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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

VIA ELECTRONIC TRANSMISSION

December 17, 2020

Mr. Steve Francis
Assistant Director, HSI Global Trade Investigation Division
Director, National Intellectual Property Rights Coordination Center
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
2451 Crystal Dr. STOP 5105
Arlington, VA 20598

Dear Mr. Francis:

We write you today to express our support for your continued work to protect the American people. Over the last twelve months, your agency has led the effort to combat criminal activity during this pandemic, including preventing fraud related to unemployment benefits and Payment Protection Plan loans, counterfeits, and intellectual property theft. Your efforts have undoubtedly increased public safety during this difficult time.

In April U.S. Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) launched *Operation Stolen Promise*. This operation is an impressive collaboration of federal agencies, business leaders, industry representatives, and international law enforcement partnerships. We are grateful for the quick and decisive actions HSI has taken to address the new challenges to public health and safety created by this pandemic. As of November 27, 2020, *Operation Stole Promise*'s efforts have led to 187 criminal arrests, 1,653 seizures of prohibited COVID-19 items, such as counterfeit test kits, counterfeit masks, and banned pharmaceuticals. Additionally, *Operation Stolen Promise* resulted in \$ 27.8 million in illicit proceeds seized, \$18.8 million in disrupted fraudulent transactions, and \$21.6 million in Cares Act fraud seizures.

We understand HSI recently launched *Operation Stolen Promise 2.0*, which will concentrate specifically on preventing production, sales, and distribution of counterfeit or unauthorized COVID-19 treatments and vaccines. The threat of counterfeit vaccines to the American public cannot be understated and we are pleased to see you have placed such a high priority on addressing this threat.

As *Operation Stolen Promise 2.0* progresses, you must take any and all necessary actions to stop the spread of misinformation about counterfeit vaccines and to stop the sale of such fake vaccines in the United States. You also must regularly track new trends in counterfeit COVID-19 products, whether they be threats, disruptions, or potential threats. It is important that we look back on the challenges of this year to learn how to better prevent the same threats to public safety in the future.

Accordingly, to better understand the types of fraud, counterfeit sales, intellectual property theft, and other criminal activity related to the COVID-19 pandemic, we ask that you provide Congress with a report outlining trends that you have identified up to this point with both phases of *Operation Stolen Promise*. In the report we would also like you to identify what specific actions you are taking now and what potential changes you will make should we face a similar challenge in the future during vaccine distributions. Please provide the report within 180 days from December 17, 2020.

Sincerely,



Thom Tillis
U.S. Senator



Chuck Grassley
U.S. Senator



Joni K. Ernst
U.S. Senator



Christopher A. Coons
U.S. Senator