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OFFICE OF INSPECTOR GENERAL

CBP Did Not Effectively Conduct International Mail Screening or Implement the STOP Act (REDACTED)

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September 25, 2023

OIG-23-56



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OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 25, 2023

MEMORANDUM FOR: Troy A. Miller
Senior Official Performing the Duties of the
Commissioner
U.S. Customs and Border Protection

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V** Digitally signed by
Inspector General **CUFFARI** JOSEPH V CUFFARI
Date: 2023.09.21
14:54:35 -04'00'

SUBJECT: *CBP Did Not Effectively Conduct International Mail
Screening or Implement the STOP Act – ~~Law
Enforcement Sensitive~~*

Attached for your action is our final report, *CBP Did Not Effectively Conduct International Mail Screening or Implement the STOP Act – ~~Law Enforcement Sensitive~~*. We incorporated the formal comments provided by your office.

The report contains five recommendations aimed at improving U.S. Customs and Border Protection's (CBP) international mail screening and implementation of the *Synthetics Trafficking and Overdose Prevention Act of 2018* (STOP Act). Your office concurred with four recommendations. Based on the information provided in your response to the draft report, we consider recommendation 3 open and unresolved. As prescribed by the Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for the recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, recommendation 3 will be considered open and unresolved.

Based on information provided in your response to the draft report, we consider recommendations 1, 2, 4, and 5 open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts.



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Please send your response or closure request to
OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.

Please contact me with any questions, or your staff may contact Kristen Bernard, Acting Deputy Inspector General for Audits, at (202) 981-6000.

Attachment



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DHS OIG HIGHLIGHTS

CBP Did Not Effectively Conduct International Mail Screening or Implement the STOP Act

September 25, 2023

Why We Did This Audit

CBP plays a critical role in interdicting illegal drugs entering the United States through international mail. In 2018, Congress passed the STOP Act. This law requires the U.S. Postal Service to send CBP data about packages coming from countries outside the United States to help CBP identify mail that may contain opioids and other illicit goods. Our audit objective was to determine whether CBP effectively manages IMF operations and the extent to which CBP targets and interdicts inadmissible international mail entering the United States through IMFs.

What We Recommend

We made five recommendations to improve CBP's international mail screening and STOP Act implementation.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

U.S. Customs and Border Protection (CBP) did not consistently target for additional inspection or evaluate potentially inadmissible international mail entering the United States through its nine International Mail Facilities (IMFs). Although IMFs faced challenges targeting mail and examining packages identified as potential threats, CBP did not evaluate whether its screening was effective or refer problems to stakeholders for resolution. Additionally, CBP did not fully meet the requirements of the *Synthetics Trafficking and Overdose Prevention Act of 2018* (STOP Act) for exempting countries from sending advance electronic data with waivers and evaluating the imposition of penalties on the U.S. Postal Service for accepting mail without required advance electronic data.

These issues occurred because CBP did not assign responsibility for STOP Act implementation and monitoring, provide updated guidance or training on targeting, collect data to evaluate mail screening, or develop a process for issuing and reporting waivers. Without effective screening and performance monitoring, CBP may increase the risk of the Department admitting dangerous goods into the United States.

CBP Response

CBP concurred with four of the five recommendations.

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Abbreviations

AED	advance electronic data
ATS	Automated Targeting System
CBP	U.S. Customs and Border Protection
CCS	Cargo and Conveyance Security
C.F.R.	Code of Federal Regulations
ECD	Estimated Completion Date
GAO	U.S. Government Accountability Office
IMF	International Mail Facility
JFK	John F. Kennedy International Airport
NTC	National Targeting Center
OFO	Office of Field Operations
[REDACTED]	[REDACTED]
U.S.C.	United States Code
USPS	U.S. Postal Service



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Background

U.S. Customs and Border Protection (CBP) plays a critical role in the Nation's efforts to safeguard the American public by interdicting illegal drugs entering the United States. All classes of international mail must be presented to CBP at the first port of entry in the United States, which is generally an International Mail Facility (IMF) where officers inspect the mail to identify illegal drugs and other inadmissible items. From fiscal years 2018 through 2022, CBP made a total of 184,792 drug seizures across its nine IMFs.

National security and law enforcement agencies at all levels — Federal, state, local, tribal, and territorial — work to combat drug trafficking with the goal of protecting Americans from dangerous drugs, including opioids, that are contributing to record numbers of fatal overdoses in the United States. According to a 2019 report¹ by the Council of the Inspectors General on Integrity and Efficiency, opioids are often produced by drug traffickers overseas and illegally trafficked into the United States across its borders or through mail or parcel delivery services.

On October 24, 2018, Congress enacted the *Synthetics Trafficking and Overdose Prevention Act of 2018* (STOP Act)² to respond to the influx of synthetic opioids entering the United States through international mail shipments. The law requires the U.S. Postal Service (USPS) to collect advance electronic data (AED) for all mail packages coming from post offices outside the United States and send the data to CBP. AED contains information such as the shipper or sender, recipient, and contents. USPS also collects and sends data about when and where each package will arrive and must update CBP if any AED changes.³ The STOP Act also allows the CBP Commissioner, in consultation with USPS, to exclude countries that cannot send AED as required; CBP calls this action a waiver and extends waivers to countries for a year.

CBP applies a multi-layered screening process to identify packages from countries outside the United States that may contain opioids and other illicit goods it has traditionally identified through x-rays or physical inspections. Before a package arrives, CBP begins screening by using advanced data together with targeting procedures to identify potentially illicit goods. First,

¹ *Combatting the Opioid Crisis: Role of the Inspector General Community*, Council of the Inspectors General on Integrity and Efficiency, July 2019.

² The STOP Act is Title VIII of the *Substance Use-Disorder Prevention That Promotes Opioid Recovery and Treatment for Patients and Communities Act* (SUPPORT for Patients and Communities Act), Public Law 115-271 (2018).

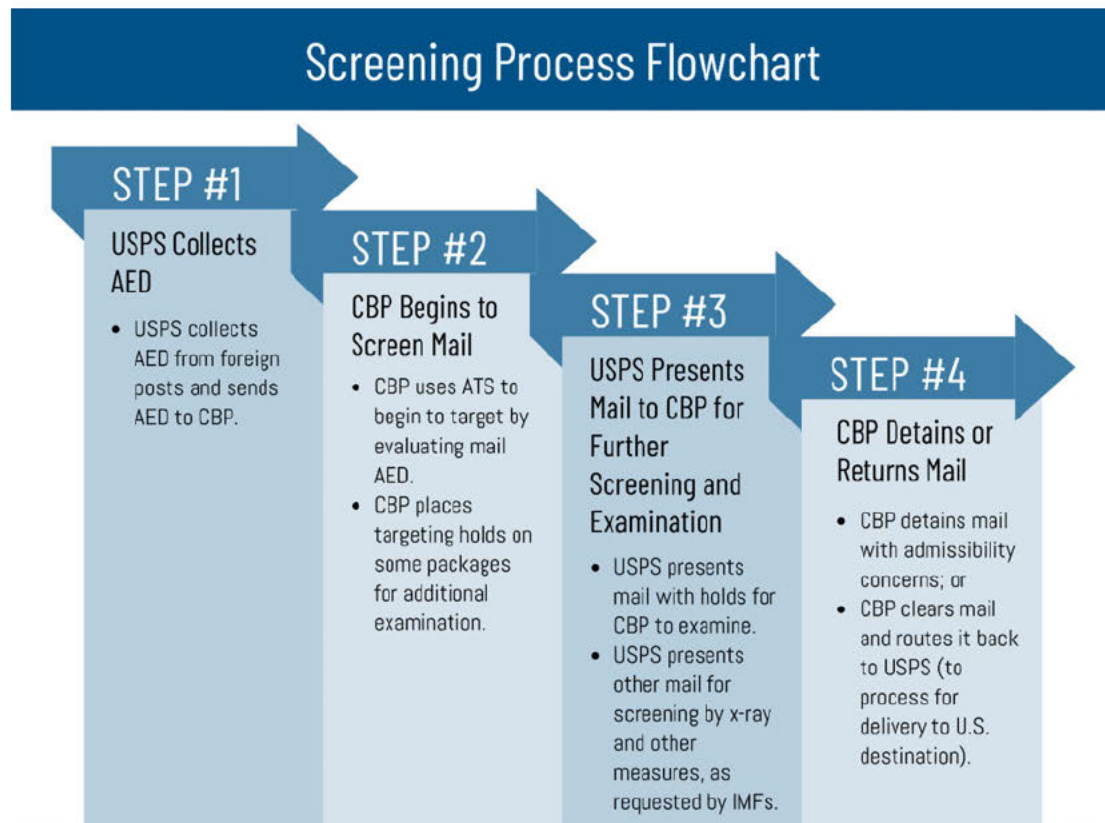
³ 19 Code of Federal Regulations (C.F.R.) 145.74(c) and (d)(2).



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with the component’s Automated Targeting System (ATS), CBP officers analyze AED, in combination with intelligence, prior violations, and other risk factors, to search and identify mail for additional inspection. Second, when CBP officers and analysts identify packages that may pose a threat, they place electronic “holds” on the targeted items in ATS, which sends a message to USPS. Once the package arrives, USPS workers pull targeted packages with holds and present them to CBP for examination. Upon request, USPS also presents other mail to CBP for non-targeted manual screening (e.g., examining mail from specific countries by x-ray). Finally, CBP examines the mail with anomalies (including targeted mail) and either detains packages with admissibility concerns or clears the mail by returning it to USPS for delivery to its destination. Figure 1 depicts how CBP and USPS collect and use AED and screen mail.

Figure 1. AED and the Mail Screening Process



Source: Department of Homeland Security Office of Inspector General analysis of CBP documents and statements by CBP officials

From 2014 through 2018 (before the STOP Act was enacted), USPS and CBP piloted AED programs across seven IMFs to determine how AED from post



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offices outside the United States improved CBP's targeting process. CBP found that targeting AED increased seizures from about 9 percent to 16 percent⁴ during its pilot at New York – John F. Kennedy International Airport (JFK).

Key CBP Office of Field Operations (OFO) offices that oversee implementation of the STOP Act and manage international mail screening operations are:

- IMFs, which report to field offices and gather mail from USPS to target and screen mail for admissibility.
- Cargo and Conveyance Security (CCS), which manages the mail program, including policies and operational guidance. CCS officials communicate with USPS and the U.S. Department of State to implement STOP Act provisions.
- National Targeting Center (NTC), which oversees targeting policy and monitors national effectiveness.

During our audit, CBP operated IMFs at eight locations across the United States and its territories: Chicago, Honolulu, Los Angeles, Miami, Newark, JFK, San Juan (Puerto Rico), and St. Thomas (U.S. Virgin Islands). Before our audit, USPS announced that it would close a ninth IMF in San Francisco by March 2022.

We conducted this audit to determine whether CBP effectively manages IMF operations and the extent to which CBP targets and interdicts inadmissible international mail entering the United States through IMFs. This report addresses the extent that CBP targets and interdicts inadmissible mail. We addressed CBP's management of IMF operations in a separate report.⁵

Results of Audit

CBP did not consistently target for additional inspection or evaluate potentially inadmissible international mail entering the United States through its nine IMFs. Although IMFs faced challenges targeting mail and examining packages placed on hold, CBP did not evaluate whether its screening was effective or refer problems to stakeholders for resolution. Additionally, CBP did not fully meet STOP Act requirements for exempting countries from sending AED with waivers and evaluating the imposition of penalties on USPS for accepting mail without required AED.

⁴ 86 Federal Register 14245, Interim Final Rule, *Mandatory Advance Electronic Information for International Mail Shipments*, March 15, 2021.

⁵ *CBP's Management of International Mail Facilities Puts Officer Safety and Mission Requirements at Risk*, OIG-23-48, August 31, 2023.



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These issues occurred because CBP did not assign responsibility for STOP Act implementation and monitoring, provide updated guidance or training on targeting, collect data to evaluate mail screening, or develop a process for issuing and reporting waivers. Without effective screening and performance monitoring, CBP may increase the risk of the Department admitting dangerous goods into the United States.

CBP Did Not Evaluate Its Mail Screening Effectiveness and Address Advance Electronic Data Quality Issues

CBP did not effectively conduct mail targeting or evaluate how effective its AED targeting and manual screening were in identifying inadmissible mail. Further, CBP did not properly address AED quality issues with the U.S. Department of State and USPS to ensure compliance with requirements to transmit AED. These problems occurred because CBP did not assign responsibility for evaluating mail screening effectiveness and monitoring and resolving AED quality issues. CBP also did not provide updated guidance or targeting training or have a system of record to capture manual screening data. As a result, CBP limited its ability to identify and seize drugs at IMFs that did not target packages, from countries sending poor quality data, and in packages without a port code.

CBP Did Not Effectively Conduct or Evaluate Mail Screening at Its International Mail Facilities

IMF officers faced challenges consistently targeting mail, and CBP did not take action to monitor AED and address inaccuracies. Additionally, CBP did not monitor whether its mail screening activities, including AED targeting procedures and manual screening, were effective and was unaware some IMFs faced challenges. CBP monitored some metrics at an aggregate level, like the overall rate at which USPS presented packages with holds to CBP, but it did not compare data among IMFs, identify common problems, or evaluate manual screening. According to the U.S. Government Accountability Office's (GAO) *Standards for Internal Control in the Federal Government*, management should monitor performance measures to achieve objectives and respond to risks.⁶

⁶ GAO-14-704G, September 10, 2014, also known as the "Green Book."



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Advance Electronic Data Targeting

We analyzed each IMF's ATS data for FY 2019 through FY 2021⁷ and found that two of the nine IMFs⁸ operating in this period did not place any mail on hold, one placed limited holds in FY 2021, and one consistently had lower-than-average rates of examining holds. CBP officers at NTC and CCS were unaware of these targeting limitations until we shared the information during our audit.

