



U.S. Customs and
Border Protection

JUL 17 2009

MEMORANDUM FOR: Directors, Field Operations

FROM: Executive Director, Trade Policy and Programs,
Office of International Trade

SUBJECT: GUIDANCE: Suggested Steps for Obtaining a Valid Power of
Attorney

Due to an increase in identity theft and Immigration and Customs Enforcement focusing on such abuse of identity theft, the Broker Compliance Branch (BCB) communicated to the brokerage community on May 9, 2005, *via* the Customs and Border Protection (CBP) website suggested steps a broker may follow when validating a power of attorney (POA).

During the National Customs Brokers & Forwarders Association of America, Inc. (Association) Customs Committee Meeting on June 17, 2009, the Association expressed concern that the website identifying such suggested steps for validating a POA has inadvertently become standard criteria that the Broker Management Officers (BMO) adhere to in ascertaining whether a broker demonstrates "responsible supervision and control."

Please communicate to your respective BMO that the website lists suggested steps that a broker may follow when validating a POA. If the broker fails to follow the suggested steps in obtaining a valid POA, such failure does not require penalty action; however, a broker must be in possession of a valid POA when conducting "Customs business."

Please distribute this correspondence to port directors, assistant port directors–trade, BMOs, brokers, and interested parties.

If there are any questions per the content and/or nature of this correspondence, please contact Mr. Alfred S. Morawski, Chief, Broker Compliance Branch at (202) 863-6505 or Alfred.Morawski@dhs.gov.

A handwritten signature in cursive script that reads "Brenda B. Smith".

Brenda B. Smith

cc: Director, Trade Operations Division, Office of Field Operations