitted to

**U.S. Customs and Border Protection  
Department of Homeland Security**

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In the matter of

**Notice and Request for Comments**

**Agency Information Collection Activities:  
Passenger List/Crew List (Form I-418)**

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December 22, 2009

## **I. Introduction**

The World Shipping Council (the “Council”) submits these comments in response to U.S. Customs and Border Protection’s (CBP) October 23, 2009 Notice and Request for Comments regarding collection of the Passenger List/Crew List (Form I-418).

The Council, a non-profit trade association of twenty-nine international liner shipping ocean carriers<sup>1</sup>, was established to address public policy issues of interest and importance to the international liner shipping industry. WSC Members include the leading ocean liner companies from around the world -- carriers providing efficient, reliable, and low-cost ocean transportation for America’s international trade<sup>2</sup>. The Members of the World Shipping Council are major participants in an industry that has invested over \$400 billion in the vessels, equipment, and marine terminals that are in worldwide operation today. The Council’s Member lines include the full spectrum of carriers from large global lines to niche carriers, offering container, roll on-roll off, and car carrier service as well as a broad array of logistics services.

The Members of the Council have worked closely with the U.S. government to enhance maritime security by providing meaningful advance information to the Department of Homeland Security (DHS) for vessels, crewmembers and cargo that will be arriving into the United States. With full support for DHS’s efforts to enhance maritime security while ensuring the efficient flow of commerce, we offer the following comments.

## **II. Comments**

### **A. Background**

The promulgation of U.S. Customs and Border Protection’s (CBP) *“Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft”* Final Rule on April 7, 2005 (70 Fed. Reg. 17820) marked a significant achievement for DHS – the establishment of the concept of a “single window” through which vessel operators could electronically file all the data elements to meet the requirements of both the USCG’s Notice of Arrival (NOA) and CBP’s Advance Passenger Information System (APIS). At the time, the system, called “electronic Notice of Arrival” (eNOA), was praised in speeches by the DHS Secretary as proof that DHS agencies would cooperate and coordinate to enhance security while also facilitating the efficient flow of commerce.

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<sup>1</sup> “Liner shipping” involves vessels engaged in regularly scheduled service to and from U.S. ports (e.g., ships leaving particular foreign ports for particular U.S. ports on a weekly schedule) in contrast to cargo vessels that call on U.S. ports for a particular voyage when hired (e.g., tanker and bulk shipping).

<sup>2</sup> A list of the World Shipping Council’s Member companies is available at [www.worldshipping.org](http://www.worldshipping.org). WSC Member companies carry over 90% of the United States’ international containerized ocean cargo.

The eNOA system was amended in 2006 to include departure notices and became the “eNOA/D” system. Today, eNOA/D is the electronic data system through which ship operators file information on the vessel, voyage, and crew prior to arrival to the first U.S. port, prior to arrival to subsequent U.S. ports, and upon departure from the last U.S. port. After the eNOA/D data elements are received by the USCG’s National Vessel Movement Center in Martinsburg, West Virginia, they are disseminated electronically to CBP and USCG officials for targeting, risk analysis, and whatever law enforcement use is appropriate.

This “single window” concept has been an important DHS policy objective and has the full support of our industry.

### **B. Problem: Paper I-418 Form Still Required**

Unfortunately, the fulfillment of the “single window” concept has not yet been achieved. Vessels are still required to file with CBP a paper I-418 form, which contains virtually the same data elements that are collected in the eNOA/D. The paper I-418 is required (in accordance with 8 CFR 251.1 and 251.3) to be presented to the CBP officer at the U.S. port where the immigration inspection is conducted and at the final U.S. port prior to departing for a foreign port.

For comparison, eNOA/D filings are required 96 hours prior to vessel arrival (later for short-duration voyages), upon departure, and must be updated in advance of each subsequent U.S. port call. Thus, the vessel is already making eNOA/D filings electronically every time CBP is receiving a paper I-418 filing.

The only differences between the filings are very slight variations in the data elements. Of the 28 data elements contained on the I-418 form, only 3 are not already collected in the eNOA/D system. These data elements are:

1. *Will crewmember be performing longshore work while in the U.S.? (yes/no)*
2. *Date crewmember joined the ship*
3. *Date crewmember separated from the ship*

We do not believe that these three data elements can rationally support the retention of a duplicative paper filing requirement. We understand that CBP inspectors use the I-418 form to check that all crewmembers that arrived into the United States have been properly accounted for in each U.S. port the ship calls and when the ship departs the United States, and this is an important function. We do not believe, however, that this requires the continued maintenance of a separate and distinct paper filing process.

