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SYNTHETIC OPIOID TRAFFICKING

By Elias Schisgall

INTRODUCTION

Opioid Drugs – A class of drugs that act on opioid receptors including heroin, fentanyl, morphine, and OxyContin.

Synthetic Opioid – An opioid drug that is chemically synthesized in a lab, as opposed to naturally derived from the poppy flower.

Fentanyl – An incredibly potent and often deadly synthetic opioid

The opioid addiction crisis is one of the most pressing and deadly issues faced by Americans today. The 21st century has seen a sharp upward trajectory in drug overdose deaths with the brunt coming from overdoses involving **opioid drugs**. The opioid crisis lies at the intersection of many different issues; among them the greed and malpractice of pharmaceutical companies and a decline in mental health across the board.

But one factor surpasses all others in its pure deadliness. Largely since 2014, a new market has emerged for **fentanyl**, a highly potent and highly deadly opioid drug 100 times stronger than morphine and 50 times stronger than heroin. Fentanyl is the most prevalent of a handful of **synthetic opioids** that are overtaking American communities and killing 170 people per day. Even a dose of a few milligrams of these substances can be lethal. Easy to make, effective, and cost-efficient, fentanyl has been a boon to drug traffickers and a deadly scourge to American communities.

To make matters worse, fentanyl's potency means it can be produced and transported in very small quantities, making it hard to track and control. To save on costs and increase potency, drug traffickers also often mix other illicit drugs with fentanyl, such as oxycodone (OxyContin), heroin, and even the non-opioid cocaine. Thousands upon thousands of Americans unknowingly buy drugs laced with fentanyl each year, and many die because of it.

While there are a myriad of ways Congress could address the opioid crisis, one key area will be stemming the illicit flow of fentanyl into the country. With oversight over U.S. Customs and Border Protection, Immigration and Customs Enforcement, and the Drug Enforcement Administration, as well as jurisdiction over the criminal justice system, the House Judiciary Committee is uniquely positioned to combat the illegal trafficking of this deadly substance.



A lethal dose of fentanyl compared to an American penny.

*Government
Accountably Office*

Over the course of this committee session, Senators will brainstorm, workshop, and debate legislative solutions to minimize the amount of fentanyl making its way onto streets across America.

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Explanation of the Issue

Historical Development

The Scientific Evolution

Opioids have been used as an **analgesic** medicinal treatment as early as possibly 2100 BC (Norn et al., 2005). Easily extracted from the seed pods of poppy flowers, opium was quickly recognized for its psychoactive effects. It would be used, often in crude form or mixed in with other, less effective medicines, to treat pain or prepare patients for surgery. In 1804, German chemist Friedrich

Opioid Use Disorder – a medical disorder involving misuse or abuse of opioid drugs

Commission on Combating Synthetic Opioid Trafficking – a bipartisan commission chartered by Congress to study the issue of synthetic opioid trafficking. The commission published its final report in February 2022, prepared by the RAND Corporation.

Analgesic – pain relief medication (also colloquially called a “painkiller”).

As little as two milligrams of fentanyl can be lethal.

Sertürner discovered a way to extract the pure psychoactive ingredient from opium. He called it morphine. From that point, morphine saw widespread medical use as a potent painkiller (Norn et al., 2005).

The needs of the medical profession, however, were constantly changing, and toward the mid-1900s, scientists and doctors began to look for more potent and more reliable alternatives to morphine. Paul Janssen, the founder and namesake of the pharmaceutical company Janssen, discovered fentanyl in 1960 (Stanley, 1992). Fentanyl is a synthetic opioid, meaning that it was not naturally derived from the poppy flower, but created in a lab. Its strength as a painkiller – 100 times that of morphine – made it a promising candidate for medical use (Stanley, 1992). (Note: around this time, researchers also synthesized even stronger opioids, such as carfentanil, which is about 10,000 times the strength of morphine). Fentanyl began to be used – and is still used – as an anesthetic and to treat chronic pain, such as cancer pain.

A turning point in the development of opioids came when pharmaceutical company Perdue Pharma began to market the opioid oxycodone as a prescription painkiller in 1995, under the brand name OxyContin. Perdue spent hundreds of millions of dollars yearly aggressively marketing OxyContin (Van Zee, 2009). Their marketing targeted their doctors with histories of liberally prescribing opioids; they poured money into bonuses for salespeople who sold the most of the drug, issued 34,000 coupons for free starter courses of OxyContin, and encouraged doctors to prescribe it liberally to treat non-cancer-related pain (Van Zee, 2009).

