

ONE HUNDRED SEVENTEENTH CONGRESS

**Congress of the United States**

**House of Representatives**

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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judiciary.house.gov

November 28, 2022

The Honorable Anne Milgram  
Administrator  
Drug Enforcement Administration  
U.S. Department of Justice  
8701 Morrisette Drive  
Springfield, VA 22151

Dear Administrator Milgram:

We are conducting oversight of the Drug Enforcement Administration's efforts to combat the opioid crisis. This oversight includes an examination of the Biden-Harris Administration's position of only supporting a permanent class-wide scheduling of fentanyl-related substances into Schedule I of the Controlled Substances Act (CSA) if it is tied to far-left, anti-law enforcement policies.<sup>1</sup> As stated in our September 14, 2022 letter,<sup>2</sup> the Administration should not use the permanent class-wide scheduling of fentanyl-related substances—a change that would greatly assist our efforts against the opioid crisis—as a bargaining tool to reduce or remove criminal penalties for drug dealers.

The DEA has repeatedly stonewalled our requests for basic information. To date, the DEA has not sufficiently responded to any of our specific requests. Our various requests to you, accordingly, remain outstanding. Committee Republicans intend to continue to conduct its oversight work, including into the 118th Congress if necessary. We reiterate our requests, which are itemized in the attached appendix and incorporated herein. Additionally, we request that you produce all documents and communications between or among employees or officials of the DEA, Executive Office of the President, or the Department of Justice referring or relating to the permanent class-wide scheduling of fentanyl-related substances into Schedule I of the CSA, for the period of January 20, 2021, to the present. We ask that you, as the custodian of all DEA records, produce the entirety of the requested material as soon as possible but no later than December 12, 2022.

Furthermore, this letter serves as a formal request to preserve all existing and future

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<sup>1</sup> The White House, Press Release, *Biden-Harris Administration Provides Recommendations to Congress on Reducing Illicit Fentanyl-Related Substances*, (Sept. 2, 2021).

<sup>2</sup> Letter from Jim Jordan, et al., Ranking Member, H. Comm. on the Judiciary, to Anne Milgram, Administrator, Drug Enforcement Administration (Sept. 14 2022).

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records and materials in your possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is fluid and cursive, with the first name "Jim" and last name "Jordan" clearly distinguishable.

Jim Jordan  
Ranking Member

cc: The Honorable Jerrold L. Nadler  
Chairman

Enclosure

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**Appendix: Outstanding Oversight Requests**

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September 14, 2022:

1. Provide a detailed graphical table of known fentanyl-related substances with specific bioactivity levels and mu-opioid receptor stimulation figures in comparison to fentanyl, morphine, and any other substances deemed appropriate by DEA's diversion control division.
2. Explain whether there are any known fentanyl-related substances that are non-bioactive or do not stimulate opioid receptors. If so, provide all examples.
3. Explain whether the following substances are considered to be a fentanyl-related substance and whether they may have bioactivity levels:
  - a. Benzylfentanyl;
  - b. Mirfentanil;
  - c. Imodium; and
  - d. AT202.
4. Explain whether any other substances have been excluded from the classification of fentanyl-related substances due to a lack of bioactivity levels. If so, provide all examples.
5. A staff briefing on this topic.