

Documents for the Record

Subcommittee on Health Hearing “Combatting Existing and Emerging Illicit Drug Threats” February 6, 2025

Majority:

- February 6, 2025 – Letter from the National Association of Police Organizations, submitted by Rep. Griffith
- February 6, 2025 – Letter from a local law enforcement community coalition, submitted by Rep. Griffith
- February 6, 2025 – Letter from a physician coalition, submitted by Rep. Griffith
- February 6, 2025 – Article titled, “B.C. organized crime expanding export of fentanyl and other drugs,” submitted by Rep. Dunn
- February 6, 2025 – Letter from the American Society of Health-System Pharmacists, submitted by Rep. Rulli
- February 6, 2025 – Letter from the American Veterinary Medical Association, submitted by the Majority on behalf of Rep. Pfluger

Minority:

- February 6, 2025 – Article titled, “DOGE Aides Search Medicare Agency Payment Systems for Fraud,” submitted by Rep. Trahan
- February 6, 2025 – Article titled, “Elon Musk’s Blitz Shakes U.S. Government,” submitted by Rep. Trahan
- February 6, 2025 – Letter from a family advocate
- February 6, 2025 – Letter from the American Society of Addiction Medicine
- February 6, 2025 – Letter from a coalition of public health, criminal justice, and civil rights organizations
- February 6, 2025 – Letter from The Leadership Conference on Civil and Human Rights
- February 6, 2025 – Article titled, “How a factory city in Wisconsin fed military-grade weapons to a Mexican cartel,” submitted by Rep. Barragán
- February 6, 2025 – Article titled, “How the United States Arms the Mexican Cartels,” submitted by Rep. Barragán
- February 6, 2025 – Memorandum from the Acting Deputy Attorney General, U.S. Department of Justice, submitted by Rep. Barragán
- February 6, 2025 – Article titled, “PART VII: Firearm Commerce, Crime Guns, and the Southwest Border,” submitted by Rep. Barragán
- February 6, 2025 – Article titled, “Virginia community health centers close over federal funding access,” submitted by Rep. McClellan



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Executive Director and
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January 29, 2025

The Honorable Bill Cassidy
United States Senate
455 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Morgan Griffith
United States House of Representatives
2110 Rayburn House Office Building
Washington, D.C. 20515

Dear Senator Cassidy and Congressman Griffith:

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 you to express our strong support for the Halt All Lethal Trafficking of (HALT) Fentanyl Act.

The spread of fentanyl in our communities is devastating. It is being mixed with already deadly illicit drugs, hidden in counterfeit drugs, and being peddled at alarmingly high rates. According to the National Institute on Drug Abuse, more than 107,941 Americans died from drug overdoses in 2022 and synthetic opioids like fentanyl were involved in over 73,8381 of those deaths. The trend of deaths due to synthetic opioids and fentanyl continues to climb, with no abatement in sight.

The HALT Fentanyl Act would make permanent the current classwide scheduling of all fentanyl-related substances as Schedule 1 drugs under the Controlled Substances Act, giving law enforcement the tools and resources necessary to combat and deter fentanyl in our nation's communities.

NAPO has long fought for resources to support law enforcement's efforts to combat fentanyl, its analogues, and similar opioids. We thank you for your efforts to help the fight against the spread of this deadly poison in our communities and look forward to working with you to pass this important legislation. If we can provide any additional assistance, please feel free to contact me at [REDACTED].

Sincerely,



William J. Johnson, Esq.
Executive Director



January 31, 2025

The Honorable J. Michael Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Morgan Griffith
Member
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Johnson and Congressman Griffith:

We, the undersigned organizations, representing a significant portion of the nation's federal, state, and local law enforcement community, write to express our strong support for the *HALT Fentanyl Act* and urge the House to advance this critical legislation without delay or modification.

Fentanyl and fentanyl-related substances continue to drive a devastating public health crisis. According to the DEA's 2024 National Drug Threat Assessment, fentanyl remains the primary cause of the ongoing epidemic of drug poisoning deaths in the United States, with synthetic opioids accounting for 68 percent (74,225) of all drug poisoning deaths in 2022. It is in recognition of realities of the opioid crisis that Congress has passed numerous extensions of DEA's original 2018 temporary scheduling authority—an authority which is set to once again expire on March 31, 2025. Rather than another last-minute extension, it is time for Congress to confront the crisis head on and provide DEA with permanent scheduling authority for fentanyl-related substances.

The HALT Fentanyl Act is a crucial step forward. By permanently classifying fentanyl-related substances in Schedule I of the Controlled Substances Act, this bill gives law enforcement an important tool to combat the deadly spread of these substances. Additionally, it ensures that research on fentanyl-related substances can continue without unnecessary roadblocks by establishing a new, alternative registration process for Schedule I research.

We commend your early prioritization of this issue and your leadership in pushing this legislation forward. The opioid epidemic continues to claim the lives of hundreds of Americans every day. As this crisis escalates, every delay in addressing it only increases the toll on our communities. For the sake of public safety, it is imperative that the House pass the *HALT Fentanyl Act* as it stands, without changes, and move it forward to law.

Thank you again for your commitment to this urgent issue. We look forward to your continued leadership in advancing this legislation and ensuring that fentanyl-related substances are properly scheduled to protect our communities.

Sincerely,

Association of State Criminal Investigative Agencies (ASCIA)
Federal Law Enforcement Officers Association (FLEOA)
Major Cities Chiefs Association (MCCA)
Major County Sheriffs of America (MCSA)
National Alliance of State Drug Enforcement Agencies (NASDEA)
National Association of Police Organizations (NAPO)
National District Attorneys Association (NDAA)
National HIDTA Directors Association (NHDA)
National Narcotic Officers' Associations' Coalition (NNOAC)
National Sheriffs' Association (NSA)
Sergeants Benevolent Association NYPD (SBA)

cc:

The Honorable Hakeem Jeffries, Minority Leader, U.S. House of Representatives
The Honorable Brett Guthrie, Chair, Energy & Commerce Committee, U.S. House of
Representatives
The Honorable Frank Pallone, Ranking Member, Energy & Commerce Committee, U.S.
House of Representatives
The Honorable Jim Jordan, Chair, Judiciary Committee, U.S. House of Representatives
The Honorable Jamie Raskin, Ranking Member, Judiciary Committee, U.S. House of
Representatives

February 5, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Earl L. “Buddy” Carter
Chair
Subcommittee on Health
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Diana DeGette
Ranking Member
Subcommittee on Health
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Carter and Ranking Member DeGette:

On behalf of the undersigned organizations, we appreciate your leadership in addressing the fentanyl epidemic, a crisis that has devastated families across the country, and for convening the hearing entitled, *Combatting Existing and Emerging Illicit Drug Threats*, scheduled for Thursday, February 6, 2025.¹ As physicians, we write to provide a clinical perspective on this issue, particularly regarding our compliance with the Controlled Substances Act (CSA) and the critical distinction between fentanyl approved by the U.S. Food and Drug Administration (FDA) and illicit fentanyl analogues.²

We care for patients who experience severe, chronic intractable pain due to conditions such as advanced cancer, complex surgical interventions, and neurological disorders who require carefully prescribed individualized pain management strategies. This often involves the use of regulated medical devices and controlled substances under the CSA. For example, patients with cancer pain caused by tumors that have spread to the skeleton or that are compressing nerves, or individuals suffering from severe spasticity disorders (i.e., cerebral palsy, multiple sclerosis, stroke, brain/spinal cord injury), may require an intrathecal drug delivery system.³ Sometimes colloquially termed “pain pumps,” these implantable devices deliver medication directly into the spinal fluid, providing effective pain relief while minimizing systemic opioid exposure. These therapies allow patients to have significant improvement in symptoms and quality of life as compared to oral medications. Some of the FDA-approved pain medications used in these devices—such as morphine—are classified as Schedule II drugs due to their high potential for abuse. Yet, they are essential for certain chronic disabling medical conditions and safe when prescribed and carefully monitored by a physician.

As you know, the U.S. Drug Enforcement Administration (DEA) oversees a rigorous regulatory framework for controlled substances to prevent misuse and diversion while ensuring appropriate medical access. Physicians and other clinicians must register with the DEA to prescribe, administer, or dispense controlled substances, including FDA-approved fentanyl and other opioids. This registration must be renewed every three years, and registrants must comply with strict record-keeping, safety reporting, prescription monitoring, and storage requirements. The most restrictive classification is Schedule I. The

¹ House Committee on Energy and Commerce, (2024, January 24), Chairmen Guthrie and Carter announce health subcommittee hearing on illicit drug threats. <https://energycommerce.house.gov/posts/chairmen-guthrie-and-carter-announce-health-subcommittee-hearing-on-illicit-drug-threats>.

² 21 U.S.C. §§ 801-971 (1970).

³ These are prescribed when oral opioids or other pain management strategies are ineffective or cause intolerable side effects.

CSA defines a Schedule I controlled substance as a drug or other substance that has a high potential for abuse, has no currently accepted medical use in treatment in the U.S., and lacks accepted safety for use under medical supervision.⁴

Illicit fentanyl analogues are far more potent and deadly than prescription opioids. Until federal authorities and Congress stepped in seven years ago to temporarily add them to Schedule I, these substances lived outside of this carefully constructed and regulated ecosystem.^{5, 6} As federal agencies continued to report on the status of the fentanyl and opioid crisis annually, Congress extended the temporary scheduling several times, and it is currently set to expire on March 31, 2025.

Given the above, maintaining illicit analogues under a temporary Schedule classification is not a sustainable or rational approach. Continually revisiting its classification creates confusion about the dangers of these substances and hampers efforts to address the crisis comprehensively. Illicit fentanyl analogues have an extraordinarily high potential for abuse, have no accepted medical use, and cannot be used safely under any circumstance—even with medical supervision. In addition, illicit fentanyl analogues have become widely accessible on the streets and through online sources. This accessibility (and affordability) has caused chaos for patients as many pursued illicit fentanyl analogues, looking for pain relief and believing them to be equivalent to fentanyl but not understanding the dangers of these compounds, which do not carry the imprimatur of FDA approval and are not used under the careful monitoring by their physician.^{7, 8} Finally, the uncertainty surrounding the continued temporary scheduling undermines the continuity of the DEA's ability to fulfill its core mission of regulating access to controlled substances to prevent misuse, diversion, and illicit distribution of controlled substances. To this end, we commend recent bipartisan efforts in the Senate to advance legislation addressing the fentanyl crisis by appropriately categorizing fentanyl analogues under the CSA, while preserving access to scientific research on pain management and medication-assisted treatment.⁹ We believe these efforts build on the momentum from last Congress, where similar legislation passed the House with bipartisan support.¹⁰

As you consider permanent scheduling and other changes to the CSA, we urge you to protect the role of FDA-approved fentanyl and other opioids in clinical medicine. Specifically, we request that you make a technical correction in the SUPPORT for Patients and Communities Act to maintain the long-standing practice of the DEA registrants obtaining opioid and other compounded intrathecal medications to fill patients' pain pumps. These pumps require periodic refilling of the medication reservoir to maintain therapy. The medications are often prepared by outside pharmacies pursuant to a physician's prescription. For many years, these syringes of sterile medications would be delivered to the physician's office, where the refill would be completed. For those patients who are too disabled to make the journey to the physician's office, some of the compounding pharmacies employ nurses who are trained in these refill techniques and would take the medications to the patient's home and perform the refill there.

⁴ 21 U.S.C. § 812(b)(1) (1970).

⁵ Drug Enforcement Administration (2018), Schedules of controlled substances: Temporary placement of fentanyl-related substances in schedule I, Federal Register, 83(25), 5188-5192.

⁶ SUPPORT for Patients and Communities Act, Pub. L. No. 115-271, 132 Stat. 3894 (2018).

⁷ Cicero, T. J., Ellis, M. S., & Kasper, Z. A. (2020). The transition to illicit drug use following prescription opioid exposure: A review of empirical evidence and future directions, *Preventive Medicine*, 128, 105852. <https://doi.org/10.1016/j.ypmed.2019.105852>.

⁸ National Institutes of Health. (2022), The opioid crisis and the black market: How supply and demand shape illicit opioid use. *National Library of Medicine*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9306091/>.

⁹ Senate Judiciary Committee (2025, January 30), Grassley, Cassidy, and Heinrich propose a permanent scheduling fix for fentanyl-related substances. United States Senate, <https://www.judiciary.senate.gov/press/rep/releases/grassley-cassidy-heinrich-propose-permanent-scheduling-fix-for-fentanyl-related-substances>.

¹⁰ Clerk of the U.S. House of Representatives, (2023, May 25), Roll Call 237: HALT Fentanyl Act. Office of the Clerk, U.S. House of Representatives, <https://clerk.house.gov/Votes/2023237>.

Unfortunately, a misinterpretation of the SUPPORT Act threatens this critical treatment option by preventing pharmacies, including compounding pharmacies, from dispensing controlled substances for use in pain pumps.¹¹ Federal law restricts pharmacies from dispensing controlled medications to anyone except the end user. An exception to this prohibition was created by the SUPPORT Act to allow direct dispensing to the practitioner, but only for medications used to treat opioid use disorder.¹² This restriction has created significant logistical barriers, forcing patients and providers to navigate burdensome workarounds such as requiring homebound patients to execute a power of attorney agreement or personally receive and store highly concentrated, perishable opioids—both of which pose risks to patient safety and medication security.

The DEA and the U.S. Department of Justice both recognize this issue but have stated in conversations with physicians and compounding pharmacies that the only solution is a legislative fix. Moreover, the DEA has in the past stated that they would at least consider issuing temporary guidance stating that they do not believe the wording prohibits dispensing controlled substances used in intrathecal pain therapy to physicians. However, this document has yet to be released, thereby sowing confusion for practitioners serving this vulnerable population.

Because this issue cannot be resolved administratively, a legislative fix is necessary to restore access to intrathecal pain pumps without unnecessary regulatory burdens. This targeted correction would protect patient access to evidence-based pain management, maintain proper DEA oversight of controlled substances, and prevent undue administrative challenges for both physicians and patients. Ideally, this fix would include changes to the code allowing the dispensing of these medication syringes to the prescribing physician or their designate (such as the refilling agency). Moreover, we recommend amending the referenced statute to add Schedule II medications to the list of approved schedules for these deliveries.¹³

We appreciate your leadership in addressing this crisis and urge Congress to enact policies that effectively combat the illicit fentanyl epidemic while preserving access to legitimate, physician-directed pain management. We look forward to collaborating with you on statutory measures that balance public health and law enforcement priorities, improve patient care, and promote responsible prescribing practices in the fight against fentanyl-related deaths.

Sincerely,

American Academy of Pain Medicine
American Academy of Physical Medicine & Rehabilitation
American Association of Neurological Surgeons
American Academy of Orthopaedic Surgeons
American Society of Anesthesiologists
American Society of Neuroradiology
American Society of Regional Anesthesia and Pain Medicine
Congress of Neurological Surgeons
International Pain and Spine Intervention Society
North American Neuromodulation Society
North American Spine Society

¹¹ SUPPORT for Patients and Communities Act, Pub. L. No. 115-271, § 3204, 132 Stat. 3894 (2018).

¹² 21 USC 829a. *See also* Wagner, M. N., & Rosebush, L. H., (October 10, 2024), Make no mistake, pharmacies can still deliver controlled substances to patients, Baker Hostetler, <https://www.bakerlaw.com/insights/make-no-mistake-pharmacies-can-still-deliver-controlled-substances-to-patients/>.

¹³ 21 USC 829a(2).

B.C. organized crime expanding export of fentanyl and other drugs

That suggests exports might be increasing, but the U.S. seizes far more fentanyl on the Mexico border than the Canadian border

By Kim Bolan

Published Feb 03, 2025

While the amount of fentanyl smuggled into the United States from Canada has so far been small, the increased number of B.C. super labs indicates organized crime groups here are expanding synthetic drug exports, the RCMP says.

Cpl. Arash Seyed, of the RCMP's federal serious and organized crime section, said Monday that police don't know where most of record amount of fentanyl seized in October from Falkland's super lab was destined.

Of the 95 million potential fentanyl doses found in the lab, "we don't know where that was going to be going," Seyed said.

One specific shipment from the Falkland lab — the biggest ever uncovered in Canada — was intercepted before it could be sent to another country overseas, Seyed said. It was not destined for the U.S.

American President Donald Trump cited fentanyl smuggling as one reason he was imposing 25 per cent tariffs across the board on Canadian goods. He has delayed the tariffs for 30 days after Prime Minister Justin Trudeau offered a new \$1.3 billion border plan "with new choppers, technology and personnel, enhanced coordination with our American partners, and increased resources to stop the flow of fentanyl."

Trudeau also said he would appoint a "fentanyl czar" and "will list cartels as terrorists" as well as launch a Canada-U.S. joint strike force to combat organized crime.

Trump specifically cited B.C.'s super labs in his original executive order, referencing a report that "recognized Canada's heightened domestic production of fentanyl, largely from British Columbia, and its growing footprint within international narcotics distribution."

But the U.S. border patrol seized less than 20 kilograms of fentanyl from Canada in the 2024 fiscal year, while intercepting almost 10 tonnes headed north from Mexico.

But the number of synthetic drug super labs has been increasing in Canada and specifically in B.C. The latest report from the [Criminal Intelligence Service](#) Canada noted that the number of organized crime groups involved in manufacturing synthetic drugs almost doubled over the last year from 51 in 2023 to 99 in 2024.

"We have the world's most sophisticated drug super labs," Seyed said. "They're expanding. They're increasing in size and sophistication. And that's something that's obviously concerning for our neighbours."

Canadian criminal organizations are also manufacturing methamphetamine and MDMA, also known as ecstasy, in the same super labs that are producing fentanyl, which leads to cross-contamination, he said.

Some of that MDMA and meth is being smuggled into the U.S.

“Meth and fentanyl go hand in hand,” Seyed said. “Our organized crime groups use MDMA as currency with cartel groups, with lots of organized crime groups in the States.”

He said because fentanyl is so cheap down south, it is not the most lucrative market for Canadian criminal organizations that want to maximize their earnings.

“It just doesn’t make sense for organized crime to make it here,” he said of fentanyl for the U.S. market.

Postmedia has reported extensively on B.C. gangs like the Hells Angels, United Nations and Wolfpack working internationally with Mexican cartels, Middle Eastern organized crime groups and triads to smuggle huge amounts of drugs and precursors around the globe.

Seyed said that Europe is an “emerging market” for fentanyl.

“We’ve had delegations from different countries, mostly EU nations, coming here regularly, because it’s starting to manifest over there,” he said.

Police can’t say yet if Canadian fentanyl is being shipped to Europe, but there has been evidence of Mexican cartels operating there. Some of the B.C. super lab fentanyl “has been going to Southeast Asia,” Seyed said.

Australia and New Zealand — the main and most lucrative markets for Canadian-produced methamphetamine — have been fighting to keep fentanyl out.

Earlier Monday, Conservative leader Pierre Poilievre urged action to tighten up the Canadian border, including hiring 2,000 new border agents. He also said high-powered scanners should be installed at all major land crossings and shipping ports.

“The border must be fixed for the good of Canadians. The result of the Liberals’ border chaos and soft-on-crime policies has been gun smuggling driving violent crime, an immigration system that is completely out of control, and fentanyl and human trafficking destroying lives,” Poilievre said.



February 6, 2025

The Honorable Chairman Brett Guthrie
House Energy and Commerce Committee
2161 Rayburn House Office Building
Washington, DC 20515

The Honorable Ranking Member Frank Pallone
House Energy and Commerce Committee
2107 Rayburn House Office Building
Washington, DC 20515

The Honorable Chairman Earl L. "Buddy" Carter
The Energy and Commerce Committee
Health Subcommittee
2432 Rayburn House Office Building
Washington, DC 20515

The Honorable Ranking Member Diana DeGette
The Energy and Commerce Committee
Health Subcommittee
2111 Rayburn House Office Building
Washington, DC 20515

Re: Hearing on Combatting Existing and Emerging Illicit Drug Threats.

Dear Representatives Guthrie, Carter, Pallone, and DeGette:

ASHP appreciates your holding this important hearing on combatting illicit drug threats, including providing support to those suffering from opioid use disorder (OUD) and substance use disorder (SUD). The American Society of Health-System Pharmacists (ASHP) is the collective voice of pharmacists who serve as patient care providers in hospitals, health systems, ambulatory clinics, and other healthcare settings spanning the full spectrum of medication use. The organization's more than 60,000 members include pharmacists, student pharmacists, and pharmacy technicians. For more than 80 years, ASHP has been at the forefront of efforts to improve medication use and enhance patient safety.

Since the passage of the Mainstreaming Addiction Treatment (MAT) Act, pharmacists have been playing a critical role in combatting addiction by providing access to lifesaving medications for opioid use disorder (MOUD). In a proactive move to expand patient access to treatment, ASHP launched the *Medications for Opioid Use Disorder (MOUD) Training Program* to provide pharmacists, physicians, and other advanced healthcare professionals who work or plan to work with MOUD the training they need to meet the MAT Act's eight-hour training requirement.¹ This curriculum satisfies training requirements by the Drug Enforcement Administration (DEA) and Substance Abuse and Mental Health Services Administration. As such, it is a primary source of MOUD and controlled substance prescriber training for the pharmacy workforce. More can be done by pharmacists to help those suffering from SUD.

According to the Centers for Disease Control and Prevention's (CDC) May provisional data, overdose deaths involving opioids decreased from an estimated 84,181 in 2022 to 81,083 in 2023.² While the MAT Act was a significant step forward in helping reduce these rates, ASHP is committed to working with the subcommittee and Congress, our members, states, and the administration to expand access

¹ <https://www.ashp.org/professional-development/moud-training-program#>

² https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2024/20240515.htm

to treatment. Below we have provided detailed proposals to expand access to MOUD as well as reduce the stigma surrounding SUD and its treatment.

Reduce Barriers to the Supply of MOUD: There are very real challenges to the purchasing and stocking of buprenorphine at pharmacies, including health-system pharmacies, due to inclusion of buprenorphine in suspicious order reports (SORs), and the medication's inclusion in the settlement agreement with state attorneys general and drug distributors.

Federal regulations and confusion over the interpretation of regulations on the dispensing of buprenorphine from community pharmacies remain a barrier to patient access and threatens continuity of therapy.³ A survey on pharmacy access published by the American Society of Addiction Medicine found the most commonly cited reasons for not filling buprenorphine prescriptions included supplier shortages; pharmacy wholesaler limits on the amount of the medication that may be ordered; corporate policies restricting the dispensing of buprenorphine; and an incorrect assumption that the DEA has a cap on the quantity of buprenorphine that can be dispensed.⁴ A recent survey of pharmacists found that 31% of pharmacy respondents did not stock buprenorphine due to perceived ordering limits imposed by the DEA.⁵

The DEA has indicated that, "neither the CSA nor DEA regulations establish quantitative thresholds or limits on the amounts of controlled substances, including MOUD, that DEA registrants may order or dispense, nor do they require registrants to set such thresholds or limits."¹ More recently, the DEA indicated that "distributors should carefully examine quantitative thresholds they have established to ensure that individuals with opioid use disorder who need buprenorphine are able to access it without undue delay."²

Yet we are concerned about reports from our members that patients with OUD have struggled to get buprenorphine prescriptions dispensed at pharmacies. Despite the MAT Act's removal of the X-waiver, we continue to hear two prevailing themes:

- Pharmacies have not increased orders for MOUD because of fears by distributors and pharmacies of exceeding thresholds, which would trigger SORs and subject the pharmacy and distributor to increased DEA scrutiny.

³ Weiner SG, Qato DM, Faust JS, Clear B. Pharmacy Availability of Buprenorphine for Opioid Use Disorder Treatment in the US. *JAMA Netw Open*. 2023 May 1;6(5):e2316089. doi: 10.1001/jamanetworkopen.2023.16089. PMID: 37234009; PMCID: PMC10220511.

⁴ American Society of Addiction Medicine (2022). Reducing Barriers to Lifesaving Treatment: Report on the Findings from ASAM's Pharmacy Access Survey. <https://www.sciencedirect.com/science/article/pii/S0955395922002031?via%3Dihub>.

⁵ Carpenter, D., Lambert, K. V., Harless, J. C., Wilson, C. G., Davis, S. A., Zule, W. A., & Ostrach, B. (2022). North Carolina community pharmacists' buprenorphine dispensing practices and attitudes. *Journal of the American Pharmacists Association : JAPhA*, 62(5), 1606–1614. <https://doi.org/10.1016/j.japh.2022.04.019>.

- As a result of the scrutiny and subsequent challenges with pharmacies obtaining sufficient stock of buprenorphine products, patients continue to face delays and denials of MOUD—frustrating patients, pharmacists, and physicians and exacerbating the nation’s overdose and death toll.

The Preventing Drug Diversion Act became law as Section 3292 of the SUPPORT for Patients and Communities Act in 2018 and required that DEA registrants design and operate systems to identify and notify DEA of suspicious orders. The primary intent of this legislation was to address the large quantities of opioid analgesics being supplied to certain pharmacies and the inability of the DEA to track such activity without cooperation from those in the supply chain. The state attorneys general settlement agreement further requires distributors to establish ordering thresholds for controlled substances, including buprenorphine, and to refuse shipments that exceed thresholds.⁶ As long as buprenorphine products approved by the FDA for OUD remain in SORs database reporting requirements and opioid litigation settlement agreements, access to these life-saving medications will remain a struggle across the country. **We recommend Congress call for clear guidance explicitly stating that DEA will not enforce SORs requirements for FDA-approved buprenorphine for OUD/SUD. We further recommend Congress remove buprenorphine from the DEA’s SORs list for the remainder of the opioid public health emergency. We also urge Congress to press state attorneys general to modify their settlement agreements with distributors to exclude buprenorphine ordering from suspicious order thresholds, monitoring and reporting.**

Eliminate Hurdles to Pharmacists Prescribing MOUD: Despite the passage of the MAT Act and elimination of the X-waiver, significant barriers remain at the state level before pharmacists can begin prescribing MOUD. Currently, only 13 states allow pharmacists to initiate such treatments. We have released model legislation that would allow pharmacists to prescribe MOUD.⁷ The model state legislation proposes the following updates to state laws:

- **Provide clear authority for pharmacists to initiate MOUD**

The model legislation establishes clear authority for physicians and institutions to establish agreements with pharmacists to manage MOUD. It should provide flexibility for these agreements to include a statewide protocol, collaborative practice agreement, or institutional protocol.

⁶ <https://oag.dc.gov/sites/default/files/2022-02/Final-Distributor-Settlement-Agreement-2-.pdf>

⁷ [https://www.ashp.org/-/media/assets/advocacy-issues/docs/2024/MOUD-map-0324; Model State Law to Improve Access to Medications for Opioid Use Disorder from Pharmacists \(ashp.org\)](https://www.ashp.org/-/media/assets/advocacy-issues/docs/2024/MOUD-map-0324; Model State Law to Improve Access to Medications for Opioid Use Disorder from Pharmacists (ashp.org))

- **Establish a timeline for board of pharmacy action on buprenorphine**

The elimination of the X-waiver was intended to expand access to buprenorphine. Legislation should direct state boards of pharmacy to establish a statewide model protocol for pharmacist initiation and management of buprenorphine therapy for OUD.⁸

- **Ensure pharmacists comply with federal registration and training requirements**

Federal law requires that pharmacists register with the DEA and complete certain training requirements prior to prescribing controlled substances to treat opioid use disorder. State law should align with these federal prescribing requirements.

- **Remove any pre-existing state barriers to MOUD prescribing**

Most MOUDs, including buprenorphine, are controlled substances. Some state Controlled Substances Acts or Pharmacy Practice Acts may contain legacy prohibitions against pharmacists prescribing controlled substances. These must be removed to allow prescribing of MOUD.

- **Create a mechanism for Medicaid to pay for these pharmacist services**

If the state does not have an existing Medicaid payment mechanism for clinical services provided by pharmacists, add this authority to the Medicaid statute to allow reimbursement of pharmacist services related to MOUD management.

- **Create a mechanism for commercial insurance to pay for these pharmacist services**

If the state does not have an existing commercial insurance payment mechanism for clinical services provided by pharmacists, add this authority to the insurance statute, to allow reimbursement of pharmacist services related to MOUD management. Some states may have separate statutes governing group health plans, HMOs, or other plan types. Replicate this language in those statutes.

We recommend Congress consider adopting a federal version of this law that would further expand access to MOUD.

Eliminate Payor Barriers to MOUD: Coverage limitations can pose an insurmountable barrier to patient access to MOUD. Under existing law, pursuant to the Mental Health Parity and Addiction Equity Act (MHPAEA) any nonquantitative treatment limitation (NQTL), like prior authorization, must be no more restrictive for SUD treatment, including MOUD, than for similar medical or surgical treatments.

⁸ A model protocol is available <https://www.ashp.org/advocacy-and-issues/key-issues/opioids/model-moud-prescribing-protocol?loginreturnUrl=SSOCheckOnly>

We recommend, at a minimum, Congress direct agencies with jurisdiction over individual and group coverage, as well as Medicare Advantage and Medicaid plans, to ensure that any more restrictive NQTLs for SUD treatment be eliminated pursuant to MHPAEA's parity mandate, specifically, prior authorization for MOUD.