A Pipeline Toward Abuse

Perdue’s actions, while raising tens of billions of dollars in revenue, had tragic consequences. The rate of prescription drug abuse for patients undergoing chronic pain treatment is substantial, estimated by various studies from low-single digits to nearly 50%. In contrast, Perdue’s marketing made the false claim that the rate of abuse was below 1%, relying on a study that only considered hospitalized patients (Van Zee, 2009). Because OxyContin was marketed toward patients without chronic pain outside of hospital settings, many people who were given temporary courses of OxyContin fell into abuse and addiction. By 2017, 1.7 million people suffered from **opioid use disorder** related to prescription painkillers (“Opioid Overdose Crisis,” 2022).

Unfortunately, abuse of prescription opioids often leads to reliance on other, stronger drugs such as heroin. According to the National Institute of Drug Abuse, 80% of the roughly 650,000 heroin users in the United States first misused prescription opioids. The Centers for Disease Control have described the opioid crisis as

Drug Enforcement Administration – a law enforcement agency under the Department of Justice charged with investigating drug crimes and enforcing drug laws.

Appalachian Region- the region in the United States around the Appalachian Mountains including parts of West Virginia, Ohio, Pennsylvania, Kentucky, Tennessee, Alabama and others, which has been disproportionately affected by opioid addiction

Cartels – most often referring to transnational criminal organizations that traffic illegal drugs

Precursor chemicals – the chemical ingredients that go are used to create fentanyl or other synthetic opioids. These chemicals are often legally available for other medical or pharmaceutical uses.

coming in three “waves”. Deaths related to prescription opioids began steadily rising since 1999. Starting in 2010, heroin deaths began rising, becoming about on par with prescription opioid deaths. In 1999, there were about 3 opioid overdose deaths per 100,000 people; by 2013, that figure had more than doubled (“Understanding the Epidemic”, 2021).

Around 2013 and 2014, the beginning of the third “wave” of the crisis, is arguably the most pivotal moment in entire trajectory of the opioid crisis: the dominance of synthetic opioids like fentanyl in American drug markets. According to the bipartisan **Commission on Combating Synthetic Opioid Trafficking**, fentanyl was present in heroin markets prior to this point, but it was “only a modest problem” (RAND Corporation, 2022). According to this commission, in 2014, Mexican **cartels** and overseas pharmaceutical suppliers dealing in drug trafficking began to shift toward fentanyl as a low-cost, high-potency alternative to heroin. This was made possible in part by the entrance of Chinese sellers into the international drug market. Loosely regulated Chinese chemical suppliers began selling the **precursor chemicals** for fentanyl to Mexican cartels. They wthen manufacture the fentanyl to be trafficked to the U.S. via the southern border (RAND Corporation, 2022).

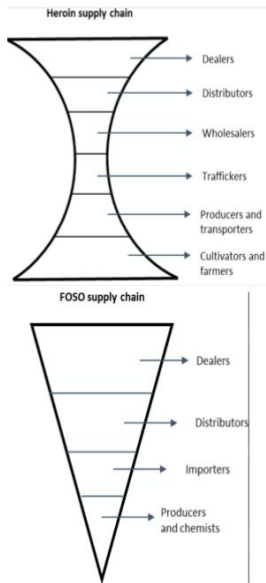
As late in 2019, Chinese suppliers would also traffic synthetic opioids into the U.S. directly, often using traditional international mail systems as transportation. A **Drug Enforcement Administration** intelligence report from the time identified Mexico and China as the “primary source countries for fentanyl and fentanyl-related substances trafficked directly into the United States” (“Fentanyl Flow to the United States”, 2020). However, this has changed in recent years. In 2019, the Chinese government tightened state controls over fentanyl and other synthetic opioids, which has effectively ended the flow of fentanyl directly from China to the United States. Now, according to the commission, China remains the primary source of precursor chemicals, but the drugs themselves are synthesized in Mexico and then trafficked across the southern border (RAND Corporation, 2022). Another, less-prominent source of precursor chemicals is India.

Scope of the Problem

The Demand for Opioids

The persistent demand for addictive illegal drugs poses a monumental challenge to any effort to decrease supply. With more than 2 million Americans currently experiencing opioid use disorder, the market for these drugs is massive (Dydyk et al., 2022). A reliable customer base and the potential for massive profits means that cartels and traffickers will go to great lengths to smuggle

There were nearly 69,000 opioid overdose deaths in 2020, about 56,500 of which involved synthetic opioids.



The “hourglass” and “inverted pyramid” models of opioid supply chains (FOSO stands for “fentanyl and other synthetic opioids”.)

Reuter et al., 2021

drugs into the country, no matter the risk. As the bipartisan commission writes, “The supply of illicit fentanyl cannot be permanently stopped through enforcement alone—only temporarily disrupted before another cartel, trafficking method, or analogue steps in to fill the market that addiction creates. U.S. and Mexican efforts can disrupt the flow of synthetic opioids across U.S. borders, but real progress can only come by pairing illicit synthetic opioid supply disruption with decreasing the domestic U.S. demand for these drugs” (RAND Corporation, 2022). A comprehensive strategy toward decreasing synthetic opioid availability will understand how domestic demand drives international supply, and aim to disrupt the market from as many angles possible.

Not all Americans are affected by opioid addiction equally. For instance, men generally face higher rate of opioid addiction and overdose mortality than women (Salmond & Allread, 2019). There is regional variation within the U.S. as well: the four states with the highest overdose rates in the country — West Virginia, Ohio, Pennsylvania, and Kentucky — are all in the **Appalachian Region**, which is largely poor, working class, and white. The region as a whole experiences significantly higher overdose rates than other parts of the country (Appalachia Issue Brief). In fact, white Americans comprise a group with a disproportionately large share of nationwide overdose deaths and for whom life expectancy has been falling since 1998 (Salmond & Allread, 2019; Hansen & Netherland, 2016). A handful of explanations have been proposed for this, including white patients being disproportionately prescribed painkillers, and Black individuals being disproportionately incarcerated for drug use (Hansen & Netherland, 2016). However, while Black people are underrepresented in the raw count of overdose deaths, a different kind of disparity may be emerging. A study of opioid use in New York, Massachusetts, Kentucky, and Ohio found that between 2018 and 2019, the opioid overdose death rate for Black people rose 38% while holding steady or falling for other racial groups (Larochelle et al., 2021). Further, Black people had the highest rates of overdose mortality for heroin and synthetic opioids, while white people had the highest rate of overdose mortality for prescription painkillers (Hoopsick et al., 2021). In total, in 2020, there were a record-high 68,630 overdose deaths involving an opioid, of which about 56,500 involved synthetic opioids (“Overdose Death Rates”, 2022).

Measuring the size of the American fentanyl market is difficult since fentanyl is often mixed with other illicit drugs among other reasons (Midgette et al., 2019). As a result, reliable estimates of total opioid expenditures or expenditures on fentanyl are hard to come by. For a point of reference, it has been estimated that the Americans’ total expenditure on heroin in 2016 amounted to \$43 billion (Midgette et al., 2019).

The Supply Chain: Chemical Precursors

The move toward fentanyl and away from heroin may have dramatic effects on the supply chain for Mexican producers, traffickers, and TCOs. For one thing, heroin is extracted from poppy flowers, which need to be farmed and cultivated. A large group of potentially hundreds of thousands of farmers, cultivators, and extractors work in Mexico producing heroin, which is then smuggled by a smaller group of traffickers usually associated with cartels (Reuter et al., 2021). The production of fentanyl entirely cuts out this first stage of the supply chain. Acres of poppy farmland and months of labor can be replaced by one or two chemists working in a small discrete lab over just a couple days. Furthermore, each laboratory can provide fentanyl for many, many consumers. Because of these dynamics, researchers have compared the heroin supply chain to an hourglass shape and the fentanyl supply chain to an inverted pyramid shape. With heroin, a wide base of producers provide the drug to a small amount of traffickers and wholesalers, who then distribute it to a wide network of distributors and dealers. In contrast, with fentanyl, a very small number of producers and chemists provide the drug to traffickers, who then distribute it to the wide network of domestic drug dealers (Reuter et al., 2021).

As little as five metric tons of pure fentanyl could satisfy U.S. demand for the drug for an entire year.

Instead of Mexican farmland, synthetic opioids largely originate in China. Before 2019, China took a relatively piecemeal approach to regulating the direct production of fentanyl and other synthetic opioids. The government would put regulatory controls on new **fentanyl analogs** as they were developed; however, this system allowed producers to modify the drug to fall outside the specific regulatory guidelines. In 2019, following U.S.-China engagement about the flow of illicit fentanyl, China adopted a blanket regulation on fentanyl analogs that mirrored regulations used by the American DEA. This had the effect of essentially stopping the direct flow of synthetic opioids directly from China to the United States (RAND Corporation, 2022).

