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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 Elaine Duke
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave, NW
Washington, DC 20016

Dear Madame Acting Secretary:

The Committee on Homeland Security and Governmental Affairs is conducting oversight of mail security. We write to request information about how the Department of Homeland Security (DHS) is collaborating with federal agencies and foreign partners to improve 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

⁵ See *id.* at 4.

⁶ House Subcommittee on Government Operations, Statement of Gregory Thome, *Illicit Drugs in International Mail Before Subcomm. on Gov't Operations of the H. Comm. on Oversight & Gov't Reform*, 115th Cong. (Sept. 7, 2017).

⁷ House Subcommittee on Government Operations, Statement of Guy Cottrell, *Illicit Drugs in International Mail Before Subcomm. on Gov't Operations of the H. Comm. on Oversight & Gov't Reform*, 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).

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

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 and other efforts by DHS to respond to the opioid crisis, we request the following information and documents:

1. A table listing the membership of DHS or its component entities on all interagency task forces, working groups, or other collaborations concerning the interdiction of illicit narcotics, including the other federal, state, or local entities represented on each task force.
2. Copies of any formal interagency guidance and policy documents establishing collaboration and deconflicting of operations between the Postal Service, DHS, the Drug Enforcement Agency and other federal agencies to detect and interdict opioids being sent through the mail.
3. Copies of DHS guidance and policy documents used to determine how HSI should prioritize investigations related to the trafficking of illicit goods through international mail.
4. The following data concerning DHS's efforts to interdict illicit goods:
 - a. The total number of packages containing opioids, and total amount of opioids by quantity, seized by CBP that arrived in the U.S. via international mail, broken down by carrier (e.g., UPS, FedEx, DHL, Postal Service, etc.);
 - b. The total number of shipments, and the total amount by weight, of opioids seized at a U.S. port of entry, broken down by type of port (air, land and sea);
 - c. The total number of shipments, and the total amount by weight, of opioids seized at land and sea borders between ports of entry;
 - d. The total number of scientists (federal employees and contractors) currently employed at CBP labs to analyze unknown substances believed to be illicit narcotics discovered in seized packages, the total number of scientists authorized, and a description of efforts to fill any vacancies;
 - e. The total number of CBP Officers located at each Postal Service International Service Centers; and,

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.

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- f. The total number of private express shipper international mail facilities at which CBP has a presence, and the number of CBP Officers at each facility.

We ask you please provide this information as soon as possible but no later than December 15, 2017.

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 staff at 202-224-6154. Thank you for your attention to this matter.



Ron Johnson
Chairman

Sincerely,



Claire McCaskill
Ranking Member