



National Intelligence Strategy Special Edition

GOAL 5

ACCELERATING THE FIGHT AGAINST THE U.S. FENTANYL CRISIS THROUGH A COMPREHENSIVE APPROACH

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With the recent release of the 2023 National Intelligence Strategy (NIS), MITRE is publishing a special series of Intelligence After Next papers aligned to each of the six NIS goals the Intelligence Community will pursue over the next four years in support of U.S. national security strategies and priorities. Each paper will focus on an aspect of an NIS goal and offer a road map for success. This paper is aligned to Goal 5: Expand IC Capabilities and Expertise on Transnational Challenges.

The Opioid Epidemic Is a National Security Threat

The U.S. opioid epidemic is a fatal overdose problem fueled by foreign actors and causing widespread occurrence of substance use disorders. The Centers for Disease Control and Prevention reported that in 2022, more than two-thirds of the 107,081 drug overdose deaths in the country involved synthetic opioids, mainly illicitly manufactured fentanyl.^{1, 2} In addition to the staggering human toll, the opioid overdose crisis has also cumulatively cost the United States trillions of dollars over the past several years, according to multiple estimates.³ This epidemic continues to escalate, with Chinese chemical and pharmaceutical companies shipping fentanyl precursors to transnational criminal organizations (TCOs) to manufacture in Mexico, creating an intractable problem and enabling the entry of fentanyl into the United States. Indicated in the 2024 Homeland Threat Assessment, the Department of Homeland Security (DHS) expects the illegal drugs sourced from Mexico will kill more Americans than any other threat.⁴ This epidemic poses a public health, economic, and national security threat,⁵ accentuating the need for a comprehensive counternarcotic (CN) approach.⁶

The Biden Administration, building on its National Drug Control Strategy, released an enhanced whole-of-government approach in 2023 to intensify counter-fentanyl efforts.⁷ In doing so, the United States is taking one step closer to where it needs to be in the fentanyl fight. However, as this approach continues to mature,

further advancements will prove difficult if not executed properly. The U.S. government (USG) should consider the following components: the risk of strategic overreach and opportunities to implement lessons learned from previous CN efforts.

The Intelligence Community (IC) and law enforcement (LE) both serve a critical role in the fentanyl crisis response. Existing collaborative efforts can be improved by streamlining information-sharing protocols and integrating parallel efforts among federal, state, and local agencies. Doing so will allow the USG to gain a comprehensive understanding of past mitigation attempts, ongoing efforts, and new planned approaches.

TRANSNATIONAL CRIMINAL ORGANIZATIONS TYPICALLY DISTRIBUTE FENTANYL BY THE KILOGRAM, AND ONE KILOGRAM OF FENTANYL HAS THE POTENTIAL TO KILL 500,000 PEOPLE.⁸

Fentanyl and Its Analogs: Worsening the Prolonged Opioid Epidemic

The United States has pursued the counternarcotics mission for decades, but the nature of the problem has evolved over time. Fentanyl is a cheap, synthetic opioid manufactured on demand—unlike heroin and cocaine, which are derived from plants. The Food and Drug Administration has approved fentanyl for pharmaceutical purposes, but it can be diverted for illicit use. However, the rise in overdoses is attributed to illicit fentanyl that is manufactured in clandestine facilities and laboratories.⁹ The core chemical structure of fentanyl continues to alter as new analogs are being used in production, hence the drug commonly being referred to as “fentanyl and its analogs.” Analogs have “similar—but not the same—chemical structure, and they mimic the pharmacological

effects of the original drug.”¹⁰ A few examples of analogs include carfentanil, acetylfentanyl, and furanylfentanyl. Fentanyl is 50 times more potent than heroin, but modifications with analogs are making the drug even more lethal.¹¹ Creating new analogs allows illicit actors to avoid manufacturing and policy restrictions and to evade detection from test kits and law enforcement.

Additionally, the use of fentanyl as a cutting agent or filler in other drugs is becoming more prevalent. Users are likely unaware of fentanyl tracings in counterfeit pills, resulting in a spike of overdose deaths due to extreme potency of the drug. Because fentanyl is measured down to micrograms and is illicitly manufactured with no official oversight, quality control, or precision, pills commonly contain fatal doses.¹² Current data depicts a positive correlation between the trafficking, distribution, and misuse of illicitly produced fentanyl and its analogs and the surge in overdose deaths.¹³ However, an increase in overdose deaths does not necessarily insinuate a correlation in addiction. Because fentanyl and its analogs are so potent, people are dying from initial or unintentional use of the drug.

