



May 5, 2025

MEMORANDUM FOR: Dominic Mancini
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Antoine McCord
Chief Information Officer
Department of Homeland Security

FROM: Diane J. Sabatino
(A) Executive Assistant Commissioner
Office of Field Operations

SUBJECT: Emergency Request under the Paperwork Reduction Act
Regarding International Mail Duty Worksheet OMB No. 1651-
NEW

**DIANE J.
SABATINO** Digitally signed by
DIANE J. SABATINO
Date: 2025.05.05
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This memorandum requests emergency approval, pursuant to the Paperwork Reduction Act (PRA), from Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA). The approval is for U.S. Customs and Border Protection's (CBP) proposed information collection, titled International Mail Duty Worksheet. The Department of Homeland Security (DHS), on behalf of CBP, is seeking a new data collection for carriers that transport international postal packages to the United States as part of or on behalf of the international postal network to provide CBP with information necessary to implement Executive Order 14256, as amended, on an emergency basis. The collection of information is needed prior to the expiration of time periods established in statute and is essential to the mission of the agency. The agency cannot reasonably comply with the normal clearance procedures under this part because public harm is reasonably likely to result if normal clearance procedures are followed and an unanticipated event has occurred.¹

¹ DHS is seeking emergency approval pursuant to OMB's regulations implementing the PRA at 5 C.F.R. § 1320.13, *Emergency processing*.

Section 2(b)(i) of Executive Order (EO) 14256 (“Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People’s Republic of China as Applied to Low-Value Imports”) of April 2, 2025, provides, “All postal items containing goods described in section 2(a) of Executive Order 14195 and sent to the United States through the international postal network from the PRC or Hong Kong and transported by carriers that are valued at or under 800 dollars and that would otherwise qualify for the de minimis exemption authorized in 19 U.S.C. 1321(a)(2)(C) shall be subject to the duties described in subsection (c) of this section.” Subsection 2(c) of the EO provides that a carrier may choose to pay either *ad valorem* duties based on the value of the postal items or specific duties based on the number of postal items. In a given month, a carrier must use only one methodology to calculate its total amount owed, but the carrier may switch its duty collection methodology from one month to the next. The carrier must “report to CBP the total number of postal items containing goods and, if electing the duty rate specified in subsection (c)(i) ..., the value of each postal item containing goods, transported per conveyance, in a timeframe and manner prescribed by CBP.” Moreover, “CBP may require submission of documentation and information from the carrier to verify the total number and value of individual postal items containing goods to be electronically transmitted through the ACE.” Lastly, “CBP may issue regulations and guidance as necessary or appropriate to implement and enforce this requirement.”

CBP seeks to require submission of a worksheet through which carriers will submit the information required by, and other information necessary to implement, Executive Order 14256, as amended. The worksheet is where the carrier will declare its duty collection methodology (i.e., ad valorem or specific duty) for the given month, package count, value (if applicable), and total duty amount. The second page will be utilized by the carrier to list the specifics of imported postal items.

CBP will use this information to determine the amount of duty that carriers owe pursuant to Executive Order 14256, as amended.² CBP can also use the worksheet as a reference when subsequently auditing carriers’ liability for duties.

Emergency Justification

1. Unanticipated Event

In January 2025, the President invoked the National Emergencies Act (NEA), declaring the flow of contraband drugs like fentanyl to the United States through illicit distribution networks, and the resulting public-health crisis, to be a national emergency. *See* Proclamation 10886, *Declaring a National Emergency at the Southern Border of the United States*, 90 Fed. Reg. 8,327

² The duty rates provided in subsection 2(c) of Executive Order 14256 were subsequently amended by Executive Order 14259 of April 8, 2025, “Amendment to Reciprocal Tariffs and Updated Duties as Applied to Low-Value Imports from the People’s Republic of China” (90 FR 15509, April 14, 2025), and were further amended by Executive Order 14266 of April 9, 2025, “Modifying Reciprocal Tariff Rates to Reflect Trading Partner Retaliation and Alignment” (90 FR 15625, April 15, 2025).

