



December 8, 2014

USCIB Comments for Federal Register Notice: FR Doc No: 2014-24199

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

Dear Ms. Denning,

USCIB thanks U.S. Customs and Border Protection (CBP) for the opportunity to comment on Federal Register Notice Doc No: 2014-24199. We appreciate CBP's commitment to comply with the data collection and submission to the Office of Management and Budget (OMB) for the review and approval in accordance with the Paperwork Reduction Act: Importer ID Input Record (CBP Form 5106).

We understand that the Federal Register notice states "Each person, business firm, government agency, or any other organization that intends to file an import entry shall file CBP Form 5106 with the first formal entry or request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. This form is also filed for the ultimate consignee for whom an entry is being made." We ask CBP that in the future to not require extend the data requirements contained in this form to all importers.

We believe the nature of such an expansion of data collection goes beyond the parameters of risk assessment. USCIB feels some of the information being requested on Form 5106 (including social security numbers and passport numbers) is an overly broad intrusion into the personal privacy of company managers will be over-burdensome for importer companies filing their first entry.

The organization would need to ensure their staff records are current despite frequent personnel changes. It is also unclear from the Federal Register Notice who in the company would be required to store this information: often, employees who store data are different than those individuals who submit the importation information to CBP are not the same. This could lead to incorrect information submitted. CBP has not provided any reasonable justification for requiring such extensive and intrusive personal information.

Washington Office

1400 K Street, N.W., Suite 450
Washington, D.C. 20005
202.371.1316 tel
202.371.8249 fax
www.uscib.org

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The officers of a company responsible for financial information are often removed from the import operations of the company. There is no compliance need for the personal passport, social security and bank account numbers of such individuals. The privacy and personal security issues raised by providing such personal information are significant especially in the internet age of rampant identify theft.

We understand CBP's focus on continuing their mission of collecting data on importers who do not operate in the U.S. or who are "shell" companies that do not have a real presence in the U.S. It is recognized that there are legitimate reasons for shell companies as well as illicit issues where persons try to prevent authorities from know who may be behind the shipments of imports on either end of the transactions. We completely understand CBP's wish to update its 5106 form to require more information so it can better assess risk. However, we believe that companies who already use the form, most of whom are established importers, should not have to submit additional staff information.

If CBP's concerns are in regard to non-resident importers, identifying new importers and performing risk assessments on those new entities, we suggest amending the non-resident importer regulation and adding additional requirements without burdening established importers. We suggest creating a risk-based approach instead, working with individual companies when issues arise and seeking information that way. This approach will allow CBP to be more strategic and targeted with their resources and help close any security gaps regarding smaller importers operating outside of the United States. We suggest asking if the company has been importing for less than a year, and if so, they would proceed to provide additional information regarding their managers, but not requiring it for companies who have been importing for more than a year.

The Federal Register Notice is unclear regarding how the information will be collected, stored, the duration of data storage, and how this information will assist CBP in achieving its goal. If CBP is concerned about data collection, there are other ways to ask for information that are not over-burdensome and personally intrusive. Additionally, for established U.S. based importers, it is unclear if brokers, who obtain companies' information before goods are shipped, will now need to complete the new 5106 form. If this is the case, it could result in a delay in moving goods.

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USCIB believes a risk-based approach taken up on a case-by-case basis will allow CBP to be more targeted and successful in their goal of closing all security gaps within data collection. We look forward to continuing to work with CBP to close all risk assessment gaps. Again, we thank you for the opportunity to comment on this form change.

Sincerely,

Kristin Isabelli
Director, Customs and Trade Facilitation
United States Council for International Business

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