CBP acknowledged in 2005 that the I-418 form was likely unnecessary in the preamble to the APIS Final Rule (at 70 Fed. Reg. 17833) when it stated, “*With regard to the I-418 and I-94 forms, CBP intends to study whether, and if so to what extent, the transmission of APIS [i.e.*

*eNOA/D] data can replace the submission of these paper forms. Preliminary analysis indicates that these documents can be significantly reduced, if not eliminated."*

Further coordination between CBP and the Coast Guard as sister agencies within DHS and some procedural and systems changes within each agency can remedy this problem, eliminate a duplicative data filing procedure, and provide both agencies with a single, electronic data system for vessel crew information. If the three data elements from the I-418 noted above were added by the USCG to the eNOA/D system, CBP would have access to all the I-418 data via the eNOA/D. After making any necessary changes to its internal procedures and information technology systems, CBP should then be able to eliminate the requirement that shipping agents or ship operators resubmit crew and passenger data on a paper form.

### **C. Recommendation**

The Council recommends that CBP and the USCG work together to 1) undertake the necessary programming changes to the eNOA/D system so that it captures all needed crew data, and 2) complete the necessary procedural and information technology system changes within each agency so DHS can eliminate the filing of paper I-418 forms. We urge the agencies to commit to phasing out the I-418 form nationwide by the end of 2010.

We understand that phasing out the I-418 would require the USCG to make changes to the eNOA/D system to accommodate the additional data elements and CBP to make changes to its internal procedures and data systems to enable inspectors to have full electronic access to crewmember data and to electronically document the results of immigration inspections. We cannot envision that such changes would involve substantial costs or difficulties.

The benefits of phasing-out the outmoded, paper I-418 process, which is almost completely redundant to the processes required for the submission of eNOA/D information, would, however, include:

- reducing the paper filing burden on the regulated community;
- relieving CBP from having to collect, process and store these paper forms;
- establishing a genuine and comprehensive electronic "single window" for the filing of vessel, voyage, and crew information within DHS; and
- reinforcing the purpose of putting CBP and the Coast Guard in the same Department – namely the enhanced and efficient coordination of homeland security functions.

The Council included the above recommendation in its April 2009 comments to the USCG on its proposed rule to amend the vessel eNOA/D requirements. Shortly thereafter, on May 4, 2009, the National Maritime Security Advisory Committee (NMSAC) made the following unanimous recommendation to the Department of Homeland Security on this issue:

*“The National Maritime Security Advisory Committee recommends that the U.S. Coast Guard, in consultation with U.S. Customs and Border Protection (CBP), undertake the necessary programming changes to the eNOA/D system so that the system captures all needed crew information, completes the creation of a “single window” Department of Homeland Security data filing system for vessel crew information, and allows CBP to eliminate the filing of paper I-418 forms.”*

Since then, the Council, in partnership with the Maritime Exchange of Delaware River and Bay, has sent two letters to the U.S. Coast Guard and CBP that requested updates on the agencies’ progress in eliminating the I-418 form. We are pleased to have recently learned that the U.S. Coast Guard is providing CBP with a raw feed of its eNOA/D data. Now that both agencies are sharing the advance data vessels are providing about their crews, we think it is essential that CBP quickly complete the procedural and information technology changes that would be needed to eliminate the I-418 form.

We understand that full elimination of the I-418 may require DHS to amend existing regulations. If this is indeed the case, rather than delaying elimination of this paper filing requirement until the regulations are amended, we strongly recommend that CBP and the USCG phase-out submission of these forms through a voluntary program that is open to all vessels that currently submit I-418s to the U.S. Government. To that end, the Council and its Member companies stand ready to provide assistance to facilitate the phase-out of the I-418 by the end of 2010.

### **III. Conclusion**

The Council fully supports DHS’s objectives to establish effective systems for enhancing and maintaining maritime domain awareness, cargo security, and personnel security by requiring advance information on vessels, cargo and crewmembers entering the United States. These advance information systems have been central to the establishment of a credible risk analysis system that enables CBP and the U.S. Coast Guard to direct their finite resources on high-risk targets. We firmly believe that it is in DHS’s interests to phase out obsolete or redundant, paper-filing processes, and to complete the electronic “single window” system to capture and store relevant crewmember information.

We therefore urge CBP, working with the USCG, to swiftly implement the procedural and information technology systems changes that will allow the paper I-418 process to be eliminated, and will complete DHS’s stated vision of an electronic “single window” for the capture and use of such data.