

Nomination of Terrance Cole
To be Administrator of the Drug Enforcement Administration
Questions for the Record
May 7, 2025

QUESTIONS FROM CHAIRMAN GRASSLEY

1. On April 20, 2023, I wrote former DEA Administrator Anne Milgram asking about credible whistleblower allegations of irregular hiring and contracting practices at DEA, including allegations that the DEA hired either prime contractors or instructed prime contractors to hire subcontractors with whom Administrator Milgram or other DEA staff were personally connected. This includes a sole source contract DEA granted for an “independent” review of its foreign operations. That report, titled “Report on the Drug Enforcement Administration Foreign Operations Review,” was prepared by Mr. Boyd Johnson, a partner at WilmerHale law firm, as well as former DEA Administrator John C. “Jack” Lawn. DEA failed to cooperate with my investigation.
 - a. If confirmed, will you cooperate with my investigation of alleged contract irregularities in the previous administration and provide the records and information I’ve requested in my letters on the subject to Administrator Milgram?

RESPONSE: If confirmed, I look forward to working with you, and this Committee, on these issues. I will consult with officials in the Department of Justice’s Office of Legislative Affairs and the DEA’s Office of Congressional Affairs to ensure that DEA responds to your requests, consistent with the Department’s policies and principles.

2. Mr. Brian Besser, then Special Agent in Charge of the Rocky Mountain Field Division of the DEA, provided legally-protected whistleblower disclosures to my office about improper DEA contracts. The DEA terminated him shortly after he cooperated with my investigation and, according to him, after he provided information to the DOJ Office of the Inspector General. The DEA to date has also failed to fully respond to my inquiry related to the termination of Mr. Besser, despite repeated attempts.
 - a. If confirmed, what steps will you take to review Mr. Besser’s case, reinstate him, and hold the retaliators accountable?

RESPONSE: I am not familiar with the circumstances concerning Mr. Besser’s removal, but if confirmed I will consult with appropriate personnel within DEA regarding Mr. Besser’s removal and the justification provided for it.

- b. If confirmed, do you pledge that you will protect whistleblowers against retaliation as required by law?

RESPONSE: Yes, if confirmed, I will be committed to protecting whistleblowers from retaliation.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Terrance Christopher Cole
Nominee to be Administrator of the Drug Enforcement Administration
May 7, 2025

1. On March 25, Deputy Attorney General Todd Blanche issued a memo to Justice Department component heads proposing—among other things—combining the Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) into a single component agency.

a. Were you involved in crafting this proposal or were you aware of this plan prior to the March 25 memo?

RESPONSE: No

b. Do you support combining DEA and ATF? Please explain why or why not.

RESPONSE: If confirmed, I will review these matters and offer any advice I can during any discussions on this question. I will always work to serve the law enforcement mission to protect and serve the people of the United States, uphold the law and defend the Constitution.

c. How would a reduced workforce and budget improve outcomes for two of the most overworked components of the Department of Justice?

RESPONSE: I am not familiar with the details of these proposals. If confirmed, I will work to ensure the men and women of law enforcement do what is needed to achieve our mission to protect and serve the people of the United States, uphold the law and defend the Constitution.

2. In October 2024, during an interview on the Sagely Speaking podcast, you discussed your time working in Colombia and the Jamundi massacre. You said:

But on May 22, 2006, that's when it all came crashing down for me... My team was on a law enforcement movement in Jamundi, Colombia and *my law enforcement team* was attacked by the Colombian military. (Emphasis added.) They were attacked because they were doing the right thing. They were working with the Americans. They were patriots for their country...I lost ten people, ten people that worked for the United States government through the Colombian National Police. Ten people that were patriots for their country but loved our country and loved everything that we represented. And, it was probably the hardest day of my life, from going from the epicenter of the drug world and success to *losing people under your command* that believed in

you and that believed in what they stood for and what they were doing. (Emphasis added.)

You also described this as “the most challenging time[] of my life.” During your hearing, however, you distanced yourself and the DEA from any involvement in this massacre.

a. Was the team of 10 Colombian National Police officers killed in Jamundi on May 22, 2006 a foreign law enforcement unit supported by the DEA?

RESPONSE: I condemn the actions that took place in Jamundi. However, as I stated during my hearing, this was an operation conducted by Colombian National Police within their sovereign country. DEA was not involved in that operation, DEA did not provide any intelligence to the Colombian National Police in relation to that operation, and DEA was not on the ground with the Colombian National Police during that operation. This was an independent investigation conducted by Colombian National Police.

i. If so, what was your responsibility with respect to training the Colombian police officers who were killed?

RESPONSE: Please See my response to question 2.a. above.

ii. If not, why did you describe them as “my law enforcement team” and as “under your command” on the podcast?

RESPONSE: Please See my response to question 2.a. above.

b. Where were you when this attack took place?

RESPONSE: Please See my response to question 2.a. above.

c. Did the Colombian National Police officers involved in the Jamundi incident attempt to contact you as they were being ambushed and were they able to reach you?

RESPONSE: Please See my response to question 2.a. above.

i. If they attempted to reach you and were not able to, why?

RESPONSE: Please See my response to question 2.a. above.

You described this tragedy as “the hardest day of my life” and “the most challenging time[] of my life.”

d. Do you take any responsibility for this tragedy? If not, why not?

RESPONSE: Please See my response to question 2.a. above.

e. Did the DEA ever conduct an after-action report on this massacre?

RESPONSE: I am not aware of an after-action report conducted by DEA.

i. If so, what was the conclusion?

RESPONSE: Please See my response to question 2.e. above.

ii. If a report exists, please provide the Committee with a copy.

RESPONSE: Please See my response to question 2.e. above.

3. In 2017, *ProPublica* and *National Geographic* published a story about a 2011 massacre of civilians in Allende, Mexico by members of the Zeta Cartel. The story described the DEA operation that preceded the massacre of between 28 to 300 people. The Zeta Cartel's leaders allegedly were motivated to exact revenge when they learned that their phone numbers had been leaked to the DEA via an informant, allowing government authorities to track them.

You declined to be interviewed for the story, but you were identified in the article as the Dallas-based supervisor of the DEA agent who led the investigation and was interviewed for the story. The article notes that the DEA took credit for capturing the cartel leaders, but the agency did not say what, if anything, it did to investigate how the information about these phone numbers ended up in the hands of the Zetas.

a. Why did you decline to be interviewed for this article?

RESPONSE: The matter was the subject of an active investigation.

b. Did you play a role in authorizing the sharing of these phone numbers with the Mexican federal police unit that, according to the article, had a history of leaking information?

RESPONSE: I did not directly transfer any intelligence to Mexican authorities, and I complied with all DEA policies and got all necessary approvals concerning the handling of the information.

i. If so, please describe your role.

RESPONSE: Please see my response to Question 3.b above.

- c. Were you aware of the Mexican federal police unit's history of leaking information to the cartels?**

RESPONSE: Please see my response to Question 3.b above.

- d. If confirmed as DEA Administrator, what will you do to ensure that intelligence leaks do not occur that could put the lives of DEA agents, Americans, and other innocent people at risk?**

RESPONSE: As a former Special Agent, ensuring the safety of the law enforcement agents that put their lives on the line combatting the drug cartels is a top priority for me. If confirmed, I will work with my team to ensure that we are taking all necessary steps to ensure that DEA does not improperly compromise sensitive information.

4. On April 29, 2025, *ProPublica* published an article titled, "Trump Pick to Run DEA Could Challenge America's Already Tense Relationship with Mexico." The article claims that you sought a promotion to run the DEA's Mexico City office but were passed over. The article also suggests that this, coupled with the frustration of your career trajectory, was the impetus for your retirement from the DEA in 2020. As the article notes, despite having served in the DEA for 21 years, you never ascended to a top leadership role or ran one of the agency's 23 domestic field divisions.

- a. Did you seek this promotion in Mexico City?**

RESPONSE: Yes

- i. If so, why do you believe you were not promoted?**

RESPONSE: I was not provided with reasons for not being selected.

- b. During your 21 years of service, did you ever seek a promotion to a top leadership position at the DEA, including leading any of the agency's domestic field divisions?**

RESPONSE: Yes

- i. If so, why do you believe you were not promoted?**

RESPONSE: I was not provided with reasons for not being selected.

c. Did you retire from the DEA out of frustration with your career trajectory?

RESPONSE: No.

Senator Mike Lee
Questions for the Record
Terrance Cole to be Administrator of Drug Enforcement

- (1) This Committee has spent considerable time addressing the plague of fentanyl and fentanyl related substances affecting our country. I've read reporting that carfentanil, a substance 100 times more potent than fentanyl is quickly permeating through our nation. Yet this trend of newer, more potent, more lethal synthetic opioids is not new—it seems that every few months a new opioid is ravaging our communities. What ways forward do you see for the United States and the DEA to combat this never ending onslaught of opioids?

RESPONSE: If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs.

- (2) The DEA and Department of Justice just completed an operation that resulted in the seizure of a record-breaking amount of fentanyl in Utah and four other States. What more can Congress do to assist DEA in ridding our nation of this poison?

RESPONSE: The fentanyl crisis has devastated families and communities all across our country. If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs, and I look forward to working with Congress on this critically important task.

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QUESTIONS FROM SENATOR WHITEHOUSE

**Please answer each question and sub-question individually and as specifically as possible.
Where indicated, please provide only yes or no answers.**

1. Do cartels, including the Sinaloa and CJNG cartels, use U.S.-registered shell or front companies to produce, traffic, or launder the proceeds from illicit fentanyl or fentanyl-related substances?

RESPONSE: These cartels have demonstrated an extraordinary ability to adapt, evolve, and relocate their operations as they continue to flood our country with deadly drugs.

2. In a response to my Question for the Record from an April 2024 hearing in the Caucus on International Narcotics Control, entitled “Chinese Money Laundering Organizations: Cleaning Cartel Cash,” DEA stated: “The use of LLCs, trusts, and escrow accounts to launder drug proceeds both complicates and impedes DEA investigations. Every layer of complexity and anonymity that is utilized to conceal the true beneficiary of the laundered drug proceeds is done to thwart law enforcement attempts to identify and prosecute the individuals involved in the criminal activity.”
 - a. Do you agree that shell companies, where the true beneficial owners are hidden, complicate and impede DEA investigations? Does this include investigations into cartels trafficking illicit fentanyl or fentanyl-related substances, such as the Sinaloa Cartel and CJNG Cartel?

RESPONSE: The men and women of the Drug Enforcement Administration are targeting the illicit funds and financial networks of Sinaloa, CJNG and other designated foreign terrorist organizations that have been flooding the United States with fentanyl, cocaine and methamphetamine. DEA will utilize every judicial tool to follow the illicit finance and hold these bad actors accountable. The Corporate Transparency Act is currently the subject of litigation. Thus, I believe it would be inappropriate for me to comment given ongoing litigation where the United States is a party in interest.

3. At your confirmation hearing, you said, “cartels seek to expand their power through deep-rooted corruption, ruthless violence, relentless drive to profit from human suffering.” You described the cartels’ “coercion of government institutions” and “intimidation of law enforcement.”
 - a. What role do programs that aim to build partner-country law enforcement capacity, reduce impunity, reduce corruption, and professionalize prosecutor’s

offices play in dismantling and reducing the influence of transnational criminal organizations, like the Sinaloa and CJNG cartels?

RESPONSE: To effectively combat these cartels, we need to work creatively and collaboratively, using all tools at our disposal, including diplomacy, to ensure that we are targeting the cartels and foreign terrorist organizations flooding our country with deadly drugs.

4. At a March 2024 hearing in the Caucus on International Narcotics Control, entitled “Opaque Shell Companies: A Risk to National Security, Public Health, and Rule of Law,” Don Im, former Assistant Special Agent in Charge of the Special Operations Division, testified that DEA’s “drug money laundering investigations have gone down” over the last 20 years. He also stated that DEA’s financial operations division has been downgraded, and DEA’s capacity to target money laundering networks is not as robust as it used to be.
 - a. If confirmed, will you prioritize and expand—through budget and personnel increases—DEA’s capacity to identify, target, and dismantle the financial networks abused by drug trafficking organizations and their money launderers?

RESPONSE: If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs, including targeting the cartels’ financial networks.

- b. It’s obviously important to investigate the distribution of fentanyl and other dangerous illegal drugs. Is it also important to investigate the cartels’ finances and understand how and where they hide their assets? What will you do to improve DEA’s focus and capacity on cartel finances?

RESPONSE: If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively targeting these cartels, from their leadership to their financial infrastructure, to eliminate them and prevent their splintering into new organizations.

5. DEA agents have been granted Title 8 authority to assist with immigration enforcement activities. According to the Special Agent in Charge of DEA’s New Orleans Division, those activities include going to a “work site to do a work site inspection” and following up on information about where “an illegal alien is residing.”
 - a. Are you aware of any DEA investigations into illicit fentanyl traffickers or their money launderers, or activities and analytical work supporting those investigations, being delayed, paused, canceled, or adversely affected due to DEA personnel’s involvement in immigration enforcement activities led by DHS? If yes, please describe.

RESPONSE: No.

6. The DEA extended current telemedicine flexibilities for prescribing controlled medications through December 31, 2025. However, without a permanent solution that would allow doctors to undergo additional scrutiny to safely prescribe controlled substances through telehealth, many patients are at risk to losing access to their health care.

- a. If confirmed, will you ensure Americans have access to telehealth services for substance use disorders?

RESPONSE: Treating opioid addiction and dependence is a key part of our nation's response to the opioid crisis. If confirmed, I will give the matter careful consideration after consulting with appropriate personnel within the DEA and reviewing all relevant information.

7. The President's proposed Fiscal Year 2026 budget would slash DEA's funding for salaries and expenses by \$212 million.

- a. Do you believe, if enacted, these budget cuts would weaken DEA's ability to combat the distribution of illicit drugs in the United States?

RESPONSE: If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs.

- b. Would a reduction in the number of DEA personnel help or hinder DEA's investigative capacity?

RESPONSE: Please see my response to Question 7.a. above.

- c. Has anyone in the Trump Administration discussed these proposed cuts with you?

RESPONSE: No.

8. According to internal DOJ documents, the budget for Organized Crime Drug Enforcement Task Forces (OCDETF) will be zeroed out in FY26, and OCDETF's Fusion Center will be closed.

- a. Last month, DEA announced the sentencing of two individuals who operated a clandestine fentanyl lab in South Carolina, where agents found approximately 160,000 illicit pills. OCDETF resources were used for the case. Are you aware of any other instances where OCDETF funds, intelligence, or other resources

supported cases targeting the trafficking of illicit fentanyl or fentanyl-related substances?

RESPONSE: While I was at DEA, we partnered with OCDETF and participated in OCDETF Strike Forces to target, disrupt and eliminate the criminal cartels and foreign terrorist organizations flooding our country with illegal drugs.

- b. Do you think more or less resources should be dedicated to investigating the networks trafficking illicit fentanyl or fentanyl-related substances?

RESPONSE: If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs.

- c. Did you ever collaborate with OCDETF or participate in an OCDETF investigation during your career?

RESPONSE: Yes.

- d. Did OCDETF's funds, intelligence-sharing applications, or other products support investigations, arrests, and prosecutions of transnational criminals, including cartel members?

RESPONSE: Please see my response to Question 8.a., above.

- e. Do you think there should be more or less coordination between federal agencies responsible for investigating transnational criminal networks, including drug-trafficking organizations?

RESPONSE: If confirmed, I will work creatively and collaboratively, using all tools at our disposal to hold accountable those fueling addiction in communities across the United States. This is a mission that requires cooperation and coordination at the Federal, State, local, and Tribal levels, and, if confirmed, I will work with Federal, State, and local counterparts to address these issues.

- f. Would the closure of OCDETF's Fusion Center—which produced and disseminated 4,141 intelligence products to 36,693 law enforcement personnel in FY23—and elimination of OCDETF funds help or hinder DEA's investigative capacity?

RESPONSE: I am not aware of any efforts to close OCDETF's Fusion Center; however, if confirmed, I am prepared to review and discuss the matter with necessary and appropriate stakeholders.

9. Did Joe Biden win the 2020 presidential election?

RESPONSE: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 20, 2021.

**Nomination of Terrance Cole to be Administrator of the
U.S. Drug Enforcement Administration
Questions for the Record
Submitted May 7, 2025**

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you have any discussions with anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—about your loyalty to President Trump? If so, please elaborate.

RESPONSE: No

2. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

RESPONSE: I would not expect such an event to occur.

- a. If you would not resign, what would you do?

RESPONSE: I will follow the law and my oath to protect and defend the U.S. Constitution.

3. As the Administrator of the Drug Enforcement Administration (DEA), when is it appropriate to refuse to follow a directive from the President?

RESPONSE: Please see my response to Question 2.a.

4. How would you respond if your role at the DEA required you to follow a policy directive that was unconstitutional?

RESPONSE: Please see my response to Question 2.a.

5. During your hearing, you testified that the Mexican military and police officers are working “hand in hand” with cartel members, impeding efforts to stem the flow of drugs across our Southern border. Should you be confirmed, what role do you see yourself playing in facilitating a productive working relationship with officials in Mexico to effectively combat drug trafficking?

RESPONSE: Mexican drug trafficking organizations remain the greatest criminal drug threat to the United States. As someone who has worked in Mexico, I know that DEA has been committed to working with our counterparts in Mexico and if I am confirmed, I

will be committed to working with our counterparts in Mexico to combat the cartels that operate in Mexico.

6. In October 2024, the DEA reported an increase in counterfeit pharmaceutical drugs containing fentanyl and methamphetamine being marketed and sold as legitimate drugs by illegal online pharmacies. Should you be confirmed, how would you target and reduce the distribution of these drugs?

RESPONSE: The fentanyl crisis has devastated families and communities across our country. The proliferation of counterfeit pharmaceutical drugs containing fentanyl and methamphetamine is a very concerning issue to me. If confirmed, I will take a multi-pronged approach to address this issue by investigating illegal online pharmacies but also educating the public about the dangers of buying pills online from unlicensed pharmacies.

- a. How would you work to educate Americans on the risk of buying from these websites?

RESPONSE: As I stated during my hearing, I strongly support educational engagements with the public to ensure that parents and children have information about the dangers of illicit drugs and fake pills. If confirmed, I will work to ensure that DEA is engaging with the public about the dangers of illicit drugs and fake pills.

7. Deaths caused by opioid overdoses have reached epidemic levels in the United States, including in Delaware, with devastating consequences for communities and families.

- a. What actions do you believe are most effective to combat the opioid epidemic?

RESPONSE: The fentanyl crisis has devastated families and communities across our country. If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs. As I stated during my hearing, I also strongly support educational engagements with the public to ensure that parents and children have information about the dangers of illicit drugs

- b. How do you think the DEA can help break the cycle of addiction?

RESPONSE: Treating opioid addiction and dependence is a key part of our nation's response to the opioid crisis. If confirmed, I will work creatively and collaboratively, using all tools at our disposal to hold accountable those fueling addiction in communities across the United States and support treatment and recovery efforts to help addicted individuals overcome their addiction. This is a mission that requires cooperation and

coordination at the Federal, State, local, and Tribal levels, and if confirmed, I will work with Federal, State, local, and Tribal counterparts to address these issues.

8. In a 2024 article, you wrote, “Fentanyl continues to stream across the open border into the United States, highlighting the need for increased security to protect Virginians and American citizens.” In 2023, the U.S. Sentencing Commission found that 86.4% of fentanyl is being trafficked by U.S. citizens. Should you be confirmed, how would this data inform your approach to effectively combatting the fentanyl crisis?

- a. What role should the DEA play in assisting state and local law enforcement with addressing the fentanyl crisis?

RESPONSE: The fentanyl crisis has devastated families and communities across our country. If confirmed, DEA will focus on investigating the most serious drug trafficking cases and dismantling and eliminating the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs

- b. Do you commit to staying engaged with me and with other members of this Committee on the issue of fentanyl?

RESPONSE: I look forward to working with Congress on the critically important task of reducing overdose deaths and eliminating the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs and fentanyl.

9. What role have Organized Crime Drug Enforcement Task Forces (OCDETF) played in drug enforcement historically?

RESPONSE: While I was at DEA we partnered with OCDETF and participated in OCDETF Strike Forces to target, disrupt and eliminate the criminal cartels and foreign terrorist organizations flooding our country with illegal drugs.

- a. Have OCDETF been beneficial? If so why, and if not, why not?

RESPONSE: Please see my response to Question 9 above.

- b. How would discontinuing OCDETF impact drug enforcement?

RESPONSE: I am not aware of any efforts to discontinue OCDETF; however, if confirmed, I am prepared to review and discuss the matter with necessary and appropriate stakeholders.

10. The DEA’s 2024 National Drug Threat Assessment underscored the role that foreign underground banking systems play in fentanyl trafficking. Should you be confirmed, how would you coordinate with other agencies and international partners to address money laundering?

RESPONSE: If confirmed, I will work creatively and collaboratively, using all tools at our disposal to hold accountable those fueling addiction in communities across the United States to include the targeting of their illicit financial networks. This is a mission that requires cooperation and coordination at the Federal, State, local, and Tribal levels, as well as with international partners. If confirmed, I will work with Federal, State, and local counterparts to address these issues.

11. Fentanyl analogues—which have a chemical makeup substantively similar to fentanyl—have been classified as Schedule I substances, reserved for the most harmful drugs that carry the most severe criminal penalties. In 2021, the DEA identified 44 fentanyl-related substances. The Food and Drug Administration tested 25 of these substances and discovered that one could potentially serve as a life-saving treatment. Do you commit to providing transparency surrounding the fentanyl analogues that have been identified and evaluated?

RESPONSE: As I am not currently at DEA, I am not familiar with the details surrounding the identification of fentanyl analogues and fentanyl related substances. If confirmed I will consult with appropriate personnel in DEA on the current practice concerning fentanyl related substances and fentanyl analogues.

Senator Mazie K. Hirono
Senate Judiciary Committee

Nominations Hearing | April 30, 2025
Questions for the Record for Terrance Cole

1. Part of the DEA’s mission involves testing substances and coordinating with the Department of Health and Human Services to schedule these drugs under the Controlled Substances Act.

a. Will you have the DEA test fentanyl related substances and share the results with the committee?

RESPONSE: I am not familiar with the current testing process for fentanyl related substances or the regulatory process involving fentanyl related substances. If confirmed I will consult with appropriate personnel in DEA on the current practice concerning fentanyl related substances. I look forward to learning more about it and working with this committee, consistent with the Department’s policies and principles.

b. Specifically, will you share with this committee the number of fentanyl related substances the DEA has identified, the number of fentanyl related substances the DEA has tested, and the results of those tests?

RESPONSE: Please see my response to Question 1.a.

2. As part of this administration’s ongoing war against immigrants, Trump has just signed an executive order to restrict funds to so called “sanctuary jurisdictions.” In the past, you’ve spoken out against local jurisdictions who have decided that the best way to maintain public safety is to limit cooperation with federal immigration officials, so victims of crime can feel safe going to the police. The DEA has lauded its partnerships with state and local officials, saying that it allows the DEA to draw upon their local counterparts’ expertise and to share its resources to increase investigative potential.

We can’t catch criminals if people won’t even report the crime to the police. The federal government should not be second-guessing places that are trying to make sure people feel comfortable going to the police. **If local partners have this expertise, shouldn’t local jurisdictions make the decisions on what local policies keep their community safe?**

RESPONSE: Cooperation amongst all federal, state and local agencies is the best way to address the current drug crisis. If confirmed, I will work closely with components across the Department of Justice and other agencies across the government to work cooperatively on addressing the current drug crisis.

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QUESTIONS FROM SENATOR CORY A. BOOKER

1. In October 2022, the Department of Justice (DOJ) requested the Department of Health and Human Services (HHS) to conduct a scientific review of how marijuana is scheduled under the Controlled Substances Act. Section 811(b) of Title 21 of the United States Code requires the Attorney General to request a scheduling recommendation from the Secretary of HHS, based on an eight-factor medical and scientific analysis, to schedule, reschedule, or deschedule a substance. After conducting this eight-factor review and gathering scientific findings, HHS submitted a recommendation to DOJ to reschedule marijuana from Schedule I to Schedule III.¹ In May 2024, DOJ published a notice of proposed rulemaking to move cannabis from Schedule I to Schedule III under the Controlled Substances Act.

- a. If confirmed, will you follow the HHS recommendation to reschedule cannabis from Schedule I to Schedule III?

RESPONSE: If confirmed, I will give the matter careful consideration after consulting with appropriate personnel within the Drug Enforcement Administration, familiarizing myself with the current status of the regulatory process, and reviewing all relevant information.

- b. Is DOJ bound by the schedule process required by the Controlled Substances Act?

RESPONSE: As in all matters, if confirmed, I would look at the individualized facts and circumstances and follow the law and any policies of the Department.

- c. Under what circumstances do you believe it would be appropriate for the DEA to reject HHS's recommendation? Please provide specific examples.

RESPONSE: Please see my response to Question 1.a. above.

2. Since the enactment of the Controlled Substances Act more than 50 years ago, DEA has never overruled HHS's recommendation to re- or de-schedule a drug from the list of controlled substances.

¹ Press Release: Justice Department Submits Proposed Regulation to Reschedule Marijuana, U.S. DEP'T. OF JUST. (May 16, 2024) <https://www.justice.gov/archives/opa/pr/justice-department-submits-proposed-regulation-reschedule-marijuana>.

- a. If you are confirmed, do you commit to following the scheduling process required by the Controlled Substances Act?

RESPONSE: Please see my response to Question 1.b. above.

- b. Do you commit to following HHS's scheduling recommendations?

RESPONSE: Please see my response to Question 1.a. above.

- c. Should substances be scheduled according to their potential for abuse and accepted medical use, as required by the Controlled Substances Act?

RESPONSE: Please see my response to Question 1.b. above.

- d. Should substances that are harmless or have medical use belong in Schedule I, which is reserved for the most dangerous substances that have no medical use?

RESPONSE: Please see my response to Question 1.b. above.

- 3. DEA's mission is "to ensure the safety and health of American communities by combating criminal drug networks bringing harm, violence, overdoses, and poisonings to the United States."² As you know, there are different views on the types of measures Congress and the President should take to fight addiction and address the demand for drugs. An underutilized tool has been to focus on addiction through a public health lens and take measures that reduce overdose, dependency, addiction, and the need to use public resources to cycle people through the courts and prisons.

- a. Do you believe that there can be cases where a person's involvement in low-level drug activity is better addressed through non-carceral responses?

RESPONSE: If confirmed, I will work within DEA to enforce the law, reduce the availability of illicit drugs that cause addiction, and support treatment and recovery efforts to help addicted individuals overcome their addiction. I look forward to studying how DEA can support diversion programs, such as drug courts and other alternative treatment options.

² DEA Mission Statement, U.S. DRUG ENFORCEMENT ADMIN. <https://www.dea.gov/about/mission>.

- b. Do you believe that there are cases where people engaged in drug use or low-level activity who suffer from addiction should receive treatment instead of criminal penalties?

RESPONSE: Please see my response to Question 3.a. above.

- c. Do you believe that there are cases where people engaged in drug use or low-level activity who suffer from mental health illness should receive treatment instead of criminal penalties?

RESPONSE: Please see my response to Question 3.a. above.

- 4. The United States Sentencing Commission produces a report each year on the characteristics of defendants convicted for offenses related to trafficking fentanyl into the United States. According to that report, in Fiscal Year 2023, 86.4% of those convicted for fentanyl trafficking were United States citizens.³
 - a. Considering this fact, if confirmed, will you focus DEA's time and resources on combatting trafficking by U.S. citizens through ports of entry?

RESPONSE: If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs.

- b. How will you work with Congress to ensure that resources are allocated to expand the use of non-intrusive screening technology at ports of entry, the most common way that fentanyl enters the country?

RESPONSE: The fentanyl crisis has devastated families and communities all across our country. I strongly support tackling this issue, and I look forward to working with Congress on this critically important task.

- 5. The DOJ recently reported seizing 22 million fentanyl pills since the beginning of President Trump's administration. The Department claimed that this had actually saved the lives of 258 million people. Do you believe that two-thirds of the U.S. population would have died but for these seizures?

³ Quick Facts on Fentanyl Trafficking, UNITED STATES SENTENCING COMMISSION.
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Fentanyl_FY23.pdf.

RESPONSE: As I am not currently at DEA, I am not familiar with the details regarding DEA's seizures since the beginning of President Trump's administration. Without this context, I cannot comment on the particular representations to which this question refers.

6. Do you believe that substances that are not harmful should be criminalized? If yes, please provide your reasoning.

RESPONSE: Please see my response to Question 1.b. above.

7. If confirmed, will you commit to responding to Congressional inquiries in a timely manner?

RESPONSE: If confirmed, I will consult with officials in the Department of Justice's Office of Legislative Affairs and the DEA's Office of Congressional Affairs to ensure that DEA responds to your requests, consistent with the Department's policies and principles.

Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Nominations Hearing: Terrance Cole and Gadyaces Serralta”
Wednesday, April 30, 2025

Questions for Mr. Cole:

1. As Administrator, you would play a critical role in ensuring the agency’s enforcement posture adapts to any new legal framework for marijuana.

- a. **Do you believe marijuana has currently accepted medical use in treatment in the United States? Please explain your reasoning, including what factors the DEA should consider when evaluating scientific and medical evidence.**

RESPONSE: If confirmed, I will give the matter careful consideration after consulting with appropriate personnel within the Drug Enforcement Administration, familiarizing myself with the current status of the regulatory process, and reviewing all relevant information.

- b. **The DEA has initiated proceedings to reclassify marijuana as a Schedule III substance under the Controlled Substances Act. If confirmed, will you commit to completing the rulemaking process in a timely and good-faith manner, consistent with HHS’s scientific and medical recommendations?**

RESPONSE: Please see my response to Question 1.a above.

- c. **What steps would you take to ensure that the DEA’s enforcement practices reflect the new classification of marijuana under Schedule III and do not undermine the agency’s credibility?**

RESPONSE: Please see my response to Question 1.a above.

- d. **What is your view on the continued criminalization of marijuana at the federal level in states that have legalized its use? How should the DEA approach investigations or enforcement actions in those jurisdictions?**

RESPONSE: If confirmed, I will give the matter careful consideration after consulting with appropriate personnel within the Drug Enforcement Administration and reviewing all relevant information.

- e. **How will DEA guidance to personnel change with the reclassification of marijuana to Schedule III? Will you instruct DEA agents to deprioritize enforcement actions against marijuana-related activities conducted in compliance with state law?**

RESPONSE: Please see my response to Question 1.a above.

- f. **How do you plan to ensure that rescheduling does not create new criminal enforcement risks for individuals or businesses operating lawfully under state marijuana regimes, particularly with respect to controlled substance analogues or derivative products?**

RESPONSE: Please see my response to Question 1.d above.

2. The DEA's mandate intersects with the work of many public health agencies, especially in addressing addiction, overdose prevention, and treatment access. However, its enforcement-first orientation has often sidelined opportunities for meaningful collaboration with health-focused entities.

- a. **Do you agree that DEA should collaborate more robustly with public health agencies, including HHS, SAMHSA, and CDC, in developing a holistic federal drug policy response?**

RESPONSE: If confirmed, I will work closely with components across the Department of Justice and other agencies across the government on addressing the current drug crisis.

- b. **How would you improve DEA's coordination with local health departments and harm reduction organizations to reduce overdose deaths?**

RESPONSE: If confirmed, I will work creatively and collaboratively, using all tools at our disposal to hold accountable those fueling addiction in communities across the United States and support treatment and recovery efforts to help addicted individuals overcome their addiction. This is a mission that requires cooperation and coordination at the Federal, State, local, and Tribal levels and if confirmed, I will work with Federal, State, and local counterparts to address these issues.

- c. **Will you support research and pilot programs on alternatives to prosecution for individuals with substance use disorders, including diversion and treatment programs?**

RESPONSE: Treating opioid addiction and dependence is a key part of our nation's response to the opioid crisis. If confirmed, I look forward to studying how DEA can support diversion programs, such as drug courts and other alternative treatment options.

- d. **The DEA has proposed regulations affecting the prescribing of controlled substances via telemedicine. As currently drafted, the rules would impose blanket restrictions that could significantly limit access to mental health and substance use treatment. Will you commit to ensuring that DEA's telemedicine policies support continued access to care, particularly for patients with mental health needs, and reflect input from bipartisan public health stakeholders, including Congress?**

RESPONSE: If confirmed, I will give the matter careful consideration after consulting with appropriate personnel within the Drug Enforcement Administration, familiarizing myself with the current status of the regulatory process, and reviewing all relevant information.

3. The DEA's role in combating the fentanyl crisis must go beyond street-level interdiction alone. It is vital to integrate enforcement with public health strategies focused on prevention, treatment, and harm reduction.

- a. **What role should the DEA play in supporting demand-reduction strategies in addressing the fentanyl crisis, such as expanding access to treatment and overdose prevention, alongside supply-side enforcement?**

RESPONSE: Treating opioid addiction and dependence is a key part of our nation's response to the opioid crisis. If confirmed, I will work creatively and collaboratively, using all tools at our disposal to hold accountable those fueling addiction in communities across the United States and support treatment and recovery efforts to help addicted individuals overcome their addiction. This is a mission that requires cooperation and coordination at the Federal, State, local, and Tribal levels and if confirmed, I will work with Federal, State, and local counterparts to address these issues.

- b. **What specific metrics should DEA use to assess whether its fentanyl enforcement strategies are actually reducing overdose deaths or community harm?**

RESPONSE: Reducing overdose deaths is a primary concern of mine. As the Secretary of Public Safety and Homeland Security for the Commonwealth of Virginia, I've witnessed the toll these illicit drugs have on our communities and taken concrete action to decrease the violence and fentanyl poisonings in the Commonwealth, leading to a 35% decrease in fentanyl deaths in Virginia, the second largest decrease nationwide. If confirmed, I will be committed to ensuring that our strategies effectively reduce overdose deaths nationwide as they have in Virginia.

