

Congress of the United States
Washington, DC 20515

January 4, 2018

The Honorable Gene L. Dodaro
Comptroller General of the U.S.
U.S. Government Accountability Office
441 G. Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

The ongoing opioid epidemic highlights the urgency for Congress to consider all means available to combat the production and trafficking of illicit narcotics and precursor chemicals, which are on the rise in many Western Hemisphere countries. Illicit drugs have caused many American deaths and contributed to horrible violence in our communities. Six of the top ten countries with the highest murder rates in the world this year are in the Western Hemisphere.

The Foreign Narcotics Kingpin Designation Act (Kingpin) became law in 1999, and it has been used to target individuals and organizations involved in drug trafficking. A Kingpin sanction leads to the blocking of a designated individual or entity's property and assets, a prohibition on U.S. transactions, the denial of U.S. visas, and other criminal and civil penalties. In addition, Executive Order 13581 and Executive Order 13773 address transnational organized crime and criminal networks. Since its inception, Kingpin has led to hundreds of individuals and entities being sanctioned. As of October 2017, there were 915 individuals, 831 entities, and one aircraft listed under the Kingpin Act (SDNTK sanctions program). Of that total, 110 were designated as "Tier 1," representing the most significant threat and concern, and of those, 65 individuals and 16 organizations were connected to countries in the Western Hemisphere.

Evidence from Congressional oversight efforts has revealed that since the Kingpin Act became law nearly two decades ago, there has been no comprehensive impact study on its effectiveness other than a one-time Judicial Review Commission on Foreign Assets Control report published in 2001. Since that time, criminal networks have adapted to U.S. and regional counternarcotic actions, and Kingpin has been applied more globally. Kingpin sanctions also affect U.S. businesses, increasing their operating costs. Thus, it is essential to consider lessons learned in the Western Hemisphere to ensure that Kingpin achieves its intended impact, is coordinated with other U.S. counternarcotic tools, does not unduly burden U.S. businesses, and leads to lasting results.

Therefore, we ask that the U.S. Government Accountability Office (GAO) conduct an impact study to review the effectiveness of Kingpin that includes an examination the following:

1. Assess if there are ways to improve the efficiency and effectiveness of the interagency process and information-sharing between the U.S. Department of the Treasury, Department of State, Department of Justice and U.S. interaction with foreign government partners, including in targeting local facilitators and enablers in partner countries;
2. Examine the impact Kingpin has had on drug trafficking organizations and networks and on drug flows in the Western Hemisphere, including through its 50% Rule, and ways to improve Kingpin's implementation and statutory authorities; and

Congress of the United States
Washington, DC 20515

3. Consider the value of cross-designations to determine whether multiple U.S. designations (under Kingpin, terrorist sanctions programs, and other transnational criminal organizations designations) are more effective at enabling U.S. and foreign partners to bring criminal charges against drug traffickers in U.S. and foreign jurisdictions than individual designations.

We also very much hope that GAO's review of the Kingpin Act will inform the work of the independent U.S. Western Hemisphere Drug Policy Commission. If you have any questions, please contact our staff: Maria Sierra (Senator Cassidy, 202-224-5824), Rebecca Ulrich (Rep. Cook, 202-226-9980), Tim Rieser (Senator Leahy, 202-224-7284), and Sadaf Khan (Rep. Sires, 202-225-7919).

Sincerely,

Bill Cassidy, M.D.

Senator Bill Cassidy, M.D.
Committee on Finance

Paul Cook

Col. Paul Cook, Ret. (CA-08)
Chairman
Subcommittee on the Western Hemisphere
Committee on Foreign Affairs

Patrick Leahy

Senator Patrick Leahy
Vice Chairman
Committee on Appropriations

Albio Sires

Albio Sires (NJ-08)
Ranking Member
Subcommittee on the Western Hemisphere
Committee on Foreign Affairs