



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

The Honorable Jim Jordan  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Congressman Jordan and Senator Grassley:

This responds to your letter to the Attorney General and the Acting Administrator for the Drug Enforcement Administration (DEA) dated March 25, 2021, regarding the then-impending expiration of the DEA's temporary placement of fentanyl-related substances (FRS) in schedule I of the Controlled Substances Act, as extended by the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act (Pub. L. 116-114). We appreciate your continued interest in this important matter.

The Department of Justice (Department) is grateful that, since we received your letter, Congress passed, and the President signed, legislation that further extends the scheduling of FRS until October 22, 2021. The temporary extension of class scheduling preserves a critical tool for our overall efforts to address the opioid crisis while, at the same time, providing time and opportunity for Congress and the Administration to further study this issue and develop consensus on a permanent solution.

Synthetic opioids, specifically illicitly-produced fentanyl and FRS, continue to be the primary drivers of overdose deaths in our country. In fact, during fiscal year 2020, more than 50,000 people in the United States died from a synthetic opioid overdose, with fentanyl as the main contributor to these deaths. The continued legislative scheduling of FRS is a critical tool to deter and reduce the proliferation of novel forms of these deadly substances. Prior to class control, the Department was in a reactive mode, as new substances would appear as soon as the DEA individually scheduled a substance. This resulted in the rapid and continuous emergence of new illicit FRS. With the clarity and certainty of class scheduling, drug trafficking

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organizations now have little incentive to invent new FRS for the purpose of evading federal law enforcement. Accordingly, federal and state law enforcement have seen a steep decline both in the number of new types of FRS and the number of new FRS seizures.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Joe Gaeta  
Deputy Assistant Attorney General

cc: The Honorable Jerrold L. Nadler  
Ranking Member  
Committee on the Judiciary

The Honorable Richard J. Durbin  
Ranking Member  
Committee on the Judiciary