

United States Senate
WASHINGTON, DC 20510

September 15, 2020

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Attorney General Barr and Director Wray:

We write today to request information on your efforts to combat illegal drug trafficking on the dark web, which is a haven for the sale and distribution of illegal drugs, particularly fentanyl and other opioids, and to urge you to continue prioritizing the investigation and prosecution of drug trafficking on the dark web.

As you know, the dark web is a portion of the Internet that is not indexed by standard search engines and is accessible only through specialized software.¹ The dark web can provide complete anonymity to those who use it—hiding both identities and locations.

Some websites on the dark web are criminal marketplaces, facilitating the trade of illegal goods and services. These black markets allow individuals to engage in transactions involving drugs, weapons, malware, counterfeit currency, stolen credit cards, personal identifying information, forged documents, unlicensed pharmaceuticals, and other unlawful goods. The anonymity of the dark web helps shield those buying and selling from investigation and prosecution. This trafficking is further facilitated through the use of virtual and crypto-currencies, which criminals use to further obscure their identities and to hinder law enforcement investigations.

Opioid trafficking on the dark web is especially concerning. Tens of thousands of Americans die every year from opioid overdoses. Much of the illicit trade in opioids, including fentanyl, an especially dangerous type of opioid, occurs over the dark web and is aided by criminal syndicates running dark web marketplaces. In response to this problem, former Attorney General Jeff Sessions created the Joint Criminal Opioid Darknet Enforcement (J-CODE) in 2018 to develop a strategic plan to disrupt and dismantle dark web marketplaces facilitating the distribution of opioids. We understand that J-CODE has found some success in these efforts thus far as evidenced by Operation Disarray in 2018² and Operation SaboTor in 2019.³

¹ See Kristin Finklea, *Dark Web*, CONG. RESEARCH SERVICE (updated Mar. 10, 2017), available at <https://www.crs.gov/reports/pdf/R44101>; Keith Becker and Ben Fitzpatrick, *In Search of Shadows: Investigating and Prosecuting Crime on the Dark Web*, 66 U.S. ATTY'S BULL. 41, 48 (2018), available at <https://www.justice.gov/usao/page/file/1030666/download>.

² See Press Release, Department of Justice, Office of Public Affairs, Attorney General Jeff Sessions Announces Results of J-Code's First Law Enforcement Operation Targeting Opioid Trafficking on the Darknet (Apr. 3, 2018), available at <https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-announces-results-j-code-s-first-law-enforcement-operation>.

³ See Press Release, Federal Bureau of Investigation, National Press Office, J-CODE Announces 61 Arrests in its Second Coordinate Law Enforcement Operation Targeting Opioid Trafficking on the Darknet (Mar. 26, 2019), available at <https://www.fbi.gov/news/pressrel/press-releases/j-code-announces-61-arrests-in-its-second-coordinated-law-enforcement-operation-targeting-opioid-trafficking-on-the-darknet>.

To further understand the Department and the Bureau's actions on this issue, we request information about the work of J-CODE since its launch in 2018, including answers to the following questions, no later than October 15, 2020:

1. Does the Department have a system that tracks indictments and investigations related to crimes involving the dark web and opioids?
 - a. If so, please describe how this system is working and what, if any, improvements are needed to better track these indictments and investigations.
2. If the answer to Question 1 above is Yes, how many criminal indictments over the past five years has the Department filed for drug trafficking that involved the dark web and/or the use of cryptocurrency:
 - a. Against U.S. citizens or resident aliens?
 - b. Against foreign individuals?
3. How many of the above criminal indictments were the result of J-CODE investigations?
4. How has J-CODE worked with partners at the federal, state and local levels to combat drug trafficking on the dark web?
5. Have the Department, the Bureau, and J-CODE communicated and cooperated with our international partners in combating the drug trade on the Dark Web? If so, please describe such cooperation generally and how it may be improved.
6. Have the Department, the Bureau, and J-CODE been able to determine which countries the opioids are coming from on the dark web—particularly fentanyl? Please identify where the opioids are coming from and what law enforcement tools are needed to fight the inflow of opioids from foreign countries.
7. Are there technology companies that provide secure or encrypted communications that do not cooperate with law enforcement with respect to investigating drug trafficking that occurs over their platforms or services? Describe the nature of any non-cooperation.
8. Are there technology companies that create, or facilitate the use or transfer of cryptocurrency or digital currency that do not cooperate with law enforcement with respect to investigating drug trafficking that occurs over their platforms or services? Describe the nature of any non-cooperation.
9. What additional resources are needed by either the Department, the Bureau, or J-CODE to continue effectively fighting opioid trafficking on the dark web?

Thank you for your attention to this matter, and we look forward to your response.

Sincerely,

Margaret Wood Hassan
United States Senator

John Cornyn
United States Senator

Dianne Feinstein
United States Senator