

**Senator Chuck Grassley, Ranking Member**  
**Questions for the Record**  
**Anne Milgram**  
**Nominee to be Director of the Drug Enforcement Agency**

1. When we met before your hearing, you indicated that the fight against fentanyl is critical and that you'd support efforts to schedule this deadly drug and its analogues. If confirmed, will you keep me and my colleagues updated on how DEA plans to address and schedule fentanyl analogues permanently?

**RESPONSE: Yes. If I am confirmed, I would look forward to working with you on this important issue.**

2. Do you believe that the United States' scheduling of fentanyl analogues serves as a preventative measure in that it encourages—or even requires—China to continue their scheduling authority over fentanyl substances? If yes, please explain how controlling these drugs stateside will prevent an increase in fentanyl abuse and death.

**RESPONSE: I am deeply concerned by the increase in overdose deaths during the COVID-19 pandemic. This highlights the danger posed by fentanyl and fentanyl related substances. While I am not yet at DEA, I can say from the outside that responding to the fentanyl crisis requires a multi-prong approach. This includes tackling the public health crisis created by opioids and fentanyl and targeting the sources of fentanyl, including precursor chemical suppliers in China and elsewhere. The United States' approach to scheduling fentanyl related substances sets an important precedent for China, Mexico, other countries. If confirmed, I would work with the career officials at DEA and the Department of Justice, the interagency partners, the Administration, and Congress on a permanent solution for fentanyl analogues.**

3. Cocaine is a powerful and deadly drug. According to the 2020 DEA National Drug Threat Assessment, "[p]roduction, trafficking, and abuse of cocaine consistently pose a threat to the safety and security of citizens and law enforcement." Deaths from cocaine overdose have increased by about 251% from 2010 to 2018. The supply of deadly cocaine entering the United States is increasing, too. According to Customs and Border Patrol (CBP), seizures of cocaine nationwide have increased by 70% from 2018 to 2019. Illicit drug manufacturers and distributors know how to manipulate substances, markets, and distribution networks to turn a profit. Cartels are increasingly combining cocaine with dangerous synthetic substances, like fentanyl. According to the DEA, overdose deaths involving cocaine and another synthetic substance increased from 167 deaths in 2010 to 8,659 deaths in 2018, a staggering 5,085% increase.

- a. If confirmed, how will you use your position at DEA to prevent cocaine abuse and stop drug cartels and bad actors from flooding our communities with this deadly drug?

**RESPONSE: I am very concerned with the increase in cocaine overdose deaths, particularly as cocaine becomes increasingly laced with fentanyl. DEA must tackle cocaine trafficking and addiction using a multi-pronged approach, including increasing law enforcement cooperation between the U.S. and its foreign partners, targeting for enforcement the most significant organizations and individuals trafficking and distributing cocaine, and increasing public health awareness and community engagement.**

- b. How much of a threat is cocaine in powder form as compared to base cocaine? Does DEA investigate, control, or prevent the use of these cocaine substances differently? If so, how and why?

**RESPONSE: I am familiar with the sentencing disparities between base cocaine and powder cocaine and with the disparate impact these disparities have had on communities of color. If I am confirmed, I would look forward to studying DEA's policies and practices with respect to base cocaine and powder cocaine and to working with your office on it.**

4. Transparency among manufacturers, distributors, and the Drug Enforcement Administration (DEA) is critical to limit drug diversion. I've supported measures to require monthly updates on the sale and delivery of controlled substances, and also penalize the inaction or criminal behavior of manufacturers, distributors, and pharmacies.

- a. If confirmed, will you work with me to ensure that DEA plays its part to limit drug diversion by increasing transparency and communication with drug manufacturers and distributors?

**RESPONSE: Yes. If I am confirmed, I would look forward to improving transparency and available data and to working with you on these issues.**

- b. How can the relationship between the DEA and drug manufacturers and distributors improve in this area to prevent drug diversion?

**RESPONSE: DEA must limit the supply of prescription opiates through drug quotas and vigilantly investigate companies who unlawfully distribute or divert prescription opioids. If I am confirmed, I would look forward to examining DEA's current drug diversion efforts and to examining the relationship between DEA, drug manufacturers, and distributors.**

5. Have you had any conversations with individuals associated with the organization Demand Justice, including but not limited to Brian Fallon or Chris Kang, in connection

with this or any other potential nomination? If so, please explain the nature of those conversations.

**RESPONSE: No.**

6. Have you had any conversations with individuals associated with the American Constitution Society, including but not limited to Russ Feingold, in connection with this or any other potential nomination? If so, please explain the nature of those conversations.

**RESPONSE: No.**

7. Have you had any conversations with individuals associated with the Tides Center with this or any other potential nomination? If so, please explain the nature of those conversations.

**RESPONSE: No.**

8. Have you had any conversations with individuals associated with the Lawyers Committee for Civil and Human Rights, including but not limited to Vanita Gupta, in connection with this or any other potential nomination. If so, please explain the nature of those conversations.

**RESPONSE: No.**

9. Have you had any conversations with individuals associated with the Open Society Foundations in connection with this or any other potential nomination? If so, please explain the nature of those conversations.

**RESPONSE: No.**

10. Please explain with particularity the process by which you answered these questions.

**RESPONSE: The Department of Justice received these questions on June 2, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized answers to the questions and authorized their transmission to the Committee on June 5, 2021.**

11. Do these answers reflect your true and personal views?

**RESPONSE: Yes.**

**Nomination of Anne Milgram to be  
Administrator of Drug Enforcement  
Questions for the Record  
Submitted June 2, 2021**

**QUESTIONS FROM SENATOR COTTON**

1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?

**RESPONSE: No.**

2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?

**RESPONSE: No.**

3. Do you believe that synthetic opioid trafficking is one of the greatest drug threats facing the United States today?

**RESPONSE: Yes.**

4. In 2018, as illicit drug labs were creating new fentanyl analogues to evade our drug laws, the Drug Enforcement Administration used its emergency scheduling authority to place all unscheduled fentanyl analogues on the list of Schedule One controlled substances. According to the Department of Justice, law enforcement encounters with uncontrolled fentanyl analogues have since dropped by almost 90 percent. Of course, we have more work to do to solve the opioid epidemic, but this is still a positive step. Unfortunately, that emergency scheduling action, which has been extended twice by Congress, will expire later this year. Should the government make it easier for illicit drug labs to create new fentanyl analogues by allowing that expiration?

**RESPONSE: The danger posed by fentanyl and fentanyl related substances is severe and we must deploy all available tools to combat this threat. I support a permanent solution for fentanyl related substances scheduling and believe it will be critical for DEA's important work combating the opioid crisis. If I am confirmed, I look forward to working on this issue.**

5. Should the United States reduce prison sentences for fentanyl traffickers?

**RESPONSE: The danger posed by violent drug traffickers is severe and we must deploy all available tools to combat this threat. If I am confirmed, I look forward to supporting DEA's strong record of successfully investigating transnational**

**criminal organizations and individuals involved in the manufacture, distribution, and trafficking of dangerous drugs.**

6. Should the United States reduce prison sentences for heroin traffickers?

**RESPONSE: See Question 5.**

7. Should the United States reduce prison sentences for meth traffickers?

**RESPONSE: See Question 5.**

8. Do insecure borders pose a drug threat to the United States?

**RESPONSE: The U.S./Mexico border plays a critical role in DEA's drug enforcement work. Strong border security is important to arresting the flow of illicit narcotics. If I am confirmed, I will look forward to reviewing the challenges at the border and to working across agencies, and with DHS in particular, to address narcotics smuggling, as well as human smuggling and trafficking.**

9. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.

**RESPONSE: The Department of Justice received these questions on June 2, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized answers to the questions and authorized their transmission to the Committee on June 5, 2021.**

10. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.

**RESPONSE: No.**

**SENATOR TED CRUZ**

**U.S. Senate Committee on the Judiciary**

**Questions for the Record for Ms. Anne Milgram to be Administrator of  
Drug Enforcement**

1. Do you personally own any firearms? If so, please list them.

**RESPONSE: No.**

2. Have you ever personally owned any firearms?

**RESPONSE: No.**

3. Have you ever used a firearm? If so, when and under what circumstances?

**RESPONSE: Yes, I used a firearm for target practice during training as an Assistant District Attorney in Manhattan.**

4. Is the ability to own a firearm a personal civil right?

**RESPONSE: In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that the Second Amendment protects “an individual right to keep and bear arms.” *Id.* at 595.**

5. Is the criminal justice system systemically racist?

**RESPONSE: The American criminal justice system, like the rest of our society, must continually work to ensure the promise of equal justice under law.**