Authorize Pharmacists to Initiate MOUD: While the MAT Act has removed the X-waiver, many states still prohibit pharmacists from initiating MOUDs, such as buprenorphine, which is a controlled substance. This prevents pharmacists from managing patient treatment plans to taper and discontinue use of opioids. Authorizing pharmacists under the Public Readiness and Emergency Preparedness (PREP) Act to initiate, modify, and administer MOUDs, as well as medications to manage withdrawal symptoms and opioid-related side effects, and to taper opioid therapy as part of a physician-led care team, would substantially broaden access to these lifesaving treatments and reduce the risk of opioid misuse. **We recommend using authority under the PREP Act to authorize pharmacists, as part of physician-led care teams, in every state to initiate and administer MOUDs, such as buprenorphine, and taper and discontinue use of opioids.**

Authorize Pharmacists to Co-Prescribe Naloxone: The Department of Health and Human Services (HHS) has raised concern that less than 1% of patients for whom naloxone should be co-prescribed actually receive a prescription for this life-saving drug.⁹ HHS should issue a PREP Act declaration authorizing pharmacists to independently co-prescribe naloxone when dispensing opioids to patients with a prescription for high-dose opioids, respiratory conditions such as COPD or obstructive sleep apnea, a prescription for benzodiazepines, a non-opioid SUD, a behavioral health disorder, or otherwise at high risk for experiencing an opioid overdose. **We recommend issuing a PREP Act declaration authorizing pharmacists in every state to co-prescribe naloxone when dispensing opioids to patients at risk of experiencing an overdose.**

Allow Prescribers to Initiate MOUD via Telehealth and Make Virtual Supervision of Pharmacists Services Permanent via Telehealth: During the most recent public health emergency (PHE), the DEA waived the Ryan Haight Act to allow prescribers to initiate treatment with schedule II-V controlled substances, including MOUDs, via telehealth. Further facilitating MOUD treatment during the PHE, the Centers for Medicare & Medicaid Services (CMS) permitted physicians to virtually provide direct supervision of pharmacists. These flexibilities were critical to ensuring patients had access to MOUDs during the period when the prevalence of OUD increased significantly. Telehealth has become a permanent and essential part of patient care, particularly for those in rural and underserved areas. These flexibilities should be made permanent to allow physicians to leverage the pharmacists on their care team and communities for treatment of OUD, including opioid tapering and discontinuation, initiation and maintenance of MOUDs, and initiating medications for the treatment of opioid-induced

⁹ <https://www.nejm.org/doi/full/10.1056/NEJMc2208055>

side effects. **We recommend making permanent the authority of prescribers to initiate treatment of OUD with schedule II-V controlled substances via telehealth and remote supervision of pharmacists.**

Supporting Pharmacists' Collaborative Role in Providing SUD Treatment: As noted, pharmacists play an essential and collaborative role with physicians and other providers in treating SUD. Critical to expanding access to MOUD and SUD care is providing necessary funding for training, regulatory clarity, and clarity around payment for the provision of these services. Providing grants to pay for training pharmacists for the provision of MOUD will allow more providers to enter this field. Ensuring continuity of payment to providers and clinics will ensure the economic viability of pharmacists providing these services. Providing clarity around telehealth and patient privacy regulatory requirements will further expand access to the collaborative model for treating SUD. **We recommend Congress pass the SUPPORT Rx Act that would expand access to medication-assisted treatment by pharmacists.**

Allow Dispensing of Methadone from Pharmacies for Treatment of OUD: Methadone, along with buprenorphine, is critical to treating those suffering from OUD. While pharmacies can dispense methadone for treatment of pain, they cannot dispense it for treatment of OUD. Methadone can only be dispensed for treatment of OUD from outpatient treatment programs (OTPs). Unfortunately, this results in patients in some areas of the country having to travel long distances to receive methadone, while others are unable to access this medication therapy option. This situation was only exacerbated by the COVID-19 pandemic. SAMHSA provided temporary relief by allowing some patients to take home up to 28 days' worth of methadone, while other less-stable patients were only allowed a 14-day supply. SAMHSA's temporary relief provided a limited solution during the PHE, particularly for those that are not located close to an OTP. **We recommend Congress re-introduce and pass the Modernizing Opioid Treatment Access Act (H.R. 1359/S. 644), introduced during the 118th Congress, which would allow dispensing of methadone for treatment of OUD from pharmacies.**

Reclassify Fentanyl Test Strips (FTS) as a Covered Countermeasure: Drug overdose death rates involving fentanyl significantly increased by 279% from 5.7 per 100,000 in 2016 to 21.6 in 2021.¹⁰ As OUD and SUD continues to be an issue, we can also expect the risk of fentanyl overdoses to be prevalent. FTS are an effective harm reduction tool that save lives. Research shows that use of FTS is significantly associated with lowered rates of overdose risk behaviors.¹¹ FTS are easy to use and inexpensive to produce. However, FTS are often stigmatized, and at least 19 states currently classify FTS as "drug paraphernalia."¹² This classification prevents legal distribution of FTS.¹³ **We recommend Congress direct HHS to recognize FTS as a covered countermeasure under the PREP Act, thereby allowing health care providers, including pharmacists, to distribute them in every state.**

¹⁰ <https://blogs.cdc.gov/nchs/2023/05/03/7338/>.

¹¹ <https://www.healthaffairs.org/doi/10.1377/forefront.20210601.974263/>.

¹² <https://www.statnews.com/2022/09/08/fentanyl-test-strips-could-help-save-lives-in-many-states-theyre-still-illegal/>

¹³ <https://www.cato.org/blog/fentanyl-test-strips-save-lives-yet-most-states-ban-them-drug-paraphernalia>.

Require Medicare Fully Reimburse Physicians and Health Systems for Medication Management Services Related to OUD Treatment Provided by Pharmacists on the Care Team: Currently, regulations from CMS prevent physicians from billing for complex evaluation and management services (99212-99215), such as management of MOUDs, medications to manage withdrawal symptoms, medications to treat opioid-related side effects, and tapering and discontinuation of opioid therapy when those authorized services are provided by a pharmacist incident to the physician. Pharmacists play a critical collaborative role in assisting physicians in their treatment of OUD and SUD. To support physician-led care teams in fully utilizing and optimizing pharmacists as medication experts to manage medications for the treatment of OUD, the law should clarify that physicians may bill complex evaluation and management services (99212-99215) when provided by a pharmacist incident to the physician. **We recommend Medicare reimburse physicians and health systems for medication management services related to treatment of OUD, provided incident to a physician, by pharmacists on their care team.**

ASHP thanks you for your work on this important issue. We look forward to continuing to work with you to ensure Americans are protected from illicit drug threats and have access to MOUD treatment. If you have questions or if ASHP can assist in any way, please contact Frank Kolb at [REDACTED]

Sincerely,



Tom Kraus
American Society of Health-System Pharmacists
Vice President, Government Relations

February 5, 2025

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
Washington, DC 20515

Dear Chairman Guthrie and Ranking Member Pallone:

On behalf of the American Veterinary Medical Association's (AVMA) 108,000 veterinarian members, we appreciate the Energy & Commerce Committee holding a hearing on "Combatting Existing and Emerging Illicit Drug Threats." As the committee continues to discuss how best to address this important issue, we urge you to swiftly pass the updated, bipartisan, bicameral *Combating Illicit Xylazine Act*. The AVMA strongly supports this legislation because it strikes the right balance of helping protect our communities from the illicit drug while preserving access to xylazine's legitimate uses across veterinary medicine for the safe handling and care of many species.

The veterinary community is deeply concerned about the negative impact illicit xylazine is having on the country. Illicit xylazine has now increasingly been found across the country mixed with fentanyl and other narcotics. This potent drug combination poses grave health and safety risks to human users. In veterinary medicine, xylazine is an important prescription sedative used to facilitate the safe handling and treatment of many species and is particularly important for use in cattle, horses, wildlife, and research species. Especially in cattle, this is an essential drug for safe handling as there is no practical alternative for sedation.

The bipartisan language in the *Combating Illicit Xylazine Act* is the result of over two years of productive conversations between congressional offices and committees, stakeholder groups, and federal agencies. The language schedules xylazine in Schedule III under the Controlled Substances Act and contains several statutory changes designed to preserve the critical legitimate veterinary uses of the drug and keep it viable as a drug in the U.S. market, as well as providing the DEA transparency into the market.

Passage of the *Combating Illicit Xylazine Act* is needed now to avoid the unintended consequences of administrative scheduling by the U.S. Drug Enforcement Administration (DEA). In addition, a federal solution is necessary to alleviate the growing patchwork of state-by-state xylazine restrictions across the U.S. Only Congress can make the statutory changes necessary to help preserve the availability of this prescription animal drug for its critical uses in veterinary medicine as a controlled drug. Scheduling of xylazine by the DEA without these statutory changes will limit how veterinarians use the drug and increase the risk of supply disruption or cause us to lose it from the marketplace. A supply disruption will have very serious immediate and long-term consequences on human safety and animal welfare.

The Food and Drug Administration and the DEA support this policy. Furthermore, the DEA called on Congress to pass the bill by name on [page three](#) of their FY25 budget justification. Without Congress enacting this legislation, the DEA lacks the authority to make the necessary changes to the Controlled Substances Act that veterinary medicine needs to maintain access and would allow DEA transparency into the legitimate drug marketplace.

Inaction from Congress will disrupt the legitimate veterinary supply of xylazine, jeopardizing human safety and animal welfare. Therefore, we urge you to help protect public health, animal health, and animal welfare by swiftly passing the *Combating Illicit Xylazine Act*.

The AVMA would like to thank the Energy & Commerce Committee for advancing xylazine policy that passed the House with overwhelming bipartisan support in the 118th Congress. We look forward to continuing to work with you and the committee in the 119th on this important and pressing issue.

Please contact Dr. Lindsey Hornickel [REDACTED] with the AVMA for further discussion and to address any questions.

Thank you for your timely consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Faeh" followed by a stylized "DVM".

Sandra Faeh, DVM
President, American Veterinary Medical Association

Cc: The Honorable Buddy Carter
Subcommittee on Health, Chair

The Honorable Diana Degette
Subcommittee on Health, Ranking Member

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<https://www.wsj.com/politics/elon-musk-doge-medicare-medicaid-fraud-e697b162>

EXCLUSIVE POLITICS

DOGE Aides Search Medicare Agency Payment Systems for Fraud

Elon Musk's allies have been on site at Centers for Medicare and Medicaid Services offices this week

By [Anna Wilde Mathews](#) [Follow](#) and [Liz Essley Whyte](#) [Follow](#)

Updated Feb. 5, 2025 1:05 pm ET



CMS is the center for much of the U.S.'s complex healthcare economy. PHOTO: ROSEM MORTON FOR WSJ

Representatives of Elon Musk's Department of Government Efficiency have been working at the Centers for Medicare and Medicaid Services, where they have gotten access to key payment and contracting systems, according to people familiar with the matter.

The DOGE representatives have been on site at the agency's offices this week, the people said, and they are looking at the systems' technology as well as the spending that flows through them, with a focus on pinpointing what they consider fraud or waste. DOGE representatives are also examining the agency's organizational design and how it is staffed, the people added.

White House and DOGE officials didn't comment. Musk, on his X platform, posted: "Yeah, this is where the big money fraud is happening," referring to the Medicare agency in a repost of another user who referenced the Journal's reporting.

Musk's allies have moved swiftly to exert control over vast swaths of the U.S. government, including at the Treasury Department and the U.S. Agency for International Development. They have demanded access to sensitive information at federal agencies and laid out plans to block spending they deem excessive.

A CMS official said that the agency has "two senior agency veterans who are leading the coordination with DOGE," and that CMS leaders are "taking a thoughtful approach to see where there may be opportunities for more effective and efficient spending in line with meeting the goals of President Trump."

CMS in particular is a highly politically and economically sensitive agency. It is the nerve center of much of the nation's complex healthcare economy, with outlays of about \$1.5 trillion in fiscal 2024, or about 22% of the federal total. With around 6,710 employees, it oversees Medicare, the health coverage program for older and disabled Americans and Medicaid, for lower-income enrollees, among other areas. Many veteran CMS staffers have worked there for decades.

One of the systems accessed by the DOGE representatives is CALM, or the CMS Acquisition Lifecycle Management system, which includes information about contracts, according to people with knowledge of the matter.

One of the people familiar with DOGE's work at CMS said that, to their knowledge, Musk's allies hadn't yet been given access to databases that include identifiable personal health information of Medicare or Medicaid enrollees. DOGE also hadn't yet accessed a sensitive accounting system called HIGLAS, or the Healthcare Integrated General Ledger Accounting System, this person said.

The DOGE access is "read-only," meaning that its affiliates cannot make changes to the systems, the person added.

CMS payment structures are complicated, and they vary by program, often involving layers of contractors and other companies. Much of Medicare, for instance, now goes through private insurers, which are paid by the federal

government. Medicaid is jointly overseen by federal and state officials, and federal payments typically flow to the states.

The federal government has enforcement efforts around healthcare fraud, at the Justice Department, the Department of Health and Human Services Office of Inspector General, and CMS itself.

Dr. Mehmet Oz, the high-profile physician and former television host, has been nominated to lead CMS, but hasn't yet been confirmed by the Senate. Several CMS officials who are expected to work under Oz have already taken over at the agency.

—Ken Thomas contributed to this article.

Write to Anna Wilde Mathews at Anna.Mathews@wsj.com and Liz Essley Whyte at liz.whyte@wsj.com

Appeared in the February 6, 2025, print edition as 'Musk's Allies Get Access to Medicare Payments'.

The billionaire is creating major upheaval as his team sweeps through agencies, in what has been an extraordinary flexing of power by a private individual.



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By Jonathan Swan, Theodore Schleifer, Maggie Haberman, Kate Conger, Ryan Mac and Madeleine Ngo

Published Feb. 3, 2025 Updated Feb. 4, 2025

In Elon Musk's first two weeks in government, his lieutenants gained access to closely held financial and data systems, casting aside career officials who warned that they were defying protocols. They moved swiftly to shutter specific programs — and even an entire agency that had come into Mr. Musk's cross hairs. They bombarded federal employees with messages suggesting they were lazy and encouraging them to leave their jobs.

Empowered by President Trump, Mr. Musk is waging a largely unchecked war against the federal bureaucracy — one that has already had far-reaching consequences.

Mr. Musk's aggressive incursions into at least half a dozen government agencies have challenged congressional authority and potentially breached civil service protections.

Top officials at the Treasury Department and the U.S. Agency for International Development who objected to the actions of his representatives were swiftly pushed aside. And Mr. Musk's efforts to shut down U.S.A.I.D., a key source of foreign assistance, have reverberated around the globe.

Mr. Musk, the world's richest man, is sweeping through the federal government as a singular force, creating major upheaval as he looks to put an ideological stamp on the bureaucracy and rid the system of those who he and the president deride as “the deep state.”

The rapid moves by Mr. Musk, who has a multitude of financial interests before the government, have represented an extraordinary flexing of power by a private individual.

The speed and scale have shocked civil servants, who have been frantically exchanging information on encrypted chats, trying to discern what is unfolding.

Senior White House staff members have at times also found themselves in the dark, according to two officials, who spoke on the condition of anonymity to describe sensitive discussions. One Trump official, who was not authorized to speak publicly, said Mr. Musk was widely seen as operating with a level of autonomy that almost no one can control.

Mr. Musk, the leader of SpaceX, Tesla and X, is working with a frantic, around-the-clock energy familiar to the employees at his various companies, flanked by a cadre of young engineers, drawn in part from Silicon Valley. He has moved beds into the headquarters of the federal personnel office a few blocks from the White House, according to a person familiar with the situation, so he and his staff, working late into the night, could sleep there, reprising a tactic he has deployed at Twitter and Tesla.

This time, however, he carries the authority of the president, who has bristled at some of Mr. Musk's ready-fire-aim impulses but has praised him publicly.

"He's a big cost-cutter," Mr. Trump told reporters on Sunday. "Sometimes we won't agree with it and we'll not go where he wants to go. But I think he's doing a great job. He's a smart guy."



Mr. Trump has given Mr. Musk vast power over the bureaucracy that regulates his companies and awards them contracts. Haiyun Jiang for The New York Times

Mr. Musk, who leads a cost-cutting initiative the administration calls the Department of Government Efficiency, boasted on Saturday that his willingness to work weekends was a “superpower” that gave him an advantage over his adversary. The adversary he was referring to was the federal work force.

“Very few in the bureaucracy actually work the weekend, so it’s like the opposing team just leaves the field for 2 days!” Mr. Musk posted on X.

There is no precedent for a government official to have Mr. Musk's scale of conflicts of interest, which include domestic holdings and foreign connections such as business relationships in China. And there is no precedent for someone who is not a full-time employee to have such ability to reshape the federal work force.

The historian Douglas Brinkley described Mr. Musk as a "lone ranger" with limitless running room. He noted that the billionaire was operating "beyond scrutiny," saying: "There is not one single entity holding Musk accountable. It's a harbinger of the destruction of our basic institutions."

Several former and current senior government officials — even those who like what he is doing — expressed a sense of helplessness about how to handle Mr. Musk's level of unaccountability. At one point after another, Trump officials have generally relented rather than try to slow him down. Some hoped Congress would choose to reassert itself.

Mr. Trump himself sounded a notably cautionary note on Monday, telling reporters: "Elon can't do and won't do anything without our approval. And we'll give him the approval where appropriate, where not appropriate, we won't."

"If there's a conflict," he added, "then we won't let him get near it."

However, the president has given Mr. Musk vast power over the bureaucracy that regulates his companies and awards them contracts. He is shaping not just policy but personnel decisions, including successfully pushing for Mr. Trump to pick Troy Meink as the Air Force secretary, according to three people with direct knowledge of his role.

Mr. Meink previously ran the Pentagon's National Reconnaissance Office, which helped Mr. Musk secure a multibillion-dollar contract for SpaceX to help build and deploy a spy satellite network for the federal government.



Part of SpaceX's Starship rocket in Boca Chica, Texas, last year. Mr. Musk is shaping both policy and personnel decisions that could benefit his companies. Meridith Kohut for The New York Times

Since Mr. Trump's inauguration, Mr. Musk and his allies have taken over the United States Digital Service, now renamed United States DOGE Service, which was established in 2014 to fix the federal government's online services.

They have commandeered the federal government's human resources department, the Office of Personnel Management.

They have gained access to the Treasury's payment system — a powerful tool to monitor and potentially limit government spending.

Mr. Musk has also taken a keen interest in the federal government's real estate portfolio, managed by the General Services Administration, moving to terminate leases. Internally, G.S.A. leaders have started to discuss eliminating as much as 50 percent of the agency's budget, according to people familiar with the conversations.

Perhaps most significant, Mr. Musk has sought to dismantle U.S.A.I.D., the government's lead agency for humanitarian aid and development assistance. Mr. Trump has already frozen foreign aid spending, but Mr. Musk has gone further.

"We spent the weekend feeding USAID into the wood chipper," Mr. Musk gloated on X at 1:54 a.m. Monday. "Could gone to some great parties. Did that instead."

Mr. Musk's allies now aim to inject artificial intelligence tools into government systems, using them to assess contracts and recommend cuts. On Monday, Thomas Shedd, a former Tesla engineer who has been tapped to lead a technology team at G.S.A., told some staff members that he hoped to put all federal contracts into a centralized system so they could be analyzed by artificial intelligence, three people familiar with the meeting said.

Mr. Musk's actions have astounded and alarmed Democrats and government watchdog groups. They question if Mr. Musk is breaching federal laws that give Congress the final power to create or eliminate federal agencies and set their budgets, require public disclosure of government actions and prohibit individuals from taking actions that might benefit themselves personally.

At least four lawsuits have been filed in federal court to challenge his authority and the moves by the new administration, but it remains to be seen if judicial review can keep up with Mr. Musk.

The New York Times spoke to more than three dozen current and former administration officials, federal employees and people close to Mr. Musk who described his expanding influence over the federal government. Few were willing

to speak on the record, for fear of retribution.

“Before Congress and the courts can respond, Elon Musk will have rolled up the whole government,” said one official who works inside an agency where representatives from Mr. Musk’s cost-cutting initiative have asserted control.

Mr. Musk says he is making long overdue reforms. So far, his team has claimed to help save the federal government more than \$1 billion a day through efforts like the cancellation of federal building leases and contracts related to diversity, equity and inclusion, although they have provided few specifics.

Controlling the Pipes

Workers in the Eisenhower Executive Office Building, which housed some operations for the United States Digital Service, arrived the day after Mr. Trump’s inauguration to find a sticky note with “DOGE” on a door to a suite once used as a work space for senior technologists at the agency.

It was one of the first signs that Mr. Musk’s team had arrived. Inside, black backpacks were strewn about, and unfamiliar young men roamed the halls without the security badges that federal employees typically carried to enter their offices.



Mr. Musk and his team have set up shop in the Eisenhower Executive Office Building. Eric Lee/The New York Times

The quick takeover was similar to the playbook Mr. Musk has used in the private sector, where he has been a ruthless cost cutter, subscribing to the philosophy that it is better to cut too deeply and fix any problems that arise later. He routinely pushes his employees to ignore regulations they consider “dumb.” And he is known for taking extreme risks, pushing both Tesla and SpaceX to the brink of bankruptcy before rescuing them.

In his current role, Mr. Musk has a direct line to Mr. Trump and operates with little if any accountability or oversight, according to people familiar with the dynamic. He often enters the White House through a side entrance, and drops into meetings. He has a close working relationship with Mr. Trump’s top policy adviser, Stephen Miller, who shares Mr. Musk’s contempt for much of the federal work force.

At one point, Mr. Musk sought to sleep over in the White House residence. He sought and was granted an office in the West Wing but told people that it was too small. Since then, he has told friends he is reveling in the trappings of the opulent Secretary of War Suite in the Eisenhower Executive Office Building, where he has worked some days. His team is staffed heavily by engineers — at least one as young as 19 — who have worked at his companies like X or SpaceX, but have little if any experience in government policy and are seeking security clearances.

Officially, Mr. Musk is serving as a special government employee, according to the White House press secretary, Karoline Leavitt. This is a status typically given to part-time, outside advisers to the federal government who offer advice based on private sector expertise.

The White House declined to say if Mr. Musk had been granted a waiver that allowed him to get involved in agencies whose actions could affect his own personal interests. And even if he had been given such a waiver, four former White House ethics lawyers said they could not envision how it could be structured to appropriately cover the range of the work Mr. Musk is overseeing.

In a statement, Ms. Leavitt said that “Elon Musk is selflessly serving President Trump’s administration as a special government employee, and he has abided by all applicable federal laws.”

Mr. Musk has told Trump administration officials that to fulfill their mission of radically reducing the size of the federal government, they need to gain access to the computers — the systems that house the data and the details of government personnel, and the pipes that distribute money on behalf of the federal government.

Mr. Musk has been thinking radically about ways to sharply reduce federal spending for the entire presidential transition. After canvassing budget experts, he eventually became fixated on a critical part of the country’s infrastructure: the Treasury Department payment system that disburses trillions of dollars a year on behalf of the federal government.

Mr. Musk has told administration officials that he thinks they could balance the budget if they eliminate the fraudulent payments leaving the system, according to an official who discussed the matter with him. It is unclear what he is basing that statement on. The federal deficit for 2024 was \$1.8 trillion. The Government Accountability Office estimated in a report that the government made \$236 billion in improper payments — three-quarters of which were overpayments — across 71 federal programs during the 2023 fiscal year.

The push by Mr. Musk into the Treasury Department led to a months-in-the-making standoff last week when a top career official, David Lebryk, resisted giving representatives from the cost-cutting effort access to the federal payment system. Mr. Lebryk was threatened with administrative leave and then retired. Treasury Secretary Scott Bessent subsequently approved access for the Musk team, as The Times previously reported.



Treasury Secretary Scott Bessent approved the Musk team's access to the Treasury payments system shortly after he was confirmed. Haiyun Jiang for The New York Times

The Treasury Department's proprietary system for paying the nation's financial obligations is an operation traditionally run by a small group of career civil servants with deep technical expertise. The prospect of an intrusion into that system by outsiders such as Mr. Musk and his team has raised alarm among current and former Treasury officials that a mishap could lead to critical government obligations going unpaid, with consequences ranging from missed benefits payments to a federal default.

Ms. Leavitt said the access they were granted so far was “read only,” meaning the staff members could not alter payments.

Democrats on Monday said they would introduce legislation to try to bar Mr. Musk’s deputies from entering the Treasury system. “The Treasury secretary must revoke DOGE’s access to the Treasury payment system at once,” said Senator Chuck Schumer, Democrat of New York and the minority leader. “If he does not, Congress must act immediately.”

Another key pipeline is the government’s personnel database, run out of the Office of Personnel Management, where Mr. Musk has quickly asserted his influence. At least five people who have worked for Mr. Musk in some capacity now have key roles in the office, according to people familiar with their roles.

Last week, the personnel agency sent an email to roughly two million federal workers offering them the option to resign but be paid through the end of September. The email’s subject line, “Fork in the Road,” was the same one that Mr. Musk used in an email he sent to Twitter employees offering them severance packages in late 2022. Since then, Mr. Musk has promoted the offer on social media and called it “very generous.”

Mr. Musk is also studying the workings of the G.S.A., which manages federal properties. During a visit to the agency last week, accompanied by his young son, whom Mr. Musk named “X Æ A-12,” and a nanny, he spoke with the agency’s new acting administrator, Stephen Ehikian.

After the meeting, officials discussed a plan to eliminate 50 percent of expenditures, according to people familiar with the discussions. And Mr. Ehikian told staff members in a separate meeting that he wanted them to apply a technique called “zero based budgeting,” an approach that Mr. Musk deployed during his Twitter takeover and at his other companies. The idea is to reduce spending of a program or contract to zero, and then argue to restore any necessary dollars.

Inflicting Trauma

Russell T. Vought, who served in Mr. Trump's first administration and is his choice again to lead the Office of Management and Budget, has spoken openly about the Trump team's plans for dismantling civil service.

"We want the bureaucrats to be traumatically affected," Mr. Vought said in a 2023 speech. "When they wake up in the morning, we want them to not want to go to work because they are increasingly viewed as the villains."



"We want the bureaucrats to be traumatically affected," Russell T. Vought, Mr. Trump's pick to lead the Office of Management and Budget, said in a 2023 speech. Tom Brenner for The New York Times

Mr. Musk, who pushed Mr. Vought for the budget office role, for which he is awaiting Senate confirmation, has echoed that rhetoric, portraying career civil servants and the agencies they work for as enemies.

U.S.A.I.D., which oversees civilian foreign aid, is “evil,” Mr. Musk wrote in numerous posts on Sunday, while “career Treasury officials are breaking the law every hour of every day,” he said in another post.

Mr. Musk used the same tactic during his 2022 takeover of Twitter, in which he depicted the company’s previous management as malicious and many of its workers as inept and oppositional to his goals. In firing Twitter executives “for cause” and withholding their exit packages, Mr. Musk accused some of them of corruption and attacked them personally in public posts.

The tactics by Mr. Musk and his team have kept civil servants unbalanced, fearful of speaking out and uncertain of their futures and their livelihoods.

On Jan. 27, members of the team entered the headquarters and nearby annex of the aid agency in the Ronald Reagan Building in downtown Washington, U.S. officials said.

The team demanded and was granted access to the agency’s financial and personnel systems, according to two U.S. officials with direct knowledge of the activity and the agency’s inner workings. During this period, an acting administrator at the agency put about 60 senior officials on paid leave and issued stop-work orders that led to the firing of hundreds of contractors with full-time employment and health benefits.



People delivering food aid in U.S.A.I.D. bags in South Sudan. By Monday, the agency was effectively paralyzed. Jim Huylebroek for The New York Times

By Saturday, the agency's website vanished. And when the two top security directors tried to stop members of the team from entering a secure area that day to get classified files, they were placed on administrative leave.

Katie Miller, a member of the Musk initiative, said on X that "no classified material was accessed without proper security clearances."

By Monday, U.S.A.I.D. was effectively paralyzed. In a live broadcast on his social media platform early Monday, Mr. Musk said the president agreed "that we should shut it down."

A Culture of Secrecy

Mr. Musk's team has prioritized secrecy, sharing little outside the roughly 40 people who, as of Inauguration Day, had been working as part of the effort. The billionaire has reposted messages accusing people of trying to "dox," or publish private information about, his aides when their names have been made public, claiming it is a "crime" to do so.

The opacity has added to the anxiety within the civil service. A number of the employees across the government said they had been interviewed by representatives of Mr. Musk who had declined to share their surnames. Mr. Musk's aides have declined to answer questions themselves, consistently describing the sessions as "one-way interviews."

Some workers who sat for interviews were asked what projects they were working on and who should be fired from the agency, people familiar with the conversations said.

"My impression was not one of support or genuine understanding but of suspicion, and questioning," one General Services Administration employee wrote in an internal Slack message to colleagues, describing the interview process.



A protest outside the Office of Personnel Management headquarters on Sunday. Mr. Musk has quickly asserted his influence at the agency. Kent Nishimura/Reuters

Some of the young workers on Mr. Musk's team share a similar uniform: blazers worn over T-shirts. At the G.S.A., some staff members began calling the team "the Bobs," a reference to management consultant characters from the dark comedy movie "Office Space" who are responsible for layoffs.

Many of Mr. Musk's lieutenants are working on multiple projects at different agencies simultaneously, using different email addresses and showing up at different offices.

One example is Luke Farritor, a 23-year-old former SpaceX intern, who was among the workers given access to U.S.A.I.D. systems, according to people familiar with his role. He is also listed as an “executive engineer” in the office of the secretary of health and human services, and had an email account at the G.S.A., records show. Mr. Farritor did not respond to requests for comment.

Mr. Musk’s aides, including Mr. Farritor, have requested access to Centers for Medicare and Medicaid Services systems that control contracts and the more than \$1 trillion in payments that go out annually, according to a document seen by The Times.

The team reports to a longtime Musk adviser, Steve Davis, who helped lead cost-cutting efforts at X and SpaceX, and has himself amassed extraordinary power across federal agencies.

In private conversations, Mr. Musk has told friends that he considers the ultimate metric for his success to be the number of dollars saved per day, and he is sorting ideas based on that ranking.

“The more I have gotten to know President Trump, the more I like him. Frankly, I love the guy,” Mr. Musk said in a live audio conversation on X early Monday morning. “This is our shot. This is the best hand of cards we’re ever going to have.”

Reporting was contributed by Erica L. Green, Alan Rappeport, Andrew Duehren, Eric Lipton, Charlie Savage, Edward Wong, Sarah Kliff and Karoun Demirjian.



Mr. Musk, the world's richest man, is looking to put an ideological stamp on the bureaucracy and rid the system of those who he and the president deride as "the deep state." Haiyun Jiang for The New York Times

Jonathan Swan is a White House reporter covering the administration of Donald J. Trump. More about Jonathan Swan

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A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Musk Asserting Broad Authority

House Energy & Commerce Committee Chair Brett Guthrie
U.S. House of Representatives
Washington, DC 20515

House Energy & Commerce Committee Ranking Member Frank Pallone
U.S. House of Representatives
Washington, DC 20515

February 6, 2025

Re: Oppose the HALT Fentanyl Act (H.R. 27), Support Health Policy Solutions

Dear Chair Guthrie and Ranking Member Pallone,

My name is Susan Ousterman and I hope you will read my words before you vote on the HALT Fentanyl Act (H.R. 27). In 2020, I lost my son, Tyler, to an accidental overdose involving heroin, fentanyl, and xylazine. Tyler struggled with anxiety, and like many teenagers, he turned to substances in high school to cope. Unlike previous generations, he had easier access to prescription opioids than less addictive substances, which quickly led to dependence. He didn't want to be dependent and sought help. Instead of finding support, he was met with endless barriers—from bed shortages to inadequate healthcare and a punitive legal system that treated him as disposable rather than someone in need of care. Tyler's death was preventable, and I have dedicated my life to removing barriers to wellness and improving health outcomes to ultimately save other parents from living an incredibly painful life without their children. The HALT Fentanyl Act would do the exact opposite and I urge to reject the legislation when it comes up for a vote in the House.

I'll never forget the fear in Tyler's eyes the first time he experienced withdrawal when he realized he was dependent. Desperate for help, he came to me, and on the advice of our family doctor, I took him to the emergency room. Under any other circumstance, what followed would be considered medical negligence.

As we debated whether to send him to the only facility covered by Tricare, more than 400 miles away, Tyler grew sicker by the minute. Feeling like he had no other option, he purchased heroin to ease his symptoms and crashed his car on the way home. The next morning, he was on a flight to what would be his first of many 30-day rehab stays. The only real tool he was given was a single naltrexone injection, which insurance refused to cover once he returned home.

Tyler attempted to access treatment more than a dozen times over six years, only to face barrier after barrier in a system that seemed wholly apathetic to his chance at recovery. He was rarely offered medication, never received the mental health care he desperately needed, and endured excruciatingly long waits for services.

