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VIA ELECTRONIC MAIL

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

Attn: Ms. Tracey Denning

Re: Comments on Agency Information Collection Activities: Importer ID Input Record, 79 Fed. Reg. 61,091 (Oct. 9, 2014); OMB No.: 1651-0064

Dear Ms. Denning:

We are writing to provide U.S. Customs and Border Protection ("CBP") with our comments on CBP's proposal to amend CBP Form 5106, as set forth in Federal Register Notice and Request for Comment, Agency Information Collection Activities: Importer ID Input Record, 79 Fed. Reg. 61,091 (Oct. 9, 2014) ("Notice"). We appreciate the opportunity to provide the agency with our comments.

As an initial matter, we wish to note that CBP's proposal represents a significant change from past practice. While we have serious concerns with the substance of the proposal itself (discussed in detail below), we are also concerned that CBP would propose such a significant change without first obtaining meaningful input from the trade community. It is not clear from the Notice to what extent (if at all) this proposal was reviewed with the Commercial Operations Advisory Committee or other groups before publication. The proposal has clearly suffered as a result. We believe that CBP should have engaged with the trade community earlier in this process and that, if it had done so, a more acceptable/effective proposal could have been put forth.

In terms of the substance of the proposal, we believe that it is deficient in several important respects.

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We believe that in most cases, much of the information sought to be collected will not actually help CBP achieve its stated goal. According to the Notice, that goal is to “enhance CBP’s ability to make an informative assessment of risk prior to the initial importation, and [to] provide CBP with improved awareness regarding the company and its officers who have chosen to conduct business with CBP.” 79 Fed. Reg. at 61,092.

CBP has not explained how a corporate officer’s social security number or passport number will help the agency form a risk assessment. We submit that it will not. While such information may “provide CBP with improved awareness” of a company and its officers in some general sense, it is not clear what value such improved awareness would have in most cases. It appears that the request for personally identifiable information has more to do with post-importation enforcement concerns than it does with forming a risk profile or being more “aware” of a new importer/ultimate consignee.

Before CBP requires importers/ultimate consignees to provide such highly confidential, personally identifiable information, it should articulate how such information will actually help CBP achieve its stated goal.

In addition, the proposal seeks to treat the importing community as a homogeneous unit; requiring the same information from all importers/ultimate consignees. If CBP is serious about using the information provided in the CBP Form 5106 to help form a risk profile, it should recognize that different entities present different risks and tailor its request accordingly. For example, the risk presented by a large, public company that imports \$500+ million per year likely differs from the risk presented by a private, solo proprietor that imports less than a \$1 million per year. The use of even a few high-level factors (e.g., publicly-traded companies subject to Sarbanes-Oxley requirements versus private companies that are not; large importers versus small importers; established companies versus newly-formed companies; etc.) would help ensure that any additional information CBP seeks to collect is narrowly tailored and actually useful.

In short, rather than trying to implement a one-size-fits-all approach to collecting highly-confidential, personally identifiable information which will have limited value to the agency in any case, CBP should share its risk assessment matrix with the trade community and work with that community to develop a revised proposal that is better tailored to achieve the stated goal.

For the procedural and substantive reasons set forth above, we oppose the proposed amendment to CBP Form 5106 and respectfully urge CBP to withdraw it.

Sincerely,



Susan Renton
Director, International Trade Compliance