



The Boeing Company
929 Long Bridge Drive
Arlington, VA 22202-4208

December 8, 2014

U.S. Customs and Border Protection

Attn.: Ms. Tracey Denning
Regulations and Rulings
Office of International Trade
90 K Street, NE, 10th Floor
Washington, DC 20229-1177

Re: Federal Register/Vol. 79, No. 196/October 9, 2014
Importer ID Input Record

Dear Ms. Denning:

The Boeing Company ("Boeing") appreciates the opportunity to respond to the Bureau's Notice and Request for Comments regarding revisions to its Importer ID Input Record, CBP Form-5106.

We applaud and support CBP's continued efforts to implement measures for ensuring the safety of our nation's borders, as well as that of our global supply chain, in an environment of growing threats to U.S. national security. We also realize that a key to those efforts is access to information. ,

However, we have significant concerns about what we consider an unnecessary expansion of the requirements in Form 5106 as they relate to the provision of company officer data—in an overwhelming majority of cases without apparent corresponding gains in terms of national security considerations. Further, we are concerned that the new data requirements would cast a wide net over the entire importing community, to include companies that have for many decades proven their commitment to compliance with U.S. laws and regulations and their support for U.S. national security and foreign policy goals, in order to capture a small number of unknown entities and potential violators. Specifically, we have the following comments:

- Form 5106 requires the provision of sensitive personal information about the importing company's officers, including Social Security Number ("SSN"), and other personal information through submittal of passport data. Personal data are treated by Boeing as Personally Identifiable Information, or "PII", and as such protected by company policy from disclosure both within and outside of the company. We do not believe this information should be shared, inasmuch as the company has done the necessary due diligence (including background checks) on the individuals listed as officers and members of the Board. The certification provided by the signature on Form 5106 should be sufficient confirmation of the company's due diligence. Therefore, we respectfully request that the Bureau consider not including the requirement to provide personal officer data on Form 5106. Given that CBP's intent is to create maintain a database of importers and thus rename Form 5106 the "Create/Update Importer Identity Form," this approach would be similar to 22 CFR Chapter I Subchapter M, Part 122.2, where the Department of State's Directorate of Defense Trade Controls requires a Statement (Form DS-



2032) from a senior office of the company that attests to the eligibility of the company and its officers to conduct activities under that Subchapter.

- As the International Trade Data System ("ITDS") program is implemented, the number of government agencies having access to information submitted by Exporters and Importers will grow significantly, and with that the risk that an individual's personal information could be accessed in error, misplaced, or misused.
- The Federal Register Notice states that *"...CBP is also requesting that company officers whose information will be submitted on this form have importing and financial business knowledge of the company..."* It is not clear whether Boeing should only submit the names of those officers who have importing and financial business knowledge, or whether the names of all officers must be submitted and all of them must have, for example, importing knowledge. While company officers have in-depth knowledge about the company, individual portfolios might not necessarily include knowledge about importing, and we are concerned that responsibility and accountability for such knowledge could be assigned.

Additionally, and in answer to questions (a) through (e) posed by CBP in the Supplementary Information section, we offer the following comments:

- (a) We do not believe that the proposed collection of information, in particular the PII, is broadly necessary for the proper performance of the function of the agency, or that the information would have practical utility if the requirement were applied across the board. Information as expansive as proposed should be sought only in limited, select cases.
- (b) Stated estimates regarding the burden of the collection of information on industry may not be accurate, since it would take additional time to overcome internal restrictions on disclosure of personal data and its potential legal implications.
- (c) In lieu of supplying the highly sensitive information proposed in the Federal Register Notice (i.e., Primary Banking Information, Company Officer SSN and Passport information), we recommend substituting the Statement noted above and/or Continuous Customs Bond information. The process for obtaining a Continuous Bond could act as a vetting venue to ensure the legitimacy and financial stability of an entity, and to reduce the validation burden to CBP.
- (d) Use of automated collection techniques would minimize the burden of submitting information through this and any other information collection forms, as long as the data provided can be adequately protected.
- (e) Given our comment to (b) above, we are unable to provide data regarding what the costs related to submittal of an expanded-Form 5106 might be.

In closing, we thank you once again for the opportunity to comment and reiterate our support for CBP's recent initiatives. However, with respect to this information collection we respectfully request that the Bureau reconsider the proposed requirements and seek alternative solutions for addressing corporate due diligence and compliance, as well as for evaluating potential risks.



Please do not hesitate to contact me if you have any questions or if we can be of any assistance. I can be reached at (703)-465-3505 in our Crystal City, Virginia Office or at christopher.e.have@boeing.com.

Sincerely,

A handwritten signature in dark ink, appearing to read "Christopher Haave".

Christopher Haave
Director,
Global Trade Controls