

United States Senate

WASHINGTON, DC 20510

October 26, 2017

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

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

We write to thank you for your commitment to holding a hearing on the *Ensuring Patient Access and Effective Drug Enforcement Act of 2016* and to encourage you to invite Drug Enforcement Agency Chief Administrative Law Judge John Mulrooney to provide testimony as a witness at the hearing.

In the midst of the opioid crisis that is devastating our country, we need to strengthen – not weaken – the ability of law enforcement to go after reckless opioid distributors that put our communities at risk. We must ensure that law enforcement has the tools and resources it needs to combat this crisis – and any action that undermines law enforcement’s ability to go after bad actors is unacceptable.

The Washington Post / 60 Minutes report that highlighted the changes in the Drug Enforcement Agency’s (DEA’s) authority drew extensively on the work of DEA Chief Administrative Law Judge John Mulrooney. In his forthcoming article in the *Marquette Law Review*, “Current Navigation Points in Drug Diversion Law: Hidden Rocks in Shallow, Murky, Drug-Infested Waters,” Chief Judge Mulrooney and his coauthor, Katherine Legel, lay out a detailed, compelling argument about some of the potential problems that have and could result from last year’s statute. The judge summarizes the *Ensuring Patient Access and Effective Drug Enforcement Act* (EPAEDEA), provides his perspective on how it changes prior law, and discusses what impact the EPAEDEA has and will have on the agency. Chief Judge Mulrooney writes that EPAEDEA has made it “all but logically impossible” for the DEA to use certain enforcement powers against drug distributors and manufacturers.

Chief Judge Mulrooney is an expert on DEA enforcement and has written a 112-page law review article about the impact of EPAEDEA – and we encourage you to invite him to give testimony as a witness at the joint Drug Caucus / Judiciary Committee’s EPAEDEA hearing. Administrative law judges have served as witnesses for senate committees in the past, appearing as recently as last year before a subcommittee of the Homeland Security and Governmental Affairs Committee. Chief Judge Mulrooney has the knowledge, experience and

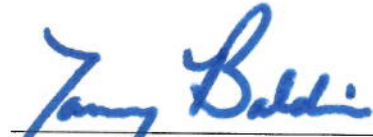
perspective to serve as a helpful witness for the Drug Caucus / Judiciary Committee – and we expect that DEA will allow him to participate.

Thank you again for your commitment to hold this important hearing, and we look forward to continuing to work with you as you consider the impact and future of the EPAEDEA.

Sincerely,



Margaret Wood Hassan
UNITED STATES SENATOR



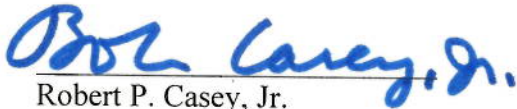
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UNITED STATES SENATOR



Joe Manchin III
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