

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<https://oversight.house.gov>

September 13, 2024

The Honorable Anne Milgram
Administrator
Drug Enforcement Administration
700 Army Navy Dr.
Arlington, VA 22202

Dear Administrator Milgram:

The Committee on Oversight and Accountability is requesting that the Drug Enforcement Administration (DEA) produce documents and information in a timely manner. As we previously wrote on May 13, 2024, we are seeking further information about how DEA is actively supporting the pharmaceutical manufacturing industry to respond to legitimate patient needs for controlled substances in shortage.¹ Since then, Schedule II stimulant drugs like Adderall remain in shortage and families are struggling to source their medications.² In times of prolonged shortage, patients in desperation may turn to sourcing their prescriptions outside of the regulated healthcare system.³ This summer, the Centers for Disease Control (CDC) released an official health advisory warning patients that stimulant medications purchased from illegal pharmacies may be counterfeit and contain deadly fentanyl.⁴ This warning supplements existing DEA bulletins highlighting that stimulants are “drugs of concern” and especially vulnerable to counterfeiting and adulteration with fentanyl.⁵ In light of these concerns, the Committee expects DEA to produce requested documents and information in full as soon as possible.

The Committee asked for responsive documents in the original request, as well as in staff-initiated follow-up meetings and communications on May 24, June 7, June 26, July 9, July 23, July 31, August 19, and August 21, 2024. In the three months since the initial request, DEA has only responded to one of the four requests. The Committee has been patient, but DEA is failing to provide a sufficient meaningful response to the outstanding requests.

¹ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability and Hon. Lisa McClain, Chairwoman, Subcomm. on Health Care & Fin. Servs. to Hon. Anne Milgram, Adm’r, Drug Enforcement Admin. (May 13, 2024).

² Tina Reed, *The back-to-school hunt for Adderall is on*, AXIOS (Aug. 20, 2024).

³ Ctrs. for Disease Control, Health Alert Network Health Advisory, Disrupted access to prescription stimulant medications could increase risk of injury and overdose (Jun. 13, 2024), *available at* <https://emergency.cdc.gov/han/2024/han00510.asp#print>.

⁴ *Id.*

⁵ Drug Enforcement Admin., Fact Sheet, Fake Prescription Pills (Dec. 2022), *available at* <https://www.dea.gov/factsheets/fake-prescription-pills>.

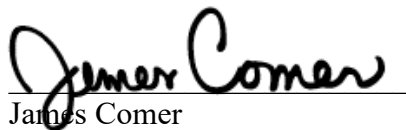
Therefore, we write again to request that DEA produce complete documents and information to the Committee, as soon as possible, but no later than September 27, 2024. For your ready reference the outstanding requests are as follows:

1. All processes and procedures related to the determination of the total amount of APQ;
2. All processes and procedures related to the determination of the allocation ratio of d-amphetamine to l-amphetamine; and
3. All documents and communications related to the DEA's response to shortages of controlled substances, in particular Adderall, Vyvanse, and related generics.

If DEA continues to withhold documents and information on this matter, the Committee will consider other means, including compulsory process.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Lisa McClain
Chairwoman
Subcommittee on Health Care and
Financial Services

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Katie Porter, Ranking Member
Subcommittee on Health Care and Financial Services