



May 13, 2024

The Honorable Jason Smith  
Chairman  
Committee on Ways and Means  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Richard Neal  
Ranking Member  
Committee on Ways and Means  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Smith and Ranking Member Neal:

Thank you for the Committee’s recent mark-up and hearing discussion on *de minimis*. We are writing as members of the Coalition to Close the De Minimis Loophole, representing diverse American voices and millions of people committed to fix the *de minimis* crisis—from the families of victims of fentanyl fatalities, law enforcement, drug prevention organizations and nonprofit and nonpartisan organizations, including labor unions, manufacturers, business associations and consumer safety advocacy organizations.

As members of the coalition, we are writing to provide additional information and share our firsthand experience with China’s exploitation of our *de minimis* tariff exemption to silently flood the United States with fentanyl, fentanyl precursors, pill presses, and other illicit goods. We hope that this additional information will assist the Committee in enacting a more comprehensive solution as this legislation moves forward this Congress. We are eager to be a resource to the Committee on this critical issue.

The *de minimis* loophole is facilitating a free flow of illegal and dangerous products—including deadly fentanyl poison—responsible for killing tens of thousands of Americans each year including our spouses, partners, children, and other precious family members and friends.

Especially as the volume of *de minimis* packages has exploded, totally overwhelming what already was minimal government inspection, those who seek to smuggle contraband across borders without detection have become increasingly interested in using *de minimis* to gain entry into the United States for their deadly wares. We are compelled to underscore that today *de*

*de minimis* serves as a major artery for the flow of fentanyl and other illicit and harmful products into our country.

Given the fentanyl epidemic's devastating impact on families and communities, it is imperative that the Committee accurately and fully diagnose the *de minimis* loophole's relationship to the flood of fentanyl entering our country. Recently, Customs and Border Protection (CBP) Acting Commissioner Troy Miller said: "The small package environment skyrocketed in fiscal year 2023... with over one billion packages claiming *de minimis* preferences in the United States. Currently, CBP processes approximately 4 million *de minimis* shipments per day, up from 2.8 million this time last year. This poses significant challenges for all of us as bad actors exploit this explosion in volume to traffic illicit goods."

Nearly three million *de minimis* shipments entered the United States every day in FY2023, a figure that has already increased more than 30 percent to date in FY2024. Predictably, this avalanche of daily parcels has overwhelmed the current screening and security suite deployed by CBP. Officials from the agency have acknowledged that this situation is untenable, as CBP's ability to "identify and interdict high-risk shipments that may contain narcotics, merchandise that poses a risk to public safety, counterfeits, or other contraband" is limited in part by the "overwhelming volume of small packages" shipped using *de minimis*. This admitted inability to inspect even the riskiest shipments among the daily flood of millions of *de minimis* packages means that the U.S. government does not have reliable data on what is in these shipments, much less how many packages include fentanyl.

But there is one stark measure of this specific risk: numerous families who have lost a loved-one to fentanyl have the *de minimis* package in which the poison arrived on the decedent's doorstep. According to the U.S. Centers for Disease Control and Prevention, synthetic opioids—primarily illicit fentanyl—remain the largest cause of overdose deaths in the United States. Fentanyl kills on average over 200 Americans daily, which is the equivalent of a packed Boeing 737 crashing every single day. Fentanyl is the leading cause of death for Americans aged 18-45 and a leading cause in the unprecedented drop in American life expectancy during recent past years.

Despite the impact of fentanyl on our communities and CBP's public acknowledgements that the magnitude of harm caused by *de minimis* shipments is not fully realized due to their insufficient screening and interdiction instruments, CBP has, at times, expressed an underappreciated handle of the relevance and scope of fentanyl entering our communities through *de minimis* shipments.

Notwithstanding the implementation of two data pilot programs established to bolster the government's understanding of the harm caused by *de minimis* shipments, there is a clear gap in both data and interdiction efforts. For example, a CBP official recently acknowledged that a "common pathway for fentanyl, precursor chemicals, and pill presses to get into the hands of

criminals is through small package shipments.” That same official acknowledged that fentanyl has contributed to more than 100,000 overdose deaths over the last two years alone.

Unfortunately, this important information was not shared during the Committee’s April 17 markup, and indeed some Committee members claimed that almost all fentanyl enters our country through the southern border and not the international mail/express delivery *de minimis* environment. The undersigned organizations seek to correct any inaccurate impressions that such claims may have left with the Committee and its members that the available government data shows many more fentanyl interdictions at the border is an illustration of CBP’s insufficient screening efforts of *de minimis* shipments, not evidence that the deadly drug is not entering in volume via this loophole. It is effectively impossible to inspect the 4 million *de minimis* packages arriving at our ports each day even if funding was made available for the needed addition of more inspectors at express delivery facilities and international mail venues. That is why any meaningful fix of the loophole must result in significantly reducing the volume of packages.

Fentanyl and precursors are entering the U.S. through the international mail and expedited via purposely negligible *de minimis* entry and screening procedures. This is not theoretical, nor is it a limited problem. In fact, comprehensive evidence regarding the widespread and large-scale nature of China’s fentanyl production and international trafficking was detailed by the House Select Committee on the CCP the same week as Ways and Means marked up its *de minimis* legislation. The Select Committee provided evidence that fentanyl is readily available from Chinese online platforms and that its delivery is facilitated by the lack of oversight in the *de minimis* environment. Citing law enforcement testimony that cartels are using our lax *de minimis* enforcement given the astonishing number of packages flooding to the United States daily, the Committee concluded “the current form of the *de minimis* exception makes the United States the most vulnerable nation in North America to this form of drug trafficking.”

We acknowledge that the southern U.S. border is a major crossing point for drug contraband, including fentanyl. However, our country’s mission of keeping out fentanyl and other illicit drugs will fail with deadly repercussions if our focus on stopping drugs at our southern border is not matched by stopping drugs entering via other ports of entry. And the port of entry that is essentially wide open to fentanyl and other dangerous goods is express entry via a tsunami of *de minimis* packages arriving via a system designed to accelerate the shipment of goods and bypass scrutiny. We can and must address both problems with urgency and comprehensive solutions. If our goal is to save lives, comprehensive reform that completely shuts down *de minimis* is necessary to significantly reduce the volume of packages utilizing this outdated and dangerous provision.

As Congress works to develop comprehensive and lasting legislative solutions to close the *de minimis* loophole and the dangers it poses to our nation, it is imperative that policymakers fully

understand that perhaps most deadly among those threats is the flow of fentanyl to our very doorsteps nationwide. We stand ready to help educate you and your members on the scope and impact of fentanyl in the *de minimis* environment, and to partner with you on developing and implementing comprehensive solutions to this crisis.

Sincerely,

[Coalition for a Prosperous America](#)  
[Facing Fentanyl](#)  
[Families Against Fentanyl](#)  
[Fentanyl Victims Network of North Carolina](#)  
[Kelsie's Cause](#)  
[Lost Voices of Fentanyl](#)  
[National Association of Police Organizations](#)  
[National Crime Prevention Council](#)  
[National Sheriffs' Association](#)  
[Shatterproof](#)  
[Voices for Awareness](#)  
[Victims of Illicit Drugs \(VOID\)](#)