- c. **Would you support increased information-sharing and data collection agreements between DEA and HHS agencies (e.g., SAMHSA or CDC) to ensure enforcement priorities align with overdose trends and treatment needs?**

RESPONSE: Cooperation amongst all federal, state and local agencies is the best way to address the current drug crisis. If confirmed, I will work closely with components across the Department of Justice and other agencies across the government on addressing the current drug crisis.

- d. **DEA's recent "Operation Last Mile" actions have focused on targeting local distributors tied to cartel networks. What safeguards would you implement to ensure these operations do not result in over-policing of communities of color or undermine broader public health goals?**

RESPONSE: If confirmed, I will work with appropriate personnel within DEA, Department leadership and career staff to ensure our federal laws are equally enforced. Any DEA investigation launched under my watch will be in response to an articulable, factual and legal basis.

- e. **How do you plan to coordinate with state and local partners to distinguish high-level fentanyl trafficking networks from individuals struggling with substance use disorder, and how will that distinction shape your enforcement strategy?**

RESPONSE: Please see my response to Question 3.c above.

4. Immigration and drug enforcement are distinct areas of federal policy, yet you have repeatedly drawn links between immigration, terrorism, and drug trafficking. This framing raises concerns about expanding DEA's role in ways that could stigmatize immigrant communities and undermine trust in public safety efforts.

- a. **How would you ensure that DEA activities under your leadership do not contribute to the stigmatization or over-criminalization of immigrant communities?**

RESPONSE: If confirmed, I will work with appropriate personnel within DEA, Department leadership and career staff to ensure our federal laws are equally enforced. Any DEA investigation launched under my watch will be in response to an articulable, factual and legal basis.

- b. **Reports indicate that roughly a quarter of DEA personnel have been diverted to support immigration enforcement efforts under the current administration. Do you believe this shift has weakened DEA's capacity to pursue its core mission of disrupting major drug trafficking operations?**

RESPONSE: As President Trump has repeatedly stated, immigration is one of the foremost priorities for this administration, because we need to fix our broken border and the problems that communities across the country face because of the recent introduction into the country millions of migrants. My understanding is that DEA is currently working with our law enforcement partners in the Department of Homeland Security to assist in the apprehension of people who are in the country illegally. If I am confirmed, DEA will continue to assist our federal partners with their immigration enforcement work consistent with our authorities.

- c. **If confirmed, will you advocate for DEA staffing and resources to be reoriented toward investigating high-level narcotics crimes rather than general immigration operations?**

RESPONSE: If confirmed, I will prioritize every resource to ensure that the DEA workforce is effectively accomplishing its core mission to dismantle and eliminate the criminal cartels and foreign terrorist organizations flooding our country with deadly drugs.

- d. **Community engagement is a key part of DEA's education and prevention work. What is your plan to ensure that, under your leadership, all communities, including immigrant communities, feel safe engaging with and cooperating in the DEA's mission?**

RESPONSE: As I stated during my hearing, I strongly support educational engagements with the public to ensure that parents and children have information about the dangers of illicit drugs and fake pills. If confirmed, I will work to ensure that DEA is engaging with the public the dangers of illicit drugs and fake pills.

- e. **Will you commit to proactive engagement with immigrant communities to ensure their safety, inclusion, and trust in DEA efforts related to public safety and drug prevention?**

RESPONSE: Please see my response to Question 4.d above.

5. Racial disparities in drug enforcement have persisted for decades, with communities of color being disproportionately targeted for arrests, prosecutions, and sentencing. These patterns have deepened mistrust in law enforcement and undermined public confidence in federal drug policy.

- a. **What specific actions would you take as Administrator to assess and address racial disparities in federal drug enforcement activities, including arrests, prosecutions, and asset forfeiture practices?**

RESPONSE: If confirmed, I will work with appropriate personnel within DEA, Department leadership and career staff to ensure our federal laws are equally enforced and identify areas of improvement. Any DEA investigation launched under my watch will be in response to an articulable, factual and legal basis.

- b. **Will you commit to publishing data on racial and ethnic disparities in DEA enforcement outcomes, and using that data to shape internal reforms?**

RESPONSE: Please see my response to Question 5.a above.

- c. **What training or policy changes would you implement to reduce the risk of disparate enforcement against communities of color?**

RESPONSE: Please see my response to Question 5.a above.

**Senator Peter Welch
Senate Judiciary Committee
Written Questions for Terrence Cole
Hearing on “Nominations”
Wednesday, April 30, 2025**

1. Who won the 2020 presidential election?

RESPONSE: Former President Joseph Biden was certified as the winner of the 2020 presidential election and sworn in as the forty-sixth President on January 20, 2021.

The Department of Justice recently circulated a memo proposing to consolidate the DEA and ATF as part of a reorganization plan.

2. Have you discussed this proposal with any official in President Trump’s administration, including officials at the Department of Justice or the White House? If so, please provide information on who you spoke to, the contents of that conversation, and when it occurred.

RESPONSE: No

3. Do you have any concerns about this proposal given the differing functions of the two agencies?

RESPONSE: If confirmed, I will review these matters and offer any advice I can during any discussions on this question. I will always work to serve the law enforcement mission to protect and serve the people of the United States, uphold the law and defend the Constitution.