



441 G St. N.W.
Washington, DC 20548

December 18, 2019

Congressional Committees

International Mail: Progress Made in Using Electronic Data to Detect Illegal Opioid Shipments, but Additional Steps Remain

According to the National Institute on Drug Abuse, more than 130 people die every day in the United States after overdosing on opioids.¹ Since illegal opioids can arrive through international mail shipments, Congress has called upon the U.S. Postal Service (USPS), U.S. Customs and Border Protection (CBP), and U.S. Department of State (State) to collaboratively improve the nation’s ability to detect and interdict such shipments.² The Synthetics Trafficking and Overdose Prevention Act of 2018 (STOP Act of 2018) requires USPS to transmit to CBP certain percentages of the advance electronic data (AED) on international mail shipments it receives.³ USPS collects these data from foreign postal operators. The data elements that USPS currently collects include, for example, the sender’s name and address, recipient’s name and address, contents’ description, number of pieces, total weight, declared value, and an item identifier number. CBP officers analyze the data to target high-risk mail shipments for inspection. Once targeted, CBP sends electronic “hold” requests to USPS, which then presents the held shipments to CBP for inspection.

The STOP Act of 2018 includes provisions for GAO to assess issues related to international mail shipments USPS receives. This report examines: (1) the extent to which USPS has transmitted required AED for international mail shipments to CBP for use in targeting mail for inspection; (2) any steps USPS and CBP have taken to assess or improve the quality of AED that USPS transmits to CBP; (3) what is known about the costs and benefits of using AED for targeting purposes; and (4) the extent to which USPS has presented targeted international mail to CBP for inspection. This report updates information that you requested and that we initially provided to your staff on June 28, 2019, to meet the provisions for GAO included in the STOP

¹National Institutes of Health, National Institute on Drug Abuse, accessed May 30, 2019, <https://www.drugabuse.gov/drugs-abuse/opioids/opioid-overdose-crisis>.

²As the designated postal operator in the United States, USPS accepts and delivers inbound international mail on behalf of designated postal operators around the world. Under the Department of Homeland Security (DHS), CBP has primary responsibility for enforcing customs laws and regulations and seizing illegal goods that enter the country through international mail shipments. State represents the United States at the Universal Postal Union (UPU), a United Nations specialized agency that facilitates the exchange of international mail among over 190 member countries.

³Pub. L. No. 115-271, § 8003(a)(1), 132 Stat. 4075. Specifically, as an initial step, the STOP Act of 2018 required USPS to transmit AED to CBP for at least 70 percent of aggregate international mail shipments it receives—including 100 percent of mail shipments from the People’s Republic of China—starting no later than December 31, 2018. Although not required, USPS transmitted some AED to CBP before the enactment of the STOP Act of 2018. See GAO, *International Mail Security: Costs and Benefits of Using Electronic Data to Screen Mail Need to Be Assessed*, GAO-17-606 (Washington, D.C.: Aug. 2, 2017).

Act of 2018.⁴ Specifically, this report includes updates to AED transmission and presentation performance and AED quality assessment efforts.

This report is a public version of a sensitive report that we issued in December 2019.⁵ USPS and CBP deemed some of the information in our December report to be sensitive, and therefore this information must be protected from public disclosure. This report omits sensitive information about AED transmission rates, data quality assessment steps, the results of completed cost and benefit analyses, and presentation rates. Although the information provided in this report is more limited, it addresses the same objectives as the sensitive report and uses the same methodology.

To determine the extent to which USPS has transmitted required AED to CBP, we reviewed relevant laws and regulations; USPS and CBP documents that define USPS's AED transmission requirements; and USPS's monthly AED transmission reports from January 2019 (i.e., the first complete month after the transmission requirements went into effect on December 31, 2018) through August 2019. We also interviewed USPS, CBP, and State officials to determine the cause of any observed transmission performance issues and any associated opportunities for improvement.

To identify steps USPS and CBP have taken to assess or improve the quality of AED that USPS transmits to CBP, we collected and reviewed related USPS and CBP documentation (e.g., data quality assessments) since January 2019. We also reviewed relevant laws, regulations, and international agreements that define AED quality standards or describe USPS's and CBP's roles and responsibilities for assessing or improving AED quality (i.e., data completeness and accuracy). We also discussed roles and responsibilities with USPS and CBP officials.

