

United States Senate

April 26, 2022

The Honorable Chris Magnus
Commissioner
US Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, DC 20229

Dear Commissioner Magnus:

For too long, Cartels and other foreign drug organizations have been able to use the United States Postal Service (USPS) as their own drug smuggling delivery service. U.S. Customs and Border Protection (CBP) has the opportunity to close a loophole in the existing rule which has allowed dangerous fentanyl to be shipped directly into our country by issuing guidance on the collection and sharing of advance electronic data (AED). AED provides invaluable information on inbound packages such as where it is coming from, where it is going, who it is coming from, who it is going to, and what is in it. Fentanyl and its precursor chemicals have been able to be shipped directly into the country without AED information.

Fentanyl has become the number one cause of death for Americans aged 18 to 45.¹ More than 100,000 Americans lost their lives due to opioid overdoses in 2021 and more young Americans are now dying from fentanyl poisoning than suicide and car accidents. Precursor chemicals, fentanyl, and other illicit drugs being used to manufacture counterfeit pills are flowing into our country through our mail system and across our broken southern border.

Congress took steps to address this pervasive issue by passing the Synthetics Trafficking & Overdose Prevention (STOP) Act which was later signed into law in 2018.² The STOP Act required CBP to issue guidelines on Advanced Electronic Data (AED) to USPS by October 2019 in order to ensure implementation by the January 2021 deadline outlined in the legislation. However, CBP did not issue the guidelines until almost two years later³ which delayed the requirement of AED on all packages. The Interim Final Rule (IFR), *Mandatory Advance Electronic Information for International Mail*

¹ <https://www.familiesagainstfentanyl.org/research/byage>

² PL 115-271

³ <https://www.federalregister.gov/documents/2021/03/15/2021-04373/mandatory-advance-electronic-information-for-international-mail-shipments>

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Shipments, issued by CBP still leaves concerning loopholes open for future foreign drug traffickers to exploit.

It is vital that every package shipped across our borders has AED in order to target and disrupt the flow of illicit drugs into the country. The language in the IFR is not strong enough to effectively curb it. The legislation passed states USPS should refuse any shipment without AED, but the IFR continues to delay the enforcement and adds exemptions. In addition, the IFR welcomes and accepts waivers for non-compliance with AED issued for over 100 countries. Communist China, one of the largest shippers of packages to the United States, has still been allowed to ship packages without AED even though the country has the means available provide the necessary data. Communist China has known criminal organizations that are able to ship dangerous chemicals across the world. CBP should focus on ensuring Communist China fully complies with the law. There has been ample time to for countries to prepare and comply with the law and the IFR should reflect that. CBP already requires AED for international packages shipped through FedEx and UPS, the USPS should be held to the same standard.⁴

To ensure the law is being properly enacted, I request a response to the following questions regarding the collection and enforcement of AED no later than May 31, 2022:

1. How many packages arrive in the United States without AED?
2. How many packages are arriving from Communist China without AED?
3. Is the USPS being fined for accepting packages without AED?
4. What are CBP's plans to close the loopholes in the Interim Final Rule?
5. Does CBP have plans to reject waivers granted to developed countries?

Fentanyl is a danger to American communities across the country. Every step must be taken to forcibly end this crisis and save American lives. I look forward to your response.

Sincerely,



Rick Scott
United States Senator

⁴ <https://datainnovation.org/2021/05/better-data-on-international-mail-packages-could-reduce-illegal-drugs-and-counterfeits/>