

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<https://oversight.house.gov>

August 31, 2026

The Honorable Todd W. Blanche
Attorney General
Department of Justice
905 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Blanche:

The Committee on Oversight and Government Reform is investigating the Biden Administration's relaxation of fentanyl risk mitigation protocols that allegedly disallowed interdictions by law enforcement and permitted deadly street drugs to flow into U.S. communities.¹ The first Trump Administration developed risk mitigation protocols that addressed fentanyl's unique public safety threat by requiring agents to make reasonable efforts to prevent the distribution of this lethal drug.² The Biden Administration disregarded these protocols and instead allowed shipments to remain in the custody and control of criminals.³ The Committee requests documents and information to better understand the actions of the Biden Administration that expanded the public safety threat from fentanyl.

In November 2019, the Trump Administration's Department of Justice (DOJ) Criminal Division issued Risk Mitigation protocols that prioritized addressing the lethality of fentanyl.⁴ If there was probable cause of potential distribution of fentanyl or storing of fentanyl for later distribution, investigative agents were directed to "apply for a search warrant **as soon as practicable and seize or otherwise prevent the distribution of fentanyl** (emphasis in original)[.]"⁵ The purpose of these protocols were to ensure that this lethal drug did not have an opportunity to harm the public.

In early 2023, the Biden Administration's Drug Enforcement Administration (DEA) disregarded the previously established protocols in New Mexico. The DEA instead allowed

¹ Jim Mustian & Joshua Goodman, *Staggering Amounts of Fentanyl Hit Streets as DEA Watched and Took No Action, Records Show*, ASSOCIATED PRESS (last updated June 25, 2026).

² See Letter from Tristan Leavitt, President, Empower Oversight Whistleblowers & Research, to Sen. Chuck Grassley, Chairman, S. Comm. on the Judiciary; Sen. Rand Paul, Chairman, S. Homeland Security and Gov't Affairs; Rep. Jim Jordan, H. Comm. on Judiciary; Rep. James Comer, H. Comm. on Oversight and Gov't Reform (May 12, 2026) (on file with Committee staff).

³ *Id.*

⁴ See Letter from Tristan Leavitt, President, Empower Oversight Whistleblowers & Research, to William M. Biler, Acting Inspector General, U.S. Dep't of Justice (May 12, 2026) (on file with Committee staff).

⁵ *Id.*

shipments of up to 100,000 pills to remain in the hands of criminals resulting in “walking fentanyl,” where the pills were not intercepted and allowed to continue to move through criminal networks.⁶ DEA agents monitored shipments of pills but did not seize them, allowing hundreds of thousands of pills to hit the streets of New Mexico between 2023 and 2025.⁷ Biden Administration officials said the purpose was to build a bigger case and prosecute more criminals, however the impact was increased threats to public safety.⁸ New Mexico was heavily effected by fentanyl with a nearly 21 percent increase in fentanyl poisoning deaths compared to a 14 percent decrease in the United States overall.⁹

The current Trump Administration has prioritized addressing this threat, however it is important to understand the full impact of the choices that were made by the prior administration to disregard a policy that prioritized public safety. While DEA agents may not have the resources to intercept every single known shipment, a policy directing them not to intercept significant shipments is unconscionable and undoubtedly resulted in considerable harm and lives lost.

To assist the Committee’s oversight of this matter, we request the following information, covering the period January 21, 2021, to January 19, 2025, as soon as possible but no later than September 14, 2026:

1. All documents and communications between the DEA’s Domestic Criminal Division and Diversion Control Division and the US Attorney’s office for New Mexico, related to monitoring and mitigating the threat of fentanyl in New Mexico;
2. All documents, policies and procedures related to implementation of the 2019 Fentanyl Risk Mitigation Protocols and implementation of any subsequent fentanyl risk mitigation protocols thereafter;
3. All documents and communications regarding fentanyl-related deaths in New Mexico associated with criminals under surveillance by the DEA;
4. All internal communications, memoranda or reports in which the lethality of fentanyl in New Mexico was discussed or analyzed;
5. All internal communications, memoranda or reports in which determinations were made to monitor locations or disbursement of fentanyl;
6. All documents and communications between DEA leadership, DEA Control Division and all DEA Divisions leadership, discussing relaxed implementation of 2019 Fentanyl Risk Mitigation protocols in other states; and

⁶ *Id.*

⁷ *Mustian, supra* note 1.

⁸ *Id.*

⁹ *Id.*

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7. All documents and communications between DEA leadership, DEA's Domestic Criminal Division and Diversion Control Division, the Department of Justice's Criminal Division, the Executive Office for United States Attorneys and respective United States Attorney's offices, discussing relaxed implementation of 2019 Fentanyl Risk Mitigation protocols in other states.

The Committee on Oversight and Government Reform 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. To arrange for delivery of documents or to ask any related follow up questions, please contact the Committee on Oversight and Government Reform Majority staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

James Comer
Chairman
Committee on Oversight
and Government Reform

cc: The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform