

United States Senate
WASHINGTON, DC 20510

April 12, 2023

VIA ELECTRONIC TRANSMISSION

Mr. Boyd Johnson
Partner
WilmerHale

Dear Mr. Johnson:

The Drug Enforcement Administration (DEA) hired WilmerHale to review DEA's foreign operations strategy using a sole-source contract. Typically, the government must award contracts through a competitive bidding process; however, DEA sidestepped that process by arguing that the "threat of illicit foreign drugs" demanded an expedited review that only WilmerHale could perform within the necessary six months.¹ DEA awarded WilmerHale the estimated \$1.35 million contract on that basis.

On March 24, 2023, DEA released its long-delayed report after an 18-month investigation titled, "Report on the Drug Enforcement Administration Foreign Operations Review." Over 107,000 Americans died of fentanyl poisoning during that time.² Though DEA originally billed this report as a "comprehensive review" of DEA's foreign operations strategy,³ the report glosses over or ignores serious shortcomings at the agency and spends much of its 49 pages quoting from publicly-available documents that one could have pulled off a web site or out of the DEA's operating manuals. Accordingly, Congress must perform objective and independent oversight with respect to the review to better understand how taxpayer funds were spent and whether WilmerHale earned the taxpayer money it received. Please answer the following questions and produce the requested information no later than April 26, 2023:

¹ Drug Enforcement Administration, Office of the Administrator, *Justification for Other than Full and Open Competition* (revised March 2021) (citing 41 U.S.C. § 3304(a)(2) and FAR 6.302-2 as to "unusual and compelling urgency"), on file with Committee staff.

² Centers for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths in 2021 Increase Half as Much as in 2020 – But Are Still Up 15%*, Press Release (May 11, 2022), https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm.

³ U.S. Drug Enforcement Administration, DEA Announces Foreign Operations Review Team, Press Release (October 26, 2021), <https://www.dea.gov/press-releases/2021/10/26/dea-announces-foreign-operations-review-team>.

1. All records⁴ provided by the DEA relating to the WilmerHale report.
2. All records that relate to WilmerHale's gathering of factual information, to include all interview materials, interrogatories, depositions, witness lists, interview or conversation transcripts, videos and audio recordings, photos and descriptions of any physical evidence, and all records in any format, not limited to emails, voicemails, text messages, or any communications related to leads and offers of information WilmerHale received from any source, relevant to the investigation, whether or not WilmerHale investigated those leads or sought further information from those sources.
3. The unedited and unredacted version of the foreign operations report, exactly as WilmerHale delivered it to the DEA and before DEA made any edits to it.
4. What is the exact date WilmerHale first delivered the report to DEA?
5. Have you ever had, or do you currently have, a personal friendship or other personal connection, through family or otherwise, with Ms. Anne Milgram, outside of the preparation of the DEA report at issue? If so, please describe chronologically and in detail the nature, duration, and extent of that relationship and connection.
6. Are you aware of any personal friendship or family connection between Mr. Jack Lawn, or any other person aiding in the preparation of the report, with Ms. Milgram? If so, please describe chronologically and in detail the nature, duration, and extent of that relationship and connection.
7. Did Administrator Milgram, anyone at DEA or any other government official ever request that you, Mr. Lawn, or anyone aiding in the preparation of the report make any additions, edits, deletions, or alterations of any kind to it? If so, please provide a detailed description of all such requests, and include all records of communications, including emails, phone conversations, text messages, and communications with DEA in any other format, concerning the content of the report, including all instructions or requests from DEA that you add, edit, or delete any material in it.
8. What role, if any, did Mr. Lawn have in the preparation of the report?
9. What was the total amount WilmerHale ultimately charged DEA and the taxpayer to prepare the report?

⁴ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

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If you have any questions, please contact James Layne, on my Committee staff, at (202) 224-0642.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Ranking Member
Committee on the Budget