***Fentanyl Analog** – a drug with similar physiological effects and chemical structure as fentanyl, but with slightly altered chemical components.*

China remains in the synthetic opioid supply chain as the primary source of the raw chemicals that go into the creation of the drugs. The commission notes that while Chinese pharmaceutical regulations have gotten stricter with regards to the actual production of drugs, the Chinese government wants to expand the country's pharmaceutical sector and "has a vested interest in allowing the industry to operate with little oversight or enforcement of regulations" (RAND Corporation, 2022). Further, according to the Brookings Institute, precursor chemicals are much harder to regulate than the drugs themselves, as the chemicals often have legitimate and legal uses other than the manufacturing of opioids (Felbab-Brown, 2022). Brookings has also argued that the market for precursor chemicals is "highly dynamic, rapidly adapting to new

In 2021, the Drug Enforcement Administration seized over 20 million counterfeit painkiller pills, many containing fentanyl.

Mandatory Minimum Sentencing Guideline – a policy where somebody convicted of certain crimes, typically related to drugs and firearms, is automatically sentenced to a minimum prison sentence.

regulation and control efforts” (Felbab-Brown, 2022). As a result, a small amount of Chinese pharmaceutical sellers, many of which are licensed and registered, are able to supply Mexican buyers with these chemicals without extensive government oversight.

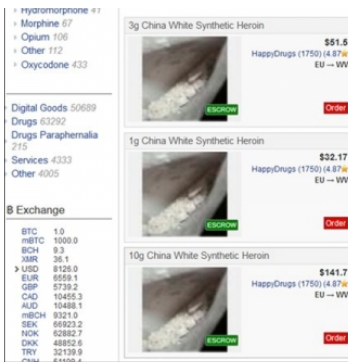
On a much smaller scale, Mexican traffickers also import precursor chemicals from India, a “backup” for the Chinese market as described by Brookings, where narcotic controls are far looser than China (Felbab-Brown, 2022). Opioids and opioid precursor chemicals are also manufactured in Afghanistan and Myanmar, though not generally to the American opioid market.

The unique potency of synthetic opioids also makes them difficult to track. Only a small amount of fentanyl is needed to meet the demands of American users who would have previously consumed a comparatively large amount of heroin or other drugs. The bipartisan commission estimated that if all American opioid users switched entirely to fentanyl, still only 5 metric tons of the pure drug would need to be imported. This can be compared to the total U.S. consumption of 47 metric tons of heroin in 2016 (RAND Corporation, 2022). This also means that only a very small amount of precursor chemicals — the commission estimated 11.5 metric tons of one common precursor chemical per year — would need to travel overseas to drug traffickers (RAND Corporation, 2022). This volume is incredibly easy to smuggle, especially given the fact that only 2% of shipping containers sent via ocean are inspected for drugs (Felbab-Brown, 2022).

Most of the actual buying and selling of these chemicals is done via the internet. Even despite China’s 2019 fentanyl crackdown, Chinese sellers still manage to maintain a sizable online presence on the Chinese online marketplace Alibaba, as well as American social media platforms like Facebook and Twitter (Feng, 2020). While Chinese sellers mostly sell precursors to cartels in Mexico, NPR has reported that some sellers still send finished fentanyl directly to American buyers, using shipping techniques that reportedly evade new mail screening procedures (Feng, 2020).

The Supply Chain: Production and Trafficking

The next step in the supply chain is the Mexican cartels, who produce the drug from its precursor chemicals before trafficking it into the United States. There are two particularly prominent cartels: the Sinaloa Cartel, formerly headed by the notorious Joaquín “El Chapo” Guzmán, and the Jalisco New Generation Cartel (CJNG) (RAND Corporation, 2022). These cartels generally oversee every step of the drug production process, from sourcing the chemicals in China to distributing the drug to American networks. They employ chemists who create the synthetic opioid, often in small, remote makeshift laboratories throughout Mexico (for an in-depth documentary look at the illicit fentanyl production process in



Illegal opioids being sold on the dark web.

U.S. Department of Justice.

Controlled Substances Act – a 1971 law that prohibits illegal drugs and classifies them as different schedules of controlled substances, with **schedule I** substances being the most dangerous.

U.S. Customs and Border Protection (CBP) – a federal law enforcement agency under the Department of Homeland Security charged with securing American borders and inspecting incoming packages or vehicles for contraband.