To determine what is known about the costs and benefits of using AED for targeting purposes, we reviewed relevant economic analyses that USPS and CBP have undertaken since January 2019. For example, we reviewed an analysis CBP conducted that estimated the costs and benefits of using AED during a pilot at USPS and CBP international mail facilities at John F. Kennedy International Airport. To supplement our understanding of any completed analyses, we interviewed officials from USPS and CBP, including officials from CBP's Economic Impact Analysis Branch. We did not independently assess the accuracy of any cost or benefit estimates USPS or CBP produced.

To evaluate the extent to which USPS has presented targeted international mail to CBP for inspection, we reviewed USPS and CBP documents that define presentation rate goals, such as a December 2018 joint strategic plan for using AED.⁶ We then collected USPS's and CBP's monthly presentation rate reports from January 2019 through August 2019 and compared presentation performance against identified goals. We also interviewed USPS and CBP officials, including officials at international mail facilities at John F. Kennedy International Airport, to identify any challenges associated with reaching presentation rate goals as well as any planned or completed steps to address those challenges.

⁴Pub. L. No. 115-271, § 8003(a)(1), (d), 132 Stat. 4075, 4078.

⁵GAO, *International Mail: Progress Made in Using Electronic Data to Detect Illegal Opioid Shipments, but Additional Steps Remain*, GAO-20-231RSU (Washington, D.C.: Dec. 18, 2019).

⁶USPS and CBP, *Joint Strategic Plan on Mandatory Advance Information* (Dec. 23, 2018).

We conducted this performance audit from November 2018 to December 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

AED Transmission Performance

Although USPS has not met transmission requirements included in the STOP Act of 2018 for transmitting AED to CBP, its transmission rates have generally increased from January 2019 through August 2019.⁷ According to USPS, CBP, and State officials, USPS did not meet these requirements, in part, because some foreign postal operators do not currently have the technical capacity to transmit AED to USPS.⁸ Thus, USPS and CBP plan to take a number of actions to increase the amount of AED that USPS receives from foreign postal operators, including leveraging agreements with foreign postal operators and UPU provisions to increase the amount of AED these operators provide to USPS.

USPS and CBP each have important roles in enforcing the STOP Act of 2018's AED transmission requirements in the future. Specifically, the act requires USPS, in consultation with CBP, to take enforcement action against international mail shipments received without required AED after December 31, 2020.⁹ In addition, the act requires the Department of Homeland Security (DHS) to promulgate regulations that will set forth in detail USPS's AED transmission responsibilities as required by the STOP Act of 2018.¹⁰ The act also includes a provision that CBP impose a civil penalty against USPS if USPS accepts shipments in violation of those

⁷Specifically, USPS's AED transmissions fell below the thresholds included in the STOP Act of 2018. As noted above, as an initial step, the STOP Act of 2018 required USPS to transmit AED to CBP for at least 70 percent of aggregate international mail shipments it receives—including 100 percent of mail shipments from the People's Republic of China—starting no later than December 31, 2018. Specific transmission rates are not discussed in this report because USPS considers this information to be sensitive.

⁸According to USPS officials, USPS transmits all of the AED it receives from foreign postal operators to CBP (i.e., it serves as an information "conduit"). State—in consultation with USPS and CBP—is working with the UPU to support capacity-building initiatives that provide postal operators in developing countries with needed technology and training resources to transmit AED. UPU regulations require all member countries to transmit AED for shipments containing goods by January 2021.

⁹Specifically, the STOP Act of 2018 requires USPS, in consultation with CBP, to refuse shipments that lack AED except where remedial action (e.g., destruction, seizure, or correction of the failure to provide required AED) with respect to such shipments, is deemed warranted by USPS and CBP, after December 31, 2020. Pub. L. No. 115-271, § 8003(a)(1), 132 Stat. 4073, 4076. According to CBP officials, CBP will act in a "limited" consultative role under certain circumstances.

¹⁰Pub. L. No. 115-271, § 8003(a)(1), 132 Stat. 3984, 4074. Among other things, in accordance with the Trade Act of 2002 (which the STOP Act of 2018 amended), these regulations are to require the transmission of "such information as the Secretary determines to be reasonably necessary to ensure cargo safety and security pursuant to those laws enforced and administered by the Customs Service" (See 19 U.S.C. §1415(a)(2)) that are "comparable to the requirements for the transmission of such information imposed on similar non-mail shipments of cargo" (See 19 U.S.C. 1415(a)(3)(K)(ii)). For example, current regulatory requirements for electronic information for air cargo required in advance of arrival include the required transmission of airport of arrival, airport of origin, scheduled date of arrival, and shipper name and address, among other things. 19 C.F.R. § 122.48a.

regulations.¹¹ CBP is unable to issue such penalties until DHS promulgates its required AED regulations.

