

**Linda M. Dempsey**

*Vice President*

*International Economic Affairs*

December 5, 2014

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

ATTN: Tracey Denning, Regulations and Rulings

RE: Agency Information Collection Activities: Importer ID Input Record (CBP Form 5106)

Dear Ms. Denning:

The National Association of Manufacturers (NAM) is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states. Our membership includes both large multinational corporations with operations in many foreign countries and small and medium manufacturers engaged in international trade on a more limited scale. Our members utilize imported parts, components, and finished products to compete within the U.S. marketplace and abroad.

The proposed changes outlined by U.S. Customs and Border Protection (CBP) to the Importer ID Input Record (CBP Form 5106) would be a significant expansion of the information currently collected. Although we very much support CBP's stated objective to assess, based on risk, a company's compliance with U.S. customs laws, this revision requires information from importers and ultimate consignees – including personal data like the direct phone, email address, social security number and passport information for corporate officers – that is unrelated to that objective. Despite CBP's policy and operational emphasis on risk mitigation and "trusted trader" programs, this proposal would treat the importing community as a monolithic entity and require the same information from every importer regardless of company size, importing scale or whether the company is publicly traded or privately held.

The NAM does not agree with the proposed revisions of CBP Form 5106 to include Social Security numbers, passport numbers, passport country of issuance, passport expiration date, and passport type. This is particularly sensitive information, and CBP did not provide in its notice any indication as to its intended use or rationale for requiring this information from every importer. We do not believe that the personal information related to our company officers is necessary to the proper performance or functions of CBP, and manufacturers are concerned that the officers' personal information could be easily compromised should the information be transmitted via email or other electronic means. Currently, most sureties and customs brokers receive the information for CBP Form 5106 via e-mail and then submit this information with CBP Form 301 (Customs Bond). If the proposed changes are adopted, CBP would need to ensure these entities have the ability to transmit via a secure means – and that CBP has a secure means to receive the data.

Additionally, company officers – particularly for those of large corporations – do not typically handle day-to-day import activities. Rather, they rely on customs and import operations

staff that has the appropriate and necessary business knowledge on such customs, importation and related matters. Although company officers have legal authority to make decisions on behalf of the company, they are not acting in their personal capacities and they often defer to operational staff regarding decisions related to imports.

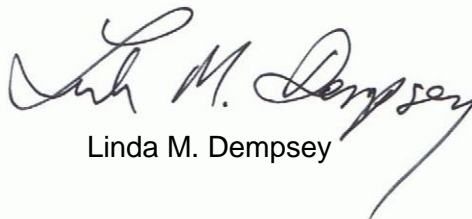
The proposed changes also seem to require data from officers of U.S. importers regardless of citizenship or residency. If that is the case, CBP could require companies to provide personal data for individuals who are residents or citizens of countries – including members of the European Union, Switzerland, Canada, Argentina, Chile, Uruguay, India and Australia – that have strong data privacy laws. Many of these countries consider it coercive for an employer to ask an employee for consent to share personal information.

While less sensitive in nature, we are also concerned by the proposed inclusion of the broker name, broker telephone number, and primary banking institution. That information is frequently subject to change, and filing updates to keep the information current on CBP Form 5106 could pose a significant administrative burden for importers without justification for why it is required.

In addition, the NAM encourages CBP to clarify which data elements on the CBP Form 5106 are required at which point. The current form is titled "Importer ID Input Record," while the proposed form is titled "Create/Update Importer Identity Form." If an existing importer needs to update their business address or add a new activity code to their bond (e.g., Drawback Payments Refund), would the importer need to complete all the new proposed sections on the CBP Form 5106? Would all importers need to file the new CBP Form 5106 within a certain timeframe? Or would certain data elements be required only for first-time importers? If the proposed revisions are adopted, we also suggest that CBP consider specifying that companies able to achieve "trusted trader" status or considered low-risk are exempt from providing additional information.

Based on these concerns, the NAM strongly opposes the Form 5106 revisions as proposed. We are happy to discuss our comments in more detail in a meeting with CBP.

Sincerely



Linda M. Dempsey

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