



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

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EXECUTIVE OFFICERS

November 9, 2023

MICHAEL McHALE

President
*Florida Police Benevolent
Association*

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

JOHN A. FLYNN

Vice President
*Police Benevolent
Association of New York City*

Dear President Biden:

CRAIG LALLY

Recording Secretary
*Los Angeles Police
Protective League*

On behalf of the National Association of Police Organizations (NAPO), representing over 241,000 sworn law enforcement officers across the United States, I am writing to request that your administration use current regulatory authority to immediately close a loophole in U.S. trade law, known as Section 321 de minimis, that is facilitating the importation of millions of pounds of fentanyl and other illicit drugs to the U.S. market.

SCOTT HOVSEPIAN

Treasurer
*Massachusetts Coalition
of Police*

The spread of fentanyl in our communities is devastating. Over 150 people die every day from overdoses related to synthetic opioids like fentanyl per CDC data. Since 1999, drug overdoses have killed approximately 1 million Americans.ⁱ This deadly poison is being mixed with already deadly illicit drugs, hidden in counterfeit drugs, and being peddled at alarmingly high rates. NAPO has long fought for resources to support law enforcement's efforts to combat fentanyl, its analogues, and similar opioids.

KEITH CURRY

Sergeant-at-Arms
*New Jersey State Policemen's
Benevolent Association*

SCOTT LEETON

Executive Secretary
*Combined Law Enforcement
Associations of Texas*

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.

JAMES PALMER

Parliamentarian
*Wisconsin Professional Police
Association*

WILLIAM J. JOHNSON, CAE

Executive Director and
General Counsel

The Section 321 de minimis provision, which was first established under the Tariff Act of 1930, has failed to keep up with the modern marketplace and the explosion of e-commerce shipments of individually packaged goods from around the globe that are sent directly to American consumers. It 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.

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.

- U.S. Customs and Border Protection's (CBP) 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.ⁱⁱ
- In 2022, 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.ⁱⁱⁱ
- 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.^{iv}
- "The 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."^v

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.

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 drug enters our country; we must fight it before it is shipped into our markets from China and other countries.

I urge you to take all immediate necessary action under your executive authority to help protect the health and safety of the American people. I appreciate your attention to this important request and am prepared to work with your staff and with relevant federal agencies to ensure much-needed reforms are made to resolve this massive and growing problem that is literally endangering and killing our citizens.

Sincerely,



William J. Johnson, Esq.
Executive Director

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

ⁱⁱⁱ <https://www.dea.gov/>

^{iv} (State Department, p.4)

^v ([Homeland Security DHS](#))