- CBP officers at the San Juan and St. Thomas IMFs did not place holds on international mail. Officers in St. Thomas demonstrated that ATS showed zero shipments to target using the St. Thomas port code,⁹ and officers in San Juan described a similar problem.
- CBP officers at the Honolulu IMF placed holds on 2 of 15,167 packages with AED (or .01 percent) in FY 2021. This was a sharp decrease from the 669 holds placed in FY 2019 and 975 holds placed in FY 2020 at Honolulu. Officers we interviewed at the Honolulu IMF stated that, until April 2022, they were unaware they could target mail.
- From FY 2019 through FY 2021, Newark examined holds at a lower-than-average rate. As shown in Figure 2, CBP officers at the other IMFs that conducted targeting examined an average of 88 percent of holds,¹⁰ whereas Newark officers examined an average of 56 percent of holds. Newark IMF had difficulty obtaining its targeted packages from USPS; for example, officials in Newark explained that they tracked their IMF's targeted packages from March through April 2021 and found that USPS did not present 45 percent of the IMF's targeted packages.

⁷ In August 2022, CBP provided ATS data from FY 2018 through FY 2022. We limited our analysis of targeting to FY 2019 through FY 2021 because the STOP Act was signed into law in FY 2019 and the data CBP provided did not include the fourth quarter of FY 2022.

⁸ Although the San Francisco IMF was closed during our audit, we obtained data from when it was operational from FY 2019 through FY 2021.

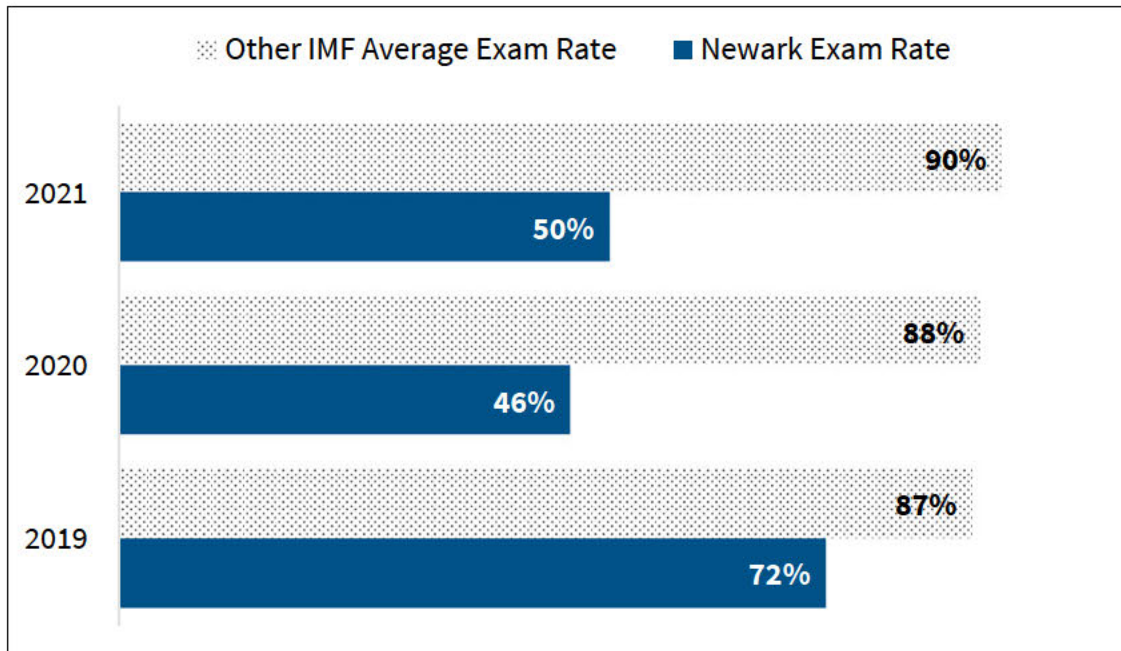
⁹ IMFs enter their port codes in ATS to identify mail arriving at their ports to target.

¹⁰ We calculated the average percentage of examined holds for all IMFs except Newark, San Juan, and St. Thomas. We did not include packages that had placeholder text listed in the port code field .



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Figure 2. Newark’s Exam Rate Compared to the Average Exam Rate of Other IMFs



Source: DHS OIG analysis of ATS data

Overall, these problems occurred because CBP did not clearly assign responsibilities for evaluating its mail screening effectiveness. CCS conducted aggregate monitoring of some targeting indicators, such as the overall quantity of AED that CBP received from USPS and the overall number of outstanding holds CBP did not inspect. However, CCS and NTC officials agreed that port directors were responsible for overseeing and addressing operational issues at their IMFs.

Targeting challenges and inconsistencies among IMFs also occurred because IMFs did not have thorough guidance. CBP has an *International Mail Operations and Enforcement Handbook*¹¹ (handbook) that contains procedures for arrival, entry, examination, and clearance of incoming international mail. The document was created by U.S. Customs Service in 2001, predating DHS, and does not reflect current IMF operations. Although CCS officials acknowledged that their office was responsible for overseeing policy and activities for international mail,¹² CCS did not update the handbook to include

¹¹ *International Mail Operations and Enforcement Handbook*, U.S. Customs Service, August 2001.

¹² In 2023, CCS released its *CCS Organization and Responsibilities* guidance, which describes its responsibility to oversee policy, activities, and security efforts for international mail. CCS



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topics such as targeting expectations or benchmarks and escalating unresolved problems after enactment of the STOP Act in 2018. During our audit, CCS officials said they were rewriting the handbook in response to a recommendation DHS OIG made in a 2018 report¹³ but they had not completed the updates.

NTC also indicated that some targeting issues may have occurred because staff may only be searching for their IMF's port code in ATS, rather than using other targeting methods, [REDACTED]

[REDACTED] Additionally, IMF staff did not have comprehensive training for advanced targeting. During our audit, staff at multiple IMFs stated they were not offered or could not attend formal targeting training. We determined that only 35 out of 292 IMF staff members (12 percent) had taken one of the targeting training courses that NTC identified as a basic targeting course.

Manual Screening

In addition to AED targeting, CBP uses various manual screening methods, such as x-ray scans of mail from certain countries, canine inspections, or officer knowledge, to identify mail that may pose a threat.¹⁴ During our site visits, we observed IMF officers examining non-targeted mail and seizing it, referring it to Federal partner government agencies, or returning it to the sender. Officers did not formally record their actions in a system of record unless they seized an item.¹⁵ Two IMFs had some ability to track other enforcement actions for mail they did not target. Specifically, the Chicago IMF used barcode scanners to record actions, and Newark piloted a system to track detained and referred packages. Other IMFs did not track the results of their manual screening.

CBP did not track the results of non-targeted manual screening at its IMFs or evaluate the effectiveness of manual screening because it did not have a

officials said CCS has always had these responsibilities and issued the guidance to document its responsibilities for field staff.

¹³ OIG-18-83, *CBP's International Mail Inspection Processes Need Improvement at JFK International Airport*, September 24, 2018. In its response to our 2018 report, CBP originally estimated that it would finish updating its handbook by April 30, 2019. As of May 2023, CBP, through CCS, had not completed or issued an updated handbook and the recommendation remains open.

