

DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES

December 8, 2014

Tracey Denning
U.S. Customs and Border Protection
Rulings and Regulations
Office of International Trade
90 K Street NE, 10th Floor
Washington, DC 20229-1177

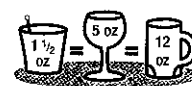
RE: Docket Number USCBP-2006-0048-0009: Agency Information Collection Activities: Importer ID Record (Federal Register Number 2014-24199 (Thursday, October 9, 2014))

Dear Ms. Denning:

On behalf of the Distilled Spirits Council of the United States, Inc. ("Distilled Spirits Council"), I am pleased to submit our views regarding the U.S. Customs and Border Protection's (CBP) Federal Register Notice entitled *Agency Information Collection Activities: Importer ID Input Record*. The Distilled Spirits Council is a national trade association representing U.S. producers, marketers, exporters and importers of distilled spirits products. In 2013, U.S. imports of distilled spirits products exceeded \$6.5 billion (CIF value) and U.S. exports of distilled spirits worldwide were valued at more than \$1.5 billion (FAS value). Through September 2014, U.S. imports of distilled spirits are up 2.5% and U.S. exports of distilled spirits products are up 6.7% as compared to the same period in 2013.

As a preliminary matter, the Distilled Spirits Council and its member companies recognize the important role collecting information about an importer and specific imports plays in helping CBP perform risk assessments when goods are brought into the United States. We appreciate this opportunity to outline the U.S. spirits industry's concerns and requests for further clarification on this proposal, as detailed below.

We believe the nature of such an expansion of data collection goes beyond the parameters of risk assessment. The Council feels some of the information now requested on Form 5106 (including social security numbers and passport numbers) is an over-step and its collection will be overly burdensome for importing companies.



As a general matter, we have concerns that the proposal to amend Importer ID Input Record Form 5106 will not improve CBP's targeting of non-compliant imports or potential security threats. We also have concerns that some of the newly requested information about company officers is invasive, while other information is duplicative as it is already collected by CBP.

The Council strongly objects to the collection of the social security number and passport information of certain company officers. We believe that the personal and sensitive nature of the information about corporate officers will not help CBP improve their risk assessments. Furthermore, given the sensitive nature of the information requested for each officer, can you clarify how it will be protected and how long it will be kept in the file?

Moreover, the proposal is duplicative as it seeks to gather information that CBP already collects. For example, through the comprehensive pre-arrival security filing for ocean going cargo, i.e. Importer Security Filing, importers and vessel operating carriers provide advance trade data to CBP. Specifically, the following 10 data elements are required from the importer: (1) Manufacturer (or supplier) name and address; (2) Seller (or owner) name and address; (3) Buyer (or owner) name and address; (4) Ship-to name and address; (5) Container stuffing location; (6) Consolidator name and address; (7) Importer of record number/foreign trade zone applicant identification number; (8) Consignee number(s); (9) Country of origin; and (10) Commodity Harmonized Tariff Schedule number. In addition to the 10 data points provided by the importer, the carrier is required to provide the following two data points: (1) Vessel stow plan; and (2) Container status messages. Furthermore, companies who voluntarily partner with CBP and participate in the Customs-Trade Partnership Against Terrorism (C-TPAT) and/or Importer Self-Assessment (ISA) programs already provide CBP enhanced data points to assist in its targeting of imports. In light of all the information CBP already obtains before every import is made, it is unclear why the proposal to collect additional information about a company and its officers before their first import is necessary.

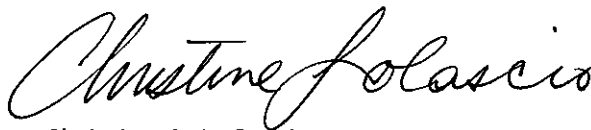
Additionally, we believe that CBP seriously underestimates the time that will be required to keep the greatly expanded list of data points up-to-date. For example, will a new CBP Form 5106 have to be filed whenever there is a change in corporate officers? Similarly, will a new CBP Form 5106 have to be filed if a company changes its website, email address, or fax number? If that is the case, companies will likely amend their filings several times a year, thus increasing substantially the amount of time companies will have to spend maintaining Form 5106.

Furthermore, it is unclear whether importers with an active importer ID number will be required to file a new CBP Form 5106. According to CBP's regulations, once an importer has received an ID number they are not required to file a new CBP Form 5106 unless they have not completed an import over the last year. For that reason, we seek clarification whether importers that currently have an active importer ID number will be required to file the revised Form 5106.

Finally, it is unclear if customs brokers who obtain companies' information before products are exported to the United States will be required to file a new Form 5106. If so, it could delay U.S. imports.

In sum, we urge CBP to reconsider its proposal to amend Form 5106 as it is unclear how the personal information of company officers will improve CBP's targeting of non-compliant imports or potential security threats. Moreover, since providing much of the data is already collected by CBP such information in Form 516 is duplicative and unnecessary. Thank you again for the opportunity to provide comments on the proposal, and we would be pleased to amplify and/or clarify any of these points as needed.

Sincerely,

A handwritten signature in black ink, reading "Christine LoCascio". The signature is written in a cursive, flowing style.

Christine A. LoCascio
Senior Vice President
International Issues and Trade