



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

U. S. HOUSE OF REPRESENTATIVES COMMITTEE ON WAYS AND MEANS *Subcommittee on Trade*

**Statement of Andrea Edmiston on behalf of the
National Association of Police Organizations**
317 S. Patrick Street, Alexandria, Virginia 22314

Democratic Roundtable on Section 321 of the Tariff Act of 1930, “De Minimis”

December 13, 2023

Ranking Member Blumenauer and distinguished members of the Subcommittee, my name is Andrea Edmiston, and I am submitting this statement today on behalf of the National Association of Police Organizations (NAPO), representing over 241,000 sworn law enforcement officers throughout the United States. NAPO is a coalition of over 1,000 police unions and associations from across the nation, which was organized for the purpose of advancing the interests of America’s law enforcement officers through legislative advocacy, political action, and education.

I speak today on the devastating impact the spread of fentanyl is having on our communities and the role Section 321 of the Tariff Act of 1930, commonly referred to as “de minimis”, plays in facilitating the importation of millions of pounds of fentanyl and other illicit drugs to the U.S. market.

The de minimis loophole in U.S. trade law 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. U.S. Customs and Border Protection (CBP) is on track to receive over 1 billion de minimis shipments in fiscal year 2023. Unlike Formal and Informal Entry, De Minimis shipments are released into the country without having to file an Entry Summary (CBP Form 7501), which is the key document for CBP to administer the over 500 laws it is responsible for enforcing.

With the rise of e-commerce and mass distribution shippers, the de minimis provision has exploded in popularity creating a supercharged black-market for counterfeit products, goods produced with slave labor, hazardous materials, and illicit drugs, including fentanyl. Fentanyl is a highly addictive synthetic opioid that is fifty times more potent than heroin and one hundred times more potent than morphine. Two milligrams of fentanyl, just enough to fit on the tip of a pencil, is considered a potentially lethal dose.

Over 150 people die every day from overdoses related to synthetic opioids like fentanyl according to the Centers for Disease Control and Prevention (CDC). Since 1999, drug overdoses have killed approximately 1 million Americans.¹ Fentanyl is being mixed with already deadly illicit drugs, hidden in counterfeit drugs, and being peddled at alarmingly high rates.

We are battling the trafficking of illegal narcotics on multiple fronts, from our southern border to Asian supply chains selling via e-commerce and shipping drugs like fentanyl in small packages by air cargo and the international mail system. The de minimis loophole is severely exacerbating the opioid crisis and

contributing to deaths in our country by allowing fentanyl and other illegal opioids to enter our market duty free and largely uninspected.

Fentanyl traffickers seek to mimic normal e-commerce shipments to avoid detection by CBP. Fentanyl traffickers often declare their international shipments as relatively low-value consumer goods and send them to mail centers or other addresses not associated with the criminal organization.ⁱⁱ

Henry Konah Koffie of Pennsylvania was found guilty on two counts of distribution of a controlled substance resulting in death, one count of distribution of a controlled substance resulting in serious bodily injury, and five counts of distribution of a controlled substance. Koffie was a prolific fentanyl vendor operating under the moniker “NARCOBOSS” on the Darknet. He had packages of fentanyl originating from Hong Kong and China shipped to him and addresses belonging to his family members using international mail and express consignment carriers, coming through the de minimis loophole.ⁱⁱⁱ

This is just one example of a dealer who has been caught, but due to the de minimis loophole, many more dealers and manufacturers of fentanyl get away with it. We do not have the data on the actual number of packages coming across the border through de minimis that are trafficking fentanyl other than what is seized by law enforcement.

The de minimis provision is an outdated provision that has become a dangerous gateway that allows millions of direct mail shipments of illicit narcotics from anywhere in the world to enter the U.S. market virtually uninspected, destroying families and entire communities and overwhelming law enforcement agencies, like those that we represent.

We ask the Subcommittee to consider these key facts:

- In Fiscal Year 2023, the U.S. received more than 1 billion individual packages claiming de minimis preferences, an increase of nearly 700 percent from the 150 million packages that entered via de minimis in 2016.
- CBP’s fentanyl seizures have risen more than 800 percent since fiscal year 2019, many of them made in the de minimis environment, and as of September 2023, CBP has seized over 26,000 pounds of fentanyl.^{iv}
- In 2022, the Drug Enforcement Administration (DEA) seized more than 59.6 million fentanyl-laced fake pills and more than 13,000 pounds of fentanyl powder. The 2022 seizures are equivalent to more than 395 million lethal doses of fentanyl. The 2023 fentanyl seizures represent over 332.6 million deadly doses.^v
- In written testimony for a Senate Committee on Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations hearing titled “Combatting the Opioid Crisis: Exploiting Vulnerabilities in International Mail Security” in January 2018, the Deputy Assistant Director of the ICE Homeland Security Investigations Office of Illicit Trade, Travel, and Finance Greg Nevano stated, “[t]he majority of illicit fentanyl in the international mail and the express consignment carrier (ECC) environments is shipped in concentrations of over 90 percent, whereas the majority of fentanyl in the land border environment is seized in concentrations of less than 10 percent.”^{vi}

As the facts above show, fentanyl trafficking and seizures are on the rise, fueled by a tsunami of e-commerce purchases, which have resulted in nearly 3 million shipments a day entering the U.S. market through the de minimis provision in U.S. trade law.

NAPO has long fought for resources to support law enforcement's efforts to combat fentanyl, its analogues, and similar opioids. Eliminating de minimis e-commerce shipments will help staunch the surge of illicit narcotics that are exploiting this loophole to wreak havoc across the country, and ease the burden on our law enforcement resources, which are stretched thin among a multitude of priority areas. We cannot take action only after this deadly drug enters our country; we must fight it before it is shipped into our markets from China and other countries.

If we can stop even a fraction of the amount of fentanyl and its analogues pouring over our borders by closing the de minimis loophole for e-commerce packages, we would save thousands of lives. NAPO is joined by a growing coalition of law enforcement organizations, including the National Sheriffs Association, who are equally concerned about the de minimis loophole and its impact on fentanyl trafficking and calling for immediate action by the Administration and Congress.

The Administration has the authorities to close the loophole and we are urging them to do so immediately. We are also urging Congress to close this loophole in statute and remove all e-commerce shipments from de minimis treatment to help protect the health and safety of the American people.

On behalf of NAPO, we appreciate your attention to this important issue, and we are prepared to work with you to ensure much-needed reforms are made to resolve this massive and growing problem that is literally endangering and killing our citizens.

ⁱ CDC, Fentanyl Facts:

<https://www.cdc.gov/stopoverdose/fentanyl/index.html#:~:text=Fentanyl%20is%20a%20synthetic%20opioid,nonfatal%20overdoses%20in%20the%20U.S.>

ⁱⁱ (State Department, p.4)

ⁱⁱⁱ See U.S. Immigration and Customs Enforcement, Homeland Securing Investigations Press Release: [Alleged Philadelphia fentanyl distributor arraigned on federal drug trafficking charges](#), July 12, 2017.

^{iv} See: [Drug Seizure Statistics | U.S. Customs and Border Protection \(cbp.gov\)](#)

^v <https://www.dea.gov/>

^{vi} ([Homeland Security DHS](#))