Mexico, see “Trafficked with Mariana Van Zeller”, 2020). Rather than sell the highly-potent pure fentanyl, cartels will mix the fentanyl with heroin or other drugs, or cut the fentanyl with a filler substance contain as little as 1% fentanyl and 99% filler, but are still extremely dangerous and potentially lethal. In 2021, the DEA seized more than 20 million counterfeit pills, 71% of which contained fentanyl (RAND Corporation, 2022). Even the “pure” fentanyl seized by law enforcement is of very low purity, typically less than 10%, compared to 80% or higher for most other drugs (RAND Corporation, 2022).

The drugs are then sent off to be transported across the southern border and into the United States. This is the most risky stage of the trafficking process for the cartels; in 2021, U.S. Customs and Border Protection seized over 5,000 kilograms of fentanyl (“Drug Seizure Statistics”). While at some major border crossings, as many as 95% of vehicles go unscreened, Congress has directed CBP to aim for a policy of screening every vehicle that enters the country with HR 5273, the Securing America’s Ports Act (Miroff, 2022). Nevertheless, many cartels have adapted their concealment techniques, such as hidden compartments within a vehicle, to evade CBP screening. Sometimes, the driver of a vehicle is genuinely unaware that they are trafficking drugs, in another cartel tactic to evade law enforcement (Miroff, 2022). While many drugs containing fentanyl are seized by the CBP or the DEA, many more are successfully smuggled into the United States, where they will fuel addiction and take countless lives.

Congressional Action

There have been numerous legislative attempts to deal with the fentanyl trade. In the 2021-2022 Congressional term alone, representatives and Senators from both parties have introduced several pieces of legislation including efforts to make **mandatory minimum sentencing guidelines** stricter for fentanyl-related offenses (S. 1293), increase data collection and surveillance of fentanyl trafficking and expand access to opioid addiction treatment (S. 1457), helping build foreign law enforcement capacity to fight fentanyl (S. 1160), or permanently classify fentanyl-related substances as a **schedule I drug** under the **Controlled Substances Act** (S. 3457). (Currently, fentanyl-related substances are considered a schedule I drug only under emergency authorization by the DEA.)

A handful of these efforts have become law. In 2017, a near-unanimous Congress passed H.R. 2142, the INTERDICT Act, which increased funding for chemical screening devices for the **U.S. Customs and Border Protection** to detect synthetic opioid and other illicit substances. In 2020, Congress built on this legislation

when they unanimously passed H.R. 5273, the Securing America's Ports Act. This law directed the Department of Homeland Security to create a plan to screen 100% of vehicles entering the United States. In 2018, provisions of the bipartisan Synthetics Trafficking and Overdose Prevention (STOP) Act were signed into law as part of H.R.6, the SUPPORT for Patients and Communities Act, which required the U.S. Postal Service to collect data on international packages and share it with Customs and Border Protection. In 2019, Congress passed the bipartisan Fentanyl Sanctions Act, which imposed economic sanctions on foreign agents engaged in opioid trafficking and created the bipartisan Commission on Combating Synthetic Opioid Trafficking. The Fentanyl Sanctions Act was included in the National Defense Authorization Act for Fiscal Year 2020, a bill passed yearly by Congress to fund the United States Military (and yearly opposed by a small handful of progressive Democrats and libertarian Republicans). Two years later, the National Defense Authorization Act for Fiscal Year 2022 included the Blocking Deadly Fentanyl Imports Act, which restricts American assistance to countries identified as major sources of fentanyl.

Other Policy Action

The bipartisan commission, which was a collaboration between the Senate, the House of Representatives, numerous federal agencies, and the nonprofit think-tank RAND Corporation, released its final report in February 2022. The report, nearly 150 pages long, provides a detailed examination of the state of the synthetic opioid trade, and has an extensive set of recommendations to reduce the demand for and supply of these deadly drugs. It calls for the government to “develop a more unified, central body to coordinate planning, implementation, and evaluation of all U.S. drug policies,” including a dedicated Cabinet-level position to tackle the opioid crisis (RAND Corporation, 2022).

There have also been international efforts to fight the flow of fentanyl and synthetic opioids. In 2019, with the U.S.'s urging, China significantly tightened their regulations on fentanyl and fentanyl analogs, a move which significantly lowered the amount of fentanyl coming directly from the country. However, the Chinese government has been more resistant to regulating the precursor chemicals that Mexican cartels turn into synthetic opioids (Felbab-Brown, 2022). The Mexican government has been comparatively passive in dealing with its cartels, who themselves yield notable political power. Government corruption and rampant cartel violence has led the Mexican government to adopt, as the commission report puts it, a “hugs, not bullets” approach to the cartels (RAND Corporation, 2022).

