



Commonwealth of Kentucky
Office of the Attorney General

Daniel Cameron
Attorney General

Capitol Building, Suite 118
700 Capital Avenue
Frankfort, Kentucky 40601
(502) 696-5300
Fax: (502) 564-2894

July 31, 2023

Secretary of State Antony Blinken
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Blinken:

The U.S. Department of State represents America to the world. You serve as the President's principal adviser on foreign policy, and your State Department leverages international agreements, negotiations, and relationships on behalf of the United States.¹ You are therefore uniquely empowered to advance our nation's interests on the world stage. This includes protecting Americans from illicit fentanyl foisted upon them by foreign actors. I have grave concerns about how the State Department is addressing the illicit fentanyl crisis.

Fentanyl is the primary cause of overdose deaths in the United States, contributing to nearly 73% of overdose deaths in Kentucky² and around 67% nationwide.³ The potency of fentanyl cannot be overstated.⁴ It is 50 times more powerful than heroin and 50 to 100 times more potent than morphine.⁵ Fentanyl is strong and cheap to

¹ *Duties of the Secretary of State*, U.S. Dep't. of State, <https://www.state.gov/duties-of-the-secretary-of-state/> (last visited May 1, 2023).

² *2021 Overdose Fatality Report*, Ky. Office of Drug Control Policy, p. 1 (May 3, 2022), available at [https://odcp.ky.gov/Reports/2021%20Overdose%20Fatality%20Report%20\(final\).pdf](https://odcp.ky.gov/Reports/2021%20Overdose%20Fatality%20Report%20(final).pdf).

³ *Synthetic Opioid Overdose Data*, Centers for Disease Control and Prevention (last updated June 6, 2022), <https://www.cdc.gov/drugoverdose/deaths/synthetic/index.html>.

⁴ *Fentanyl Facts*, Centers for Disease Control and Prevention (last updated Feb. 23, 2022), <https://www.cdc.gov/stopoverdose/fentanyl/index.html>.

⁵ *Department of Justice Announces results of Enforcement Surge to Reduce the Fentanyl Supply Across the United States*, Department of Justice (Sept. 27, 2022), <https://www.justice.gov/opa/pr/departement-justice-announces-results-enforcement-surge-reduce-fentanyl-supply-across-united>; *Fentanyl Drug Facts*, Nat'l Inst. on Drug Abuse (June, 2021), <https://nida.nih.gov/publications/drugfacts/fentanyl>.

produce and is a popular ingredient to mix with other illicit drugs, rendering them more powerful and less expensive.⁶

Most fentanyl is not made in the United States. China and Mexican cartels work in tandem to target and poison the American people. China has facilitated the fentanyl problem in two ways: shipping fentanyl directly to America and supplying Mexican drug cartels with the ingredients—known as precursor chemicals—to make fentanyl.⁷

China has historically shipped fentanyl to the United States through international mail.⁸ The fentanyl typically arrives in powder form, which dealers mix with other drugs or press into pills.⁹ The pills may be stamped to look like prescription medicine.¹⁰ Criminal networks market the fake pills on social media and ecommerce sites, rendering the drugs available to anyone with a smartphone or computer, including children.¹¹ But China's use of direct mail shipments has fallen behind a new principal source of illicit fentanyl.

Today, Mexico supplies most of the fentanyl that appears in the United States.¹² Mexican cartels manufacture fentanyl in clandestine laboratories with precursor

⁶ *Dose of Reality: Get the Facts on Opioids*, Wisconsin Department of Health Services (last updated Apr. 13, 2023), <https://www.dhs.wisconsin.gov/opioids/facts.htm>; *Fentanyl Facts*, Centers for Disease Control and Prevention (last updated Feb. 23, 2022), <https://www.cdc.gov/stopoverdose/fentanyl/index.html>.

⁷ *Id.*; see also U.S. Drug Enforcement Administration, *Fentanyl Flow to the United States* (Jan. 2020), available at https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf (noting that “Mexico and China are the primary source countries for fentanyl and fentanyl-related substances trafficked directly into the United States”); see also Liana W. Rosen et al., *China Primer: Illicit Fentanyl and China's Role*, Congressional Research Service (last updated Dec. 8, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF10890>.

⁸ U.S. Senate Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, *Combatting the Opioid Crisis: Exploiting Vulnerabilities in International Mail* (Jan. 24, 2018), available at <https://www.hsgac.senate.gov/imo/media/doc/Combatting%20the%20Opioid%20Crisis%20-%20Exploiting%20Vulnerabilities%20in%20International%20Mail1.pdf>.

⁹ U.S. Drug Enforcement Administration, *Fentanyl Flow to the United States*, p. 3 (Jan. 2020), https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf.

¹⁰ *One Pill Can Kill*, U.S. Drug Enforcement Administration, <https://www.dea.gov/onepill> (last visited May 1, 2023).

¹¹ *Id.*

¹² U.S. Dep't. of Justice Drug Enforcement Administration, 2020 National Drug Threat Assessment (Mar. 2021), available at https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf at 14; see also *The Opioid Crisis and Recent Federal Policy Responses*, Congressional Budget Office (Sept. 2022), <https://www.cbo.gov/publication/58532>.

chemicals sourced mainly from China.¹³ The cartels then smuggle the finished product across our wide-open southern border.¹⁴

This coordinated effort by China and Mexican cartels demands a strong, consistent response from the State Department.¹⁵ This is exactly the kind of effort the Trump Administration began and that you have wasted. You must do more—including calling cartels what they are, terrorist organizations—to halt the supply of Chinese precursors and to disrupt the cartels’ production and distribution of fentanyl.

I. Your State Department squandered the momentum of the Trump Administration in halting China’s supply of fentanyl.

The Trump Administration made substantial progress toward stopping China’s supply of fentanyl drugs. Prior to 2019, China’s direct mail shipments supplied most of the fentanyl products in America.¹⁶ But in 2019, the Chinese government added all fentanyl-related substances to its list of controlled drugs.¹⁷ China’s decision was not rooted in benevolence or goodwill. Rather, this sweeping law—controlling all types of fentanyl absent a specific permit¹⁸—was a negotiated accomplishment by President

¹³ U.S. Drug Enforcement Administration, 2020 National Drug Threat Assessment (Mar. 2021), *available at* https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf at 7, 17, 18.

¹⁴ *Id.* at 16.

¹⁵ On July 7, the State Department launched the Global Coalition to Address Synthetic Drug Threats. *Global Coalition to Address Synthetic Drug Threats*, U.S. Dep’t of State, <https://www.state.gov/globalcoalition/> (last visited July 21, 2023). The United States will lead this partnership of 84 nations to discuss the synthetic drug problem and law enforcement and public health strategies to confront it. Tracy Wilkinson, *Biden administration to launch global coalition to fight fentanyl*, *Los Angeles Times* (July 7, 2023), <https://www.latimes.com/politics/story/2023-07-07/us-coalition-fighting-fentanyl>. The United States reportedly “welcomes any country concerned by the public health and security threat posed by illicitly manufactured synthetic drugs and motivated to deepen global cooperation to join the coalition.” *Global Coalition to Address Synthetic Drug Threats*, U.S. Dep’t of State, <https://www.state.gov/globalcoalition/> (last visited July 21, 2023). But China has affirmatively denounced the coalition, and it is unclear if Mexico will participate. *China denounces Antony Blinken’s call for countries to work together to combat synthetic drugs*, *South China Morning Post* (July 8, 2023), <https://www.scmp.com/news/china/article/3226996/china-denounces-blinkens-call-countries-work-together-combat-synthetic-drugs>; Tracy Wilkinson, *Biden administration to launch global coalition to fight fentanyl*, *Los Angeles Times* (July 7, 2023), <https://www.latimes.com/politics/story/2023-07-07/us-coalition-fighting-fentanyl>. Without China and Mexico engaged, “[i]t is hard to imagine how [this initiative] has immediate impact on synthetic drug deaths in the U.S.” *Id.*

¹⁶ *Supra* note 9.

¹⁷ David Shortell, *How the Trump administration won a major policy shift from the Chinese on fentanyl*, *CNN* (May 2, 2019, 2:14 AM), <https://www.cnn.com/2019/05/02/politics/chinese-fentanyl-trump-backstory/index.html>.

¹⁸ Zhang Yang, *From May 5, fentanyl-like substances will be regulated as a whole*, *The State Council of Information Office of the People’s Republic of China*, <http://www.scio.gov.cn/34473/34474/Document/1651166/1651166.htm> (last visited May 3, 2023).

Trump, Secretary Mike Pompeo, and Office of National Drug Control Policy Director Jim Carroll.¹⁹

China's decision to classify all fentanyl-related substances as controlled drugs, secured and negotiated during the Trump Administration, was a paradigm shift. It had a direct impact on the amount of finished fentanyl entering the United States.²⁰ According to U.S. Immigration and Customs Enforcement, China's scheduling of fentanyl-related substances led to a significant decline in the number of Chinese manufacturers "willing to sell/export [finished] fentanyl products."²¹ As a result, "*the direct shipment of fentanyl and fentanyl-related substances from China to the United States went down to almost zero.*"²²

But the scheduling order did not eliminate fentanyl. Chinese vendors began developing fentanyl precursors and working with traffickers in other countries to spread those drugs.²³ Chinese criminals and Mexican cartels understand that precursor chemicals can evade authorities easier than finished fentanyl, since many precursors are used to make both licit and illicit drugs.²⁴

China's pivot to precursors requires a response equal to that taken by the Trump Administration against China's production of finished fentanyl. Last year, foreign policy experts noted that "China takes counternarcotics diplomacy in Southeast Asia and the Pacific very seriously, but its . . . cooperation tends to be highly selective, self-serving . . . and subordinated to its geopolitical interests."²⁵ In other words, absent

¹⁹ *Supra* note 17.

²⁰ *Supra* note 9.

²¹ House Committee on Energy and Commerce, *Oversight of Federal Efforts to Combat the Spread of Illicit Fentanyl*, Energy & Commerce (July 16, 2019), <https://energycommerce.house.gov/events/oversight-of-federal-efforts-to-combat-the-spread-of-illicit-fentanyl>.

²² Liana W. Rosen et al., *China Primer: Illicit Fentanyl and China's Role*, Congressional Research Service (last updated Dec. 8, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF10890> (emphasis added).

²³ Lauren Greenwood & Kevin Fashola, *Illicit Fentanyl from China: An Evolving Global Operation*, U.S.-China Economic and Security Review Commission, p.4 (Aug. 24, 2021), https://www.uscc.gov/sites/default/files/2021-08/Illicit_Fentanyl_from_China-An_Evolving_Global_Operation.pdf.

²⁴ *Id.* at p. 3; *see also* Commission on Combatting Synthetic Opioid Trafficking Final Report, p. 6 ("Encrypted darknet marketplaces or unmonitored social media forums and business-to-business (B2B) platforms make it easier for distributors to trade in illegally manufactured synthetic opioids or uncontrolled precursors with minimal risks.") (Feb. 2022), *available at* https://www.rand.org/pubs/external_publications/EP68838.html.

²⁵ Vanda Felbab-Brown, *China's role in the fentanyl crisis*, Brookings (Mar. 31, 2023), <https://www.brookings.edu/testimonies/chinas-role-in-the-fentanyl-crisis/>; *see also* Commission on Combating Synthetic Opioid Trafficking Final report, p. 6 ("The overall sizes of these industries, limited oversight efforts, and political incentives contribute to an atmosphere of impunity among firms and individuals associated with those industries.").

Secretary Antony Blinken

July 31, 2023

Page 5 of 10

international pressure the Chinese government has no interest in halting its country's contributions to the fentanyl crisis.

Applying international pressure is the job of the State Department. But your State Department has had limited dialogue with China on fentanyl precursors. A representative of your State Department recently conceded this. He admitted that China was not cooperating as the United States would like, even stating that the United States—and the current State Department specifically—has “had very limited engagement with China” on the issue of fentanyl.²⁶

In June, you finally traveled to China. You reportedly “pressed the Chinese . . . to curb the production and export of fentanyl precursors.”²⁷ However, as predicted “the prospects for a breakthrough [on fentanyl seem] slim.”²⁸ The only reported “progress” from this meeting was a vague assurance that both the United States and China want to “stabilize” their “deteriorated” relationship.²⁹ It is unconscionable that you failed to secure a commitment with any concrete, actionable steps to curb precursor production and export.

Your tepid and disjointed approach is worrisome. While there are certainly many important issues for the United States and China to discuss,³⁰ it is shameful that your State Department refuses to prioritize fentanyl.³¹ There are several ways that giving fentanyl greater priority could help decrease the production and export of China's illicit precursors.

²⁶ Foreign Relations Committee, *Countering Illicit Fentanyl Trafficking*, U.S. Senate Committee on Foreign Relations (Feb. 15, 2023), <https://www.foreign.senate.gov/hearings/countering-illicit-fentanyl-trafficking>.

²⁷ Matthew Lee, *US, China remain at odds on numerous issues as Blinken finishes first day of meetings in Beijing*, AP News (last updated June 18, 2023), <https://apnews.com/article/us-china-relations-blinken-afb39654e07ff1022bf8a3bf8296c686#:~:text=In%20his%20meetings%20on%20Sunday,crisis%20in%20the%20United%20States>.

²⁸ Jay Solomon, *Blinken plans to ask for China's help fighting fentanyl*, Semafor (last updated Mar. 14, 2023, 1:44 PM), <https://www.semafor.com/article/03/12/2023/blinken-plans-to-ask-for-chinas-help-fighting-fentanyl>.

²⁹ Matthew Lee, *Blinken and Xi pledge to stabilize deteriorated US-China ties, but China rebuffs the main US request*, AP News (last updated June 18, 2023), <https://apnews.com/article/us-china-blinken-xi-biden-ce8bf13e5a02977a5291c001761ae0b3>.

³⁰ This would certainly include ongoing national security threats, such as the spy balloon, trade, Taiwan, espionage, and reported Chinese support for the Russian invasion of Ukraine.

³¹ I was encouraged by Treasury Department's recent sanctions against five individuals and two entities in China for supplying fentanyl precursors to Mexico. *U.S. Sanctions Suppliers of Precursor Chemicals for Fentanyl Production*, U.S. Dep't. of the Treasury (Apr. 14, 2023), <https://home.treasury.gov/news/press-releases/jy1413>. But sanctions against two organizations and a handful of people pale in comparison to the sweeping progress achieved by the Trump Administration.

For instance, you should require China to monitor and make more transparent the labeling and destination of precursors that leave the country. The Chinese government should then direct resources to investigate suspicious shipments of such chemicals. Shipments bound for Mexico must receive precedence in these investigations. By your department's own admission, increased transparency would be beneficial, but China is "not doing that now" and "[t]hey're not talking to us really about it, [though] they should."³²

Additionally, the State Department should compel China to place all fentanyl precursors under a controlled regulatory regime. China's prior scheduling of fentanyl drugs—secured by the Trump Administration—included two key fentanyl precursors.³³ That scheduling should include all fentanyl precursors, particularly since "99% of the fentanyl is coming from [Chinese] precursor drugs[.]"³⁴ Given China's principal role in supplying dangerous precursors, we must insist that China take an equally large role in enforcement.

II. The State Department must treat cartels like the terrorist organizations that they are.

Narcotics have long defined America's diplomatic relationship with Mexico. In 2007, the United States and Mexico negotiated an agreement titled the Merida Initiative.³⁵ The initiative included four pillars:

1. Combating transnational criminal organizations (TCOs);
2. Strengthening criminal justice sector institutions while protecting human rights;
3. Creating a 21st-century U.S.-Mexican border while improving immigration enforcement in Mexico; and
4. Building strong and resilient communities through pilot projects aimed at violence prevention and drug demand reduction.³⁶

³² *Supra* note 26.

³³ Vanda Felbab-Brown, *China and synthetic drugs control: Fentanyl, methamphetamines, and precursors*, Brookings (Mar. 2022), <https://www.brookings.edu/research/china-and-synthetic-drugs-control-fentanyl-methamphetamines-and-precursors/>.

Since 2019, China has added at least six more precursors to its fentanyl scheduling. Phelim Kine, *The war on drugs puts a target on China*, POLITICO (Feb. 7, 2022, 4:30 AM), <https://www.politico.com/news/2022/02/07/fentanyl-china-war-on-drugs-00005920>.

³⁴ Anne Zhang & Sean Tseng, *China's Role in Illicit Fentanyl Running Rampant on U.S. Streets*, The Epoch Times (last updated Jan. 8, 2023) https://www.theepochtimes.com/chinas-role-in-illicit-fentanyl-running-rampant-on-us-streets_4967062.html.

³⁵ Clare Ribando Seelke, *U.S.-Mexico Security Cooperation: From the Mérida Initiative to the Bicentennial Framework*, Congressional Research Service (last updated Dec. 12, 2022), <https://sgp.fas.org/crs/row/IF10578.pdf>.

³⁶ *Id.*

From 2008 to 2021, Congress appropriated \$3.5 billion to the Merida Initiative.³⁷ But drug control and violent crime rates did not improve. In fact, demand for illicit drugs has *increased* since the initiative launched.³⁸ And drug seizures at the Mexican border have risen as well. So far in FY2023, U.S. Customs and Border Protection has seized over 22,000 pounds of fentanyl.³⁹ That is enough to kill many times the population of the United States.⁴⁰ It is also more than the amount seized for all of FY2022.⁴¹

Mexico’s refusal to combat TCOs—*i.e.*, cartels—has contributed to the rising amounts of seizures.⁴² Today, Mexican cartels are the main producers of synthetic opioids like fentanyl.⁴³ As the head of the Drug Enforcement Administration recently testified, “[the] Sinaloa Cartel and the Jalisco . . . Cartel, both cartels in Mexico, are responsible for the vast majority of fentanyl that is coming into the U.S.”⁴⁴ Yet, Mexican leadership remains skittish about punishing cartels and their kingpins.⁴⁵

The current Mexican President, Andrés Manuel López Obrador, believes stopping cartel violence and drug production cannot be achieved through law enforcement.⁴⁶ President López Obrador ran for office on a platform of “hugs not bullets.” In lieu of tougher law enforcement, he promised to replace Mexico’s federal police⁴⁷ and proposed amnesty for those involved with the cartels.⁴⁸ The amnesty proposal

³⁷ *Id.*

³⁸ *The Crisis of Drug Misuse and Federal Efforts to Address It*, U.S. Gov’t. Accountability Office (Nov. 19, 2021), <https://www.gao.gov/blog/crisis-drug-misuse-and-federal-efforts-address-it>.

³⁹ *Drug Seizure Statistics FY2023*, U.S. Customs and Border Protection (last updated July 18, 2023), <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

⁴⁰ *See supra* note 10.

⁴¹ *Supra* note 39.

⁴² Ernesto Zedillo et al., *Rethinking the “War on Drugs” Through the US-Mexico Prism*, Yale Center for the Study of Globalization (2012), p. 47, *available at* [https://ycsg.yale.edu/sites/default/files/files/rethinking-war-on-drugs\(1\).pdf](https://ycsg.yale.edu/sites/default/files/files/rethinking-war-on-drugs(1).pdf) (“The drug problem in Mexico is mainly one of insecurity, violence, and institutional weakness. At the root of the problem is a historically weak system of rule of law. The weakest link of this particular chain is local governments, which are responsible for the prosecution of common crimes such as homicide, robbery, extortion and kidnapping. There are different figures available, but the most reliable one shows that local governments only punish 5% of those common crimes. So, the probability that one person can kill another in Mexico and get away with it is 95%.”).

⁴³ *Supra* note 13, p. 14; *see also The Opioid Crisis and Recent Federal Policy Responses*, Congressional Budget Office (Sept. 2022), <https://www.cbo.gov/publication/58532>.

⁴⁴ *Supra* note 26.

⁴⁵ *Supra* note 36.

⁴⁶ President López-Obrador’s policy of “hugs not bullets” has been widely criticized and uniquely blamed for the continued rise in violence and impunity by cartels. *See* Shannon K. O’Neil, *AMLO’s ‘Hugs Not Bullets’ Is Failing Mexico*, Council on Foreign Relations (Oct. 23, 2019, 12:00 PM), <https://www.cfr.org/blog/amlos-hugs-not-bullets-failing-mexico>.

⁴⁷ *Id.*

⁴⁸ David Agren, *Amnesty for drug dealers? This Mexico presidential candidate is pushing for forgiveness*, USA Today (last updated May 9, 2018, 3:55 PM),

received extensive criticism, in part, for being ill-defined and akin to a “deal with the devil.”⁴⁹ Perhaps this is why many of Mexico’s national prosecutors have shown little appetite for pursuing fentanyl cases.⁵⁰

Since taking office, President López Obrador has denied Mexico’s role in the fentanyl epidemic, falsely stating that in Mexico “we do not produce fentanyl, and we do not have consumption of fentanyl.”⁵¹ Instead of acknowledging his country’s role in the fentanyl crisis, López Obrador has asked, “Why don’t [the Americans] take care of their problem of social decay?”⁵² Needless to say, “overall cooperation with . . . officials in Mexico to eradicate the fentanyl threat has been insufficient to date.”⁵³

Despite abysmal progress under the Merida Initiative, the Biden Administration released earlier this year a starkly similar proposal. The White House and State Department called it the “U.S.-Mexico Relationship: the Bilateral Framework for Security, Public Health, and Safe Communities” (Framework).⁵⁴ The Framework’s goals are analogous to the flawed Merida Initiative, and the announcement came with no new ideas for avoiding the same failures. Putting new lipstick on an old pig is not enough to stop Mexican cartels from poisoning Americans.

Even Democrats have expressed discontent with the State Department’s approach to Mexico. At a recent hearing of the U.S. Senate Committee on Foreign Relations, Senator Chris Murphy (D-CT) stated, “[a]t best, Mexico is not taking this crisis seriously enough” and “at worst, the Mexican government . . . [is] looking the other way or [is] complicit with cartels. That’s just the truth.”⁵⁵ Senator Bob Menendez (D-NJ) echoed this frustration, urging government witnesses, including a representative from the State Department, to rework and reconsider how the United States deals with Mexico on fentanyl. “We work with our Mexican friends with kid gloves on this issue, and I just [think] it’s fundamentally wrong. I don’t know how many more lives have to be lost for Mexico to get engaged.”⁵⁶

<https://www.usatoday.com/story/news/world/2018/05/03/mexico-candidate-amnesty-drug-dealers/570533002/>.

⁴⁹ *Id.*

⁵⁰ *Supra* note 36.

⁵¹ Mark Stevenson, *Mexican president to US: Fentanyl is your problem*, AP News (Mar. 9, 2023), <https://apnews.com/article/mexico-fentanyl-epidemic-overdoses-26f735a54ee0ba075c394ce85aef03d0>.

⁵² *Id.*

⁵³ *Supra* note 24, p. 11.

⁵⁴ *Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities*, The White House (Apr. 13, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/13/joint-statement-from-mexico-and-the-united-states-on-the-implementation-of-the-u-s-mexico-bicentennial-framework-for-security-public-health-and-safe-communities/>.

⁵⁵ *Supra* note 26.

⁵⁶ *Id.*

It appears that Mexico does not plan on changing. As Senator Menendez commented, “I don’t see the willingness. I don’t see the urgency. I don’t see the commitment. I don’t see the actions that would indicate to me that Mexico is being a good partner.”⁵⁷ Simply put, it is time for the State Department to force change, and the Framework is not the change that we need. Fortunately, Attorneys General from across the country provided you a start.

In February, a coalition of 21 Attorneys General urged you to declare Mexican cartels foreign-terrorist organizations (FTOs).⁵⁸ You have the authority to do so under 8 U.S.C. § 1189. Mexican cartels intentionally weaponize fentanyl. To them, “if a user dies, it is the cost of doing business.”⁵⁹ Designating cartels as FTOs will give state and federal law enforcement agencies increased powers to freeze cartel assets, deny cartel members entry to America, and allow prosecutors to pursue tougher punishments against those who provide material support to the cartels. As the coalition noted:

Traditional counter-narcotics efforts are inadequate to address the threat posed by the Mexican drug cartels. The Kingpin Act, for instance, focuses too narrowly on financial transactions with Significant Foreign Narcotics Traffickers who are already designated as such. This narrow law is ill-suited to the problem at hand. Mexican drug cartels have diversified their operations beyond mere narcotics trafficking to include seemingly legitimate enterprises like the avocado trade, gasoline pipelines, gold mines, and even supermarkets. Unless these cartel-driven enterprises have directly engaged in narcotics trafficking, they escape designation under the Kingpin Act and can fund the cartels’ terrorist activity with relative impunity. Now that the cartels have made widespread use of assassinations and armed insurgency against the Mexican government, FTO designation is the only way to disrupt these increasingly violent cartel tactics and weaken their criminal enterprise.⁶⁰

III. Conclusion.

Illicit fentanyl is the public health and safety challenge of our time. The federal government owes every American a duty to do whatever it can to fight this challenge.

⁵⁷ *Id.*

⁵⁸ Letter from Virginia Attorney General Miyares to President Biden, Secretary Blinken (Feb. 8, 2023), *available at* https://www.ag.ky.gov/Press%20Release%20Attachments/Letter%20to%20the%20President%20and%20Secretary%20of%20State_2.8.2023.pdf.

⁵⁹ *Supra* note 26.

⁶⁰ *Supra* note 58.

Secretary Antony Blinken

July 31, 2023

Page **10** of **10**

Under your leadership, the State Department has failed that duty. I call on you to leverage your authority to help stop China and Mexican cartels from targeting and poisoning our citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Cameron". The signature is fluid and cursive, with the first letter "D" being particularly large and prominent.

DANIEL CAMERON
Attorney General of Kentucky