On one occasion, Tyler was denied entry to a detox center because his drug test came back negative. At the time, many facilities did not test for fentanyl, which he had been using. Determined to access care, he left, used drugs to ensure he would test positive, and overdosed in the lobby of the very facility where he had sought help. He was revived with naloxone—yet in another eye-opening display of the institutional flaws preventing his recovery, Tyler was still sent home due to a lack of available beds.

Tyler was even further harmed by a criminal legal system that punishes people who use substances rather than helping them find healthier coping skills. Being labeled a “criminal” only added to his feelings of shame and hopelessness. He was arrested for possession of an unused syringe—an act of harm reduction that should have been encouraged rather than criminalized. Fast forward two years with a few months of sobriety, he was incarcerated for two weeks due to an outstanding bench warrant after missing a probation

appointment because he was undergoing open-heart surgery to treat the life-threatening condition he contracted from reusing syringes (infective endocarditis).

As a condition of his release, he was forced into a county-approved recovery house that prohibited medical cannabis, a tool he found helpful in controlling his long-term opioid withdrawal symptoms. Left with no accessible or effective options, he returned to use shortly thereafter. When he attempted detox once again a couple of weeks later, he discovered that his Medicaid had been (unlawfully) terminated due to his incarceration¹. Because of his medical cannabis status, an incompetent state official², and conflicts between state and federal policies, he was also denied county funding for treatment. In desperation, we paid cash to a treatment facility, only to find out later it was fraudulent, as I now understand a significant portion of them are.³

Tyler did not want to use heroin. He wanted to heal and make his family proud. He wanted to be a father. He felt no pleasure or “high” when he used. With hopeless desperation in his eyes, these are the frustrations he voiced to me a week later, just an hour before I found him deceased on the floor of a gas station bathroom two blocks from my home.

These are not isolated failures. Tens of thousands of people die unnecessarily each year due to the failures of our medical and legal systems. If we are serious about saving lives, we must shift from punishment to public health, from stigma to science. Child loss is not political—it is a primal injustice. If you truly value our losses and are committed to saving lives, as many of you have stated, then your voting record must reflect that commitment.

I understand you may have heard from grieving parents who support harsher punishments. I have, too. Many blame a dealer, the border, or China for their child’s death. Some say their child was “poisoned by fentanyl.” These beliefs are shaped by decades of failed drug policy that taught parents like me to see our children’s struggles as moral failings rather than health crises. The lack of bereavement services for families who lose loved ones to overdose leaves many unable to process their grief, and in their pain, they seek vengeance. But once they understand that punitive measures will only lead to more deaths, their views shift.

My heart goes out to the family of Laken Riley. I know the unbearable pain of losing a child. But in this country, we have created a hierarchy of victimhood, where some lives are deemed more valuable than others. All child loss is a universal betrayal that transcends political agendas. It does not change based on age, race, or manner of death. My child’s death was preventable, too—but not at the hands of a “criminal immigrant,” not because of bad parenting, and not because he was morally deficient. He, and hundreds of thousands of others, died because lawmakers continue to prioritize punishment over treatment, incarceration over care, and stigma over science.

For decades, the moral failure narrative surrounding drug use has left parents like me questioning whether we did enough. But I no longer question it. I followed the rules society told me to follow, and my son is still dead. My parenting did not fail him. Our policies did. Instead of doubling down on strategies that have failed for generations, Congress must pursue policies that actually improve outcomes, reduce the demand for drugs, and save lives. We need immediate access to detox services and recovery medications, not more incarceration. We need to end discriminatory medical practices against people who use substances, not reinforce stigma. We need to improve the quality of treatment, not impose mandatory minimums and create more barriers to lifesaving research. Above all, we need drug policy rooted in evidence and compassion,

¹ Learn more about this story at www.spotlight.org/series/turned-away

² A complaint was filed with the PA IG against former Secretary of the PA Dept of Drug and Alcohol Programs, Jennifer Smith in Sept 2021 with no response. Governor-elect Shapiro was made aware of her problematic history and instead of removing her from his administration, she was given a lateral position with OMHSAS and remains in that role today.

³ I reported them to the NJAG and several other law enforcement agencies in Feb 2021. To date, there have been no consequences and they have opened several other facilities under different names, despite a 106 page report featuring them published by the State of NJ Commission of Investigation in February 2024.

recognizing that people use substances for a reason—most often to relieve pain, whether physical or psychological.

I urge you to stop crafting policies based on stigma, false narratives, and political loyalty, and most of all, to stop using our dead children to justify these failed approaches. Harsher penalties for drugs, like those in the HALT Fentanyl Act, do not deter drug use. They only push people into riskier behaviors, increase the likelihood that someone will die rather than call for help, and make our communities less safe. How many more Americans must die before we finally admit that the War on Drugs was a failure? This bill would impose mandatory minimum sentences, block research into potentially lifesaving treatments, and reinforce the very policies that created this crisis in the first place. I urge you to vote against it and instead support evidence-based approaches that prioritize health, safety, and saving lives.

If you have any questions, please do not hesitate to reach out.

Sincerely,

Susan Ousterman





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February 3, 2025

The Honorable Chuck Grassley
Chairman
Judiciary Committee
U.S. Senate
Washington, DC 20510

The Honorable Richard Durbin
Ranking Member
Judiciary Committee
U.S. Senate
Washington, DC 20510

The Honorable Buddy Carter
Chairman
Subcommittee on Health
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Diana DeGette
Ranking Member
Subcommittee on Health
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

RE: Halt Lethal Trafficking (HALT) Fentanyl Act

Dear Chairman Grassley, Ranking Member Durbin, Chairman
Carter, and Ranking Member DeGette:

On behalf of the American Society of Addiction Medicine (ASAM), a national medical specialty society representing more than 8,000 physicians and associated health professionals who specialize in the prevention and treatment of addiction, I write to **urge amendments to the [Halt Lethal Trafficking \(HALT\) Fentanyl Act](#) to mitigate unintended negative consequences and encourage further Congressional action to address the demand side of our national addiction and overdose crisis.**

Opioid overdose deaths are always tragic, especially because they are preventable with evidence-based addiction prevention, treatment, and overdose reversal medications. Even though drug overdose deaths dropped last year,ⁱ the United States (US) has far to go in ending our national addiction and overdose crisis. We still rank highest in drug overdose deaths per capita in the world.ⁱⁱ

Illicitly manufactured, high-potency synthetic opioids, including fentanyl, are key drivers of overdose deaths in the US.ⁱ Therefore, policies aiming to decrease their illegal importation and distribution are critically important. **However, we are concerned that some of the policies proposed in the HALT Fentanyl Act may have unintended consequences. Some minor adjustments may support a better return on investment.** Enacting smart legislation is critical to saving more American lives.

Specifically, ASAM urges the following amendments to The HALT Fentanyl Act:

- **Revise its definition of “fentanyl-related substances” to consider potency and mu opioid receptor activity in the brain, rather than simply specifying the *precise* structures of drugs that would qualify for Schedule I.** Strict structural specification provides a blueprint for drug cartels and chemists to modify substances to avoid detection or conviction. Unfortunately, this can lead to more dangerous substances being manufactured and distributed across the US – resulting in higher potency substances on the streets and more severe addictions involving substances for which existing treatments may not work. Additionally, prosecutions need to focus on the trafficking and distribution of fentanyl-related substances that pose a danger to humans; the bill’s current definition may include substances that do not have “abuse” potential;
- **Expand the federal mandatory minimum safety valve across all substances to end the practice of low-level drug offenders with substance use disorders receiving excessive and expensive sentences.** Redirecting associated savings toward evidence-based addiction treatments would be more effective;
- **Refine the expedited research procedures to reference “substance(s)” instead of “substance” throughout to clarify that researchers can submit one application for multiple substances;**
- **Amend the expedited research procedures to remove the requirement to demonstrate that the researcher is authorized to conduct research with respect to the substance(s) under the laws of the State in which the research will take place.** This often creates a catch-22 for researchers. A State won’t approve the research until the researchers can demonstrate that it is approved federally, and the DEA won’t approve it until the researchers can demonstrate that it is approved at the state level. We recommend deferring to the States to include the requirement to demonstrate federal approval; and
- **Express a sense of Congress that, while the legislation may facilitate prosecutions and seizures of fentanyl-related substances, increased and sustained Congressional efforts are needed to address the demand side of our national addiction and overdose crisis if the primary goal is to save lives.**

The Halt Lethal Trafficking (HALT) Fentanyl Act

ASAM agrees with the Drug Enforcement Administration (DEA)'s assessment that the current scheduling framework under the Controlled Substances Act (CSA) does not offer necessary flexibility to combat the threat posed by emerging synthetic substances. Chemists can constantly adjust their formulations to evade US scheduling, and law enforcement faces significant challenges staying ahead of these threats.

In 2018, the DEA exercised its authority to place non-scheduled fentanyl-related substances into Schedule I for two years.ⁱⁱⁱ Congress has extended this *temporary* class-wide scheduling on several occasions.ⁱⁱⁱ While this approach has had success in reducing law enforcement encounters with new fentanyl-related substances in the illicit market,^{iv} it has been unable to curb the overall flow of illicitly manufactured fentanyl into the US. Drug cartels have continued large-scale production and distribution of high-potency synthetic opioids.

Between 2017 and 2023, the number of illicit fentanyl seizures in the U.S. skyrocketed by more than 1,700 percent.^v Concurrently, the proportion of fentanyl seizures involving counterfeit prescription pills - that further exacerbate the risk of overdose by misleading Americans as to what substance they are ingesting - increased fourfold.^v Sadly, overdose deaths involving synthetic opioids other than methadone (primarily illicitly manufactured fentanyl) have climbed since 2018 to more than 73,000 in 2022.^{vi}

In short, the HALT Fentanyl Act merely preserves a deadly status quo.

Additionally, the legislation would continue (1) imposing mandatory minimum sentences for quantity-based offenses involving fentanyl-related substances and (2) defining the class by chemical structure, regardless of potency or actual impact on opioid receptors and related risks. Unfortunately, mandatory minimum sentences are a terrible return on investment when used to punish low-level drug dealers.^{vii}

These sentences are expensive, needlessly requiring thousands of dollars per individual per year. **Research has shown that mandatory minimum sentences do not deter drug use - either before or after incarceration - and can spend tax dollars with little to no impact on drug use, drug-related arrests, or overdose rates.**^{vii,viii,ix} Moreover, a meta-analysis of research studies found that incarceration not only fails to prevent drug use, it may even increase the likelihood of reoffending.^x

The largest return on criminal justice costs may come from targeting cartel leaders or high-level drug dealers.^{xi} Unlike low-level dealers, they are responsible for the movement of large quantities of fentanyl-related substances at any given time. **Yet, the highest-level drug traffickers represent only 11% of federal drug offenders across substances.**^{xii} In other words, the US currently wastes a significant amount of money incarcerating low-level drug offenders with lengthy sentences.

A Better ROI: Investing in Addiction Medicine Innovation and Treatment

Carefully tailored drug scheduling decisions can play a useful role in a supply-side approach to addressing an overdose crisis, but increased and sustained efforts on the demand side present an opportunity for greater progress. While many people reduce or stop using drugs without treatment, those who consume most drugs distributed by drug cartels frequently have moderate to severe substance use disorders that necessitate medical treatment. Threats of punishment are unlikely to deter these Americans, because their disorder has already negatively affected their motivation and judgment regarding their drug use. Instead, effective addiction treatment reduces drug use and improves health and wellbeing.

Addiction treatment is an excellent return on investment, including for low-level drug dealers who are distributing drugs to support their own addiction. Every dollar spent on addiction treatment saves \$4 to \$7 in criminal justice and other costs.^{xiii} Therefore, rather than inefficiently using taxpayers' money incarcerating low-level dealers of fentanyl-related or other substances, the government can realize positive effects from treating substance use disorders of low-level dealers, including through drug courts that utilize evidence-based practices and other alternatives to incarceration.

Congress can lead the way in promoting helpful addiction treatments. While highly effective medications exist for opioid use disorder, many people are using stimulants, like cocaine and methamphetamine, as well as alcohol. No medications have been approved for stimulant use disorder, and new treatments are urgently needed for all substance use disorders to increase their uptake by both prescribers and patients.^{xiv} Unfortunately, innovation in the addiction field has lagged other medical fields due to limited financial investment and misunderstanding of addiction as a moral rather than a medical condition.^{xv} **Congress could consider establishing incentives for the pharmaceutical industry to enter the under-tapped addiction medicine field.**^{xv} The recent case of GLP-1 medications demonstrates how new medications can change millions of lives, spur economic growth, and provide renewed hope for people suffering from stigmatized medical conditions.

While new treatments are being developed and tested, the US must also quickly expand access to existing evidence-based treatments – including methadone, buprenorphine, and contingency management. Few clinicians offer these treatments, and they are unlikely to do so without increased reimbursement rates from insurers and less red tape around methadone for the treatment of opioid use disorder.^{xvi} For example, Congress could explicitly amend federal law to state that contingency management – the most effective treatment for stimulant use disorder – does **not** violate federal anti-kickback laws and patient inducement laws. For too long, contingency management has been underused by clinicians who fear prosecution under federal statutes that were not created to address contingency management. Similarly, many pharmacies fear that stocking effective medications, like buprenorphine, will lead to Department of Justice investigations. Recognizing this, Congress could clarify federal statute to ensure that pharmacies' stocking of addiction medications is not an indicator of suspicious activity.^{xvii}

Additionally, Congress could close the dangerous Medicare coverage gap for evidence-based residential addiction treatment.^{xviii} At a minimum, Congress could reauthorize, and update key

programs first created by the SUPPORT for Patients and Communities Act in 2018, after unfortunately letting them lapse in 2024.

Conclusion

Thank you for considering these recommendations. ASAM remains committed to working with you to promote remission and recovery from addiction, ensuring that all communities are safe, and more Americans can lead healthy, productive lives. For any questions or to discuss, please contact Kelly Corredor, ASAM's Chief Advocacy Officer, at [REDACTED]

Sincerely,



Brian Hurley, MD, MBA, FAPA, DFASAM
President, American Society of Addiction Medicine

cc: Chairs and Ranking Members of the House Energy and Commerce Committee, House Judiciary Committee, and Senate HELP Committee; Senator Bill Cassidy; Representative Morgan Griffith

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^v Dramatic Increase in Fentanyl Seized by Authorities in Last Six Years. NYU Langone News. <https://nyulangone.org/news/dramatic-increase-fentanyl-seized-authorities-last-six-years>

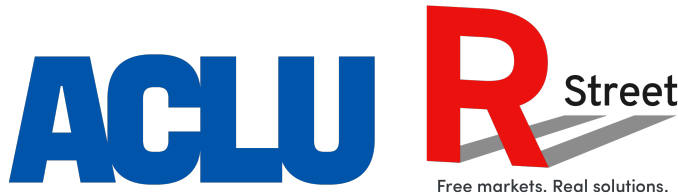
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DUE PROCESS
INSTITUTE



February 3, 2025

Senate Majority Leader John Thune
U.S. Senate
Washington, DC 20510

Senate Minority Leader Chuck Schumer
U.S. Senate
Washington, DC 20510

Speaker Mike Johnson
U.S. House of Representatives
Washington, DC 20515

House Minority Leader Hakeem Jeffries
U.S. House of Representatives
Washington, DC 20515

CC: Senate Judiciary Committee Chair Chuck Grassley, Senate Judiciary Committee Ranking Member Dick Durbin, House Energy & Commerce Committee Chair Brett Guthrie, House Energy & Commerce Committee Ranking Member Frank Pallone, House Judiciary Committee Chair Jim Jordan, and House Judiciary Committee Ranking Member Jamie Raskin

RE: Vote NO on the HALT Fentanyl Act (H.R. 27 / S. 331)

Dear Majority Leader Thune, Speaker Johnson, Minority Leader Schumer, Minority Leader Jeffries, and Honorable Members of the U.S. Congress:

The undersigned 190 national, state, and local public health, criminal justice, and civil rights organizations write today to urge you to reject and vote NO on the Halt All Lethal Trafficking of Fentanyl (HALT) Act (H.R. 27 / S. 331). This bill permanently schedules fentanyl-

related substances (FRS) on schedule I of the Controlled Substances Act (CSA) based on a flawed class definition, imposes mandatory minimums, and fails to provide an offramp for removing inert or harmless substances from the drug schedule.

The classwide scheduling approach endorsed in the HALT Fentanyl Act classifies all FRS as schedule I drugs, reserved for substances with no currently accepted medical use and a high potential for abuse. This class definition, however, is a radical departure from drug scheduling practices as it relies exclusively on chemical structure without accounting for pharmacological effect based on the unproven hypothesis of chemical structure-function relationships.¹ Contrary to this hypothesis, structurally related substances can often have complementary therapeutic values. In fact, the National Institute on Drug Abuse (NIDA) has already acknowledged that some FRS are inert and that at least one may be an opioid antagonist that behaves like naloxone, which is itself an opium derivative that counteracts the effects of opioid drugs.² Classifying all FRS in schedule I places undue restrictions on research for therapeutic potential of FRS. This means that researchers and scientists are not able to study these substances at a time when the U.S. is experiencing unprecedented overdose deaths.

The HALT Fentanyl Act also enshrines mandatory minimums for distribution of FRS under the Controlled Substances Act, an inappropriate mandate that criminalizes possibly inert or harmless substances. While some proponents of the HALT Fentanyl Act claim that the bill is not intended to interact with the criminal justice system and that mandatory minimums are primarily a deterrent against foreign import of FRS, this is simply inaccurate. The HALT Fentanyl Act expands mandatory minimums for both foreign importation crimes and domestic drug distribution offenses, including nonviolent drug distribution involving small quantities of drugs. What's more, by automatically scheduling a huge swathe of substances in one fell swoop, the HALT Fentanyl Act would lead to very real criminal justice consequences, posing an unacceptable risk of unnecessary incarceration for substances that carry no potential for abuse. Such miscarriages of justice have already occurred. For instance, Todd Coleman was sentenced to a mandatory minimum of 10 years for sale of cocaine that a crime laboratory said was laced with three fentanyl analogues, only to discover, years later, that the detected adulterants were not illegal fentanyl analogues and most were not even controlled substances.³

Our country is repeating past missteps when it comes to policy responses to fentanyl and its analogues. In the 1980s, policymakers enacted severe mandatory minimums for small amounts of crack cocaine in response to media headlines and law enforcement warnings that perpetuated mythology and fear. These laws imposed harsher penalties for crack—a substance associated with Black people—than for cocaine—a substance associated with white people—even though

¹ Bamberger, Nathan D., et al. "Beyond Simple Structure–Function Relationships: The Interplay of Geometry, Electronic Structure, and Molecule/Electrode Coupling in Single-Molecule Junctions." *The Journal of Physical Chemistry C* 126.15 (2022): 6653-6661.

² NIDA. "The Overdose Crisis: Interagency Proposal to Combat Illicit Fentanyl-Related Substances." *National Institute on Drug Abuse*, 2 Dec. 2021.

³ Schwartzapfel, Beth. "Biden Could Have Taken the War on Drugs Down a Notch. He Didn't." *The Marshall Project*, 16 June 2021.

the two substances are chemically similar. In the ensuing decades, people of color have been disproportionately incarcerated and sentenced to mandatory minimum sentences for small amounts of crack. This trend of racial disparity also can be seen in prosecutions for offenses involving fentanyl and fentanyl analogues, as Sentencing Commission data from fiscal years 2021 to 2023 provides strong evidence that these prosecutions disproportionately target people of color. Among the 8,048 people convicted in trafficking cases where fentanyl or fentanyl analogues were the primary drug type, Black and Hispanic individuals comprised 78% of all convictions (41% and 37%, respectively).⁴ These percentages represent a massive disparity relative to demographic patterns in the general population. Moreover, the emergence of fentanyl-related substances in recent years has fueled similar waves of alarmist media and law enforcement headlines that are informed by mythology rather than science. Any further extension of the classwide scheduling policy threatens to repeat past missteps with crack cocaine that policymakers are still working to rectify.

The classwide scheduling policy expands the application of existing severe mandatory minimum sentencing laws enacted by Congress in the 1980s to a newly scheduled class of fentanyl-related compounds. For example, just a trace amount of a fentanyl analogue in a mixture with a combined weight of 10 grams—10 paper clips—can translate into a five-year mandatory minimum with no evidence needed that the seller even knew it contained fentanyl. In addition, current laws impose a statutory maximum sentence of 20 years for just a trace amount of a fentanyl analogue in a mixture with a combined weight of less than 10 grams.⁵ The truth of the matter is that lawmakers do not need to impose new mandatory minimums in order to prosecute fentanyl analogue cases because law enforcement officials already have the ability to prosecute these cases pursuant to the Controlled Substance Analogue Enforcement Act of 1986, which requires that prosecutors show the substances in question are harmful.⁶

Despite the threat of grave injustices in the criminal legal system, the current lack of research on FRS, and indications that some FRS are harmless or hold therapeutic potential, the HALT Fentanyl Act does not include an off-ramp to reschedule or remove FRS that research has proven to be pharmacologically inactive or do not meet schedule I criteria. Though it includes some research reforms for schedule I substances, the bill excludes the possibility of such research impacting the criminalization of FRS. Without a rescheduling process, the HALT Fentanyl Act may unjustly promote criminalization of harmless or inert substances.

The HALT Fentanyl Act and other bills proposing the permanent classwide scheduling of FRS are yet another iteration of the drug war's ineffective and punitive strategies. To prevent overdose, Congress must invest in public health solutions to mitigate the harms of illicit fentanyl. We urge

⁴ The data used for this analysis were extracted from the U.S. Sentencing Commission's "Individual Datafiles" spanning fiscal years 2021 to 2023. The Commission's "Individual Datafiles" are publicly available for download on its website. U.S. Sent'g Comm'n, Commission Datafiles, <https://www.ussc.gov/research/datafiles/commission-datafiles>.

⁵ See generally Brian T. Yeh, Cong. Research Serv., RL30722, Drug Offenses: Maximum Fines and Terms of Imprisonment for Violation of the Federal Controlled Substances Act and Related Laws (Jan. 20, 2015), <https://fas.org/sgp/crs/misc/RL30722.pdf>.

⁶ U.S.C. section 813(a); see also *United States v. Requena*, 980 F.3d 30, 35 (2d Cir. 2020).

Congress to support bills that increase access to health services and substance use disorder treatment, improve data collection, and provide funding for FRS research, offering alternative, effective strategies to simultaneously address the opioid epidemic while preventing backsliding on criminal justice reform.

Thank you for your time and attention to this matter. Please contact Maritza Perez Medina, Director of Federal Affairs for the Drug Policy Alliance, at [REDACTED] for questions about this letter or to further discuss this matter.

Sincerely,

ACLU of Nevada (NV)
ACR Health (NY)
AIDS Alabama (AL)
AIDS Foundation Chicago (IL)
AIDS United
Alianza for Opportunity
Alliance for Positive Change (NY)
Alliance for Positive Health (NY)
American Civil Liberties Union
American Friends Service Committee
Appalachian Learning Initiative (WV)
Association of Black Social Workers (Virginia Union University) (VA)
Autistic Self Advocacy Network
Battle Born Progress (NV)
Beacon House Aftercare, Louisville (KY)
Beauty After the Bars (NC)
Bend the Arc: Jewish Action
Better Organizing to Win Legalization
BLM Louisville (KY)
Brave Technology Co-Op
Bronx Móvil (NY)
C-UR Recovery Services, LLC (MI)
Celebrate Recovery (KY)
Center for Criminal Justice Reform, University of Baltimore (MD)
Center for Disability Rights
Center for Housing & Health (IL)
Center for Popular Democracy
Citizen Action of Wisconsin (WI)
Clergy for a New Drug Policy
Coalition on Human Needs
Color of Change
Communities United for Status & Protection (CUSP)

Community Catalyst
Community Health Project Los Angeles (CA)
Cosmovisiones Ancestrales (CA)
CURE (Citizens United for Rehabilitation of Errants)
Dream.org
Drug Policy Alliance
Drug Policy Forum of Hawai'i (HI)
Due Process Institute
E5 Enterprise (NY/PA)
Elephant Circle (CO)
EngageWell IPA (NY)
Equal Justice USA
Evergreen Health (NY)
Exchanging Pathways (MS)
Fair and Just Prosecution
Faith in Harm Reduction
Family Services Network of New York (NY)
FAMM
Federal Public & Community Defenders
Feed Louisville (KY)
Filling The Gaps Outreach, Inc. (GA)
Florida Harm Reduction Collective (FL)
Freedom BLOC (OH)
Fruit of Labor Action Research & Technical Assistance, LLC (NC)
Full Circle Youth Empowerment, Inc. (CT)
FWD.us
G. Williams & Associates, Inc. (IL)
Giving Others Dreams G.O.D Inc (IL)
GLIDE (CA)
Hawai'i Health & Harm Reduction Center (HI)
HEAL Ohio (OH)
Hepatitis C Mentor and Support Group (HCMSG) (NY)
Hep Free Hawai'i (HI)
Hey Joe Media (AZ)
Hip Hop Caucus
HIPS (DC)
HomeRise (CA)
Hoosier Action (IN)
Housing Works (NY)
Human Rights Watch
Illinois Alliance for Reentry and Justice (IL)
Illinois Harm Reduction & Recovery Coalition (IL)
Immigrant Legal Resource Center
Interfaith Action for Human Rights (IAHR) (DC) (MD) (VA)
Indiana Recovery Alliance (IN)

IOAD NC Raleigh Memorial Event (NC)
Isaiah House Inc (KY)
Interfaith Action for Human Rights
Justice Strategies
JustLeadershipUSA
Juvenile Law Center
Lacey's Legacy (KY)
LatinoJustice PRLDEF
Law Enforcement Action Partnership
Law Office of the Cook County Public Defender (IL)
The Leadership Conference on Civil and Human Rights
Legal Action Center
Life Coach Each One Teach One Reentry Fellowship (KY)
Lighthouse Consultants Colorado, LLC (CO)
Local Progress
Los Angeles Community Action Network (CA)
Michigan People's Campaign (MI)
Minorities for Medical Marijuana
Mississippi Prison Reform Coalition (MS)
Moms for All Paths to Recovery (CA)
Monetwork (MO)
My Brothers Keeper NEO (OH)
My Meta ReEntry Services, Inc. (NC)
NASTAD
National Association of Criminal Defense Lawyers
National Coalition for the Homeless
National Council of Churches
National Council on Alcoholism and Drug Dependence-Maryland Chapter (MD)
National Employment Law Project
National Harm Reduction Coalition
National Health Law Program
National Homelessness Law Center
National Immigrant Justice Center
National Immigration Project (NIPNLG)
National Legal Aid & Defender Association
National Organization for Women
National Pain Advocacy Center (CO)
NC Harm Reduction Coalition (NC)
Nelsonville Voices/Showing Up for Racial Justice (OH)
NETWORK Lobby for Catholic Social Justice
New Jersey Organizing Project (NJ)
New York State Harm Reduction Association (NY)
NEXT Distro
OhioCAN/Newark Homeless Outreach (OH)

On The Bright Side LLC (NC)
ONE Northside (IL)
Overdose Crisis Response Fund
PA Stands Up (PA)
Parabola Center for Law and Policy
Parole Preparation Project
Pennsylvania Harm Reduction Network (PA)
People Advocating Recovery (KY)
People's Action
Progressive Leadership Alliance of Nevada (NV)
Progressive Maryland (MD)
Psychotherapy Services DBA (KY)
QLatinx (FL)
R Street Institute
REACH-NEO (OH)
Reentry Advocacy Project (TX)
Reframe Health and Justice
Renew A New, Inc (CA)
Revolve Impact
Rights & Democracy (NH/VT)
River Valley Organizing (OH)
Sana Healing Collective (IL)
Smoky Mountain Harm Reduction (NC)
Sojourners
Source Corp LLC (OH)
South Carolina For Restorative Justice (SC)
South Louisville Community Ministries (KY)
Southern Tier AIDS Program (NY)
StoptheDrugWar.org
Students for Sensible Drug Policy
Sunita Jain Anti-Trafficking Policy Initiative, Loyola Law School
T'ruah: The Rabbinic Call for Human Rights
Tacoma Healing Awareness Community (WA)
TakeAction Minnesota (MN)
TCRC Community Healing Center (PA)
Texas Harm Reduction Alliance (TX)
The Action Lab, Center for Health Policy and Law, Northeastern University School of Law (MA)
The Advocates for Human Rights (MN)
The AIDS Institute (TAI)
The Daniel Initiative
The Festival Center
The Freedom BLOC (OH)
The Gathering for Justice
The Georgia Survivor Defense Project (GA)

The Gubbio Project (CA)
The Hepatitis C Mentor and Support Group (HCMSG) (NY)
The Matrix Consulting, LLC
The Porchlight Collective SAP (IL)
The Sentencing Project
The Steady Collective (NC)
Transform Network
Treatment Action Group (TAG) (NY)
Treatment on Demand Coalition-SF (CA)
Truth Pharm Inc. (NY)
United Vision for Idaho (ID)
Vera Institute of Justice
Vilomah Foundation (PA)
Vital Strategies
Vivent Health
VOCAL-KY (KY)
VOCAL-NY (NY)
VOCAL-WA (WA)
VT Citizens United for the Rehabilitation of Errant(s) (VT)
Washington Office on Latin America
Why Not Prosper (PA)
Wilkes Recovery Revolution, Inc. (NC)
Women on the Rise (GA)
Worth Rises
Young People in Recovery



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National Partnership for
Women & Families

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National Fair Housing Alliance
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Celina Stewart
League of Women Voters of
the United States
Maria Town
American Association of
People with Disabilities
April Verrett
Service Employees International Union
Randi Weingarten
American Federation of Teachers
Larry Wright, Jr.
National Congress of American Indians
John C. Yang
Asian Americans Advancing Justice |
AAJC

President and CEO
Maya Wiley

February 4, 2025

The Honorable Mike Johnson
Speaker of the House
H-232, The Capitol
Washington, DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
2433 Rayburn House Office Building
Washington, DC 20515

Dear Speaker Johnson and Minority Leader Jeffries,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect civil and human rights in the United States, we write to express our strong opposition to H.R. 27, the Halt All Lethal Trafficking (HALT) of Fentanyl Act, and to urge the House to reject this bill. **The Leadership Conference will score the House's vote in our Voting Record for the 119th Congress.**

This bill permanently schedules fentanyl-related substances (FRS) on schedule I of the Controlled Substances Act (CSA) based on a flawed class definition. Additionally, it imposes mandatory minimums and fails to provide an off-ramp for removing inert or harmless substances from the drug schedule. The classwide scheduling that this bill would impose would exacerbate pretrial detention, mass incarceration, and racial disparities in the prison system, doubling down on a fear-based, enforcement-first response to a public health challenge.

