

United States Senate

WASHINGTON, DC 20510

October 14, 2022

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

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

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

Dear Secretaries Mayorkas and Blinken and Postmaster General DeJoy:

We are writing to follow-up on our December 2021 letter¹ regarding the implementation of the Synthetics Trafficking and Overdose Prevention (“STOP”) Act of 2018² and the use of waivers.

As you know, Congress passed the STOP Act to prevent illicit drugs, including fentanyl, from entering the United States through the United States Postal Service. The bill requires the Postal Service to provide Customs and Border Protection (“CBP”) advance electronic data (“AED”) on international mail.³ CBP then uses this data to stop fentanyl and other illegal opioids before they can make their way to communities.⁴

These requirements help to save lives. Overdose deaths involving synthetic opioids like fentanyl increased by more than 56 percent between 2019 to 2020.⁵ Early data suggest that opioid deaths accelerated during the pandemic.⁶ We must do everything possible to stop fentanyl and other illicit opioids from entering the United States.

In December, we wrote to express concern about the number of countries that received a waiver from complying with the STOP Act requirements to provide AED in 2021.⁷ In the Department

¹ Letter from Rob Portman, U.S. Senator, & Amy Klobuchar, U.S. Senator, to Alejandro N. Mayorkas, Sec’y, Dep’t Homeland Sec., Antony J. Blinker, Sec’y Dep’t of State, & Louis DeJoy, Postmaster Gen. (Dec. 8, 2022) (hereinafter “Portman-Klobuchar Letter”), available at <https://www.hsgac.senate.gov/imo/media/doc/2021-12-08%20STOP%20Act%20Letter%20to%20DHSSStateUSPS.pdf>.

² The Synthetics Trafficking and Overdose Prevention (STOP) Act, Pub. L. No. 115-271, 132 Stat. 3894 (2018).

³ See *id.* § 8003(a)(1), codified at 19 U.S.C. § 1415(a)(1).

⁴ See CBP, *Fighting the Opioid Scourge*, U.S. Customs and Border Protection (last visited Oct. 3, 2022), <https://www.cbp.gov/frontline/fighting-opioid-scourge>.

⁵ CDC, *Synthetic Opioid Overdose Data*, CDC (last visited Oct. 3, 2022), <https://www.cdc.gov/drugoverdose/deaths/synthetic/index.html>.

⁶ CDC, *Overdose Deaths Accelerating During COVID-19*, CDC (last visited Oct. 3, 2022), <https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html>.

⁷ See Portman-Klobuchar Letter.

of Homeland Security’s response to our letter, the Department indicated that the number of countries receiving waivers in 2022 “has been reduced” and that USPS calculations indicated that “non-waiver countries will cover 95 percent of the total inbound volume of international mail.”⁸ We also urged the State Department to pursue efforts to advance global requirements for AED through the Universal Postal Union and the World Customs Organization, including working to ensure that any exemptions from customs information and AED requirements are narrowly tailored to avoid the risk of trafficking.⁹

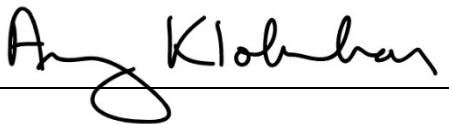
As CBP begins to re-evaluate waivers for 2023, we urge the Department to exercise restraint and ensure that any waivers issued meet the strict requirements outlined in the STOP Act. If waivers do not remain a temporary exception, we can expect illicit mail traffic to shift to waiver jurisdictions.

Accordingly, we ask that you answer the follow questions by November 14:

1. How many countries received STOP Act waivers for 2022?
2. Approximately what percentage of the total inbound volume of international mail comes from waiver vs. non-waiver countries?
3. What steps has the agency taken since our December 2021 letter to pursue efforts to advance global requirements for AED?
4. What steps does the agency plan to take during its upcoming review process to ensure that waivers remain a temporary exception?
5. What percentage of AED submissions are considered “complete” where entries are inserted for each field? Please provide AED manifest quality analysis results for the past two years on the completeness of AED submissions.

Thank you for your prompt attention to these concerns.

Sincerely,



Amy Klobuchar
U.S. Senator



Rob Portman
U.S. Senator

⁸ Letter from Alejandro N. Mayorkas, Sec’y, Dep’t Homeland Sec., to Amy Klobuchar, U.S. Senator (Feb. 9, 2022) (on file with author).

⁹ See Portman-Klobuchar Letter.