

118TH CONGRESS
1ST SESSION

S. 986

To increase the criminal penalty for mail fraud involving misrepresentation of the country of origin, to terminate the authority to exclude countries from the requirement to transmit advance electronic information for 100 percent of mail shipments under the STOP Act of 2018, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2023

Ms. KLOBUCHAR (for herself and Mrs. CAPITO) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To increase the criminal penalty for mail fraud involving misrepresentation of the country of origin, to terminate the authority to exclude countries from the requirement to transmit advance electronic information for 100 percent of mail shipments under the STOP Act of 2018, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “STOP Act 2.0”.

1 **SEC. 2. CRIMINAL PENALTY FOR MAIL FRAUD INVOLVING**
2 **MISREPRESENTATION OF COUNTRY OF ORI-**
3 **GIN.**

4 Section 1341 of title 18, United States Code, is
5 amended—

6 (1) by striking “Whoever” and inserting the fol-
7 lowing:

8 “(a) IN GENERAL.—Whoever”; and

9 (2) by adding at the end the following:

10 “(b) MISREPRESENTATION OF COUNTRY OF ORIGIN
11 OF INTERNATIONAL MAIL SHIPMENTS.—

12 “(1) IN GENERAL.—A person that, in violating
13 subsection (a) or conspiring under section 371 or
14 1349 to violate subsection (a), knowingly misrepres-
15 sents the country of origin of an international mail
16 shipment in information required to be submitted
17 under section 343(a) of the Trade Act of 2002 (19
18 U.S.C. 1415(a)), shall in addition to any other pen-
19 alty for the offense, be fined under this title, impris-
20 oned not more than 5 years, or both.

21 “(2) SEIZURE AND FORFEITURE.—The author-
22 ity of the Department of Homeland Security under
23 subsection (c)(14) of section 592 of the Tariff Act
24 of 1930 (19 U.S.C. 1592) with respect to seizure
25 and forfeiture shall apply with respect to inter-
26 national mail shipments described in paragraph (1)

1 to the same extent that such authority applies with
2 respect to merchandise entered or attempted to be
3 entered in violation of subsection (a) of such section
4 592.”.

5 **SEC. 3. TERMINATION OF AUTHORITY TO EXCLUDE COUN-**
6 **TRIES FROM REQUIREMENT TO TRANSMIT**
7 **ADVANCE ELECTRONIC INFORMATION FOR**
8 **100 PERCENT OF MAIL SHIPMENTS.**

9 Section 343(a)(3)(K)(vi) of the Trade Act of 2002
10 (19 U.S.C. 1415(a)(3)(K)(vi)) is amended by adding at
11 the end the following:

12 “(V) The authority provided by subclause
13 (II) to exclude a country from the requirement
14 described in subclause (I) shall terminate on
15 the date that is 5 years after the date of the
16 enactment of the STOP Act 2.0.”.

17 **SEC. 4. ANNUAL REPORT ON COMPLIANCE WITH ADVANCE**
18 **ELECTRONIC INFORMATION REQUIREMENTS.**

19 Section 8003 of the STOP Act of 2018 (subtitle A
20 of title VIII of Public Law 115–271; 132 Stat. 4077) is
21 amended by striking subsections (c) through (f) and in-
22 serting the following:

23 “(c) ANNUAL REPORT ON COMPLIANCE.—

24 “(1) IN GENERAL.—Not later than one year
25 after the date of the enactment of the STOP Act

1 2.0, and annually thereafter, the Secretary of Home-
2 land Security shall submit to the appropriate con-
3 gressional committees a report on compliance with
4 the requirements of section 343(a) of the Trade Act
5 of 2002 (19 U.S.C. 1415(a)) that includes the fol-
6 lowing:

7 “(A) An update regarding new and exist-
8 ing agreements reached with foreign postal op-
9 erators for the transmission of the information
10 required by paragraph (3)(K) of that section.

11 “(B) A summary of deliberations between
12 the United States Postal Service and foreign
13 postal operators with respect to issues relating
14 to the transmission of that information.

