



November 21, 2014

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

Re: **Agency Information Collection Activities: Importer ID Input Record**

This letter is in response to the October 9, 2014 Federal Register Notice for comments on the proposed revised Importer ID Input Record (CBP Form 5106).

On the form itself, we suggest that block 2A, Mailing Address, and block 2B, Physical Location, be reversed and that Physical Location come before Mailing Address and, if the two addresses are the same, a block be added to allow for automatic completion of the Mailing Address. This saves data entry time and possible data entry errors.

In that CBP is taking over the electronic export information from Census and the Department of Commerce and putting it into ACE, does block 1I, "How will the identification number be utilized?" need to be revised for exporter filers to be included? CBP may want additional information on exporters to enforce commodity export controls.

The Block 3, Company Information, states that "...all of the requested information is required if available"; but, what is "if available"? What if the importer has the information but the importer does not want to furnish it to CBP? Can the customs entry go through? What if the information is incorrect? While CBP may say that the lack of information may trigger customs exams, the fact is, for new importers, the first shipments are probably small shipments and would be examined anyway; thus, there is not much of a penalty.

Under Company Information, block 3C asks for the DUNS Number; however, new importers probably do not have a DUNS Number.

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Block 3G, Primary Banking Institution" and information goes too far. Many, or most, importers will not want the federal government to have their banking information. There is a great reluctance and lack of trust to share financial information with the federal government. I, personally, do not think the federal government should have access to my personal bank account and records. There should be some privacy allowed. Foreign importers of record will not want to give that information to the U.S. government. Consignees, who are not even liable for duties, taxes and fees, will not want to provide their banking information to CBP.

Block 3H is a huge block for a two digit State of Incorporation. It is confusing. If that is all that CBP is asking for, it should be entitled "State of Incorporation", rather than "Certificate or Articles of Incorporation (Locator ID)".

Block 3I, Certificate or Articles of Incorporation – (Reference Number), is another awkward block. We have no idea of the number you are looking for. We have many state numbers. We have a corporate license. We have a Legal Entity Registration. Both numbers are different. They are hanging on our wall; but, we are not sure of the number of our articles of incorporation. The State of Washington uses a UBI Number to identify corporations and it is posted on their searchable web site. A UBI Number would work far better than a number from old articles of incorporation.

With regard to block 3J, officers of foreign importers of record would not have Social Security Numbers (SSNs) and may not have passports. Passports are not required for citizens who are not traveling overseas.

The revised 5106 might mean that foreign shippers, shipping to numerous U.S. buyers will be forced to be shown as the importer of record and consignee at the time of customs entry when their U.S. buyers believe the information is intrusive and the buyers do not want to furnish it to CBP. Right now, there are "importers of record, especially along the northern and southern borders, who are using warehouses as their "U.S. addresses". The U.S. Post Office has advertised that people, and firms, with post offices boxes can use the address of the post office as their address. Some firms use their attorney's address as their business address. Other importers of record use mail drops and secretarial service addresses.

CBP has indicated that the revised CBP Form 5106 will only be used for new importers; however, it is hard to imagine that CBP will not change this to require the 5106 be renewed periodically to make sure that CBP's information remains correct. For example, on customs bonds, CBP only requires the Importer Number and not the name and address. If the importer's name and/or address have changed and the 5106 has not been updated, CBP will not have correct information. We believe that CBP will change the requirement for all importers and consignees at some point in the near future. This should have been addressed, along with the expected renewal period, in the Federal Register Notice.

CBP has said that the information, the full information, will be required from both importers of record and the consignees. The "express couriers" will no doubt want a waiver for their consignees. They act as the nominal "importer of record" on most of their customs entries. The requirement should be the same for all importers and consignees no matter how their goods are shipped. To waive, or reduce, the data required from consignees would tend to have buyers use more customs brokers who are willing to be nominal "importers of record" to bypass the filing requirement.

There may be a concern by customs brokers that furnishing CBP with importers' email addresses and phone numbers would encourage CBP to reach out directly to importers to tell importers to deal directly with CBP and bypass customs brokers. When Periodic Monthly Statement came out, CBP told importers that they could have 30 – 45 days to pay the customs duty, taxes and fees. What CBP did not tell importers was that the importers needed to set up their own ACH accounts with CBP. As a result, importers believed they did not have to pay their customs brokers' invoices for 30 – 45 days, even all of the freight costs on the customs brokers' invoices. This created a major problem for customs brokers for some time with many clients. CBP might also use the information to invite importers to "special events" that feature specific customs broker competitors. A couple of years ago, CBP invited importers to a special event on the Importer Security Filing in Seattle that featured one customs broker in Seattle. It appeared to be a two to three hour commercial for that particular customs broker put on by CBP. This goes far beyond CBP needing the information to contact an importer on a specific transaction or transactions. So, there are reasons why customs brokers may be hesitant about importers providing their email address and phone numbers to CBP.

The Transportation Security Administration (TSA) has a system to vet exporters. Their system is non-intrusive and seems to work. They are satisfied with it. The TSA does not ask exporters for banking information, passport numbers and Social Security numbers for officers of exporting corporations, etc. to qualify "known exporters".

In conclusion, we believe that the revised CBP Form 5106 is intrusive, will not have the desired effect of qualifying importers and consignees, will force importers and consignees to provide alternate information (like "dummy" bank accounts taken out only for completion of the CBP Form 5106), will deter businesses from doing business with the United States and will not have the desired effect. Whether it is CBP, the IRS, the FDA, the DOT or other federal agency, much of the information requested is too intrusive and, even if it were less intrusive, the federal government knows who almost all of its U.S. citizens and businesses are. They file tax returns with the IRS each year; they file export declarations when they export goods; they are "known" to the U.S. government. CBP should only be concerned with vetting those parties to the import transactions who are still "unknown" to the U.S. government, not all importers, consignees and exporters. We respectfully request that CBP rescind their proposed revised CBP Form 5106 and reexamine their needs.

Very truly yours,
AIRPORT BROKERS CORPORATION


Gary A. Ryan
Vice President