



Responses to Questions for the Record

submitted by

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to accompany the Wednesday, March 1, 2023, hearing on

**“The Fentanyl Crisis in America: Inaction is No Longer an Option”
Subcommittee on Crime and Federal Surveillance
House Committee on the Judiciary
United States House of Representatives**

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Questions from Congresswoman Cori Bush

- 1. Which President sought to eliminate the Office of National Drug Control Policy entirely?**

Response: President Trump proposed reducing the 2018 ONDCP budget by 96 percent, effectively eliminating the agency.

- 2. Is it true that this fiscal year, almost 97 percent of all fentanyl seizures are happening at ports of entry, and in 2021, U.S. citizens accounted for 86.3 percent of fentanyl trafficking convictions, compared to just 8.9 percent for undocumented immigrants?**

Response: Yes.

- 3. Is it true that of the millions of undocumented migrants who have been apprehended for crossing the border between ports of entry, only .02 percent of those possessed any fentanyl whatsoever?**

Response: Yes.

- 4. Have criminalization, mandatory minimums, and enforcement-based strategies deployed over the last 50 years ended the crisis of addiction and overdoses in this country?**

Response: As I mentioned in my opening testimony, these strategies are not effective deterrents. The cartels and dealers factor in and accept these risks when they enter this business and are willing to proceed because of the lure of huge profits. They also are much more afraid of rival dealers/cartels than they are of the U.S. criminal legal system.

5. What does a public health, holistic, evidence-based strategy that includes harm-reduction strategies to tackle this crisis look like?

Response: This Congress can make the overdose antidote naloxone more readily available. One way to do that is to reclassify the drug as over-the-counter. If the Food and Drug Administration doesn't act soon to make naloxone OTC, Congress has the authority to order the FDA to make the drug OTC.

Furthermore, Congress and state and local governments should repeal drug paraphernalia laws that stand in the way of harm reduction organizations handing out fentanyl and xylazine test strips and other drug testing equipment, clean syringes, and opening syringe services programs.

Congress should also repeal or amend 21 U.S.C. Section 856, also known as the "crack house" statute, so that harm reduction organizations can legally open Overdose Prevention Centers (OPCs), also known as safe consumption sites. OPCs began in Switzerland in 1986, and there are 147 OPCs in 16 countries and 91 locations. They effectively save lives and put people who use drugs in touch with social services and rehab programs. The U.S. is an outlier regarding OPCs because they are federally illegal.

Finally, Congress should allow primary care practitioners to prescribe take-home methadone to patients with substance use disorder. This will destigmatize people with substance use disorder and provide much greater access to this proven treatment for addiction.