The STOP Act of 2018 required DHS to promulgate these regulations by October 24, 2019,¹² but as of November 2019, the department had not yet done so. According to DHS officials, this is because the issues addressed in the rule are complex and because DHS was working on competing priorities. Officials noted that CBP submitted a draft rule to DHS on November 19, 2019, for review and approval. Officials also noted that after DHS completes its review and approval process, DHS must submit the rule to the Office of Management and Budget for further review.¹³ The office generally has up to 90 days to complete its review.¹⁴ DHS officials said that the Office of Management and Budget's review process may affect when and how the regulations are ultimately promulgated. Establishing a time frame for completing its drafting of the AED regulations and submitting them for further review can help DHS prioritize the efforts by, for example, establishing specific implementation milestones. DHS officials said that it would be difficult to establish a set time frame due to competing mission-critical priorities. Until the regulations are ultimately promulgated, USPS's AED transmission responsibilities will remain unclear and CBP would be unable to impose civil penalties against USPS, as specified in the STOP Act of 2018.

Steps to Assess and Improve AED Quality

USPS and CBP have each taken some steps to assess AED quality.¹⁵ Specifically, USPS conducts a monthly assessment of all AED transmissions it receives to determine the extent to which some AED data are complete.¹⁶ Similarly, in June 2019, CBP's National Targeting Center conducted an initial assessment of the extent to which some AED data were complete for a sample of records. CBP plans to refine the assessment approach by increasing the number of records analyzed and more regularly monitoring assessment results.

To improve AED quality, USPS coordinates with foreign postal operators to address data quality issues identified through its ongoing AED quality assessments. For example, in February 2019 USPS met with Australia Post at an international postal forum to discuss the foreign postal operator's action plan for improving AED quality through software updates, among other things. CBP plans to support USPS's quality-improvement efforts by informing USPS of any issues identified through its AED quality assessments.

¹¹Pub. L. No. 115-271 §§ 8003(a)(1), 8007, 132 Stat. 4074, 4080. Under specified circumstances these civil penalties shall be reduced or dismissed by CBP.

¹²Pub. L. No. 115-271 § 8009(b), 132 Stat. 4074, 4081.

¹³The federal rulemaking process involves a variety of other steps, in addition to review by the Office of Management and Budget.

¹⁴Exec. Order No. 12866, 58 Fed. Reg. 51735 (Oct. 4, 1993).

¹⁵AED quality includes the completeness and accuracy of AED data transmissions. "Completeness" refers to the extent to which relevant records are present and the fields in each record are populated appropriately. "Accuracy" refers to the extent to which recorded data reflect the actual underlying information. In July 2019, USPS's Office of Inspector General issued a report that assessed the reliability of AED transmitted to USPS by foreign postal operators from October 2017 through December 2018, a period outside the scope of our review. See USPS OIG, *Advance Electronic Data Holds and Reliability*, Audit Report Number MS-AR-19-002 (Arlington, VA: July 12, 2019).

¹⁶Specific data quality assessment steps and results are not discussed in this report because USPS and CBP consider this information to be sensitive.

Costs and Benefits of Using AED

In March 2019, CBP, in coordination with USPS, completed an analysis of the costs and benefits of using AED to target international mail for inspection versus other methods.¹⁷ CBP's analysis focused on the costs and benefits of using AED during a pilot conducted at USPS and CBP international mail facilities at John F. Kennedy International Airport starting in July 2014.¹⁸ CBP found several benefits of using AED versus other methods, including notably higher seizure rates resulting from holds, particularly for seizing narcotics.¹⁹

DHS must also assess the costs and benefits of using AED as part of the rulemaking process for its AED regulations, according to an official responsible for overseeing the analysis. Thus, in February 2019, CBP initiated a broader analysis that is assessing the costs and benefits of using AED at all international mail facilities that currently receive the data. According to agency officials, the forthcoming analysis will estimate costs incurred not only by USPS and CBP but also by foreign postal operators, as well as social benefits, such as the effect on deaths from opioids and other associated medical costs. DHS plans to complete and publish this analysis when it promulgates the AED regulations.

Presentation of Targeted International Mail to CBP

USPS has not met its presentation rate goals (i.e., its goal of presenting targeted international mail to CBP for inspection), but its performance is generally improving.²⁰ USPS and CBP generate separate monthly reports to monitor USPS's performance in meeting its presentation goals. According to these reports, USPS has not met its monthly presentation rate goals from January 2019 through August 2019.²¹ Although USPS has not met its goals, CBP officials told us USPS's performance is presently close to the target goal and thus has not substantially affected CBP's ability to use AED to target international mail shipments for inspection.²²

¹⁷In the absence of AED, CBP targets mail in a variety of ways. For example, CBP personnel create a Country of Interest list each quarter based on intelligence information and research. CBP requests that USPS hold all mail originating from countries on the list. Specific cost and benefit estimates are not discussed in this report because CBP considers this information to be sensitive.

