

United States Senate

WASHINGTON, DC 20510

November 17, 2022

Attorney General Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Administrator Anne Milgram
U.S. Drug Enforcement Administration
600 Army Navy Dr.
Arlington, VA 22202

Secretary Mayorkas
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

Dear Attorney General Garland, Administrator Milgram, and Secretary Mayorkas:

We write to urge the administration to prioritize cyber investigations into fentanyl trafficking and to inquire about steps that the Department of Justice (DOJ), the Drug Enforcement Administration (DEA), and the Department of Homeland Security (DHS) are taking to stop fentanyl from being trafficked into the United States through the use of the dark web.

In 2021, the United States had more than 100,000 drug overdose deaths,¹ up from 41,502 in 2012.² In 2020, the CDC reported that nearly 75 percent of drug overdose deaths involved an opioid, and more than 82 percent of opioid-involved deaths involved synthetic opioids, including fentanyl.³

Too often, these drug overdoses are the result of drugs purchased illegally on the dark web. Because of the anonymity that the dark web provides, sellers are able to make illicit drugs available to tens of thousands of customers.⁴ One 2021 study identified more than 28,000 listings for opioid products posted on anonymous online marketplaces.⁵

¹ *Drug Overdose Deaths in the U.S. Top 100,000 Annually*, U.S. Centers for Disease Control and Prevention, (Nov. 17, 2021), https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2021/20211117.htm.

² Margaret Warner, Holly Hedegaard & Li-Hui Chen, *Trends in Drug-poisoning Deaths Involving Opioid Analgesics and Heroin: United States, 1999–2012*, U.S. Centers for Disease Control and Prevention (Dec. 2014), available at https://www.cdc.gov/nchs/data/hestat/drug_poisoning/drug_poisoning_deaths_1999-2012.pdf.

³ *Drug Overdose Deaths Remain High*, U.S. Centers for Disease Control and Prevention, June 2, 2022, <https://www.cdc.gov/drugoverdose/deaths/>.

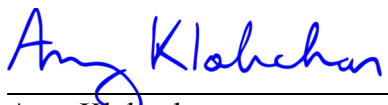
⁴ See Nathaniel Popper, *Opioid Dealers Embrace the Dark Web to Send Deadly Drugs by Mail*, N.Y. TIMES (June 10, 2017), available at <https://www.nytimes.com/2017/06/10/business/dealbook/opioid-dark-web-drug-overdose.html>.

While your Departments have worked to target dark web opioid traffickers, including by partnering with the European Union Agency for Law Enforcement Cooperation,⁶ it is critical that the administration prioritize these investigations to help make sure that fentanyl does not continue to devastate communities across the country. In particular, we are interested in the steps your Departments are taking, or plan to take, to increase their capacity to conduct cyber investigations into fentanyl trafficking.

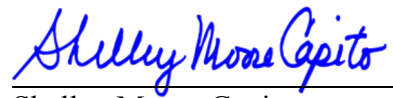
1. What challenges or constraints has your Department faced in its efforts to stop fentanyl from entering communities across the United States through the dark web?
2. How is your Department collaborating with other agencies to respond to fentanyl trafficking on the dark web?
3. What steps has the Department taken, and what steps does it plan to take in the future, to stop fentanyl from making its way to American communities through the dark web?
4. Has your Department considered how expanding cyber investigations into online fentanyl trafficking could help combat fentanyl trafficking? What steps, if any, has the Department taken to increase its capacity to conduct these kinds of investigations?
5. What steps has your Department taken or does it plan to take to investigate and prevent the illicit movement of fentanyl precursors into the United States through the dark web?

We appreciate your attention to this important matter.

Sincerely,



Amy Klobuchar
United States Senator



Shelley Moore Capito
United States Senator

⁵ Zhengyi Li et al., *Demystifying the Dark Web Opioid Trade: Content Analysis on Anonymous Market Listings and Forum Posts*, J. MED. INTERNET RES. (Feb. 2021), available at <https://www.jmir.org/2021/2/e24486/PDF>.

⁶ *International Law Enforcement Operation Targeting Opioid Traffickers on the Darknet Results in 150 Arrests Worldwide and the Seizure of Weapons, Drugs, and over \$31 Million*, U.S. Dep't Justice (Oct. 26, 2021), <https://www.justice.gov/opa/pr/international-law-enforcement-operation-targeting-opioid-traffickers-darknet-results-150>.