

HOUSE COMMITTEE ON OVERSIGHT AND REFORM

HEARING ON

“TRUMP ADMINISTRATION’S RESPONSE TO THE DRUG CRISIS”

MARCH 7, 2019

QUESTIONS FOR THE RECORD FROM

REP. JACKIE SPEIER

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1. Please provide the status of each of the 56 Recommendations set forth in the Final Report, dated November 1, 2017, issued by the President’s Commission on Combating Drug Addiction and the Opioid Crisis chaired by former New Jersey Governor Christie, including for each Recommendation: whether ONDCP or any other Federal agency has adopted the Recommendation, the reason why the Recommendation was or was not adopted, and any and all actions taken or planned to be taken by ONDCP or any other Federal agency in furtherance of the Recommendation.

ANSWER:

The Office of National Drug Control Policy (ONDCP) recently released *An Update on the President’s Commission on Combating Drug Addiction and the Opioid Crisis: One Year Later*. A copy of the report is included as an attachment. In the report, ONDCP outlines the Trump Administration’s extraordinary progress in addressing the President’s Commission on Combating Drug Addiction and the Opioid Crisis’s 56 recommendations, which fell broadly into nine overarching goals:

- Break down silos and bureaucracy to get federal funding to states that are on the front lines of fighting the epidemic;
- Collaborate with states, private sector partners, and other stakeholders to enhance awareness and screening efforts to prevent inappropriate use of opioids and other drugs;
- Maximize the use of prescription drug monitoring programs through better data integration and utilization;
- Enhance education and training for medical professionals to reduce inappropriate prescribing;
- Strengthen law enforcement efforts to target and take down individuals and organizations that produce and sell counterfeit or illicit drugs;
- Enhance efforts to detect and intercept illicit drugs coming across our borders;

- Expand access to evidence-based treatment and recovery services by revising reimbursement policies for Federal payers and ensuring private payers are complying with the law;
- Expand access to overdose-reversing drugs and support services, including housing and employment services, by identifying and disseminating best practices; and
- Improve coordination among research funding agencies to identify gaps and expand research related to finding more alternatives to opioids and treatment for addiction, and getting these to patients faster.

These goals, in concert with President Trump's *Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand*, and the Administration's recently issued *National Drug Control Strategy*, have galvanized Federal, state, local, and tribal governments' efforts to address this crisis in an unprecedented way. The Federal effort includes record new funding, and culminates with President Trump's signing of the most comprehensive drug control legislation in our Nation's history, the *Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act*. The progress achieved in the last year will help lay the foundation for ending this deadly public health crisis.

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QUESTIONS FOR THE RECORD FROM

REP. JIM JORDAN

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1. On March 13, 2019, the Washington Post published an article titled “The Fentanyl Failure.” The article discusses the failures of the Obama Administration to address the emerging and deadly threat of potent fentanyl. As you know, in 2017, more than 70,000 Americans died from drug overdoses – with 49,060 of those deaths involving opioids. Of that number, fentanyl was responsible for over 28,400 deaths. Furthermore, the article also criticizes the Obama Administration’s inaction in bringing public awareness to the dangers of fentanyl.

What concrete actions are ONDCP and the Administration taking to ensure the country is aware of the danger surrounding fentanyl?

ANSWER:

To ensure Americans are aware of the dangers illicit fentanyl poses, in June 2018, the Trump Administration and ONDCP, in partnership with the Ad Council and Truth Initiative, launched the Administration’s *The Truth About Opioids* drug prevention ad campaign (campaign), which focused on preventing and reducing the misuse of opioids among youth and young adults. During National Substance Abuse Prevention Month in October 2018, ONDCP launched the second phase of the campaign, targeted specifically at young adults aged 18-24. The campaign’s website, opioids.thetruth.com, includes information about all opioids, the crisis, and a treatment locator resource powered by the Substance Abuse and Mental Health Services Administration. The treatment locator resource website is: <https://findtreatment.samhsa.gov/>. This campaign website provides links to other resources on fentanyl and fentanyl analogues, such as the National Institute on Drug Abuse’s webpage on Fentanyl, and the National Drug Early Warning System (NDEWS) website, which focuses on fentanyl, fentanyl analogues, and other synthetics.

The campaign has over 1.4 billion impressions and 92 million total online views, with 58 percent of 18-24-year-olds being aware of these ads. The campaign, which cost \$384,000, resulted in over \$20 million in donated media from partners.

In addition, ONDCP's Drug-Free Communities (DFC) Support Program is one of the Nation's leading efforts to mobilize communities to prevent youth substance use. DFC-funded coalitions engage multiple sectors of the community, including parent groups, schools, healthcare professionals, law enforcement, businesses, and others, to prevent drug use and improve the health of communities. The strength of the DFC program lies in one key principle, which is developing local solutions for local problems. To address the emergence of illicit fentanyl in their communities, DFC coalitions have taken different approaches towards educating Americans on the dangers of fentanyl. For example, a DFC coalition in Durham, NC, participates in monthly calls with the North Carolina Opioid Prevention and Drug Advisory Committee to keep abreast of the latest activities and information on diversion, fentanyl sources, and environmental approaches on prevention and abuse that it can share with its community. In Portsmouth, OH, the community's effectiveness in preventing prescription opioid abuse led to a shift to use of heroin and fentanyl analogues. Once the DFC became aware of the evolving drug use in the community, it shifted the program's focus to address those substances as well. To address the emergence of illicit synthetic opioids, particularly fentanyl and carfentanil in its community, the coalition in Hamilton County, New York, focused on prevention education in county middle and high schools and conducted community-wide prevention activities focusing on these synthetic opioids.

ONDCP also works closely with stakeholder organizations to help shape events such as the annual National Rx Drug Abuse and Heroin Summit (Rx Summit), the largest meeting in the country geared toward community stakeholders. ONDCP is a member of the Rx Summit's education advisory board, and ensures that there are multiple presentations on fentanyl and fentanyl analogues scheduled throughout this summit. ONDCP not only presents at these events, but also coordinates and encourages interagency participation.

2. What steps has ONDCP taken to ensure first responders and other law enforcement officials are fully equipped with the proper information for dealing with fentanyl and its analogs?

ANSWER:

ONDCP and the entire Trump Administration have taken significant actions to alert communities, law enforcement personnel, and first responders to the dangers of illicit fentanyl. In September 2017, ONDCP and the National Security Council established a Federal interagency working group to develop standard, science-based guidance for first responders on the dangers of fentanyl exposure and safe-handling instructions. Law enforcement, public health, occupational safety, medical, and emergency response experts from more than 22 Federal agencies and civilian professional organizations worked together for approximately two months to develop the Fentanyl Safety

Recommendations for First Responders (Recommendations), a one page, science-based document which was reviewed and approved by a cadre of stakeholders. Developing and issuing this guidance was one of the 56 recommendations in the final report of The President's Commission on Combating Drug Addiction and Opioid Abuse. The safe handling guide (attached) was published as an appendix to the Commission's final report on November 1, 2017. The safe handling guide was immediately endorsed by the Attorney General and several law enforcement organizations after publication. In addition, under ONDCP's leadership, the working group oversaw Customs and Border Protection's development and release of the companion training video, Fentanyl: The Real Deal. The video was released at a public event on August 31, 2018, hosted by the Department of Justice. The document and the video are available online at the White House website and the video is also available on YouTube (<https://www.youtube.com/watch?v=6Yc9ISaSKIs>); these materials are useful for every police department in the country.

At its initial launch, the Recommendations were released to all Federal working group agencies and the national stakeholder groups engaged with the development of the Recommendations. The agencies and stakeholders in turn disseminated the Recommendations to their personnel and constituents, respectively. The national stakeholder groups ran the gamut from law enforcement organizations to industrial hygiene professionals. A complete list of Federal agencies and stakeholders are included in the Recommendations. ONDCP distributed the Recommendations to its external stakeholders, the High Intensity Drug Trafficking Areas (HIDTAs) covering over 19,000 Federal, state, local, and tribal law enforcement personnel, and over 700 Drug-Free Communities (DFC) coalitions, including 12 different constituencies ranging from schools to faith-based organizations and the treatment community. A similar launch occurred when the video was released in August 2018. Just recently, the materials were sent again to DFC coalitions throughout the United States, and ONDCP's National Opioids and Synthetics Coordination Group sent the Recommendations and the video to over 700 Federal, state, local, and tribal public safety and public health partners engaged in the implementation of ONDCP's Heroin Availability Reduction Plan (HARP). The information provided in the Recommendations is useful for the general population in addition to first responders and law enforcement. Moreover, ONDCP has been approached by key partner nations for subject matter expertise on the safe handling of fentanyl. At the recently concluded United Nations Commission on Narcotics Drugs held in Vienna, Austria, the Recommendations were presented at an international side event briefing for interested countries. Paper copies of the instructions and DVDs of the video were distributed to representatives from several countries who are considering translating the document into multiple languages.

3. Please provide an explanation on how the National Drug Control Strategy intends to disrupt the supply and demand of fentanyl in this country. It is my

understanding fentanyl is originally manufactured in China and shipped directly to the United States, or to Canada, or to transnational criminal organizations in Mexico who traffic fentanyl, oftentimes with other drugs, across the border. Please also include information about how ONDCP is working with federal, state, and local law enforcement to combat the shipment and trafficking of fentanyl into the United States.

ANSWER:

The *National Drug Control Strategy (Strategy)* clearly establishes the strategic framework that will guide the Federal government in its efforts to reduce both the supply and the demand for illicit fentanyl and its analogues in the United States, and indeed all drugs that are harming individuals and negatively impacting the safety of America's communities.

The three fundamental elements that form the heart of the *Strategy* -- prevention, treatment and recovery, and reducing availability -- are complementary and mutually supporting. The *Strategy* states that reducing the size of the illicit drug using population involves preventing initiates to illicit drug use through education and evidence-based prevention programs. It also involves providing treatment services leading to long-term recovery for those suffering from substance use disorder, often using medication-assisted treatment (MAT) combined with therapy, to move people out of the active user population and on the path to recovery. By reducing the number of individuals who use illicit drugs through prevention and treatment, the *Strategy* states that we can diminish the market forces pulling illicit drugs across our borders and into our communities. The *Strategy* also calls for drastically reducing the availability of these drugs in the United States because evidence has shown that increased availability increases the opportunity for individuals to initiate drug use, and the path from first use to chronic use can be brutally short, particularly for potent and highly addictive drugs like opioids.

By reducing availability of illicit drugs, the *Strategy* is designed to not only lessen the negative ancillary effects of drug trafficking that impact the safety of our communities and the well-being of our citizens, but also relieve the pressure on the public health domain in its historic level of prevention and treatment efforts. Drug use prevention and treatment, together with reducing the availability of illicit drugs in the United States through law enforcement and cooperation with international partners, are complementary efforts that inform and support one other, and will set the Nation on the path to being strong, healthy, and drug-free.

There are several ways illicit fentanyl enters into the United States. Illicit fentanyl and fentanyl analogues produced in China can be sold directly to distributors and customers in the United States via purchases on the internet and the dark web, paid for with virtual currencies, and mailed in small, hard-to-detect quantities using the U.S. postal system or commercial parcel carriers. The illicit fentanyl shipped into the United States is often very pure and can be used in its powder or liquid form, or pressed into pills to be

illegally marketed as highly desired prescription opioids. Fentanyl and its analogues produced illicitly in China are also sold to drug trafficking organizations in Mexico, where it is often mixed into other drugs before being smuggled across the Southwest border and represented as synthetic heroin or other drugs. In some cases, it is pressed into pill form in Mexico and smuggled across the Southwest Border in large quantities. Fentanyl synthesis in Mexico also appears to be occurring. It is something the Trump Administration is watching closely and addressing with the Government of Mexico.

The chapter of the *Strategy* concerning one of its three lines of effort, “Reducing the Availability of Illicit Drugs in the United States,” addresses disrupting the movement of fentanyl into the United States. The sub-chapters on: Disrupting, Dismantling, and Defeating Drug Traffickers and Their Supply Chains; Working with International Partners; Combating Illicit Internet Drug Sales; Focusing Federal Government Effort Against Illicit Drug Delivery Through the Mail and Express Consignment Networks; Interdicting the Flow of Drugs Across the Physical Borders and into the United States; Disrupting and Dismantling the Illicit Drug Production Infrastructure; and Interrupting the Financial Activities of Drug Traffickers, all contain tangible measures to directly address the flow of fentanyl, fentanyl analogues and other synthetic opioids into the United States.

