

Statement of Judiciary Committee Ranking Member Doug Collins
Hearing on “Fentanyl Analogues: Perspectives on Classwide
Scheduling”
January 28, 2020 at 10:00 a.m.

Good morning.

9 days.

9 days are all that remain until the Drug Enforcement Administration’s (DEA) 2018 order making all fentanyl-related drugs illegal in the United States expires.

What does that mean?

It means that all drugs seized by U.S. investigators over the past two years that have tested positive as illicit fentanyl analogues will no longer be illegal.

Yes, you heard that correctly. It means that these substances that are killing people in communities across the country will no longer be illegal.

Illicit fentanyl and other synthetic opioids are now the most lethal category of opioids used in this country. In my home state of Georgia, between February 2017 and May 2017, the Georgia Bureau of Investigation had received 50 overdose cases involving “gray death.” “Gray death” is a drug cocktail described as a mixture of illicit opioids with the appearance of concrete.

When DEA’s temporary order expires, fentanyl analogues will undoubtedly flood our streets. No doubt, drug dealers and traffickers are counting down the few days we have left with much anticipation.

How did we get here? Why are we here at the eleventh hour?

It is our job in Congress to ensure that the DEA has the tools to protect our communities from these deadly drugs. Last month, during negotiations of the spending bill, we had the opportunity to extend the temporary scheduling order. That provision would give Congress time to continue negotiating a way to permanently schedule these dangerous substances. The chairman and ranking member of the Senate Judiciary Committee supported that provision. In fact, it was bipartisan in the Senate. I supported that provision. However, the chairman of this committee objected, and it was not included in the final bill.

Less than two weeks ago, the Senate unanimously passed a bill extending DEA's temporary

scheduling order of fentanyl analogues. The bill now sits here in the House awaiting action. What will the Speaker and the chairman of this committee do now? I pray they do the right thing: immediately pass this bill and send it to the President's desk. Those peddling these deadly drugs are hoping we don't act at all. So far, they've gotten their wish, because House Democrats have failed to take this obviously necessary step.

The most absurd irony in this entire ordeal is that China has permanently outlawed all fentanyl-related substances. If we allow DEA's temporary scheduling order to expire, we will be behind China in dealing with fentanyl analogues. They will flood our streets.

Mr. Chairman, I plead with you to expeditiously allow the Senate bill to move to the floor. It really is a matter of life or death and time is extremely short.

While I look forward to today's hearing and listening to our witnesses, particularly Mr. Holman, I would be remiss if I didn't point out that both the DEA and the Office of National Drug Control Policy (ONDCP) are absent. As I understand it, ONDCP very much wanted to be here today, but our majority did not invite them. It is puzzling why our majority would not want to hear from the office that works to reduce drug use and its consequences by leading and coordinating the development, implementation, and assessment of U.S. drug policy. Like many things we've seen as of late, something tells me it simply comes down to politics.

This is an issue where we must rise above political tribalism. It is far too important to too many Americans to let politics get in the way of finding solutions to combat this plague. Our constituents deserve no less.

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