15 “(C) A summary of the progress made in
16 achieving the transmission of that information
17 for the percentage of shipments required by
18 that paragraph, including the results of random
19 checks and information disaggregated by postal
20 and nonpostal data.

21 “(D) An assessment of the quality of that
22 information being received by foreign postal op-
23 erators, as determined by the Secretary, and ac-
24 tions taken to improve the quality of that infor-
25 mation, including estimates of—

1 “(i) the amount of information re-
2 quired by section 343(a) of the Trade Act
3 of 2002 that is missing elements, incom-
4 plete, inaccurate, or apparently false;

5 “(ii) the number of shipments that
6 U.S. Customs and Border Protection re-
7 quested to be searched as a result of infor-
8 mation required by that section;

9 “(iii) how many shipments were actu-
10 ally searched pursuant to such a request;
11 and

12 “(iv) the results of such searches, in-
13 cluding the number of illicit narcotics and
14 counterfeit goods identified during such
15 searches.

16 “(E) A description of the results of ran-
17 domized tests of packages entering the United
18 States to assess the rate of compliance with the
19 requirements of section 343(a) of the Trade Act
20 of 2002—

21 “(i) disaggregated by packages trans-
22 ported by the United States Postal Service
23 and packages transported by private car-
24 riers; and

1 “(ii) that takes into account, as rel-
2 evant, the way that the factors set forth in
3 paragraph (3) of that section may affect
4 any differences identified between packages
5 transported by the United States Postal
6 Service and packages transported by pri-
7 vate carriers.

8 “(F) For each report submitted during the
9 5-year period beginning on the date of the en-
10 actment of the STOP Act 2.0—

11 “(i) a list of the countries that, during
12 the year preceding submission of the re-
13 port, were excluded from the requirement
14 under subclause (I) of section
15 343(a)(3)(K)(vi) of the Trade Act of 2002
16 that advance information be provided for
17 100 percent of international mail ship-
18 ments pursuant to subclause (II) of that
19 section; and

20 “(ii) for any country on the list re-
21 quired by clause (i) that has been excluded
22 from the requirement described in that
23 clause for each of the preceding 3 years—

1 “(I) an identification of the rea-
2 sons why the country remains on the
3 list; and

4 “(II) a description of steps that
5 are being taken to ensure that the
6 country is prepared for the termi-
7 nation of the authority to exclude
8 countries from that requirement ter-
9 minates under subclause (V) of that
10 section (as added by section 3 of the
11 STOP Act 2.0).

12 “(G) A summary of policies established by
13 the Universal Postal Union that may affect the
14 ability of the Postmaster General to obtain the
15 transmission of the information required by sec-
16 tion 343(a) of the Trade Act of 2002.

17 “(H) A summary of the use of technology
18 to detect illicit synthetic opioids and other ille-
19 gal substances in international mail parcels and
20 planned acquisitions and advancements in such
21 technology.

22 “(I) Such other information as the Sec-
23 retary of Homeland Security and the Post-
24 master General consider appropriate with re-
25 spect to obtaining the transmission of informa-

1 tion required by section 343(a)(3)(K) of the
2 Trade Act of 2002.

3 “(2) FORM OF REPORT.—

4 “(A) IN GENERAL.—Each report required
5 by paragraph (1) shall be submitted in unclassi-
6 fied form but may include a classified annex.

7 “(B) PUBLIC AVAILABILITY.—The unclas-
8 sified portion of the report required by para-
9 graph (1) may be made available on a publicly
10 accessible internet website of the United States
11 Postal Service.

12 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES DEFINED.—In this subsection, the term ‘ap-
14 propriate congressional committees’ means—

15 “(A) the Committee on the Judiciary and
16 the Committee on Homeland Security and Gov-
17 ernmental Affairs of the Senate; and

18 “(B) the Committee on the Judiciary and
19 the Committee on Homeland Security of the
20 House of Representatives.”.