¹⁴ *International Mail Operations and Enforcement Handbook*, U.S. Customs Service, August 2001.

¹⁵ CBP requires officers to enter exam findings into ATS, including non-seizure actions taken. However, at the time of our audit, officers could not enter exam findings for mail without AED due to system limitations which CBP is working to address. DHS OIG previously reported that CBP did not record non-seizure events in OIG-22-52, *DHS and CBP Should Improve Intellectual Property Rights Management and Enforcement* (July 2022).



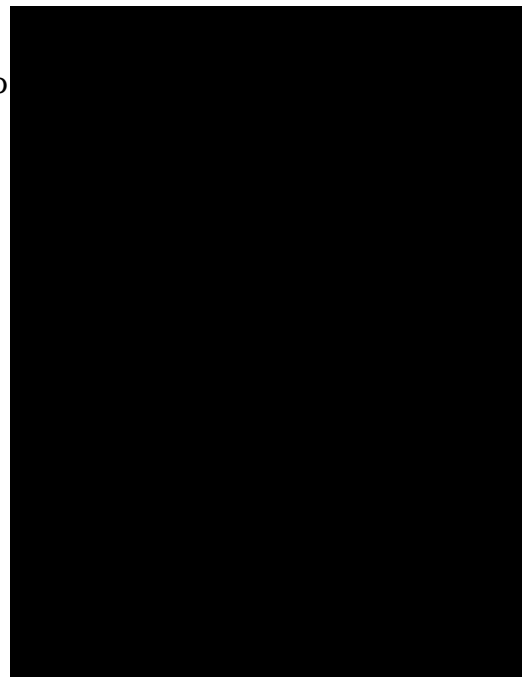
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component-wide formal process or system to track actions that did not result in a seizure. NTC and CCS knew that IMF's could not comprehensively monitor performance without quality enforcement data; in January 2021 they began exploring ATS enhancements to record enforcement actions on non-targeted mail. As of May 2023, they had not implemented the enhancements.

CBP Did Not Address Advance Electronic Data Quality Issues

We determined several countries and USPS sent noncompliant AED to CBP, but CBP did not address these issues. According to 19 C.F.R. § 145.74, *Mandatory Advanced Electronic Data*, when AED is required for international shipments, CBP must receive it electronically from USPS. USPS obtains the AED from post offices outside the United States, including mandatory fields such as name and address of the sender, name and address of the recipient, and description of package contents. The C.F.R. further requires that USPS submit data to identify which IMF will receive incoming shipments and provide updates if the data changes. USPS provides a port code to identify the IMF.

Figure 3. Example of Incomplete AED from Great Britain



Inaccurate Data

We analyzed ATS data and identified countries that sent inaccurate AED from FY 2019 through FY 2021, one example of which was Great Britain.¹⁶ In 2019, CBP's Office of Information Technology created a monthly dashboard to assess AED quality and identify countries that sent inaccurate data. CBP's dashboard showed Great Britain increasingly sent invalid data¹⁷ from FY 2019 through FY 2021, reaching a peak of 83 percent invalid data in September 2021. IMF officers said that they faced difficulties

Source: Example provided by CBP (top) and annotated in red font by DHS OIG (bottom)

¹⁶ AED quality includes the completeness and accuracy of the AED data transmission. In this case, "accuracy" refers to the extent to which recorded data reflects the actual underlying information (e.g., the shipper's name and address). *Progress Made in Using Electronic Data to Detect Illegal Opioid Shipments, but Additional Steps Remain*, GAO, GAO-20-229R (December 2019).

¹⁷ CBP experts developed criteria for evaluating whether AED was considered valid. For example, fields with (1) "UNK," "Unknown," or left blank; (2) fewer than two characters total; or (3) only numeric characters in the shipper name field would be identified as "invalid."



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targeting mail from Great Britain because the AED for these packages was inaccurate. The top photo in Figure 3 is a screenshot from ATS that a CBP officer showed us as an example of data Great Britain sends; fields contain the word “Unknown.” We annotated the bottom photo to show which shipper information should have been in those fields.

A CCS official stated they received the dashboard but did not find a need to share it with USPS or the U.S. Department of State because they were not aware of any issues. The same CCS official stated they were unaware of the upward trend in invalid data from Great Britain. In January 2023, CCS asked three IMFs to add Great Britain to their list of requested countries for additional screening. CCS did not refer the issue to USPS or the U.S. Department of State. As a result, neither agency could inform its British counterpart of the potential noncompliance with AED requirements and work toward a resolution.

Missing Port Codes

Based on our analysis, USPS did not update the port code to show where a package would arrive for 11 percent of all shipments with AED from FY 2019 through FY 2021. This equates to approximately 75 million of 671 million shipments with AED. According to an NTC official, all mail packages initially have placeholder text that reads [REDACTED] in the AED port code field in ATS until USPS enters a code for the IMF where the package will arrive. However, [REDACTED] was the fourth most frequent entry in the AED port code field for FY 2019, fifth most frequent for FY 2020, and second most frequent for FY 2021. This is problematic because CBP placed holds on packages with [REDACTED] as the port code 41 times less than the average rate it placed holds on packages arriving with a known port code in FY 2021.¹⁸

Even when CBP officers did place holds on packages listing [REDACTED] as the port code, they examined them less frequently than those that had a port code. As shown in Figure 4, IMFs examined an average of 34 percent of holds listing the [REDACTED] port code from FY 2019 through FY 2021. By comparison, IMFs examined an average of 84 percent of holds that had a real port code in the AED.¹⁹

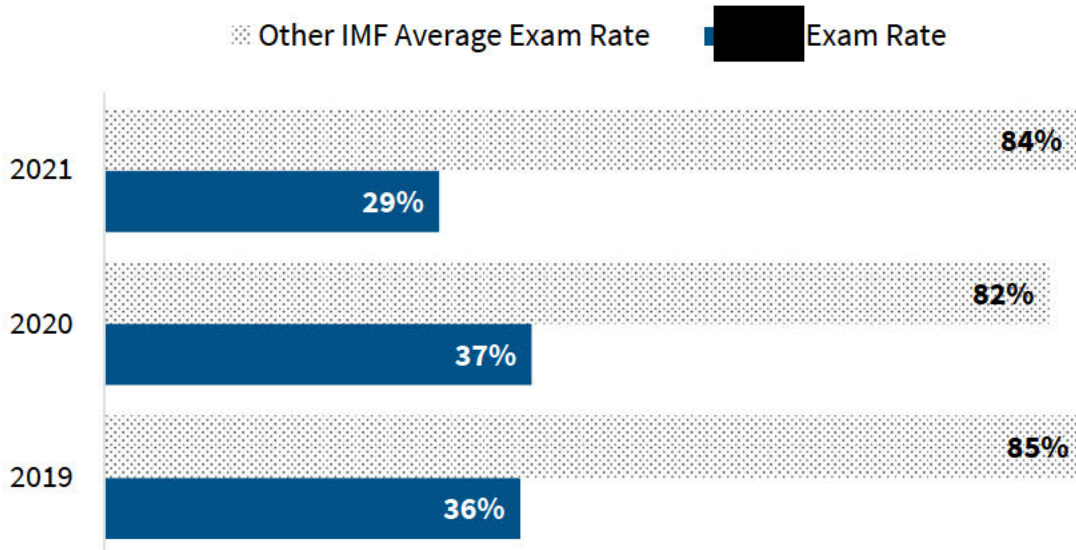
¹⁸ We calculated the average percentage of AED holds placed for all IMFs and compared it to the percent of AED holds for packages that had [REDACTED] listed as the port code. We did not include San Juan and St. Thomas because these IMFs did not place holds on any packages from FY 2019 through FY 2021.