IDEOLOGICAL VIEWPOINTS

Conservative View

Conservatives tend to be in favor of strong restrictions on immigration and border protection. Conservatives and Republicans — most notably, former U.S. President Donald Trump — consider cracking down on illegal immigration as a top political priority. They often cited cartel violence and drug trafficking in their arguments for policies to this end, such as a wall on the southern border (Belmonte, 2020). Conservatives also generally support taking a stern position toward China, possibly willing to use economic sanctions or trade restrictions as leverage to meet policy goals like stopping the flow of synthetic opioids. Lastly, conservative tend to be more willing to take a “tough-on-crime” stance toward drug sellers and users in order to fight addiction. A conservative might support policies for stricter prison sentences for drug offenses or increased funding for law enforcement to fight the sale of illegal drugs. However, conservatives are not homogenous on these issues; some libertarian-leaning Republicans or conservatives are opposed to harsh border controls or policing tactics.

Liberal View

Liberals tend to be opposed to strict border/immigration restrictions and or harsh criminal penalties for drug offenses. A liberal might argue that trying to reduce supply using border controls or the threat of imprisonment would be misguided, because drug traffickers will always figure out a way to evade law enforcement. They might say that previous efforts in this vein, such as the war on drugs in the 1970s and ‘80s, have proven costly and ineffective (Mann, 2021). A liberal might instead advocate for policies geared at lowering the demand for drugs, such as expanded mental health counseling or addiction treatment. However, some more moderate liberals or Democrats might take a “tough-on-crime” or “tough-on-China” position when it comes to synthetic opioids and other drugs.

AREAS OF DEBATE

Much of the production and trafficking of fentanyl takes place outside of the U.S.’s borders, meaning that Congress is unfortunately limited in how it can approach this problem. However, there are still several possible reforms Congress could



A police officer inspects an illicit fentanyl lab in Mexico.

BBC.



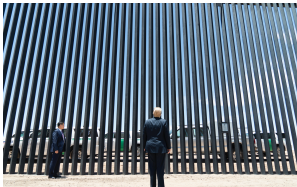
Federal agents from the U.S. Customs and Border Protection inspecting a package.

CBP.gov



Agents from the Drug Enforcement Administration and Immigrations and Customs Enforcement escort Mexican drug lord Joaquin “El Chapo” Guzman while he is in federal custody.

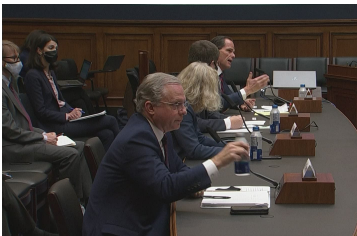
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C News

Former president Donald Trump looks up at a portion of a border wall at the Arizona-Mexico border.

Wikipedia



Witnesses testify in the House of Representatives about the regulation of fentanyl and related substances in December 2021.

C-SPAN.org

make to disrupt the supply chain or otherwise fight the flow of synthetic opioids.

Drug Screening at Ports of Entry

Probably the most intuitive solution to stopping fentanyl from entering the country, Congress could increase screening protocols at ports of entry like the southern border or major air travel hubs. Congress has already passed laws to this effect: the STOP Act requires the Postal Service to monitor all international mail and share suspicious packages with Customs and Border Protection, and the Securing America’s Ports Act tasks CBP with screening 100% of vehicles entering the country with electronic scanning technology. However, Congress could still go further. It could divert more money to CBP to hire more agents or develop new screening technology, or allow for more invasive vehicle searches. There have also been reports of the Postal Service not meeting screening standards laid out by the STOP Act, so Congress could step in and require the Postal Service to do more rigorous screening (Horwitz & Higham, 2019). A good policy to improve drug screening would clearly identify which agencies or protocols have been lacking, and offer thoughtful and efficient solutions.

An opponent of this solution might say that the current screening protocols at CBP are adequate, and not in need of expansion or reform. They might also make the case that because cartels have proven able to adapt to new regulations and protocols, investing heavily in more screening technology and personnel would be ineffective and costly. An opponent might also argue that the government should try to minimize its surveillance as a principle, and that too-invasive screening protocols are an unjust invasion of privacy.

Political Perspectives on this Solution

Screening protocols are not an incredibly politicized issue, and many Democrats and Republicans alike voted in favor of both the STOP Act and the Securing America’s Ports Act. However, a Republican might view a policy like this as part of a broader regime of border security. Conversely, a Democrat might worry that beefing up CBP enforcement at the border would lead to mistreatment and unfair searches of immigrants or refugees. However, this may be an area where both parties could reach consensus.

