

United States Senate

WASHINGTON, DC 20510

December 8, 2021

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

The Honorable Louis DeJoy
Postmaster General of the United States
475 L'Enfant Plaza, SW
Washington, D.C. 20260

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

Dear Secretaries Mayorkas and Blinken and Postmaster General DeJoy:

We write regarding the implementation of the Synthetics Trafficking and Overdose Prevention (“STOP”) Act.¹ Congress passed the STOP Act to protect Americans by helping prevent illicit drugs, like fentanyl, from entering the United States through the United States Postal Service. Under the STOP Act, the Postal Service must provide Customs and Border Protection (“CBP”) basic advance electronic data (“AED”) on international mail parcels. This AED is used by CBP to target and prevent illegal opioids, mainly fentanyl, from entering our communities. These requirements could not be more important. The latest data from the Centers for Disease Control project that from April 2020 to April 2021 the United States saw the largest recorded number of drug overdose deaths in a 12-month period, with more than 100,000 individuals losing their lives during that span.² We must do everything possible to stop fentanyl and other illicit opioids from coming into our country.

Although CBP failed to issue the implementing regulations for the STOP Act by the statutory October 2019 deadline, we do appreciate that CBP released the interim final rule earlier this year.³ That said, the number of countries that currently have a waiver from complying with the STOP Act requirements to provide AED is concerning. According to CBP officials, more than 130 countries have received waivers from providing AED on packages entering the United States.⁴ Under the STOP Act, CBP and the Postal Service may only exclude a country from the requirement to transmit AED if the country: (1) does not have the capacity to collect and transmit AED; (2) represents a low risk for mail shipments that violate relevant United States laws and regulations; and (3) accounts for low volumes of mail shipments that can be effectively

¹ P.L. 115-271

² Centers for Disease Control and Prevention, National Center for Health Statistics, *Provisional Drug Overdose Death Counts*, November 17, 2021, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>.

³ Mandatory Advance Electronic Information for International Mail Shipments, 86 Fed. Reg. 14245 (March 12, 2021).

⁴ Briefing with CBP Officials (June 9, 2021).

screened for compliance with United States laws and regulations through an alternate means.⁵ CBP must re-evaluate any such exclusion on an annual basis.⁶ The more than 130 countries that currently have a waiver under this provision include a number of developed countries, and countries with significant links to international organized crime. Waivers must be a temporary exception. Otherwise, existing illicit mail traffic will shift to these waiver jurisdictions.

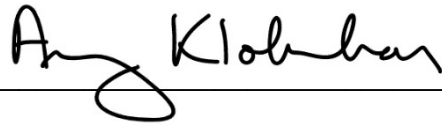
We understand that the list of waiver countries is currently under review.⁷ As CBP makes determinations regarding the issuance of waivers, we encourage you to exercise restraint and ensure that any waivers issued meet the strict requirements outlined in the STOP Act. We also urge the State Department to aggressively pursue advancing global requirements for AED through the Universal Postal Union and the World Customs Organization. In particular, the State Department should work to ensure that any current exemptions from customs information and AED requirements, such as those for mail pieces containing documents, are narrowly tailored to avoid the risk of trafficking.

Thank you for your prompt attention to these concerns.

Sincerely,



Rob Portman
U.S. Senator



Amy Klobuchar
U.S. Senator

⁵ See 19 U.S.C. §1415 (a)(3)(K)(vi)(II)(aa-cc) (2021).

⁶ See 19 U.S.C. §1415 (a)(3)(K)(vi)(III).

⁷ See email from CBP Official to Committee staff (Dec. 7, 2021).