

GUIDE TO THE ISSUES

CHINA: USING THE BORDER CRISIS AS A FENTANYL PIPELINE

Fentanyl is streaming from China, across our border, and killing thousands of Americans. In 2020, over 93,000 Americans died of drug overdose, including more than 57,000 from fentanyl.¹ Fentanyl and its chemical precursors are primarily sourced and trafficked from China to the United States across the southwest border, according to the U.S. Customs and Border Patrol (CBP) and the Drug Enforcement Agency (DEA).²

BACKGROUND

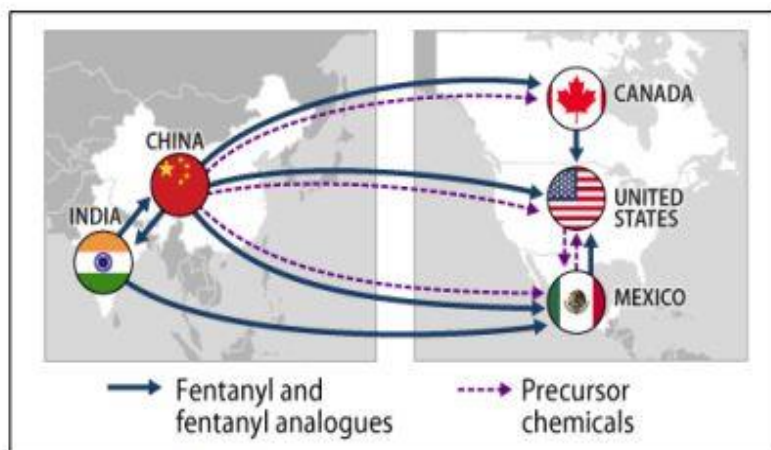
Fentanyl is 80-100 times stronger than morphine.³ It has been used as both a painkiller and anesthetic and is considered a high risk for abuse and addiction. Widespread abuse and overdose of fentanyl is recognized as an international problem.⁴ The figure to the right compares the size of the U.S. penny to 2 milligrams of fentanyl, the amount the DEA states can cause a lethal overdose.⁵ In the first eight months of fiscal year (FY) 2021 alone, CBP seized 7,450 pounds of fentanyl, a historic rate that is nearly as much as was seized in all of FYs 2018 and 2019.⁶ This amounts to enough fentanyl to cause 1,689,630,200 deaths, or more than 5 times the U.S. population.⁷



Source: GAO adaptation of U.S. Drug Enforcement Administration information. | GAO-21-499

Generally, fentanyl found in the U.S. is directly sourced from personal purchase from China or smuggled across the border by Mexican Transcontinental Criminal Organizations (TCOs) and other criminal networks.⁸ According to the DEA's 2020 National Drug Threat Assessment, supply of fentanyl directly from China has decreased, while Mexican TCO's contribution to fentanyl in the U.S. has increased since 2019. The majority of all fentanyl in the U.S. is now smuggled across the southwest border.⁹ In fact, there was a 62% increase in fentanyl seized at the border from 2018-19.¹⁰

Although fentanyl directly from China has decreased, fentanyl trafficked by Mexican TCOs across the southwest border still originates from China, who is a major source of chemical precursors, drug-related manufacturing equipment, and other related supplies.¹¹ As the figure to the right shows, China is the primary source of fentanyl trafficked through international mail and the main source for fentanyl-related supplies trafficked into the U.S.¹²



Source: DEA (2020).

Congress and the Trump Administration took critical first steps to reduce the harmful impact of China's fentanyl trafficking:

- Under pressure from the U.S., in May 2019, Chinese officials agreed to designate and control fentanyl as a class of drugs. This new control includes investigating fentanyl manufacturers, implementing stricter controls on internet advertisements for fentanyl, and enforcing shipping regulations.¹³ According to the State Department's 2020 International Narcotics Control Strategy Report, because of U.S. pressure, fentanyl directly shipped from China to the U.S. has fallen from 116 kilograms in FY 2017 to less than 200 grams in FY 2019.¹⁴ While direct shipments have decreased, the amount of fentanyl entering the U.S. has increased as Chinese producers have turned to shipping supplies to Mexican TCOs.
- In November 2019 the U.S. partnered with Chinese officials for a joint investigation of fentanyl traffickers which resulted in nine traffickers sentenced for trafficking fentanyl to the U.S. The U.S. has also worked with China for intelligence sharing operations regarding fentanyl flows that has aided the U.S. in targeting high-risk shipments.¹⁵
- The Department of Justice and the Treasury Department have increased pressure on China by designating Chinese nationals who lead fentanyl trafficking as "Consolidated Priority Organization Targets."¹⁶
- Congress enacted the Fentanyl Sanctions Act in 2020. The law enhances the president's authority to sanction synthetic opioid traffickers from China. It also authorized a 13-member Commission on Combating Synthetic Opioid Trafficking, which is charged with developing strategies to stop the flow of synthetic opioids into the U.S.¹⁷
- President Trump signed the Synthetics Trafficking and Overdose Prevention (STOP) Act into law in 2018. The law requires CBP to create a rule that instructs U.S. Postal Service to refuse any inbound international packages without advance electronic data.¹⁸ On March 15, 2021, CBP finalized a rule implementing the bill.¹⁹

POLICY SOLUTIONS

In addition to this progress, more has to be done. To halt imports of deadly fentanyl from China, Congress should enforce border security protections to guard against opportunity for increased drug flow.²⁰ DEA officials anticipate that Mexican TCOs will continue to obtain supplies from China and have an increased impact on the fentanyl market, so Congress should work now to address the crisis at the border and implement enhanced security measures to stop fentanyl from killing more Americans.²¹ Further, the U.S. should continue to pressure China to shut down production and shipment of drug supplies to Mexican TCOs.

