

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

March 15, 2017

The Honorable Chuck Rosenberg  
Acting Administrator  
U.S. Drug Enforcement Administration  
8701 Morrisette Drive  
Springfield, VA 22215

Dear Acting Administrator Rosenberg:

On March 9, 2017, the *Washington Post* reported that personnel of teams of the National Football League (NFL) violated various federal laws involving prescription drugs. It further reported that team personnel may have disregarded guidance from the Drug Enforcement Agency (DEA) on how to store, track, transport, and distribute controlled substances.<sup>1</sup>

The *Washington Post* cites sealed court documents filed in a federal lawsuit against the 32 teams that make up the NFL on behalf of 1,800 former NFL players. According to the report, the suit alleges the former players have suffered long-term joint and organ damage due to improper drug prescribing and drug administration by NFL team employees, including doctors and trainers. Citing quotes from depositions, the *Washington Post* reports that team doctors admitted to violating “one or more” federal regulations and drug laws.<sup>2</sup>

According to the *Washington Post*, prescription and distribution practices involving controlled substances were sufficiently problematic to draw the attention of the DEA over the course of several years. The report indicates that the NFL invited the DEA to meet with team medical staffs to confirm compliance and educate the staffs regarding their compliance with federal drug laws and regulations. The *Washington Post* also details how officials provided a presentation to league physicians on laws governing the handling of controlled substances,

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<sup>1</sup> *NFL Abuse of Painkillers and Other Drugs Described in Court Filings*, *Washington Post* (Mar. 9, 2017).

<sup>2</sup> *Id.*

including information on restrictions on transporting drugs across state lines and warnings that there were not exemptions for the NFL.<sup>3</sup> Further, the *Washington Post* reports, according to the lawsuit, league doctors remained noncompliant despite DEA instruction. For example, the deposition of one team physician indicated that, during away games, he continued to travel with and administer controlled substances even after the DEA's presentation. DEA did step up enforcement after providing the NFL guidance in relation to controlled substances through raids on NFL traveling teams. While the *Washington Post* reports that its October 2014 raids found no teams were traveling with controlled substances, it also reports that a DEA employee tipped off NFL teams in advance of the raids.

The information presented in the *Washington Post*, if true, paints a troubling picture of how the NFL teams prescribed and handled controlled substances, including the possibility that the team doctors and trainers violated federal laws and regulations and disregarded DEA guidance on controlled substances. Given the potential significant health impacts of these alleged practices on former and current NFL players, we request responses to the following questions, as well as a briefing:

1. A team trainer is quoted in the *Washington Post* as writing an email that states, "[c]an you have your office fax a copy of your DEA certificate to me? I need it for my records when the NFL 'pill counters' come to see if we are doing things right. Don't worry, I'm pretty good at keeping them off the trail!" What registration requirements under the Controlled Substances Act (CSA) apply to NFL medical personnel, including trainers, and how does the DEA ensure such personnel comply with the requirements under the CSA, including when their teams travel? What recordkeeping requirements under the CSA apply to NFL medical personnel, including trainers, and how does the DEA ensure such personnel comply with these requirements?
2. The *Washington Post* reports that NFL teams disregarded DEA guidance on how to store, track, transport, and distribute controlled substances. Did the DEA provide such guidance to the league or its member teams as the *Washington Post* asserts? If so, what guidance was provided, and when was such guidance first given to the NFL and NFL teams? Was this guidance followed by the personnel of the NFL teams, including its physicians or its trainers? Please provide copies of any guidance, presentations, correspondence, emails, or other materials provided by the DEA to the NFL or its member teams relating to compliance under the CSA.

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<sup>3</sup> *Id.*

3. The *Washington Post* reports that court documents indicate one team was “on the DEA’s ‘radar’ for the large amounts of controlled substances it had ordered.” What methods does the DEA use to monitor NFL teams’ medical personnel for compliance with all applicable regulations and policies? How have those methods changed in light of the activities described in the *Washington Post* report, if at all?
4. According to the *Washington Post* report, at least one team physician testified that, even after DEA’s presentation to league doctors, he continued to travel with and administer controlled substances during road games. What regulations apply to the possession, prescribing and dispensing of controlled substances with respect to the medical personnel of NFL teams, and what actions is DEA currently taking to monitor and enforce compliance? In particular, what regulations apply to the possession, prescribing, and dispensing of controlled substances across state lines? Are the medical personnel of any NFL teams currently not in compliance with all applicable regulations? What are the penalties associated with noncompliance? Has the DEA enforced any of these penalties in regards to noncompliance and the NFL or any NFL teams?
5. The *Washington Post* notes that DEA conducted surprise investigations of NFL teams in October 2014. The report also indicates that a DEA employee tipped off the NFL in advance of these investigations. Please provide further details regarding these investigations and DEA’s findings. In addition, please provide additional information about what actions, if any, the DEA took after finding out that an employee tipped off the NFL in advance of the investigations, if true. In addition to investigations, what additional enforcement tools and authorities area available to the DEA to ensure compliance under the CSA?
6. The Centers for Disease Control and Prevention (CDC) has called prescription drug abuse in the United States an epidemic. Nearly half of all U.S. opioid overdose deaths involve a prescription opioid, and more than 15,000 people died in 2015 from overdoses involving prescription opioids.<sup>4</sup> Given the ongoing opioid epidemic, what additional actions, if any, is the DEA taking to stem prescription drug misuse among athletic teams and leagues—particularly involving sports where injury is common?

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<sup>4</sup> Centers for Disease Control and Prevention, Prescription Opioid Overdose Data ([www.cdc.gov/drugoverdose/data/overdose.html](http://www.cdc.gov/drugoverdose/data/overdose.html)) (accessed Mar. 13, 2017).

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We appreciate your attention to this matter and would appreciate your response to these questions as soon as possible, but no later than April 25, 2017. If you have any questions, please contact Jon Monger of the minority committee staff at (202) 225-3641.

Sincerely,

  
Frank Pallone, Jr.  
Ranking Member

  
Gene Green  
Ranking Member  
Subcommittee on Health

  
Diana DeGette  
Ranking Member  
Subcommittee on Oversight  
and Investigations

  
Jan Schakowsky  
Ranking Member  
Subcommittee on Digital Commerce  
and Consumer Protection