¹⁹ We calculated the average percent of examined holds for all IMFs and compared it to the average percent of examined holds for [REDACTED]. We did not include San Juan and St. Thomas because these IMFs did not place holds on AED from FY 2019 through FY 2021.



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Figure 4. Exam Rate for [REDACTED] Packages Compared to Average IMF Exam Rate, FY 2019–FY 2021



Source: DHS OIG analysis of ATS data

These issues occurred because CBP did not assign responsibility for monitoring and resolving AED quality issues. For example, NTC and CCS were unaware of who was responsible for addressing AED quality issues. NTC officials believed the responsibility would fall to CCS because it is responsible for creating mail policies and would be well positioned to use the AED quality dashboard to inform discussions with USPS and the U.S. Department of State. One CCS official said their office did not share CBP’s dashboard in weekly meetings with USPS and the U.S. Department of State because it did not see any problems that needed to be addressed. The CCS official also shared that CCS did not have the staff or technical skills to monitor AED quality and that USPS would be better suited to assess data quality.

CBP Did Not Fully Implement the STOP Act as Designed or Required

CBP did not comply with multiple sections of the STOP Act when issuing waivers to exempt countries from sending AED. First, CBP did not follow requirements for issuing and reporting its waivers. Second, CBP did not use its own data to identify low-risk countries and did not require alternate screening for countries granted waivers. Third, CBP did not evaluate imposing



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a penalty on USPS for accepting packages without AED as required by the STOP Act. These problems occurred because CBP did not formally assign responsibility for implementing the STOP Act, and CCS did not establish a process to fully address STOP Act requirements, such as developing and reporting its AED waiver lists. Additionally, officials did not believe it was possible or necessary to penalize USPS. As a result, CBP could not ensure it fully met the STOP Act requirements.

CBP Did Not Document and Report Waivers or Require Alternate Screening

The STOP Act allows the CBP Commissioner, under certain conditions, to exclude a country from the requirement to send AED.²⁰ We determined CCS did not follow STOP Act requirements for issuing and reporting its waivers to Congress on an annual basis. CCS also did not define or require alternate screening and did not transmit the waiver lists to the IMFs.

Issuance and Reporting of Waivers

CCS did not obtain approval from the CBP Commissioner when it issued waivers exempting 148 countries in 2021 and 128 countries in 2022. A CCS official said that OFO leadership informally tasked them with drafting the interim final rule that specified regulatory requirements to implement the STOP Act, but they were not formally assigned responsibility for other implementation tasks. After writing the rule, CCS assumed the responsibility to implement CBP's part of the STOP ACT but did not receive delegated authority to issue waivers on behalf of the Commissioner. Instead, CCS used an unsigned template of a blank waiver letter on USPS letterhead as its documentation.

The STOP Act allows the CBP Commissioner to grant a waiver if a country:

1. does not have the capacity to collect and transmit AED;
2. represents a low risk for mail shipments that violate relevant U.S. laws and regulations; and
3. accounts for low volumes of mail shipments that can be effectively screened for compliance with relevant U.S. laws and regulations through an alternate means.

Source: 19 U.S.C. § 1415(a)(3)(K)(vi)(II)

Additionally, CBP did not document its justifications for excluding a country from AED requirements and did not report the justifications to congressional committees. The STOP Act requires CBP to annually provide appropriate

²⁰ 19 United States Code (U.S.C.) § 1415(a)(3)(K)(vi)(II)-(IV).



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congressional committees²¹ with a list of countries that received a waiver, along with information used to support the determination for each country. A CCS official acknowledged that CBP did not assign responsibility and overlooked the STOP Act requirement to record justifications and transmit them to congressional committees annually.

Although the CBP Commissioner was responsible for issuing waivers, a CCS official said they relied on USPS to maintain a comprehensive waiver list and information used to determine a country's waiver eligibility. Additionally, CCS reported collaborating with the U.S. Department of State to determine a country's capacity to collect AED and with USPS to determine its volume of shipments but did not document the justifications for issuing waivers as part of this collaboration. CCS provided documentation showing that it transmitted one list of waiver countries without justifications to the Senate Committee on Homeland Security and Governmental Affairs in 2021 upon request for a briefing. CCS could not provide justifications for its lists from 2021 through 2023, or documentation that it had transmitted the 2022 or 2023 lists to the appropriate congressional committees.

Risk Evaluation

CCS did not use internal CBP data, including seizure and ATS information, to assess each waiver country's risk level more accurately. Instead, CCS chose to reference two Federal lists of countries (1) sponsoring terrorism or (2) producing or shipping narcotics.²² Had CBP supplemented the Federal lists with its own data, it would have learned that in 2021 it granted waivers to three countries that fell within the top 15 countries for mail seizures during FY 2020. After we presented this information to CBP, CCS said it began using seizure data when considering which countries would receive waivers in 2023. CCS did not incorporate CBP data into its assessment because CBP did not establish a process specifying that CBP data should be used to assess a country's risk eligibility when granting AED waivers.

Alternate Screening

CBP did not define or require an alternate means of screening mail from waived countries or ensure that all IMFs conducted alternate screening of

²¹ The STOP Act defined appropriate congressional committees as follows: the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

²² CBP relied on the U.S. Department of State's State Sponsors of Terrorism List and the Office of National Drug Control Policy's list of countries that ship or produce narcotics.



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mail from such countries. The STOP Act allows waivers if a country accounts for a low volume of mail and if that mail can be effectively screened through an alternate means. Even if CBP had defined alternate screening, IMFs would not have been able to ensure countries granted waivers could be screened through an alternate means because CCS did not send its 2021 waiver list to the IMFs and sent the 2022 waiver list after our audit began in April 2022. This means that from January 2021 through April 2022, the IMFs did not know which countries had received waivers. As of January 2023, CBP had not transmitted the 2023 waiver list to any IMFs.

This occurred because CBP did not assign responsibility for implementing routine, alternate screening for mail from countries with AED waivers. CCS also overlooked the STOP Act specification that CBP may issue waivers when alternate screening can be implemented. CCS was not sure it had authority to require alternate screening at IMFs. Once we raised this section of the STOP Act with CCS, one CCS official we interviewed said alternate screening would be unnecessary because IMFs already manually screen incoming packages. This includes using canine inspections, local intelligence, and a country of interest list. Contrary to this statement, not all IMFs manually screen 100 percent of their inbound mail.²³ According to JFK and Chicago IMF officials, their facilities manually screen only a selection of mail. Therefore, the IMFs' current manual screening process does not negate the need for alternate screening of mail from waived countries.