Not only has fentanyl changed the nature of the opioid epidemic, but Mexican TCOs have advanced their tactics, techniques, and procedures for manufacturing and distributing. With advanced technology, diversifying activities, and decentralized organizational structures, TCOs have evolved their capabilities to exploit gaps in LE efforts. Fentanyl is easier to smuggle than other drugs because a small amount goes a long way. To place this into context, TCOs typically distribute fentanyl by the kilogram, and one kilogram of fentanyl has the potential to kill 500,000 people.¹⁴

Foreign Actors Are Fueling the Illicit Fentanyl Supply Chain

The opioid epidemic trickles beyond the U.S. border, with increasing deaths in Canada and Mexico. North America, overall, is experiencing a fatal overdose crisis, and the source fueling the supply originates in the

People’s Republic of China (PRC).¹⁵ Previously, the United States had success collaborating with the PRC to address the synthetic drug threat. In 2019, Beijing complied with a U.S. request to add all fentanyl-related substances to the “Supplementary List of Controlled Narcotic Drugs and Psychotropic Substances with Non-medical Use,” yet the PRC remains the primary source of U.S. fentanyl.¹⁶ Since the scheduled ban, Chinese manufacturers have evaded authorities by finding loopholes in regulation. Many of these chemical manufacturers operate illegally or are masked behind shell companies. Additionally, illicit manufacturers are developing new precursors or identifying dual-use chemicals that can be used to make fentanyl, resulting in challenges to control the supply.¹⁷

While the PRC has taken regulatory action against illegitimate chemical and pharmaceutical companies, it has refused to enforce any control on precursors not in the scheduled ban. Due to systemic government corruption, the PRC has taken limited action against legal companies that produce chemical precursors.^{18, 19} Illegal manufacturers in China produce and ship precursors to Mexican TCOs—specifically the Sinaloa and Jalisco drug cartels—for synthetic opioid production, as these groups already have established trafficking routes and supply hubs throughout the United States.²⁰

The PRC’s intentional lack of regulatory action over Chinese chemical companies responsible for fueling the supply, and partnership with Mexican TCOs, has enabled a profound amount of fentanyl to enter the United States.²¹ Given the ongoing challenges related to the PRC-USG relationship, the United States is limited in what it can do to induce Chinese cooperation. In the past, the PRC has reduced bilateral cooperation when the United States has taken action that opposes Beijing’s agenda. For example, when former Speaker of the House of Representative Nancy Pelosi visited Taiwan in 2022, the PRC officially terminated U.S.-China cooperation in five areas, including counternarcotics.²¹ More recently, President Biden and Xi Jinping have discussed

opportunities to again unify efforts in disrupting the fentanyl supply chain, and U.S. and Chinese officials met in January to begin detailed negotiations toward that end.²³

Plan Colombia: A Case Study to Derive Lessons Learned

While bilateral counternarcotics cooperation between the United States and Mexico has diminished in recent years, the United States was able to achieve a level of success with the drug problem emanating from Colombia. Plan Colombia was a military, diplomatic, and strategic partnership to counter the mass production of cocaine and heroin.²⁴ This CN policy broadened over the years to include sustainable development, counterterrorism, security, and economic assistance. Plan Colombia was enacted in 2000, and in 2009 the U.S. Ambassador to Colombia described it as the most successful counternarcotics strategy over the past few decades.²⁵ Although used for countering cocaine and heroin, lessons can be derived and applied to the fentanyl crisis.

When reviewing the effectiveness of Plan Colombia as a CN strategy, data suggests this policy has had minimal impact on the mitigation of drug production and trafficking.²⁶ Colombia produces roughly two-thirds of the world's current supply of cocaine and, in recent years, cultivation and production have reached record high levels.²⁷ However, Plan Colombia had success in improving regional security and defeating narco-insurgency, allowing for a peace accord to follow suit. From 2000 to 2016, U.S. funding to Plan Colombia consisted of 29 percent economic/institutional aid and 71 percent military/police assistance.²⁸ Unfortunately, extensive support and funding for military and police aid resulted in unintended consequences, as Colombian security forces committed human rights violations during their operations. This raises questions about whether the strategy would have been more successful in countering narcotics if not military-centric.