Under the classwide control, any offense involving a "fentanyl-related substance" is subject to federal criminal prosecution, even if the substance in question is helpful or has no potential for abuse. The case of Todd Coleman is instructive. Mr. Coleman was sentenced to a mandatory minimum of 10 years for selling 30 grams of cocaine — about two tablespoons — because a local lab said that they were laced with three illegal fentanyl analogues.¹ But none of the substances were illegal fentanyl analogues, and one was a substance called "Benzyl Fentanyl" that the Drug Enforcement Administration has long known is not dangerous or illegal.²

¹ Schwartzapfel, Beth. "Biden could have taken the war on drugs down a notch. He didn't." *The Marshall Project*. June 16, 2021. <https://www.themarshallproject.org/2021/06/16/biden-could-have-taken-the-war-on-drugs-down-a-notch-he-didn-t>.

² Ibid.

February 4, 2025
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Moreover, the HALT Fentanyl Act enshrines mandatory minimums for distribution of FRS under the Controlled Substances Act, which could criminalize inert or harmless substances. This bill expands mandatory minimums for both foreign importation crimes and domestic drug distribution offenses, including nonviolent drug distribution involving small quantities of drugs. As mandatory minimums eliminate judicial discretion, judges are prevented from tailoring punishment to a particular defendant by taking into account an individual's background and the circumstances of their offenses when determining the sentence. Mandatory minimums instead place more power in the hands of prosecutors and their charging decisions, which is particularly concerning given that prosecutors are more likely to charge Black people with a crime that carries a mandatory minimum than a White person.³ The HALT Fentanyl Act threatens to replicate this pattern and deepen these disparities.

This Congress should not repeat its past mistakes when it comes to policy responses to fentanyl and its analogues. Beginning in the 1980s, draconian drug laws with harsh mandatory minimums and their resulting enforcement under the banner of the "war on drugs" fueled skyrocketing prison populations.⁴ In the ensuing decades, Black people have been disproportionately incarcerated and sentenced to mandatory minimum sentences for small amounts of crack cocaine, despite the fact that White people are more likely than Black people to use crack cocaine in their lifetimes.⁵ Similar trends for FRS are emerging: Between 2015 and 2019, prosecutions for fentanyl-analogue offenses increased by more than 5,000 percent, with no corresponding decrease in the use of FRS or in overdose deaths.⁶ In 2019, 58.9 percent of those sentenced in fentanyl-analogue cases were Black.⁷ Any further extension of the classwide scheduling policy threatens to repeat past missteps with crack cocaine that policymakers are still working to rectify.⁸

Harsh federal drug laws and mandatory minimums have caused the federal prison population to explode. The Urban Institute has found that increases in expected time served for drug offenses was the largest contributor to growth in the federal prison population between 1998 and 2010.⁹ Currently, people convicted of drug offenses make up 43.9 percent of the Bureau of Prisons (BOP) population.¹⁰ There is no

³ Starr, Sonja B., and M. Marit Rehani. "Racial Disparity in Federal Criminal Sentences." University of Michigan Law School Scholarship Repository. 2014. Pg. 1323.

⁴ See, e.g., Hatsukami, D.K. & Fischman, M.W. "Crack Cocaine and Cocaine Hydrochloride: Are the Differences Myth Or Reality?" 279 *Journal of American Medicine*. Nov. 1996. Pg. 1580.

⁵ 6.3 percent of people sentenced under these laws are White, while 77.1 percent are Black. "Quick Facts: Crack Cocaine Trafficking Offenses, FY2020." *U.S. Sentencing Commission*. 2020.
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Crack_Cocaine_FY20.pdf.

⁶ U.S. Sentencing Comm'n. "Fentanyl and Fentanyl Analogues: Federal Trends and Trafficking Patterns." Jan. 2021. P. 4. https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210125_Fentanyl-Report.pdf.

⁷ Ibid at 24.

⁸ See, e.g., H.R. 1062, the Eliminating a Quantifiably Unjust Application of the Law (EQUAL) Act (118th Cong.).

⁹ Mallik-Kane, Kamala & Parthasarathy, Barbara & Adams, William. "Examining Growth in the Federal Prison Population, 1998 to 2010." *Urban Institute*. 2012. Pg. 3.
<https://www.urban.org/sites/default/files/publication/26311/412720-Examining-Growth-in-the-Federal-Prison-Population-to-.PDF>.

¹⁰ "Statistics: Inmate Offenses." *Federal Bureau of Prisons*. Updated January 25, 2025.
https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp.

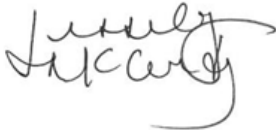
February 4, 2025
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indication that overly punitive sentences or mass incarceration deter crime, protect public safety, or decrease drug use or trafficking.¹¹

We share your concerns about fentanyl-related deaths and support effective health-based approaches to mitigating this public health crisis, but classwide scheduling and mandatory minimums merely repeat the mistakes of the past by exacerbating our incarceration problem. We welcome continued dialogue with you about how to move forward on this important topic. However, we must reiterate our firm opposition to classwide emergency scheduling and to mandatory minimum sentencing.

We strongly urge Congress to take bold steps on these issues and transform our criminal-legal system into one that delivers true justice and equality. For this reason, we ask you to vote NO on the HALT Fentanyl Act. Thank you for your time and attention to this matter. If you have any questions, please feel free to contact Chloé White, senior policy counsel, justice, at [REDACTED]

Sincerely,



Jesselyn McCurdy
Executive Vice President of Government Affairs

¹¹ See, e.g., Luna, Erik. "Mandatory Minimums." The Academy for Justice. 2017. Pgs. 127-130. https://law.asu.edu/sites/default/files/pdf/academy_for_justice/7_Criminal_Justice_Reform_Vol_4_Mandatory-Minimums.pdf; Nat'l Inst. of Justice. "Five Things about Deterrence." June 5, 2016. <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.

Houses line the streets of the small industrial city of Racine, Wisconsin, U.S. REUTERS/Brian Snyder

A single sniper rifle led investigators to a syndicate deep in the United States that armed Mexico's fentanyl-trafficking Jalisco New Generation Cartel.

By [SARAH KINOSIAN](#) | Filed Dec. 9, 2023, 11 a.m. GMT

Racine, Wisconsin is best known for factories, farming, and an extravagant televised prom celebration. But in 2018, Racine's suburban sprawl on the edge of Lake Michigan became a source of high caliber weapons for one of Mexico's top fentanyl trafficking gangs, the Cartel Jalisco Nueva Generacion (CJNG), U.S. federal arms-trafficking investigators allege.

The cartel exploited permissive federal and state-level gun control rules to buy some of the most powerful weapons available to American civilians, according to two former agents with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and two other sources, all with knowledge of the investigation.

Members of a local family, working with a cousin in Mexico, enlisted friends and relatives who bought guns on their behalf in Racine and transported them to California and south across the border, according to an indictment from Wisconsin's Eastern District Court unsealed in February.

P

Their clients included a hit squad reporting to CJNG leader Nemesio Oseguera, better known as "El Mencho," according to Chris Demlein, one of the former ATF agents.

The Racine case unlocked "the most prolific CJNG firearms trafficking network ever discovered," said Demlein, who until 2021 served as a senior special agent with ATF and oversaw a multi-agency arms trafficking project that coordinated dozens of investigations.

The traffickers in Racine and two connected cells in other locations bought more than \$600,000 of high-end military-style firearms in under a year, internal ATF documents reviewed by Reuters allege. It seemed like an unprecedented shopping spree, said Tim Sloan, the other former ATF investigator. Sloan was the first to trace a CJNG gun to Racine.



An employee shows a .50 caliber Barrett M107A1 semi-automatic rifle to Reuters at a gun store in Racine, Wisconsin where local residents sourced weapons to be smuggled to the CJNG cartel, according to a federal indictment. REUTERS/Brian Snyder

This account of the CJNG gun trafficking ring is based on a review of U.S. and Mexican law enforcement documents and interviews with two individuals alleged to have procured guns for the cartel as well as with eight current and former U.S. and Mexican officials. Reuters was able to chronicle the extent of the operation uncovered by ATF agents as they followed the trail of military-style guns back to the United States from the Mexican state of Jalisco, almost 2,000 miles away.

Racine was just the tip of the iceberg. The city was a key part of a CJNG firearms network that bought hundreds of guns from more than a dozen U.S. states, specializing in semi-automatic .50 caliber rifles and FN SCAR assault rifles designed for U.S. special forces, internal ATF reports obtained by Reuters allege.

ATF dubbed the Wisconsin case “Grin and Barrett,” after Barrett, a Tennessee-based weapons maker whose powerful .50 caliber firearms were among those trafficked by the network. Now a unit of Australia’s NIOA Group, Barrett did not respond to detailed requests for comment for this report.

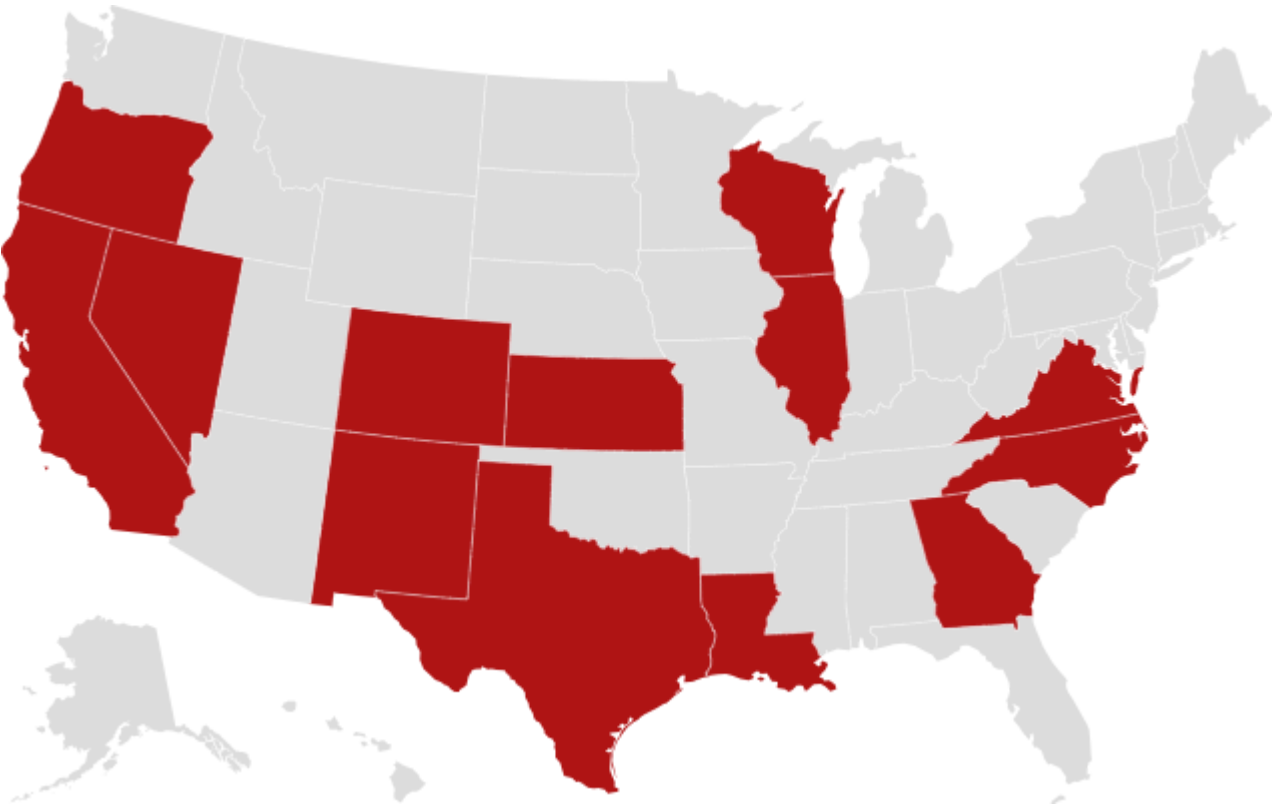
ATF spokesperson Kristina Mastropasqua declined to comment on what she described as an open case. Mastropasqua said preventing cross-border firearms trafficking was an ATF priority and new powers had led to 250 people being charged since last year.

Commenting on this story’s findings, Alejandro Celorio, legal advisor to Mexico’s foreign ministry, said those involved in the U.S. firearms business should be more careful to “prevent their products from falling into the wrong hands.”

The Racine Mayor’s Office did not respond to a request for comment.

Reuters was unable to reach representatives for CJNG or Oseguera.

The reach of CJNG’s alleged gun trafficking network



Source: U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) document

From North Carolina to Oregon, the CJNG network reached deep into the United States to find and buy heavier, rarer firearms, Sloan and Demlein said. Far from the border cities that are the usual sources of weapons for Mexico’s criminal groups, relaxed surveillance can make such weapons easier to buy in quantity, they said.

Overseeing much of the network was Mexican citizen Jesus Cisneros, according to ATF internal presentations that cited his intercepted communications with other suspects about moving .50 calibers and other firearms to Mexico. The Wisconsin indictment charged Cisneros and a local accomplice named Victor Cobian on multiple counts related to gun trafficking.

One internal ATF presentation cited more than 28 pending indictments related to the wider network. Reuters could not independently corroborate the status of the cases.

A spokesperson for the Eastern District of Wisconsin Attorney’s Office said they could only comment on public court records, adding those records suggested Cisneros was “the lead player” in the Wisconsin conspiracy.

\$600,000

Value of high-end military-style firearms trafficked from Racine and two connected cells in under a year

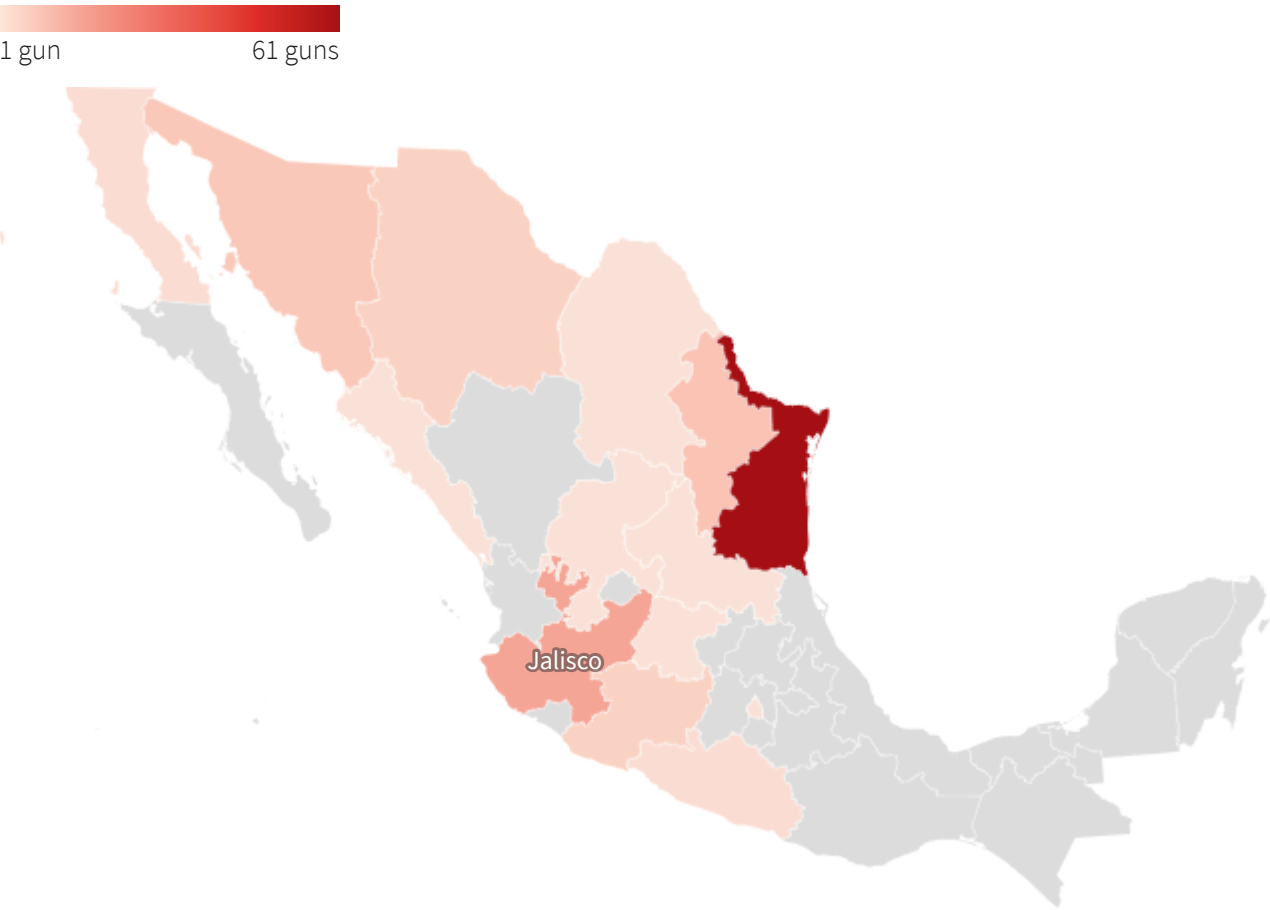
Cisneros is believed to reside in Mexico, one of the sources with knowledge of the investigation said. The source requested anonymity to speak freely.

Cobian told Reuters in an interview that Cisneros was his cousin and lived in Jalisco. Cobian, who pleaded not guilty to gun-trafficking charges, denied involvement in or knowledge of the alleged trafficking scheme. Reuters was unable to locate or contact Cisneros or his representatives.

Mexican law enforcement agencies did not respond to inquiries about Cisneros but did acknowledge that Mexican authorities automatically freeze the accounts of individuals sanctioned by the U.S. Treasury. Cisneros was sanctioned by the U.S. Treasury in February.

The indictment charged Cisneros, Cobian and six other accomplices with felonies ranging from false statements to unlicensed gun dealing and smuggling. The alleged accomplices included Cobian’s sister and her fiance, who also entered not guilty pleas. A jury trial was set for May 6, 2024, court filings show.

Mexican states where .50 caliber rifles and machine guns were recovered



Source: ATF document
Map data: © OSM

Gun thirty-one

The existence of the wider Cisneros network and Wisconsin’s role in it may never have come to light had it not been for a single Barrett .50 caliber rifle picked up by police in a 2018 raid in Mexico’s second-largest city, Guadalajara, the state capital of Jalisco.

Sloan, ATF’s attache at the U.S. embassy in Mexico City at the time, called the weapon “the key” to the CJNG gun pipeline.

Weighing 30 pounds, Barrett .50 calibers are used by militaries around the world for their ability to rip through armored vehicles from over a mile away. They are among the most powerful weapons civilians can buy in the United States through licensed dealers and sell for around \$9,000.

In Mexico, they are popular with organized criminal groups. CJNG uses .50 calibers to defend routes through which the U.S. Justice Department says thousands of tons of fentanyl and methamphetamine are shipped to U.S. consumers.



Members of the Jalisco New Generation Cartel (CJNG) pose for a photo at an undisclosed location in Michoacan state Mexico. One of the men bears the insignia of the Delta hit squad that reports to cartel leader Nemesio Oseguera and that U.S. federal investigators say received a gun that came from the Racine gun store. REUTERS/Stringer

The cartel's highly-trained, uniformed squadrons have used the guns to down a police helicopter, to kill 13 policemen in an ambush, and in a failed hit on Mexico City's top cop, Mexican and U.S. authorities say.

On May 21, 2018, gunmen from a CJNG hit squad known as Delta tried to kill a Jalisco government minister – who previously served as the state's attorney general – in a brazen afternoon attack outside a Japanese restaurant near the city center.

A few weeks later, on June 9, a team of Mexican Federal Police investigating the attack gathered before dawn outside a Guadalajara cemetery, across from a two-story building used by Delta, detailed handwritten Federal Police records show.

Delta reports directly to CJNG head Oseguera, according to a cartel organization chart from Mexico's National Guard, seen by Reuters. In 2021, a Mexican court convicted Delta gunmen for the Guadalajara attack.

Agents crept into the bright orange house through the garage. Moving upstairs, they found 36 weapons, including grenade launchers and nearly 8,000 rounds of ammunition, the police records said.

A Jalisco ballistics lab report seen by Reuters showed 27 of the firearms were traced to the United States. It did not establish if the weapons were used in the attack.

But one of them, a Barrett .50 caliber registered as Gun #31 in the report, led investigators to Wisconsin.



An injured woman lies on a stretcher after an ambush on a former prosecutor in Guadalajara, Mexico in 2018. The attack triggered an investigation that led police to a .50 caliber Barrett rifle that U.S. agents later traced to the Wisconsin gun store. REUTERS/Stringer

Shooters' Sports Center

Sloan traced the weapon to Shooters' Sports Center, a Racine gun shop, where a man called Elias Cobian picked it up on April 9, two months before the Guadalajara raid, according to ATF trace data and purchase records shown to Reuters by store employees.

Two days after Elias picked up the gun, on April 11, his brother Oswaldo Cobian picked up another .50 caliber, the records show. Oswaldo picked up another one a couple of months earlier. Shooters' Sports Center declined to say how much the weapons had sold for.

The Cobian brothers are cousins of Victor Cobian, two family members told Reuters. ATF investigation documents reviewed by Reuters allege the cousins worked together closely to traffic weapons.

Victor's older brother, Marco Cobian, said he was surprised when he heard early in 2018 that an associate of Elias and Oswaldo was going around asking people to buy guns.

Later, when Elias and Oswaldo got in trouble, it "all made sense," said Marco, who lives in the Racine area and works construction.

One successful recruit was Elias and Oswaldo's friend and coworker at an energy infrastructure company, a local man called Patrick Finnell.



The Shooters' Sports Center, where Racine residents acquired .50 caliber Barrett semi-automatic rifles to be trafficked to the CJNG in Mexico, according to the federal indictment. The gun store says it does not condone the illegal movement of firearms. REUTERS/Brian Snyder

On July 10, Finnell walked out of Shooters' Sports Center with another Barrett .50 caliber. In an interview, Finnell confirmed buying the weapon. The rifles bought by Finnell and the Cobian brothers were identified in the indictment as being picked up at the store to be trafficked into the arsenal of CJNG.

Finnell said in the interview he bought the weapon on behalf of the brothers, who he said told him the gun was going to Mexico, adding he thought "they were full of shit." Finnell didn't respond to follow-up interview requests.

The brothers and Finnell are not charged or named in the Wisconsin indictment, which connects the guns they picked up at Shooters' Sports Center to three unidentified co-conspirators. Reuters was unable to locate or contact the brothers or their representatives for comment. The Wisconsin Eastern District Attorney said it could not comment on individuals not named in the indictment.

Shooters' Sports Center was lucky to sell one Barrett .50 caliber in a normal year, employees said.

In just six months in 2018, the crew had picked up four from the store.

In Wisconsin, licensed dealers can legally sell multiple high-caliber semi-automatic rifles to adults. "We do not condone the illegal movement of firearms," store owner Bernie Kupper said in an email. He said it was not unusual for people to refer friends and family to the store.

Finnell himself bought three more .50 calibers in the Racine area, the first source close to the investigation said. Finnell declined to either confirm or deny whether he bought more for the brothers, telling Reuters he would "rather leave that to the side."

The rash of sales of .50 calibers caught the eye of Wisconsin agents from ATF's field offices in Milwaukee, according to the first source, who requested anonymity to speak freely.

Over the next few months, the agents dug further.

Quarter of a million guns

In the past three years alone, Mexican authorities have seized 300 .50 calibers, a record, according to previously unpublished data collated by the Mexican attorney general's office and seen by Reuters.

Once in Mexico, the gun's black market value increases to between \$30,000 and \$50,000, according to Demlein and Sloan.

The great majority of illegal guns in Mexico come from the United States, Mexican and U.S. authorities say. A 2013 University of San Diego study estimated a quarter of a million guns illegally cross the border each year.

Mexico, a country of 127 million people, has tight gun laws – and just a single gun store, located on a military base. By contrast, the United States has nearly 78,000 gun dealers – more than the combined number of McDonald's, Burger King, Subway and Wendy's franchises, according to gun-control advocates Everytown for Gun Safety.



A water tower stands over Racine. REUTERS/Brian Snyder

After Mexico launched its drug war in 2006, homicides tripled. Nearly 400,000 Mexicans have been killed, increasingly with firearms. According to Mexico City's Ibero University, guns were responsible for nearly three quarters of murders last year.

Powerful weapons poured over the border after a U.S. ban on assault rifles expired in 2004, fueling an arms race between criminal groups and Mexican security forces, said Romain Le Cour, a violence researcher in Mexico.

“Cartels have become more militarized. Their firepower has shot up,” Le Cour said.

As well as tighter U.S. gun laws, Mexico needed to improve its own border security and intelligence on gun trafficking, he said. “They need a disarmament campaign and they need to target the black market.”

300

.50 caliber rifles seized by Mexican authorities in the past three years alone

In the United States, complex gun trafficking investigations that link together cases across multiple states are relatively rare. Compared to efforts to stop drugs moving north, until recently few laws or resources were dedicated to preventing guns moving into Mexico.

Mexican officials are vocal about this disparity at a time when some Republican Party politicians are calling for the U.S. government to send troops into Mexico or drop bombs on cartels as a plank for the 2024 election campaign. Hundreds of thousands of Americans have died from opioid overdoses in recent years.

“The financial, economic and military power of the Mexican cartels comes from the United States,” said Alfredo Femat, head of the Mexican lower house of Congress foreign relations committee. U.S. guns give drug cartels the “capacity to wage war” and Mexico pays a heavy human price, he added. Mexico expected the United States to do more to stem the flow of weapons, he said, while acknowledging Mexico should intensify its own efforts.



A flag that combines U.S. and Mexican emblems hangs outside a home in Racine. REUTERS/Brian Snyder

Mexico is suing nine major gun companies, including Barrett, for \$10 billion in damages, arguing the availability of their weapons exacerbates the drug war’s carnage.

The companies argued in court that Mexico failed “to control cartel violence within its own borders.” A Boston court dismissed the case, saying federal law “unequivocally” bars lawsuits seeking to hold gun manufacturers responsible when people use guns for their intended purpose. Mexico has appealed. Barrett did not respond to questions from Reuters about the case.

The administration of U.S. President Joe Biden, a Democrat, introduced tougher sentencing for arms trafficking last year. The bill passed with the help of 14 Republican members, while 193 Republican members voted against it, in line with the party's opposition to restrictions on gun rights.

In four U.S. states along the Mexico border, federal rules adopted a decade ago to combat rampant trafficking mean gun dealers must report multiple purchases of certain high caliber rifles. In Wisconsin and many other states, there are no such requirements.

The indictment says the network also bought FN SCAR assault rifles for CJNG. Belgium’s FN Herstal, which makes the gun, told Reuters it commends U.S. law enforcement for investigating illegal networks, saying its US-made firearms are only intended for the Defense Department, law enforcement “and the most reputable authorized dealers.” FN Herstal is not mentioned in the Mexican lawsuit.

Jalisco hometown

In 1976, Victor Cobian's father, Victoriano Cobian, asked his girlfriend Maria to marry him and move to Racine from Tonaya, a small agave farming town in Jalisco, Maria said in an interview. It was already common for people from Jalisco to migrate to and from Wisconsin, first for farm work, then for better paying factory jobs.

Victor's cousins Elias and Oswaldo Cobian followed north several decades later. By then, CJNG frequently battled security forces in the area around Tonaya. The town is often described in Mexican media as a hideout for CJNG leader Oseguera.

Reuters could not independently verify Oseguera's connection to the town.



Marco Cobian, whose brother Victor has been indicted by U.S. authorities in the arms trafficking case, talks in his garage near Racine. REUTERS/Brian Snyder



Victor's mother Maria Cobian works at Victor's Again, the bar she owns and is named after her son, in Oak Creek, Wisconsin. REUTERS/Brian Snyder

Victoriano and Maria Cobian kept close ties to Tonaya, visiting at least once a year, often with the kids, their oldest son Marco said in an interview. Marco and Maria told Reuters they denied any knowledge about the alleged gun trafficking. Victoriano passed away in 2013.

Victor Cobian, speaking on his driveway in Racine, told Reuters he was unjustly associated with alleged gun-running honcho Cisneros because of their family ties. He said he only knew Cisneros in passing, on the street during family visits to Tonaya.

Victor's Again

In October 2018, agents investigating the Cobian cousins got a break. Local police in Oak Creek, a city neighboring Racine, found multiple storage cases for high caliber firearms in a red dumpster at a construction site, according to the indictment and the two sources close to the investigation. The sources said they suspected the discarded cases were a sign weapons were being trafficked. Oak Creek police declined to comment.

The dumpster was near Victor's Again, a bar that Victor Cobian's parents opened in 1991 and named after him.

After the find, agents set up a pole camera facing Oswaldo Cobian's house, one of the sources close to the investigation said. Agents staked out Victor Cobian's home. They gathered bank and phone records and set up surveillance on the bar and other Cobian family member homes, the source said.



A sign illuminates Victor's Again. Local police found several storage cases for high caliber firearms in a dumpster near the bar. REUTERS/Brian Snyder



The driveway sits empty at the Racine house where Oswald Cobian lived when it was raided in 2019. Police found FN SCAR assault rifles there they believed were about to be trafficked to Mexico. REUTERS/Brian Snyder

On February 28, 2019, after gathering intelligence for four months, agents saw the brothers carrying two FN SCAR assault rifles into Oswald's garage, both sources said.

One of the sources said agents were worried the guns would be moved to the border. They secured a search warrant in less than 24 hours, according to an internal ATF presentation.

In the parking lot of an abandoned KMart the next afternoon, around 75 agents from ATF, local police, FBI, and Homeland Security Investigations gathered. Backed by BearCat SWAT vehicles, they raided the homes of Patrick Finnell and Victor, Oswaldo and Elias Cobian, among others.

Agents recovered 52 firearms, including the two FN SCARs, one of the sources said.

No .50 caliber Barrett rifles were found. But Victor Cobian was arrested at his house with three empty Barrett cases and a conversion kit to turn weapons into fully automatic machine guns, according to the source.

Also found were two Colt 1911 pistols sporting gold-plated grips and ornately decorated with cartel insignia, the presentation showed.

Victor told Reuters the conversion kit wasn’t his. He said he embellished the pistols in homage to his home state of Jalisco and his love of gangster TV shows.

One of the pistols, the presentation showed, was engraved with San Judas Tadeo, a saint popular with Mexican narcotraffickers. The other was inlaid with a gold 50-peso coin, similar to coins stolen during a heist of Mexico’s Central bank in 2019. Carved below the coin were the letters “CJNG”.

By Sarah Kinosian
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How the United States Arms the Mexican Cartels

In an exclusive excerpt from the new book *Exit Wounds*, author Ieva Jusionyte traces the deadly pipeline of assault weapons into the hands of organized crime

By [Ieva Jusionyte](#)

April 16, 2024



Mexican Army soldiers stand guard behind AK 47 and M-16 rifles, part of an arsenal seized to alleged members of drug cartels in the community of Paso de Ovejas in Veracruz, Mexico on March 6, 2012. Lucas Castro/AFP/Getty Images

What are American [guns](#) doing in Mexico? This question first came to me nearly a decade ago while working as an EMT treating wounded migrants who were risking their lives trying to cross the U.S. - Mexico border. I wanted to understand what role high-powered weapons, easily bought in the U.S., played in turning Mexico, their home, into a country they had to flee. Over the next five years, I followed American guns from dealers in Arizona and Texas across the border and into the hands of organized crime groups in Mexico. As they have competed for control over trafficking routes to supply drugs to the U.S. market, these groups have built arsenals of weapons, including military-style semi-automatic rifles like AR-15s and AK-47s, and .50 caliber Barretts, which cartel snipers have used to attack the Mexican security forces. I talked to smugglers and buyers and to youths forcefully recruited by gangs and cartels. I also talked to journalists covering organized crime and to officials and federal agents on both sides of the border who are trying to stop gun trafficking.

Usually, guns in Mexico don't make much of a ripple in the States — then Operation Fast and Furious happened.

This [excerpt](#) from my new book, Exit Wounds: How America's Guns Fuel Violence Across the Border, recounts what happened during this dark episode in ATF's (The Bureau of Alcohol, Tobacco, Firearms and Explosives) history and the consequences that the agents' actions — and inaction — have had on both sides of the border.

On Nov. 20, 2009, Mexican soldiers in Naco, Sonora, stopped a twenty-one-year-old woman driving a truck with a .50 caliber Beowulf rifle and forty-one AK-47s. She said she was transporting the guns to Sinaloa. A few weeks later, over three hundred miles west, in the border town of Mexicali, Baja California, the army seized another arsenal of forty-one AK-47s, one AR-15, and one FN 5.7, and detained twelve people, all of them from Sinaloa, some of them identified as members of an organized crime group. By the end of February 2010, U.S. federal agents in Phoenix counted more than one thousand weapons confiscated before or after they crossed the border with Mexico. Most were semiautomatic rifles, primarily AK-47s.

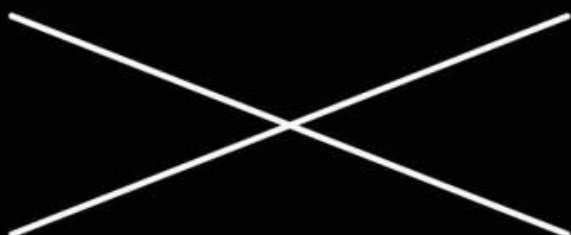
Editor's picks

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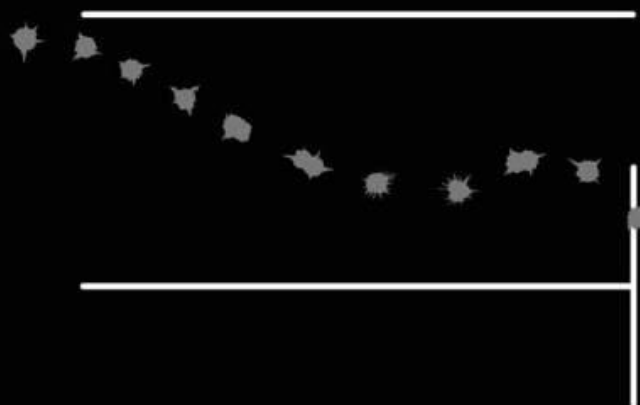
Tracing the AKs seized in Sonora and Baja California was the task of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. The agency, better known by its acronym ATF, was initially part of the US Department of the Treasury, where its main mandate was enforcing federal alcohol and tobacco tax laws. In 1968, following the assassination of Dr. Martin Luther King, President Lyndon B. Johnson formed the National Commission on the Causes and Prevention of Violence, whose recommendations led to the passage of the Gun Control Act. Soon after, ATF began overseeing violations of federal laws involving firearms and explosives, including arson and bombings. However, it wasn't until the reorganization of U.S. federal agencies following the 9/11 attacks in 2001, when ATF was moved to the Department of Justice (DOJ), that illegal use and trafficking of guns became its priority.



IEVA JUSIONYTE



HOW
AMERICA'S GUNS
FUEL VIOLENCE
ACROSS
THE BORDER



THE BORDER

WOUNDS

Gun tracing is a critical part of this work. Still analogue in the largely digitized world, it is a time-consuming process, which relies on phone calls and paper records instead of searchable databases. To trace a gun, the agent has to submit a request to the personnel at the National Tracing Center in West Virginia, providing a description of the gun and its serial number. Then, people at the tracing center begin making calls: first, they call the manufacturer or, if the gun is foreign-made, its importer, dictate the serial number, and ask which wholesale distributor the gun went to; next, they call the distributor and ask for the name of the dealer that ordered the gun; then they call the dealer. But the dealers don't keep electronic records either, so when they get a call from the tracing center, the manager has to look through file boxes to find the right firearm transaction record (it's known as ATF Form 4473), which lists the person who bought the gun from the store — their name, date, and place of birth, address, and sometimes their social security number. This process, from beginning to end, takes about a week for each gun and may require as many as seventy calls. When the request is urgent, the National Tracing Center can turn it around in twenty-four hours.

ATF agents in Phoenix who reviewed the tracing reports of guns confiscated in northern Mexico in late 2009, could have skipped this process. By then, they already knew about the handful of men purchasing large quantities of high-caliber weapons in a handful of stores in Arizona. One firearms dealer who had for years voluntarily informed ATF about sales he found suspicious contacted the office in Phoenix on Oct. 31, a few weeks before the seizures in Naco and Mexicali, and told them about four young men who had purchased nineteen AK-47 style rifles. Following that conversation, an agent reviewed the firearms transaction records the dealer provided, including one documenting a sale of six identical AK-47 rifles to a man who had also bought several FN Herstal 5.7 caliber pistols. Over the next few weeks, agents gathered more 4473s from Phoenix-area gun stores and

conducted background checks and surveillance. They established connections between the individuals making these large purchases and merged their cases into a single investigation.

Coordinated by the ATF's Phoenix Field Division, the operation was conducted under the auspices of Project Gunrunner, a nationwide initiative launched in Laredo, Texas, in 2005, which sought to reduce the smuggling of firearms across the U.S. southern border. But while the primary tactic of Gunrunner was the interdiction of buyers and sellers who were violating the laws, the agents in Phoenix had other plans. They wanted to see where the guns went if they were allowed to cross the border — to follow the small fish until they caught bigger ones. The men buying AK-47 style rifles in bulk used an auto body shop as one of the stash houses, so agents named their operation “Fast and Furious,” after the popular movie about car racing.

In law enforcement lingo, what the agents did is known as *gunwalking*. “It’s like saying that gangsters run guns, but governments walk guns,” journalist Ioan Grillo said, noting the irony, in his book *Blood Gun Money*. The speed of movement has nothing to do with it. The logistics are the same. The difference is in law only: gunrunning is a crime, while gunwalking receives the government’s authorization. The tactic’s formal name is “controlled delivery,” defined in Article 2(i) of the United Nations Organized Crime Convention as “the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence.” The tactic is often used by agents pursuing the trafficking of drugs, wildlife, and counterfeit products. Following minor buyers and smugglers until they deliver the goods allows law enforcement officers to learn about the transit routes and destinations, map criminal schemes, and understand the structures of organized crime.

ATF agents in Arizona had been using controlled delivery for decades. The most recent precedent was Operation Wide Receiver, run out of their Tucson office in 2006 and 2007, under President George W. Bush’s administration. Then, too, agents watched hundreds of weapons — AR-15 and AK-47 style rifles and Colt .38 Super pistols — being sold to “straw purchasers.” These were men and women hired for the job who went to retail stores and gun shops to buy the firearms, who passed the background checks and signed the forms and, once they left the stores, handed the weapons over to others who smuggled them across the border through ports of entry. Then, too, ATF hoped to build a bigger case against an arms trafficking network. But after years of delay the prosecutors ended up charging only low-level buyers, mostly for committing paperwork violations. Only 64 of the 474 firearms sold during the operation have been recovered. Mike Detty, a licensed fire-arms dealer who served as a confidential informant for the ATF, was so upset by how the agents handled the operation that he poured his outrage into a book. Despite failures, agents continued using this tactic in other cases, sending weapons to Mexico, where they lost track of many of them. They allowed people who were known to law enforcement for being involved in selling and smuggling drugs and guns to continue their activities. They could have stopped the men who procured some of the firearms the Zetas used to kill ICE agent Jaime Zapata and wound his partner Victor Avila during an ambush of their armored SUV in the Mexican state of San Luis Potosí, but they did not.

Fast and Furious was a reiteration of these earlier schemes, and a repetition of their failures. Over a year and a half, between September 2009 and December 2010, a joint task force comprised of federal officials from ATF, FBI, DEA, and ICE, working under the U.S. Attorney's Office for the District of Arizona, let over two thousand guns "walk" to Mexico. Instead of arresting suspects as soon as they identified them, agents waited. Straw purchasing cases were "hard to pursue," wrote William Newell, special agent in charge of the Phoenix division, in the memo he sent to the ATF headquarters in D.C. Their approach in this case was to "further establish the structure of the organization and establish illegal acts before proceeding to an overt phase."

Not everyone involved in the operation thought it was a good idea.

Some gun dealers and ATF agents they cooperated with became concerned when they saw the same buyers return to purchase large quantities of weapons: Alfredo Celis bought 133 AK-47 style rifles and one .50 caliber weapon in the span of one year; Joshua David Moore, a former member of the U.S. Marine Reserves, acquired 138 AK-47s and two .50 caliber rifles, all in just five months; Uriel Patino bought a total of 723 guns. But supervisors instructed those who raised concerns to keep watching and waiting. Special agent John Dodson recalled the time the owner of the Lone Wolf Trading Company tipped them off that a straw buyer they had already identified in the case was about to purchase more weapons. The agents hurried to the store and saw a man walk out with more than a dozen AK-47 style rifles, load them into a car, and drive off. They followed him, expecting an order from their superiors to intercept the vehicle. But the order never came. Rather than receiving authorization to intervene, they were told to return to the office. "We've got it handled,"²⁷ Newell assured ATF leadership.

Some on his own team doubted it.

"What are we doing here? I don't know. What the hell is the purpose of this? I have no idea. This went on every day," Agent Dodson later told congressional investigators. "Every day being out here watching a guy go into the same gun store buying another 15 or 20 AK-47s or variants..., guys that don't have a job, and he is walking in here spending \$27,000 for three Barrett .50 calibers...and you are sitting there every day and you can't do anything," he recalled his frustration. "I cannot see anyone who has one iota of concern for human life being okay with this."

Special agent Lawrence Alt, who had been a police officer before he joined ATF, was also worried: "Prior to my coming to Phoenix, Arizona, I had never witnessed...a situation where there wasn't at least an attempt to interdict or take the firearm at some point." During eleven years he had spent with the ATF, Agent Alt worked with cases which involved illegally purchased guns. "Follow the gun was also the motto, follow the gun, stay with the gun." Sometimes "people would sit on houses all night long, days on end, waiting for the guns to go so that they could then follow it, satisfy the requirements of the investigation." He'd never been in a situation where he was told to do nothing. "Something bad was going to happen," he said.

"On our first visit to the home, just hours after the massacre had occurred, we'd seen the bloodstains on the walls, the sneaker prints stamped in dried blood. The blood that had not yet been mopped had run down the driveway in rivulets and had caked on the tires of parked cars, including our SUV," wrote journalist Alfredo Corchado about what he and his companions saw when they arrived at Villas de Salvárcar, a working-class neighborhood of small cinder block homes in the

southern part of Ciudad Juárez, Chihuahua. Corchado had returned to Texas after years at the *Wall Street Journal* and still dressed like a business correspondent, pairing shirts and blazers with blue jeans. Having grown up in a family of migrant farmworkers, who left Durango for California and then settled down in El Paso, he felt at home on the border. As a reporter for a major regional daily, the *Dallas Morning News*, he had been writing about communities on both sides, including the murders of women in Juárez. But even his experience of routinely covering violent organized crime couldn't prepare him for what he saw on that winter day in 2010.

The previous night, on Jan. 30, the small house on Calle Villa de Portal was packed with high school and college students celebrating the eighteenth birthday of Jesús Enríquez. They were watching a soccer game when around midnight several trucks with tinted windows pulled up in front of the residence where the party was taking place. Inside the vehicles were members of La Línea, a gang that served as enforcers for the Juárez cartel. They disembarked, entered the house, and opened fire, killing fifteen people, injuring fourteen others. No police or ambulances arrived when witnesses called emergency services. Parents had to drive their children to the hospital on their own. More than a hundred 7.62 caliber bullet casings were found at the scene. Three of the weapons used in the attack were later traced to Fast and Furious.

When Corchado asked a father whose son had been killed what he wanted readers in Mexico and the United States to understand about the massacre, the man said: "I want them to feel my pain."

Some of these crimes in Mexico, like the Villas de Salvárcar massacre, made it to the news in the United States, mostly through efforts by El Paso-based journalists like Alfredo Corchado, Angela Kocherga, and others who reported from the Texas borderlands. But the murder that made the flawed operation public and political in the United States was of an American citizen on US soil: the killing of US Border Patrol agent Brian Terry northwest of Nogales, Arizona, on December 14, 2010. Terry died from a single gunshot wound to his lower back, fired from an AK-47. Though the investigators could not identify the specific gun that fired the bullet, two AK-47 style WASR-10 rifles were recovered at the scene. Both were traced to the Lone Wolf Trading Company in Glendale, Arizona, where they had been sold to Jaime Avila Jr., one of the straw purchasers the agents were monitoring under the Fast and Furious operation. During a seven-month period Avila bought fifty-two guns, including seventeen AK-47 style rifles, two AR-15 variants, and two .50 caliber weapons.

Terry's murder precipitated a scandal about Fast and Furious that fueled several conspiracy theories about the operation. According to one of the theories, better known in Mexico, it was a deliberate attempt by the United States to weaken and control its southern neighbor. Additionally, there were whispers that since most of the guns went to the Sinaloa cartel, it was proof that the U.S. government had made a deal with this organized crime group and supported them against their rivals. In the United States, the most popular conspiracy theory saw Fast and Furious as a plot by President Barack Obama's administration to reinstate an assault rifle ban and implement new gun control measures. Some said that Arizona was specifically chosen for this plot because it had lax gun laws which could easily be made the culprit. But, as Grillo put it, this theory is oblivious to the fact that "gun deaths in Mexico don't swing politics in the United States."

The sad reality is that deaths in Mexico, rather than being a liability, are profitable to the U.S. gun industry. ATF agents have made horrible mistakes with Fast and Furious and the gunwalking

operations that preceded it, but it was not because the agency was part of some plot to strengthen gun control laws in the United States.

ATF agents who shared their experiences during interviews conducted by a congressional committee admitted they knew that the only way they would learn the whereabouts of the guns they let go would be when Mexican law enforcement recovered them at crime scenes. “Most of the Mexican recoveries are related to an act of violence,” Agent Alt said. “You can’t allow thousands of guns to go south of the border without an expectation that they are going to be recovered eventually in crimes and people are going to die.”

When the investigators questioned special agent Olindo Casa, an eighteen-year veteran of ATF who had previously worked firearms trafficking cases in California, Florida, and Illinois, he confirmed that violence in Mexico was an expected outcome of what they were doing:

Interviewer: It was a likely consequence of the policy of walking guns that some of those guns would wind up at crime scenes in Mexico?

Agent Casa: Yeah.

Interviewer: And is it fair to say that some, if not many, of these crime scenes would be where people would be seriously injured or possibly killed?

Agent Casa: Of course.

Interviewer: So is it a fair, predictable outcome of the policy that there would be essentially collateral damage in terms of human lives?

Agent Casa: Sure.

Reprinted from [Exit Wounds: How America’s Guns Fuel Violence across the Border](#) by Ieva Jusionyte, courtesy of University of California Press. Copyright 2024. You can order your copy [here](#).



U.S. Department of Justice

Office of the Deputy Attorney General

Washington, DC 20530

January 21, 2025

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES

FROM: THE ACTING DEPUTY ATTORNEY GENERAL *EB*

SUBJECT: Interim Policy Changes Regarding Charging, Sentencing, And Immigration Enforcement

Following President Trump's second inauguration yesterday, I write regarding interim decisions and policy changes pending confirmation of the Attorney General.¹ These interim changes are necessary as an initial response to Executive Orders that President Trump issued yesterday, critical to the Justice Department's mission, and part of the response to three of the most serious threats facing the American people. First, Cartels and other Transnational Criminal Organizations, such as Tren de Aragua (TdA) and La Mara Salvatrucha (MS-13), are a scourge on society resulting in an unstable and unsafe border and huge flows of illegal immigration in violation of U.S. law. Second, brutal and intolerable violent crime by members of these organizations and illegal aliens is escalating rapidly across the country. Third, the fentanyl crisis and opioid epidemic are poisoning our communities and have inflicted an unprecedented toll of addiction, suffering, and death.

The Justice Department must, and will, work to eradicate these threats. Indeed, it is the responsibility of the Justice Department to defend the Constitution and, accordingly, to lawfully execute the policies that the American people elected President Trump to implement. The Justice Department's responsibility, proudly shouldered by each of its employees, includes aggressive enforcement of laws enacted by Congress, as well as vigorous defense of the President's actions on behalf of the United States against legal challenges. The Department's personnel must come together in the offices that taxpayers have funded to do this vitally important work.

I. Core Principle: Pursuing The Most Serious, Readily Provable Offense

Interim changes to the Justice Department's policy regarding charging and sentencing are necessary in order to implement policies articulated in President Trump's January 20, 2025 Executive Orders relating to the elimination of Cartels and other Transnational Criminal Organizations, and securing our borders against illegal immigration and drug trafficking. Therefore, effective today, the Justice Department's interim policy regarding charging and

¹ This interim guidance is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

sentencing is set forth in the May 10, 2017 Memorandum entitled, “Department Charging and Sentencing Policy,” which applies to all charging decisions at the Department of Justice and the U.S. Attorney’s Offices. Any inconsistent previous policy of the Department of Justice relating to charging and sentencing policy is rescinded, effective today.²

Specifically, in the absence of unusual facts, prosecutorial discretion at the Department of Justice and the U.S. Attorney’s Offices is bounded by the core principle that prosecutors should charge and pursue the most serious, readily provable offenses. The most serious offenses are those punishable by death where applicable, and offenses with the most significant mandatory minimum sentences (including under the Armed Career Criminal Act and 21 U.S.C. § 851) and the most substantial recommendation under the Sentencing Guidelines.

Each United States Attorney and Assistant Attorney General is responsible for ensuring that this interim policy is implemented and followed. Any deviations from the interim policy’s core principle require significant extenuating circumstances, shall be carefully considered, and must be approved consistent with the process described in the May 10, 2017 Memorandum.

II. Faithful Execution of the Immigration Laws

Consistent with President Trump’s January 20, 2025 Executive Order entitled, “Protecting The American People Against Invasion,” the Department of Justice will take all steps necessary to protect the public and secure the American border by removing illegal aliens from the Country and prosecuting illegal aliens for crimes committed within U.S. jurisdiction. These steps shall include, but not be limited to, the following:

Consistent with the core principle of pursuing the most serious, readily provable offense, U.S. Attorney’s Offices and the other components shall pursue charges relating to criminal immigration-related violations when such violations are presented by federal, state, or local law enforcement or the Intelligence Community. *See, e.g.*, 8 U.S.C. §§ 1324(c), 1252c (authorizing certain immigration-related arrests by State and local law enforcement officials). This includes, where supported by evidence, prosecutions for violations of 8 U.S.C. §§ 1304, 1306, 1324-1328, 1373 and 18 U.S.C. § 922(g)(5). Each U.S. Attorney’s Office shall coordinate as appropriate with the federal courts to inform the courts of this interim policy and develop processes for handling the increased number of prosecutions that will result. Declination decisions relating to immigration-related conduct shall be disclosed as Urgent Reports pursuant to Justice Manual § 1-13.130. On a quarterly basis, the U.S. Attorney’s Offices shall report statistics to EOUSA, broken down by law enforcement agency, regarding the number of immigration-related cases referred to the Office, the number of pending immigration-related investigations and prosecutions, the number of immigration-related convictions, and the resulting sentences and removals.

² The previous policies and guidance rescinded include: “General Department Policies Regarding Charging, Pleas, and Sentencing” (December 16, 2022); “Interim Guidance on Prosecutorial Discretion, Charging, and Sentencing” (January 29, 2021); “Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases” (August 12, 2013); and “Guidance Regarding § 851 Enhancements in Plea Negotiations” (September 24, 2014).

The Organized Crime Drug Enforcement Task Force (OCDETF) and the Project Safe Neighborhoods (PSN) program shall establish national initiatives to provide focused resources and attention to immigration-related prosecutions at the federal, state, and local levels. OCDETF and PSN will focus on facilitating access by U.S. Attorney's Offices to existing structures in which the Justice Department participates, such as Joint Task Force Vulcan, which targets MS-13 and will be expanded to target TdA, and Joint Task Force Alpha, which targets human trafficking. The regional OCDETF Strike Forces shall prioritize the investigation and prosecution of immigration offenses, including by requiring OCDETF-funded AUSAs to devote significant time and attention to the investigation and prosecution of these crimes. The new OCDETF and PSN national initiatives shall also prioritize enhanced statistical tracking of these efforts.

Pending implementation of the Homeland Security Task Forces announced by President Trump on January 20, 2025, the FBI's Joint Terrorism Task Forces are directed to coordinate with DHS, as well as state and local members, to assist in the execution of President Trump's immigration-related initiatives. The FBI, DEA, ATF, USMS, and BOP shall review their files for identifying information and/or biometric data relating to non-citizens located illegally in the United States. All such information and data shall be disclosed to DHS, for the sole purpose of facilitating appropriate removals, enforcement actions, and immigration-related investigations and prosecutions, unless the agency possessing the information and data determines that a particular disclosure would compromise a significant law enforcement investigation and the U.S. Attorney's Office participating in the investigation concurs in writing with the agency's non-disclosure determination. The agencies' reviews and disclosures shall be completed in 60 days. Concurrences by U.S. Attorney's Offices in non-disclosure determinations shall be disclosed as Urgent Reports pursuant to Justice Manual § 1-13.130.

The Supremacy Clause and other authorities require state and local actors to comply with the Executive Branch's immigration enforcement initiatives. Federal law prohibits state and local actors from resisting, obstructing, and otherwise failing to comply with lawful immigration-related commands and requests pursuant to, for example, the President's extensive Article II authority with respect to foreign affairs and national security, the Immigration and Nationality Act, and the Alien Enemies Act. The U.S. Attorney's Offices and litigating components of the Department of Justice shall investigate incidents involving any such misconduct for potential prosecution, including for obstructing federal functions in violation of 18 U.S.C. § 371, and violations of other statutes, such as 8 U.S.C. §§ 1324, 1373. Declination decisions with respect to resistance, obstruction, or other non-compliance with lawful immigration-related commands and requests from federal authorities shall be disclosed as Urgent Reports pursuant to Justice Manual § 1-13.130.

Finally, laws and actions that threaten to impede Executive Branch immigration initiatives, including by prohibiting disclosures of information to federal authorities engaged in immigration-enforcement activities, threaten public safety and national security. The Civil Division shall work with the newly established Sanctuary Cities Enforcement Working Group, within the Office of the Associate Attorney General, to identify state and local laws, policies, and activities that are inconsistent with Executive Branch immigration initiatives and, where appropriate, to take legal action to challenge such laws.

PART VII:

Firearm Commerce, Crime Guns, and the Southwest Border

Overview

As documented in [NFCTA Volume II, Part IV](#), firearms originating in the U.S. and recovered in Mexico between 2017 and 2021 represented 74% of all international crime guns traced to a purchaser.¹ Trace data further documents that crime guns recovered in Mexico often originate from firearm transfers at Federal Firearm Licensees (FFLs) in four Southwest border (SWB) states: Arizona, California, New Mexico, and Texas.² Further analysis indicates that transnational gun traffickers exploit the same criminal channels to divert firearms from legal commerce as domestic gun traffickers.

Estimated Minimum Sales Volume (EMSV)

EMSV is calculated by multiplying the number of National Instant Criminal Background Check System (NICS) checks conducted in the relevant period by the number of distinct NICS purpose codes associated with a NICS transaction that involved the actual transfer of a firearm to a new possessor. These NICS purpose codes are: *01 - Sale of a Handgun*, *02 - Sale of a Long Gun*, *03 - Sale of an Other Weapon*, *27 - Private Sale of a Handgun*, *28 - Private Sale of a Long Gun*, and *29 - Private Sale of an Other Weapon*. NICS transactions involving purpose codes 01, 02, and/or 03 capture firearms transferred from FFLs to customers, while purpose codes 27, 28, and/or 29 capture sales between private individuals that are facilitated by an FFL.

From 2022 to 2023, the total EMSV for SWB states (*i.e.*, Arizona, California, New Mexico, and Texas) was 5,521,877; the total EMSV for all other states was 25,386,480. SWB states accounted for nearly 18% of the total EMSV during this period (5,521,877 of 30,908,357).

FFL license type was known for about 96% of EMSV transactions (29,728,035 of 30,908,357). Type 01 Dealer FFLs accounted for nearly 67% (3,654,237 of 5,469,920) of EMSV in SWB states and nearly 72% (17,367,096 of 24,258,115) of the EMSV in all other states (Table SWB-01). Type 07 Manufacturer FFLs accounted for more than 19% (1,060,255 of 5,469,920) of the EMSV in SWB states; the EMSV for all other states was approximately 13% (3,260,827 of 24,258,115).

Table SWB-01: EMSV by Year and FFL Type³, 2022 – 2023

FFL Type	Southwest Border States			All Other States		
	EMSV	% EMSV	% FFL Type	EMSV	% EMSV	% FFL Type
01	3,654,237	66.8%	17.4%	17,367,096	71.6%	82.6%
02	694,540	12.7%	16.7%	3,473,628	14.3%	83.3%
03	0	0.0%	0.0%	111	0.0%	100.0%
06	0	0.0%	0.0%	8	0.0%	100.0%
07	1,060,255	19.4%	24.5%	3,260,827	13.4%	75.5%
08	39,826	0.7%	27.8%	103,375	0.4%	72.2%
09	75	0.0%	0.6%	12,357	0.1%	99.4%
10	20,976	0.4%	62.8%	12,445	0.1%	37.2%
11	11	0.0%	0.0%	28,268	0.1%	100.0%

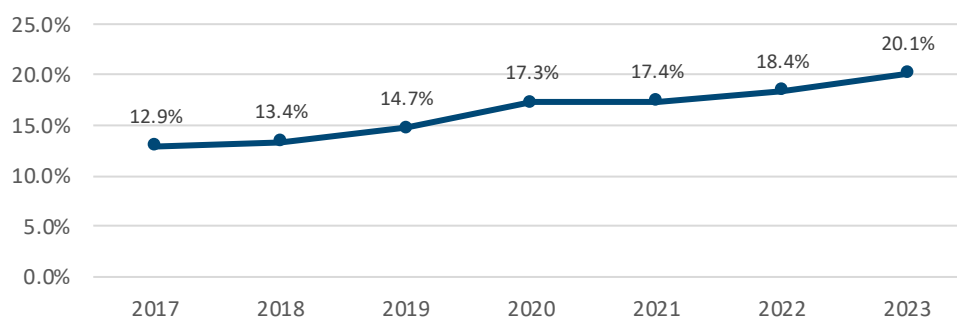
As reflected in Table SWB-02 and Figure SWB-01, Type 07 FFLs accounted for an increasing share of EMSV from 2017-2023 whereas the share of Type 01 and Type 02 Pawnbroker FFL EMSV decreased. Type 07 FFLs comprised nearly 13% of the EMSV in 2017; this percentage increased to more than 20% by 2023. As described in the summary of Part III of this report, this increase followed the implementation of the DL3 program.

In 2011, ATF implemented the [Demand Letter 3 \(DL3\) program](#), which was issued to assist ATF in its efforts to investigate and combat the illegal movement of firearms along and across the SWB. DL3 required Type 01 FFLs and Type 02 FFLs operating in the SWB states of Arizona, California, New Mexico, and Texas, to submit an ATF Form 3310.12, *Report of Multiple Sale or Other Disposition of Certain Rifles* on the multiple sales of certain specified rifles: semi- automatic rifles capable of accepting a detachable magazine and with a caliber greater than .22 (including .223/5.56 caliber). [Beginning October 1, 2024, ATF extended this reporting requirement to Type 07 and Type 08 FFLs](#) which now requires all licensed manufacturers and importers (in addition to dealers and pawnbrokers who were already so required) in SWB states to submit multiple sales reports for certain rifles.

Table SWB-02: Percentage of SWB EMSV by FFL Type and Year

FFL Type	2017	2018	2019	2020	2021	2022	2023
01	72.4%	70.8%	69.4%	68.4%	68.2%	66.9%	65.4%
02	13.5%	14.5%	14.8%	13.2%	12.5%	12.6%	12.6%
07	12.9%	13.4%	14.7%	17.3%	17.4%	18.4%	20.1%
Total EMSV	2,387,979	2,229,844	2,236,575	3,705,134	3,210,536	2,839,113	2,682,764

Figure SWB-01: Percentage of SWB EMSV by Year for Type 07 FFLs



From 2022 to 2023, California accounted for more than 40% (427,757 of 1,060,255) and Texas accounted for nearly 37% (391,676 of 1,060,255) of Type 07 FFL EMSV (Table SWB-03).

Table SWB-03: Type 07 FFL EMSV Totals by SWB State, 2022-2023

State	Type 07 EMSV	% Total
California	427,757	40.3%
Texas	391,676	36.9%
Arizona	153,163	14.4%
New Mexico	87,659	8.3%
Total	1,060,255	100.00%

In SWB states, nearly 53% of Type 07 FFL transactions involved handguns and nearly 30% involved long guns (Table SWB-04). Relative to all other states, transactions in SWB states involved a notably higher proportion of “Private Sale” purpose codes (7.8% versus 0.8%). The private sale code reflects the lawful sale of a firearm from an unlicensed seller to an unlicensed buyer, facilitated by a Type 07 FFL.

The higher percentage of these private sales in the SWB states is likely attributable to [California’s House Resolution 8: Bipartisan Background Checks Act of 2021](#), which requires a licensed FFL to take possession of a firearm and conduct a background check for transfers of firearms between private parties.

