

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
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<https://oversight.house.gov>

October 7, 2020

Mr. Daniel Yong Zhang
Chairman and Chief Executive Officer
Alibaba Group
U.S. Office
400 South El Camino Real, Suite 400
San Mateo, California 94402

Dear Mr. Zhang:

The purpose of this letter is to request information about what your company is doing to prevent the unlawful importation of plant and animal products into the United States from abroad.

This summer it was widely reported by the media that Americans in every single State received unsolicited packets of seeds mailed to them from China.¹ These seed packets were sent to hundreds² of recipients entirely unsolicited and appear to have been imported into the United States in violation of various customs laws preventing importation of mislabeled or prohibited agricultural products.

In addition to the U.S. Department of Agriculture (USDA),³ multiple State agencies have warned that these seed packets could present a threat to the local environment.⁴ Of particular concern is whether these seeds contain invasive species of plants, insects, or microbes that are designed to harm U.S. agriculture, the environment, or our economy.

Many of these seed shipments were sent as a scheme to create false online product reviews, but the overall import of seeds into the United States creates a risk to the local

¹ *Mystery seeds from China are landing in Americans' mailboxes* (Jul. 29, 2020) CBS NEWS, available at <https://www.cbsnews.com/news/china-seeds-americans-mail-unsolicited/>.

² Newman, Jesse, *Americans Receive Mystery Seeds in the Mail, Mostly from China* (Jul. 28, 2020) THE WALL STREET JOURNAL, available at <https://www.wsj.com/articles/agriculture-department-states-investigate-foreign-seed-packages-11595901682>.

³ *USDA Investigates Packages of Unsolicited Seeds from China* (Jul. 28, 2020), U.S. Dep't. of Agriculture, Animal and Plant Health Inspection Service, available at https://www.aphis.usda.gov/aphis/newsroom/stakeholder-info/sa_by_date/sa-2020/sa-07/seeds-china.

⁴ Griffith, Janelle, *28 States issue warnings about residents receiving unsolicited seed packets from China* (Jul. 28, 2020) NBC NEWS, available at <https://www.nbcnews.com/news/us-news/27-states-issue-warnings-about-residents-receiving-unsolicited-seed-packets-n1235094>.

environment. In fact, sellers from abroad have been violating U.S. Customs laws for years by illegally importing seeds and plant materials.

Amazon Services, in concert with the USDA, recently announced that it would no longer allow the import of plant or seed products into the United States or the listing or sale of plant or seed products by non-U.S. residents.⁵ This is a commonsense policy that will benefit their customers and the American people, and shows a commitment to prevent the unlawful entry of prohibited seeds and plant material to protect American agriculture. Taking action to prohibit the use of the Amazon Seller's platform by non-U.S. residents to import seeds or plant material into the United States is an essential step to reducing the risk of unsolicited seed shipments being imported into the United States.

A basic search demonstrates that your company hosts sellers who may sell seeds or plant products that are imported into the United States from abroad. In fact, a recent search on your platform for "seeds" yielded thousands of results, many of which appear to be from foreign sellers.⁶

To assist the Republicans on the Committee in this investigation, please provide information sufficient to answer the following questions by October 14, 2020:

1. What is your company's policy with respect to whether non-U.S. resident sellers are permitted to import seeds or other plant materials into the United States using your platform?
2. Does your company plan to restrict the ability of non-U.S. resident sellers to import seeds or other plant materials into the United States using your platform?
3. What policies does your company have in place to ensure that importation of any seeds or plant materials purchased through your platform comply with applicable U.S. Customs laws?
4. What, if any, consequences or enforcement mechanisms does your company employ to ensure sellers using your platform to knowingly participate in "brushing" schemes (where unsolicited merchandise is shipped to unwitting customers to generate fraudulent product reviews) are identified and sanctioned?
5. What consequences do sellers face on your platform for intentionally violating U.S. customs laws as it relates to importation of seeds or other plant material?

To schedule a briefing or document delivery, or to ask any follow-up or related questions, please contact Committee on Oversight and Reform staff at (202) 225-5074.

⁵ Email from Amazon Services to Sellers (Sept. 2, 2020).

⁶ Aliexpress.com, Search for "seeds", conducted on September 29, 2020; Alibaba.com, Search for "seeds", conducted on September 29, 2020.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, slightly slanted style.

James Comer
Ranking Member
Committee on Oversight and Reform

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform