



we wear® compliance

December 8, 2014

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

RE: Agency Information Collection Activities: Importer ID Input Record, *Federal Register*, October 9, 2014, Vol. 79, No. 196, Pages 61091-61092

Dear Ms. Denning:

On behalf of the American Apparel & Footwear Association (AAFA), I am writing to express serious concerns regarding U.S. Customs and Border Protection's (CBP) proposed changes to the CBP Form 5106, the Importer ID Input Record.

AAFA urges CBP to formally withdraw the proposal for the reason articulated below.

The proposal, as currently written, would adversely impact the entire trade community, by treating trusted traders, long-time importers, and new, unknown companies the same, which is directly contrary to CBP's risk mitigation through partnership arrangements. Further, the proposal would impose a huge administrative burden on all importers. Finally, the proposal would require the disclosure of detailed, sensitive personal information but does not provide any justification as to how such information would "enhance CBP's ability to make an informative assessment of risk."

Representing more than 340 companies responsible for 1,000 world famous name brands, AAFA is the trusted public policy and political voice of the apparel and footwear industry, its suppliers, its management and shareholders, its four million U.S. workers, and its contribution of \$361 billion in annual U.S. retail sales. AAFA member companies are major importers.

CBP Proposal Would Adversely Impact All Importers Alike

While not spelled out at all in the *Federal Register* notice, in subsequent conversations with CBP officials AAFA has learned that the

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intent of the proposal is to obtain visibility into new importers in order to “enhance CBP’s ability to make an informative assessment of risk.” However, the proposal, as currently written, would require all companies to file the new form, with all of the new information, even if there was only a simple change in address, or a change in company officers, or any other minor change in company information. CBP has failed to articulate a compelling justification for the sensitive personal data requested, especially when there is only a minor change to the company information. Again, the proposal does not differentiate in any way between trusted traders, long-time importers, or new importers.

However, even if the proposal distinguished the information that was required by type of importers (trusted trader, current and new importer), most of the pertinent information to make a risk assessment is already known to CBP. For example, CBP has sufficient information to make risk assessments for its trusted traders and existing importers based on the importing data that currently exists. For new importers, the existing CBP Form 5106 along with CBP Form 301 contains much of the pertinent information to allow CBP to make a risk assessment of a new importer.

Proposal Would Impose an Undue Administrative Burden on Importers

Because of the new information requested, any change in company officer or any change in company personnel involved in importing would automatically trigger a new filing. With the average tenure of an employee at a company being only 1-3 years, these new filings would impose a significant administrative burden on importers, without any obvious, or explained, benefit to CBP. The increased administrative burden this proposal places on companies is unwarranted in the absence of an articulate rationale as to how this information is necessary to achieve its stated purpose.

New Personal Data Required is Intrusion Without Benefit

CBP proposes collecting very sensitive data under the proposal – social security numbers, passport information, personal e-mails, home addresses, etc. – but does not provide any information on how such data will be used. This request for personal information of private individuals acting in their official corporate capacity is inappropriate.

Just as importantly, CBP does not provide any details on who will have access to data, or how CBP will protect the data. And CBP provides no justification for such a sweeping proposal when, as demonstrated by recent enforcement actions, it already appears to have access to necessary data for enforcement purposes through information on bonds and other means. Frankly, without any clearly stated rationale for the need for such data, the proposal, as currently written, represents a serious intrusion into the sensitive personal data of company employees without any benefit to CBP, and with certainly no benefit to the importing community.

AAFA thanks CBP for taking the time to talk with AAFA members about the proposal and address some of the issues raised in this submission. On that call, CBP officials explained that the purpose of the proposal is to provide more visibility into new importers to evaluate risk. In its proposal, however, CBP provides no justification as to why it needs any additional information, beyond what it already collects through bonds and by other means. At the same time, the proposal would impose significant

administrative burdens and raise serious and significant security concerns for AAFA members – trusted traders and long-time importers.

Therefore, AAFA again urges CBP to formally withdraw the current proposal. Further, AAFA encourages CBP to work with the importing community, through the COAC or other mechanisms, to craft a proposal that better meets the needs of both CBP and the importing community.

Thank you for your time and consideration in this matter. Please contact Nate Herman of my staff at 703-797-9062 or nherman@wewear.org if you have any question or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "St. Lamar", with a stylized flourish at the end.

Steven Lamar
Executive Vice President