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**Via Courier**

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

CBP Form 5106

Dear Ms. Denning:

These comments are submitted on behalf of the Footwear Distributors and Retailers of America ("FDRA") in response to the request for comments on the proposed revisions to CBP Form 5106. 79 *Federal Register* 61091 (October 9, 2014).

FDRA is a trade association of some 130 retailers, importers, distributors and producers of footwear. FDRA members account for some 75 percent of United States retail sales and imports of footwear. Many FDRA members make entry using the First Sale principle and have a keen interest in ensuring that the proposed changes in the ICP do not unnecessarily burden importers or inhibit their ability to continue to rely on the principle.

Customs and Border Protection ("CBP") has proposed radical amendments in CBP Form 5106. The form is filed by importers prior to an initial importation, when changes in name and address occur and other occasions.

The principal amendments would mandate the disclosure of personal information about some of the importer's officers. This personal information (SSN, Passport No., etc.) would be required for those officers knowledgeable of the importing and financial aspects of the importer and have the legal authority to make decisions on its behalf. This sensitive personal information is not required at present. Other new information includes the D-U-N's number, primary banking institution, the state or country of incorporation of the importer. The form would be renamed "Create/Update Importer Identity Form".

The proposed amendments to CBP Form 5106 are intended to enhance CBP's ability to make informed risk assessments. Given the sensitivity of this personal data, CBP must provide a much more robust justification. FDRA does not doubt that CBP may need additional information to assess the risk that a new importer may entail. However, it is not clear that this sensitive personal information will provide much assistance in this area. It seems obvious that other information such as the type of merchandise, the duty rate, the country or origin, whether the merchandise is subject to a restriction, the expected value of the imported merchandise, whether the importer will be dealing with related sellers, and similar inquiries would be more relevant to a risk assessment.

The form does not appear to take account of the fact that in some cases the importer filing the CBP form 5106 will be well known to CBP. Even assuming, as CBP does, that the information is useful, it should not be required when the importer is known to CBP. Established importers are sometimes required to submit the form. When a long-time importer establishes a new division or subsidiary it files a CBP Form 5106. By the same token, a CBP Form 5106 is necessary when an established importer adds a new suffix to an existing IOR. In these instances, the sensitive personal information is not necessary and should not be required. The same is true when a CBP Form 5106 is filed to record changes in an importer's address or name. In these circumstances, the information specified in Block 3 of the proposed form should not be required.

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FDRA appreciates the opportunity to comment on these important matters and urges that the views expressed here be reflected in the final version of CBP Form 5106.

Sincerely,

McGUIREWOODS LLP



John B. Pellegrini

In Triplicate  
cc: FDRA  
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