

**Supporting Statement**  
**Create/Update Importer Identity Form (CBP Form 5106)**  
**1651-0064**

**A. Justification:**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The collection of the information on the “Create/Update Importer Identity Form”, commonly referred to as the “[CBP Form 5106](#)” is the basis for establishing bond coverage, release and entry of merchandise, liquidation and the issuance of bills and refunds. Members of the trade community use the Create/Update Importer Identification Form to register an entity as an Importer of Record (IOR) in the Automated Commercial Environment. Registering as IOR with CBP is required if an entity intends to transact Customs business and be involved as an importer, consignee/ultimate consignee, any individual or organization involved as a party, such as 4811 party, or sold to party on an informal or formal entry. The number used to identify an IOR is either an Internal Revenue Service (IRS) Employer Identification Number (EIN), a Social Security Number (SSN), or a CBP-Assigned Number. By collecting, certain information from the importer enables CBP to verify the identity of the importers, meeting IOR regulatory requirements for collecting information. 19 CFR 24.5.

Importers, each person, business firm, government agency, or other organization that intends to file an import entry shall file CBP Form 5106 with the first formal entry or request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. This form is also filed for the ultimate consignee for whom an entry is being made.

CBP Form 5106 is authorized by 19 U.S.C 1484 and 31 U.S.C. 7701 and provided for by 19 CFR 24.5. The current version of the form is accessible at:

<https://www.cbp.gov/newsroom/publications/forms?title=5106>

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

CBP Form 5106 is used to establish records for bond coverage, release and entry of merchandise, liquidation and issuance of bills and refunds. Information on this form supports the Automated Commercial Environment’s (ACE) IOR information

program, and the importer vetting process by allowing for more in-depth review and analysis to establish the IOR's identity. The information provided on the 5106 is the basis for entering a new importer/ principal into CBP's ACE database, which will provide for subsequent customs transactions. These include the entry and release of merchandise, liquidation, and issuance of bills and refunds. The information collected is intended to help CBP ensure that importers and consignees are engaged in legitimate import practices and to help CBP work with companies to resolve outstanding financial obligations.

In FY 2022, \$37.4 billion of imported goods were subject to Antidumping/Countervailing Duties (AD/CVD). CBP assessed approximately \$3.6 billion in AD/CVD deposits and levied monetary penalties totaling over \$28 million on importers for fraud, gross negligence and negligence of AD/CVD requirements. CBP entry summary reviews during FY 2022 also resulted in recovery of over \$189 million in AD/CVD duties owed. Additionally, CBP's audit services identified more than \$447 million in AD/CVD discrepancies, with \$15 million collected by the end of FY 2022. Finally, during FY 2022, CBP and U.S. Immigration and Customs Enforcement (ICE) seized five shipments with a domestic value of more than \$691,000 for AD/CVD violations.<sup>1</sup> Since CBP is responsible for the enforcement of the scope of the dumping orders and the collection of the ADD/CVD duties, it is imperative that CBP has pertinent information to make a determination of risk prior to the initial importation and protect the Revenue.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

This information can be transmitted electronically via the Automated Broker Interface (ABI) system. A completed CBP Form 5106 can also be submitted by email to [cbp.bondquestions@dhs.gov](mailto:cbp.bondquestions@dhs.gov) or to the Entry Division at the importer's local port of entry. However, approximately 95 percent of Importer ID Input Records are transmitted electronically. Automated CBP Form 5106 capability was deployed on March 16, 2019. Licensed Customs Brokers who have access to the CBP Form 5106 ABI functionality are able to request and update CBP-Assigned Numbers. Self-Filers are also able to use the 5106 ABI functionality to create or update IORs that are connected to their entity, including IORs associated with CBP-Assigned Numbers.

In addition to electronic submission through ABI, which is done by a broker for an importer, CBP also developed a web portal allowing the submission of a 5106 form directly to CBP from the importer in response to concerns raised by the customs broker and express carrier communities. The revisions to the form include

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<sup>1</sup> <https://www.cbp.gov/sites/default/files/assets/documents/2023-Jun/fy-2022-cbp-trade-and-travel-report.pdf>

additional data elements and Personally Identifiable Information (PII) that importers may not want to reveal to a broker, or that a broker may not want to handle and store. The portal also allows importers to submit data quickly, when needed, without affecting the flow of shipments into the US, especially in express environments.

**Usability testing:**

CBP conducted usability testing via surveys with 6 customs brokerages that represent a wide range of the industry, including small, medium and large brokerages. All users noted that the form was usable in its current form, but advised a minor change to Box 1e was recommended. This change clarified the nature of the box from “required” in totality, to “required” if a sub-element was requested. Additionally, CBP made a minor change to Box 1b (from drop down menu to check boxes) to improve 508 compliance. These changes did not change the nature of the data collection of the form.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information is not duplicated elsewhere.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not have a significant impact on small businesses.

- 6. Describe consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the information was collected less frequently, CBP would not be able to enforce regulatory requirements and protect the Revenue.

- 7. Explain any special circumstances**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(c)(2).

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour**

**burden.**

Public comments were solicited through two Federal Register notices, a 60-day notice dated May 24, 2024 (89 FR 45911) on which no comments were received, and a 30-day notice published on August 30, 2024 (89 FR 70656) on which no comments were received.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There is no offer of a monetary or material value for this information collection.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

PIA coverage is provided by DHS/CBP/PIA-003(b) Automated Commercial Environment (ACE), which discusses PII related to the facilitation of imports and exports as the primary system used by U.S. Government agencies to process cargo.

SORN coverage is provided by DHS/CBP-001 Import Information System (IIS) System of Records, which permits DHS/CBP to collect and maintain records on all commercial goods imported into the United States, as well as information pertaining to the carrier, broker, importer, and other persons associated with the manifest, import, or commercial entry transactions for the goods.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a personal or sensitive nature.

**12. Provide estimates of the hour burden of the collection of information.**

<b>INFORMATION COLLECTION</b>	<b>TOTAL ANNUAL BURDEN HOURS</b>	<b>NO. OF RESPONDENTS</b>	<b>NO. OF RESPONSES PER RESPONDENT</b>	<b>TOTAL RESPONSES</b>	<b>TIME PER RESPONSE</b>
Importer ID Import Record (Form 5106)	324,000	432,000	1	432,000	45 minutes



**15. Explain the reasons for any program changes or adjustments reported in Items 12 or 13 of this Statement.**

There has been an increase in the estimated annual burden hours previously reported for this information collection, but no changes to the information collected or method of submission.

The number of respondents increased due to a result of normal growth in trade and not a result of any program or policy change. The number of respondents increased from 300,000 to 432,000, resulting in an increase of 132,000 respondents.

This increase in respondents increase the previously reported annual burden from 225,000 to 324,000, resulting in an increase by 99,000 hours.

**16. For collection of information whose results will be published, outline plans for tabulation, and publication.**

This information collection will not be published for statistical purposes.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

CBP will display the expiration date for OMB approval of this information collection.

**18. Explain each exception to the certification statement.**

CBP does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods**

No statistical methods were employed.