



November 29, 2023

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden:

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 urge you, as President, to take immediate action 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.

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.ⁱ

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.ⁱⁱ Miller added that, “screening these shipments and ferreting out contraband is incredibly challenging.”ⁱⁱⁱ 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,^{iv} 60% of which are coming from China,^v 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.^{vi} 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.^{vii} 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.^{viii}

Due to the magnitude of this problem and the devastating impact it is having on American families and communities, we are requesting that your Administration take the immediate steps necessary to block the continued use of Section 321 as a black-market entry point for these deadly drugs. Specifically, we request that you delink e-commerce transactions 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 you to reform this trade provision that is so substantially contributing to the current fentanyl crisis.

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 you will take the urgent needed action to ensure the safety and future of our citizens.

Sincerely,

Coalition for a Prosperous America, CPA

Kelsie's Cause

Lost Voices of Fentanyl

National Association of Police Organizations, NAPO

National Sheriffs' Association

Shatterproof

ⁱ *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

ⁱⁱ *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

ⁱⁱⁱ *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>

^{iv} *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/>

^v *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>

^{vi} DRUG TRAFFICKING, United States Sentencing Commission, 2022: <https://www.usssc.gov/research/quick-facts/drug-trafficking>

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

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