

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Hearing on “Oversight of the Drug Enforcement Administration”
Wednesday, June 22, 2016**

I am pleased to welcome Chuck Rosenberg, Acting Administrator of the Drug Enforcement Administration (DEA) to testify today. But first we will hear testimony about DEA oversight from the Justice Department’s Inspector General and the Government Accountability Office.

This is the second time the Acting Administrator has testified before the Committee this month, so I am especially grateful for his presence here today.

The United States is experiencing an historic epidemic of drug overdose deaths. More than 47,000 Americans died from overdoses in 2014, an all-time high. That’s why this Committee passed the Comprehensive Addiction and Recovery Act of 2016, to help in the fight against heroin and prescription drug abuse. That bill needs to become law very soon.

In addition, the law’s ability to keep up with the recent rise in the production, marketing, and sale of synthetic drugs to the youth of America is a separate crisis, but is also contributing to this epidemic. We learned more about this in the Committee a few weeks ago.

The DEA has the critical mission of enforcing this Nation’s drug laws. We appreciate the hard working men and women of the DEA for the long, countless hours they dedicate to their mission. The missteps and misconduct of a few employees shouldn’t detract from the Agency’s successes.

Today the Acting Administrator will be discussing what he has done to improve the health of the agency.

Part of this effort is fixing the DEA’s broken disciplinary system. There have been some black eyes on this agency’s record, and accountability seems to be lacking. For example, there was the case of Daniel Chong. He was put in a DEA holding cell and forgotten about for five days without food or water. When Mr. Chong was discovered in his cell, he was suffering from organ failure and had to be hospitalized in the intensive care unit. It is hard to understand how that could happen. Disciplinary actions for the responsible employees ranged from only a seven-day suspension to letters of reprimand. Daniel Chong almost died, and yet no one was fired.

Then, we learned about DEA agents who attended sex parties with prostitutes funded by the local drug cartels. Worse yet, these parties occurred at their government-leased quarters, over a period of several years. The penalties for these agents ranged from just a two-day suspension to a maximum of a ten-day suspension. Again, no agent was dismissed. Fortunately, the Justice Department agreed that these penalties were too light.

Attorney General Holder ordered a systematic review of DEA’s disciplinary process. He tasked the Office of Professional Responsibility (OPR) with the review. That office normally handles attorney misconduct, so it seems odd for it to have been given this job. The independent

Inspector General reviewed DEA's disciplinary system back in 2004, so that would seem to be a more appropriate choice.

The review was supposed to be done more than six months ago. And there has been no explanation for the delay. So it's a real disappointment that Ms. Ashton from DOJ's Office of Professional Responsibility is not here today to answer questions about this review.

The Department tells me it has "serious concerns about the adequacy of discipline" at DEA, but then it refuses to send someone up here to tell us how they've been addressing those concerns.

Had Ms. Ashton been here, I would have asked her to explain the objectives, scope, and methodology of this systematic review. I would have asked her to explain the delays. And I would have asked her why her office was tasked with this review instead of the independent Inspector General. These are legitimate areas of congressional oversight and she should be here to answer these questions. So I hope to have a hearing on this report when it's completed so the Committee can get the full picture of how these serious issues are being addressed. September 22nd is three months from now. The report should be done by then.

Improving the health of the DEA requires vigorous oversight. Today we'll hear about some of that oversight. For example,

- Both the Inspector General and the Government Accountability Office found that the DEA's Confidential Source Policy was inconsistent with the Attorney General's Guidelines.
- The Inspector General found that over a period of 20 years DEA agents paid an Amtrak employee \$850,000 for information that was available for free.
- The Inspector General recently reported that the DEA spent more than \$86 million over seven years on an airplane to fly counternarcotics missions in Afghanistan that has not flown a single mission there.
- The Government Accountability Office found that DEA should be doing more to exclude people who are dead or in prison for felonies from its database of those authorized to manufacture and prescribe controlled substances.

Mr. Rosenberg wasn't the Administrator when some the problems identified in these independent audits occurred. But he is on the hook today to make sure that the recommendations from these reviews are implemented. He is also responsible for ensuring that the DEA is open to vigorous oversight, but I've heard too many reports of the DEA delaying or outright denying access to information.

For example:

- The Inspector General is still working on a report on confidential sources because it couldn't get the information it needed the first time around.

- Senator Whitehouse and I had to send a letter to the Attorney General because the Government Accountability Office couldn't get the data from DEA it needed for our drug shortages review.
- I've heard multiple times about the DEA preventing independent auditors from taking copies of documents and data that they are legally entitled to, making them work on-site for no reason, which is more cumbersome and time-consuming.
- The Government Accountability Office just released a report on the DEA yesterday that took more than four years to complete from the time it was requested because of these delay tactics.

What a waste of time and taxpayer dollars.

I've had to wait months for DEA to answer my oversight letters. Congress shouldn't have to intervene to make sure that the Inspector General and the Government Accountability Office can get the information they need to do their job.

There is a long-entrenched problem with allowing oversight that needs to change. Under the new Acting Administrator things have been getting a little better, but they're not fixed. I look forward to hearing today about what the DEA is doing to ensure that independent watchdogs get the access they need to perform their critical oversight role.