

**Questions for the Record:
Submitted by Congressman David Kustoff (R-TN)**

Energy and Commerce Subcommittee on Health
Hearing: “*Combating the Opioid Crisis: Helping Communities Balance
Enforcement and Patient Safety*”

Questions to Mr. Thomas Cosgrove, Partner, Covington & Burling, LLP.:

1. In your written testimony, you note that the Drug Enforcement Administration already has a role in connection with the distribution, importation, and exportation of a tableting machine or encapsulating machine.” While ultimately, this is true with the legitimate users of these machines, evidence suggests that those engaging in the illicit distribution of narcotics would likely not report their tableting or encapsulating machines to the DEA. The intent of this draft legislation is not to harm or overregulate those companies using tableting machines or encapsulating machine for legitimate purposes but rather, it is designed to give DEA the ability to prosecute those using the machines to produce illegal narcotics. With that in mind, can you provide specific details as to how you would best tailor this legislation to achieve the goal of reducing illegal pill presses on the street while preserving the ability for legitimate companies to avoid onerous regulations?
2. You mentioned that one possibility would be to amend the Chemical Diversion and Trafficking Act to give DEA broader authority under the provision. How would you amend this provision to effectively limit the illicit use of these machines?
3. In your best estimation, which countries do most of these encapsulating and tableting machines originate prior to being imported to the United States? Can you estimate as to how many of these machines are produced domestically?
4. It is understood that legitimate actors using encapsulating machines and tableting machines would register the device with the Drug Enforcement Administration. With that, it is believed that DEA can maintain a database of these machines, which they can monitor regularly. However, in an effort to prevent these machines from being used to produce illicit narcotics, how would you propose the DEA develop a more robust database to prevent these machines from ending up in the hands of bad actors?

Questions to Ms. Susan Gibson, Deputy Assistant Attorney, Diversion Control, Drug Enforcement Administration:

1. According to the written testimony of Mr. Thomas Cosgrove, the Drug Enforcement Administration currently has a “role in connection with the distribution, importation, and exportation of a tableting machine or encapsulating machine.” Could you describe DEA’s role in enforcing the distribution, importation, and exportation of a tableting or encapsulating machine?

2. How does DEA currently oversee the use of these machines and how regularly does this oversight occur? Is there any coordination between the DEA and other agencies to ensure that those machines currently registered with the DEA are used for legitimate purposes?
3. Of the number of registrants that DEA monitors allowing for the importation, exportation, and distribution of a tableting or encapsulating machine, is it safe to presume that those engaging in illicit activity through the use of these machines would avoid the registration process with the DEA? If so, what are the current penalties that a person could face if he or she is caught with an encapsulating or tableting machine that was not registered with the Drug Enforcement Administration?
4. From an importation standpoint, can DEA offer specifics to as where most of these devices originate? In your best estimation, what percentage of these tableting or encapsulating machines were registered with DEA?
5. How many legitimate shipments of tableting and encapsulating machines entered the United States? Which countries were the source of these shipments?