21 **SEC. 5. PUBLIC-PRIVATE PARTNERSHIPS.**

22 The Secretary of Homeland Security, the Attorney
23 General, and the Postmaster General may enter into a
24 public-private partnership with private parcel services or
25 other private information technology entities to develop

1 technology and processes for identifying information that
2 could be used to identify the origin of fentanyl, other syn-
3 thetic opioids, and other narcotics and psychoactive sub-
4 stances, and precursors to such substances, including in-
5 formation on the origin of parcels and shipping informa-
6 tion.

7 **SEC. 6. INTERNATIONAL COLLABORATION AND INFORMA-**
8 **TION SHARING.**

9 The Secretary of Homeland Security, in consultation
10 with Secretary of State, may, as appropriate, share with
11 and receive from the governments of foreign countries that
12 are allies of the United States, consistent with existing
13 law (including contractual obligations), information with
14 respect to—

15 (1) shippers with a history of transporting illicit
16 fentanyl, other synthetic opioids, and other narcotics
17 and psychoactive substances, and precursors to such
18 substances; and

19 (2) best practices regarding the detection of
20 such substances, including such substances moving
21 through the mail.

1 **SEC. 7. TRAINING OF U.S. CUSTOMS AND BORDER PROTEC-**
2 **TION OFFICERS WITH RESPECT TO DETECT-**
3 **ING SYNTHETIC OPIOIDS.**

4 The Commissioner of U.S. Customs and Border Pro-
5 tection shall provide to officers of U.S. Customs and Bor-
6 der Protection training in detecting illicit fentanyl, other
7 synthetic opioids, and other narcotics and psychoactive
8 substances, and precursors to such substances, entering
9 the United States, including training with respect to the
10 use of detection equipment and trends in the transpor-
11 tation of such substances.

12 **SEC. 8. EVALUATION OF IMPLEMENTATION OF STOP ACT**
13 **OF 2018.**

14 Not later than one year after the date of the enact-
15 ment of this Act, the Comptroller General of the United
16 States shall submit to Congress a report evaluating the
17 implementation of the provisions of and amendments
18 made by the STOP Act of 2018 (subtitle A of title VIII
19 of Public Law 115–271; 132 Stat. 4073) that includes—

20 (1) identification of potential areas of risk with
21 respect to the entry of illicit fentanyl, other synthetic
22 opioids, and other narcotics and psychoactive sub-
23 stances into the United States by mail, including
24 any gaps that drug traffickers have found in the sys-
25 tem established under the STOP Act of 2018, that
26 takes into account, as relevant, the factors set forth

1 in section 343(a)(3) of the Trade Act of 2002 (19
2 U.S.C. 1415(a)(3));

3 (2)(A) a description—

4 (i) of any significant differences in rates of
5 compliance with that section between packages
6 transported by the United States Postal Service
7 and packages transported by private carriers;
8 and

9 (ii) that takes into account, as relevant,
10 the way that the factors set forth in paragraph
11 (3) of that section may affect any such dif-
12 ferences; and

13 (B) an analysis of how, if at all, those dif-
14 ferences may contribute to the risks identified in
15 paragraph (1); and

16 (3) an assessment of—

17 (A) the use of the authority provided under
18 subclause (II) of section 343(a)(3)(K)(vi) of the
19 Trade Act of 2002 (19 U.S.C.
20 1415(a)(3)(K)(vi)) to exclude countries from
21 the requirement under subclause (I) of that sec-
22 tion that advance information be provided for
23 100 percent of international mail shipments;
24 and

1 (B) whether the use of that authority
2 should be decreased during the period before
3 that authority terminates under subclause (V)
4 of that section (as added by section 3).

5 **SEC. 9. SEVERABILITY.**

6 If any provision of or amendment made by this Act,
7 or the application of such provision or amendment to any
8 person or circumstance, is held to be unconstitutional, the
9 remainder of the provisions of and amendments made by
10 this Act, and the application of such provisions and
11 amendments to any person or circumstance, shall not be
12 affected.

○