

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

September 9, 2019

Mr. Matthew Donahue
Regional Director, North and Central Americas
Operation Division
Drug Enforcement Administration
U.S. Department of Justice
8701 Morrissette Drive
Springfield, VA 22152

Dear Mr. Donahue:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, July 16, 2019, at the hearing entitled "Oversight of Federal Efforts to Combat the Spread of Illicit Fentanyl." We appreciate the time and effort you gave as a witness before the Subcommittee on Oversight and Investigations.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Monday, September 23, 2019. As previously noted, this transmittal letter and your responses, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your responses should be transmitted by e-mail in the Word document provided with this letter to Jourdan Lewis with the Committee staff (jourdan.lewis@mail.house.gov). A paper copy of your responses is not required. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

Mr. Matthew Donahue
Page 2

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Ms. Lewis at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.
Chairman

Attachment

cc: Hon. Greg Walden, Ranking Member
Committee on Energy and Commerce

Hon. Diana DeGette, Chair
Subcommittee on Oversight and Investigations

Hon. Brett Guthrie, Ranking Member
Subcommittee on Oversight and Investigations

**Committee on Energy and Commerce
Subcommittee on Oversight and Investigations**

**Hearing on
“Oversight of Federal Efforts to Combat the Spread of Illicit Fentanyl”**

July 16, 2019

**Mr. Matthew Donahue, Regional Director North and Central Americas, Operation
Division, Drug Enforcement Administration, U.S. Department of Justice**

The Honorable Frank Pallone, Jr. (D-NJ)

1. Please explain how the United States Drug Enforcement Administration (DEA) is addressing the use of the Dark Net to facilitate fentanyl purchases, including by responding to the following:
 - a. Whether DEA routinely shares information regarding Dark Net purchases with other agencies, including whether and in what circumstances DEA shares information with U.S. Customs and Border Protection (CBP) so that CBP can use this information to target and interdict fentanyl shipments through its automated targeting tool; and
 - b. Whether DEA conducts controlled buys on the Dark Net mainly for individual prosecutions, or whether it systemically uses this data to disrupt the marketplace, such as by using credit card information or shipping information to identify and eliminate the means and incentives to traffic fentanyl.

The Honorable Brett Guthrie (R-KY)

1. What has been the impact of the temporary emergency scheduling of all fentanyl-rated substances as Schedule I drugs since February 2018?
2. What are the justifications for making the temporary emergency scheduling permanent?
3. The United States-China Economic and Security Review Commission stated in a November 2018 report that “China remains the largest source of illicit fentanyl and fentanyl-like substances in the United States.” However, numerous federal officials and drug agents have said Mexican groups are behind the bulk of the fentanyl arriving in the United States. What is your professional judgment as to which country is the largest source of illicit fentanyl coming into the United States?

4. In October 2017, the U.S. Department of Justice announced the first indictments against Chinese nationals who were manufacturers and distributors of fentanyl. Even though there is little prospect that the Chinese nationals will ever be in an American courtroom, what is the purpose and impact of indicting Chinese nationals for illicit fentanyl trafficking?
5. How many different fentanyl analogs have been identified as coming from China?
6. What are some of the common ways in which fentanyl is trafficked from China to the United States?
7. Do you agree with the Wilson Center Mexico Institute report that the key fentanyl trafficking route in Mexico is through the Baja-California border area?
8. Do you agree with the Wilson Center Mexico Institute report that fentanyl is not a priority for Mexican law enforcement?
9. Could Mexico increase its capacity to detect and test for fentanyl and its analogs at its laboratories?
10. Is there a problem with Mexican law enforcement providing the U.S. Drug Enforcement Administration (DEA) with access to inspections of seized laboratories and chemicals? If so, what can be done to address this problem?
11. How many fentanyl synthesis labs are believed to exist in Mexico?
12. What are some of the common ways in which fentanyl is trafficked from Mexico into the United States?
13. How much of a threat does illicit fentanyl trafficking from Canada pose to the United States? What is being done to monitor and respond to this threat?
14. If the Chinese scheduling of fentanyl is effective, is there a concern that there will be more fentanyl analogs and fentanyl precursors manufactured and illicitly sourced in the United States?
15. What role do gangs from the Dominican Republic play in fentanyl trafficking?
16. Is there reason to believe that there is illicit fentanyl trafficking in Russia and the Ukraine?

17. It is my understanding that there are two primary methods to synthesize fentanyl: the Janssen method and the Siegfried method. The DEA has stated that the Janssen method is difficult to perform and is beyond the rudimentary skills of most clandestine laboratory operators. In the 2018 Drug Threat Assessment, DEA stated that clandestinely produced fentanyl is synthesized using the Siegfried method, as it is simpler for drug trafficking organizations to follow the steps involved. However, the DEA's January 2019 Fentanyl Signature Profiling Program using new techniques was able to analyze many more fentanyl samples and found that the Janssen method was the predominant synthetic route. What are the possible implications of this finding?
18. Drug traffickers often use freight forwarders to ship fentanyl and fentanyl analogs from China. Such multiple transfers of custody make it difficult for law enforcement to track these packages. Are changes in the law needed to combat the problem of freight forwarding of fentanyl in the mail? If so, what are some suggestions to do so?
19. What are the Organized Crime Drug Enforcement Task Forces (OCDETF)?
20. How is OCDETF important in the effort combat illicit fentanyl trafficking?
21. Many of the fentanyl sources operate on the dark web and use bitcoin for financing. Are DEA or Homeland Security Investigations (HSI) seeing any evidence that credit card companies, consignment carriers, or domain registrars are accepting bitcoin as payment?
22. Are credit card companies, consignment carriers, and internet service providers (ISP) helping law enforcement to combat fentanyl trafficking on the dark web?
23. How have the dark web and crypto currency complicated attempts to target and shut down these supply chains? What is being done to overcome these difficulties?
24. How can data collection be improved to bolster your agency's intelligence and ability to interdict packages or seize narcotics, such as fentanyl?
25. Are labs at DEA, U.S. Customs and Border Protection (CBP), and FDA coordinating on fentanyl research and sharing fentanyl samples for each agency's specialized testing?
26. CBP's written testimony mentions pollen testing and analysis is being conducted by CBP's Laboratories and Scientific Services scientists to geolocate illicit opioid shipments. Are labs at other agencies working on testing techniques that could help geolocate illicit fentanyl shipments?
27. Could federal labs work to complement each other's effort to enhance geolocation of illicit fentanyl shipments?

The Honorable Michael C. Burgess, M.D. (R-TX)

1. I have reviewed a document published by the Drug Enforcement Administration's Diversion Control Division listing the DEA "cases against doctors". I was surprised to see that this list, despite going back to the early 2000s, is only 174 pages long. There are a few years that peaked, but it seems like the numbers have generally been low. Can you explain the trends of investigations of physician registrants that resulted in the arrest and prosecution of the registrant?

United States, Drug Enforcement Agency, Diversion Control Division. Cases Against Doctors.

<https://apps2.deadiversion.usdoj.gov/CasesAgainstDoctors/spring/main?execution=e1s1>

<u>Year</u>	<u># Cases Against Doctors</u>
2000	25
2001	23
2002	66
2003	35
2004	74
2005	40
2006	32
2007	42
2008	24
2009	26
2010	25
2011	70
2012	44
2013	31
2014	21
2015	37
2016	28
2017	47
2018	40
2019 (as of June 13)	14

The Honorable Susan Brooks (R-IN)

1. What is the availability of Narcan for all your law enforcement employees?