

Opening Statement of Ranking Member Tom Carper
“Combatting the Opioid Crisis: Oversight of the Implementation of the STOP Act”
December 10, 2020

Thank you, Mr. Chairman, for holding this hearing today and for your ongoing leadership in combatting the opioid crisis that continues to grip our country.

As attention has necessarily shifted to the COVID-19 pandemic that has taken more than 280,000 American lives, we continue to lose a growing number of Americans to opioid overdoses.

More than 71,000 people died from drug overdoses in 2019. Preliminary reports indicate that we’ll surpass that total in 2020. Communities in Delaware and Ohio continue to be among the hardest hit in the country, with both states reporting higher rates of overdose deaths than almost any other.

When I joined Senator Portman in leading this Subcommittee in January 2017, we started looking into how Americans were getting the drugs that were killing them in record numbers. We found that some of the deadliest—including powerful synthetic opioids like fentanyl—could be purchased easily online. Our staffs actually communicated with drug dealers based in China who offered to ship them fentanyl and other drugs. Private shippers were an option, but the international mail system was preferred.

Since we published a report and held a hearing on our investigative findings in January 2018, significant progress has been made in addressing at least some of the challenges that made the U.S Postal Service and foreign posts around the world vulnerable to drug smuggling. Among the most important improvements was the enactment of Senator Portman’s STOP Act, which required more information on packages arriving at ports of entry in the United States. The Postal Service responded to this new law by successfully pressing posts around the world to increase their collection of what’s called “Advance Electronic Data”—often called “AED”—from customers seeking to ship items to addresses here.

Not too long ago, I’m told the Postal Service was collecting almost no data on inbound packages. In late 2017, they reported collecting data on roughly 40 percent of packages. Today, two-thirds of packages arriving in the United States include Advance Electronic Data.

Interestingly, the country that has been most forthcoming in providing information on inbound package shipments is China—the main source of the deadly drugs that are still driving overdoses in the United States. Today, more than 80 percent of packages arriving here from China include Advance Electronic Data. By comparison, less than one quarter of packages from the United Kingdom include these data.

According to a recent report by the Postal Service's Office of Inspector General, our friends in the U.K. are not alone among advanced countries that are behind in this area. A number of European Union members and other major shippers like Japan and Australia also have a lot of work to do.

Despite that fact, the law is clear. As of January 1, 2021, the Postal Service must start refusing packages without Advance Electronic Data. According to a briefing our staff received this week, this could mean 130,000 mail pieces a day, or about 4 million every month. Not too long ago, our staff was told that as many as 20 million packages a month could be held up or returned to their sender.

So it's not clear yet how bad this problem will turn out to be. But if we do wind up turning back or slowing down a large number of packages next month, I can't imagine other countries won't retaliate by blocking at least some of the packages the Postal Service sends abroad.

After four years of the Trump Administration's failed trade wars and reckless international diplomacy, this is the last thing we need. And at a time when Americans are being told to stay home and avoid inessential travel and trips to stores, more mail delays are unacceptable.

I'm a strong supporter of the data requirements and tough deadlines that were included in the STOP Act. But what this hearing will show us today is that the administration has fallen down on the job in implementing the Act.

I know international negotiations are tough. I'm sure some countries have bristled at the suggestion that our State Department and our Postal Service can dictate what information they collect from their customers. But it's hard for me to understand why we aren't in a better place than we are right now in obtaining Advance Electronic Data when the Universal Postal Union and E.U. requirements are so similar to ours.

And then we have CBP, an agency that was very direct with our staff in the past about what they perceived as failures by the Postal Service to cooperate in counter-drug operations. CBP is over a year late in issuing the regulations necessary to implement the STOP Act. I'm told those regulations won't be in place by January, and that CBP and the Postal Service are endeavoring only now to figure out what they plan to do when shipments without Advance Electronic Data arrive here.

In my opinion, the Postal Service—and come January 20—the new administration will have been put in an impossible position.

This is all coming at a time when trends with respect to how drugs like fentanyl are getting here are changing. According to CBP, significantly more drugs may be coming through land ports of entry along our southern border. At the same time, seizures in the international mail have declined.

So what I'm hoping to hear from our witnesses today is how we can solve this. Given where the drugs are coming from and where our trading partners are in providing the package data we're

seeking, Congress and the public need to understand—starting now—how we’re going to avoid disruption and delays once the STOP Act goes fully into effect.

Finally, Mr. Chairman, I want to note that—nearly four years after you and I started this work—deadly drugs can still easily be found for sale online. Like we did in 2017, my staff went online to search on Google, Microsoft’s Bing, and other search engines for fentanyl and other illicit drugs for sale.

As recently as this week, a simple search for “buy fentanyl online no prescription” yielded websites claiming to allow for the purchase and discreet shipping of deadly drugs directly into American homes. Without objection, Mr. Chairman, I’d like to enter screenshots of these search results into the record.

So as we press the State Department, CBP, and the Postal Service to redouble their efforts to comply with the law and block deadly drugs before they arrive in our communities, it’s important that we also work with law enforcement and the technology industry to figure out how we can take these drug dealers offline.

My thanks again, Mr. Chairman. I look forward to hearing from our panel.