



December 2019

DRUG CONTROL

The Office of National Drug Control Policy Should Develop Key Planning Elements to Meet Statutory Requirements

GAO Highlights

Highlights of [GAO-20-124](#), a report to congressional addressees

Why GAO Did This Study

Almost 70,000 people died from drug overdoses in 2018, according to the latest Centers for Disease Control and Prevention data. The 2018 SUPPORT Act reauthorized ONDCP and imposed new requirements. GAO noted in its March 2019 High Risk report that the federal effort to prevent drug misuse is an emerging issue requiring close attention.

Pursuant to 21 U.S.C. § 1708a(b), GAO has periodically assessed ONDCP's programs and operations. This report assesses the extent to which ONDCP (1) met selected statutory requirements related to the National Drug Control Strategy in 2017, 2018, and 2019, and (2) has planned or implemented actions to meet selected new requirements in the SUPPORT Act. GAO assessed the 2019 Strategy and companion documents against four key statutory requirements that were consistent with or similar to ONDCP's ongoing responsibilities under the SUPPORT Act. GAO also assessed ONDCP's progress in addressing seven new SUPPORT Act requirements, and interviewed ONDCP officials.

What GAO Recommends

GAO is making 4 recommendations to ONDCP to develop, document, and implement key planning elements to meet certain requirements in the SUPPORT Act. ONDCP agreed to implement 2 recommendations related to the Strategy, but disagreed with 2 related to the Drug Control Data Dashboard, noting that recent updates satisfy the law. GAO maintains that they do not fully do so, and that implementing key planning elements would help address the law, as discussed in the report.

View [GAO-20-124](#). For more information, contact Triana McNeil at (202) 512-8777 or McNeilT@gao.gov or Mary Denigan-Macauley at (202) 512-7114 or DeniganMacauleyM@gao.gov.

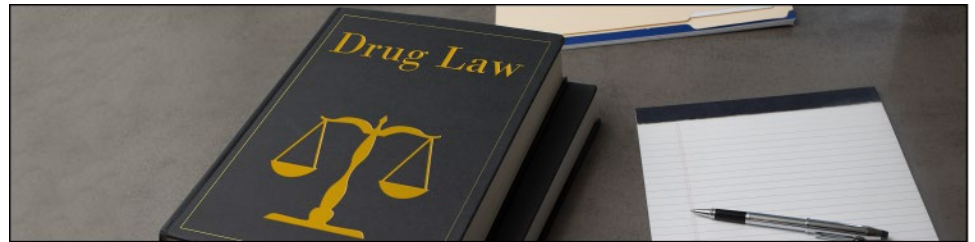
December 2019

DRUG CONTROL

The Office of National Drug Control Policy Should Develop Key Planning Elements to Meet Statutory Requirements

What GAO Found

The Office of National Drug Control Policy (ONDCP) is responsible for overseeing and coordinating the development and implementation of U.S. drug control policy across the federal government. However, ONDCP did not issue a National Drug Control Strategy for either 2017 or 2018, as required by statute. ONDCP was also required to assess and certify federal agencies' drug control budgets to determine if they were adequate to meet Strategy goals and objectives. Without a Strategy in 2017 and 2018, ONDCP could not complete this process according to statutory requirements. ONDCP issued a 2019 Strategy and companion documents that addressed some but not all of the selected statutory requirements GAO reviewed. For example, the Strategy and companion documents did not include the required 5-year projection for budget priorities.



Source: GAO photo illustration. | GAO-20-124

The October 2018 Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) retained some requirements and introduced new ones for ONDCP. ONDCP met some SUPPORT Act requirements GAO reviewed. For example, ONDCP filled all five coordinator positions described in the SUPPORT Act. However, its approach to meeting other requirements does not incorporate key planning elements. For example, the SUPPORT Act requires that future iterations of the Strategy include a description of how each goal will be achieved, performance evaluation plans, and a plan for expanding treatment of substance use disorders. ONDCP could not provide in writing or otherwise describe its planned steps, interim milestones, resource investments, or overall timeframes—all key planning elements—that would provide assurance it can meet these requirements by the deadline for the next Strategy—February 2020. The SUPPORT Act also required ONDCP to publish an online searchable Data Dashboard of drug control data, with information including quantities of drugs and frequency of their use. While ONDCP published (and later updated) a public version of this resource on its website, as of December 2019, it was not complete (e.g., lacked required data on the unmet need for substance use disorder treatment). Further, ONDCP officials had no information on next steps for fully meeting the requirements. Developing, documenting, and implementing key planning elements to meet these requirements—including resource investments, time frames, and any processes, policies, roles, and responsibilities—would be consistent with key principles for achieving an entity's objective and standards for project management. Importantly, doing so would help ONDCP structure its planning efforts and comply with the law.

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Abbreviations

DHS	Department of Homeland Security
DOJ	Department of Justice
HHS	Department of Health and Human Services
ONDCP	Office of National Drug Control Policy
ONDCP Reauthorization Act of 2006	Office of National Drug Control Policy Reauthorization Act of 2006
SUPPORT Act	Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act

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December 18, 2019

Congressional Addressees

The scale and impact of illicit drug use and prescription drug misuse has profoundly affected individuals, their families, and the communities in which they live, and continues to represent a significant threat to public health. Almost 70,000 people died from drug overdoses in 2018, a 27 percent increase in deaths since 2015, according to the latest, preliminary data from the Centers for Disease Control and Prevention.¹ Since 2011, these deaths have also outnumbered injury deaths by firearms, motor vehicle crashes, suicide, and homicide, according to the Drug Enforcement Administration.² Opioids—particularly highly potent synthetic opioids like fentanyl that are manufactured to mimic naturally occurring opioids such as morphine—are currently the main driver of these deaths.³ Primarily due to increasing rates of opioid-related deaths and opioid use disorder, the then-acting secretary of the Department of Health and Human Services (HHS) declared the opioid crisis a public health emergency on October 26, 2017.⁴ Overdose deaths due to other potentially dangerous drugs—including cocaine and methamphetamines—have also increased in recent years.

The Office of National Drug Control Policy (ONDCP), within the Executive Office of the President, is responsible for coordinating and overseeing the implementation of national drug control policy, including the National Drug

¹According to the Centers for Disease Control and Prevention, preliminary or “provisional” drug overdose death data may underestimate actual numbers, as they can be incomplete and subject to random variation. The final 2018 data are to be available in 2020, according to the Centers for Disease Control and Prevention.

²The Department of Justice, Drug Enforcement Administration, *2018 National Drug Threat Assessment*, (Washington, D.C.: October 2018).

³There were more deaths in 2018 involving synthetic opioids than any other type of opioid, according to the Centers for Disease Control and Prevention. See GAO, *Illicit Opioids: While Greater Attention Given to Combating Synthetic Opioids, Agencies Need to Better Assess their Efforts*, [GAO-18-205](#) (Washington, D.C.: Mar. 29, 2018).

⁴A public health emergency triggers the availability of certain authorities under federal law that enable federal agencies to take certain actions in response. In September 2018, we reported on the federal government’s use of available authorities since declaring the public health emergency. See GAO, *Opioid Crisis: Status of Public Health Emergency Authorities*, [GAO-18-685R](#) (Washington, D.C.: Sep. 26, 2018).

Control Strategy, across the federal government.⁵ ONDCP is also responsible for evaluating the effectiveness of national drug control policy efforts by developing and applying specific goals and performance measurements and monitoring certain agencies' program-level spending.⁶ According to the President's fiscal year 2020 budget, federal drug control funding for fiscal year 2018 was \$33 billion. Federal drug control efforts span a range of activities across multiple agencies—known as National Drug Control Program agencies—including efforts to prevent illicit drug use and prescription drug misuse, treat drug use disorders, enforce drug laws, and stop the importation of illicit drugs into the United States.⁷ As part of overseeing and coordinating these efforts, the Director of ONDCP is required to promulgate a National Drug Control Strategy and assess and certify the adequacy of the annual drug control budgets submitted by National Drug Control Program agencies.⁸

ONDCP was established by the Anti-Drug Abuse Act of 1988,⁹ and, until 2018, was most recently reauthorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (ONDCP Reauthorization Act of 2006).¹⁰ The ONDCP Reauthorization Act of 2006 reauthorized ONDCP through September 30, 2010. After that date, ONDCP continued to operate under the provisions of the ONDCP Reauthorization Act of

⁵21 U.S.C. § 1702(a)(2).

⁶21 U.S.C. § 1702(a)(4).

⁷Under 21 U.S.C. § 1701(11), "the term 'National Drug Control Program agency' means any agency (or bureau, office, independent agency, board, division, commission, subdivision, unit, or other component thereof) that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the National Intelligence Program or the Joint Military Intelligence Program." In addition to ONDCP, these agencies include the departments of Agriculture, Defense, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, and Veterans Affairs, as well as the Court Services and Offender Supervision Agency for the District of Columbia, and the Federal Judiciary, as identified by ONDCP.

⁸21 U.S.C. § 1703(b)(2), (c)(3).

⁹Pub. L. No. 100-690, 102 Stat. 4181.

¹⁰Pub. L. No. 109-469, 120 Stat. 3502.

2006 pursuant to continued funding in annual appropriations acts.¹¹ In October 2018, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act), among other things, reauthorized ONDCP and amended its authorities.¹² In particular, the SUPPORT Act continues to require the ONDCP Director to promulgate the National Drug Control Strategy, and also includes a number of detailed new requirements for its content and development. For example, the Strategy is required to include a performance evaluation plan for each long-range goal in the Strategy for each National Drug Control Program agency.¹³ Furthermore, the SUPPORT Act includes other new requirements, such as the creation of a publicly accessible Drug Control Data Dashboard that captures an array of drug related data.¹⁴

Pursuant to 21 U.S.C. § 1708a(b), we have periodically assessed ONDCP's programs and operations.¹⁵ This report assesses the extent to which (1) ONDCP met selected statutory requirements related to the National Drug Control Strategy for 2017, 2018, and 2019, and (2) ONDCP has planned or implemented actions to meet selected new requirements of the SUPPORT Act. In March and May 2019, we provided testimony on our preliminary findings regarding the extent to which ONDCP's 2019 National Drug Control Strategy met selected statutory requirements.¹⁶

¹¹See Consolidated Appropriations Act, 2012, Pub. L. No. 112-74, 125 Stat. 786, 895-96 (2011), Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. No. 113-6, 127 Stat. 198, 412 (2013), Consolidated Appropriations Act, 2014, Pub. L. No. 113-76, 128 Stat. 5, 195-96 (2014), Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. No. 113-235, 128 Stat. 2130, 2344-45 (2014), Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, 129 Stat. 2242, 2436-37 (2015), Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, 131 Stat. 135, 340-41 (2017), Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, 132 Stat. 348, 548-50 (2018).

¹²Pub. L. No. 115-271, 132 Stat. 3894 (2018).

¹³21 U.S.C. § 1705(c)(1)(G).

¹⁴21 U.S.C. § 1705(f).

¹⁵We are also conducting this review in response to two 2018 congressional requests that asked us to assess ONDCP's oversight and coordination of national drug control policy in 2017 and 2018.

¹⁶GAO, *Drug Policy: Preliminary Observations on the 2019 National Drug Control Strategy*, [GAO-19-370T](#) (Washington, D.C., March 7, 2019). GAO, *Drug Policy: Assessing Treatment Expansion Efforts and Drug Control Strategies and Programs*, [GAO-19-535T](#) (Washington, D.C., May 9, 2019).

To assess the extent to which ONDCP met selected statutory requirements related to the Strategy for 2017, 2018, and 2019, we reviewed the current National Drug Control Strategy and three associated companion documents that ONDCP stated are intended to fulfill their statutory requirements, and assessed these documents against selected provisions of the ONDCP Reauthorization Act of 2006. ONDCP officials told us that they began preparing the current National Drug Control Strategy, which they issued on January 31, 2019, in early 2018—prior to the enactment of the SUPPORT Act in October 2018. Officials stated that they intended for the 2019 National Drug Control Strategy to respond to the requirements of the ONDCP Reauthorization Act of 2006 because this was the applicable law at the time that they began drafting the Strategy. In light of ONDCP’s stated approach, we based our analysis of the 2019 Strategy and companion documents on requirements in the ONDCP Reauthorization Act of 2006, focusing on the same four provisions we discussed in our March and May 2019 testimonies.¹⁷ These four requirements were that the National Drug Control Strategy must contain (1) annual and quantifiable objectives and targets, (2) a 5-year projection for program and budget priorities, (3) specific drug trend assessments, and (4) a description of a performance measurement system. We selected these four provisions from the ONDCP Reauthorization Act of 2006 because we determined them to be related to aspects of ONDCP’s role in (a) setting a strategic direction to oversee and coordinate national drug control policy and (b) ensuring a framework for measuring results. We also selected these provisions because they were consistent with or similar to ONDCP’s ongoing responsibilities under the SUPPORT Act, which is the governing statute for future iterations of the National Drug Control Strategy. In addition to our analysis of the 2019 Strategy, we interviewed ONDCP officials about their activities and responsibilities in overseeing and coordinating national drug control policy.

To assess the extent to which ONDCP has planned or implemented actions to meet selected new requirements in the SUPPORT Act, we reviewed the SUPPORT Act and the ONDCP Reauthorization Act of 2006 to identify requirements from the SUPPORT Act that were relevant to ONDCP and excluded, for example, requirements for other federal agencies. Due to the large number of requirements in the SUPPORT Act, we focused on those that were new and notably different from the ONDCP Reauthorization Act of 2006. Based on this review, we selected seven requirements to examine. Specifically, we selected two

¹⁷[GAO-19-370T](#). [GAO-19-535T](#)

requirements to designate officials to fill new coordinator positions—the performance budget coordinator and the emerging and continuing threats coordinator; four requirements for new elements to be included in the National Drug Control Strategy, such as a performance evaluation plan for each long-range goal in the Strategy; and one requirement to establish and maintain a drug control data dashboard. We then assessed relevant documents and information gathered during interviews with ONDCP officials about any efforts they had taken to address selected requirements and compared these against the relevant statute and *Standards for Internal Control in the Federal Government* related to defining and establishing an entity’s objectives.¹⁸

To provide additional context for both of our objectives, we also interviewed officials from three National Drug Control Program agencies—HHS, the Department of Justice (DOJ), and the Department of Homeland Security (DHS)—about their views on and contributions to ONDCP’s development and implementation of the 2019 National Drug Control Strategy. We also interviewed these officials about their agencies’ and components’ engagement with ONDCP during the 2017, 2018, and 2019 budget certification process. We selected these agencies because they received the largest share of 2018 drug control funding.¹⁹ For each agency, we interviewed headquarters officials who had responsibilities related to drug control policy and annual drug control budget submissions. We also selected and interviewed officials from one component from each agency—the Substance Abuse and Mental Health Services Administration from HHS, the Drug Enforcement Administration from DOJ, and U.S. Customs and Border Protection from DHS. We chose these components because of their drug control program responsibilities

¹⁸GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sep. 2014).

¹⁹In 2018—the most recent completed fiscal year—drug control-related funding for these three agencies comprised over 80 percent of federal drug control funding, according to the President’s fiscal year 2020 budget request.

and their share of the 2018 drug control funding.²⁰ The information collected from these interviews is not generalizable to all National Drug Control Program agencies but provides perspective on their experiences.

We conducted this performance audit from September 2018 to December 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

ONDCP's Responsibilities

ONDCP was established by the Anti-Drug Abuse Act of 1988 as a component of the Executive Office of the President,²¹ and its Director is to assist the President in the establishment of policies, goals, objectives, and priorities for the National Drug Control Program.²² ONDCP is responsible for (1) leading the national drug control effort, (2) coordinating and overseeing the implementation of national drug control policy, (3) assessing and certifying the adequacy of National Drug Control Programs and the budget for those programs, and (4) evaluating the effectiveness of national drug control policy efforts.²³ About a dozen National Drug Control Program agencies, as identified by ONDCP, have responsibilities for drug prevention, treatment, and law enforcement activities.

²⁰The Substance Abuse and Mental Health Services Administration partners with ONDCP to provide grant management support services for the Drug-Free Communities Support Program, part of ONDCP's oversight; the Drug Enforcement Administration is one of the federal law enforcement partners supporting the High-Intensity Drug Trafficking Area program, also part of ONDCP's oversight related to interdiction efforts; and Customs and Border Protection's responsibilities include managing and controlling the border, including the enforcement of customs, immigration, border security, and agricultural laws. This includes screening inbound cargo at ports of entry, including international mail and express consignment carrier items, which are also drug interdiction efforts.

²¹Pub. L. No. 100-690, 102 Stat. 4181.

²²See 21 U.S.C. § 1703(b)(1).

²³See 21 U.S.C. § 1702(a)(1)-(4).

Developing the National Drug Control Strategy

Among other responsibilities, the Director of ONDCP is required to develop and promulgate the National Drug Control Strategy. The National Drug Control Strategy is to set forth a comprehensive plan 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.²⁴ Many of the SUPPORT Act's requirements for the National Drug Control Strategy are the same as, or similar to, those that applied under the ONDCP Reauthorization Act of 2006. For example, both laws require the National Drug Control Strategy to include a 5-year projection for the National Drug Control Program and budget priorities.²⁵ However, there are certain differences, and the SUPPORT Act includes a wide range of detailed new requirements that were not included under the ONDCP Reauthorization Act of 2006. One of these is that the National Drug Control Strategy include a description of how each comprehensive, research-based, long-range quantifiable goal established in the Strategy for reducing illicit drug use and the consequences of illicit drug use in the United States will be achieved.²⁶ Other examples of new requirements include creating plans to increase data collection and expand treatment of substance use disorders.²⁷ The SUPPORT Act also requires the Director to release a statement of drug control policy priorities in the calendar year of a presidential inauguration (but not later than April 1). The President is then required to submit to Congress a National Drug Control Strategy not later than the first Monday on February following the year in which the term of the President commences, and every two years thereafter.²⁸

²⁴See 21 U.S.C. § 1705(b).

²⁵See 21 U.S.C. § 1705(c)(1)(D). See also 21 U.S.C. § 1705(a)(2)(A)(iii) (2017).

