



GOVERNOR GREG ABBOTT

September 21, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Kamala D. Harris
Vice President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Biden and Vice President Harris:

Mexican drug cartels terrorize the United States and its citizens every day, leaving thousands of dead bodies in their wake. Their latest weapons of choice are the millions of tiny pills laced with fentanyl that they pour across our southern border. As a result, it is necessary, now more than ever, for you to designate the Sinaloa Cartel, the Jalisco New Generation Cartel, and any similarly situated Mexican drug cartels as foreign terrorist organizations under Section 219 of the Immigration and Nationality Act (INA). This move would help us fight back against these terrorists and disrupt their deadly attacks on America.

On this problem, we appear to agree:

Executive Order

I, JOSEPH R. BIDEN JR., President of the United States of America, find that the trafficking into the United States of illicit drugs, including fentanyl and other synthetic opioids, is causing the deaths of tens of thousands of Americans annually, as well as countless more non-fatal overdoses with their own tragic human toll. Drug cartels, transnational criminal organizations, and their facilitators are the primary sources of illicit drugs and precursor chemicals that fuel the current opioid epidemic, as well as drug-related violence that harms our communities. ... I hereby declare a national emergency to deal with that threat.

Fentanyl *is* a scourge that is killing thousands of Americans. Drug cartels *are* the major suppliers of this substance. And the problem *is* a national emergency.

Yet, since your Executive Order 14059 declared a national emergency on December 15, 2021, the number of monthly deaths from fentanyl has continued to climb. According to the Centers for Disease Control and Prevention, more than 75,000 Americans died from drug overdoses that involved fentanyl between February 2021 and February 2022. To put that in context, the National Consortium for the Study of Terrorism and Responses to Terrorism reports there were 3,905 deaths of Americans in terrorist attacks worldwide between 1995 and 2019, most of them occurring on September 11, 2001. In this light, the magnitude of the terrorism related to the introduction of fentanyl by Mexican drug cartels is astonishing.

Moreover, these statistics underscore that fentanyl is a “chemical agent” used by Mexican drug cartels who know that it “endanger[s], directly or indirectly, the safety of one or more individuals.” 8 U.S.C. § 1182(a)(3)(B)(iii)(V). This is “terrorist activity” within the meaning of the INA and fulfills the requirements for designation under Section 219.

The reason for the explosion of fentanyl deaths in America is that the Mexican drug cartels are trafficking fentanyl across our southern border at a greater rate than ever, thanks to your open-border policies. As the Drug Enforcement Agency (DEA) explained just over a week ago, “[f]entanyl available in the United States is *primarily supplied* by two criminal drug networks, the Sinaloa Cartel and the Jalisco New Generation Cartel” (emphasis added).

Texas is already doing more than its fair share to stem the tide of fentanyl, not to mention the trafficking and sexual exploitation of women and children, that these cartels inflict. While our Department of Public Safety has seized more than 336 million lethal doses of fentanyl since March 2021—enough to kill every man, woman, and child in the U.S.—our nation needs the federal government to protect Americans from foreign threats, too.

No doubt it is our entire nation that needs you to fulfill this critical duty. According to your appointed DEA Administrator, Anne Milgram, “Fentanyl is the single deadliest drug threat our nation has ever encountered. Fentanyl is everywhere. From large metropolitan areas to rural America, no community is safe from this poison.”

Further, these cartels are violent, causing chaos throughout Mexico. Mexico’s Commission for the Defense and Promotion of Human Rights estimated that violence caused a nearly fivefold increase in Mexicans forced to move from their homes in 2021. This violence is attributed to the broadening reach of the Mexican drug cartels, who must expand their influence as they battle for territory necessary to massively expand their fentanyl trafficking into the U.S.

Today, I am issuing Executive Order GA-42 to designate Mexican drug cartels as foreign terrorist organizations and to redouble efforts by the Texas Department of Public Safety to dismantle their terrorist schemes in Texas. But the cartels’ destruction reaches far beyond our state line.

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Mr. President and Madam Vice-President, if we agree on the problem—and your emergency declaration and your own DEA Administrator indicate that we do—then more must be done for our citizens. One way you can take an effective, direct step to address the scourge of fentanyl is by designating the Sinaloa Cartel, the Jalisco New Generation Cartel, and any similarly situated Mexican drug cartels as foreign terrorist organizations under Section 219 of the INA, 8 U.S.C. § 1189. Cartel assets could then be frozen, weakening the financial support of trafficking activities. In addition, federal investigators and prosecutors could aggressively pursue the enhanced criminal sentences that apply to drug traffickers who fund foreign terrorist organizations. Designation, apprehension, and prosecution would also heighten public awareness of the cartels' trafficking of deadly fentanyl, while signaling to the international community that the United States will not tolerate terrorists who poison our citizens.

In an April 2021 letter to you both, I made this request for designation. There was no action, no response. But if you are ready to make Americans safer, it will be better late than never. As the number of American deaths continues to rise due to the cartels' terrorist behavior, now is the time to act. We do not have more time to waste.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott". The signature is fluid and cursive, with the first name "Greg" being more prominent than the last name "Abbott".

Greg Abbott
Governor

GA:mhd

cc: The Honorable Antony J. Blinken, U.S. Secretary of State
The Honorable Merrick B. Garland, U.S. Attorney General
The Honorable Janet L. Yellen, U.S. Secretary of the Treasury