Within that same chapter, sub-chapters on Leveraging the Full Capabilities of Multi-Jurisdictional Task Force Programs and Enhancing Law Enforcement Capacity, speak to improving law enforcement coordination across the interagency, and with state, local, and tribal partners. This is particularly true of ONDCP’s HIDTA program. Specifically, the *Strategy* emphasizes the centrality of the HIDTA program in leveraging capability at all levels, and states:

HIDTAs provide an umbrella to coordinate Federal, state, local, and tribal drug law enforcement agencies’ investigations, and act as neutral centers to manage, de-conflict, analyze, provide intelligence, and execute drug enforcement activities in their respective regions. With the recent inclusion of Alaska, the first new HIDTA in 17 years, the 29 regional HIDTAs now include designated areas in all 50 states, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia. The regional HIDTAs bring together more than 21,000 Federal, state, local, and tribal personnel from 500 agencies through 800 enforcement, intelligence, and training initiatives, all designed to disrupt illicit drug trafficking and dismantle criminal and drug trafficking organizations.

The two other lines of effort in the *Strategy* directly address the threat posed by illicit fentanyl as a public health threat, with sub-chapters specifically designed to shape Federal government efforts in dealing with this unique drug threat. The “Prevention” line of effort includes sub-chapters on the following: Implementing a Nationwide Media Campaign; Addressing Safe Prescribing Practices; Expanding the Use of Prescription Drug Monitoring Programs; and Expanding Drug Take-Back Across the Country. These

efforts directly address increasing nationwide awareness of the dangers associated with opioid abuse as well as measures to reduce the availability of unused prescription opioids in America's homes, which evidence has shown increases the chance for them to fall into wrong hands and contribute to the eventual use of illicit opioids like fentanyl.

The "Treatment and Recovery" line of effort not only identifies a range of Federal government activities necessary to make addiction treatment more available to all Americans who need it, including those suffering from addiction to opioids, but also contains a discreet set of activities under the sub-chapter "Improving the Response to Overdose" designed to make the life-saving opioid antidote naloxone more available across the country.

The two public health lines of effort in the *Strategy* also specifically address bringing together Federal government partners, with state, local, and tribal partners. These are addressed most clearly in two sub-chapters, Strengthening the Capacity of State, Local, and Tribal Communities to Identify and Prevent Substance Abuse; and Continuing to Strengthen ONDCP's Drug-Free Communities (DFC) Program, a program which the *Strategy* notes "undergirds the Administration's focus on preventing and reducing youth substance use at the community level ... and provides grants to community coalitions to strengthen the infra-structure among local partners to create and sustain a reduction in local youth substance use."

Finally, the *Strategy* is explicit in acknowledging that while confronting today's drug crisis to arrest its growth and reduce its effects is a vital fundamental task, we must also further develop the capability, knowledge, and infrastructure to respond to the evolving nature of the illicit drug threat as we move deeper into the twenty-first century. The *Strategy* states, "the exponential growth in the availability and use of synthetic drugs in the United States, especially synthetic opioids like fentanyl and its analogues, provides a window into the likely future of drug use and trafficking."

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QUESTIONS FOR THE RECORD FROM

REP. MARK MEADOWS

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1. To ensure the National Drug Control Strategy is hitting its goals and targets, it is important that the Strategy align with statutory requirements and address the concerns set forth by the U.S. Government Accountability Office. Anything that is not measurable is not achievable. Please provide the Committee with an update of the release of the data supplement.

ANSWER:

The Office of National Drug Control Policy (ONDCP) is working to ensure that the *2019 National Drug Control Strategy: Data Supplement (Data Supplement)* will be submitted to the Committee prior to its scheduled May 9, 2019, hearing about ONDCP. ONDCP will transmit a copy to your office upon completion.

2. Please describe the performance metrics set forth in the data supplement. How do these performance measures ensure an effective and achievable Strategy?

ANSWER:

The *Data Supplement* is one of four documents ONDCP prepares to comply with the requirements related the *National Drug Control Strategy (Strategy)*; it does not include performance measures. Instead, performance measures are presented in the *National Drug Control Strategy: Performance Reporting System (PRS)* report. The performance measures themselves do not ensure an effective and achievable *Strategy*. Successful implementation of the *Strategy’s* policies and programs will do that; the performance measures will tell us if the desired results have been achieved. The four documents are:

- *National Drug Control Strategy*— is the primary policy document and sets forth a comprehensive plan for the year to reduce illicit drug use and the consequences of such illicit drug use in the United States by limiting the availability of, and

reducing the demand for, illegal drugs. It is supported by the other three documents.

- *National Drug Control Strategy: Data Supplement*— provides the data that enables an assessment of current drug use and availability, impact of illicit drug use, and treatment availability. The more than 150 data tables provide national, state, local, and international data on drug use; attitudes and perceptions toward drug use; drug-related morbidity and mortality; drug treatment; drug-related crime, including drugged driving; drug price and purity; cultivation and/or the production of drugs; and drug eradication and seizures.
- *National Drug Control Strategy: Performance Reporting System*— describes the *Strategy's* 2-year and 5-year performance measures and targets for each Strategy goal and objective established for reducing drug use, availability, and the consequences of drug use.
- *National Drug Control Strategy: Budget and Performance Summary Report*— presents the details of the President's resource requirements to implement the *Strategy* and to inform Congress and the public about: the total amount proposed to be spent on all supply reduction; demand reduction; State, local, and tribal affairs, including any drug law enforcement; and other drug control activities by the Federal Government. There are 16 Federal Departments and Agencies that have been designated by the ONDCP Director as Drug Control Program Agencies. Budget detail is provided at the program, project, and activity levels (the level at which the Office of Management and Budget and the agencies request funding and Congress appropriates it). The report also provides detail on agency-level performance metrics to enable assessment of progress toward achieving programmatic objectives.

3. How does the data supplement fulfill the Strategy's statutory requirements and address GAO's concerns?

ANSWER:

The *National Drug Control Strategy: Data Supplement* responds to the statutory requirements to report on the current prevalence of illicit drug use in the United States, including both the availability of illicit drugs and the prevalence of substance use disorders. In fact, it goes well beyond these requirements and reports on the wide range of drug availability, demand and consequences data that the Federal Government relies upon to provide an understanding of the current drug situation. The PRS report responds to concerns regarding the *Strategy's* performance measures.

4. During the hearing, you were questioned on the length of the recently released Strategy. Can you please explain how the 2019 Strategy, in conjunction with the data supplement, differs from prior Administrations? Please also describe your rationale for taking a new approach in the issuance of the 2019 Strategy.

ANSWER:

In January, ONDCP released the Trump Administration's *National Drug Control Strategy*. This *Strategy* is much different from previous *Strategies*, and improves on them in fundamental ways. The *Strategy*, in conjunction with the data supplement and PRS report, is a forward-looking document and has a clearly defined vision that weaves together mutually supportive efforts and broad metrics to assess the aggregate performance across the Federal government.

I decided that doing business the way we have for the past several decades was not going to work. A nation facing the greatest drug crisis in its history demanded new thinking, a new approach, and a new strategy.

The three fundamental elements that form the heart of the *Strategy* -- prevention, treatment and recovery, and reducing availability -- are complementary and mutually supporting. The *Strategy* states that reducing the number of people-using illicit drugs involves preventing initiates to illicit drug use through education and evidence-based prevention programs. It also states that providing treatment services, often using medication-assisted treatment (MAT) combined with therapy, could lead to long-term recovery for those suffering from substance use disorder, moving people out of the active user population and on the path to recovery. By reducing demand through prevention and treatment, the *Strategy* states that we can diminish the market forces pulling illicit drugs across our borders and into our communities. The *Strategy* calls for drastically reducing the availability of these illicit drugs in the United States as well because evidence has shown that increased availability increases the opportunity for individuals to initiate drug use, and the path from first use to chronic use can be brutally short, particularly for potent and highly addictive drugs like opioids.

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Finally, the *Strategy* is explicit in acknowledging that while confronting today's drug crisis to arrest its growth and reduce its effects is a vital fundamental task, we must also

further develop the capability, knowledge, and infrastructure to respond to the evolving nature of the drug threat as we move deeper into the twenty-first century.