



## Forum for American Leadership

### **It's Time to Get Serious on Fentanyl** **New Approaches are Needed with Mexico**

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Three weeks before the midterm elections, President Biden [spoke](#) with Mexican President Andres Manuel Lopez Obrador about immigration and deepening cooperation to combat the trafficking of fentanyl from Mexico to the United States. Two and half years into an administration, but better late than never. According to the CDC, [107,000](#) Americans overdosed in 2021. 70,000 of those died from synthetic opioids, mostly fentanyl, an increase of over 55% from 2020. Overdoses now constitute the number one cause of death for Americans ages 18-45, and drug abuse has been a main driver of the [decrease](#) in the average American life span. While most deaths in 2021 were adults, the [fastest growing](#) demographic of people dying from fentanyl overdoses are teenagers, whose death rates have doubled over the last two years. Many of these deaths are triggered by fentanyl being increasingly pressed into counterfeit pills, [42%](#) of which contain a potentially lethal dose.

There are both supply and demand factors at play, necessitating a strategy that tackles both. As a matter of foreign policy and national security, the [vast majority](#) of fentanyl enters the United States from Mexico, making security cooperation with Mexico to address the supply side of this crisis a central component of our success in combatting drug overdoses.

### **The Biden Administration is Yet to Step Up on Mexico**

While the Biden administration has renamed the Merida Initiative—now called the Bicentennial Framework—it seems to have made little substantive change to the security cooperation framework with Mexico from the U.S. side. Congress [allocated](#) \$133 million for the Merida Initiative in FY2020 under the Trump administration. After devising the Bicentennial Framework, the Biden administration [requested](#) \$117 million in assistance to Mexico in FY2022, which Congress upped to \$159 million—matching its FY2021 allotment. At the same time, despite announcing a [National Drug Control Strategy](#) that highlighted the need to hit drug traffickers where it hurts—“their wallets”—the Biden administration’s open border policy has helped put [\\$13 billion](#) into the hands of cartels from human trafficking alone, an increase of 2,500% over 2018.

Finally, the Biden administration’s long-delayed and recently released National Security Strategy (NSS) [fails](#) demonstrably to take fentanyl seriously and to present a plan to combat it as a threat to American national security. The NSS contains a whole section related to the threat of international terrorism, but only mentions the threat of fentanyl in passing, almost as an afterthought. According to data accumulated since 1995, and including the 9/11 terrorist attacks in the United States in 2001, 3,905 Americans have died in the United States due to [terrorism](#), the vast majority of whom were killed on one day, 9/11. Compare that to 70,000 Americans who

died *last year* from fentanyl, and the over [one million](#) Americans who have died from drug overdoses since 1999. The Biden administration's response to the threat of fentanyl is fundamentally unserious and out of touch with the challenges faced by American families.

- Fentanyl is a gamechanger for the [U.S.-Mexico bilateral relationship](#), and it should be treated as such. So far, the Biden administration has mostly given Mexico a pass, in part to ensure Mexican cooperation on immigration, even as the administration fails to uphold U.S. law itself.
- Security cooperation with Mexico and impeding the supply of fentanyl to the United States has worked during previous fentanyl outbreaks in 1985 and 2006. Since taking office in 2018, however, President Lopez Obrador (AMLO) and his party passed a national security law to limit cooperation with the United States, withheld visas of DEA agents for months, and apparently used them as a bargaining chip on other matters. He has also [severely limited](#) DEA range of motion and [released](#) former Mexican Defense Secretary Salvador Cienfuegos without charges or a trial after he was returned to Mexico following his indictment in the United States. AMLO often speaks of security issues as an area of Mexican sovereign control but then does little to ensure actual Mexican sovereignty from encroachment by the cartels, which NORTHCOM now estimates control nearly 35% of all Mexican territory.
- President Lopez Obrador has made no secret of his soft spot for the Sinaloa cartel, visiting with El Chapo's mother in the heart of cartel country on at least two occasions with no security detail. It begs the question as to why the President of Mexico feels he does not need security when he visits places not controlled by Mexican security forces—as was evident in the battle the military lost in [Culiacan](#) in 2019 where Chapo's son was captured and released—and instead fully controlled by the Sinaloa Cartel.

## What to Do

In order to reverse the current dynamic in the U.S.-Mexico relationship and to begin to tackle the challenge of fentanyl in the serious way it deserves, the Forum for American Leadership [Latin America](#) Working Group recommends the following immediate step to begin to address the supply side of the fentanyl problem.

