

United States Senate

WASHINGTON, DC 20510
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April 6, 2022

Rahul Gupta, MD, MPH, MBA, FACP
Director
Office of National Drug Control Policy
1800 G St NW
Washington, DC 20006

Dear Director Gupta,

We write to express our concern that the Biden administration has not supported bipartisan, common sense legislative solutions to permanently schedule fentanyl-related substances as a Schedule I under the Controlled Substances Act, the strongest controls on substances with no accepted medical use and a high abuse potential. Instead, the Democrats in Washington have decided to play political games with a crisis fueled by products created in China and shipped across our southern border with Mexico, costing hundreds of thousands of and American lives.

On November 17, 2021, the Centers for Disease Control and Prevention (CDC) announced a new record of over 100,000 estimated overdose deaths in the United States in a one year span, an increase of nearly 30% from the year before.¹ The Journal of the American Medical Association published a study reporting the staggering figure that over five years, over 1.2 million years of life were lost in adolescents ages 10-19 as a result of drug overdose.² Fentanyl and fentanyl-related substances, a class of highly lethal synthetic opioids with high abuse potential, have driven these overdoses to record numbers. Fentanyl is now the number one cause of death for Americans 18 to 45 years of age.³ Fentanyl poisoning killed more people in the 18 to 45 year age group last year than COVID-19, suicide, car accidents, or gun violence.⁴ Instead of taking swift action to save our nation's youth, the Biden administration has put forward proposals that do not solve the problem, choosing instead to promote their political wish list.

In September 2021, the Office of National Drug Control Policy (ONDCP) sent a legislative proposal to Congress to combat illicitly manufactured fentanyl. This proposal was touted as “a long term and consensus approach.”⁵ However, this approach was filled with partisan criminal justice goals, doing away with certain mandatory minimum sentences and ignoring the national security and public health issues underpinning this crisis. The Biden administration is driving partisan and precedent-setting policies with proposals that should instead be targeted at saving the lives of the next generation of Americans.

¹ https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2021/20211117.htm.

² Hall OT, Trimble C, Garcia S, Entrup P, Deaner M, Teater J. Unintentional Drug Overdose Mortality in Years of Life Lost Among Adolescents and Young People in the US From 2015 to 2019. *JAMA Pediatr.* Published online January 31, 2022. doi:10.1001/jamapediatrics.2021.6032.

³ <https://familiesagainstfentanyl.org/>.

⁴ Id.

⁵ <https://www.whitehouse.gov/ondcp/briefing-room/2021/09/02/biden-harris-administration-provides-recommendations-to-congress-on-reducing-illicit-fentanyl-related-substances/>.

Dr. Rahul Gupta

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Not only is the delay of permanently scheduling fentanyl-related substances contributing to the overdose crisis, but it is also bolstering China and the Mexican cartels. Tens of thousands of pounds of fentanyl are being trafficked into the U.S every year. Since 2013, China has been the principal source of fentanyl, fentanyl-related substances, and the precursor chemicals from which they are produced. Chinese product is commonly shipped to Mexico and smuggled by cartels into the U.S illicit drug market. Traffickers have favored fentanyl-related substances to skirt around committing the crime of trafficking conventional fentanyl, a Schedule I controlled substance.⁶ The Drug Enforcement Agency (DEA) reports that the emergency temporary scheduling of fentanyl-related substances since 2018 has acted as an effective deterrent to traffickers. Permanently scheduling fentanyl-related substances would dramatically reduce the amount of these deadly chemicals from crossing our borders and flooding our streets. Without swift and strong federal action, our foreign adversaries will continue to grow and profit off of fentanyl and the loss of American life.

Congress continues to work in a bipartisan fashion to temporarily extend the Department of Justice's temporary scheduling of fentanyl-related substances, but a short term patch will never solve the long term crisis. It is critical for the federal government to have a straight forward, nonpolitical, policy and strategy to work with Congress to permanently schedule fentanyl and expand access to the research community to combat future overdose deaths.

On December 8, 2021, we introduced S.3336, the Halt All Lethal Trafficking (HALT) Fentanyl Act. The bill is a clean legislative solution that would permanently schedule fentanyl-related substance as Schedule I. The HALT Fentanyl Act would also address Democrat concerns about strong controls on Schedule I substances by promoting research on these substances. The bill would streamline the registration of researchers to conduct research on Schedule I substances who already hold Schedule I or II registration. The bill also pares down burdensome regulation that requires authorized research institutions to submit additional registration applications for other research staff who conduct research under the supervision of an existing registrant. The HALT Fentanyl Act is a true long term and consensus approach combatting fentanyl.

It is critical that the Biden Administration advance policies that are driven to save lives and keep our nation safe, not achieve political aims. Fentanyl has inundated our communities and will continue to kill our neighbors and loved ones. The time to enact a strong federal response to fentanyl is now, before another record is broken. We urge the Administration to support the HALT Fentanyl Act.

Sincerely,



Bill Cassidy
United States Senate



Richard Burr
United States Senate

⁶ [DOJ DEA Fentanyl Expiration of Temp Order SJC 4June19 final.pdf](#)