

**Comments by Autos Drive America  
Regarding Revision of an Existing Information Collection  
For CTPAT and the CTPAT Trade Compliance Program**

**[1651-0077]**

**November 3, 2022**

Autos Drive America appreciates the opportunity to comment on the October 4, 2022, *Federal Register* notice (87 Fed. Reg. 60185), in which U.S. Customs and Border Protection (CBP) requested comments from interested parties about revision of an existing collection of information for the Customs-Trade Partnership Against Terrorism (CTPAT) and CTPAT Trade Compliance Program. Autos Drive America is the trade association representing the U.S. operations of the international automakers BMW, Honda, Hyundai, Kia, Mazda, Mercedes-Benz, Mitsubishi, Nissan, Subaru, Toyota, Volkswagen, and Volvo Cars and auto supplier Panasonic. Our members are longstanding CTPAT participants, and some have entered the CTPAT Trade Compliance Program.

Autos Drive America is commenting on CBP's revision of the CTPAT Program application to require new data elements for all CTPAT partners. These data elements include date of birth, country of birth and of citizenship, travel document number, driver's license information, social security number, Trusted Traveler type and number, and immigration status. The notice states this data "will ensure that CBP is confident that companies in the program are low risk."

For the following reasons, we do not believe this information is necessary for CBP to be confident that companies are low risk in many, if not most, cases:

- It is unclear which personnel are required to provide this information. Is this requirement limited to the principal point of contact, or does it apply more broadly? If the latter, the requirement could impose a considerable burden on companies that would need to gather, report, and protect this data for a potentially large number of individuals.
- It is also unclear why this information is needed for CBP to be confident in its low-risk assessment of CTPAT partners, at least for importers like Autos Drive America's members, who routinely screen job applicants to weed out bad actors and maintain vigilance for potential security breaches. CBP has not explained how, in such cases, requiring the new data elements furthers the mission of CTPAT.
- Furthermore, our members, and many other companies, also have long track records as traders and CBP partners. These lengthy track records provide CBP with literally decades of historical data and experience from which to judge the importers' risk levels. This historical information provides far more insight into a company's risk level than does the

private identity data of individuals. Requiring these new data elements in cases where CBP has a great deal of familiarity with the importer is simply unwarranted.

- The newly required data elements are private and sensitive information that most individuals take considerable care to protect. Providing such data to any entity, under any circumstances, risks exposure of this information to bad actors. There is no reason to require employees to risk identity theft in cases where CBP has ample evidence of an importer's low risk. Mandating that individuals divulge their private information under such circumstances is frivolous on CBP's part.

Autos Drive America urges CBP to reconsider its plan and limit the requirement for these new data elements to only those cases where:

- The importer is either unknown or little known to CBP; or
- The importer is small and has a modest level of importing activity, providing insufficient historical data for CBP to evaluate its risk level; or
- The entity lacks a legal US presence, (e.g., foreign manufacturers, highway carriers based in Mexico or Canada); or
- CBP has legitimate reason, through experience or other indicators, to question the importer's risk level.

Autos Drive America appreciates the opportunity to comment on this information collection revision and urges CBP to amend its approach consistent with our recommendation. We would be pleased to provide any additional information that CBP might need as it considers its next steps.

Respectfully submitted,



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Autos Drive America