CBP Did Not Evaluate Imposing STOP Act Penalties

Although USPS accepted packages without AED, CBP did not evaluate whether to impose any penalties on USPS in accordance with the STOP Act. The STOP Act requires USPS to be penalized if it does not refuse packages that are missing AED. In its notice of proposed rulemaking, CBP stated it planned to use "flexible enforcement" and show restraint in enforcing AED requirements against USPS for 12 months after the effective date of the rule, which was March 15, 2021.²⁴ CBP could not provide evidence as to how it evaluated applying flexible enforcement. As of January 2023, it had not penalized USPS for packages that were missing AED.

This occurred because CBP did not assign responsibility for CCS to enforce penalties when USPS accepts mail without AED. CCS did not establish a

²³ The mail handbook from U.S. Customs Service indicates that intensive examinations of mail, such as x-ray aids, should be determined based on intelligence or trends, but does not require all mail to be manually x-rayed or intensively examined.

²⁴ 86 Federal Register 14245, Interim Final Rule, *Mandatory Advance Electronic Information for International Mail Shipments*, March 15, 2021.



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framework for evaluating and issuing penalties because officials did not believe it was possible or necessary to penalize USPS. A CCS official said USPS was “100 percent compliant” with the STOP Act and cooperated with CCS on STOP Act enforcement. Even though USPS cooperated with CBP, the STOP Act still requires CBP to penalize USPS for accepting mail without AED and further grants authority for CBP to reduce or dismiss the penalty if USPS is cooperating with CBP with respect to violations.²⁵ CBP did not evaluate imposing, reducing, or dismissing penalties as per the STOP Act.

Conclusion

To increase seizures of illegal opioids and other inadmissible goods, CBP must be able to consistently target and evaluate international mail entering the United States through IMFs. By not effectively conducting and evaluating its screening operations, addressing AED quality issues, or fully implementing the STOP Act, CBP limited its ability to identify new threats in the mail environment. Finally, by not using its internal data to evaluate the risk before granting a waiver, CBP may inadvertently grant AED waivers to high-risk countries.

Recommendations

Recommendation 1: We recommend that CBP’s Office of Field Operations assign responsibility for ensuring STOP Act implementation, including:

- a. monitoring and resolving advance electronic data quality and quantity issues;
- b. documenting justifications for advance electronic data waivers;
- c. providing lists of advance electronic data waivers to International Mail Facilities and implementing routine, alternate screening for mail from countries with advance electronic data waivers; and
- d. enforcing penalties when the U.S. Postal Service accepts mail without advance electronic data.

Recommendation 2: We recommend that CBP’s Office of Field Operations implement a mechanism for all International Mail Facilities to record enforcement actions other than seizures.

²⁵ 19 U.S.C. §1436(e)(2)(A). The STOP Act allows CBP to reduce or dismiss a penalty if it determines that USPS (1) has a low error rate in complying with the STOP Act at 19 U.S.C. § 1415(a)(3)(K), (2) is cooperating with CBP with respect to violations, or (3) has taken remedial action to prevent future violations.



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Recommendation 3: We recommend that CBP's Cargo and Conveyance Security update the *International Mail Operations and Enforcement Handbook*, dated August 2001. At a minimum, updates should include:

- a. clearly defined roles and responsibilities for monitoring performance across International Mail Facilities; and
- b. key performance metrics and targeting goals to assess the effectiveness of mail operations.

Recommendation 4: We recommend that CBP's National Targeting Center provide Automated Targeting System training to officers assigned to International Mail Facilities, including on how to place targeted holds on mail and how to target mail without an identified port code.

Recommendation 5: We recommend that CBP's Office of Field Operations establish and implement a process for:

- a. developing advance electronic data waivers using CBP data to assess a country's risk eligibility;
- b. documenting justifications for waiver countries; and
- c. reporting advance electronic data waivers and justifications to Congress.

Management Comments and OIG Analysis

CBP management provided written comments on a draft of this report, which are included in their entirety in Appendix B. CBP concurred with four of the five recommendations, which we consider open and resolved. CBP did not concur with recommendation 3, which we consider open and unresolved. A summary of CBP's response and our analysis follows. We also received technical comments on the draft report and revised the report as appropriate.

In its response, CBP expressed a commitment to maintaining safe and efficient mail screening facilities and improving its ability to detect and interdict illegal opioids in international mail shipments. CBP disagreed with some statements in our report. Specifically, CBP asserted that it does address AED quality issues, collaborate with the U.S. Department of State and USPS, and evaluate mail screening effectiveness. DHS OIG agrees that officials from CBP, the U.S. Department of State, and USPS discussed meeting regularly regarding STOP Act implementation. However, CBP could not provide documentation that it raised concerns about inaccurate data over a multi-year period or that it evaluated mail targeting effectiveness.



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CBP also disputed that it did not always provide timely responses to requests for information and denied our request for read-only access to ATS. DHS OIG requested read-only access to ATS at the beginning of our audit. CBP did not grant this request. We subsequently requested an extract of ATS data, and CBP provided a large volume of records from ATS approximately 3 months after our initial request.

CBP Comments to Recommendation 1: Concur. CCS will review existing processes and provide oversight to monitor AED quality and quantity issues and ensure AED waiver justifications are documented and communicated. CCS will continue collaborating with the U.S. Department of State and USPS to ensure STOP Act requirements are met and to continue sharing data quality issues identified by CBP with the U.S. Department of State and USPS for resolution. Estimated Completion Date (ECD): March 29, 2024.

OIG Analysis: The actions CBP describes are generally responsive to the recommendation. Additionally, CBP should address its plans to assign responsibility for enforcing penalties when USPS accepts mail without AED. We consider this recommendation open and resolved until CBP provides documentation it assigned responsibility for each of these actions.

CBP Comments to Recommendation 2: Concur. NTC deployed a new functionality in ATS to allow IMFs to record enforcement actions other than seizures in December 2022. NTC will provide DHS OIG with screenshots showing the capture of these non-seizure events, as well as a report showing enforcement actions used by IMFs. ECD: November 30, 2023.

OIG Analysis: These actions are responsive to the recommendation, which we consider open and resolved until CBP provides documented evidence demonstrating it implemented the new functionality for all IMFs to record enforcement actions other than seizures, specifically when a package arrives with no AED record in the system.

CBP Comments to Recommendation 3: Non-concur. CCS is currently updating the *International Mail Operations and Enforcement Handbook* to include clearly defined roles and responsibilities for monitoring performance across the IMFs. However, CBP did not concur with including performance metrics or targeting goals in its enforcement handbooks. CBP believes NTC's current approach to continuously evaluate, refine, and implement targeting methodologies across all mission sets, including mail, is sufficient to address the recommendation. ECD: December 29, 2023.