1. **Secure the border:** The open border between the United States and Mexico directly empowers cartels. In 2018, Secretary of Homeland Security Kirstjen Nielsen [testified](#) that cartels made a total of \$500 million smuggling illegal immigrants into America. In 2022, that number soared to over \$13 billion. The U.S. must enforce our own laws and stem the flow of people across the border. Existing U.S. laws must be enforced, and border barriers should be completed where necessary to stem the flow of migrants and drug trafficking. Further, the Biden administration has given AMLO leverage by outsourcing border enforcement to Mexico. This has to stop so that the U.S. has leverage that can be used in other areas of the relationship.
2. **Actually Address the Fentanyl Crisis:** The administration needs to be forced to come up with a multifaceted plan to deal with fentanyl. The plan should combine several elements, including those related to supply:

- **Signal to the Mexican Government that business as usual is over.** The administration should put AMLO and his government on notice that the status quo is not acceptable and that the United States will begin targeting corrupt officials, particularly at the state level, who facilitate or turn a blind eye to this trafficking.
- **Enhance border inspections and enforcement, including of U.S. citizens.** While the border is the last line of defense, it should be a line of defense, not a freeway for traffickers. The massive flows of humanity ensure Border Patrol cannot focus the required attention on seizures and on keeping up with the evolving methods of smuggling used by cartels. Indeed, there are reports that cartels smuggle migrants in one direction so that they can [distract](#) border patrol and then smuggle drugs in the other. Border enforcement is not a panacea for dealing with fentanyl, but it is an important element of deterrence.
- **Expand the use of the [Kingpin Act](#).** This legislation allows the United States to sanction not only the traffickers and financial middlemen, but also could be read to allow it to target Mexican government officials that enable this trade. The U.S. should target key states—starting with Sinaloa—then research and compile information on state-level officials, local mayors, and security officials and use sanctions to deter cooperation with the cartels.
- **Investigate and catalogue properties owned by Mexican government officials from key trafficking states, including Sinaloa and Michoacán.** This should be done by state- and local-level governments in the United States. Assets of sanctioned officials, once found, can be blocked under *Kingpin Act* authorities in coordination with federal agencies.
- **Mine the hack.** According to media reports, the so-called Guacamaya hack—the recent hack of Mexico’s military database that allegedly contains 6TB of data—includes information held by the military on [ties](#) of local mayors across Mexico to the cartels. This could be a treasure trove for U.S. sanctions under the Kingpin Act and it should be mined and combined with existing U.S. intelligence information to begin to exact a price on those who enable this trafficking.
- **Crack down on visas for those suspected of involvement in the drug trade.** The State Department Visa Services Office should exercise more broadly the "prudential revocation" of non-immigrant visas for those persons and government officials under investigation or suspected of being involved in the drug trade. Existing USG regulations ([Foreign Affairs Manual Section 403.11](#)) already permit this targeted action which could directly impact those who work against us in curbing drug-related deaths. U.S. intelligence, law enforcement, and national security agencies should develop lists of those persons proven or suspected to be involved in this pernicious trade for review by the Visa Office and/or issue immediate visa revocations in accordance with existing procedures and authorities.
- **Deepen cooperation against chemical precursors entering Mexico from China.** These chemical precursors typically enter the country via Mexican ports, and the U.S. and Mexico can trace and track suspected shipments and collaborate on plans to destroy and/or confiscate the precursors to keep them from criminals. The two governments are already doing this, but existing programs need to be scaled to combat the threat.

3. **Take Congressional action:** There are multiple avenues through which Congress can establish oversight mechanisms and correct the direction of U.S. policy in addressing the fentanyl crisis and the Biden administration’s policy shortcomings, including:
- **Require reporting that examines U.S. security assistance to Mexico.** To increase oversight, Congress should mandate that the administration report on the final destination and end use of American security assistance to Mexico. Congress should investigate any potential instances of U.S. funds enabling the fentanyl trade and put conditions on U.S. aid.
  - **Increase funding for DHS counter-fentanyl technology.** Congress should work with DHS to increase available funding for emerging technologies that could detect fentanyl during border inspections at ports of entry.
  - **See through the recommendations from the Opioid Commission report.** Congress should craft legislation that implements the full spectrum of response pillars and action items from the 2022 Opioid Commission [report](#). These elements include policy implementation, supply reduction, demand reduction, international cooperation, and research and monitoring.
  - **Transition from temporary emergency to permanent scheduling of fentanyl.** Fentanyl-related substances are currently temporarily listed as Schedule 1 under the *Controlled Substances Act*, first through administrative action by the Drug Enforcement Agency (DEA) and later extended by legislation. The *Controlled Substances Act* should be amended to permanently classify any fentanyl-related substances as Schedule 1. 70,000 Americans died from synthetic opioids, primarily fentanyl, in 2021. Finding solutions will begin with correctly classifying the acute challenge under law.

*This paper is a product of the Forum for American Leadership’s [Latin America](#) Working Group.*

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