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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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February 21, 2017

VIA ELECTRONIC TRANSMISSION

Chuck Rosenberg
Acting Administrator
U.S. Drug Enforcement Administration
Lincoln Place-West
700 Army Navy Drive
Room 12060
Arlington, VA 22202

Dear Acting Administrator Rosenberg:

Following reports by the Department of Justice Office of Inspector General that the Drug Enforcement Administration (DEA) does not conduct sufficient oversight of its confidential source program, I requested information about the DEA's changes to the program and about specific instances of misconduct. I write to follow up on the DEA's inadequate responses.

At the Judiciary Committee's DEA oversight hearing in June 2016, you agreed to provide a copy of the revised DEA confidential source policy, stating, "I am more than happy to provide a copy to this Committee and to your staff"¹ Yet, DEA staff later backpedaled and declined to provide the policy to the Committee.² At a hearing before the House Committee on Oversight and Government Reform in November 2016, Chairman Jason Chaffetz inquired about the DEA's failure to uphold its commitment and the DEA promised to follow up immediately.³ But nearly three months later, and eight months after my initial request, the House Oversight and Government Reform Committee has not received any follow-up from the DEA and this Committee has not received a copy of the policy.

Additionally, the DEA has not yet responded in writing to my October 2016 and November 2016 letters, in which I requested information about the DEA's oversight of its confidential source program and about misconduct by DEA supervisor Keith Cromer.⁴ Mr.

¹ *Oversight of the Drug Enforcement Administration: Hearing Before the S. Comm. on the Judiciary 77*, 114th Cong. (2016) (statement of Chuck Rosenberg, Acting Administrator, Drug Enforcement Administration).

² Email from Matthew Strait to Committee Staff (July 15, 2016) (on file with Committee).

³ *Oversight of DEA's Confidential Source Program: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 114th Cong. (2016).

⁴ Letter from Hon. Charles E. Grassley, Chairman, S. Comm. on Judiciary, to Chuck Rosenberg, Acting Admin., DEA (Oct. 17, 2016); Letter from Hon. Charles E. Grassley, Chairman, S. Comm. on the Judiciary, to Chuck Rosenberg, Acting Admin. DEA (Nov. 14, 2016).

Cromer reportedly engaged in romantic relationships with two confidential sources and paid one of the women \$212,000 in potentially unjustified payments. He also reportedly abused his authority as a supervisor by instructing agents to falsify documents to justify the payments.

My staff has reviewed the confidential source policy *in camera* and received a briefing from DEA staff. However, the DEA's written responses to the letters and to unanswered questions in the briefing remain outstanding. The DEA's failure to cooperate and resistance to transparency with this Committee are troubling, particularly in light of the serious oversight problems and misconduct within its confidential source program. I request that the DEA immediately provide a copy of its confidential source policy, written responses to my October and November 2016 letters, and written follow-up to unanswered briefing questions, but by no later than March 7, 2017.

Thank you in advance for your cooperation with this request. If you have questions, please contact Samantha Brennan of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Senate Judiciary Committee

cc: The Honorable Dianne Feinstein
Ranking Member, Senate Judiciary Committee

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice