

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

May 24, 2016

The Honorable Megan J. Brennan
Postmaster General
U.S. Postal Service
475 L'Enfant Plaza SW
Washington, D.C. 20260

Dear Madam Postmaster General:

Over the past year there have been a number of reports detailing how drug traffickers frequently utilize the U.S. Postal Service to ship illegal drugs from international posts into the United States.¹ A significant portion of the contraband is sent under terms governed by a treaty drafted through the United Nations' Universal Postal Union (UPU). Under the UPU treaty, Designated Postal Operators (DPOs), such as the Postal Service, are required to accept all letter mail and small parcels from other DPOs at pre-established rates with limited to no information on content or sender. Importantly, rates for letter mail and small parcels sent from developing nations to developed ones, as specified under the UPU treaty, are often set well below the actual costs for delivery in developed nations.

As an alternative to the UPU rate system, the Postal Service is authorized to enter into individual bilateral agreements with other nations' postal providers to secure terms superior to those permitted under the UPU treaty. However, in the process of negotiating more favorable rates through these bilateral agreements, the Postal Service has less leverage to include additional security measures like parcel tracking, advanced data collection, and other risk assessment procedures, due to the rate imbalances in the UPU treaty.² As a result, drug traffickers can exploit the absence of stringent security standards in these bilateral agreements, using the Postal Service to make the final delivery of their products into the United States.³ For example, mail from China (which is covered by a bilateral agreement rather than the UPU treaty) has become the primary source for synthetic drugs in the United States.⁴

¹ See e.g., George Landrith, *Our nation's drug problem is also a postal service problem*, THE HILL, May 6, 2016. See also, "Analysis of Rogue Internet Pharmacy Shipping Methods," LEGITSCRIPT, July 2015, available at http://www.legitscript.com/download/LegitScript_Analysis_-_Rogue_Internet_Pharmacy_Shipping_Methods.pdf.

² Fair Competition in International Shipping: Hearing Before the H. Comm. On Oversight and Gov. Reform, 114th Cong. (2015) (statement of Hon. Mark Meadows, Chairman, Subcomm. on Gov't Operations), available at <https://www.gpo.gov/fdsys/pkg/CHRG-114hhr95389/pdf/CHRG-114hhr95389.pdf>.

³ "Analysis of Rogue Internet Pharmacy Shipping Methods," *supra* note 1, at 2.

⁴ "Security Risks for Packages Entering the U.S.," Lexington Institute, Oct. 2015, available at <http://lexingtoninstitute.org/international-postal-update-october-2015/>.

International drug traffickers are also incentivized to use the Postal Service because it is not held to the same heightened customs standards as its private competitors. Specifically, private express carriers must submit security data on their foreign shipments through U.S. Customs and Border Protection's and Transportation Security Administration's Air Cargo Advance Screening (ACAS) Program; whereas many foreign DPOs are under no obligation to provide the same level of critical advance electronic data to security agencies.⁵ Drug traffickers have targeted the international post system because of this security discrepancy, allowing them to import their products into the United States with ease.⁶ The danger of allowing trafficking networks to use the Postal Service to ship contraband and hazardous materials has ramifications beyond our country's rising dependence on illegal drugs, and should be viewed as a matter of national security.

To help the Committee better understand the current state of the Postal Service's security standards for international mail, I am requesting information regarding the Postal Service's process for screening both UPU and non-UPU mail, and other materials. Specifically, please provide the following documents and information no later than 5:00 p.m. on June 7, 2016:

1. Documents referring or relating to measures the Postal Service has taken to better screen non-UPU mail to ensure compliance with all relevant U.S. laws, including, but not limited to, mail covered by bilateral agreements.
2. Documents referring or relating to additional screening measures the Postal Service plans to implement in the next 12 months, or any additional screening measures the Postal Service is considering.
3. Documents referring or relating to the Postal Services' capacity to further heighten the security screening for UPU mail.
4. Documents referring or relating to measures by the Postal Service to thwart the transmission of illegal drugs and other illegal materials from international posts to the United States.

When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

⁵ *Id.*

⁶ S. Comm. on Homeland Sec. & Governmental Affairs roundtable discussion, "Preventing Drug Trafficking through International Mail," Apr. 2016, available at http://www.hsgac.senate.gov/hearings/roundtable_-preventing-drug-trafficking-through-international-mail.

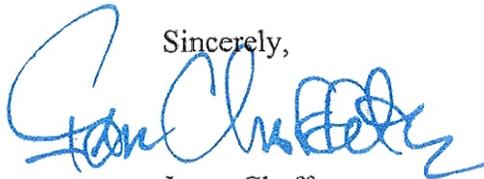
The Honorable Megan J. Brennan

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Please contact Mary Doocy of Chairman Chaffetz' staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz", written in a cursive style.

Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Elijah Cummings, Ranking Member

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.