¹⁸CBP determined the pilot did not produce measurable effects until fiscal year 2016. In the past 2 years, USPS and CBP have expanded the pilot to other facilities.

¹⁹Specific seizure rates are not discussed in this report, because CBP considers this information to be sensitive.

²⁰Specific presentation goals and rates are not discussed in this report because USPS considers this information to be sensitive.

²¹According to USPS and CBP officials, the agencies do not produce presentation performance reports until approximately 6 weeks after the end of the month, to account for international mail shipments that are delayed or arrive late after the hold is requested. As a result, these data represent the most recent information available. Differences exist between USPS's and CBP's presentation rates because USPS subtracts "non-actionable" holds from its counts. According to the joint strategic plan, USPS and CBP are committed to reconciling these differences by removing data for mail that never arrives.

²²According to the joint strategic plan, CBP and USPS also recognize that there are factors outside of either agency's control that may affect the ability to intercept shipments. For example, items may be held by the foreign post or by export controls at the point of origin; records can be created for packages that are never sent; and records can be recreated without deleting the original record.

USPS officials told us that USPS plans to implement a variety of technology enhancements by the end of fiscal year 2019 intended to improve USPS's presentation performance. For example, USPS expects software improvements to provide personnel in its international processing facilities with more up-to-date information on CBP holds. Similarly, software changes will require USPS personnel who work in delivery units—generally post offices—to acknowledge receiving holds on mail that inadvertently enters the domestic mail stream.

Conclusions

While USPS and CBP have taken important steps to improve the nation's opioid-detection efforts, DHS did not promulgate AED regulations by October 2019 as the STOP Act of 2018 required. The regulations remain in draft stage and require further review. Establishing a time frame for completing its drafting of the AED regulations and submitting them for further review can help DHS prioritize the effort. Until the regulations are ultimately promulgated, USPS's AED transmission responsibilities will remain unclear.

Recommendation for Executive Action

The Secretary of Homeland Security should establish and implement a time frame for completing its drafting of the AED regulations and submitting them to the Office of Management and Budget for further review. (Recommendation 1)

Agency Comments

We provided a draft of this report to DHS, USPS, and State for review and comment. In its written comments, reproduced in enclosure I, DHS concurred with our recommendation and described steps the department has taken toward fully implementing the AED regulations, which it described as a top priority. In USPS's comments on the sensitive report, reproduced in enclosure II, USPS agreed that the report reflects important findings about using AED to detect illegal opioid shipments in international mail. DHS and USPS also provided technical comments, which we incorporated as appropriate. State told us that it had no comments on the draft report.

We are sending copies of this report to the appropriate congressional committees; the Postmaster General of the United States; the Acting Secretary of Homeland Security; and the Secretary of State. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2834 or rectanusl@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report were Derrick Collins (Assistant Director), William Colwell (Analyst in Charge), Elizabeth Dretsch, Barbara el Osta, Geoffrey Hamilton, Gina Hoover, Joshua Parr, and Laurel Voloder.



Lori Rectanus
Director, Physical Infrastructure Issues

Enclosures - 2

List of Committees

The Honorable Chuck Grassley
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United States Senate

The Honorable Ron Johnson
Chairman
The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

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Chairman
The Honorable Mike Rogers
Ranking Member
Committee on Homeland Security
House of Representatives

The Honorable Carolyn Maloney
Chairwoman
The Honorable Jim Jordan
Ranking Member
Committee on Oversight and Reform
House of Representatives

The Honorable Richard Neal
Chairman
The Honorable Kevin Brady
Ranking Member
Committee on Ways and Means
House of Representatives

Enclosure I: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

December 9, 2019

Lori Rectanus
Director, Physical Infrastructure Issues
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-20-229R, "INTERNATIONAL MAIL: Progress Made in Using Electronic Data to Detect Illegal Opioid Shipments, but Additional Steps Remain"

Dear Ms. Rectanus:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's recognition of U.S. Customs and Border Protection's (CBP) collaborative efforts with the United States Postal Service (USPS) to improve opioid-detection in international mail shipments. The Synthetics Trafficking and Overdose Prevention (STOP) Act of 2018 requires USPS to transmit to CBP certain percentages of the advance electronic data (AED) on international mail shipments, which CBP analyzes to target high-risk mail shipments for inspection. CBP remains committed to continuing its collaborative efforts with the USPS to further (1) increase the amount of AED that USPS receives from foreign postal operators; and (2) improve the nation's ability to detect and interdict illegal opioids in international mail shipments.

