



December 7, 2023

The Honorable Mike Johnson  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Charles Schumer  
Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Hakeem Jefferies  
Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, D.C. 20510

Dear Speaker Johnson, Majority Leader Schumer, Minority Leader Jefferies & Minority Leader McConnell:

We are writing as a coalition of associations fighting the growing and deadly problem of narcotic poisonings in the United States. Our coalition represents both the families of victims of illicit drugs and associations advocating on behalf of domestic law enforcement officers. We have united to ask you, as Congressional leaders, to immediately advance legislation to close the de minimis provision in U.S. trade law that is helping to fuel the current drug crisis devastating American families and communities and exhausting the resources of U.S. law enforcement. Closing the de minimis provision by decoupling all e-commerce transactions for qualifying for de minimis treatment is the only way to comprehensively address these issues.

Section 321 of the Tariff Act of 1930, known commonly as “de minimis,” allows individual packages shipped directly to American consumers with virtually no inspection or documentation and free of duty if the contents are valued beneath the de minimis threshold of \$800. Along with the rise of e-commerce and mass distribution shippers, this provision has exploded in popularity creating a supercharged black-market for counterfeit products, goods produced with slave labor, hazardous materials, and illicit drugs. Considering the fact that U.S. law enforcement resources are already being exhausted to combat this critical threat, coupled with the devastating impact fentanyl is having to families across the United States, we must immediately close this backdoor that is facilitating small packages of virtually uninspected boxes containing illicit drugs to our doorsteps.<sup>i</sup>

In a September 2023, U.S. Customs & Border Protection (CBP) Acting Commissioner Troy Miller stated that, e-commerce has caused the volume of de minimis shipments to “skyrocket,” with CBP tracking nearly 1 billion Section 321 shipments crossing our borders each year.<sup>ii</sup> Miller added that, “screening these shipments and ferreting out contraband is incredibly challenging.”<sup>iii</sup> In short, as long as this provision exists, CBP officials have virtually no means of stopping the importation of illicit drugs, such as fentanyl, and other dangerous substances that are imported under the de minimis provision. From a law enforcement perspective, nearly 3 million de minimis shipments entering the U.S. each day,<sup>iv</sup> 60% of which are coming from China,<sup>v</sup> this gaping loophole is straining our enforcement capabilities and already thin resources to a point where we cannot credibly address the deadly fentanyl crisis.

It is clear that the Section 321 de minimis trade provision is a major driver for the atmospheric influx of illegal drugs, such as fentanyl and methamphetamine, into our country.<sup>vi</sup> The impact on our citizens and communities is

severe. CDC data notes that over 1 million Americans have died from drug-related poisonings since 1999.<sup>vii</sup> Fentanyl-related poisonings alone accounted for a devastating two-thirds of the 106,699 total drug-related deaths that occurred in 2021, based on NIH data.<sup>viii</sup>

Due to the magnitude of this problem and the devastating impact it is having on American families and communities, we are requesting that Congress take immediate legislative action to address this dangerous provision. We also urge the Administration to take the immediate steps under existing authorities to decouple de minimis shipments from e-commerce given as a black-market entry point for these deadly drugs.

Specifically, we request that e-commerce transactions be delinked from Section 321 privileges since that is the vehicle used to facilitate these deadly packages. For the sake of protecting Americans from unwittingly being exposed to these harmful substances and aiding the law enforcement officers who work tirelessly to protect them, we urge Congress to work with the Administration to reform this trade provision that is so substantially contributing to the current fentanyl crisis. Doing so is the only comprehensive solution to curb the illegal trade facilitated by de minimis.

Our coalition is ready and willing to work with your staff to ensure the closure of this highly exploited and deadly loophole in our current trade enforcement structure. We appreciate your consideration of this request and trust that Congress will take the urgently needed action to ensure the safety and future of our citizens.

Sincerely,

Coalition for a Prosperous America, CPA

Families Against Fentanyl, FAF

Kelsie's Cause

Lost Voices of Fentanyl

National Association of Police Organizations, NAPO

National Sheriffs' Association

Shatterproof

Voices for Awareness/Facing Fentanyl

---

<sup>i</sup> *Fentanyl Flow into the United States*, DEA, January 2020: [https://www.dea.gov/sites/default/files/2020-03/DEA\\_GOV\\_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States\\_0.pdf](https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf)

<sup>ii</sup> *Commercial Customs Operations Advisory Committee (COAC) Government Issue Paper: E-Commerce*, U.S. CBP, June 2022: [https://www.cbp.gov/sites/default/files/assets/documents/2022-Jun/NGF-eCommerce%20IP\\_Externalpost%20\\_0.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2022-Jun/NGF-eCommerce%20IP_Externalpost%20_0.pdf)

<sup>iii</sup> *CBP Trade Advisory Committee Convenes for Fiscal Year-End Public Meeting*, U.S. CBP, September 2023:

<https://www.cbp.gov/newsroom/spotlights/cbp-trade-advisory-committee-convenes-fiscal-year-end-public-meeting>

<sup>iv</sup> *Focus: Key trade loophole keeps cheap Chinese products flowing to US*, Reuters, August 2023: <https://www.reuters.com/business/retail-consumer/key-trade-loophole-keeps-cheap-chinese-products-flowing-us-2023-08-04/>

<sup>v</sup> *Packages from China are surging into the United States. Some say \$800 duty-free limit was a mistake*, AP News, June 2023:

<https://apnews.com/article/congress-china-duty-free-packages-trade-imports-b288d61dd3030db3c07567b68d86c536>

<sup>vi</sup> *DRUG TRAFFICKING*, United States Sentencing Commission, 2022: <https://www.ussc.gov/research/quick-facts/drug-trafficking>

<sup>vii</sup> *Drug Overdose Deaths*, CDC, August 2023: <https://www.cdc.gov/drugoverdose/deaths/index.html>

<sup>viii</sup> *Drug Overdose Death Rates*, NIH, June 2023: <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>