Table SWB-04: Type 07 FFL EMSV Totals by Year and Transaction Type, 2022 – 2023

Transaction Type	Southwest Border States	% Total	All Other States	% Total	Transaction Type Total
Handgun	558,005	52.6%	1,868,717	57.3%	2,426,722
Long gun	313,600	29.6%	1,063,582	32.6%	1,377,182
Frame/Receiver	106,234	10.0%	303,214	9.3%	409,448
Private Sale ⁴	82,416	7.8%	25,314	0.8%	107,730
Total	1,060,255	100.0%	3,260,827	100.0%	4,311,763

Crime Gun Trace Requests for Firearms Recovered in Mexico

Mexico Crime Gun Trace Request Submissions

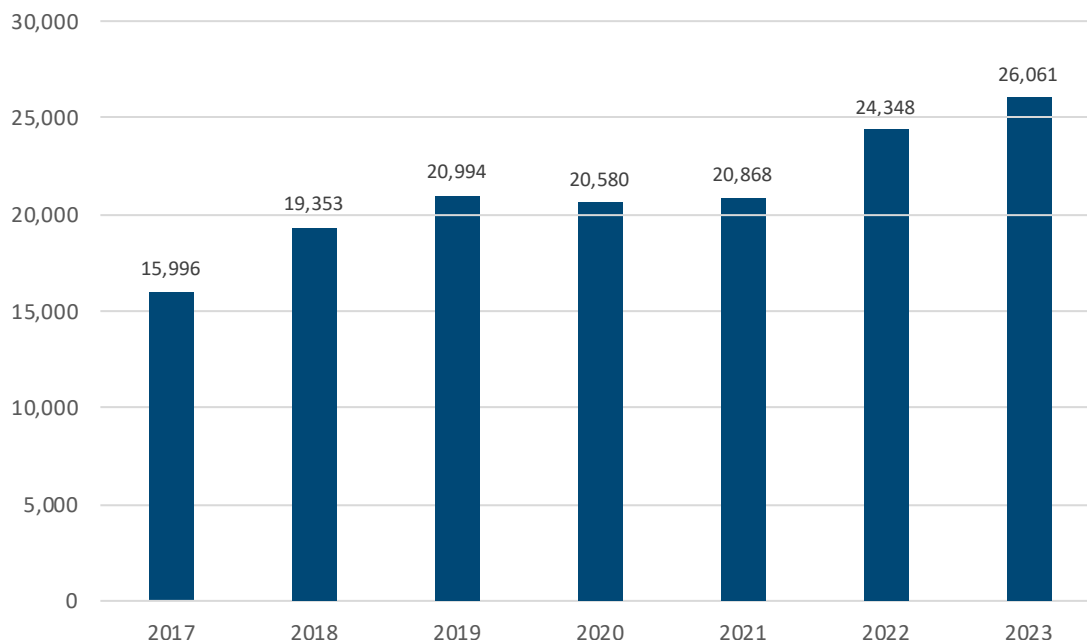
Although Mexican citizens have a Constitutionally protected right to bear arms, this right is not as broad as that provided by the Second Amendment in the U.S. For example, Mexican law restricts the type, caliber, and quantity of firearms available for legal purchase.⁵ Moreover, there is only one authorized firearm dealer in Mexico. In addition, an extensive background check process is required for a Mexican citizen to legally possess a firearm, and all firearms must be registered in a comprehensive national firearms registry, the *Registro Federal de Armas*.⁶ The limited availability of lawful firearms in Mexico results in high demand, particularly among criminal organizations like the drug cartels, for firearms illegally imported from outside the country. For many years, successive Mexican governments have identified the U.S. as the primary source of illegally imported firearms. As of 2021, the Mexican government estimated that that roughly 200,000 U.S.-sourced firearms are smuggled into Mexico annually.⁷

Investigative authority for firearm crimes in Mexico differs significantly from the U.S. Jurisdiction for prosecution of firearm offenses in Mexico is exclusively vested in the federal Attorney General’s Office, the *Fiscalia General de la Republica* (FGR). Through the FGR, law enforcement agencies across Mexico

submitted 148,200 trace requests for crime guns recovered between 2017 and 2023; 50,409 of these trace requests were submitted from 2022 to 2023. This section focuses on the traces submitted from 2022 to 2023.

As reflected in Figure SWB-02, the number of Mexico crime gun trace requests increased by about 31% from 2017 (15,996) to 2019 (20,994). The number of Mexico crime gun trace requests then remained relatively stable during the next two years before increasing by nearly 25% from 2021 (20,868) to 2023 (26,061).

Figure SWB-02: Total Number of Trace Requests Submitted for Mexico Recovered Crime Guns



Mexico Crime Gun Traces

For Mexico crime gun trace requests submitted between 2022 and 2023, 36% (18,206 of 50,409) were traced to a purchaser in the U.S. These firearms were not part of lawful exports to Mexico (see Part I–Firearm Commerce for details on legal exports). Rather, these crime guns were purchased in the U.S., and at some point, following the retail purchase from an FFL, were unlawfully trafficked out of the U.S. and subsequently recovered in a crime by law enforcement agencies in Mexico and submitted for tracing. In sum, 64% of trace requests were not successful in identifying the firearm purchaser (32,203 of 50,409).

License Type

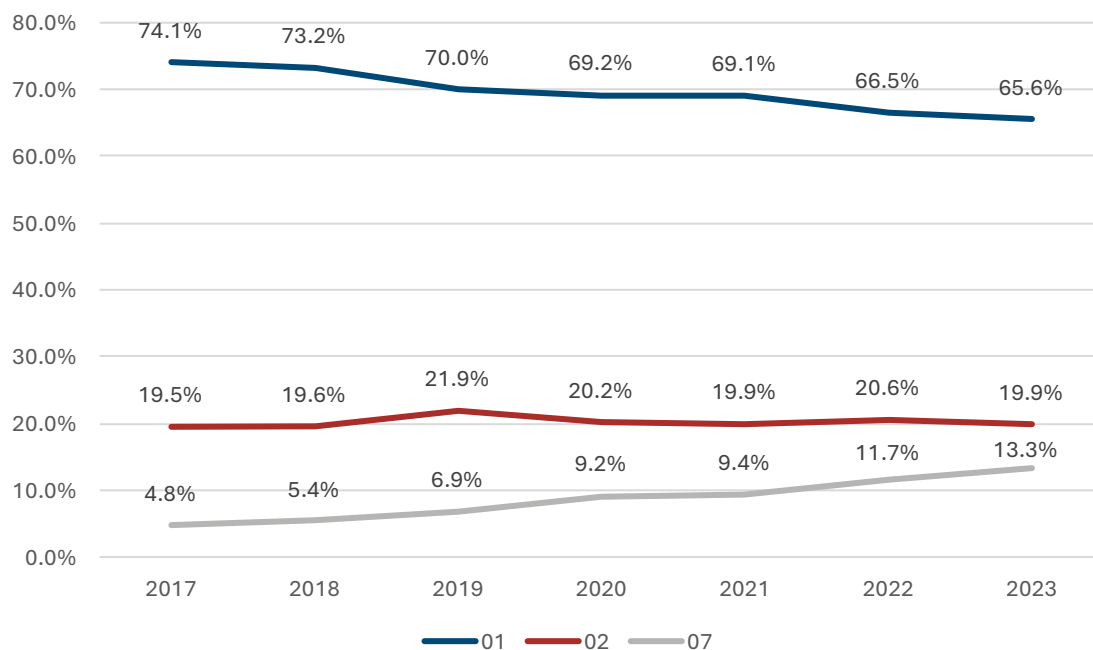
Between 2022 and 2023, information on the type of FFL⁸ that transferred the firearm was available in nearly all (99%; 17,996) of the 18,205 traces to a purchaser. As reflected in Table SWB-05, 66% (11,877) were transferred to the last known purchaser by a Type 01 Dealer, 20% from a Type 02 Pawnbroker, and nearly 13% from a Type 07 Manufacturer. The three most frequent FFL types accounted for nearly 99% (17,773) of the crime guns traced to a purchaser with FFL type known.

Table SWB-05: Total Crime Guns Recovered and Traced by FFL Type, 2022 – 2023

FFL Type	Total	% Total Traces
01	11,877	66.0%
02	3,634	20.2%
07	2,262	12.6%
08	162	0.9%
10	53	0.3%
03	4	0.0%
11	4	0.0%
Total	17,996	100.0%

As presented in Figure SWB-03, the percentage of traced crime guns recovered in Mexico transferred by Type 01 Dealers declined from 74% in 2017 to less than 66% in 2023 (reflecting a nearly 12% decrease in the market share of trace crime guns originating from Type 01 Dealers). The percentage of traced crime guns recovered in Mexico transferred by Type 02 Pawnbrokers remained relatively stable during this period. However, the percentage of traced crime guns recovered in Mexico transferred by Type 07 Manufacturers increased from slightly less than 5% in 2017 to slightly more than 13% in 2023 (reflecting a 177% increase in the market share of traced crime guns originating from Type 07 Manufacturers).

Figure SWB-03: Traced Crime Guns by 01, 02, and 07 FFL Types



See Table SWB-06 in Appendix SWB – Southwest Border for annual counts and percentages of traced crime guns by 01, 02, and 07 FFL types between 2017 and 2023.

Age and Gender of Purchasers

Purchaser age was able to be determined in slightly more than 93% (16,985) of the 18,205 recovered crime guns traced to a purchaser. Crime guns recovered and traced to purchasers aged 35 and older was

the largest age grouping constituting 45% (7,668) of traces (Table SWB-07). Crime guns traced to purchasers aged 18 to 24 was the smallest age grouping constituting 22% (3,759).

Table SWB-07: Total Crime Guns Recovered and Traced to a Purchaser, by Purchaser Age Grouping, 2022 – 2023

Age Group	Trace Count	% Total Traces
Youth (18 to 24)	3,759	22.1%
Young Adult (25 to 34)	5,558	32.7%
Adult (35 and older)	7,668	45.2%
Total	16,985	100%

Purchaser gender was able to be determined in 87% (15,861) of the 18,205 crime guns recovered by law enforcement agencies in Mexico and submitted for tracing between 2022 and 2023. Males purchased most of the traced crime guns (89%; 14,101) while females purchased a very small share of traced crime guns (11%; 1,760) during the study period (Table SWB-08).

Table SWB-08: Total Crime Guns Recovered and Traced to a Purchaser, by Purchaser Gender Groupings, 2022 – 2023

Age Group	Trace Count	% Total Traces
Male	14,101	88.9%
Female	1,760	11.1%
Total	15,861	100.0%

Similar analyses for possessors of traced crime guns recovered in Mexico were not conducted due to the small percentage with known possessors. The possessor gender was determined in only 11% (1,975) and the possessor age was determined in only 3% (483) of the 18,205 recovered crime guns traced to a purchaser.

Types of Recovered Crime Guns

Pistols and rifles represented the most frequently recovered crime guns in Mexico between 2022 and 2023 (Table SWB-09). Of the 50,409 traced crime guns, pistols accounted for 50% (25,355), rifles accounted for almost 33% (16,368), revolvers accounted for 9% (4,619), and shotguns accounted for nearly 6% (2,793).

Table SWB-09: Types of Recovered Crime Guns, 2022 – 2023

Firearm Type	Number	Percent
Pistol	25,355	50.3%
Rifle	16,368	32.5%
Revolver	4,619	9.2%
Shotgun	2,793	5.5%
Machinegun	680	1.3%
Other / Unknown	594	1.2%
Total	50,409	100.00%

Calibers of Recovered Pistols and Rifles

From 2022 to 2023, 25,355 pistols were recovered in Mexico. As indicated by Table SWB-10, the top ten calibers of recovered pistols accounted for more than 98% of all pistols recovered in Mexico. Nearly 45% (11,337) of the recovered pistols were 9mm, while .22 caliber accounted for almost 17% (4,220), .380 accounted for 12% (3,140), and .45 caliber were almost 7% (1,671) of the pistol caliber crime guns recovered.

Table SWB-10: Top Ten Calibers of Recovered Pistols, 2022 – 2023

Caliber	Number	Percent
9mm	11,337	44.7%
.22	4,220	16.6%
.380	3,140	12.4%
.45	1,671	6.6%
.40	1,463	5.8%
.25	1,119	4.4%
.38	859	3.4%
7.62mm	524	2.1%
.32	483	1.9%
5.7mm	107	0.4%

From 2022 to 2023 16,368 rifles were recovered in Mexico. As reflected in Table SWB-11, the top ten calibers of recovered rifles accounted for 97% of all rifles recovered in Mexico. Specifically, 7.62mm accounted for 31% (5,096), .223 accounted for 26% (4,275), and 5.56mm accounted for almost 21% (3,390).

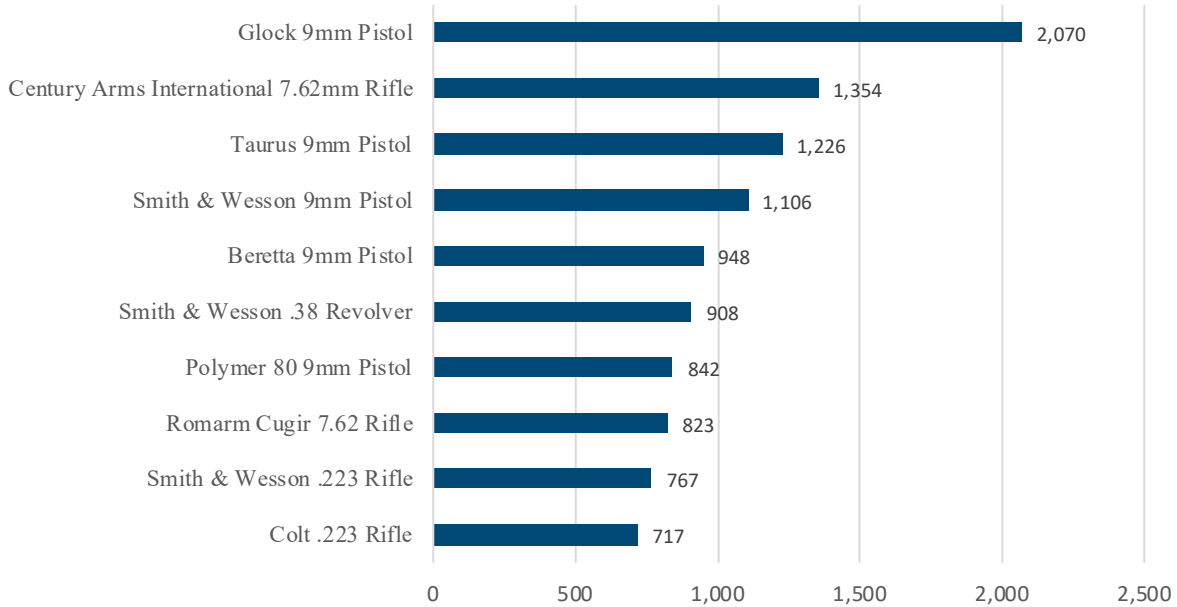
Table SWB-11: Top Ten Calibers of Recovered Rifles, 2022 – 2023

Caliber	Number	Percent
7.62mm	5,096	31.1%
.223	4,275	26.1%
5.56mm	3,390	20.7%
.22	1,181	7.2%
Multiple	1,052	6.4%
.308	312	1.9%
.50 BMG	182	1.1%
.30	172	1.1%
9mm	145	0.9%
.30-30	78	0.5%

Recovered Crime Guns by Manufacturer, Type and Caliber

As reflected in Figure SWB-04, the top ten most frequently recovered crime guns by make (manufacturer), caliber, and type combination accounted for 21% (10,761) of all (50,409) recovered crime guns. The most frequently recovered crime gun by make, caliber, and type combination was the Glock 9mm pistol accounting for 4% (2,070) of all crime guns recovered in Mexico.

Figure SWB-04: Total Crime Guns Recovered by Make/Caliber/Type Combination, 2022 – 2023



Privately Made Firearms

Law enforcement agencies in Mexico recovered and submitted 4,515 suspected privately made firearms (PMFs) to ATF for tracing from 2022 to 2023. PMFs represented 9% of all firearms recovered and submitted for tracing in Mexico during this period (50,409). As reflected in Table SWB-12, the most frequently recovered types of PMFs were pistols (49%; 2,197 of 4,515) and rifles (38%; 1,708 of 4,515).

Table SWB-12: Types of Recovered Suspected PMFs, 2022 – 2023

Firearm Type	Number	Percent
Pistol	2,197	48.7%
Rifle	1,708	37.8%
Shotgun	398	8.8%
Other / Unknown	212	4.7%
Total	4,515	100.00%

Southwest Border: Indicators of Firearms Trafficking to Mexico

Time-to-Crime (TTC) of Traced Firearms

Short TTC represents an indicator of firearms trafficking as traced guns with this characteristic have moved rapidly from the last known purchaser to recovery in crime. The TTC was determined in nearly 100% (18,190) of all crime guns submitted by Mexico and traced to a purchaser (18,205) from 2022 to 2023. The median TTC for Mexico traces was 5.6 years. Slightly more than 14% (2,583) of traced guns were recovered less than one year after the last known purchase while slightly more than 33% (6,073) of traced guns were recovered less than three years after the last known purchase (Figure SWB-05).

Figure SWB-05: TTC Groupings for Mexico Traced Crime Guns, 2022 – 2023

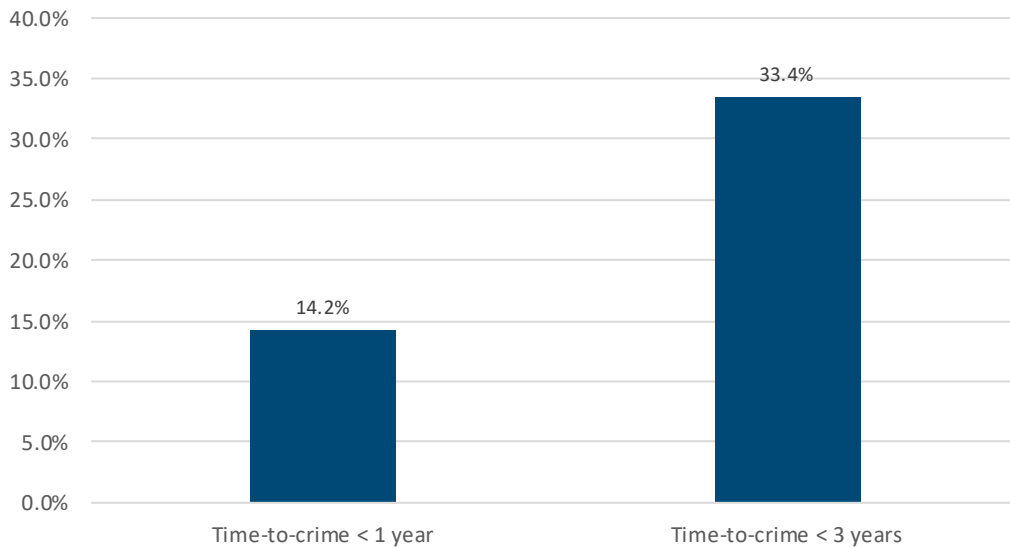
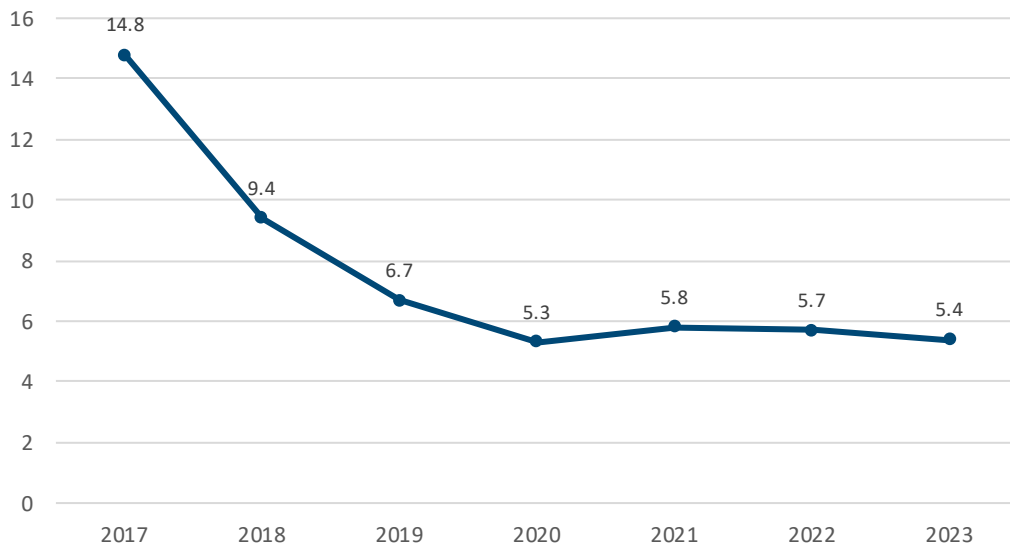


Figure SWB-06 presents the median TTC in years for traced crime guns recovered in Mexico between 2017 and 2023. The median TTC decreased by more than 64% from 14.8 years in 2017 to 5.3 years in 2020. Median TTC for traced crime guns in Mexico was consistently more than five years but less than six years between 2021 and 2023.

Figure SWB-06: Median TTC (Years) for Mexico Traced Crime Guns

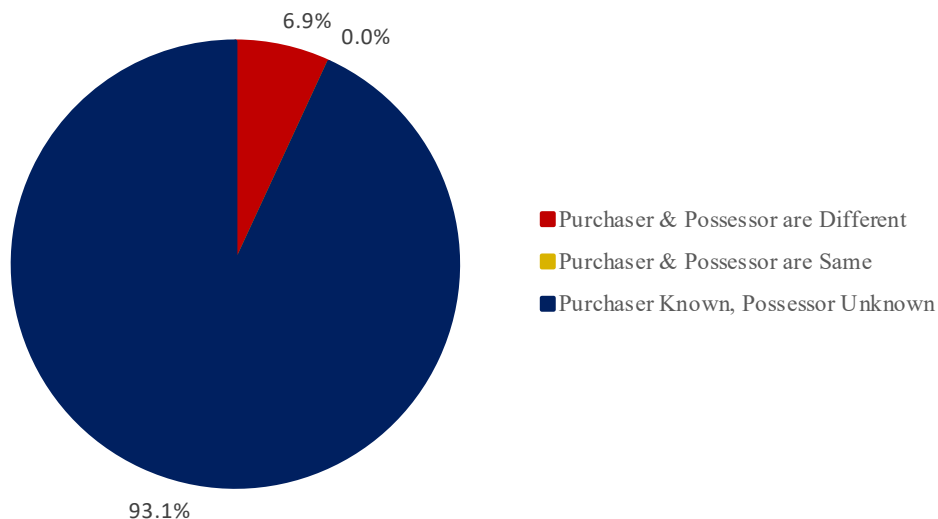


Purchasers and Possessors of Traced Crime Guns

The purchaser and the possessor were the same person in only one successfully traced crime gun recovered in Mexico from 2022 to 2023 (0% of 18,205). More than 93% (16,950) of crime guns traced to a purchaser involved a trace request where the possessor was not identified (SWB-07). Almost 7%

(1,254) of the traced recovered crime guns had an identified possessor that was a different person than the last known purchaser.

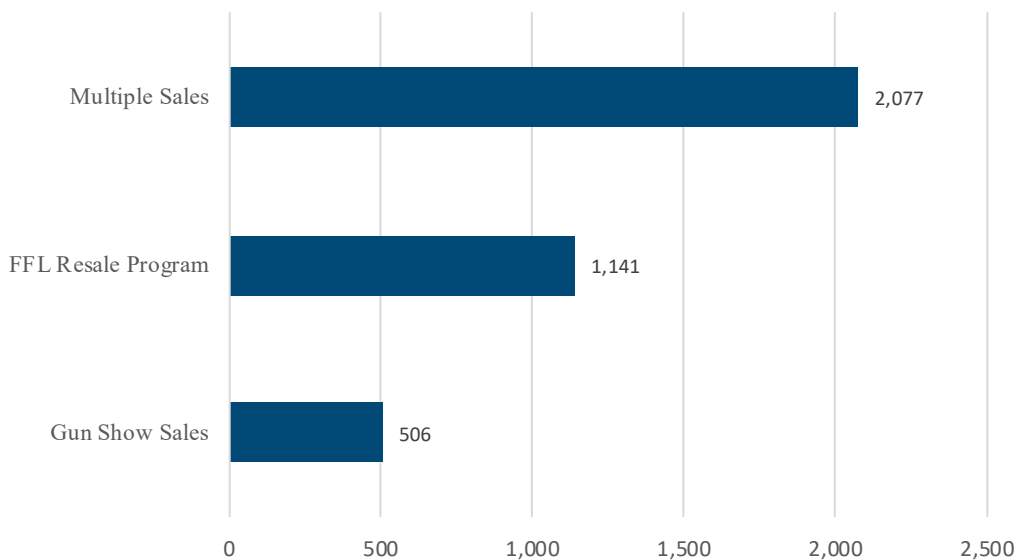
Figure SWB-07: Total Crime Guns Recovered and Traced to a Purchaser by Purchaser-to-Possessor Grouping, 2022 – 2023



TTC by Traces Affiliated with a Multiple Sale, FFL Resale Program, or Gun Show

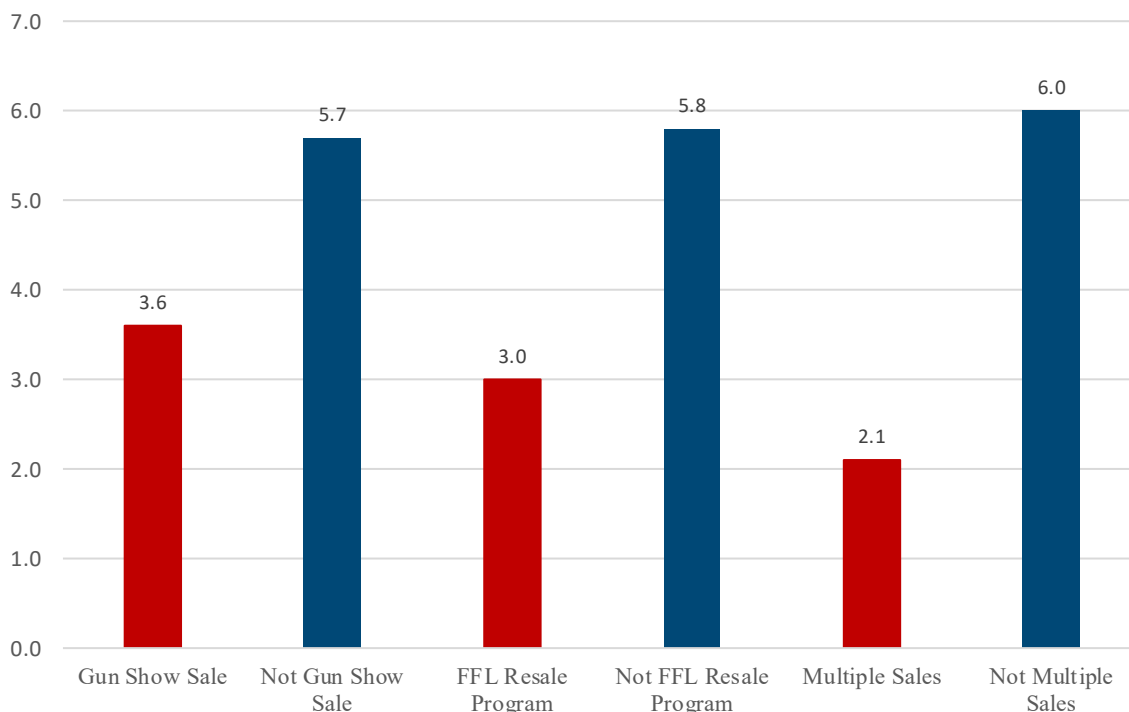
As reflected in Figure SWB-08, from 2022 to 2023, 11% (2,077 of 18,205) of Mexico crime gun traces were associated with a multiple sale.⁹ Only 6% (1,141) of the 18,205 recovered firearms traced to a purchaser were associated with ATF’s FFL Resale Program (FRP)¹⁰ during this period. Approximately 3% (506) of the 18,205 crime gun traces to a purchaser were acquired from an FFL at a gun show.

Figure SWB-08: Traces Affiliated with a Multiple Sale, FRP, or Gun Show, 2022 – 2023



As reflected in Figure SWB-09, the median TTC for Mexico crime gun traces to a purchaser sourced from an FFL at a gun show was 3.6 years. This was 37% shorter than the 5.7-year median TTC for Mexico traces to a purchaser that were not obtained from an FFL at a gun show. The median TTC for Mexico crime gun traces to a purchaser associated with the FRP was 3.0 years. This was 48% shorter than the 5.8-year median TTC for Mexico crime gun traces to a purchaser that were not associated with the FRP. The median TTC for Mexico crime gun traces to a purchaser associated with multiple sales was 2.1 years. This was 65% shorter than the 6.0-year median TTC for Mexico crime gun traces to a purchaser that were not associated with multiple sales.

Figure SWB-09: Median TTC of Traces Affiliated with a Multiple Sale, FRP, or Gun Show, 2022 – 2023



Southwest Border: Geographical Patterns

U.S. Source State or Territory

As reflected in Figures SWB-10 and SWB-11, Texas FFLs were the top U.S. source state accounting for 43% of all Mexico crime guns traced to a purchaser from 2022 to 2023 (7,825 of 18,205). Three states – Texas, Arizona, and California – were the sources of more than 1,000 crime guns each and accounted for approximately 73% of all Mexico crime guns traced to a purchaser (13,369 of 18,205).

Figure SWB-10: Total Crime Guns Recovered and Traced to a Purchaser by U.S. Source State or Territory, 2022 – 2023

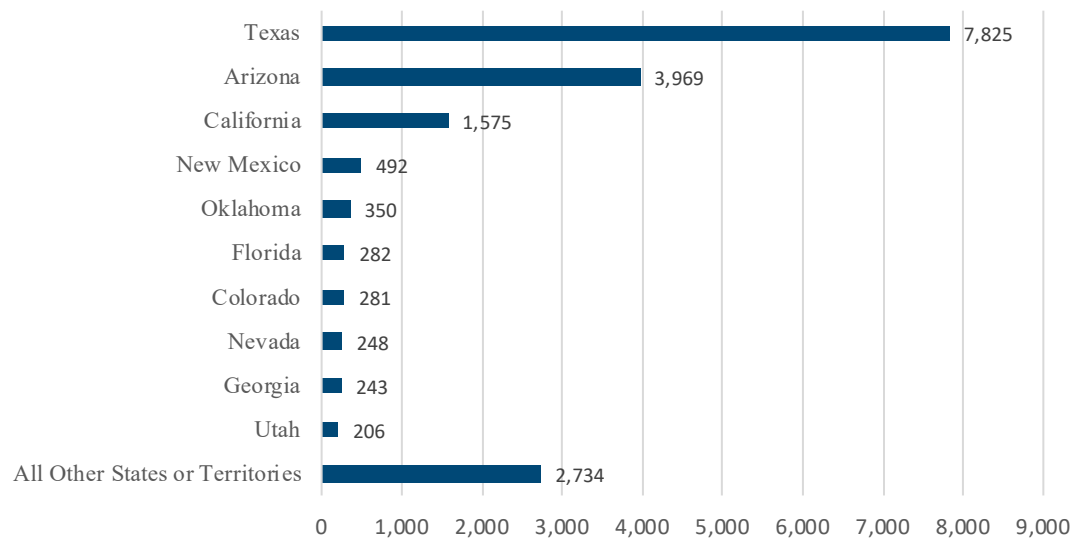
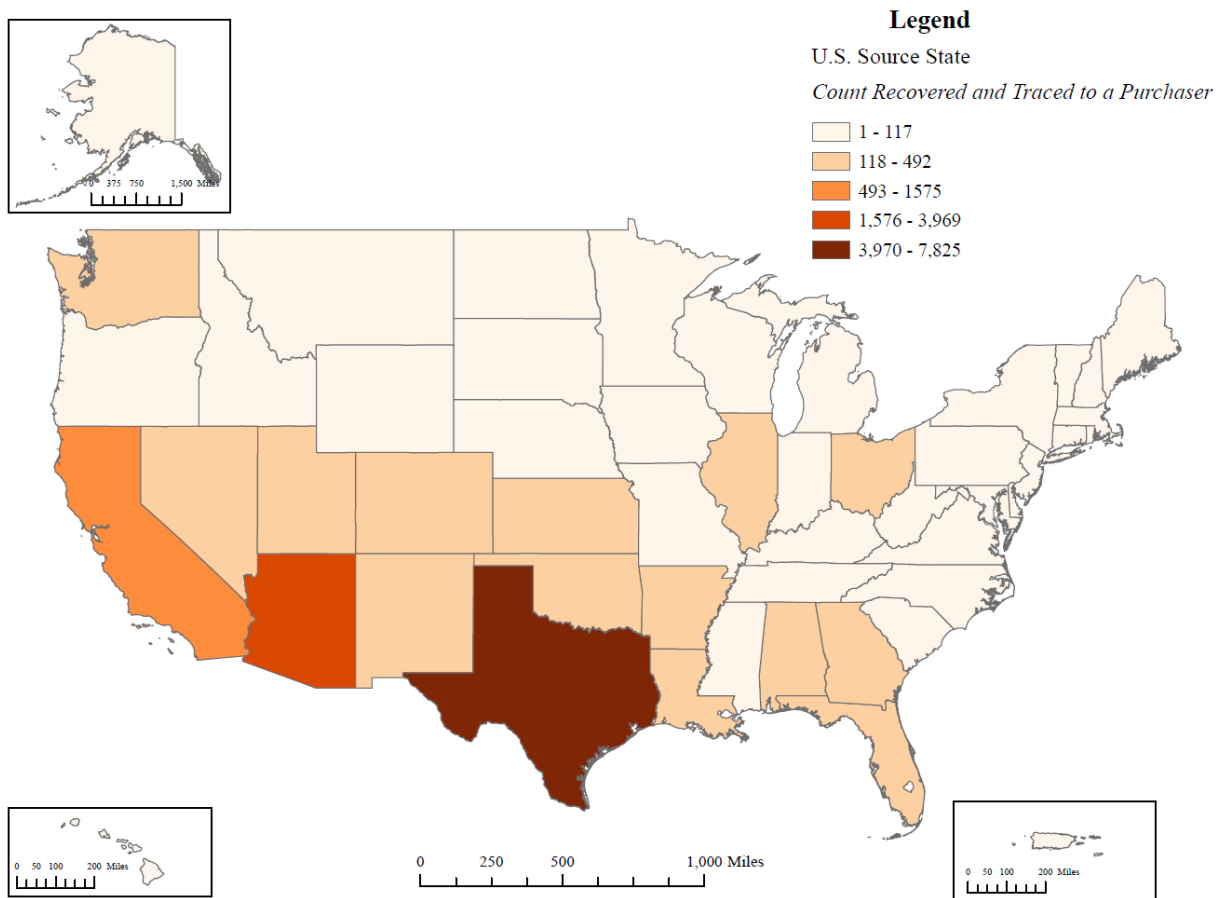


Figure SWB-11: Total Crime Guns Recovered and Traced to a Purchaser by U.S. Source State, 2022 – 2023



Mexico Recovery State or Territory

As reflected in Figures SWB-12 and SWB-13, U.S.-sourced crime guns tend to be most frequently recovered in Mexico states along the SWB: Sonora, Baja California, Chihuahua, Nuevo León, and Tamaulipas.

Figure SWB-12: Total Crime Guns Recovered and Traced to a Purchaser by Mexico Recovery State¹¹, 2022 – 2023

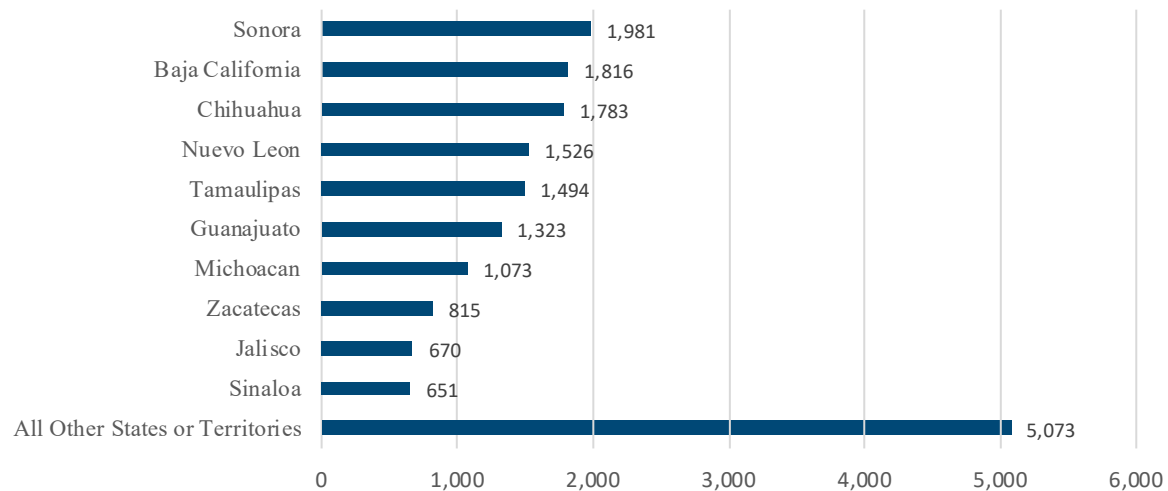


Figure SWB-13: Total Crime Guns Recovered and Traced to a Purchaser by Mexico Recovery State, 2022 – 2023

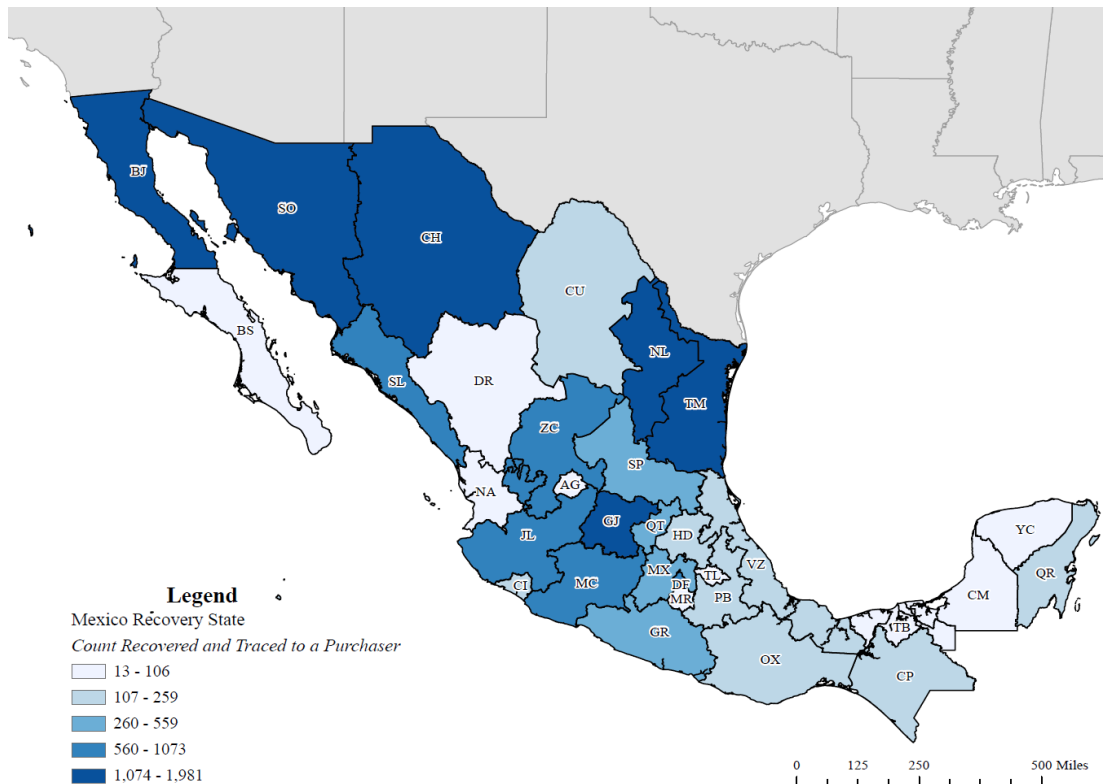


Figure SWB-14 [shows a map of the Mexican cartel territories identified by the U.S. Drug Enforcement Administration \(DEA\) in 2022](#) overlaid on the volume of crime guns traced to a purchaser by Mexico recovery state (as shown in Figure SWB-13). The DEA identified two cartels with a dominant presence in Mexico: Sinaloa Cartel (CDS) and Jalisco New Generation Cartel (CJNG).

The Mexican recovery state was known for more than 93% (17,717 of 18,205) of crime guns traced to a purchaser. As shown in Table SWB-13, 41% (7,216 of 17,717) of these crime guns were recovered in a Mexican state with a dominant presence of both cartels. Overall, 82% (14,456 of 17,717) of crime guns were recovered in a Mexican state with a dominant presence of both or either cartel.

Figure SWB-14: Crime Gun Recovery by Mexican States and Cartel Territories: Total Crime Guns Recovered and Traced to a Purchaser, 2022 – 2023

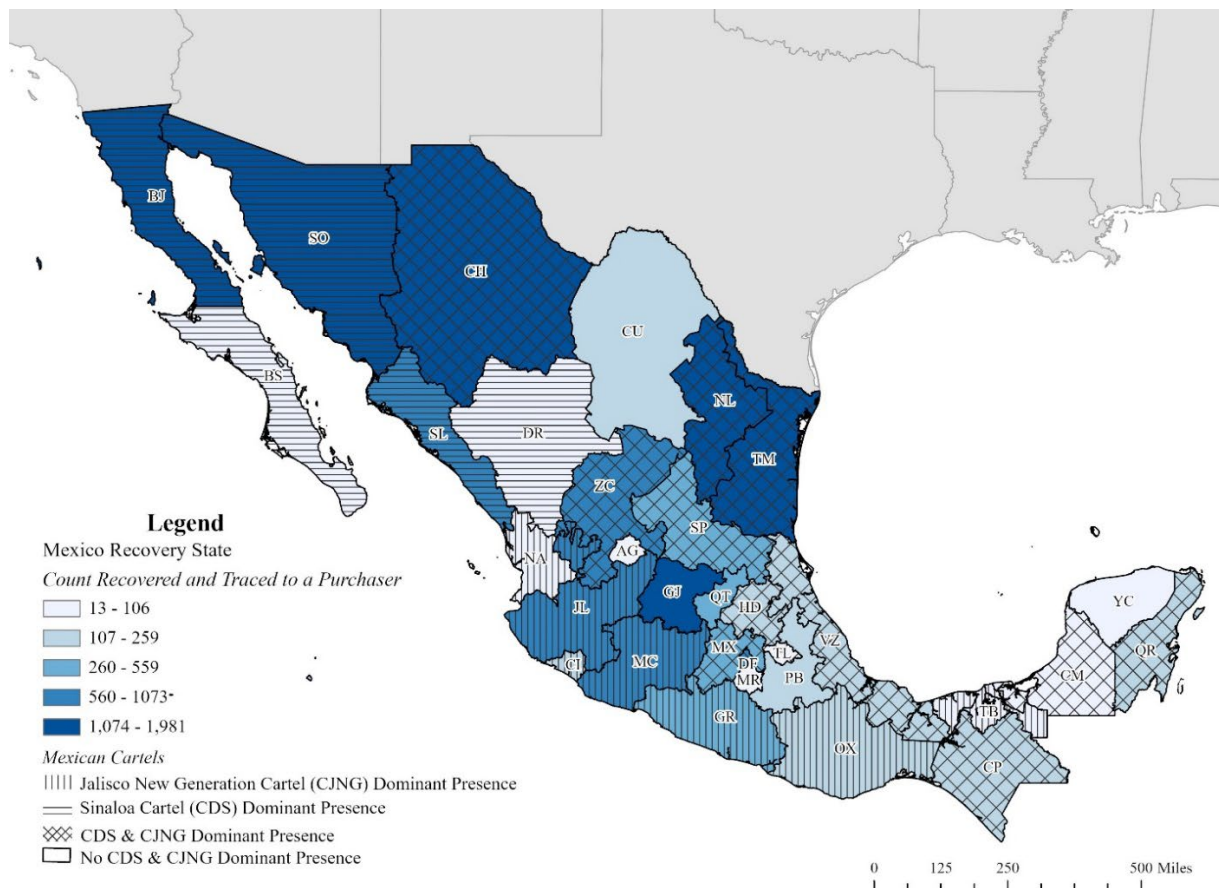


Table SWB-13: Crime Gun Recoveries by Mexican State and Cartel Territory, 2022 – 2023

Mexican Cartel Territory	Recovered Crime Guns	Percentage
CDS & CJNG Dominant Presence	7,216	40.7%
CDS Dominant Presence	4,560	25.7%
Neither CDS Nor CJNG Had a Dominant Presence	3,261	18.4%
CJNG Dominant Presence	2,680	15.1%
Dominant Cartel Presence (CDS and/or CJNG)	14,456	81.6%
Total	17,717	100.0%

U.S. to Mexico Pipelines

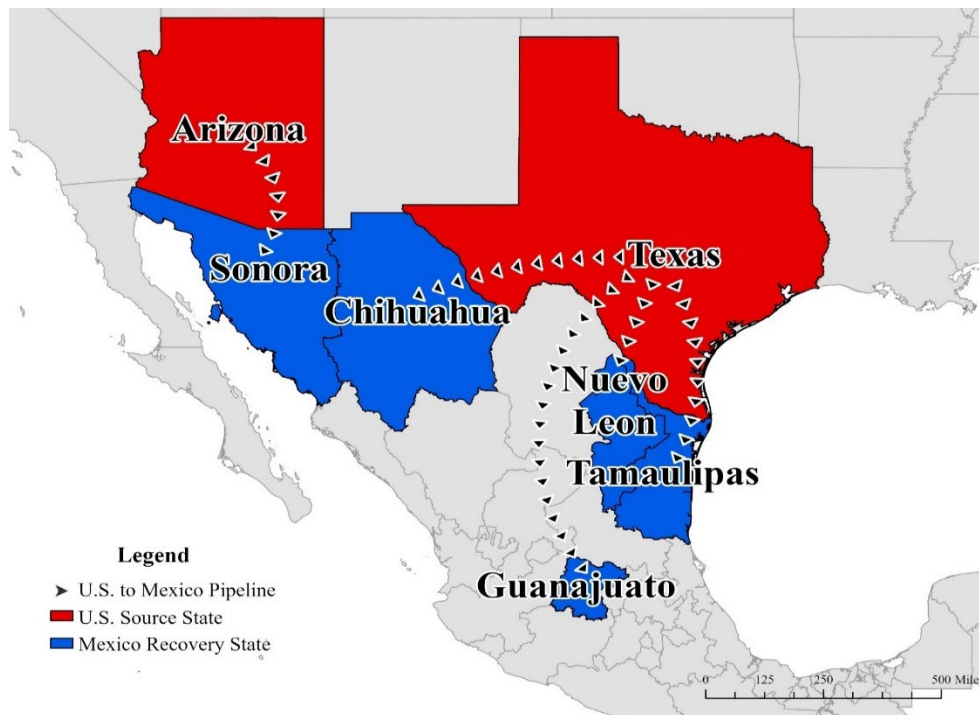
The U.S. source-state and Mexico recovery-state were known for more than 97% (17,711 of 18,205) of recovered crime guns traced to a purchaser from 2022 to 2023. Table SWB-14a shows the top five U.S. to Mexico pipelines for these recovered crime guns, which are also displayed in Figure SWB-15. For purposes of this analysis, a “Pipeline” represents the movement of trafficked firearms from a source-state to a market-state. Texas is the source-state for all but one identified pipeline. All recovery-states are located along the U.S.-Mexico border except one, Guanajuato. Furthermore, the top five U.S. to Mexico pipelines accounted for 32% (5,630 of 17,711) of all recovered crime guns traced to a purchaser. The Arizona to Sonora pipeline is the most dominant, accounting for 1,618 crime guns, followed by Texas to Tamaulipas (1,191), Texas to Nuevo León (1,158), Texas to Chihuahua (832), and Texas to Guanajuato (831).

Table SWB-14a: Top U.S. to Mexico Pipelines, 2022 – 2023

U.S. to Mexico Pipeline	Recovered Crime Guns	Percentage
Arizona to Sonora	1,618	9.1%
Texas to Tamaulipas	1,191	6.7%
Texas to Nuevo León	1,158	6.5%
Texas to Chihuahua	832	4.7%
Texas to Guanajuato	831	4.7%
Top Five Pipelines	5,630	31.8%
All Other Pipelines	12,081	68.2%

Table SWB-14 in Appendix SWB – Southwest Border provides the number of recovered crime guns traced to a purchaser for all U.S. to Mexico pipelines.

Figure SWB-15: Top U.S. to Mexico Pipelines, 2022 – 2023



Firearms Recovered and Traced in Mexico Trafficking Investigations

[NFCTA Volume III, Part IV](#), documented 1,011 trafficking investigations involving firearms intended to be trafficked from the U.S. to Mexico. Of these 1,011 cases, 327 cases had at least one firearm recovered by ATF and traced. In total there were 1,791 trafficked firearms destined for Mexico recovered and traced by ATF in these cases. In most instances, these interdicted firearms were recovered during law enforcement operations in which probable cause was developed, allowing seizure of the firearms as evidence. Some 412 of these recovered firearms did not include enough information to complete a trace request. Another ten represented duplicate gun recovery records. Of the remaining 1,369 recovered firearms (76.4% of 1,791) that included enough information to initiate a trace request, 1,082 were traced to the last known purchaser (79.0% of 1,369). Of the 1,082 crime guns traced to a purchaser, nearly 92% (992) were recovered in the U.S. prior to diversion to Mexico.

Table SWB-15 presents the firearm types for the 1,369 trafficked firearms that were recovered and had sufficient information to be traced. Almost 48% of the trafficked firearms taken into LEA custody, documented in the ATF case management system, and submitted for tracing were pistols (655 of 1,369). Rifles accounted for almost 37% (505) and shotguns represented nearly 8% (108) of these trafficked firearms. The top five calibers accounted for almost 59% of these trafficked firearms (807 of 1,369) with 9mm representing the most frequently recovered caliber (22%; 300) (Table SWB-16).

Table SWB-15: Types of Firearms Recovered and Traced in Mexico Trafficking Investigations, 2017 – 2021

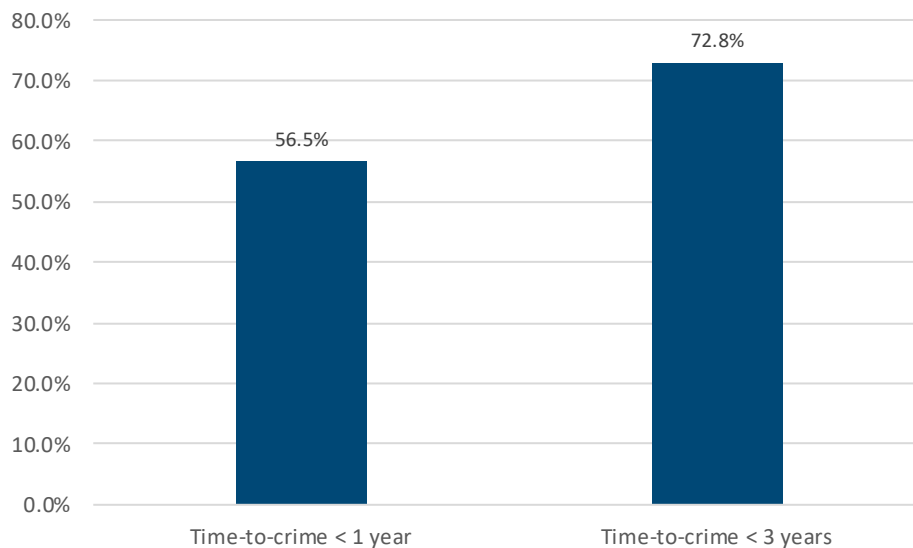
Type	Number	Percent
Pistol	655	47.8%
Rifle	505	36.9%
Shotgun	108	7.9%
Receiver / Frame	56	4.1%
Revolver	40	2.9%
Other	5	0.4%
Total	1,369	100%

Table SWB-16: Top Five Calibers of Firearms Recovered and Traced in Mexico Trafficking Investigations, 2017 – 2021

Caliber	Number	Percent
9mm	300	21.9%
Multi	149	10.9%
7.62mm	142	10.2%
.22	117	8.5%
.380	99	7.2%

TTC was calculated for slightly more than 78% (845 of 1,082) of the trafficked guns that were traced to a purchaser. Almost 57% (471) were recovered within one year of the last known sale and nearly 73% (607) were recovered within three years of the last known sale (Figure SWB-16).

Figure SWB-16: TTC Groupings for Traced Trafficked Guns, 2017 – 2021



Summary

From 2022 to 2023, SWB-states accounted for nearly 18% of the national EMSV. Type 07 FFLs accounted for more than 19% of the EMSV for SWB-states. In comparison, Type 07 FFLs in all other states accounted for only 13% of the EMSV. The number of traces for crime guns recovered in Mexico increased by about 63% from 2017 to 2023. Nearly two-thirds of traced crime guns recovered in Mexico were transferred by a Type 01 Dealer. However, the percentage of traced crime guns recovered in Mexico transferred by Type 07 Manufacturers increased by approximately eight percentage points from slightly less than 5% in 2017 to slightly more than 13% in 2023 (reflecting a 177% increase in the market share of traced crime guns originating from Type 07 Manufacturers). As presented in Part III of this Volume, this pattern mirrors changes in crime gun transfers made by specific types of FFLs in the U.S. Indeed, the number of U.S. crime guns traced to a purchaser acquired from a Type 07 FFL increased by 217% from 2017 to 2023. As previously noted, this increase in traces attributable to Type 07 FFLs is in part a result of the increase in the number of FFLs choosing to obtain a Type 07 license rather than a retail-only (Type 01) license. In turn, the trend towards more FFLs obtaining a Type 07 license likely reflects avoidance of the DL3 multiple sale requirement that applies to Type 01 and 02 FFL in the SWB-states.

The purchaser age distribution of crime guns recovered in Mexico was consistent with recoveries in the U.S. In contrast, the types of crime guns recovered differed considerably between the two countries. Of recoveries in Mexico, pistols accounted for 50% and rifles accounted for almost 33% of crime gun trace requests from 2022 to 2023. In the U.S. during this same period, pistols accounted for about 74% and rifles represented almost 11% of traced crime guns. 9mm pistols accounted for 45% of recovered pistols (as compared to 60% in the U.S.). Relative to U.S. recovered rifles (.22 was the most frequent caliber at 22%), Mexico recovered rifles had more powerful calibers such as 7.62mm (31%), .223 (26%), and 5.56mm (21%). LEAs in Mexico recovered and submitted 4,515 suspected PMFs to ATF for tracing from 2022 to 2023.

The TTC for crime guns recovered in Mexico was greater (5.4 years in 2023) than those recovered in the U.S. (2.9 years in 2023). However, the TTC for crime guns recovered in Mexico was substantially shorter for certain types of transactions involving gun shows, FRP, and multiple sales. In comparison to the TTC for all crime guns recovered in Mexico, the median TTC for gun show transactions was 37% shorter; the median TTC for FRP transactions was 48% shorter; the median for multiple sales was 65% shorter.

From 2022 to 2023, trace data established that FFLs in three states – Texas, Arizona, and California – were the sources of more than 1,000 crime guns each. In total FFLs in these states accounted for approximately 73% of all crime guns recovered in Mexico and traced to a purchaser. FFLs located in Texas accounted for 43% of crime guns traced to a purchaser and FFLs in Arizona accounted for almost 22% during this period. Traced crime guns originating from U.S. FFLs were most frequently recovered in five Mexican states along the SWB: Sonora, Baja California, Chihuahua, Nuevo León, and Tamaulipas. Overall, 82% of traced Mexico crime guns were recovered in a state with a dominant presence of both or either the CDS or CJNG cartels. The top five U.S. to Mexico pipelines accounted for 32% of all recovered crime guns traced to a purchaser. The Arizona to Sonora pipeline was the most dominant, followed by Texas to Tamaulipas, Texas to Nuevo León, Texas to Chihuahua, and Texas to Guanajuato.

ATF investigations involving firearm trafficking to Mexico focused on interdicting those firearms before they could be smuggled out of the U.S. Of the cases ATF initiated between 2017 and 2021¹², 1,011 investigations involved the trafficking of firearms from the U.S. to Mexico. In these cases, 1,082 crime guns were recovered and traced to a purchaser. Reflecting ATF's focus on preventing firearms from being trafficked from the U.S. to Mexico, nearly 92% of these crime guns were recovered in the U.S. prior to diversion to Mexico.

APPENDIX SWB - SOUTHWEST BORDER

Table SWB-06: Annual Counts and Percentages of Traced Crime Guns Recovered in Mexico by 01, 02, and 07 FFL Types between 2017 and 2023

Year	Type 01	Percent	Type 02	Percent	Type 07	Percent	Total Traces (All FFL Types)
2017	3,831	74.1%	1,008	19.5%	247	4.8%	5,170
2018	4,711	73.2%	1,258	19.6%	345	5.4%	6,432
2019	4,653	70.0%	1,456	21.9%	458	6.9%	6,651
2020	4,894	69.2%	1,427	20.2%	647	9.2%	7,071
2021	4,882	69.1%	1,409	19.9%	662	9.4%	7,066
2022	5,406	66.5%	1,673	20.6%	949	11.7%	8,130
2023	6,471	65.6%	1,961	19.9%	1,313	13.3%	9,866

Table SWB-14: U.S. to Mexico Pipelines, 2022 – 2023

U.S. Source State	Mexico Recovery State	Recovered Crime Guns
Arizona	Sonora	1,618
Texas	Tamaulipas	1,191
Texas	Nuevo León	1,158
Texas	Chihuahua	832
Texas	Guanajuato	831
Arizona	Baja California	669
Texas	Michoacán	507
California	Baja California	472
Arizona	Sinaloa	365
Texas	Zacatecas	351
Texas	Mexico City	323
Texas	México	304
Texas	Querétaro	303
Texas	Jalisco	299
New Mexico	Chihuahua	279
Texas	San Luis Potosí	243
Arizona	Zacatecas	225
Texas	Guerrero	174
Arizona	Chihuahua	159
Texas	Coahuila	135
California	Michoacán	135
Arizona	Nuevo León	132
Texas	Veracruz	112
Arizona	Michoacán	111
Texas	Colima	99
Nevada	Baja California	98
Arizona	Mexico City	94
Texas	Oaxaca	94
Texas	Puebla	94
Colorado	Chihuahua	92
California	Guanajuato	91
California	Jalisco	90
Oklahoma	Chihuahua	83
Utah	Baja California	77
Arizona	Jalisco	72
Texas	Baja California	68
California	Mexico City	65
California	Sinaloa	64
Texas	Chiapas	63
Arizona	Guanajuato	63
California	Guerrero	63
California	México	63
California	Chihuahua	62
Texas	Hidalgo	61
Texas	Sinaloa	60
California	Sonora	58
Texas	Quintana Roo	54
Texas	Aguascalientes	53
Washington	Baja California	48
Texas	Morelos	48
Arizona	San Luis Potosí	48
Arizona	Chiapas	46
Texas	Sonora	46
California	Zacatecas	46
Oregon	Baja California	40
Arizona	México	40
Kansas	Chihuahua	39
California	Oaxaca	39
California	Puebla	34

Alabama	Tamaulipas	31
Idaho	Baja California	28
Georgia	Guanajuato	28
Texas	Tlaxcala	28
Texas	Campeche	27
Arizona	Guerrero	27
Arkansas	Michoacán	27
Florida	Tamaulipas	27
Arizona	Veracruz	27
Alabama	Oaxaca	26
California	Querétaro	26
Oklahoma	Tamaulipas	26
Colorado	Baja California	25
Texas	Durango	25
Nevada	Sonora	25
California	Colima	23
Arkansas	Jalisco	23
Texas	Nayarit	23
Oklahoma	Querétaro	23
Texas	Tabasco	23
Georgia	Tamaulipas	23
Florida	Baja California	22
Florida	Guanajuato	22
Oklahoma	Guanajuato	22
Missouri	Chihuahua	21
Nevada	Chihuahua	21
Arizona	Colima	21
Louisiana	Nuevo León	21
Oklahoma	Nuevo León	21
Arizona	Oaxaca	21
New Mexico	Sonora	21
New Mexico	Baja California	20
California	Quintana Roo	20
Arizona	Querétaro	20
Louisiana	Tamaulipas	20
Oklahoma	Baja California	19
Utah	Jalisco	19
Colorado	Michoacán	19
New Mexico	Michoacán	19
Oklahoma	Michoacán	19
Utah	Michoacán	19
California	Nayarit	19
California	Nuevo León	19
Florida	Mexico City	18
Illinois	Guanajuato	18
Indiana	Guanajuato	18
California	Hidalgo	18
Florida	Michoacán	18
Nevada	Sinaloa	18
Florida	Sonora	18
California	Veracruz	18
California	Aguascalientes	17
Georgia	Baja California	17
Illinois	Michoacán	17
New Mexico	Sinaloa	17
Colorado	Zacatecas	17
Ohio	Baja California	16
Louisiana	Chihuahua	16
Wyoming	Chihuahua	16
New Mexico	Mexico City	16
Georgia	Guerrero	16
Florida	Nuevo León	16

Missouri	Baja California	15
North Carolina	Guanajuato	15
Ohio	Guanajuato	15
Washington	Michoacán	15
Georgia	Querétaro	15
Colorado	Sonora	15
New Mexico	San Luis Potosí	15
Alabama	Baja California	14
Oklahoma	Coahuila	14
Arizona	Hidalgo	14
Colorado	Jalisco	14
Colorado	Sinaloa	14
Oklahoma	Zacatecas	14
Utah	Zacatecas	14
North Carolina	Baja California	13
Arkansas	Guanajuato	13
Illinois	Guerreiro	13
Alabama	Nuevo León	13
Georgia	Nuevo León	13
Oklahoma	San Luis Potosí	13
Arkansas	Tamaulipas	13
North Carolina	Tamaulipas	13
South Carolina	Baja California	12
California	Baja California Sur	12
Florida	Chihuahua	12
Arizona	Durango	12
Louisiana	Guanajuato	12
Georgia	Jalisco	12
Illinois	Jalisco	12
Alabama	Michoacán	12
Georgia	Michoacán	12
Nevada	Michoacán	12
Oklahoma	México	12
Arkansas	Nuevo León	12
Arizona	Puebla	12
Arizona	Quintana Roo	12
Florida	Querétaro	12
California	Tamaulipas	12
New Mexico	Zacatecas	12
Illinois	Baja California	11
Tennessee	Chihuahua	11
South Carolina	Coahuila	11
Oklahoma	Mexico City	11
Alabama	Guanajuato	11
Oregon	Guanajuato	11
Oklahoma	Jalisco	11
South Carolina	Michoacán	11
Florida	México	11
New Mexico	México	11
Illinois	Puebla	11
Georgia	Sonora	11
Idaho	Sonora	11
Utah	Sonora	11
Washington	Sonora	11
Arkansas	Baja California	10
Kentucky	Baja California	10
Arkansas	Chihuahua	10
Arizona	Coahuila	10
Illinois	Mexico City	10

Kansas	Guanajuato	10
New Mexico	Guanajuato	10
South Carolina	Guanajuato	10
Utah	Guanajuato	10
Florida	Guerrero	10
Arizona	Morelos	10
Arizona	Nayarit	10
Georgia	Quintana Roo	10
Arizona	Tamaulipas	10
Colorado	Tamaulipas	10
Florida	Zacatecas	10
Indiana	Baja California	9
Michigan	Baja California	9
Alabama	Chihuahua	9
Georgia	Mexico City	9
Colorado	Guanajuato	9
Mississippi	Guanajuato	9
Missouri	Guanajuato	9
Wisconsin	Guanajuato	9
Missouri	Jalisco	9
Nevada	Jalisco	9
New Mexico	Jalisco	9
California	Morelos	9
Georgia	México	9
Illinois	Nuevo León	9
Georgia	Oaxaca	9
Oklahoma	Sinaloa	9
Utah	Sinaloa	9
Washington	Sinaloa	9
Michigan	Sonora	9
California	Tabasco	9
Illinois	Tamaulipas	9
Tennessee	Tamaulipas	9
Arizona	Aguascalientes	8
Kansas	Baja California	8
Minnesota	Baja California	8
Georgia	Chihuahua	8
Illinois	Chihuahua	8
Utah	Chihuahua	8
California	Chiapas	8
Arkansas	Mexico City	8
Colorado	Mexico City	8
Nevada	Guanajuato	8
Pennsylvania	Guanajuato	8
South Carolina	Hidalgo	8
Ohio	Jalisco	8
Idaho	Michoacán	8
Louisiana	Michoacán	8
North Carolina	Michoacán	8
Pennsylvania	Michoacán	8
Tennessee	Michoacán	8
Ohio	Nuevo León	8
Oklahoma	Oaxaca	8
Alabama	Quintana Roo	8
Florida	Quintana Roo	8
Florida	Sinaloa	8
Missouri	Sonora	8
Ohio	Sonora	8
Virginia	Sonora	8

California	San Luis Potosí	8
Florida	San Luis Potosí	8
Louisiana	San Luis Potosí	8
Missouri	Tamaulipas	8
Indiana	Zacatecas	8
Kansas	Zacatecas	8
North Carolina	Zacatecas	8
Oklahoma	Aguascalientes	7
Virginia	Baja California	7
Arizona	Baja California Sur	7
Mississippi	Chihuahua	7
Ohio	Chihuahua	7
Virginia	Chihuahua	7
Washington	Chihuahua	7
Ohio	Coahuila	7
Alabama	Mexico City	7
Utah	Mexico City	7
Kentucky	Guanajuato	7
Washington	Guanajuato	7
Idaho	Jalisco	7
Indiana	Jalisco	7
Pennsylvania	Jalisco	7
Ohio	Michoacán	7
Virginia	Michoacán	7
Colorado	México	7
Illinois	México	7
South Carolina	México	7
Kentucky	Nuevo León	7
South Carolina	Nuevo León	7
Tennessee	Nuevo León	7
Kansas	Sinaloa	7
Missouri	Sinaloa	7
Oregon	Sinaloa	7
Montana	Sonora	7
North Carolina	Sonora	7
Georgia	San Luis Potosí	7
Kansas	Tamaulipas	7
Florida	Veracruz	7
Illinois	Veracruz	7
Indiana	Veracruz	7
Georgia	Zacatecas	7
Illinois	Zacatecas	7
Ohio	Zacatecas	7
Wisconsin	Zacatecas	7
Alaska	Baja California	6
Montana	Baja California	6
Texas	Baja California Sur	6
North Dakota	Chihuahua	6
Washington	Colima	6
Alabama	Chiapas	6
Louisiana	Mexico City	6
New Mexico	Durango	6
Virginia	Guanajuato	6
Pennsylvania	Guerrero	6
North Carolina	Hidalgo	6
Florida	Jalisco	6
Kansas	Jalisco	6
Washington	Jalisco	6
Indiana	Michoacán	6

Kentucky	Michoacán	6
Missouri	Michoacán	6
Kansas	México	6
Ohio	México	6
Oregon	México	6
Michigan	Nuevo León	6
Virginia	Nuevo León	6
Illinois	Oaxaca	6
Mississippi	Oaxaca	6
South Carolina	Oaxaca	6
Florida	Puebla	6
Arkansas	Querétaro	6
Colorado	Querétaro	6
North Carolina	Querétaro	6
Ohio	Sinaloa	6
Alabama	Sonora	6
Indiana	Sonora	6
Kansas	Sonora	6
Minnesota	Sonora	6
Oregon	Sonora	6
Tennessee	Sonora	6
Indiana	Tamaulipas	6
Mississippi	Tamaulipas	6
Texas	Yucatán	6
Kentucky	Zacatecas	6
Nevada	Zacatecas	6
Tennessee	Zacatecas	6
Virginia	Zacatecas	6
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Massachusetts	Baja California	5
Mississippi	Baja California	5
New York	Baja California	5
Tennessee	Baja California	5
Wisconsin	Baja California	5
Oregon	Chihuahua	5
Pennsylvania	Chihuahua	5
New Mexico	Colima	5
Georgia	Chiapas	5
Georgia	Coahuila	5
Kansas	Coahuila	5
North Carolina	Mexico City	5
Tennessee	Mexico City	5
Washington	Mexico City	5
California	Durango	5
Tennessee	Guanajuato	5
Mississippi	Guerrero	5
Nevada	Guerrero	5
North Carolina	Guerrero	5
Florida	Hidalgo	5
Georgia	Hidalgo	5
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Louisiana	Jalisco	5
Kansas	Michoacán	5
Alabama	México	5
Louisiana	México	5
Nevada	México	5
Pennsylvania	México	5
Tennessee	México	5
Utah	México	5

Colorado	Nuevo León	5
Kansas	Nuevo León	5
Mississippi	Nuevo León	5
Nevada	Nuevo León	5
North Carolina	Nuevo León	5
Oregon	Nuevo León	5
Alabama	Puebla	5
Kentucky	Puebla	5
Louisiana	Quintana Roo	5
New Mexico	Quintana Roo	5
Ohio	Quintana Roo	5
Illinois	Querétaro	5
Indiana	Querétaro	5
New Mexico	Querétaro	5
South Carolina	Querétaro	5
Tennessee	Querétaro	5
Georgia	Sinaloa	5
Oklahoma	Sonora	5
Pennsylvania	Sonora	5
Wisconsin	Sonora	5
California	Tlaxcala	5
Michigan	Tamaulipas	5
Ohio	Tamaulipas	5
Virginia	Tamaulipas	5
Arkansas	Veracruz	5
Mississippi	Veracruz	5
Michigan	Zacatecas	5
Pennsylvania	Zacatecas	5
Indiana	Aguascalientes	4
Pennsylvania	Baja California	4
Nevada	Baja California Sur	4
Indiana	Chihuahua	4
Iowa	Chihuahua	4
North Carolina	Chihuahua	4
South Carolina	Chihuahua	4
South Dakota	Chihuahua	4
Colorado	Colima	4
Illinois	Colima	4
South Carolina	Chiapas	4
Kentucky	Mexico City	4
Montana	Mexico City	4
Nevada	Mexico City	4
Idaho	Guanajuato	4
Iowa	Guanajuato	4
Nebraska	Guanajuato	4
Alabama	Guerrero	4
Idaho	Guerrero	4
Oklahoma	Guerrero	4
Michigan	Jalisco	4
New York	Michoacán	4
Oregon	Michoacán	4
Wisconsin	Michoacán	4
Illinois	Morelos	4
Kentucky	México	4
Virginia	México	4
Washington	México	4
Missouri	Nuevo León	4
North Dakota	Nuevo León	4
Florida	Oaxaca	4

North Carolina	Oaxaca	4
Oklahoma	Puebla	4
Virginia	Puebla	4
Nevada	Quintana Roo	4
Kansas	Querétaro	4
Kentucky	Querétaro	4
Ohio	Querétaro	4
Alaska	Sinaloa	4
Idaho	Sinaloa	4
Illinois	Sinaloa	4
Mississippi	Sinaloa	4
Alaska	Sonora	4
Mississippi	Sonora	4
Wyoming	Sonora	4
Arkansas	San Luis Potosí	4
Montana	San Luis Potosí	4
Arizona	Tabasco	4
Nebraska	Tamaulipas	4
New Mexico	Tamaulipas	4
South Carolina	Tamaulipas	4
Utah	Tamaulipas	4
West Virginia	Tamaulipas	4
Arkansas	Zacatecas	4
Louisiana	Zacatecas	4
Mississippi	Zacatecas	4
Nebraska	Baja California	3
West Virginia	Baja California	3
Wyoming	Baja California	3
Oregon	Baja California Sur	3
Idaho	Chihuahua	3
Kentucky	Chihuahua	3
Maryland	Chihuahua	3
Michigan	Chihuahua	3
Montana	Chihuahua	3
Oklahoma	Colima	3
Utah	Colima	3
California	Campeche	3
Florida	Chiapas	3
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Indiana	Coahuila	3
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Oklahoma	Durango	3
Michigan	Guanajuato	3
West Virginia	Guanajuato	3
Colorado	Guerrero	3
Kentucky	Guerrero	3
New Mexico	Guerrero	3
Ohio	Guerrero	3

Delaware	Hidalgo	3
Idaho	Hidalgo	3
New Mexico	Hidalgo	3
Nebraska	Jalisco	3
South Carolina	Jalisco	3
Wisconsin	Jalisco	3
Alaska	Michoacán	3
Iowa	Michoacán	3
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Mississippi	Michoacán	3
Montana	Michoacán	3
West Virginia	Michoacán	3
Arkansas	México	3
Indiana	México	3
Colorado	Nayarit	3
Indiana	Nuevo León	3
Iowa	Nuevo León	3
Minnesota	Nuevo León	3
New Jersey	Nuevo León	3
New Mexico	Nuevo León	3
Washington	Nuevo León	3
Colorado	Oaxaca	3
Kentucky	Oaxaca	3
Louisiana	Oaxaca	3
New Mexico	Oaxaca	3
Washington	Oaxaca	3
Colorado	Puebla	3
Ohio	Puebla	3
Pennsylvania	Puebla	3
South Carolina	Puebla	3
Arkansas	Quintana Roo	3
Colorado	Quintana Roo	3
Illinois	Quintana Roo	3
Indiana	Quintana Roo	3
Mississippi	Quintana Roo	3
Tennessee	Quintana Roo	3
Idaho	Querétaro	3
Louisiana	Querétaro	3
Missouri	Querétaro	3
Oregon	Querétaro	3
Pennsylvania	Sinaloa	3
Wisconsin	Sinaloa	3
Wyoming	Sinaloa	3
Arkansas	Sonora	3
Kentucky	Sonora	3
South Carolina	Sonora	3
Colorado	San Luis Potosí	3
Kansas	San Luis Potosí	3
Kentucky	San Luis Potosí	3
Missouri	San Luis Potosí	3
Tennessee	San Luis Potosí	3
Utah	San Luis Potosí	3
Arizona	Tlaxcala	3
New Mexico	Tlaxcala	3
Idaho	Tamaulipas	3
Kentucky	Tamaulipas	3
North Dakota	Tamaulipas	3
Pennsylvania	Tamaulipas	3

Washington	Tamaulipas	3
Wisconsin	Tamaulipas	3
Alabama	Veracruz	3
Colorado	Veracruz	3
Kansas	Veracruz	3
Michigan	Veracruz	3
Ohio	Veracruz	3
Idaho	Zacatecas	3
Montana	Zacatecas	3
Washington	Zacatecas	3
Colorado	Aguascalientes	2
Georgia	Aguascalientes	2
Iowa	Baja California	2
Maine	Baja California	2
Maryland	Baja California	2
New Jersey	Baja California	2
South Dakota	Baja California	2
Connecticut	Chihuahua	2
Minnesota	Chihuahua	2
New Hampshire	Chihuahua	2
Vermont	Chihuahua	2
West Virginia	Chihuahua	2
Arkansas	Colima	2
Florida	Colima	2
Kentucky	Colima	2
Louisiana	Colima	2
Ohio	Colima	2
Florida	Campeche	2
Georgia	Campeche	2
Louisiana	Campeche	2
Mississippi	Campeche	2
Arkansas	Chiapas	2
Idaho	Chiapas	2
Louisiana	Chiapas	2
Mississippi	Chiapas	2
Oregon	Chiapas	2
Tennessee	Chiapas	2
Utah	Chiapas	2
Washington	Chiapas	2
Colorado	Coahuila	2
Illinois	Coahuila	2
New Mexico	Coahuila	2
Pennsylvania	Coahuila	2
Washington	Coahuila	2
Delaware	Mexico City	2
Kansas	Mexico City	2
Michigan	Mexico City	2
Minnesota	Mexico City	2
Oregon	Mexico City	2
Pennsylvania	Mexico City	2
Virginia	Mexico City	2
Wisconsin	Mexico City	2
Colorado	Durango	2
Kansas	Durango	2
Louisiana	Durango	2
North Carolina	Durango	2
Maine	Guanajuato	2
Maryland	Guanajuato	2
New Hampshire	Guanajuato	2

New Jersey	Guanajuato	2
Vermont	Guanajuato	2
Oregon	Guerrero	2
South Carolina	Guerrero	2
Tennessee	Guerrero	2
Virginia	Guerrero	2
Washington	Guerrero	2
Wisconsin	Guerrero	2
New York	Hidalgo	2
Oklahoma	Hidalgo	2
Alabama	Jalisco	2
Iowa	Jalisco	2
Mississippi	Jalisco	2
Oregon	Jalisco	2
Tennessee	Jalisco	2
Virginia	Jalisco	2
Nebraska	Michoacán	2
New Hampshire	Michoacán	2
North Carolina	Morelos	2
Alaska	México	2
Connecticut	México	2
Nebraska	México	2
West Virginia	México	2
Wisconsin	México	2
Florida	Nayarit	2
Nevada	Nayarit	2
Oregon	Nayarit	2
Utah	Nayarit	2
Washington	Nayarit	2
West Virginia	Nuevo León	2
Wisconsin	Nuevo León	2
Arkansas	Oaxaca	2
Idaho	Oaxaca	2
Missouri	Oaxaca	2
Ohio	Oaxaca	2
Tennessee	Oaxaca	2
Wisconsin	Oaxaca	2
Arkansas	Puebla	2
Georgia	Puebla	2
Kansas	Puebla	2
Louisiana	Puebla	2
New Mexico	Puebla	2
Kentucky	Quintana Roo	2
Maryland	Quintana Roo	2
North Carolina	Quintana Roo	2
Oregon	Quintana Roo	2
South Carolina	Quintana Roo	2
Virginia	Quintana Roo	2
Alabama	Querétaro	2
Connecticut	Querétaro	2
Iowa	Querétaro	2
Michigan	Querétaro	2
Mississippi	Querétaro	2
North Dakota	Querétaro	2
Pennsylvania	Querétaro	2
Utah	Querétaro	2
Washington	Querétaro	2
Wisconsin	Querétaro	2
Wyoming	Querétaro	2

Kentucky	Sinaloa	2
Maryland	Sinaloa	2
New Hampshire	Sinaloa	2
South Carolina	Sinaloa	2
Tennessee	Sinaloa	2
Virginia	Sinaloa	2
Illinois	Sonora	2
Iowa	Sonora	2
Massachusetts	Sonora	2
Nebraska	Sonora	2
North Dakota	Sonora	2
Indiana	San Luis Potosí	2
Mississippi	San Luis Potosí	2
Ohio	San Luis Potosí	2
Washington	San Luis Potosí	2
Illinois	Tlaxcala	2
South Carolina	Tlaxcala	2
Alaska	Tamaulipas	2
Iowa	Tamaulipas	2
Maine	Tamaulipas	2
Minnesota	Tamaulipas	2
Nevada	Tamaulipas	2
New Hampshire	Tamaulipas	2
South Dakota	Tamaulipas	2
Georgia	Veracruz	2
Idaho	Veracruz	2
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New Mexico	Veracruz	2
North Carolina	Veracruz	2
Oregon	Veracruz	2
Tennessee	Veracruz	2
Utah	Veracruz	2
Iowa	Zacatecas	2
Missouri	Zacatecas	2
New Jersey	Zacatecas	2
New York	Zacatecas	2
Oregon	Zacatecas	2
Arkansas	Aguascalientes	1
Florida	Aguascalientes	1
Iowa	Aguascalientes	1
Kansas	Aguascalientes	1
Kentucky	Aguascalientes	1
Massachusetts	Aguascalientes	1
Michigan	Aguascalientes	1
Nevada	Aguascalientes	1
North Carolina	Aguascalientes	1
Ohio	Aguascalientes	1
Oregon	Aguascalientes	1
Washington	Aguascalientes	1
Wisconsin	Aguascalientes	1
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Delaware	Baja California	1
New Hampshire	Baja California	1
Rhode Island	Baja California	1
Idaho	Baja California Sur	1
Louisiana	Baja California Sur	1
Montana	Baja California Sur	1
Nebraska	Baja California Sur	1
New Mexico	Baja California Sur	1

Utah	Baja California Sur	1
Vermont	Baja California Sur	1
Virginia	Baja California Sur	1
Washington	Baja California Sur	1
Wisconsin	Baja California Sur	1
Alaska	Chihuahua	1
Hawaii	Chihuahua	1
Maine	Chihuahua	1
Massachusetts	Chihuahua	1
Nebraska	Chihuahua	1
New York	Chihuahua	1
Wisconsin	Chihuahua	1
Alabama	Colima	1
Alaska	Colima	1
Georgia	Colima	1
Idaho	Colima	1
Indiana	Colima	1
Kansas	Colima	1
Michigan	Colima	1
Minnesota	Colima	1
Missouri	Colima	1
Montana	Colima	1
Nevada	Colima	1
South Carolina	Colima	1
Virginia	Colima	1
West Virginia	Colima	1
Wisconsin	Colima	1
Alabama	Campeche	1
Arizona	Campeche	1
Arkansas	Campeche	1
Idaho	Campeche	1
Illinois	Campeche	1
Oklahoma	Campeche	1
Virginia	Campeche	1
Colorado	Chiapas	1
Connecticut	Chiapas	1
Iowa	Chiapas	1
Kansas	Chiapas	1
Maryland	Chiapas	1
Nebraska	Chiapas	1
New Mexico	Chiapas	1
North Carolina	Chiapas	1
Ohio	Chiapas	1
Pennsylvania	Chiapas	1
Rhode Island	Chiapas	1
West Virginia	Chiapas	1
Alabama	Coahuila	1
Arkansas	Coahuila	1
Iowa	Coahuila	1
New York	Coahuila	1
North Carolina	Coahuila	1
Wyoming	Coahuila	1
Connecticut	Mexico City	1
Hawaii	Mexico City	1
Indiana	Mexico City	1
Iowa	Mexico City	1
Mississippi	Mexico City	1
New Jersey	Mexico City	1
Ohio	Mexico City	1

Vermont	Mexico City	1
Wyoming	Mexico City	1
Illinois	Durango	1
Iowa	Durango	1
Nebraska	Durango	1
Tennessee	Durango	1
Wisconsin	Durango	1
Alaska	Guanajuato	1
Connecticut	Guanajuato	1
Delaware	Guanajuato	1
Massachusetts	Guanajuato	1
Minnesota	Guanajuato	1
New York	Guanajuato	1
Puerto Rico	Guanajuato	1
South Dakota	Guanajuato	1
Alaska	Guerrero	1
Arkansas	Guerrero	1
Indiana	Guerrero	1
Iowa	Guerrero	1
Michigan	Guerrero	1
Missouri	Guerrero	1
Montana	Guerrero	1
Wyoming	Guerrero	1
Alabama	Hidalgo	1
Arkansas	Hidalgo	1
Colorado	Hidalgo	1
Illinois	Hidalgo	1
Indiana	Hidalgo	1
Kentucky	Hidalgo	1
Minnesota	Hidalgo	1
Mississippi	Hidalgo	1
Montana	Hidalgo	1
Nevada	Hidalgo	1
Oregon	Hidalgo	1
Virginia	Hidalgo	1
Washington	Hidalgo	1
Wisconsin	Hidalgo	1
Hawaii	Jalisco	1
Minnesota	Jalisco	1
Montana	Jalisco	1
New Jersey	Jalisco	1
New York	Jalisco	1
North Carolina	Jalisco	1
Rhode Island	Jalisco	1
South Dakota	Jalisco	1
Wyoming	Jalisco	1
Connecticut	Michoacán	1
Maine	Michoacán	1
Maryland	Michoacán	1
North Dakota	Michoacán	1
Vermont	Michoacán	1
Wyoming	Michoacán	1
Arkansas	Morelos	1
Colorado	Morelos	1
Florida	Morelos	1
Georgia	Morelos	1
Idaho	Morelos	1
Indiana	Morelos	1
Kansas	Morelos	1

Louisiana	Morelos	1
Massachusetts	Morelos	1
Michigan	Morelos	1
Nevada	Morelos	1
New Hampshire	Morelos	1
New Mexico	Morelos	1
Delaware	México	1
District of Columbia	México	1
Iowa	México	1
Maryland	México	1
Minnesota	México	1
Mississippi	México	1
Missouri	México	1
Montana	México	1
New Hampshire	México	1
North Carolina	México	1
North Dakota	México	1
Rhode Island	México	1
Alaska	Nayarit	1
Illinois	Nayarit	1
Indiana	Nayarit	1
Louisiana	Nayarit	1
New Mexico	Nayarit	1
Ohio	Nayarit	1
Oklahoma	Nayarit	1
Virginia	Nayarit	1
Maine	Nuevo León	1
Maryland	Nuevo León	1
Massachusetts	Nuevo León	1
Montana	Nuevo León	1
Nebraska	Nuevo León	1
New York	Nuevo León	1
Pennsylvania	Nuevo León	1
Puerto Rico	Nuevo León	1
South Dakota	Nuevo León	1
Utah	Nuevo León	1
Indiana	Oaxaca	1
Iowa	Oaxaca	1
Kansas	Oaxaca	1
Nevada	Oaxaca	1
Oregon	Oaxaca	1
Utah	Oaxaca	1
Virginia	Oaxaca	1
West Virginia	Oaxaca	1
Wyoming	Oaxaca	1
Indiana	Puebla	1
Massachusetts	Puebla	1
Michigan	Puebla	1
Mississippi	Puebla	1
Nebraska	Puebla	1
North Carolina	Puebla	1
Oregon	Puebla	1
Tennessee	Puebla	1
Utah	Puebla	1
Washington	Puebla	1
West Virginia	Puebla	1
Idaho	Quintana Roo	1
Iowa	Quintana Roo	1
Michigan	Quintana Roo	1

Missouri	Quintana Roo	1
Montana	Quintana Roo	1
New Jersey	Quintana Roo	1
Pennsylvania	Quintana Roo	1
West Virginia	Quintana Roo	1
Wisconsin	Quintana Roo	1
Delaware	Querétaro	1
Nevada	Querétaro	1
New York	Querétaro	1
Puerto Rico	Querétaro	1
Vermont	Querétaro	1
Virginia	Querétaro	1
West Virginia	Querétaro	1
Arkansas	Sinaloa	1
Delaware	Sinaloa	1
Iowa	Sinaloa	1
Louisiana	Sinaloa	1
Minnesota	Sinaloa	1
Montana	Sinaloa	1
North Carolina	Sinaloa	1
North Dakota	Sinaloa	1
Connecticut	Sonora	1
Louisiana	Sonora	1
Maine	Sonora	1
Maryland	Sonora	1
New York	Sonora	1
Rhode Island	Sonora	1
West Virginia	Sonora	1
Illinois	San Luis Potosí	1
Iowa	San Luis Potosí	1
Nebraska	San Luis Potosí	1
North Dakota	San Luis Potosí	1
Virginia	San Luis Potosí	1
Wisconsin	San Luis Potosí	1
Wyoming	San Luis Potosí	1
Alabama	Tabasco	1
Arkansas	Tabasco	1
Illinois	Tabasco	1
Indiana	Tabasco	1
Nevada	Tabasco	1
New Mexico	Tabasco	1
Tennessee	Tabasco	1
Alabama	Tlaxcala	1
Colorado	Tlaxcala	1
Florida	Tlaxcala	1
Indiana	Tlaxcala	1
Kansas	Tlaxcala	1
Kentucky	Tlaxcala	1
Missouri	Tlaxcala	1
Pennsylvania	Tlaxcala	1
Tennessee	Tlaxcala	1
Virginia	Tlaxcala	1
Washington	Tlaxcala	1
Maryland	Tamaulipas	1
Massachusetts	Tamaulipas	1
Montana	Tamaulipas	1
New Jersey	Tamaulipas	1
Oregon	Tamaulipas	1
Vermont	Tamaulipas	1

Alaska	Veracruz	1
Delaware	Veracruz	1
Louisiana	Veracruz	1
Massachusetts	Veracruz	1
Nevada	Veracruz	1
New York	Veracruz	1
Oklahoma	Veracruz	1
South Carolina	Veracruz	1
South Dakota	Veracruz	1
Virginia	Veracruz	1
Arizona	Yucatán	1
Arkansas	Yucatán	1
California	Yucatán	1
Florida	Yucatán	1
Nevada	Yucatán	1
New Mexico	Yucatán	1
North Carolina	Yucatán	1
Alabama	Zacatecas	1
Alaska	Zacatecas	1
Hawaii	Zacatecas	1
Maryland	Zacatecas	1
Massachusetts	Zacatecas	1
Minnesota	Zacatecas	1
Puerto Rico	Zacatecas	1
South Carolina	Zacatecas	1
Vermont	Zacatecas	1
Total		17,711

ENDNOTES

¹ NFCTA Volume II, Part IV, Figure IRT-03

² Table IRT-23: International Crime Gun Traces to a Purchaser by Top Five Source States and Recovery Country or Grouping, 2017 -2021

³ See Part I – Firearm Commerce Updates and New Analysis for a description of FFL types.

⁴ Private sales include transactions with the purpose codes: 27 - *Private Sale of a Handgun*, 28 - *Private Sale of a Long Gun*, and 29 - *Private Sale of an Other Weapon*.

⁵ *Firearms-Control Legislation and Policy*, Law Library of Congress (2013), <https://www.loc.gov/item/2013417226>

⁶ Brennan Weiss & James Pasley, *Only 3 Countries in the World Protect the Right to Bear arms in Their Constitutions: the US, Mexico, and Guatemala*, Bus. Insider (Aug. 6, 2019), <https://www.businessinsider.com/2nd-amendment-countries-constitutional-right-bear-arms-2017-10>.

⁷ According to the [U.S. Government Accountability Office](#), U.S. Departments of Justice, Homeland Security, and State officials report that the Mexican government’s estimate of the number of firearms trafficked from the United States to Mexico annually is the best estimate available.

⁸ This section does not include Type 06 – Manufacture of Ammunition for Firearms other Than “Destructive Devices.” Zero traced crime guns recovered in Mexico were transferred by Type 09 – Dealer in “Destructive Devices” in 2022 and 2023.

⁹ Multiple sales data includes the multiple sales of handguns and certain rifles under the Demand Letter 3 Program.

¹⁰ As stated in NFCTA Volume II, Part II, the FFL Resale Program (FRP) identifies used firearms that FFLs have acquired from unlicensed individuals to enhance the efficiency of the crime gun tracing process. When a used firearm has been acquired by FFLs after an original retail sale it can be identified through the FRP, the NTC can directly contact the specific FFL (after an original retail sale) to identify the last known purchaser. Information obtained through the FRP results in shorter time to crime rates, more timely current actionable intelligence, and stronger investigative leads.

¹¹ All Other States and Territories in this Figure includes “unknown” states.

¹² All firearm trafficking investigations initiated between January 1, 2017, and December 31, 2021, and closed between January 1, 2017, and March 10, 2023, were included in the study.

Virginia community health centers close over federal funding access

VPM | By [Adrienne Hoar McGibbon](#)

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Adrienne Hoar McGibbon / VPM News

The Bermuda Medical Center was among Virginia's community health centers that closed over access to funds.

Despite pause on federal funding freeze, centers unable to access grants

Half of Virginia's community health centers have been cut off from federal grant money, forcing some to stop providing certain services and others to close branches.

The commonwealth has 31 [Federally Qualified Health Centers](#) with over [200 locations](#) — a majority of which serve rural areas with limited access to medical care. Annually, about 400,000 Virginians rely on the care provided by these nonprofit, community-based centers, according to the Virginia Community Healthcare Association.

They provide primary health, dental, behavioral health, and pharmaceutical and substance abuse services to people with Medicaid or Medicare, the underinsured and the uninsured. They also treat those with private insurance on a sliding fee

Since Jan. 28, 16 of the state's FQHCs have been unable to access federal funding that allows them to pay employees, according to Joe Stevens, a VCHA spokesperson.

"They use a majority of that funding for salaries, and without that funding, they can't pay their employees. Without employees getting paid, they can't operate their health centers, so it's a domino effect," Stevens said.

He said the difficulty accessing grants began after President Donald Trump's administration announced a [freeze on domestic and foreign aid](#) last week. A U.S. District Court judge in Washington, D.C., [granted a temporary stay](#) blocking the order from taking effect immediately. The White House later rescinded its memo but has vowed to continue reviewing federal spending.

Despite the delayed spending freeze, multiple community health centers across Virginia have been unable to access their federal grants — blocking one of their three primary funding sources, along with Medicaid reimbursements and private insurance policy revenue.

Stevens said it's unclear why some health centers have lost access to funding, while others have been unaffected. "We're trying to get those answers as we speak," he said.

The [Capital Area Health Network](#), which operates seven FQHC facilities across Greater Richmond, sent an email to patients Tuesday morning announcing it would close several locations and transfer patients to other locations.

"Due to unforeseen federal restrictions under the new Presidential administration we were forced to consolidate our operations last week," the email read.

Patients with appointments at Bermuda Medical Center, Southside Medical Center and Greater Fulton Medical Center are being diverted to Vernon J. Harris Medical and Dental Center, Northside Medical Center and the Pediatric Medical Center.

CAHN's message to patients reiterated that the consolidation of services would have no impact on patient care. But Stevens said not all affected FQHCs have the benefit of multiple nearby locations.

“Some of our rural health centers could be 100 miles apart from each other,” he said. “If one center closes, patients will have to travel one hour, two hours to get to another location. So, the rural parts of the commonwealth will be affected more than some of the urban areas.”

Some of the state’s community clinics rely more on federal funding than others. Stevens said those locations could be forced to stop certain services or close entirely.

“I do know that a health center in southeastern Virginia is going to have to shut down their dental program,” Stevens said. “Not necessarily shutting down their locations, but patients won’t have access to dental care.”

VCHA is urging people to contact their local elected officials and request a bipartisan effort to resolve the funding issue.

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Adrienne Hoar McGibbon

Adrienne is the video editor and health care reporter at VPM.

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