Viable lessons from Plan Colombia:

- **Eradicating drug components through military force is not a practical response to illicit fentanyl production.** Plan Colombia funded aerial and manual crop eradication to destroy the coca plant as a main component of the CN strategy. This approach cannot be replicated for fentanyl, a synthetic drug manufactured in facilities and laboratories.
- **Including various multifaceted problems in one strategy yields only partial achievement of goals.** Plan Colombia attempted to solve many problems, including social and economic instability, combatting insurgency groups, and the illicit flow of narcotics. Though security advancements were made, the broad-scoped strategy failed to uphold the anti-drug mission.²⁹
- **Evaluative measures are necessary to indicate progress or failure.** Plan Colombia was designed with mission-oriented goals but lacked evaluative measures to calculate success or failure along the way, impacting the outcome of the strategy.
- **Full bilateral support between both governments is needed to reach any level of success.** Plan Colombia was considered a historical achievement that would not have been reached if it were not for “the backing of the political and national will of the government, population, and military of Colombia” with support from the United States.³⁰

THE IC CAN PLAY A PIVOTAL ROLE IN COUNTERING THIS NATIONAL SECURITY THREAT BY MORE FULLY INTEGRATING LAW ENFORCEMENT THROUGHOUT THE INTELLIGENCE PROCESS TO SUPPLEMENT CURRENT WHOLE-OF-GOVERNMENT CAPABILITIES

Key Components for the USG to Consider

The USG's conventional narcotic interdiction efforts are proving insufficient for the growing fentanyl crisis. The Obama, Trump, and Biden Administrations have all executed diplomatic approaches to reduce the influx of fentanyl, but the overdose death toll continues to rise. Intensifying domestic addiction prevention, treatment, and recovery efforts as well as increasing LE funding are all critical response tactics. However, as Chinese foreign influence continues to pose obstacles in supply control measures, the United States needs to accelerate the fight against fentanyl through aggressive and robust actions.

The lessons learned from past counternarcotics efforts, like Plan Colombia, are fundamental in maturing the Biden Administration's CN strategy. Thus, to effectively address the complexity of fentanyl and its analogs, the USG needs to consider the following key issues:

The risk of strategic overreach:

- Reject unilateral military force.
- Dismiss classifying fentanyl as a weapon of mass destruction (WMD).
- Avoid declaring Mexican TCOs as foreign terrorist organizations (FTOs).

Opportunities to implement lessons learned from previous CN efforts:

- Leverage available data.
- Integrate existing stovepiped efforts.
- Apply evidence-based public health reforms.

The Risk of Strategic Overreach

Reject Unilateral Military Force

As policymakers and analysts consider new approaches to curb the fentanyl crisis, discussions of military-enforced strategies are circulating within Congress. Because the United States is diplomatically constrained, and increased border security is insufficient, policymakers are turning to the idea of unilateral military force in Mexico to defeat

TCOs. It is difficult to justify that such action would yield positive results. Conducting air strikes against TCO fentanyl labs, or sending troops into the country, is unlikely to end the prolonged crisis. This problem is rooted beyond the effects of military warfare, and unintended consequences are inevitable.

Reasons to Reject:

- Authorization to send U.S. forces into Mexico would require a level of bipartisan support that is highly unlikely due to conflicting opinions between parties on how to approach the fentanyl crisis.
- U.S.-Mexico relations would be at risk, especially if the United States were to act without the consent of the Mexican government. In 2022, the United States and Mexico hit a milestone of 200 years of diplomatic relations, and in early 2023 Mexico became the nation's top trading partner.³¹ However, U.S. and Mexico drug cooperation is slowly deteriorating due to push-back from the current Mexican administration. Consequently, the United States is already encountering challenges in its CN efforts, especially when it comes to information sharing between governments. Use of military force could cause irreversible consequences to the partnership with Mexico that the United States wants to preserve.
- U.S. military force in Mexico would cause additional migrant and refugee surge along the U.S. Mexico border. Air strikes, ground operations, or any type of military intervention is likely to cause a humanitarian crisis for innocent civilians, a lesson derived from the military-centric approach of Plan Colombia. The overflow of migrants at the border is an already challenging situation that would likely worsen if the United States were to implement unilateral military actions.
- Unilateral militarized force in Mexico could spur a closer partnership between China and Mexico. If the United States were to take such action against a long-standing diplomatic partner and neighbor, there is potential for Mexico to turn to China for increased support.