²⁶See 21 U.S.C. § 1705(c)(1)(F). In describing how each goal will be achieved, the National Drug Control Strategy is to include a list of each relevant National Drug Control Program agency and each agency's related programs, activities, and available assets and the role of each such program, activity, and asset in achieving each goal; a list of relevant stakeholders and each stakeholder's role in achieving each goal; an estimate of the federal funding and other resources needed to achieve each goal; a list of each existing or new coordinating mechanism needed to achieve each goal; and a description of ONDCP's role in facilitating the achievement of each goal.

²⁷See 21 U.S.C. § 1705(c)(1)(M) and (N).

²⁸21 U.S.C. § 1705(a).

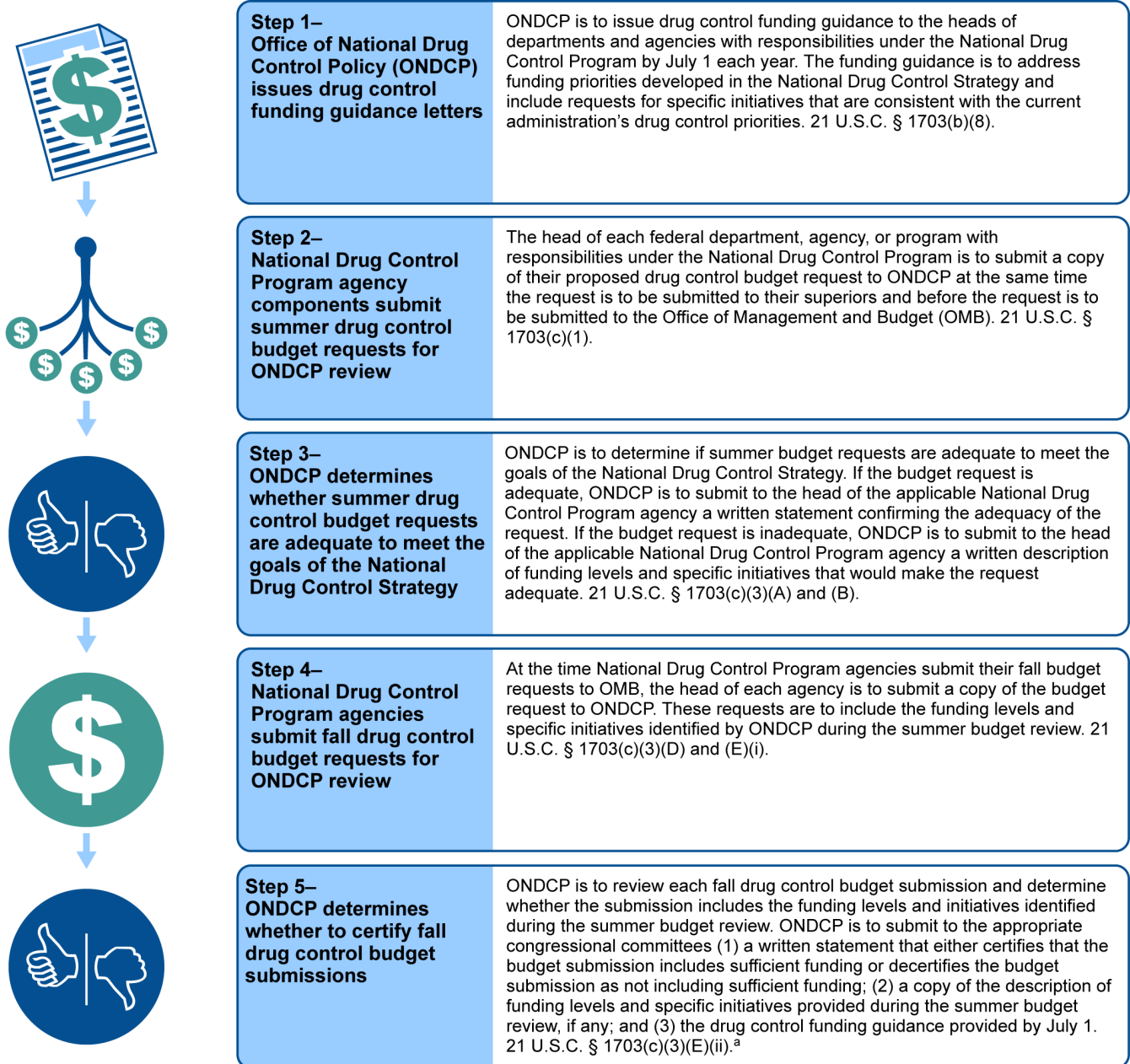
Certifying Agency Drug Control Budgets

The Director of ONDCP is also responsible for developing a consolidated National Drug Control Program budget proposal for each fiscal year, which is designed to implement the National Drug Control Strategy and inform Congress and the public about total federal spending on drug control activities.²⁹ As part of this effort, the Director of ONDCP is required to assess and certify National Drug Control Program agencies' drug control budgets on an annual basis to determine if they are adequate to meet the goals and objectives of the National Drug Control Strategy.³⁰ Figure 1 illustrates ONDCP's budget certification process.

²⁹See 21 U.S.C. § 1703(c)(2).

³⁰See 21 U.S.C. § 1703(c)(3).

Figure 1: The Office of National Drug Control Policy’s (ONDCP) Drug Control Budget Certification Process Under the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act)



Source: GAO analysis of current statutory requirements, as amended by the SUPPORT Act, and Office of National Drug Control Policy information. | GAO-20-124

^aPrior to the SUPPORT Act, under the ONDCP Reauthorization Act of 2006, ONDCP was to review each fall drug control budget submission and submit a copy of the following materials to the Senate,

the House of Representatives, and appropriate congressional committees, but only in the event ONDCP issues a written decertification of an agency's budget: (1) the written decertification; (2) the description of funding levels and specific initiatives provided during the summer budget review; and (3) the drug control funding guidance provided by July 1. 21 U.S.C. § 1703(c)(3)(E)(ii) (2017).

ONDCP Did Not Fully Address Selected Statutory Requirements Related to the National Drug Control Strategy in 2017, 2018, or 2019

For 2017 and 2018, ONDCP Did Not Issue a National Drug Control Strategy

ONDCP did not issue a National Drug Control Strategy for 2017 or 2018. Pursuant to the ONDCP Reauthorization Act of 2006, the Director of ONDCP was required to promulgate the National Drug Control Strategy annually and the President was to submit the National Drug Control Strategy to Congress by February 1 of each year.³¹ According to ONDCP officials, ONDCP did not issue a National Drug Control Strategy for these years because (1) ONDCP did not have a Senate-confirmed Director during those years; and (2) 2017 was the administration's inaugural year, and previous administrations also did not issue a Strategy during their first years. By statute, in the absence of a Director, the Deputy Director of ONDCP is to perform the functions and duties of the Director temporarily in an acting capacity. ONDCP had officials serving as Acting Director beginning in January 2017. The current Director of ONDCP was appointed Deputy Director beginning in February 2018 and served as Acting Director from February 2018 until April 2018. As of April 2018, the current Director continued in his role as Deputy Director until he was confirmed by the Senate as Director of ONDCP in January 2019. The previous administration also did not issue a National Drug Control Strategy in its inaugural year—2009—but it did issue a National Drug

³¹See 21 U.S.C. §§ 1703(b)(2) and 1705(a) (2017).

Control Strategy in its second year, as shown in table 1.³² On January 31, 2019, ONDCP issued its National Drug Control Strategy for 2019, which we discuss in more detail later in the report.

Table 1: Issuance Month for the National Drug Control Strategy from 2007 through 2019

Strategy Year	Strategy Issued by Statutory Deadline Month (February of Each Year)	Month and Year of Strategy Issuance
	Yes/ No	
2007	Yes	February 2007
2008	No	March 2008 ^b
2009 ^a	No	Not Issued
2010	No	May 2010
2011	No	July 2011
2012	No	April 2012
2013	No	April 2013
2014	No	July 2014
2015	No	November 2015
2016	No	January 2017 ^b
2017 ^a	No	Not Issued
2018	No	Not Issued
2019	Yes	January 2019

Source: GAO analysis of Office of National Drug Control Policy information. | GAO-20-124

^aIndicates inaugural year of a new administration.

^bThis was the final Strategy issued by the previous administration.

³²Pursuant to the SUPPORT Act, the Director of ONDCP is no longer required to issue a National Drug Control Strategy in an administration's inaugural year. Instead, the SUPPORT Act requires the Director to release a statement of drug control policy priorities in the calendar year of a Presidential inauguration following the inauguration, but not later than April 1. The President is then required to submit to Congress a National Drug Control Strategy not later than the first Monday in February following the year in which the term of the President commences, and every two years thereafter. See 21 U.S.C. § 1705(a).

Without a National Drug Control Strategy, ONDCP Could Not Complete the Drug Control Budget Certification Process in Accordance with Statutory Requirements in 2017 and 2018

The ONDCP Reauthorization Act of 2006 required the Director of ONDCP to issue drug control funding guidance to the heads of departments and agencies with responsibilities under the National Drug Control Program by July 1 of each year.³³ ONDCP is to issue funding guidance for agency budget proposals for the fiscal year two years in the future. For example, ONDCP was to issue funding guidance to agencies in 2017 for development of the 2019 budget, and issue funding guidance in 2018 for development of the 2020 budget. Such funding guidance was required to address funding priorities developed in the National Drug Control Strategy.³⁴ National Drug Control Program agencies are to submit their budget requests to ONDCP in the summer of each year (before submission to the Office of Management and Budget) and in the fall of each year (at the same time as submission to the Office of Management and Budget). The Director of ONDCP then determines whether National Drug Control Program agencies' summer budget requests are adequate to meet the goals of the National Drug Control Strategy and certifies whether fall budget submissions include the funding levels and initiatives identified during the summer budget review.³⁵

Since ONDCP did not issue a Strategy in 2017 or 2018, ONDCP could not develop and issue funding guidance, nor could it review and certify budget requests and submissions of National Drug Control Program agencies, in accordance with the statutory requirement. ONDCP officials stated that—in lieu of a Strategy—they used other sources to formulate the administration's priorities, which served as the basis for drug control funding guidance in 2017 and 2018. For example, for the development of the fiscal year 2019 drug control budget in calendar year 2017, ONDCP officials stated that they relied upon the following sources for drug policy guidance:

³³See 21 U.S.C. § 1703(b)(8) (2017). The SUPPORT Act retained this requirement. See 21 U.S.C. § 1703(b)(8).

³⁴Under 21 U.S.C. § 1703(b)(8) (2017), the Director of ONDCP was required to "provide, by July 1 of each year, budget recommendations, including requests for specific initiatives that are consistent with the priorities of the President under the National Drug Control Strategy, to the heads of departments and agencies with responsibilities under the National Drug Control Program, which recommendations shall (a) apply to the next budget year scheduled for formulation...and each of the 4 subsequent fiscal years; and (b) address funding priorities developed in the National Drug Control Strategy."

³⁵21 U.S.C. § 1703(c)(3) (2017).

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- Initial development of the President’s Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand;
 - Draft recommendations from the President’s Commission on Combating Drug Addiction and the Opioid Crisis;³⁶
 - policy statements made by the President as a candidate; and
 - policy priorities identified in the fiscal year 2018 President’s Budget.

Additionally, for the development of the fiscal year 2020 funding guidance in calendar year 2018, ONDCP officials stated that they relied upon the following sources for drug policy priorities:

- the interim and final Report of the President’s Commission on Combating Drug Addiction and the Opioid Crisis;³⁷
- the President’s Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand;³⁸
- the draft National Security Council Strategic Framework; and
- a draft 2018 National Drug Control Strategy that ONDCP officials told us they drafted but did not issue.

These sources may have provided ONDCP officials with some information about policy priorities and actions. However, ONDCP officials stated they did not consider these documents to be the National Drug

³⁶The mission of the President’s Commission on Combating Drug Addiction and the Opioid Crisis was to study the scope and effectiveness of the Federal response to drug addiction and the opioid crisis and to make recommendations to the President for improving that response. The Commission was to identify and describe existing Federal funding used to combat drug addiction and the opioid crisis and make recommendations to the President for improving the Federal response to drug addiction and the opioid crisis, among other things.

³⁷The final report was issued on November 1, 2017, and contained 56 recommendations (in addition to incorporating at least nine recommendations from the Interim Report for a total of 65), the vast majority of which had input from ONDCP.

³⁸The Initiative—announced March 19, 2018—covers three areas: (1) reduce demand and over prescription; (2) cut off the supply of illicit drugs; and (3) help those struggling with addiction. Specifics of the Initiative include: a public awareness campaign to warn of the dangers of prescription drug misuse and the use of illicit opioids and other drugs; reducing the over-prescription of opioids; securing U.S. borders and ports of entry against drug trafficking; working with partner nations to reduce the trafficking of illicit drugs into the United States; shutting down internet sites dealing in illicit drugs; ensuring adequate supplies of naloxone for first responders; and expanding access to medication-assisted treatment.

Control Strategy, and none of the sources fulfill the statutory requirements under the ONDCP Reauthorization Act of 2006, which require funding guidance to address priorities from the National Drug Control Strategy. ONDCP officials told us that they provided drug control funding guidance to the heads of departments and agencies with responsibilities under the National Drug Control Program in 2017 and 2018. As described by ONDCP officials, drug control funding guidance identifies key program goals and the programs and activities that require agency funding to achieve the objectives of the National Drug Control Strategy.

ONDCP has since issued the 2019 National Drug Control Strategy which states that it establishes the administration's drug control priorities. The Strategy also states that the priorities provide federal drug control departments and agencies strategic guidance for developing their own drug control plans and strategies, and that the Strategy is intended to ensure federal drug control budget dollars are allocated in a manner consistent with the administration's priorities. ONDCP officials told us that the agency intends to issue the next National Drug Control Strategy in February 2020 in accordance with the SUPPORT Act.

ONDCP Issued a 2019 National Drug Control Strategy that Addresses Some, But Not All, Selected Requirements

The 2019 National Drug Control Strategy and companion documents include information to address some but not all selected requirements under the ONDCP Reauthorization Act of 2006.³⁹ ONDCP issued multiple documents that together were intended to address the requirements for the National Drug Control Strategy. The first document, the 2019 National Drug Control Strategy, was issued January 31, 2019, with three companion documents issued later in April and May 2019. These companion documents were the 2019 Data Supplement, the 2019 Performance Reporting System, and the 2019 Budget and Performance Summary. In our March 2019 testimony, we reported that the first document—the National Drug Control Strategy, which was the only one of the four documents available at the time of our testimony—did not include

³⁹Until 2018, ONDCP had been operating under the provisions of the ONDCP Reauthorization Act of 2006 pursuant to continued funding in annual appropriations acts. Agency officials told us that they began preparing the National Drug Control Strategy in early 2018—prior to the enactment of the SUPPORT Act in October 2018. Officials stated that the 2019 National Drug Control Strategy was intended to respond to the requirements of the ONDCP Reauthorization Act of 2006, which was the applicable law at the time that ONDCP began drafting the Strategy. In light of ONDCP's stated approach, we based our analysis of the 2019 National Drug Control Strategy and companion documents on the ONDCP Reauthorization Act of 2006.

certain information required under the ONDCP Reauthorization Act of 2006. These selected requirements included:

- annual quantifiable and measurable objectives and specific targets;⁴⁰
- a 5-year projection for program and budget priorities;⁴¹
- specific drug trend assessments;⁴² and
- a description of a performance measurement system.⁴³

Following our March 2019 testimony, we reviewed the three companion documents and found that while they provide some additional information to address these same selected requirements, they do not completely address the requirements. As stated earlier, we based our analysis of the 2019 National Drug Control Strategy and companion documents on the ONDCP Reauthorization Act of 2006, which was the applicable law at the time ONDCP began drafting the Strategy. Current law is reflected in the SUPPORT Act, which includes some of the same requirements from the ONDCP Reauthorization Act of 2006 and some new or different requirements. In the paragraphs below, we identify which selected requirements from the ONDCP Reauthorization Act of 2006 were retained under the SUPPORT Act, and therefore represent current law, and which selected requirements were not retained. For those selected requirements that were not retained, we identify comparable current requirements in the SUPPORT Act.

Annual quantifiable and measurable objectives and specific targets. Pursuant to the ONDCP Reauthorization Act of 2006, the National Drug Control Strategy was required to include “annual quantifiable and measurable objectives and specific targets to accomplish long-term quantifiable goals that the [ONDCP] Director determines may be achieved during each year beginning on the date on which the National Drug

⁴⁰21 U.S.C. § 1705(a)(2)(A)(ii) (2017).

⁴¹21 U.S.C. § 1705(a)(2)(A)(iii) (2017).

⁴²21 U.S.C. § 1705(a)(2)(A)(vi)-(vii) (2017).

⁴³21 U.S.C. § 1705(c) (2017).

Control Strategy is submitted.”⁴⁴ The SUPPORT Act retained this requirement.⁴⁵

We testified in March 2019 that while the 2019 National Drug Control Strategy lists seven items it designates as measures of performance or effectiveness, the document did not indicate how these would be quantified or measured. The document also did not include targets to be achieved each year. Our subsequent analysis of the three companion documents showed that one additional document provided more information related to this requirement. The 2019 Performance Reporting System includes 9 goals and 17 quantifiable and measurable objectives with specific targets for certain years.⁴⁶ Specifically, the goals and objectives identified in the 2019 Performance Reporting System included educating the public about the dangers of drug use; expanding access to evidence-based treatment; decreasing the over-prescribing of opioid medications; and reducing the availability of illicit drugs in the United States through reduced production, increased seizure trends, and increased prices and reduced drug purity, among other things. The document states that each goal “is accompanied by aggressive, but achievable, objectives with two- and five-year targets from a baseline of 2017.”

However, the 2019 Strategy does not meet the statutory requirement because it does not have annual targets that may be achieved each year. Instead, the Performance Reporting System states that 16 of the 17 objectives in the Strategy have 2-year targets to be achieved in 2019, and 14 of the 17 objectives have 5-year targets to be achieved in 2022. The objectives do not include annual targets for the other intervening years—2018, 2020, and 2021, as required. The Performance Reporting System states that while ONDCP assumes a linear progression from the baseline year—2017, in most cases—to the 2022 target, the trajectory may not actually be linear, “but rather it may occur at varying rates over the 5-year period due to multiple factors which influence the ability to achieve each of the stated goals and objectives.” In contrast, other information ONDCP provided to us stated that annual targets can readily be determined from

⁴⁴21 U.S.C. § 1705(a)(2)(A)(ii) (2017).

⁴⁵See 21 U.S.C. § 1705(c)(1)(C).

⁴⁶The 2019 Performance Reporting System includes specific targets for years 2019 and 2022 for 15 of the 17 objectives. The remaining two objectives have specific targets for years 2020 and 2022.

the linear paths between the 2- and 5-year targets. Without identifying annual targets, the 2019 National Drug Control Strategy and companion documents do not meet the statutory requirement. Further, annual targets would better position ONDCP to monitor progress in intervening years and make any needed changes to achieve its goals and objectives.

The SUPPORT Act continues to require ONDCP to establish annual quantifiable and measurable objectives and specific targets in future Strategy iterations. By taking steps to address this requirement ONDCP could further demonstrate whether it is making meaningful progress every year toward the targets it sets.

A 5-year projection for program and budget priorities. Pursuant to the ONDCP Reauthorization Act of 2006, the National Drug Control Strategy was required to include “a 5-year projection for program and budget priorities.”⁴⁷ The SUPPORT Act retained this requirement.⁴⁸

As we testified in March 2019, the 2019 National Drug Control Strategy did not include this information. Our subsequent analysis of the three companion documents showed that one document—the 2019 Performance Reporting System—provided more information about ONDCP’s program priorities but not ONDCP’s budget priorities. Specifically, 14 of the 17 objectives ONDCP included in the 2019 Performance Reporting System contain various 5-year targets, such as to reduce the rates of illicit drug and opioid use among youth by 15 percent. According to ONDCP officials, the objectives and targets in the 2019 Performance Reporting System satisfy the requirement for 5-year program and budget priorities. However, the document does not include how these objectives and targets relate to 5-year budget priorities.

The SUPPORT Act continues to require ONDCP to include a 5-year projection of program and budget priorities in future Strategy iterations. By taking steps to address this requirement, ONDCP and National Drug Control Program agencies will be better positioned to plan for the resources needed to achieve the efforts that will have the greatest impact.

Specific drug trend assessments. Pursuant to the ONDCP Reauthorization Act of 2006, the National Drug Control Strategy was

⁴⁷21 U.S.C. § 1705(a)(2)(A)(iii) (2017).

⁴⁸See 21 U.S.C. § 1705(c)(1)(D).

required to include assessments of the reduction of the consequences of illicit drug use and availability and the reduction of illicit drug availability.⁴⁹ We testified in March 2019 that the 2019 National Drug Control Strategy did not include these assessments. Our subsequent analysis of the three companion documents showed that the 2019 Data Supplement provided more information to address the required assessments but did not address all of the requirements. For example, the assessment of the reduction of the consequences of illicit drug use and availability was to include, among other things, the annual national health care cost of illicit drug use.⁵⁰ However, the most recent national health care cost data in the 2019 Data Supplement is from 2007, and ONDCP did not indicate in the supplement whether more recent data were available. In another example, the assessment of the reduction of illicit drug availability was to be measured by, among other things, the number of illicit drug manufacturing laboratories seized and destroyed and the number of hectares of marijuana, poppy, and coca cultivated and destroyed domestically and in other countries.⁵¹ The 2019 Data Supplement provided data for marijuana and poppy until 2016 and for the quantity of coca eradicated until 2015.

The SUPPORT Act no longer requires these specific assessments. However, the SUPPORT Act does include a new requirement that the National Drug Control Strategy provide “[a] description of 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.”⁵² The SUPPORT Act also contains a new requirement—which we describe later in this report—for ONDCP to describe how each comprehensive, research-based, long-range quantifiable goal in the National Drug Control Strategy was determined, including data, research, or other information used to inform the determination.⁵³ We address ONDCP’s implementation of this new requirement under the SUPPORT Act later in the report.

⁴⁹See 21 U.S.C. § 1705(a)(2)(A)(vii)(I)-(III) and (vi)(I)-(V) (2017).

⁵⁰See 21 U.S.C. § 1705(a)(2)(A)(vii)(II) (2017) .

⁵¹See 21 U.S.C. § 1705(a)(2)(A)(vi)(III) (2017).

⁵²See 21 U.S.C. § 1705(c)(1)(K).

⁵³See 21 U.S.C. § 1705(c)(1)(J).

A description of a performance measurement system. Pursuant to the ONDCP Reauthorization Act of 2006, the National Drug Control Strategy was required to include a “description of a national drug control performance measurement system” that:

- develops 2-year and 5-year performance measures and targets;
- describes the sources of information and data that will be used for each performance measure;
- identifies major programs and activities of the National Drug Control Program agencies that support the goals and annual objectives of the National Drug Control Strategy;
- evaluates the contribution of demand reduction and supply reduction activities implemented by each National Drug Control Program agency in support of the Strategy;
- monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that each agency’s goals and budgets support and are fully consistent with the National Drug Control Strategy, among others; and
- coordinates the development and implementation of national drug control data collection and reporting systems to support policy formulation and performance measurement, including certain assessments.⁵⁴

We testified in March 2019 that the 2019 National Drug Control Strategy did not include a description of a performance measurement system pursuant to the ONDCP Reauthorization Act of 2006. Our subsequent analysis of the three companion documents showed that the 2019 Performance Reporting System provides information about some of the elements the performance measurement system is required to do. For example, the 2019 Performance Reporting System includes 2-year and 5-year targets for many of its objectives and describes some of the sources of data that will be used to measure each target. However, it does not include a description of the system that will accomplish each of the requirements in the ONDCP Reauthorization Act of 2006. For example, it does not describe a performance measurement system that identifies major programs and activities of the National Drug Control Program agencies that support the goals and annual objectives of the National Drug Control Strategy. Such programs and activities could indicate how

⁵⁴See 21 U.S.C. § 1705(c)(1)-(6) (2017).

ONDCP expects to achieve these objectives, such as how to educate the public about the dangers of drug use, or how to expand access to evidence-based treatment. Additionally, it does not describe how the performance measurement system monitors consistency between the drug-related goals and objectives of the National Drug Control Program agencies and ensures that each agency's goals and budgets support and are fully consistent with the National Drug Control Strategy. ONDCP officials stated they believe the 2019 Performance Reporting System meets the statutory requirement for a description of a performance measurement system.

The SUPPORT Act, as originally enacted in October 2018, no longer required a description of a performance measurement system. However, the ONDCP Technical Corrections Act of 2019, enacted in November 2019, amended the SUPPORT Act to reinstate the requirement for a description of a performance measurement system.⁵⁵ Therefore, this requirement will apply to the 2020 National Drug Control Strategy and future Strategy iterations.

⁵⁵Pub. L. No. 116-74, § 2(c)(1)(B)(ii), 133 Stat. 1157, 1160 (2019) (codified at 21 U.S.C. § 1705(h)). The ONDCP Technical Corrections Act of 2019 amends certain provisions of ONDCP's authorizing legislation. The remaining technical corrections are not within the scope of our report.

ONDCP Has Met Some SUPPORT Act Requirements That GAO Reviewed but Its Approach to Meeting Others Does Not Incorporate Key Planning Elements

ONDCP Has Addressed Requirements for New Coordinator Positions

As of August 2019, ONDCP filled all five coordinator positions described in the SUPPORT Act, two of which are substantively new positions.⁵⁶ Specifically, ONDCP officials stated that they have designated officials for the new positions of performance budget coordinator and emerging and continuing threats coordinator. By filling each of these positions, ONDCP is better positioned to fulfill the responsibilities for which each position is accountable, as described in figure 2 below.

⁵⁶The five coordinator positions described in the SUPPORT Act are: performance budget coordinator; interdiction coordinator; emerging and continuing threats coordinator; state, local, and tribal affairs coordinator; and demand reduction coordinator. See 21 U.S.C. § 1703(a)(1)(C). The ONDCP Reauthorization Act of 2006 included positions that were the same or substantially similar to three of the coordinator positions: interdiction coordinator; deputy director for state, local, and tribal affairs; and deputy director for demand reduction. See 21 U.S.C. §§ 1703(a)(1)(BC) and 1710(a) (2017).

Figure 2: Statutory Requirements for Two Substantively New Coordinator Positions in the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act)

Description of New Coordinator Positions Required by the SUPPORT Act

Performance budget coordinator

This coordinator is to ensure the Office of National Drug Control Policy (ONDCP) director has sufficient information necessary

- to analyze the performance of each National Drug Control Program Agency,
- to analyze the impact federal funding has had on the goals in the Strategy,
- to analyze the likely contributions to the goals of the Strategy based on funding levels of each National Drug Control Program Agency, and
- to make an independent assessment of the budget request of each agency.

The performance-budget coordinator must also advise the director on:

- agency budgets,
- performance measures and targets, and
- additional data and research needed to make informed policy decisions.^a

Emerging and continuing threats coordinator

This coordinator is to

- direct the implementation of the Emerging Threat Response Plan among the agencies identified in the Plan, state, local, and tribal governments, and other relevant entities;
- facilitate information sharing between agencies identified in the Plan, state, local, and tribal governments, and other relevant entities; and
- monitor implementation of the Plan by coordinating the development and implementation of collection and reporting systems to support performance measurement and adherence to the Plan by agencies identified in the Plan, where appropriate.

This coordinator also has responsibilities related to implementation of the Emerging Threat Response Plan when the Director designates an emerging drug threat in the United States.^b

Source: GAO analysis of the SUPPORT Act. | GAO-20-124

Note: The SUPPORT Act describes five coordinator positions: performance budget coordinator; interdiction coordinator; emerging and continuing threats coordinator; state, local, and tribal affairs coordinator; and demand reduction coordinator. See 21 U.S.C. § 1703(a)(1)(C). The ONDCP Reauthorization Act of 2006 included three of these that were the same or substantially similar: interdiction coordinator; deputy director for state, local, and tribal affairs; and deputy director for demand reduction. See 21 U.S.C. § 1703(a)(1)(C) (2017).

^a21 U.S.C. § 1703(c)(5)(A). The performance-budget coordinator's other duties may be determined by the Director with respect to measuring or assessing performance or agency budgets.

^b21 U.S.C. § 1708(d)(4)(B).

ONDCP's Approach to Meeting Selected New Requirements for the National Drug Control Strategy and the Drug Control Data Dashboard Does Not Incorporate Key Planning Elements

As of October 2019, ONDCP officials could not provide in writing or otherwise describe key planning elements to ensure ONDCP can meet selected new requirements in the SUPPORT Act related to the development of the 2020 and future National Drug Control Strategy iterations, and related to the development and implementation of the Drug Control Data Dashboard. Figure 3 outlines the selected requirements for the Strategy, which were effective upon enactment of the SUPPORT Act in October 2018.

Figure 3: Selected New Statutory Requirements Related to the National Drug Control Strategy in the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act)

According to the SUPPORT Act, the National Drug Control Strategy Must Include:

A description of how each comprehensive, research-based, long-range, quantifiable goal in the National Drug Control Strategy will be achieved

For each goal, the National Drug Control Strategy must include:

- A list of each relevant National Drug Control Program agency and each agency’s related programs, activities, and available assets, including the role of each program, activity, and asset in achieving the goal;
- A list of the relevant stakeholders and each stakeholder’s role in achieving the goal;
- An estimate of federal funding and other resources needed to achieve the goal;
- A list of each existing or new coordinating mechanism required to achieve the goal; and
- A description of ONDCP’s role in facilitating achievement of the goal.^a

A performance evaluation plan for each comprehensive, research-based, long-range, quantifiable goal in the National Drug Control Strategy

For each year covered by the National Drug Control Strategy, the Strategy must include a performance evaluation plan for each goal for each National Drug Control Program agency, including:

- Specific performance measures for each National Drug Control Program agency;
- Annual and, if practicable, quarterly objectives and targets for each performance measure; and
- An estimate of federal funding and other resources needed to achieve each performance objective and target.^b

A description of how each comprehensive, research-based, long-range, quantifiable goal in the National Drug Control Strategy was established

This description must include:

- A description of each required consultation, including how such consultation was incorporated; and
- Data, research, or other information used to inform the determination to establish the goal.^c

A plan for expanding treatment of substance use disorders

This plan must:

- Identify unmet needs for treatment for substance use disorders and a strategy for closing the gap between available and needed treatment;
- Describe specific roles and responsibilities of the relevant National Drug Control Programs for implementing the plan;
- Identify resources required to enable National Drug Control Program agencies to implement the strategy; and
- Identify the resources, including private resources, required to eliminate the unmet need for evidence-based substance use disorder treatment.^d

ONDCP is responsible for consulting various entities, such as the public and other government offices, in developing this plan.^e

Source: GAO analysis of the SUPPORT Act. | GAO-20-124

^a21 U.S.C. § 1705(c)(1)(F).

^b21 U.S.C. § 1705(c)(1)(G).

^c21 U.S.C. § 1705(c)(1)(J).

^d21 U.S.C. § 1705(c)(1)(N).

⁶21 U.S.C. § 1705(c)(2).

Each of the four selected SUPPORT Act requirements described in Figure 3 requires ONDCP to include specific information in the 2020 and future National Drug Control Strategy iterations. For example, for each comprehensive, research-based, long-range, quantifiable goal, the National Drug Control Strategy must contain (1) a description of how each goal will be achieved; (2) a performance evaluation plan for each goal; and (3) a description for how each goal was determined.⁵⁷ The National Drug Control Strategy must also include a plan to expand treatment for substance use disorders.⁵⁸ Officials from ONDCP and selected agencies told us that in spring 2019 ONDCP requested that the National Drug Control Program agencies determine how their existing programs and activities align with the 2019 National Drug Control Strategy, including the goals and objectives articulated in the 2019 Performance Reporting System. In October 2019, ONDCP officials told us that the 2020 Strategy would be issued in accordance with the SUPPORT Act, by the first Monday in February (February 3, 2020). ONDCP also provided us with two documents to describe its approach for meeting this deadline. One document includes a table that lists SUPPORT Act requirements along with the ONDCP component(s) responsible for implementation and the deadline. The other document provides a high-level summary of the National Drug Control Strategy development and interagency review process. For example, the plan to monitor progress on the drafting of components' sections of the Strategy notes that it is to occur through "as-needed (but frequent)" meetings with the deputy chief of staff and the components and their heads.

The extensive nature of the new SUPPORT Act requirements, as described above, indicates that significant implementation steps may be necessary, such as, a description of the specific steps necessary to accomplish this overarching task, identification of who will be responsible for each step, and a schedule of interim milestones. However, neither of these documents describes such critical implementation steps. Further, neither specifies what resources or processes, for example, would be needed and by what specific milestone date ONDCP would accomplish any particular step to complete the overall work in a timely manner. For example, the document that includes the table indicates that the deadline for all requirements related to the National Drug Control Strategy is

⁵⁷21 U.S.C. § 1705(c)(1)(F), (G), and (J).

⁵⁸21 U.S.C. § 1705(c)(1)(N).

February 2020. However, some requirements associated with the development of the Strategy, such as consultation requirements, would need to be completed before the Strategy's due date—February 2020.⁵⁹

According to *Standards for Internal Control in the Federal Government* under Internal Control Principle 6, to achieve an entity's mission, management should define objectives in specific terms so they are understood at all levels of the entity.⁶⁰ This involves clearly defining what it is to be achieved, who is to achieve it, how it will be achieved, and the time frames for achievement—in other words, key planning elements. Standards for project management also state that managing a project involves developing a plan with specific actions and milestone dates.⁶¹

Defining these key planning elements will help provide assurance that ONDCP's efforts will result in a National Drug Control Strategy—for 2020 and future years—that fully addresses the requirements of the SUPPORT Act. In addition, developing and documenting these planning elements would help ONDCP structure its planning efforts through consideration of resource investments, time frames, and any necessary processes, policies, roles, and responsibilities to address each requirement. Furthermore, implementing these planning elements will help ensure that ONDCP follows a routine planning process going forward, and that future iterations of the National Drug Control Strategy that ONDCP develops are consistent with the law.

Additionally, as of December 2019, ONDCP has not documented key planning elements to ensure it will meet the SUPPORT Act's

⁵⁹Under the SUPPORT Act, the Director of ONDCP is required to consult with the following groups to develop and effectively implement the National Drug Control Strategy: (1) the heads of National Drug Control Program agencies; (2) the performance budget coordinator, interdiction coordinator, emerging and continuing threats coordinator, state, local, and tribal affairs coordinator, and demand reduction coordinator; (3) the interdiction committee and emerging threats committee; (4) appropriate congressional committees and other committees of jurisdiction; (5) state, local, and tribal officials; (6) private citizens and organizations with experience and expertise in demand reduction and supply reduction; and (7) appropriate representatives of foreign governments. 21 U.S.C. § 1705(b)(4)(A).

⁶⁰[GAO-14-704G](#).

⁶¹Project Management Institute, Inc. *A Guide to the Project Management Body of Knowledge* (PMBOK® Guide), Sixth Edition, 2017. PMBOK is a trademark of Project Management Institute, Inc.

requirements for the Drug Control Data Dashboard, to make timely information publicly available on the scope and complexity of drug use and drug control activities. The SUPPORT Act includes requirements for what data is to be included in the Drug Control Data Dashboard as well as its functionality, to ensure it is searchable and sortable. Figure 4 outlines the requirements for the Drug Control Data Dashboard, which were effective upon enactment of the SUPPORT Act in October 2018.

Figure 4: New Statutory Requirements Related to the Drug Control Data Dashboard in the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act)

Description of Drug Control Data Dashboard Required by the SUPPORT Act

The Drug Control Data Dashboard must be updated quarterly to the extent practicable, but no less than annually. To the extent practicable, the user interface of the dashboard must be constructed with modern design standards and the data must be publicly available in a machine-readable format and searchable by year, agency, drug, and location.

The data must include information the Director determines is appropriate, but no less than the following:

- For substances identified by the Director as having a significant impact on the prevalence of drug use
 - Data sufficient to show the quantities of each substance available in the United States, including, among other things, the known and estimated flow of each substance into the United States; and
 - Data sufficient to show the frequency of use of such substance.
- For the calendar year and each of the previous three years, data sufficient to show
 - The number of fatal and non-fatal overdoses caused by substances having a significant impact on the prevalence of illicit drug use;
 - The prevalence of substance use disorders;
 - The number of individuals who have received substance use disorder treatment; and
 - The extent of the unmet need for substance use disorder treatment.
- Data sufficient to show the extent of prescription drug diversion, trafficking, and misuse in the calendar year and each of the previous three calendar years, and
- Any quantifiable measures the Director determines to be appropriate to describe progress toward achievement of the goals in the National Drug Control Strategy.^a

Source: GAO analysis of the SUPPORT Act. | GAO-20-124

^a21 U.S.C. § 1705(f).

In August 2019, ONDCP posted a public version of the Drug Control Data Dashboard that included information from the 2019 Data Supplement in spreadsheet format, but did not provide all of the data required by the SUPPORT Act.⁶² For example, the Drug Control Data Dashboard does

⁶²As of August 2019, ONDCP's Drug Control Data Dashboard was publically available on ONDCP's website.

<https://www.whitehouse.gov/ondcp/additional-links-resources/budget-and-performance/>

not include required data on the extent of the unmet need for substance use disorder treatment. ONDCP officials shared information regarding potential data sources they may use to fulfill the additional required data elements. In addition, ONDCP officials told us that some data requirements listed in the statute do not exist at this time. For example, ONDCP officials stated that data do not exist regarding the known and estimated flow of substances into the United States for the current calendar year and each of the three previous years.⁶³ ONDCP officials stated that there was more work necessary to ensure all the required data are incorporated into the Drug Control Data Dashboard. At that time, they also stated that they expected to address all required elements by the end of 2019. However, we found that they do not have key planning elements, such as a specific timeline with interim milestones or documented plans for when and how they would complete this work. ONDCP subsequently posted an updated version of the Drug Control Data Dashboard, which we reviewed in December 2019. While the updated Drug Control Data Dashboard identifies required data elements that are unavailable, ONDCP has not addressed how or when ONDCP planned to provide them, such as by identifying alternative data sources or identifying additional resources that may be necessary for enhanced data collection efforts.

The SUPPORT Act also requires the Drug Control Data Dashboard to be machine-readable and searchable by year, agency, drug, and location, to the extent practicable. Officials stated in September 2019 they planned to add this functionality to the Drug Control Data Dashboard in the fall of 2019. In written comments on a draft of this report in December 2019, ONDCP indicated that the data have been posted in a machine-readable, sortable, and searchable format. However, as of December 2019, we found that the Drug Control Data Dashboard is still not fully searchable by year, agency, drug and location. We have previously reported on key practices for agencies to follow when reporting government data.⁶⁴ These practices describe, for example, that agencies should ensure their website's data search functions and overall interface is intuitive to users. While effective implementation of such functions can be a significant undertaking, ONDCP does not have plans to account for timing, content, functionality, or any additional resources required to fully implement this

⁶³21 U.S.C. § 1705(f)(3)(A)(i)(II).

⁶⁴GAO, *OPEN DATA: Treasury Could Better Align USAspending.gov with Key Practices and Search Requirements*, [GAO-19-72](#), (Washington, D.C., December 13, 2018).

requirement. ONDCP officials stated in September 2019 they may need to consult Congress about additional resources to fulfill all of the requirements related to the Drug Control Data Dashboard, but stated that they do not have specific plans for what resources they may request.

Internal control standards call for agencies to define key planning elements, including how a task will be accomplished and associated timeframes. Developing and documenting key planning elements—including resource investments, time frames, and any necessary processes, policies, roles, and responsibilities—will better position ONDCP to fully implement all of the law’s requirements for the Drug Control Data Dashboard. Once implemented, the Drug Control Data Dashboard will help enable ONDCP to capitalize on available data to better understand the scope and nature of the drug crisis.

Conclusions

ONDCP is responsible for leading the nation’s fight against a persistent drug epidemic that continues to devastate Americans’ lives. However, the 2019 National Drug Control Strategy does not fully comply with the law, and the agency has not developed key planning elements to help ensure it will meet its significant additional responsibilities under the SUPPORT Act. These responsibilities include issuing the National Drug Control Strategy in accordance with statutory requirements to help prioritize and measure key efforts to address the drug epidemic and creating a Drug Control Data Dashboard that contains timely information about the scope and complexity of the drug epidemic. These responsibilities also extend beyond the upcoming 2020 Strategy, with requirements to complete future Strategy iterations on a regular basis. Developing and documenting key planning elements, such as resource investments, time frames, and any necessary processes, policies, roles, and responsibilities—will help ONDCP structure its ongoing efforts. Implementing this approach will then better position ONDCP to meet statutory requirements for the next Strategy, due in February 2020, and satisfy all requirements related to the Drug Control Data Dashboard. Implementing this approach over time will also help ONDCP ensure it is meeting statutory requirements for future iterations of the National Drug Control Strategy.

Recommendations for Executive Action

We are making 4 recommendations to ONDCP.

The Director of ONDCP should develop and document key planning elements to help the agency meet the SUPPORT Act requirements for the 2020 National Drug Control Strategy and future Strategy iterations.

These planning elements should include descriptions of resource investments, time frames, and any processes, policies, roles, and responsibilities needed to address each requirement. (Recommendation 1)

The Director of ONDCP should—after developing and documenting key planning elements to meet the SUPPORT Act requirements—routinely implement an approach, based on these planning elements, to meet the requirements for the 2020 National Drug Control Strategy and future Strategy iterations. (Recommendation 2)

The Director of ONDCP should develop and document key planning elements to help the agency meet the SUPPORT Act requirements to establish a Drug Control Data Dashboard that would include descriptions of resource investments, time frames, and any processes, policies, or roles, and responsibilities needed to address this requirement. (Recommendation 3)

The Director of ONDCP should—after developing and documenting key planning elements—implement an approach, based on these planning elements, to meet the SUPPORT Act requirements to establish a Drug Control Data Dashboard. (Recommendation 4)

Agency Comments and Our Evaluation

We provided a draft of this report for review and comment to ONDCP, DHS, DOJ, and HHS. ONDCP provided written comments, which are summarized below and reproduced in appendix I. ONDCP, DHS, and DOJ also provided technical comments, which we incorporated, as appropriate. In an email, an HHS official stated that HHS did not have any comments on the report.

In its written comments, ONDCP stated that it accepted the first two recommendations regarding the need for a robust internal planning process for National Drug Control Strategies. Specifically, the first recommendation is for ONDCP to develop and document key planning elements to help the agency meet the SUPPORT Act requirements for the 2020 National Drug Control Strategy and future Strategy iterations. The second recommendation is for ONDCP to routinely implement an approach to meet these requirements. In particular, ONDCP agreed to implement key planning elements for future Strategies that will include detailed descriptions of planned steps, identifying which ONDCP component will be responsible for each step, resource investments,

interim milestones, and overall time frames. If implemented as planned, these actions would address the intent of these recommendations.

Regarding the third and fourth recommendations related to the Drug Control Data Dashboard, ONDCP noted that these recommendations have been rendered moot because the agency has already fully complied with posting the Data Dashboard to its website. ONDCP also stated that it has posted to the Data Dashboard all of the drug-related data required by ONDCP's statute that currently exists. Further, ONDCP stated that the data has been posted in machine-readable, sortable, and searchable format as required and it will be updated on a continuous basis throughout the year as new data become available. While ONDCP has included additional information on the Dashboard, the two recommendations are to develop, document, and implement key planning elements for the Dashboard to fully meet the law's requirements, which ONDCP has not yet done. For example, ONDCP identifies in the Dashboard which of the required data elements are unavailable, such as required data on the extent of the unmet need for substance use disorder treatment. However, as stated in the report, ONDCP has not documented key planning elements for how it will address these missing data. Such planning elements could include approaches for collecting the missing data, such as articulating a plan to work with Congress to identify alternative data sources or to identify additional resources that may be necessary for enhanced data collection efforts. Furthermore, ONDCP has not developed or implemented key planning elements to ensure the Drug Control Data Dashboard has the search features noted in the statute. In its current format, the Dashboard is not fully searchable by year, agency, drug, and location. While the statute indicates that search features should have been implemented "to the extent practicable," ONDCP did not explain why it was not practical to implement them. Therefore, we continue to believe that developing, documenting, and implementing key planning elements for the Dashboard to fully meet the law's requirements will help enable ONDCP to capitalize on available data to better understand the scope and nature of the drug crisis.

ONDCP also noted several points related to our specific findings, as discussed below.

First, ONDCP noted that it did issue robust drug budget guidance to National Drug Control Program agencies during 2017 and 2018. The report acknowledges that ONDCP provided this guidance. However, as explained in the report, the guidance is statutorily required to address funding priorities developed in the National Drug Control Strategy. Since

ONDCP did not issue a Strategy in 2017 or 2018, it could not meet this statutory requirement.