Immigration Restrictions

Another route Congress could take to try and keep synthetic opioids out of the country would be to impose restrictions on immigration and illegal immigration. Restrictions like these could be very broad in scope, but Congress could also try to target them

toward people who are likelier to be affiliated with the cartels (although it would have to figure out how).

A proponent of this policy might argue that to keep drugs out, America has to keep people out as well. They might say that people crossing the southern border, especially those crossing illegally, could be smuggling drugs or engaging in cartel violence, and pose a risk to Americans.

An opponent might argue that drug traffickers comprise a serious minority of those crossing the border, and that broad restrictions on immigration would be an inefficient way of fighting drug trafficking. They might also say that restricting immigration has other, negative consequences, such as stifling economic growth or harming Central and South American refugees.

Political Perspectives on this Solution

Restrictions on immigration are generally favored by Republicans — look no further than former president Donald Trump’s “build the wall” campaign platform. They are typically opposed by Democrats, some of whom have denounced Trump’s proposals as racist or xenophobic.

Disrupt the Digital Supply Chain

Chinese fentanyl and fentanyl precursors are still available for purchase on both American and international social media services and marketplaces. While Congress’s powers to regulate foreign websites are very limited, it has tools to try to crack down on opioid sales on domestic platforms. Congress could write a law holding tech companies legally liable for illicit drug sales on their platforms. Congress could also create a specific federal office, possibly through the Department of Justice or the Drug Enforcement Administration, to specifically focus on investigating the online sale of illicit drugs and web-based black markets.

A proponent of this policy might say that the U.S. government needs to launch specific efforts to investigate and prosecute cybercrimes, particularly those involving drugs. They might also argue that the government needs to take a stronger stance on regulating tech platforms and their content in general.

An opponent of this policy might say that the government should not be regulating the content of internet platforms or holding the providers of those platforms criminally liable. They might argue that such a possibly could be a slippery slope to stricter regulations on internet platforms, such as ones targeting political speech.

Political Perspectives on this Solution

While the specific issue of internet drug markets has not been the subject of much political discourse, Democrats and Republicans

often agree on the need for tech reform more generally. This could be fertile ground for compromise across the political aisle.

Demand Reduction

One of the strongest conclusions made by the bipartisan commission was that “to reduce illegal supply, the United States must also reduce demand.” As long as people are still afflicted by opioid addiction, synthetic opioids can never fully be wiped out of American communities. Therefore, Congress might consider a strategy to treat opioid addiction and reduce demand for drugs. This policy could take the form of a grant program for organizations providing mental health or addiction treatment services. Congress could also increase funding for addiction treatment programs within public health agencies like the Centers for Disease Control or the National Institutes of Health.

Proponents of demand-reduction policies would say that drug addiction is, properly understood, a medical condition that needs to receive medical treatment. They might say that no supply-reduction strategy would be complete without a consideration of demand.

Opponents might say that drug use is against the law, and the appropriate response to people using illegal drugs is criminal, not medical. They might argue that certain models of addiction treatment, such as programs or centers that provide clean needles to drug users, actually implicitly encourage them to continue using drugs.

Political Perspectives on this Solution

Demand reduction is another area where Democrats and Republicans might agree on the need for congressional action. However, Republicans might oppose a plan if it becomes overly expensive, or if it appears too accepting of drug use (such as a program that provides clean needles). Such a plan might be, however, favored by liberal Democrats. They tend to be more opposed to a punitive model, where drug users are punished for their addiction rather than treated.

Harsher Drug Laws and Enforcement

One last option for Congress would be to tighten criminal laws around the sale and use of opioid drugs. This could take the form of lowering the quantity of drugs somebody is caught with that qualifies them for a mandatory minimum prison sentence or lengthening the prison sentences themselves. It could also take the form of more funding and technology for federal drug enforcement agents and local police or mandating that law enforcement agencies adopt more aggressive policies toward drug crimes.



*A state-operated
addiction treatment
facility in Utica,
N.Y.*

*NY Office of Addiction
Services and Supports*

A proponent of this policy might say that harsher sentencing laws and more aggressive law enforcement would deter people from using or selling drugs. They might argue illegal drug users are, by definition, criminals, and ought to be treated as such. They might also argue that federal law enforcement agencies such as the CBP or DEA are understaffed and need additional personnel and resources to meet even current law enforcement goals.

An opponent might point to the War on Drugs throughout the 1970s and 80s and argue that these policies have proven ineffective at curbing drug use (Mann, 2021). They might also say that harsher sentencing guidelines would disproportionately harm people of color. They might instead argue that drug addicts need to be given access to treatment to become sober.

