

U.S. Department of Homeland Security
Washington, DC 20229



U.S. Customs and
Border Protection

AUG 17 2005

Ms. Helen Brohl
President
National Association of Maritime Organizations
P.O. Box 3487
Norfolk, VA 23514

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AUG 22 2005
MARITIME ASSOCIATION
SHIPPING ASSOCIATION

Dear Ms. Brohl:

On May 9, 2005, you forwarded a letter to Customs and Border Protection on behalf of the National Association of Maritime Organizations (NAMO). In that letter you requested that Customs and Border Protection (CBP) delay the implementation date of the Advance Passenger Information Systems (APIS) Final Rule (AFR) for a period of 90 days. The request explained the difficulties NAMO members are facing, specifically the difficulty installing hardware and programming for vessels at sea as well as the difficulty those vessels faced communicating with the U.S. Coast Guard, National Vessel Marine Center.

In a reply letter to you dated June 6, 2005, CBP explained that the implementation date would not be delayed and explained that the regulations were promulgated under the Aviation and Transportation Security Act of 2001 (ATSA) (codified in pertinent part at 49 U.S.C. 44909), and the Enhanced Border Security and Visa Entry Reform Act of 2002 (EBSA) (codified in pertinent part at 8 U.S.C. 1221). With the publication of the AFR, CBP combined the requirements set forth by the ATSA and EBSA with requirements promulgated under the regulatory authority of the United States Coast Guard (USCG).

On June 6, 2005, CBP agreed to extend a period of monitored informed compliance. This period was extended to provide the industry and your members with additional time to resolve the hardware and programming issues and it allowed CBP to monitor the level of compliance with the electronic transmission requirement. In a subsequent meeting you asked CBP to extend the monitored compliance period to 120 days and repeated the assertion that the sole obstacle to compliance is related to the installation of hardware aboard seaborne vessels. Additionally, you requested that CBP provide written notification 30 days in advance of any decision to begin enforced compliance.

CBP is the agency responsible for securing our nation's borders. The requirements set forth within the AFR provide CBP with the ability to assess the security risk or status of passengers, crew members, or other occupants traveling aboard commercial vessels prior to their arrival or departure from the United States. For these reasons, CBP will not extend the monitored informed compliance period beyond October 3, 2005. CBP strongly encourages your members to comply with these requirements without delay.

We look forward to your timely compliance with these regulations. If you have any questions or require additional information, please contact Mr. Charles Perez, APIS Program Manager, at (202) 344-2605.

Sincerely,



Robert M. Jacksta
Executive Director
Border Security and Facilitation