

Statement of Chairman Rob Portman
U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
Combatting the Opioid Crisis:
Oversight of the Implementation of the STOP Act
December 10, 2020

This hearing will come to order.

We are here today to follow-up on the implementation of legislation called the STOP Act that was a direct result of an investigation by this Subcommittee.

But first, I want to take a few minutes to thank my Ranking Member, Senator Carper, since this will be our last hearing together at the Permanent Subcommittee on Investigations.

Over the past four years, Senator Carper – and his staff – have been productive partners as we’ve taken on important issues facing our country, including the treatment and care of unaccompanied alien children by the federal government; the security of personal and financial data held by both private companies and the federal government; and loopholes in our sanctions program exploited by Russian oligarchs.

We have also examined the influence the Chinese government has here in the United States. This included a review of the threat to academic freedom caused by having a Confucius Institute on a university campus. We also exposed how China steals U.S taxpayer funded research and IP to advance its own military and economic interests through talent recruitment programs, like the Thousand Talents Plan. And we looked at the national security risks associated with Chinese government owned telecom firms licensed by the FCC to operate in the United States.

Thank you Senator Carper for your partnership in continuing the bipartisan tradition of this Subcommittee.

Today’s hearing is the continuation of this Subcommittee’s work on the federal government’s efforts to combat the opioid crisis.

We started with a hearing in May of 2017 examining how illicit fentanyl, a synthetic opioid 50 times deadlier than heroin, can be shipped into the United States through the U.S. mail.

We conducted a six month investigation into the issue. In January 2018, Senator Carper and I issued a bipartisan report and held a hearing that detailed how online

drug dealers in China were exploiting a loophole in international mail. That loophole allowed packages to be shipped into the United States with no identifying information or “advance electronic data,” or AED.

Our report described how Subcommittee staff emailed with six websites located in China that advertised fentanyl for sale on the open internet. When asked, all six of the websites told us they preferred to ship through the international arm of the Postal Service. In fact, one of the websites guaranteed delivery if the fentanyl was shipped through the Postal Service.

These online drug dealers in China preferred the Postal Service for a specific reason.

In the aftermath of 9/11, Congress required private express carriers to collect AED on all packages being shipped into the United States. This data on the package’s shipper, recipient, weight, and contents allows the Customs and Border Protection to identify and target high-risk packages containing illegal items, like illicit fentanyl.

But Congress punted on whether the Postal Service should also be required to collect the same data. Congress instead asked the Treasury Secretary and the Postmaster General to decide if the same AED requirements should be imposed on the Postal Service. But that determination was never made.

This left the Postal Service—and the mail it carries—vulnerable.

By failing to require the Postal Service to collect AED like private express carriers, Congress created a national security risk in the over 500 million international packages entering the United States each year. This vulnerability was exploited by Chinese online drug dealers to guarantee delivery of illicit fentanyl to the United States through the Postal Service.

Based on the recommendation of our report, in October of 2018, the Synthetics Trafficking and Overdose Prevention Act or STOP Act was passed by Congress and signed into law. The STOP Act requires AED on all packages entering the United States starting next year. Spain, France, and Germany have followed our lead and announced that packages shipped to those countries without AED will be delayed or refused and returned to the sender starting on January 1, 2021.

This January 1, 2021 deadline was based on a generous timeline that gave the Postal Service, CBP, and the State Department over two years to prepare.

The STOP Act also set other milestones for the three agencies here today. These agencies failed to meet any of the important deadlines set out in the Act.

The STOP Act required the Postal Service and CBP to prepare a Joint Strategic Plan for the management of AED by December 23, 2018. The plan was not submitted to Congress until March 29, 2019.

The STOP Act required CBP to finalize regulations regarding how packages would be dealt with that had no AED by October 2019. Those regulations weren't even submitted to OMB for review until August 2020.

And the STOP Act required the Postal Service to collect AED on 70 percent of all packages and 100 percent of packages from China by the end of 2018. For January 2019, the Postal Service only had AED on 57 percent of package from all foreign posts and 76 percent of packages from China.

The State Department through efforts at the Universal Postal Union, which the United States is a member along with all foreign posts, should be leading the efforts to collect AED from our foreign partners.

While the rate of international packages with AED has improved, it still is not enough. Three years ago, only 26 percent of international packages shipped through the Postal Service had AED. By January 2020, 67 percent of packages had AED. Unfortunately, during the COVID-19 pandemic, that number has dropped to off to 54 percent.

As noted, on January 1 the Postal Service and CBP will be required to refuse any international package without AED. This means that because deadlines aren't met, a substantial number of packages will be turned away starting on January 1, 2021.

Of concern, some of the countries failing to provide AED on the majority of their packages are some of our closest allies: the United Kingdom and Australia to name a few.

The number of seizures of illicit fentanyl in inbound international mail is down. That is good news. According to Mr. Cintron's testimony today, the number is dramatically down. It seems the threat of the STOP Act and the increased ability to target packages containing illegal items have worked. However, I understand that seizures of illicit opioids have shifted to the domestic mail stream, mainly in packages coming from locations near the Southwest border. I hope to hear today how the Postal Service and CBP are dealing with this new threat.

So, we have a lot to talk about at today's hearing.

We need to understand why none of the milestones Congress established in the STOP Act were met.

We need to know how the Postal Service and CBP plan to begin refusing packages at the beginning of next year.

And we need to know what efforts the State Department is taking at the Universal Postal Union to encourage other countries to provide AED on its packages.

I appreciate the witnesses being here today and I look forward to your testimony. I know turn to the Ranking Member, Senator Carper.