Political Perspectives on this Solution

Republicans and Democrats might agree on the need to expand law enforcement capacity to fight opioid trafficking (especially considering reports of staffing shortages at the U.S. Customs and Border Protection) (Feng, 2020). However, Democrats tend to oppose policies that try to curb drug use through law enforcement and the criminal justice system, while Republicans tend to be in favor of them.]

COMMITTEE JURISDICTION

The House Judiciary Committee has oversight over a range of issues that relate to the opioid crisis and the synthetic opioid market. Most significantly, it has jurisdiction over immigration law and border protection, and oversees Immigrations and Customs Enforcement, the Drug Enforcement Administration, and Customs and Border Patrol. It also oversees the Department of Justice, which investigates and pursues criminal offenses. It also oversees nearly all aspects of the criminal justice system, including sentencing laws.

BUDGETARY CONSIDERATIONS

Any solution that involves ramping up law enforcement capacity or screening protocols will need to be financed by Congress. It's up to Congress' discretion how much money it wants to put toward these policies; however, consider as a point of reference, in fiscal year 2021, the budget for CBP was \$16.3 billion and the budget for the DEA was \$3.3 billion.

CONCLUSION

Combating synthetic opioids remains one of the most urgent public policy tasks faced by lawmakers today. These deadly drugs have been a source of addiction for millions of Americans, killing hundreds of thousands of them. And yet, due to the international nature of the synthetic opioid supply chain, the unique potency of synthetic opioids, and the fact that they are often mixed in with other drugs, combating them is no easy task. The solutions presented in this briefing are just a handful of the many possible ways Congress could tackle this crisis. Don't be afraid to brainstorm ideas of your own or to think outside the box. Feel free also to combine elements of the various policy proposals based on what you think is most important or most effective.

GUIDE TO FURTHER RESEARCH

The final report of the bipartisan Commission on Combating Synthetic Opioid Trafficking, prepared by the RAND Corporation, is likely the most comprehensive and recent examination of the current state of the synthetic opioid trade. In addition to detailed empirical findings and analysis about synthetic opioids, it provides an extensive array of policy proposals on how the U.S. government might use to fight the crisis. Though the full document is long, the executive summary at least is worth a read. The National Institute on Drug Abuse (at the National Institutes of Health) and the Centers for Disease Control are both reliable resources information about the opioid crisis relating to addiction or overdose deaths. Additionally, every state is affected by this crisis in a different way. For instance, Texas, New York, and West Virginia will face incredibly disparate challenges relating to the opioid crisis. Research the specific needs of your state, and how your senator and other governmental officials have tried to respond.

GLOSSARY

Analgesic - A pain relief medication (also colloquially called a “painkiller”).

Appalachian Region - the region in the United States around the Appalachian Mountains including parts of West Virginia, Ohio, Pennsylvania, Kentucky, Tennessee, Alabama and others, which has been disproportionately affected by opioid addiction

Cartels - most often referring to transnational criminal organizations that traffic illegal drugs

Commission on Combating Synthetic Opioid Trafficking - a bipartisan commission chartered by Congress to study the issue of synthetic opioid trafficking. The commission published its final report in February 2022, prepared by the RAND Corporation.

Controlled Substances Act - a 1971 law that prohibits illegal drugs and classifies them as different schedules of controlled substances, with **schedule I** substances being the most dangerous.

Drug Enforcement Administration - a law enforcement agency under the Department of Justice charged with investigating drug crimes and enforcing drug laws.

Fentanyl – An incredibly potent and often deadly synthetic opioid.

Fentanyl Analog - a drug with similar physiological effects and chemical structure as fentanyl, but with slightly altered chemical components.

Mandatory Minimum Sentencing Guidelines - a policy where somebody convicted of certain crimes, typically related to drugs and firearms, is automatically sentenced to a minimum prison sentence.

Opioid Drugs – A class of drugs that act on opioid receptors including heroin, fentanyl, morphine, and OxyContin

Opioid Use Disorder – a medical disorder involving misuse or abuse of opioid drugs.

Precursor Chemicals - the chemical ingredients that go into fentanyl or other synthetic opioids. These chemicals are often legally available for other medical or pharmaceutical uses.

Synthetic Opioid – An opioid drug that is chemically synthesized in a lab, as opposed to naturally derived from the poppy flower.

U.S. Customs and Border Protection (CBP) - a federal law enforcement agency under the Department of Homeland Security

charged with securing American borders and inspecting incoming packages or vehicles for contraband.

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