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¹ "Provisional Drug Overdose Death Counts." Centers for Disease Control and Prevention. <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> and McKay, Betsy. "U.S. Drug-Overdose Deaths Soared Nearly 30% in 2020, Driven by Synthetic Opioids." Wall Street Journal. July 14, 2021. <https://www.wsj.com/articles/u-s-drug-overdose-deaths-soared-nearly-30-in-2020-11626271200>

² Rosen, Liana W., & Lawrence, Susan V. "Illicit Fentanyl and China's Role." Congressional Research Service. January 29, 2021. <https://fas.org/sgp/crs/row/IF10890.pdf>

³ "Fentanyl." United States Drug Enforcement Administration. <https://www.dea.gov/factsheets/fentanyl>

⁴ Rosen, Liana W., & Lawrence, Susan V. "Illicit Fentanyl and China's Role." Congressional Research Service. January 29, 2021. <https://fas.org/sgp/crs/row/IF10890.pdf>

⁵ "Synthetic Opioids: Considerations for the Class-Wide Scheduling of Fentanyl-Related Substances." U.S. Government Accountability Office. April 12, 2021. <https://www.gao.gov/products/gao-21-499>

⁶ "Drug Seizure Statistics." U.S. Customs and Border Protection. June 9, 2021. <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>

⁷ <https://www.census.gov/quickfacts/fact/table/US/PST045219> and Calculated by RPC staff: 453,592 (mg in a lb) x 7,450 lbs = 3,379,260,400 / 2 mg (lethal dose)

⁸ “Advisory to Financial Institutions on Illicit Financial Schemes and Methods Relating to the Trafficking of Fentanyl and Other Synthetic Opioids.” U.S. Treasury Financial Crimes Enforcement Network. August 21, 2019. <https://www.fincen.gov/sites/default/files/advisory/2019-08-21/Fentanyl%20Advisory%20FINAL%20508.pdf>

⁹ “2020 National Drug Threat Assessment.” U.S. DOJ Drug Enforcement Administration. March 2021.

https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf

¹⁰ “2020 National Drug Threat Assessment.” U.S. DOJ Drug Enforcement Administration. March 2021.

https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf

¹¹ Rosen, Liana W., & Lawrence, Susan V. “Illicit Fentanyl and China’s Role.” Congressional Research Service. January 29, 2021.

<https://fas.org/spp/crs/row/IF10890.pdf> and “2020 National Drug Threat Assessment.” U.S. DOJ Drug Enforcement Administration. March 2021. https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf

¹² “Fentanyl Flow to the United States.” DEA Intelligence Report. January 2020. https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf

¹³ Rosen, Liana W., & Lawrence, Susan V. “Illicit Fentanyl and China’s Role.” Congressional Research Service. January 29, 2021.

<https://fas.org/spp/crs/row/IF10890.pdf> and “Fentanyl Flow to the United States.” DEA Intelligence Report. January 2020.

https://www.dea.gov/sites/default/files/2020-03/DEA_GOV_DIR-008-20%20Fentanyl%20Flow%20in%20the%20United%20States_0.pdf

¹⁴ Rosen, Liana W., & Lawrence, Susan V. “Illicit Fentanyl and China’s Role.” Congressional Research Service. January 29, 2021.

<https://fas.org/spp/crs/row/IF10890.pdf>

¹⁵ Rosen, Liana W., & Lawrence, Susan V. “Illicit Fentanyl and China’s Role.” Congressional Research Service. January 29, 2021.

<https://fas.org/spp/crs/row/IF10890.pdf>

¹⁶ Rosen, Liana W., & Lawrence, Susan V. “Illicit Fentanyl and China’s Role.” Congressional Research Service. January 29, 2021.

<https://fas.org/spp/crs/row/IF10890.pdf>

¹⁷ “S. 1790 - National Defense Authorization Act For Fiscal Year 2020.” Congress.gov. June 11, 2019. <https://www.congress.gov/bill/116th-congress/senate-bill/1790> and Cotton, Tom. “Cotton Appointed to Opioid Commission.” Tom Cotton, Senator for Arkansas. September 11, 2020. <https://www.cotton.senate.gov/news/press-releases/cotton-appointed-to-opioid-commission>

¹⁸ Portman, Rob. “Portman Makes Clear that STOP Act Must be Fully Implemented.” December 21, 2020.

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¹⁹ “Mandatory Advance Electronic Information for International Mail Shipments.” Federal Register. March 15, 2021.

<https://www.federalregister.gov/documents/2021/03/15/2021-04373/mandatory-advance-electronic-information-for-international-mail-shipments>

²⁰ Portman, Rob, & Katko, John. “Biden’s Border Policies Are Worsening the Opioid Crisis.” Roll Call. June 11, 2021.

<https://www.rollcall.com/2021/06/11/bidens-border-policies-are-worsening-the-opioid-crisis/>

²¹ “2020 National Drug Threat Assessment.” U.S. DOJ Drug Enforcement Administration. March 2021.

https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf