



January 13, 2025

Dear President-Elect Donald Trump:

As organizations focused on drug prevention, law enforcement and supporting families of the victims of fentanyl fatalities, we urge you to please use the expansive executive authority granted to a president by Congress in the Trade Act of 1930 to close the *de minimis* trade loophole. The *de minimis* loophole is flooding the United States with fentanyl, fentanyl precursors, pill presses and other illicit goods from China and other countries because it allows billions of dollars in imports to skirt normal Customs information and inspection requirements — as well as evade U.S. tariffs and taxes.

Your administration recognized that *de minimis* was a major problem before you left office four years ago. Since then, the number of packages that enter the United States under the *de minimis* trade loophole has more than doubled to more than four million *each day*. This fall, the Biden administration belatedly announced, but has not yet moved, a proposal to exclude imports subject to Sections 301, 232 and 201 trade sanctions from entering the United States using the *de minimis* loophole. In 2020, your administration also suggested this sort of targeted approach. However, given the exponential abuse of the *de minimis* loophole, it is clear today that such a narrow approach will not keep out the growing flood of fentanyl-laced pills, cartel-fueling fentanyl precursor chemicals or other illicit goods. Because it would only cover a subset of imports from China, this approach would hardly make a dent in the daily flood of daily *de minimis* packages that now totally overwhelm government inspectors.

We know one of your top commitments is to end the flow of this deadly poison into the United States. We could not agree more and want to work with you. We know you are considering penalty tariffs to hold countries accountable for this illicit trade, as well as other new tariffs. Yet as we saw after your 2018 tariffs on China, importers seeking to evade accountability respond to every new tariff by reorganizing more and more of their imports to enter the United States

through the *de minimis* loophole. Absent your using your authority now to close this *de minimis* backdoor into the United States that evades tariffs and inspection, more deadly fentanyl and precursor chemicals will come in via this backdoor to skirt potential tariffs.

While we will continue to urge immediate congressional action, time is of essence as the flood of these products have exponentially risen and it's a wildfire out of control. **We urge you to please use your authority to shut down *de minimis* for commercial packages entirely — the only approach to quickly and comprehensively close this outdated and dangerous loophole and the fentanyl crisis it has facilitated.**

Countries worldwide are ending their *de minimis* programs. The Mexican President Claudia Sheinbaum recently took executive action to limit tariff free *de minimis* imports into the Mexican market. In Europe they tried various targeted exclusions and half measures to counter the flood of dangerous imports and mass tariff evasion. Based on the failure of those experiments, last year the European Commission decided to end *de minimis* altogether. We are counting on your administration to be at least as strong as the Europeans in standing up to drug smugglers and trade cheats in order to protect the American people.

The only way to sever this major artery for the flow of fentanyl and other illicit and harmful products into our country is to end the entire notion that by breaking up shipments into smaller-valued packages, an importer can dodge inspection, tariffs and taxes.

The relationship between *de minimis* loophole and the flood of fentanyl entering our country has been accurately and fully diagnosed by those trying to end the fentanyl epidemic's devastating impact on families and communities. Last year, Customs and Border Protection (CBP) 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."

It is effectively impossible to inspect the millions of *de minimis* packages arriving in the U.S. each day, even if funding was made available for the needed addition of more inspectors at express delivery facilities, air cargo depots and international mail venues. That is why any meaningful fix of the loophole must significantly reduce the volume of packages, which requires returning *de minimis* to its original intended use as a means for U.S. travelers returning home to

bring back low-value souvenirs and receive low-value gifts from overseas without having to deal with Customs forms and tariffs.

Given closing down all avenues for fentanyl to enter our nation is literally a matter of life and death, we respectfully urge you to make closing the *de minimis* loophole part of your first 100 days agenda.

We look forward to being a resource for you and your administration on this issue.

Sincerely,

Achieve Greatness

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

United Against Fentanyl

Victims of Illicit Drugs (VOID)

Voices for Awareness