Dismiss Classifying Fentanyl as a WMD

Some members of Congress, taking a different approach in the battle to end the opioid epidemic, have introduced a bill to the Committee on Homeland Security to classify illicit fentanyl as a WMD.^{32, 33} According to Center for the Study of Weapons of Mass Destruction, the Department of Defense recognized there was not “any basis or need for, or net benefit to, officially designating fentanyl compounds as weapons of mass destruction.”³⁴ Though action has yet to be taken by the Committee, defining illegally manufactured fentanyl as a WMD requires an immense shift to any existing CN strategy in place.

Reasons to Dismiss:

- There would be unintended consequences for drug users who are found guilty of possessing illicit fentanyl. As the law currently stands, 18 U.S. Code § 2332a states a person convicted is “a person who, without lawful authority, uses, threatens, or attempts or conspires to use, a weapon of mass destruction.” Consequently, there would be an influx in incarceration, as harsher sentences are given to those convicted of using or attempting to use a WMD.³⁵
- Without labeling fentanyl as a WMD, existing domestic and international legal authorities related to CN may be sufficient to address the weaponization of fentanyl. For example, Section 229 of the Chemical Weapons Convention Implementation Act of 1998 prohibits developing, acquiring, or producing any chemical weapon including precursors.³⁶

Avoid Declaring Mexican TCOs as FTOs

According to the State Department’s Bureau of Counterterrorism, “no TCO has ever been designated as a Foreign Terrorist Organization (FTO), but this proposition has become more than a topic of conversation.”³⁷ In March 2023, several senators submitted legislation to the Select Committee on Intelligence to “designate Mexican cartels and other transnational criminal organizations as foreign terrorist organizations and recognizing the threats those organizations pose to the people of the United States as terrorism.”³⁸

Reasons to Avoid:

- Potential legal consequences for U.S. citizens who engage in drug trafficking will be intensified if fentanyl-related activity is deemed linked to a terrorist organization.³⁹ There are many gray areas that would need clarification if TCOs were declared FTOs. For example, if a U.S. citizen purchased fentanyl that LE traced back to a TCO/FTO network, could the person be charged with supporting terrorism? If so, drug offense cases would move from the municipal level to federal courts, which could become inundated with cases for such a serious crime.
- There is currently limited support from Mexico in labeling TCOs as FTOs.⁴⁰ The United States would face substantial diplomatic challenges if it moved forward with such a declaration without consent from the Mexican government.
- There is concern that labeling Mexican drug cartels as FTOs would boost their motivation for prominence and power. National recognition as a FTO would heighten the profile of TCOs, inviting growth of illicit behavior.
- The fentanyl epidemic would be folded into counterterrorism efforts and treated as part of other national security approaches, losing sight of distinct priorities, disregarding fundamental root causes, and diluting potential impact.

Opportunities to Implement Lessons Learned from Previous CN Efforts

Leverage Available Data

Commercially available information and publicly available information present opportunities for the USG to disrupt, deny, or destroy the illicit fentanyl supply chain. As learned from Plan Colombia, eradicating drug components through military force is not a practical response to illicit fentanyl production. A more suitable approach is utilizing data to bridge knowledge gaps and exploit vulnerabilities in the end-to-end flow of fentanyl.⁴¹ The supply chain entails the purchase of precursors and equipment (e.g., pill presses), shipping and ports of entry, processing facilities/labs, TCO

brokers/intermediaries, marketplaces for finished products, money laundering, and much more. There are points in the fentanyl supply chain where data analysis could harness activity-based intelligence as a fundamental methodology. Activity-based intelligence generates trends, connections, and indicators useful to countering TCOs, their entities, and associated malign behavior.

Leveraging available data as a tool will:

- Guide LE operations and interdiction efforts by deriving actionable insight from multi-intelligence fusion.
- Require support from the private sector to acquire high-quality and applicable commercial data.
- Foster sustainable interagency collaboration for information and intelligence sharing.

