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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

November 20, 2017

CHRISTOPHER R. HIXON, STAFF DIRECTOR
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The Honorable Rex Tillerson
Secretary
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Mr. Secretary:

The Committee on Homeland Security and Governmental Affairs is conducting oversight of mail security. We write to request information about how the State Department is improving data-sharing with foreign postal operators in order to increase the interdiction of illicit goods, including dangerous synthetic drugs entering the U.S. through international mail.

The opioid crisis in this country has reached epidemic proportions, and it is a multifaceted problem that demands a whole-of-government approach to resolve. While the causes of drug addiction are complex, the U.S. has seen an increase in the presence of synthetic opioids, like fentanyl and fentanyl analogs, which can easily be purchased from the “dark web.”¹ The potency of fentanyl is so great it puts the lives of users at risk, as well as the lives of law enforcement officers, healthcare professionals, and postal workers who may come into contact with it.²

According to the U.S. Customs and Border Protection (CBP), advanced electronic data (AED) can help to identify cargo that may contain drugs and other illicit goods.³ Private companies like United Parcel Service and FedEx are able to collect electronic customs data at the point of sale to allow CBP to engage in targeted screening of packages.⁴ Unlike private

¹ See House Subcommittee on Oversight and Investigations, Statement of Matthew C. Allen, *Fentanyl: The Next Wave of the Opioid Crisis*, 115th Cong. (Mar. 21, 2017).

² National Institute for Occupational Safety & Health, Centers for Disease Control and Prevention, *Fentanyl: Preventing Occupational Exposure to Emergency Responders* (last updated Aug. 30, 2017) (www.cdc.gov/niosh/topics/fentanyl/risk.html).

³ See, e.g., Senate Permanent Subcommittee on Investigations, Statement of Robert Perez, *Stopping the Shipment of Synthetic Opioids: Oversight of U.S. Strategy to Combat Illicit Drugs*, 115th Cong. (May 25, 2017).

⁴ Senate Permanent Subcommittee on Investigations, Statement of Robert Citron, *Stopping the Shipment of Synthetic Opioids: Oversight of U.S. Strategy to Combat Illicit Drugs*, 115th Cong. (May 25, 2017).

companies, the Postal Service must rely on their foreign postal counterparts to collect and share data for each parcel, hurting the Postal Service's ability to share data with CBP.⁵

The State Department has sought to improve the international standard for AED sharing on international mail at the Universal Postal Union (UPU).⁶ The Postal Service, likewise, has negotiated bilateral data sharing agreements with select foreign postal partners.⁷ China, in particular, has agreed to share advanced data for parcels coming from its national postal operator, China Post.⁸ Although bilateral agreements have improved data sharing and targeting protocols, the information shared by foreign posts is sometimes inaccurate or incomplete.⁹

Recent arrests suggest that drug trafficking may shift to countries where national posts do not require as much electronic data or do not confirm its accuracy. For example, while China Post has expanded its data sharing agreements with the Postal Service, Postal Service data sharing agreements with Hong Kong Post remain limited.¹⁰ Because production of many fentanyl analogs remains legal in China, it remains relatively easy for drug traffickers to bring small parcels from China into Hong Kong for shipment to the U.S.¹¹

⁵ See *id.* at 4.

⁶ *Illicit Drugs in International Mail*, 115th Cong. 4 (2017) (statement of Gregory Thome, Dir., Office of Specialized & Technical Agencies, Bureau of Int'l Org. Affairs, Dep't of State).

⁷ House Subcommittee on Government Operations, Statement of Gregory Thome, *Illicit Drugs in International Mail*, 115th Cong. (Sept. 7, 2017).

⁸ Science, *Underground labs in China are devising potent new opiates faster than authorities can respond*, Kathleen McLaughlin (Mar. 29, 2017) (www.sciencemag.org/news/2017/03/underground-labs-china-are-devising-potent-new-opiates-faster-authorities-can-respond); Agreement for the Electronic Exchange of Customs Data, U.S. Postal Serv.-Austln. Postal Corp.-Can. Postal Corp.-China Post Group-H.K. Post-Japan Post Serv. Co., Ltd.-Kor. Post-Le Groupe La Poste-Sing. Post Ltd., (Mar. 30, 2014) (*available at* www.prc.gov/docs/100/100167/USPS%2039%20USC%20407d%20filing%20att%209-11.pdf).

⁹ Customs and Border Protection, Staff Briefing with Senate Committee on Homeland Security and Governmental Affairs and Senate Committee on Finance (Apr. 18, 2017).

¹⁰ See Letter from Guy J. Cottrell, Chief Postal Inspector, to Senators Ron Johnson and Thomas Carper (Apr. 15, 2016) (on file with Committee) (describing a pilot program with China to gain advanced data and listing data showing Hong Kong's limited inclusion of advance customs data); see also *Opioid Dealers Embrace the Dark Web to Send Deadly Drugs by Mail*, New York Times (June 10, 2017) (www.nytimes.com/2017/06/10/business/dealbook/opioid-dark-web-drug-overdose.html) (citing a Chinese synthetic opioid vendor as saying that routing mail through Hong Kong rather than from China, and then to the USPS is most efficient).

¹¹ See *Opioid Dealers Embrace the Dark Web to Send Deadly Drugs by Mail*, New York Times (June 10, 2017) (www.nytimes.com/2017/06/10/business/dealbook/opioid-dark-web-drug-overdose.html), *supra* note 13.

The State Department must continue to pursue international AED standards through UPU regulation. Further, the State Department should not limit its diplomatic efforts on improving mail security standards to the UPU alone. Rather, the United States should pursue AED for inbound mail as a key national security priority, particularly from nations that CBP has deemed to be high risk for mailing illicit goods.

To assist in the Committee's ongoing oversight of mail security, we request the following information and documents:

1. Copies of all State Department guidance and policy documents regarding UPU negotiations to require accurate and verified AED.
2. Copies of all State Department guidance and policy documents regarding diplomatic efforts outside of the UPU to improve sharing of accurate and verified AED on mail sent to the U.S.
3. Copies of all guidance or policy documents the State Department has provided to the Postal Service to assist its efforts to obtain AED from foreign postal operators.

We ask you please provide this information as soon as possible but no later than December 15, 2017. Additionally, upon receipt of these documents, we request that you arrange a staff level brief about the UPU negotiations regarding AED, as well as how the State Department prioritizes illicit good trafficking through international mail relative to other diplomatic and economic concerns at the UPU.

If you have any questions about this request, please ask your staff to Jennifer Selde of Chairman Johnson's staff at 202-224-4751 or contact Charlie Moskowitz of Ranking Member McCaskill's office at 202-224-6154. Thank you for your attention to this matter.



Ron Johnson
Chairman

Sincerely,



Claire McCaskill
Ranking Member