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OIG Analysis: CBP’s plan is not fully responsive to the recommendation. Although CBP plans to define monitoring responsibilities, DHS OIG disagrees that NTC’s current process is sufficient to address the second part of the recommendation, which requires establishing key performance metrics and targeting goals. Our audit demonstrates that without clear expectations and performance goals for the IMF’s, not all IMF’s consistently placed targeting holds to respond to the influx of opioids entering the United States through international mail. This recommendation will remain open and unresolved until CBP provides an updated plan demonstrating how it will routinely document key performance metrics and targeting goals to specifically assess the effectiveness of mail operations.

CBP Comments to Recommendation 4: Concur. NTC will prioritize training solicitations and class slots for personnel assigned to IMF’s for the remainder of the FY 2023 training cycle and implement this process as a standard practice starting in FY 2024. ECD: November 30, 2023.

OIG Analysis: These actions are responsive to the recommendation, which we consider open and resolved until CBP provides evidence that it provided ATS training to officers assigned to IMF’s, including training specific to placing holds on mail and targeting mail without an identified port code.

CBP Comments to Recommendation 5: Concur. CCS will implement a process for assessing a country’s risk eligibility based on CBP data. If waivers are granted, CCS will document justifications for the waiver approval and coordinate with CBP’s Office of Congressional Affairs to ensure waiver lists and justifications are reported to Congress annually as required by the STOP Act. ECD: May 31, 2024.

OIG Analysis: These actions are responsive to the recommendation, which we consider open and resolved until CBP establishes a formal process for all of its planned actions and provides documentation that it has implemented that process.



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Appendix A

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

The objective of this audit was to determine whether CBP effectively manages IMF operations and the extent to which CBP targets and interdicts inadmissible international mail entering the United States through IMFs. This report specifically addresses the extent that CBP targets and interdicts inadmissible mail.²⁶ To answer this part of our objective, we reviewed Federal laws and regulations as well as DHS and CBP policies and guidance associated with international mail enforcement. For FY 2018 through FY 2022, we assessed applicable criteria for STOP Act implementation and IMF operations, including:

- Public Law 115-271, Sections 8001-8007, *Synthetics Trafficking and Overdose Prevention Act of 2018* (STOP Act) (codified at 19 U.S.C. § 1415(a)(3)(K) and 19 U.S.C. 1436(e))
- 19 C.F.R. 145, Subpart G – *Mandatory advance electronic data (AED)* (issued at 86 Federal Register 14245, Interim Final Rule, *Mandatory Advance Electronic Information for International Mail Shipments*, March 15, 2021)
- CBP Directive 3290-022 – *Advance Cargo Targeting Procedures and Responsibilities*
- U.S. Customs Service *International Mail Operations and Enforcement Handbook*, August 2001
- CBP and USPS Memorandum of Understanding, 2017
- Standard operating procedures between local USPS and CBP officials at each operating IMF

We reviewed DHS' *Risk Management Fundamentals Homeland Security Risk Management Doctrine* (dated April 2011) and evaluated GAO's *Standards for Internal Control in the Federal Government*. We further identified control weaknesses related to the control environment, risk assessment, control activities, information and communication, and monitoring and made recommendations in the report that address these gaps.

²⁶ We issued our findings about IMF operations in a separate report: *CBP's Management of International Mail Facilities Puts Officer Safety and Mission Requirements at Risk*, OIG-23-48, August 31, 2023.



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To observe targeting and screening measures, we conducted in-person site visits at six IMFs (Chicago, Honolulu, Los Angeles, Miami, Newark, and JFK) and virtual site visits at two IMFs (San Juan and St. Thomas). We interviewed CBP officials at each IMF location, including officials formerly located at the San Francisco IMF. We interviewed CBP officials from the Office of Information Technology and the following OFO offices: CCS; NTC; and Planning, Program Analysis, and Evaluation. We also interviewed U.S. Immigration and Customs Enforcement Homeland Security Investigations officials who are located at the IMFs. Finally, we interviewed an official with the U.S. Department of State, and headquarters and IMF officials from USPS.

As part of our audit, we evaluated an extract of mail targeting data from CBP's ATS, which contains and compares traveler, cargo, and conveyance information with law enforcement, intelligence, and other enforcement data. We evaluated mail targeting data from ATS for FYs 2018 through 2022. We determined that the data used was sufficiently reliable for this report. We leveraged the DHS OIG Office of Innovation to further extract and analyze subsets of data to compare yearly trends between the IMFs, including:

- AED received;
- the number and rate of holds placed;
- the number and rate of exams completed;
- the number and rate of outstanding holds (holds with no release dates); and
- the number of AED entries with no updated port code.

Through direct access to the Seized Assets and Case Tracking System data warehouse, we extracted and analyzed seizure data related to inbound postal shipments from FY 2018 through FY 2022 by country of origin. We met with CBP subject matter experts for the Seized Assets and Case Tracking System data warehouse to confirm the correct parameters to create seizure reports for inbound mail. We determined that the data used was sufficiently reliable for this report.

We conducted this performance audit between April 2022 and April 2023 pursuant to the *Inspector General Act of 1978*, 5 U.S.C. §§ 401-424, and 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.



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DHS OIG's Access to DHS Information

During this audit, CBP did not always provide timely responses to DHS OIG's requests for information. Additionally, DHS denied our request for read-only access to CBP's ATS. As noted above, we subsequently requested an extract of data from the system, and CBP eventually provided that information.



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Appendix B
CBP Comments to the Draft Report

1300 Pennsylvania Avenue, NW
 Washington, DC 20229



**U.S. Customs and
 Border Protection**

September 8, 2023

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
 Inspector General

FROM: Henry A. Moak, Jr.
 Senior Component Accountable Official
 U.S. Customs and Border Protection

SUBJECT: Management Response to Draft Report: “CBP Did Not Effectively Conduct International Mail Screening or Implement the STOP Act” (Project No. 22-039-AUD-CBP)

9/8/2023

X
 Signed by: HENRY A. MOAK JR

Thank you for the opportunity to comment on this draft report. U.S. Customs and Border Protection (CBP) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

CBP leadership is pleased to note OIG’s recognition of its critical role in the interdiction of dangerous substances and prohibited items, including opioids, at U.S. international mail facilities (IMF). CBP’s highest priority in screening inbound international mail is to prevent terrorists’ weapons and other harmful items from entering the United States, including taking actions to identify such threats prior to the item arriving in the United States.

The Synthetics Trafficking and Overdose Prevention (STOP) Act of 2018 requires the U.S. Postal Service (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. Implementation of the STOP Act AED regulation is a top priority. CBP remains committed to maintaining safe and efficient mail screening facilities, as well as improving the nation’s ability to detect and interdict illegal opioids in international mail shipments.

However, CBP leadership is seriously concerned that—despite multiple meetings with subject matter experts to explain and clarify information—the OIG’s draft report contains inaccurate and misleading statements, such as misrepresentations of CBP’s data quality reviews and CBP’s global targeting methodology and processes. However, contrary to OIG’s statement that CBP did not properly address AED quality issues with the U.S. Department of State (DOS) and USPS, CBP actually collaborates with DOS and USPS regularly to ensure that foreign postal operators meet the STOP Act’s requirements while



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facilitating the continued flow of legitimate international mail. Specifically, officials from CBP, DOS, and USPS meet weekly to discuss AED performance and compliance.

