

Congress of the United States
Washington, DC 20515

October 21, 2022

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

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

Dear Secretary Mayorkas and Postmaster General DeJoy:

In February 2022, the Commission on Combating Synthetic Opioid Trafficking published its final report, which included more than 70 policy recommendations the federal government can and should institute to stop the flow of illicit narcotics into this country.¹ Several of the Commission's recommendations related to Advanced Electronic Data (AED) requirements for inbound international mail.² AED comprises critical information about international shipments, including the contents' description and shipper's name, which U.S. Customs and Border Protection (CBP) uses to target and interdict shipments that might contain illegal drugs, such as fentanyl. Today, using AED to stop illicit narcotics from entering this country is more important than ever. According to the Centers for Disease Control and Prevention (CDC), there were more than 107,000 overdose deaths in the United States in 2021.³ Our ability to disrupt and destroy drug trafficking networks through AED and tools like it will ultimately save lives.

In December 2021, our colleagues Senators Portman and Klobuchar wrote to you about the high number of countries receiving AED waivers under the Synthetics Trafficking and Overdose Prevention (STOP) Act.⁴ According to that letter, at that time, more than 130 countries had received waivers exempting them from the STOP Act's AED requirement for packages entering the United States. We understand that, since then, CBP, the U.S. Postal Service (USPS), and the

¹ Commission on Synthetic Opioid Trafficking, Final Report (Feb. 2022), file:///C:/Users/ac82404/Downloads/RAND_EP68838.pdf.

² *See id.* at 38-39; 72.

³ Centers for Disease Control and Prevention, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%* (May 11, 2022), https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm.

⁴ News Release, Klobuchar, *Portman Press Biden Administration to Take Action to Prevent Illegal Opioids from Entering the U.S.* (Dec. 10, 2021), <https://www.klobuchar.senate.gov/public/index.cfm/2021/12/klobuchar-portman-press-biden-administration-to-take-action-to-prevent-illegal-opioids-from-entering-the-u-s>.

Department of State have reviewed the list of waiver countries and reduced by 37 the number of countries receiving waivers in 2022.

This is certainly a step in the right direction. But the more than 90 countries still receiving AED waivers under the STOP Act pose a potential risk to our efforts to stop the flow of illicit fentanyl into this country. Those waivers increase the likelihood that traffickers will ship synthetic opioids or their precursors to the United States through an AED-exempt country as an intermediary, thereby evading the STOP Act's requirements. CBP must address these types of transshipment risks as soon as possible.

Under the STOP Act, a country may receive a waiver only if it: 1) does not have the capacity to transmit AED; 2) represents a low risk for mail shipments that violate relevant U.S. laws and regulations; or 3) accounts for low volumes of mail shipments that authorities can effectively screen for compliance with U.S. laws and regulations through an alternate means.⁵ We strongly encourage CBP, through administrative rulemaking, to define each of these requirements as soon as possible. Additionally, CBP should continue to annually monitor countries granted waivers for those reasons, to ensure that they remain eligible for them.⁶

Finally, CBP must also close the letter class-mail loophole. Currently, letter-class mail is exempt from AED screening requirements,⁷ a gap that creates a significant opportunity for synthetic opioid traffickers. Fentanyl is an incredibly potent narcotic; just two milligrams, or the equivalent of a few grains of sugar, is enough to cause a fatal overdose. For this reason, low-weight packages of high-purity synthetic opioids can be highly profitable and deadly. USPS should investigate whether inbound letter-class mail contains synthetic opioids and, in coordination with other relevant agencies, assess whether excluding such mail from AED requirements undermines our efforts to stop the shipment of fentanyl and its analogues to the United States from abroad.

The fight against synthetic opioid trafficking is one of the most serious issues facing the United States. As Co-Chair and Member of the Commission on Combating Synthetic Opioid Trafficking, we cannot emphasize strongly enough the urgency of needed action to prevent the further loss of life.

We look forward to hearing from you and working with you and all relevant agencies as we continue our efforts to end the epidemic of drug-related deaths in this country.

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

⁶ See *id.* §1415 (a)(3)(K)(vi)(III).

⁷ See *id.* § 1415(a)(1)(A).

Thank you for your prompt attention to these concerns.

Sincerely,



David Trone
Member of Congress



Edward J. Markey
United States Senator

Cc: The Honorable Antony J. Blinken, Secretary
U.S. Department of State