



## UNITED STATES FASHION INDUSTRY ASSOCIATION

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December 8, 2014

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

RE: CBP Form 5106

Dear Ms. Denning:

The United States Fashion Industry Association (“USFIA”) submits the following comments on the proposed changes to CBP Form 5106.

USFIA represents textile and apparel brands, retailers, importers, and wholesalers based in the United States and doing business globally. Founded in 1989 as the United States Association of Importers of Textiles & Apparel with the goal of eliminating the global apparel quota system, USFIA now works to eliminate the tariff and non-tariff barriers that impede the industry’s ability to trade freely and create economic opportunities in the United States and abroad.

Customs and Border Protection (“CBP”) has proposed major changes to CBP Form 5106. This form is filed by importers at the time of their first entry and other occasions. 79 Federal Register 61091 (October 9, 2014).

The major change in the form is to require much more information about the importer and its officers. Specifically, the form requires personal information (SSN, Passport No., etc.) for those officers who have importing and financial business knowledge of the importer and the legal authority to make decisions on its behalf. This information is not required on the current form. Other new information required includes the importer’s D-U-N’s number, its primary banking institution, the state or country in which it is incorporated and a unique identifying number for the appropriate Certificate of Incorporation. Finally the form would be renamed “Create/Update Importer Identity Form”.

The stated purpose of the changes to CBP Form 5106 is to enhance CBP’s ability to make an informed risk assessment prior to an initial importation. Why personal information such as an officer’s SSN or Passport No. will enhance that process is not addressed. Given its sensitivity a fuller explanation of the need for the personal data is necessary.

Given the stated purpose, any personal details required to complete the revised CBP Form 5106 should be limited to those circumstances where the importer is not known to CBP.



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Although CBP Form 5106 primarily is used by new importers, established importers will have occasion to use it as well. For example, an established importer may wish to establish a new division or subsidiary. It will be necessary to file a CBP Form 5106 in that circumstance. By the same token, the CBP Form 5106 is necessary in order to add a new suffix to an existing IOR. Under these circumstances, the personal information is not necessary since it will not enhance CBP's knowledge of the importer. CBP has experience with the importer. Accordingly, the form and/or the governing regulations should be revised to make it clear that in the circumstances described above, personal data is not necessary.

Section 24.5(a) of the Customs Regulations requires a CBP Form 5106 when there are changes in an importer's address or name. There is no justification for personal data in that case.

If there is a change in officers, it is necessary to file personal data about the new officers? Would this depend on how long the importer that has been operating? Certainly, an importer that has been operating for a decade or so without problem should not be required to provide personal information about new officers. The fact that the importer has been operating for an extended period of time should be more than sufficient to assure CBP that the risk of continuing to deal with that importer, even with new officers, is minimal or non-existent.

The same observation applies to other of the new information such as the importer's primary banking institution. It is difficult to conceive how this information will enable CBP to make a more accurate risk assessment of the importer. On the other hand, there is information that would be useful to CBP in making a risk assessment. This information might include the nature of the merchandise to be imported, the potential countries of origin, whether the merchandise is subject to a trade remedy or trade restriction, etc. This information would enable CBP to make a more accurate risk assessment. However, much of the information sought in the form does not appear to further that purpose.

USFIA appreciates the opportunity to comment on these important matters and urges that the final form reflect its views.

With best regards,

Julia K. Hughes  
President  
United States Fashion Industry Association (USFIA)

cc: John B. Pellegrini, USFIA Customs Counsel, McGuireWoods LLP