Further, CBP does evaluate its mail screening effectiveness. To make admissibility determinations, for example, CBP employs a layered approach using numerous methods to identify packages for inspection, such as analysis of AED through an Automated Targeting System, narcotics detection canines, and non-intrusive inspection technologies. Additionally, CBP officers manually select packages for added scrutiny based on extensive experience and knowledge acquired working in the international mail and other cargo environments.

CBP leadership is also concerned with, and takes exception, to the OIG's assertions that CBP did not always provide timely responses to requests for information and that DHS denied request for read only access to CBP's Automated Targeting System. Despite the fact that extracting an unbounded amount of data is very challenging and can cause degradation to the ATS platform, CBP nevertheless transferred 10 billion records and 270 gigabits of data to the OIG between August 18-20, 2022, including information on every postal shipment captured between October 1, 2018, and June 1, 2022. CBP also provided a monthly validation report containing 100,000 postal bills and offered an additional 2.3 million postal bills in similar reports. In addition, CBP provided an overview of the targeting system and data structures to the OIG and their data scientists and provided access to the targeting system through authorized users and subject matter experts with an understanding of the system to run sample queries through the user interface and to run queries directly on the supporting, back-end database. It is disappointing that OIG's draft does not acknowledge the extent of the assistance that CBP provided, which balanced CBP's commitment to responding to OIG requests for information while ensuring live systems that continuously support operational activities nationwide were not negatively impacted by OIG's voluminous data requests, or lack of familiarity with the back-end structure of CBP's mission-critical systems.

The draft report contained five recommendations, four with which CBP concurs (Recommendations 1, 2, 4, and 5) and one with which CBP non-concurs (Recommendation 3). Enclosed find our detailed response to each recommendation. CBP previously submitted technical comments addressing several accuracy, contextual, sensitivity, and other issues under a separate cover for OIG's consideration.

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.

Enclosure



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**Enclosure: Management Response to Recommendations
Contained in OIG 22-039-AUD-CBP**

OIG recommended that CBP's Office of Field Operations (OFO):

Recommendation 1: Assign responsibility for ensuring STOP Act implementation, including:

- a. monitoring and resolving advance electronic data quality and quantity issues;
- b. documenting justifications for advance electronic data waivers;
- c. providing lists of advance electronic data waivers to International Mail Facilities implementing routine, alternate screening for mail from countries with advance electronic data waivers; and
- d. enforcing penalties when the U.S. Postal Service accepts mail without advance electronic data.

Response: Concur. CBP OFO's Cargo and Conveyance Security Directorate (CCS) will review existing processes and provide proper oversight to monitor AED quality and quantity issues. CCS will continue to collaborate with the DOS and USPS to ensure that foreign postal operators meet the STOP Act's requirements while facilitating the continued flow of legitimate international mail. CCS will continue to share data quality issues identified by CBP with DOS and USPS for resolution. CCS, as the lead for determining waiver eligibility, will also ensure that AED waiver justifications are documented. CCS will provide the basis for waiver eligibility based on STOP Act requirements; CCS will be the lead to document justifications. Upon approval by the Commissioner of CBP of waiver status, CCS will provide the list of AED waiver countries to the IMFs. Currently, CCS conducts alternate screening on a routine basis for AED waiver countries at all affected IMFs. CBP collaborates with DOS and USPS to ensure that foreign postal operators meet the STOP Act's requirements while facilitating the continued flow of legitimate international mail. Accordingly, officials from CBP, DOS, and USPS meet weekly to discuss AED performance and compliance. Estimated Completion Date (ECD): March 29, 2024.

Recommendation 2: Implement a mechanism for all International Mail Facilities to record enforcement actions other than seizures.

Response: Concur. In December 2022, CBP OFO's National Targeting Center (NTC) deployed new functionality in the Automated Targeting System-Import Cargo, which allows all IMFs to record enforcement actions other than seizures to include: (1) abandonment; (2) cargo destroyed; (3) controlled delivery; (4) denied entry; (5) detained; (6) excluded; (7) intellectual property rights (IPR) abandonment; (8) refused entry; (9) seizure and arrest – no penalty issued on site; (10) seizure and arrest with penalty issued



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on site; and (11) seizure with penalty issued on site. OFO's NTC will provide screen shots showing the capture for each of these types of non-seizure events, as well as a report showing enforcement actions used by IMFs to the OIG under a separate cover. ECD: November 30, 2023.

OIG recommended that CBP's CCS:

Recommendation 3: Update the International Mail Operations and Enforcement Handbook, dated August 2001. At a minimum, updates should include:

- a. clearly defined roles and responsibilities for monitoring performance across International Mail Facilities; and
- b. key performance metrics and targeting goals to assess the effectiveness of mail operations.

Response: Non-Concur. CCS is currently updating the International Mail Operations and Enforcement Handbook; and conducts monthly calls to discuss performance and stakeholder concerns across all IMFs. The updated handbook will provide clearly defined roles and responsibilities for monitoring performance across IMFs. However, part b of this recommendation appears to be based on a misunderstanding of how CBP evaluates performance and effectiveness in cargo operations. Due to the dynamic targeting environment, CBP does not include performance metrics or targeting goals in enforcement handbooks. Instead, NTC's current approach is sufficient to address the intent of this recommendation by continuously evaluating, refining, and implementing refined targeting methodologies across our mission sets, including, but not limited to, the international mail environment. ECD: December 29, 2023.

OIG recommended that CBP's NTC:

Recommendation 4: Provide Automated Targeting System training to officers assigned to International Mail Facilities, including on how to place targeted holds on mail and how to target mail without an identified port code.

Response: Concur. OFO NTC will prioritize training solicitations and class slots for personnel assigned to IMFs for the remainder of the Fiscal Year (FY) 2023 training cycle. During the early part of FY 2024, OFO NTC will implement this process as a standard practice by providing internal guidance to training coordinators to prioritize training slots for IMF personnel; issuing a memorandum to the field reiterating the importance of ongoing training; and providing contact information for assistance with training requests and questions. OFO NTC will provide evidence of these actions to OIG. ECD: November 30, 2023.



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OIG recommended that CBP's OFO:

Recommendation 5: Establish and implement a process for:

- a. developing advance electronic data waivers using CBP data to assess a country's risk eligibility;
- b. documenting justifications for waiver countries; and
- c. reporting advance electronic data waivers and justifications to Congress.

Response: Concur. CBP OFO's CCS will implement a process for assessing a country's risk eligibility based on CBP data. Specifically, CCS will coordinate with the NTC to review a country's waiver eligibility based on available CBP data during the next waiver review process. If waivers are granted, CCS will document justifications and reasoning for waiver approval. CCS will coordinate with the Office of Congressional Affairs to ensure waiver lists and justifications are reported to Congress on an annual basis, as required in the STOP Act. ECD: May 31, 2024.



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Appendix C
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