The draft report contained one recommendation, with which the Department concurs. Attached find our detailed response to the recommendation. DHS previously submitted technical comments under a separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim H. Crumpacker". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: Management Response to Recommendation
Contained in GAO-20-229R**

GAO recommended that the Secretary of Homeland Security:

Recommendation 1: Establish and implement a timeframe for completing its drafting of the AED regulations and submitting them to the Office of Management and Budget [OMB] for further review.

Response: Concur. CBP continues to move forward to fully implement the STOP Act AED rule, which is a top priority. On November 19, 2019, the CBP Office of Trade completed a draft regulation and electronically submitted it to the DHS Office of General Counsel Regulatory Affairs Law Division for formal review, in accordance with DHS's established rulemaking process. Once DHS concludes its review, the regulation will be submitted to OMB's Office of Information and Regulatory Affairs for review and approval, in accordance with Executive Order 12866, "Regulatory Planning and Review." Estimated Completion Date: May 31, 2020.

Enclosure II: Comments from the United States Postal Service

JOSHUA D. COLIN, PHD.
VICE PRESIDENT
PROCESSING AND MAINTENANCE OPERATIONS/A



December 2, 2019

Ms. Lori Rectanus
Director, Physical Infrastructure Issues
United States Government Accountability Office
441 G Street NW
Washington, DC 20548

RE: AED for International Mail (GAO-20-231RSU)

Dear Ms. Rectanus:

This communication is in response to the Government Accountability Office's (GAO's) Report titled "International Mail: Progress Made in Using Electronic Data to Detect Illegal Opioid Shipments, but Additional Steps Remain." We would like to thank your office for leading the requested study. The report reflects important findings regarding this subject. Our comments on the draft report are set forth below.

USPS has prioritized obtaining Advance Electronic Data (AED) from the largest volume foreign postal operators, which collectively account for more than 90 percent of all inbound volume. AED for inbound international mail is made possible by foreign postal operators collecting and sharing the data with USPS. The AED is then passed on to Customs & Border Protection (CBP) to target high-risk shipments. AED includes the sender's full name and address (including full business name), the recipient's full name and address, the stated content description, unit of measure, and the quantity, weight, value, and date of the mailing (ITMATT), as well as receptacle and flight arrival information (PREDES). All of these data must be received electronically prior to the arrival of the item's receptacle at an International Service Center (ISC). Mail pieces with AED are eligible for CBP hold requests executed at the USPS ISCs, downstream plants or delivery units.

In addition to working with individual foreign postal operators, the U.S. has been working within the Universal Postal Union (UPU) to increase the amount and quality of AED transmitted by foreign postal operators. The US role in the UPU has been primarily to support efforts for provision of AED and help support the UPU's work with the World Customs Organization (WCO) in joint efforts to encourage members of both organizations to build an electronic customs network between postal operators and customs authorities. Key projects being acted upon by UPU in 2019 are: (1) the UPU's AED capacity building projects, and (2) the UPU-WCO Postal Security

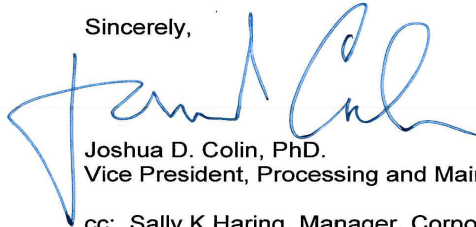
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Capacity Building Project, with regional trainings supported by the U.S. government, that are aimed at targeting dangerous contraband including synthetic opioids. USPS is also encouraging a UPU initiative which seeks to measure data quality in AED transmissions, in order to promote improved compliance in AED data fields transmitted by UPU members. As GAO notes in the report, the amount of AED has increased by over 16% from January 2019 through August 2019 and we expect to see additional increases through the rest of 2019 and into 2020 towards the 100% threshold.

USPS also continues to improve the presentation rate of items requested for inspection by CBP. As of November 2019, USPS has completed the planned technology enhancements at the ISCs to improve the capture rate on our automation equipment and are seeing positive results. We continue to coordinate closely with CBP to improve the process for presentation of CBP holds at each ISC.

USPS appreciates this opportunity to comment on the GAO's draft report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joshua D. Colin".

Joshua D. Colin, PhD.
Vice President, Processing and Maintenance Operations/A

cc: Sally K Haring, Manager, Corporate Audit Response

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