



The Honorable Blaine Luetkemeyer
The Honorable Joyce Beatty
Subcommittee on National Security, Illicit Finance, and International Financial Institutions
House Financial Services Committee
2129 Rayburn House Office Building
Washington, DC 20515

March 30, 2023

Dear Chairman Luetkemeyer and Ranking Member Beatty,

I am writing in regards to the March 23, 2023 hearing, entitled, "Follow the Money: The CCP's Business Model Fueling the Fentanyl Crisis." I respectfully submit the attached statement.

Sincerely,
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Understanding the Illicit Fentanyl Trade & Effective Policy Solutions

The devastating opioid epidemic that has ravaged the United States for decades has become even more deadly in recent years due to the surging supply of fentanyl, a powerful synthetic opioid. Fentanyl, which is 50 times more potent than heroin, is much cheaper to produce and transport than poppy-derived opiates.¹ Due to its low production cost and widespread availability, it is increasingly being mixed into the supply of more expensive drugs, such as heroin, cocaine, and illicitly-manufactured counterfeit prescription pills to increase profit margins. Fentanyl's high potency has resulted in a precipitous increase in drug-related overdoses and accidental poisonings.

This brief covers myths about the illicit fentanyl trade, effective policy recommendations to address this public health crisis, and questions to clarify the impact of suggested strategies on our geopolitical relationships and civilian populations in the U.S. and Mexico.

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¹Centers for Disease Control and Prevention. (2022, February 23). Fentanyl facts. Centers for Disease Control and Prevention. Retrieved March 23, 2023, from <https://www.cdc.gov/stopoverdose/fentanyl/index.html#:~:text=Fentanyl%20is%20a%20synthetic%20opioid,nonfatal%20overdoses%20in%20the%20U.S.&text=There%20are%20two%20types%20of,Both%20are%20considered%20synthetic%20opioids.>

MYTHS ABOUT THE ILLICIT FENTANYL TRADE

1. Fentanyl deaths “won’t stop by ending demand... this is an attack on the United States.”²

False; the illicit fentanyl trade is a demand-driven public health crisis that was created by the negligence of U.S. government agencies, namely regulatory failures within the Food and Drug Administration (FDA) dating back to the 1990s. The FDA is a federal agency of the U.S. Department of Health and Human Services responsible for protecting public health by requiring drug manufacturers to demonstrate that their products are both safe and effective for consumption before allowing them to be marketed to the public. Due to conflicts of interest, the FDA did not properly evaluate or classify Purdue Pharma’s drug application for extended-release oxycodone, known as OxyContin, as an addictive narcotic in 1995.³ Purdue Pharma was therefore legally allowed to aggressively - and inaccurately - market OxyContin, a highly addictive prescription opioid, as a non-addictive painkiller to doctors and their patients throughout the country.

It wasn’t until 2001 that the FDA began to revise their regulatory labeling of OxyContin and review prescribing practices following a stark rise in reported cases of opioid-related overdoses.⁴ However, the demand for opioids had been established. Today, the United States is an outlier in regards to opioid-use disorder with the world’s highest number of opioid-involved deaths per capita, more than five times the median of other economically-advanced nations.⁵ The FDA has never been held accountable for its role in facilitating Purdue Pharma with establishing and profiting from nation-wide opioid addiction through corporate fraud.

The first wave of the prescription opioid crisis, intentionally created by Purdue Pharma, gave way to the heroin epidemic of the 2000s. Today, the opioid epidemic is in its third

² Quoted directly from Jason Grellner in Congressional Hearing titled “Follow the Money: The CCP’s Business Model Fueling the Fentanyl Crisis”. U.S. House Committee on Financial Services Democrats. (n.d.). Retrieved March 30, 2023, from

<https://democrats-financialservices.house.gov/events/eventsingle.aspx?EventID=410275#Webcast>

³ Kolodny, A. (2020, August 1). *How FDA failures contributed to the opioid crisis*. Journal of Ethics | American Medical Association. Retrieved March 24, 2023, from

<https://journalofethics.ama-assn.org/article/how-fda-failures-contributed-opioid-crisis/2020-08>

⁴ Center for Drug Evaluation and Research. (n.d.). *Substance use and overdose prevention timeline*. U.S. Food and Drug Administration. Retrieved March 24, 2023, from

<https://www.fda.gov/drugs/information-drug-class/timeline-selected-fda-activities-and-significant-events-addressing-substance-use-and-overdose>

⁵ The opioid crisis and recent federal policy responses. Congressional Budget Office. (2022, September 28). Retrieved March 27, 2023, from <https://www.cbo.gov/publication/58221>

wave. Drug cartels are taking advantage of depressed economic conditions in Mexico, the flow of unregulated weapons entering Mexico from the United States, the enormous demand for opioids due to widespread opioid-use disorder the United States, inexpensive production costs, and the low barrier to entry in the market for synthetic drugs to operate the highly lucrative illicit fentanyl trade.⁶

2. Enhanced border and immigration control will successfully stop fentanyl from entering the United States.

False; Americans are the main traffickers of illicit fentanyl, not undocumented migrants; increasing border spending has not reduced drug trafficking historically; and fentanyl's high potency means that even very small amounts of the drug may cause significant public health effects.

Many legislators attribute the uptick in illicit fentanyl trafficking to irregular and undocumented migration - particularly illegal border crossings. Nearly a quarter of the Republican-sponsored bills call for enhanced immigration control and increased funding to "secure the border" between the U.S. and Mexico to prevent fentanyl from entering the United States.⁷ However, fentanyl-related deaths continue to increase despite the implementation of more restrictive border and immigration policies and despite the number of unauthorized immigrants residing within the U.S. remaining level or even decreasing in recent years. Nearly all illicit fentanyl consumed in the United States is smuggled into the U.S. from Mexico through official ports of entry by American citizens; data show that 90% of recovered fentanyl was smuggled into the U.S. by American citizens through official border crossings.⁸ Moreover, data from the U.S. Sentencing Commission shows the overwhelming majority of those convicted of trafficking drugs are American, more than ten times that of immigrants who entered the United States illegally.^{9,10}

Funding for immigration and border control agencies increased exponentially over the last three decades; the annual budget of the U.S. Border Patrol has increased more than

⁶ *What led to the opioid crisis-and how to fix it.* News. (2022, February 24). Retrieved March 24, 2023, from <https://www.hsph.harvard.edu/news/features/what-led-to-the-opioid-crisis-and-how-to-fix-it/>

⁷ *Legislative tracker.* CIP. (n.d.). Retrieved March 23, 2023, from <https://www.internationalpolicy.org/legislativetracker>

⁸ *GAO Border Patrol: Actions needed to improve checkpoint ...* (n.d.). Retrieved March 23, 2023, from <https://www.gao.gov/assets/gao-22-104568.pdf>

⁹ Bier, D. J. (2022, September 14). *Fentanyl Is Smuggled for U.S. Citizens By U.S. Citizens, Not Asylum Seekers.* Cato.org. Retrieved March 23, 2023, from <https://www.cato.org/blog/fentanyl-smuggled-us-citizens-us-citizens-not-asylum-seekers>

¹⁰ *Commission datafiles.* United States Sentencing Commission. (2023, February 16). Retrieved March 23, 2023, from <https://www.ussc.gov/research/datafiles/commission-datafiles#individual>

ten-fold from \$363 million in 1993 to nearly \$5 billion today.¹¹ Since the creation of the Department of Homeland Security (DHS) in 2003, the federal government has spent an average of nearly \$17 billion each year on border agencies that carry out immigration enforcement.¹² However, increasing budget allocations for resources and personnel at U.S. border agencies to reduce illegal border crossings has not resulted in corresponding decreases in drug trafficking.¹³ This strategy has not been effective in preventing or reducing illicit opioids and fentanyl from reaching the United States.

Aside from the historical evidence, a key factor for why enhancing border security even further is unlikely to be significantly effective is fentanyl's incredible potency which makes even extremely small quantities of the drug lethal. Many legislators have cited the quantities of fentanyl being seized as an indication of the need to enhance militarization of the southern border. However, when these quantities are considered in context, the futility of attempting to completely eradicate illicit fentanyl becomes more apparent. Many times more pounds of marijuana, cocaine, and methamphetamine are seized each year than fentanyl. According to the U.S. Customs and Border Protection, while there was a large increase in the amount of fentanyl being trafficked into the U.S. from 2020, it made up only 3% of drugs seized by border patrol. It is also important to recognize that fentanyl is replacing other drugs, namely heroin, since it is easier to produce and therefore less expensive. The tables and graphs below visualize this data logarithmically.

The purpose of this comparison is not to diminish the problem of fentanyl trafficking or harm that it has caused, but to acknowledge that because fentanyl is so potent, even extremely small quantities have the capacity for widespread harm. For example, a sugar packet contains approximately 4,000 mg of sugar. If a lethal dose of fentanyl is 3 mg, one sugar packet of fentanyl could result in the death of 1,300 people.¹⁴ Therefore, if just one backpack carrying the equivalent of 500 sugar packets of fentanyl makes it through the border, that amount could potentially kill more than 650,000 people. Before allocating limited taxpayer dollars to even greater border militarization, Congress should be realistic

¹¹ The cost of Immigration Enforcement and border security. American Immigration Council. (2023, February 27). Retrieved March 26, 2023, from

<https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security>

¹² *ibid.*

¹³ Saviano, R. (2017, March 11). *Why a mexican border wall won't stop the drug cartels*. Newsweek. Retrieved March 24, 2023, from <https://www.newsweek.com/why-mexican-border-wall-wont-stop-drug-cartels-564112>

¹⁴ Anderson, K. (2022, May 17). *'now its fentanyl': Advocates urge hoosiers to test drugs due to increase in overdose deaths*. WRTV Indianapolis. Retrieved March 30, 2023, from <https://www.wrtv.com/news/working-for-you/now-its-fentanyl-advocates-urge-hoosiers-to-test-drugs-due-to-increase-in-overdose-deaths#:~:text=While%20the%20goal%20is%20to,kill%20more%20than%201%2C300%20people.>

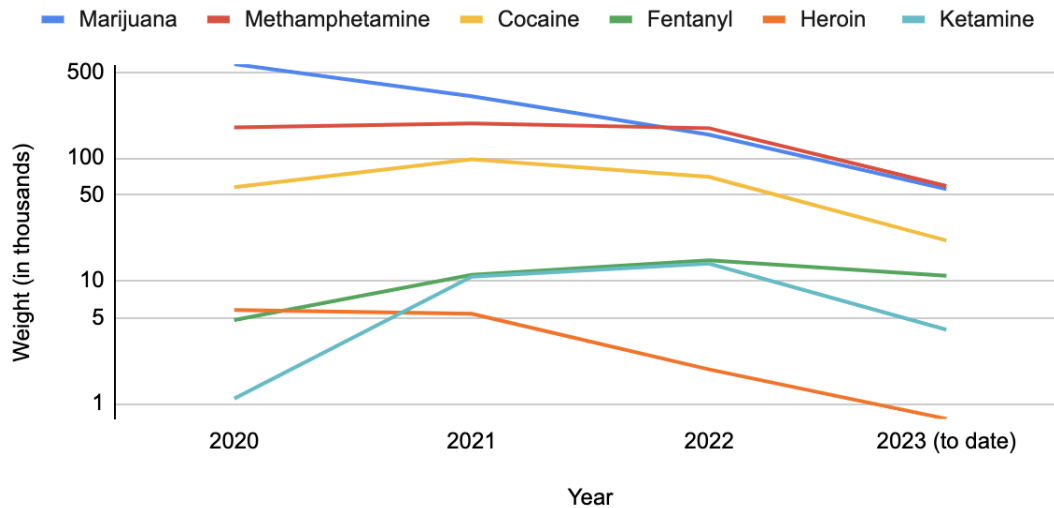
about the impact, and if spending on other interventions with greater track records of success would be more beneficial to the American people.

		Amount Seized in Thousands of Pounds/Year			% Change in Seizures FY20-22	% Total Seizures in 2022
		2020	2021	2022		
Drug Type	Marijuana	582	319	155	-73%	36.0%
	Methamphetamine	178	192	175	-2%	40.6%
	Cocaine	58	97.6	70.3	21%	16.3%
	Fentanyl	4.8	11.2	14.7	206%	3.4%
	Heroin	5.8	5.4	1.9	-67%	0.4%
	Ketamine	1.1	10.8	13.8	91%	3.2%

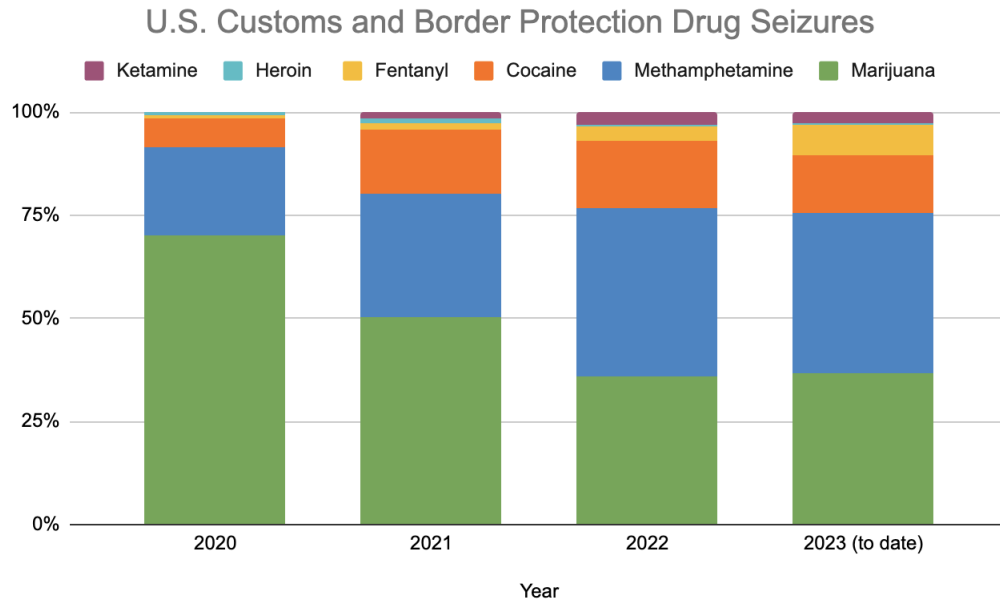
Source: [U.S. Customs and Border Protection](#)

U.S. Customs and Border Protection Drug Seizures

Seizures by Weight in Pounds 2020-2023 (to date)



Source: [U.S. Customs and Border Protection](#)



Source: [U.S. Customs and Border Protection](#)

3. Sanctions on China will be effective in reducing the diversion of precursor chemicals to Mexico.

False; the opposite is true. U.S. policies towards China, including enacting sanctions, have greatly diminished China's willingness to coordinate with the United States on fentanyl and other issues. The claim that imposing additional sanctions against China will successfully pressure them to cooperate with the U.S. is contrary to the actual impact U.S. sanctions have had. For years, Chinese companies sold both fentanyl and precursor chemicals (which alone are not harmful) to customers in the United States and globally. In 2019, at the request of the U.S. government due to surging synthetic opioid-related deaths, China classified fentanyl and certain base chemicals as Schedule I narcotics and outlawed their export.¹⁵ Since then, the supply of fentanyl and related chemicals shipped from China to the U.S. has decreased to nearly zero.¹⁶ However, precursor chemicals are still making their way from China to Mexico through diversion and smuggling, where they are processed into fentanyl before being trafficked into the United States.

As both the Honorable Todd Robinson, Assistant Secretary of State Bureau of International Narcotics and Law Enforcement Affairs at the U.S. Department of State, and the Honorable

¹⁵ *2020 National Drug Threat Assessment*. DEA. (n.d.). Retrieved March 23, 2023, from <https://www.dea.gov/documents/2021/03/02/2020-national-drug-threat-assessment>

¹⁶ *ibid.*

Dr. Rahul Gupta, Director of the Office of National Drug Control Policy testified during a Senate Foreign Relations Committee hearing on February 15, 2023, China had been cooperating with the United States on controlling fentanyl - including changing policies to eliminate the export of fentanyl from China - until the Trump Administration imposed sanctions on Chinese firms in 2019 and Representative Pelosi visited Taiwan over China's opposition.¹⁷ Given this history and the limited record of success sanctions have in general, there is little evidence that additional sanctions will do anything more than further escalate tensions between the U.S. and China at a time when we need international cooperation on this and other pressing global issues.

3. Law enforcement will solve this crisis, Congress should “unleash the power of the DEA.”

False; this has already been tried in many contexts - including in Mexico - and has not only failed, but often causes more harm. Between 2008 and 2021, the United States appropriated \$3.3 billion in funds for Mexican law enforcement through a joint project called the *Merida Initiative* aimed at combating gang violence and drug trafficking.¹⁸ It is widely acknowledged that this initiative was a catastrophic failure.¹⁹ Today, crime in Mexico is at an all-time record high and rule of law has plummeted.²⁰ At the same time, Department of Homeland Security Secretary Alejandro Mayorkas acknowledges drug overdoses in the U.S. have only increased “year-in and year-out.”²¹

Decriminalization and harm reduction approaches have infinitely greater track records of success. As noted in the graph above, the gradual decriminalization of marijuana in the United States reduced illicit trafficking seizures of marijuana by 73% between 2020 and

¹⁷ Kerry B. Contini, I. O. (2019, December 2). President Trump signs Hong Kong sanctions legislation into law. Sanctions & Export Controls Update. Retrieved March 30, 2023, from <https://sanctionsnews.bakermckenzie.com/president-trump-signs-hong-kong-sanctions-legislation-into-law/>

¹⁸ *U.S.-Mexico Security Cooperation: From the Mérida Initiative to the ...* (n.d.). Retrieved March 28, 2023, from <https://sgp.fas.org/crs/row/IF10578.pdf>

¹⁹ Chamberlin, M. (2022, June). *THE NINTH SUMMIT OF THE AMERICAS AND A SUSTAINABLE FUTURE FOR THE REGION*. Center for International Policy. Retrieved March 28, 2023, from https://3ba8a190-62da-4c98-86d2-893079d87083.usfiles.com/ugd/3ba8a1_116bd707226645deb468c3671dfa95fb.pdf

²⁰ Bargent, J. (2017, September 20). *Mexico impunity levels reach 99%: Study*. InSight Crime. Retrieved March 28, 2023, from <https://insightcrime.org/news/brief/mexico-impunity-levels-reach-99-study/>

²¹ Live, W. P. (2023, January 4). *Transcript: Cartel RX: The fentanyl epidemic with DHS secretary Mayorkas*. The Washington Post. Retrieved March 28, 2023, from <https://www.washingtonpost.com/washington-post-live/2023/01/04/transcript-cartel-rx-fentanyl-epidemic-with-dhs-secretary-mayorkas/>

2022. Prohibition, law-enforcement, and abstinence-oriented policies that characterized the ‘war on drugs’ have not worked in the past, and will not work today.

4. “This is all Mexico’s fault; they are a narco-state who can’t control transnational criminals operating within their own borders.”

While there are legitimate reasons to question the Mexican government’s credibility in meaningfully addressing fentanyl trafficking, the destabilizing role the United States continues to play within Mexico must not be ignored. The inordinate power of the Mexican cartels and their ability to control a third of Mexico’s territory and operate the illicit fentanyl trade is primarily enabled by American guns. The United States is the largest supplier of weapons and defense articles to Mexico. Weapons enter Mexico from the U.S. through three primary channels - all of which contribute to worsening political instability, aid the cartels’ ability to commit violence, and empower their operation of the illicit fentanyl trade.

Weapons enter Mexico from the U.S. through three primary channels:

1. Legally, sold or transferred from the U.S. government to the Mexican government;²²
2. Legally, sold directly from U.S. companies to entities in Mexico through Direct Commercial Sales;²³ and
3. Illegally; through arms trafficking from the United States into Mexico over the southern border.

Government to Government Transfers

Weapons are transferred from the U.S. government to the Mexican government through Foreign Military Sales, loans, or grants via Official U.S. Security Assistance. As noted earlier, the \$3.3 billion the U.S. appropriated to fight cartel violence and drug trafficking over the last decade failed miserably.²⁴ In fact, U.S. security assistance both directly and indirectly fueled cartel violence by institutionalizing corruption and brutality within the Mexican

²² Office of the Deputy Assistant Secretary of the Army for Defense Exports and Cooperation. (n.d.). *Security Assistance*. Security assistance. Retrieved March 28, 2023, from <https://www.dasadec.army.mil/Security-Assistance/>

²³ Lucas, N. J., & Vassalotti, M. J. (2020, March 2). *Transfer of Defense Articles: Direct Commercial Sales (DCS)*. Retrieved March 28, 2023, from <https://sgp.fas.org/crs/weapons/IF11441.pdf>

²⁴ Chamberlin, M. (2022, June). *THE NINTH SUMMIT OF THE AMERICAS AND A SUSTAINABLE FUTURE FOR THE REGION*. Center for International Policy. Retrieved March 28, 2023, from https://3ba8a190-62da-4c98-86d2-893079d87083.usrfiles.com/ugd/3ba8a1_116bd707226645deb468c3671dfa95fb.pdf

government and military. High-level individuals within the Mexican government routinely used U.S. weapons to inflict violence against civilians and collaborate with the cartels. One salient example is the case of Genaro Garcia Luna, who served as the the head of Mexico's FBI and secretary of public security from 2006 to 2012.²⁵ Luna is currently on trial in New York City for allowing the Sinaloa cartel to operate with impunity in exchange for millions of dollars in bribes.

Additionally, laws intended to prevent the transfer of U.S. weapons to foreign military units who are credibly accused of committing human rights abuses have been routinely invoked against the Mexican military, signifying an ongoing culture of abuse and impunity. According to CIP's analysis, between 2017-2022, **30%**²⁶ of all foreign security force units worldwide that the U.S. State Department determined were ineligible for U.S. military assistance through Leahy Law vetting were from one country: Mexico.²⁷ Ultimately, U.S. security assistance for increased law enforcement within Mexico did not reduce crime or the drug trade; it made it more violent and less accountable.

Private Industry Sales

Second, weapons are sold by U.S. weapons manufacturers directly to buyers in the Mexican government, Mexican corporations, and/or individual customers in Mexico through a process called Direct Commercial Sales. Direct commercial sales are subject to end-use monitoring by the U.S. government to ensure defense articles are not being misused.²⁸ This process is overseen by the State Department Directorate of Defense Trade Controls under the Bureau of Political-Military Affairs. While laws and processes are in place to ensure accountability through pre- and post-shipment monitoring of requested sale licenses, the actual oversight being conducted is severely inadequate.

²⁵ Mann, B., & Lawrence, Q. (2023, February 14). *He was the head of Mexico's FBI. now he's on trial for accepting cartel bribes*. NPR. Retrieved March 28, 2023, from <https://www.npr.org/2023/02/14/1156093005/head-mexico-fbi-trial-cartel-bribes>

²⁶ U.S. Department of State. (2023, January 4). *Security and human rights - united states department of state*. U.S. Department of State. Retrieved March 28, 2023, from <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/human-rights/>

²⁷ U.S. Department of State. (2022, December 2). *Leahy Law fact sheet - united states department of state*. U.S. Department of State. Retrieved March 28, 2023, from <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/human-rights/leahy-law-fact-sheet/#:~:text=The%20State%20Department%20Leahy%20law,when%20implementing%20the%20Leahy%20law.>

²⁸ U.S. Department of State. (2021, January 14). *End-use monitoring of u.s.-origin defense articles - united states department of state*. U.S. Department of State. Retrieved March 28, 2023, from <https://www.state.gov/end-use-monitoring-of-u-s-origin-defense-articles/#:~:text=Under%20the%20Blue%20Lantern%20program,the%20legitimacy%20of%20proposed%20transactions.>

According to the State Department's own reporting, 2021 Report to Congress on End-Use Monitoring, "[end-use monitoring] checks were performed on approximately *one percent* of the total license applications approved in FY 2021."²⁹ (emphasis added) Of the checks that were performed, 30% were deemed unfavorable, meaning the license to purchase U.S. weapons was denied.³⁰ Given that 30% of the applications that are checked fail, it seems likely there are many sales taking place that would be denied were there more comprehensive monitoring in place.

The report also shows that the Bureau of Western Hemisphere Affairs, which covers the region that includes Mexico and at least 33 other countries, conducted only 30 direct commercial sale license checks in the *entire region* in 2021. Meanwhile, in 2021, the Section 655 Report on Direct Commercial Sales Authorizations to Foreign Countries and International Organizations for Fiscal Year 2020 stated that nearly 9 million Defense Articles and Services were authorized to be sold to Mexico that year alone, valuing more than \$732 million USD.³¹ Of those, 98% of the defense articles were in categories four through 20 of the U.S. munitions list, which are under State Department oversight. Nearly \$15 million dollars of defense materials were shipped to Mexico that year. In 2020, more than 26 million defense articles and services were approved for export to Mexico and more than \$40 million in weapons and equipment was shipped.³² The enormous amount of defense articles being sold to entities in Mexico through Direct Commercial Sales, combined with the lack of monitoring and oversight means it is extremely likely that U.S. companies are selling arms to corrupt or criminal elements in Mexico who are either directly or indirectly tied to the cartels.

Gun Trafficking

Lastly, approximately 200,000 guns are illegally trafficked from the U.S. into Mexico each year with the knowledge and support of American weapons manufacturers. Between 70 to 90 percent of guns recovered at crime scenes in Mexico can be traced back to the United States. Due to Mexico's extremely strict gun laws, cartels routinely buy weapons in the U.S.,

²⁹ U.S. Department of State. (2022, February 9). *End-use monitoring report - United States Department of State*. U.S. Department of State. Retrieved March 28, 2023, from <https://www.state.gov/end-use-monitoring-report/>

³⁰ U.S. Department of State. (2023, January 4). *Security and human rights - united states department of state*. U.S. Department of State. Retrieved March 28, 2023, from <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/human-rights/>

³¹ U.S. Department of State. (2022, February 9). *Section 655 annual military assistance - united states department of state*. U.S. Department of State. Retrieved March 28, 2023, from <https://www.state.gov/section-655-annual-military-assistance/>

³² https://www.pmddtc.state.gov/sys_attachment.do?sysparm_referring_url=tear_off&view=true&sys_id=06f22f571be4bc90c6c3866ae54bcb3e

mostly in Texas or Arizona, and smuggle them across the border.³³ In August 2021, the Mexican government filed a \$10 billion³⁴ lawsuit against eleven American gun manufacturers, including Smith & Wesson, Colt, and Beretta, accusing them of marketing and selling weapons to organized crime cartels and contributing to bloodshed in Mexico. The lawsuit is supported by district attorneys in 13 U.S. states.³⁵ According to court documents, it was found that nearly 50% of the major arms manufacturers in the United States are aware of and rely on the sales of arms that are illegally trafficked to Mexico to enhance profitability.³⁶ Despite the widespread harm committed in both Mexico and the United States due to the proliferation of American guns, Congress has not acted to require universal background checks or any other mechanisms of accountability for weapons manufacturers. In fact, a bi-partisan congressional majority explicitly granted gun manufacturers a unique privilege that shields them from legal liability for misuse of their products, through the 2005 Protection of Lawful Commerce in Arms Act (PLCAA).³⁷

POLICY RECOMMENDATIONS

Follow the money: Stop the flow of unregulated arms from the United States into Mexico.

More guns means more crime.³⁸ Congress should ensure the State Department is adequately monitoring the sale of weapons by U.S. companies and do more to stop the flow of trafficked guns, which directly empower the cartels, into Mexico.

³³<https://news.harvard.edu/gazette/story/2022/02/stopping-toxic-flow-of-gun-traffic-from-u-s-to-mexico/#:~:text=Between%2070%20to%2090%20percent,smuggle%20them%20across%20the%20border.>

³⁴ Texas Public Radio | By Toya Sarno Jordan. (2022, October 11). *Mexican government vows to continue legal fight against U.S. gun manufacturers*. TPR. Retrieved March 28, 2023, from <https://www.tpr.org/border-immigration/2022-10-10/mexican-government-vows-to-continue-legal-fight-against-u-s-gun-manufacturers>

³⁵ Andone, D. (2022, February 6). *13 states have backed the Mexican government's lawsuit against a group of US gun manufacturers*. CNN. Retrieved March 28, 2023, from <https://www.cnn.com/2022/02/06/us/mexico-lawsuit-us-gun-manufacturers/index.html>

³⁶ Mineo, L. (2022, February 22). *Stopping toxic flow of gun traffic from U.S. to Mexico*. Harvard Gazette. Retrieved March 28, 2023, from <https://news.harvard.edu/gazette/story/2022/02/stopping-toxic-flow-of-gun-traffic-from-u-s-to-mexico/>

³⁷<https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/gun-industry-immunity/#:~:text=Then%2C%20in%202005%2C%20after%20intense,sellers%20unprecedented%20immunity%20from%20lawsuits.>

³⁸ Moyer, M. W. (2017, October 1). *More guns do not stop more crimes, evidence shows*. Scientific American. Retrieved March 28, 2023, from <https://www.scientificamerican.com/article/more-guns-do-not-stop-more-crimes-evidence-shows/>

Follow the evidence: Prioritize a harm-reduction rather than an abstinence and law enforcement approach.

Militarization and criminalization will not end the drug trade.³⁹ People with opioid-use disorder need treatment and support. However, according to recent studies, only 13% of people with drug use disorders in the U.S. receive any treatment. Congress should advocate for better healthcare programs and harm-reduction approaches that are key to first keeping people alive so they may have a chance for recovery. For example, Congress could increase the availability of life-saving Naloxone to reverse overdoses, establish funding for safe-use sites, and ensure low-cost drug testing strips are widely available to youth. Currently, testing strips are illegal in most states as they are considered “drug paraphernalia,” and as recently as last year every state but Alaska prohibited their possession. However, this is changing as it is becoming apparent that young people are going to use drugs; it's only a matter of if they do so safely or not. Testing strips that tell youth whether or not the drugs they acquire are laced with fentanyl would save lives while longer-term strategies for ending demand for fentanyl trade are developed and established.

Address domestic factors that fuel American’s demand for drugs.

Deaths by suicide, drug overdose, and alcoholism, together referred to as “deaths of despair,” have risen dramatically in the U.S. over the past decade. At the same time, the root cause of addiction seems to be completely missing from conversations on how to tackle America’s opioid problem: poverty. It has been established for decades that adverse childhood experiences, or ACEs, which are highly correlated with poverty, are a major determinant in whether or not a person develops a substance-abuse disorder later in life.⁴⁰ The CDC reports that approximately 60% of the US population has experienced at least one ACE. While illicit drugs do not discriminate in terms of their effect, they are inferior goods, meaning their consumption decreases as income increases. Compared to other groups, populations who identify as white or Native American and who are unemployed, disabled, uninsured, incarcerated, or are living in poverty have significantly higher opioid overdose

³⁹ Mummolo, J. (2020, December 7). *Re-evaluating police militarization*. Nature News. Retrieved March 28, 2023, from <https://www.nature.com/articles/s41562-020-01010-7>

⁴⁰ Centers for Disease Control and Prevention. (2021, April 2). *Adverse childhood experiences (aces)*. Centers for Disease Control and Prevention. Retrieved March 28, 2023, from <https://www.cdc.gov/violenceprevention/aces/index.html>

death rates than those who are not.⁴¹ Meaningful support for children and poverty-reduction programs would be the most effective drug-prevention programs.

Avoid sanctions and engage in diplomatic, bilateral approaches to ending the fentanyl trade with Mexico and China.

Transnational crime is a global issue and requires multipronged, multilateral efforts. This necessitates states cooperating and pursuing mutually beneficial agreements. Rather than continue to escalate tensions or entertain the authorization of another war, diplomacy should be pursued to the fullest extent possible.

There are many opportunities to do so. For example, in Mexico, climate change and water scarcity are root causes of economic hardship that drive fentanyl production. Farmers who used to make a living from growing crops are now cooking fentanyl for the cartels as a means of survival.⁴² However, little is being done by the U.S. on the issue of climate mitigation and adaptation. In fact, the U.S. currently spends 14 times more money on efforts to militarize the southern border than on all climate finance for countries like Mexico who need help adapting to the climate crisis the U.S. is responsible for.⁴³ A shift in approaches, from a punitive, sanctions-oriented approach to one that fosters collaboration on shared challenges is much more likely to succeed and serve the American people.

Meaningfully address loopholes in the U.S. tax codes and trust laws that enable offshore tax havens and international money laundering.

The United States created and controls the financial institutions that enable money laundering worldwide. If we are serious about following the money, we can and should take action domestically to ensure greater transparency and accountability in our financial sector.⁴⁴

⁴¹ Altekruse, S. F., Cosgrove, C. M., Altekruse, W. C., Jenkins, R. A., & Blanco, C. (2020, January 17). *Socioeconomic risk factors for fatal opioid overdoses in the United States: Findings from the mortality disparities in American Communities Study (MDAC)*. PloS one. Retrieved March 23, 2023, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6968850/>

⁴²<https://www.pbs.org/newshour/show/a-secret-look-at-a-mexican-cartels-low-tech-multimillion-dollar-fentanyl-operation>

⁴³ <https://www.tni.org/en/publication/global-climate-wall>

⁴⁴<https://carnegieendowment.org/2021/10/07/five-things-united-states-can-do-to-stop-being-haven-for-dirty-money-pub-85530>

QUESTIONS FOR EXPERTS AND POLICYMAKERS

1. It is widely acknowledged that both the ‘war on drugs’ and ‘war on terror’ failed. After decades of spending to implement these militarized strategies, we are left with two devastating and unsuccessful wars in the Middle East, more robust global terror organizations, and are facing the worst drug epidemic in U.S. history. What is different about the world today that gives you confidence that the failed policies that drove these strategies will now be effective?
2. Can you cite any instances of prohibition and law-enforcement campaigns against ‘illicit vices’ in the United States that did not result in riskier use and illicit markets?
3. The decriminalization of marijuana in the United States corresponds with a 73% decrease in seizures of illicit marijuana being trafficked into the U.S. Can you provide an example of how increasing criminalization or border security has led to an equal or greater reduction in drug trafficking?
4. Can you cite specific evidence of sanctions leading to increased international cooperation on issues of transnational crime?
5. What data specifically would be used to evaluate the success of sanctions against China on the issue of precursor chemicals?
6. The National Sheriffs Association requested congress do “everything in your power” to address cartel violence. Would this include taking steps to reduce access to firearms and other weapons they use to operate the illicit fentanyl trade?
7. Do you feel that screening 1% of the millions of defense articles that are sold to Mexico each year qualifies as “meaningful oversight?”
8. What percentage of arms sales should be reviewed before being approved?
9. Should U.S. companies be allowed to sell weapons, directly or indirectly, to transnational criminal organizations?
10. Do you believe that U.S. weapons manufacturers who allow guns to be trafficked into Mexico to be utilized by cartels are “at war with Mexico?”
11. It is alleged that China is attacking the U.S. by subsidizing companies that produce precursor chemicals used to make illicit fentanyl, which is killing Americans. Is the U.S. attacking Mexico by subsidizing U.S. gun manufacturers (through tax breaks) who enable weapons to be trafficked into Mexico that kill Mexicans?
12. Do you believe that U.S. companies played a role in creating the opioid crisis and strengthening the cartels today?
13. Do you believe that members of congress in charge of overseeing the regulation of U.S. weapons and pharmaceutical companies should be allowed to receive campaign donations or other funding from these industries?

Please do not hesitate to contact the author with any questions:

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