

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Chairman Frank Pallone, Jr.

Hearing on “The Overdose Crisis: Interagency Proposal to Combat Illicit Fentanyl-Related Substances”

December 2, 2021

Today, we continue this Committee’s work of combating the ongoing drug overdose crisis. This crisis is a tragedy – taking more than 100,000 Americans far too soon during the first 12 months of the COVID-19 pandemic.

For years, we have worked to combat this crisis. Earlier this year, as part of the American Rescue Plan, we included \$3 billion in funding for the mental health and substance use block grant programs at the Substance Abuse and Mental Health Services Administration. This funding was the largest aggregate amount of funding for these programs, and it goes to critical programs and services for people experiencing substance use disorder. The American Rescue Plan builds upon the work we have done, but we must do more.

Today, we are once again discussing solutions to the overdose issue and what more Congress can do to end this crisis.

Synthetic opioids, such as fentanyl and fentanyl analogues, have been a significant driver of overdose deaths in the United States. Last year, the Centers for Disease Control and Prevention (CDC) estimated that more than half of overdose deaths involved synthetic opioids and drugs mixed with synthetic opioids, primarily illicit fentanyl. Availability of illicit fentanyl in the United States has dramatically increased, and manufacturers have been able to evade regulation by rapidly manufacturing new versions of fentanyl substances that aren’t subject to control.

Today fentanyl-related substances are temporarily placed in Schedule I of the Controlled Substances Act, which is the strictest category of regulation. Schedule I is reserved for drugs that have no accepted medical use, a high potential for abuse, or a lack of accepted safety. Schedule I also prohibits the manufacturing, distribution or dispensing of these substances unless given explicit approval to do so.

The current temporary scheduling order subjecting fentanyl-related substances to these strict restrictions is set to expire on January 28, 2022, however, the Continuing Resolution (CR) we will consider this week will provide for an extension through February 18, 2022. It is critical that Congress and this Committee work together in a bipartisan fashion, with the Administration, to put in place a long-term solution.

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In September, the Biden Administration released recommendations to address illicit fentanyl-related substances prepared by the Office of National Drug Control Policy, the Department of Health and Human Services, and the Department of Justice (DOJ) and I appreciate the witnesses for joining us.

The Administration's proposal would create a class-wide definition of "fentanyl-related substances" and permanently place them into Schedule I. It would also create a mechanism to expedite rescheduling or de-scheduling of substances as needed. I am pleased that the proposal also includes provisions to streamline registration requirements for all Schedule I substances. Aligning Schedule I registration requirements more closely with Schedule II requirements will help expedite registration for researchers who want to study Schedule I substances and will hopefully help to expand further research in this space and development of future treatments.

I look forward to learning more about the details of the Administration's proposal, and why Congress should pass legislation to reflect their recommendations. As we discuss this proposal, it's also important we remember that this is a set of recommendations. This Committee is responsible for crafting the actual legislation that will help dramatically improve the lives of many Americans. There are many ideas and proposals to meet this goal, including strategies that strengthen prevention, treatment, harm reduction, and recovery services. There is no idea too big or small to get ahead of this crisis, and we must work together to solve it.

Finally, I am pleased that Drug Enforcement Agency (DEA) is represented here by its Principal Deputy Administrator, and I look forward to also working directly with DOJ on the Administration's proposal so this Committee can better understand the intent and rationale behind their policy recommendations related to enforcement.

I look forward to hearing from our witnesses. Thank you.