In addition, ONDCP stated that it maintains that the 2019 National Drug Control Strategy met all statutory requirements, and therefore does not agree with our analysis of its adherence to those requirements. ONDCP also noted that the four requirements we assessed constitute only a small portion of the many requirements for the 2019 National Drug Control Strategy and that the report gives the misleading impression that ONDCP did not comply with some significant number of requirements. We recognize that there are a number of requirements for the Strategy; however, as stated in the report, our review focused on these four provisions because we determined them to be significant to ONDCP's role in setting a strategic direction to oversee and coordinate national drug control policy, and because they are critical to ensuring a framework for measuring results. Specifically, the provisions related to including information in the Strategy related to annual quantifiable and measurable objectives and specific targets, a 5-year projection for program and budget priorities, specific drug trend assessments, and a description of a performance measurement system. As detailed in the report, we found that the 2019 Strategy addressed some—but not all—of these four statutory requirements. For example, we found that the Strategy did not include a 5-year projection for budget priorities and included only some information related to specific drug trend assessments. In its written comments, ONDCP provided additional explanation for why it did not agree with our characterization of the requirements. For example, ONDCP stated that it is not able to provide quantitative fiscal year projections for future years because this would go against long-standing Office of Management and Budget policy. Related to drug trend assessments, ONDCP noted that it reports data generated by other government agencies, and that policy research funding for ONDCP has not been appropriated since fiscal year 2011. We made recommendations, which ONDCP agreed to implement, focused on developing and implementing key planning elements such as descriptions of resource investments; timeframes; and processes, policies, and responsibilities needed to address each requirement. Implementing these planning elements could, for example, help ensure that ONDCP addresses any policy considerations or additional resources needed to help ensure that future iterations of the Strategy fully meet all statutory requirements.

We are sending copies of this report to the appropriate congressional committees, the Director of the Office of National Drug Control Policy, the Secretary of the Department of Health and Human Services, the Acting Secretary of the Department of Homeland Security, the Attorney General, and other interested parties. In addition, this report is available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff has any questions concerning this testimony, please contact Triana McNeil at (202) 512-8777 or McNeilT@gao.gov or Mary Denigan-Macauley at (202) 512-7114 or McNeilT@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix II.



Triana McNeil
Director, Homeland Security and Justice Issues



Mary Denigan-Macauley
Director, Health Care Issues

List of Congressional Addressees

The Honorable Ron Johnson
Chairman
The Honorable Gary Peters
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Lindsey Graham
Chairman
The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate

The Honorable John Cornyn
Chairman
The Honorable Dianne Feinstein
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The Honorable John Kennedy
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Committee on Appropriations
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The Honorable Jerrold Nadler
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The Honorable Jim Jordan
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The Honorable Mike Quigley
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The Honorable Tom Graves
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Subcommittee on Financial Services and General Government
Committee on Appropriations
House of Representatives

The Honorable Gerry Connolly
Chairman
The Honorable Mark Meadows
Ranking Member
Subcommittee on Government Operations
Committee on Oversight and Reform
House of Representatives

The Honorable Mark DeSaulnier
House of Representatives

Appendix I: Comments from the Office of National Drug Control Policy



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

December 2, 2019

Ms. Triana McNeil
Director, Homeland Security and Justice Issues
Ms. Mary Denigan-Macauley
Director, Health Care Issues
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. McNeil and Ms. Denigan-Macauley:

Thank you for the opportunity to review and comment on the report, GAO-20-124 entitled "Drug Control: The Office of National Drug Control Policy Should Develop Key Planning Elements to Meet Statutory Requirements." I appreciate the work Government Accountability Office (GAO) did to review the Office of National Drug Control Policy's (ONDCP) products and operations, and I do believe that the work GAO did in this report will ultimately help ONDCP to improve those products and operations.

I would also like to thank Congress for having passed the ONDCP Technical Corrections Act of 2019, H.R. 3889, 116th Cong., 1st Sess. (Oct. 17, 2019), which fixes several issues in the SUPPORT Act regarding our new statute. Those changes will allow ONDCP to adhere more closely to Congress' original intent in the SUPPORT Act.

ONDCP accepts the GAO's principal recommendations regarding the need for a robust internal planning process for *National Drug Control Strategies*. ONDCP has a planning process in place that is being used to produce the 2020 *National Drug Control Strategy*, and has shared that process with the GAO to the extent that was possible consistent with legal privileges regarding predecisional information. While ONDCP does have a planning process in place, we understand GAO's principal conclusion from a project management perspective. ONDCP therefore agrees to implement key planning elements for future *Strategies* that will include detailed descriptions of planned steps, identifying which ONDCP component will be responsible for each step, resource investments, interim milestones, and overall timeframes.

Importantly, ONDCP notes that the GAO's third and fourth recommendations related to ONDCP's Drug Control Data Dashboard have been rendered moot because ONDCP has already fully complied with posting the Data Dashboard to our website. ONDCP has posted to the Data Dashboard on our website all of the drug-related data required by our statute that currently exists. The data has been posted in machine-readable, sortable, and searchable format as required, and it will be updated on a continuous basis throughout the year as new data becomes available.

Regarding GAO's specific findings, ONDCP acknowledges that it did not produce a *National Drug Control Strategy* in 2017 and 2018 for the reasons stated in GAO's report. ONDCP did however produce drug budget guidance during those years. The lack of Senate-

confirmed leadership at ONDCP meant that the Administration relied on several other substantive written sources listed in GAO's report for drug policy during that time period, including policy priorities identified in the President's Fiscal Year 2018 Budget, the Interim and Final Reports from the President's Commission on Combatting Drug Addiction and the Opioid Crisis, policy statements made by the President as a candidate, a draft 2018 *National Drug Control Strategy* that was not issued, a draft National Security Council Strategic Framework, and the President's *Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand*. ONDCP notes that previous Administrations have not produced a *Strategy* during the first year of an Administration because it would be virtually impossible to produce by the statutory February deadline, a problem that Congress acknowledged and fixed in the SUPPORT Act by only requiring a Statement of Drug Policy Priorities in the first year of an Administration. I would also note that ONDCP did in fact issue robust drug budget guidance to National Drug Control Program Agencies during 2017 and 2018, just as ONDCP was able to issue such guidance in the initial year of prior Administrations.

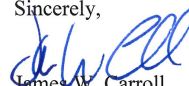
However, ONDCP maintains that the 2019 *Strategy* met all statutory requirements, and therefore does not agree with the GAO's analysis of our adherence to those requirements. Overall, the GAO's report gives the misleading impression that ONDCP did not comply with some significant number of requirements related to the 2019 *Strategy*. ONDCP notes that our 2006 reauthorization contains more than 50 individual requirements for the *Strategy*. GAO cites only four sample examples in which it claims the 2019 *Strategy* does not meet these requirements, meaning that even if one accepts GAO's conclusions as accurate, ONDCP may have complied with more than 90% of the requirements. Even in the four instances that GAO cites, ONDCP does not agree with the GAO's characterization or in some cases interpretation of those requirements.

First, the GAO states that the 2019 *Strategy* did not contain annual targets. But ONDCP's former statute itself contained conflicting sections referring to "2-year and 5-year performance measures and targets" and "annual" objectives and targets, a problem which Congress has since fixed in the SUPPORT Act. Moreover, the Performance Reporting System section of the 2019 *Strategy* states, "For the purpose of the numerical goals and objectives listed throughout this report, ONDCP assumes a linear progression in its calculations from the baseline to the 2022 target," so the annual targets can be identified. Second, the GAO states that the *Strategy* did not include a 5-year projection for budget priorities. As we explained in our meetings with the GAO, ONDCP is not able to provide quantitative fiscal year projections for future years because this would go against long-standing Office of Management and Budget policy regarding not announcing in advance the President's proposed budgets (see OMB Circular A-11, Section 22). However, ONDCP considers the *Strategy's* projections for policy priorities to be the budget priorities because they indicate to the National Drug Control Program Agencies what the Administration's long-term priorities are, and those agencies are expected to provide resources for those priorities over the course of the Administration. Third, GAO notes that on specific drug trend assessments, four statistics among many that ONDCP reported were a few years old. ONDCP reports data that is generated by other government agencies, sometimes with a significant time lag. Regarding health care costs, these estimates are from a synthesis of multiple data sources which are typically done as a policy research project that ONDCP does by contract every few years. However, policy research funding for ONDCP has not been

appropriated since Fiscal Year 2011. So it is not clear what ONDCP could have done differently with respect to this data. Fourth, GAO expresses the opinion that the 2019 *Strategy* lacks “a description of a performance measurement system,” but ONDCP did in fact provide such a description throughout the 2019 Performance Reporting System, and particularly in the sections entitled “Executive Summary” and “Introduction.” Regardless, this is no longer an ONDCP requirement in the SUPPORT Act.

The Trump Administration is committed to continuing to work with Congress, GAO, our Federal partners, and many other stakeholders in our common efforts to save lives from drug-related deaths. As ONDCP proceeds, we will heed GAO’s recommendations to develop more robust internal processes for development of future *National Drug Control Strategies*.

Sincerely,



James W. Carroll
Director

Appendix II: GAO Contacts and Staff Acknowledgments

GAO Contacts

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In addition to the contacts named above, Joy Booth (Assistant Director), Will Simerl (Assistant Director), Michelle Loutoo Wilson (Analyst-in-Charge), Billy Commons, Wendy Dye, Jane Eyre, Kaitlin Farquharson, Susan Hsu Michael, Amanda Miller, and Jan Montgomery made key contributions to this report.

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