(Jan. 20, 2025). To address that emergency, the President signed Executive Order 14195 (as amended) on February 1, 2025, in which he invoked the International Emergency Economic Powers Act (IEEPA) to take action to deal with the “unusual and extraordinary” threat posed by “the failure of the PRC government to arrest, seize, detain, or otherwise intercept chemical precursor suppliers . . . and drugs” by imposing duties on products of China and Hong Kong, including making such products ineligible for duty-free de minimis treatment under 19 U.S.C. 1321(a)(2)(C). Under the authority of IEEPA and the NEA, Executive Order 14256 (as amended), signed on April 2, 2025, imposes duties on international postal packages from the PRC and Hong Kong. To properly collect these duties, CBP must collect information using the International Mail Duty Worksheet from carriers that transport international postal packages to the United States as part of or on behalf of the international postal network. In light of the emergency circumstances articulated in the President’s proclamations and Executive Orders and to facilitate the President’s exercise of emergency powers under IEEPA to combat the national emergency of synthetic opioids, emergency processing of this information collection request is needed for CBP to immediately implement the postal duties. Although CBP already collects advance electronic data (AED) for certain inbound international mail shipments under 19 C.F.R. 145.74, 19 U.S.C. 1415(a)(3)(F) limits the use of this information “exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and . . . not . . . for any commercial enforcement purposes, including for determining merchandise entry.” Thus, CBP is thereby prohibited by statutes from using the AED collected under the STOP Act to implement the postal duties imposed by Executive Order 14256, as this information is meant to support revenue collection.

2. Public Harm Is Reasonably Likely to Result if Normal Clearance Procedures Are Followed

IEEPA authorizes the President “to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.” 50 U.S.C. § 1701(a). Once the President declares a national emergency relating to such a threat, IEEPA empowers the President to “regulate . . . importation . . . with respect to any property, subject to the jurisdiction of the United States.” Proclamation 10886 formally declared a national emergency in order to address and abate the synthetic opioid crisis from the PRC to the United States through the imposition of tariffs. This crisis, noted in Executive Order 14195, is “killing approximately two hundred Americans per day, putting a severe strain on our healthcare system, ravaging our communities, and destroying our families,” and synthetic opioid overdose “is the leading cause of death for people aged 18 to 45 in the United States.” Executive Order 14256 states that the additional duties are meant “to address the threat of the PRC’s failure to act to blunt the sustained influx of synthetic opioids into the United States.” Following normal PRA clearance procedures would prevent CBP from getting PRA authorization for the International Mail Duty Worksheet urgently needed to properly gather all the necessary information to implement the President’s remedy to the fentanyl

crisis in the form of tariffs. This information is crucial to keeping the public safe by reducing the flow of opioids from PRC into the U.S.

3. Conclusion

Following the normal clearance procedures under the PRA would prevent the swift implementation of Executive Order 14256, as amended, via the International Mail Duty worksheet and would thereby constrain CBP's ability to collect information needed to enforce the duties imposed under Executive Order 14256.

As discussed, CBP certifies that this request meets the requirements of 5 C.F.R. § 1320.13(a) and it is vital that this revised collection be implemented immediately because: (1) this information is essential to the mission of the Agency and (2) this information is necessary prior to the timeframes established under the PRA. Further, CBP cannot reasonably comply with the normal clearance procedures under the PRA because (1) public harm is reasonably likely to result if normal clearance procedures are followed and (2) an unanticipated event has occurred.

Upon approval and after implementation of this collection, CBP will undergo the normal PRA process, including providing the opportunity for public comment, to renew the collection authority within six months or will discontinue the collection of this information.

If you have any questions, please contact me at 202-344-2578 or have a member your staff contact Acting Executive Director C. Shane Campbell, Cargo and Conveyance Security, Office of Field Operations, at 202-344-3401.

Thank you advance for your consideration.