



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

December 12, 2017

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

Dear Mr. Chairman:

This responds to your letter dated December 8, 2017, to Drug Enforcement Administration (DEA) Acting Administrator Patterson and Attorney General Sessions. You wrote concerning the Committee's invitation for DEA Administrative Law Judge (ALJ) John Mulrooney II to testify at a hearing entitled, "Oversight of the Ensuring Patient Access and Effective Drug Enforcement Act," which is scheduled for December 12, 2017. We are sending identical responses to the other Senators who joined in your letter.

We appreciate your interest in DEA's enforcement actions, and share your concerns about the severity of the opioid epidemic ravaging our nation. As a general matter, we believe that the Department of Justice (Department) is best positioned to determine the most appropriate subject matter expert to represent the Department and provide Congressional testimony on a particular issue. Because the focus of the hearing is on diversion of controlled substances and related legislation, Demetra Ashley, Acting Assistant Administrator of DEA's Diversion Control Division, is most appropriately qualified to address the Committee's questions. Acting Assistant Administrator Ashley looks forward to answering the Committee's questions at the hearing. Administrative Law Judges (ALJs) are neutral finders of fact and therefore it would not be appropriate for Judge Mulrooney to testify on policy matters and legislation.

We recognize this is an important issue to you. We continue to look into your remaining questions and will provide additional information when it becomes available.

Sincerely,

A handwritten signature in black ink that reads "S. Boyd" with "FOR" written below it.

Stephen E. Boyd  
Assistant Attorney General