



December 5, 2014

U.S. Customs and Border Protection
Office of International Trade
90 K Street, NE – 10th Floor
Washington, DC 20229-1177

Attention: Tracy Denning, Regulations and Rulings

Re: Comments of Radix Group International, Inc.
and DHL Express, Inc. (USA)
Importer ID Input Record/CBP Form 5106

Dear Ms. Denning;

On behalf of DHL, including both DHL Express, Inc. (USA) and Radix Group, Inc. d/b/a DHL Global Forwarding (DGF), we offer the following comments on U.S. Customs and Border Protection's (CBP) proposed changes to the Customs Form 5106 in accordance with the 60 – day notice and request for comments.

Introduction

DHL is a world leader in express delivery, transportation and supply chain management, and is a part of Deutsche Post DHL. DHL was established in 1969 in San Francisco as an Express company, but today, the footprint of the DHL group in the U.S. combines four business units (DHL Express, DHL Global Forwarding, DHL Supply Chain, and DHL Global Mail). Each DHL business unit plays a critical role in the global supply chain.

Our over 30,000 employees and contractors in the U.S. provide a broad product portfolio for our US customers, including millions of international express shipments each year, complex logistics services for major U.S. manufacturers, heavy freight movements (ocean and air) and work share partnerships with the U.S. Postal Service in the management of postal products.

The comments offered below are specifically on behalf of the two business units most directly involved in the filing of data for cross border movements into and out of the United States, namely DHL Express and Radix Group International, Inc. (d/b/a DGF or DHL Global Forwarding). As a separate legal entity and subsidiary of Deutsche Post-DHL, Radix is a licensed customs broker within the meaning of 19 U.S.C. §1641(b)(3) under assigned filer code 336 and files approximately 1 million entries a year.

Comments

U.S. Customs and Border Protection (CBP) has proposed to rename the CBP Form 5106 (5106) to "Create/Update Importer Identity Form". In previous discussions with the trade community and CBP, the agency has alluded that a change in address will not require a whole new 5106 to be filed. While the new form name indicates an update of information, the instructions or type of action on the proposed 5106 form does not state what is the minimum data required for the role



the party will play. Radix offers the following suggestions based on the five available responses in the proposed field 1I; Importer of Record, Consignee/Ultimate Consignee, Drawback Claimant, Refunds/Bill, or Other.

Importer of Record

1. When an importer of record (IOR) is required to complete the 5106 as a notification of identification number (TYPE OF ACTION field), it is suggested CBP allow the broker, as a validation party of the information received and agent of the IOR, to provide the information available at the time of import to satisfy admissibility of the goods. This information should align with previous 5106 data elements to allow the filing of entry and entry summary with CBP. For example, the name, address and IRS number for CBP Form 3461 and 7501 importer of record purposes. The IOR should be granted a secure portal application to file the proposed privacy data elements; 3F, 3G, 3H, 3I, and 3J. It is recommended the initial 5106 data elements be filed via ABI by the licensed Customs brokerage firm or an authorized surety company. When the information is filed, it is suggested CBP return to the broker/surety company a unique authorization code that can be utilized by the Importer of Record to provide the sensitive personal data requested in Section 3, particularly 3F, 3G and 3J via a secure online application. It is recommended if an importer, upon subsequent importations, fails to submit the requested identity information to align with the proposed from 5106, that CBP initiate an ABI reject in ACE prohibiting importation until the importer files this required privacy information. It is recommended this ABI message be similar to the current importer on sanction ABI message.
2. If the IOR is a C-TPAT or Trusted Trader participant the reporting of the proposed privacy data elements in field 3F, 3H, 3I, and 3J should be waived.
3. CBP must state what minimum proposed 5106 data requirements are required for an IOR with an import history. If an IOR has an import history with CBP, the request for additional identifying, very private, data elements places a burden on the IOR on the collection of this information. In addition there is a risk by the importer in releasing sensitive personal information such as social security and passport information. The burden of the reporting and collection of this information will not result in a change in the data reported to CBP on future imports. It is suggested the previous import history be considered and CBP should waive the reporting of this sensitive, private information. Radix suggests CBP's consideration of an import history of one year.
4. The proposed changes were vague and did not advise if a change in information would require the filing of an updated 5106. If an importer has passport information on file and that information changes, is a new 5106 required? If a company officer retires, is the importer required to file a new 5106? What change in proposed 5106 data elements would warrant the filing of an amended 5106?

Consignee/Ultimate Consignee

1. The definition of consignee and ultimate consignee vary differently depending on the role in the supply chain. In addition varied definitions exist in the customs regulations depending on the role of the consignee, for example on the manifest vs. the entry



- summary. As a result and to seek clarity, Radix suggests CBP strike the term consignee and ultimate consignee and use sold to for one selection and deliver to for another selection in field 1I. The consignee for entry and entry summary purposes will be either a sold to party or deliver to party. Clarity of these roles will reduce confusion and simplify the reason for how the identification number will be utilized.
2. While the proposed instructions on the CBP Form 5106 do indicate that a consignee to the import transaction need only complete section 1 and 2 of the proposed form, Radix request CBP identify what the minimum data requirements are in section 1 and 2 for a sold to or delivery to party to be placed on file. Are fields 1H, 1J – 1M, 2A, and 2C – 2F truly required for the acceptance of and placement on file of a deliver to or sold to party?
 3. It is requested CBP acknowledge the understanding of the relationship of the deliver to or sold to party in an importation. The broker generally identifies if the deliver to or sold to party has the applicable information on file with CBP. This current applicable information is simply the name, physical address and IRS or customs assigned number. If this information is not on file, today, the broker can immediately place this data on file based on the signed and certified import documentation. The certified documentation does not include the additional information as listed in fields 1H, 1J – 1M, 2A, and 2C – 2F and therefore a burden exists in the collection of this data and may result in impeding trade in requiring additional information that would have minimal impact in the identification of the sold to / deliver to party.
 4. CBP must note the party that has historically provided this information, the broker, does not have a direction relationship with the deliver to or sold to party as they do with the IOR. As such the additional information that is not available today places a burden on the broker to obtain this information.

Thank you for your consideration of this comments provided. If you require any additional information, please do not hesitate to contact the undersigned.

Respectfully,

DHL Global Forwarding

A handwritten signature in cursive script, reading "Cynthia D. Allen".

Cynthia D. Allen
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DHL Express, Inc. (USA)

A handwritten signature in cursive script, reading "Amy Smith".

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