WITH ADVANCING TECHNOLOGY AND EVER-INCREASING DATA COLLECTION, THE USG NEEDS TO FURTHER DEVELOP SUSTAINABLE INFRASTRUCTURE AND KNOWLEDGE MANAGEMENT FOR AN EFFICIENT DATA APPROACH.

Integrate Existing Stovepiped Efforts

An approach that considers the risk of strategic overreach and lessons learned will not be nearly as effective if the integration of existing IC and LE fentanyl efforts is not prioritized. Given that the fentanyl epidemic is a transnational threat, the collaboration between foreign and domestic missions is critical for impact, and the USG needs to take aggressive and intentional actions. Each department and agency possesses unique authorities to mitigate the illicit fentanyl problem but lacks the interagency processes to approach the issue holistically and efficiently. This further leads to stove piped efforts that result in redundancy rather than productive collaboration.

As detailed above, leveraging available data is essential in countering this threat, but this can be done only if the IC and LE collaborate more extensively. With advancing technology and ever-increasing data collection, the USG needs to further develop sustainable infrastructure and knowledge management for an efficient data approach. There are multiple departments, agencies, offices, and task forces working counter-fentanyl strategies, including the Office of National Drug Control Policy (ONDCP); High Intensity Drug Trafficking Area (HIDTA) task forces; the Organized Crime Drug Enforcement Task Forces (OCDETF); and the Joint Criminal Darknet Enforcement (J-CODE). Together with IC and LE organizations, they have made significant progress in joining forces. But they often focus on different parts of the problem. Additionally, integration with State, Local, Tribal and Territorial (SLTT) law enforcement must be prioritized, as these organizations are on the front lines and play a crucial role.

The IC can play a pivotal role in countering this national security threat by more fully integrating law enforcement throughout the intelligence process to optimize current whole-of-government capabilities. Regarding lessons learned from Plan Colombia, a cohesive approach among IC and LE fentanyl missions could prevent the outcome of only partial achievement of goals. Collaboration across organizations will empower evaluative measures to be executed to ensure progress. Unification across organizations will allow the USG to pivot and respond to the ever-changing environment of the fentanyl crisis while advancing efforts to fight malign foreign actors and save thousands of lives.

Apply Evidence-Based Public Health Reform

Evidence-based solutions, such as harm reduction, have proved to be successful in addressing substance use disorders.⁴² Unfortunately, harm reduction approaches have been implemented at a minimal level across the United States, largely due to political opposition.⁴³ Applying proven solutions, such as those embedded in the harm reduction strategy, at a nationwide level can be impactful where current opioid epidemic mitigation efforts have not.

Reasons to apply evidence-based public health reform:

- Due to the success of harm reduction services at the local level, advocating for such resources to be implemented at a federal level would provide ample funds to mitigate the epidemic on a national scale.⁴⁴
- The United States is not the only country that is suffering from and has suffered from a drug-related epidemic. Other countries, such as Switzerland, Czech Republic, and the Netherlands, have successfully implemented “human-based” strategies including harm reduction services, methadone clinics, and counseling at the federal government level to combat the opioid epidemic.⁴⁵
- Until the demand for fentanyl in the United States declines, the supply will only continue to rise. Therefore, to have impact on a drug-driven epidemic, the demand driving such supply must be addressed, and that starts with providing harm reduction services for individuals struggling with substance use disorder.

A Comprehensive Approach

The United States has been pursuing the counternarcotics mission for decades, exemplifying the evolving complexities of the threat and presenting opportunities to learn from past efforts. Plan Colombia is just one example of a CN approach the USG can evaluate to realign current and future strategies. The USG should translate the lessons learned from the case study into renewed efforts to counter illicit fentanyl, especially by opposing any military-centric approach and superficial policy enactments. The USG is presented with opportunities to implement long-standing approaches by leveraging available data, integrating stovepiped efforts, and applying evidence-based public health reforms. These three methods are complementary, and integrating efforts should be a high priority for the USG. The PRC’s role in exacerbating the fentanyl crisis reinforces the need for the IC to bridge the necessary gaps for law enforcement. The distinct organizational missions and responsibilities within the IC and LE offer significant value if the USG can successfully integrate these capabilities and foster a comprehensive approach.

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