

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

January 18, 2018

Mr. Richard Baum  
Acting Director  
Office of National Drug Control Policy  
750 17<sup>th</sup> Street NW  
Washington, DC 20006

Dear Mr. Baum:

On March 29, 2017, the President signed an Executive Order establishing the Commission on Combating Drug Addiction and the Opioid Crisis.<sup>1</sup> The Commission released its final report on November 1, 2017, and the Committee subsequently held a field hearing in Baltimore focused in large part on the Commission's findings and recommendations, where you also testified. The Commission's recommendations were issued to "help doctors, addiction treatment providers, parents, schools, patients, faith-based leaders, law enforcement, insurers, the medical industry, and researchers fight opioid abuse and misuse by reducing federal barriers and increasing support to effective programs and innovation."<sup>2</sup>

During the Committee's field hearing on November 28, 2017, former New Jersey Governor Chris Christie testified in his role as the Commission's Chairman about the importance of the Commission's 56 urgent recommendations, many of which require action by the Office of National Drug Control Policy. The Commission also tasked other federal agencies and stakeholders with actions to implement its recommendations, including state boards of health and governors, pharmacists, prescribers, and health insurance companies. Many of the entities covered by the recommendations have made progress, including the Department of Health and Human Services, which no longer mandates pain questions on a hospital survey that inadvertently increased opioid prescriptions.<sup>3</sup> Similarly, the Centers for Disease Control and Prevention issued clinical guidelines recommending physicians avoid prescribing doses over 90 milligrams of morphine per day.<sup>4</sup> The Food and Drug Administration is imposing safety requirements and education efforts mandating manufacturers fund continuing medical education

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<sup>1</sup>The White House, *Presidential Executive Order Establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis*, Mar. 29, 2017, available at <https://www.whitehouse.gov/the-press-office/2017/03/30/presidential-executive-order-establishing-presidents-commission>.

<sup>2</sup> Report of the President's Commission on Combating Drug Addiction and the Opioid Crisis (Nov. 1, 2017) at 6.

<sup>3</sup> U.S. House of Representatives, Oversight & Gov't Reform Committee, hearing on "Combating the Opioid Crisis," Nov. 28, 2017.

<sup>4</sup> U.S. Dep't of Health & Human Serv., Centers for Disease Control & Prevention, *CDC Guideline for Prescribing Opioids for Chronic Pain – United States 2016*, available at <https://www.cdc.gov/mmwr/volumes/65/rr/rr6501e1.htm>.

for providers.<sup>5</sup> The Department of Justice indicted Chinese fentanyl manufacturers and targeted the trafficking of heroin and illegal fentanyl through the internet and U.S. Postal Service.<sup>6</sup> The Committee, however, is concerned other recommendations have stalled or been neglected, including some within the scope of ONDCP's responsibility.

As you know, ONDCP develops the nation's mission, strategy, and policies for combatting the country's rising dependence on illicit drugs. The Director of ONDCP, often referred to as the nation's Drug Czar, develops the comprehensive National Drug Control Strategy and corresponding budget. The Director is also responsible for "coordinating, overseeing, and evaluating the effectiveness of federal anti-drug policies and the National Drug Control Strategy implementation by the various agencies contributing to the Drug Control Program."<sup>7</sup> In this capacity, ONDCP is best situated to evaluate the success of programs and accelerate the rate at which agencies implement them. ONDCP has seen success in spurring other agencies to act, such as working with the Veterans Health Administration to report its opioid prescriptions to state prescription drug monitoring programs with the goal of reducing overdoses among veterans.<sup>8</sup> Similarly, ONDCP encouraged the Department of Defense's health care system to cover methadone treatment for military personnel and their families suffering from addiction.<sup>9</sup>

At the November 28 hearing, you testified, "this crisis is unlike anything we have seen before and have been working hard to address it, but we have a lot more to do. I thank Governor Christie and the Commission for their recommendations which will help to this end."<sup>10</sup> Indeed, certain of the Commission's recommendations are uniquely suited for ONDCP's leadership, including:

**Recommendation 2.** The Commission believes that ONDCP must establish a coordinated system for tracking all federally-funded initiatives, through support from HHS and DOJ. If we are to invest in combating this epidemic, we must invest in only those programs that achieve quantifiable goals and metrics. We are operating blindly today; ONDCP must establish a system of tracking and accountability.

**Recommendation 3.** To achieve accountability in federal programs, the Commission recommends that ONDCP review is a component of every federal program and that necessary funding is provided for implementation. Cooperation by federal agencies and the states must be mandated.

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<sup>5</sup> U.S. Dep't of Health & Human Serv., Food and Drug Administration, *FDA Opioids Action Plan*, available at <https://www.fda.gov/Drugs/DrugSafety/InformationbyDrugClass/ucm484714.htm>.

<sup>6</sup> U.S. Dep't of Justice, *Justice Department Announces First Ever Indictments Against Designated Chinese Manufacturers of Deadly Fentanyl and Other Opiate Substances*, Nov. 17, 2017, available at <https://www.justice.gov/opa/pr/justice-department-announces-first-ever-indictments-against-designated-chinese-manufacturers>.

<sup>7</sup> Executive Office of the President, Fiscal Year 2015 Congressional Budget Submission, p. ONDCP-3; 21 U.S.C. §1703.

<sup>8</sup> Department of Veterans Affairs (VA) and Department of Defense (DOD), *Clinical Practice Guidelines: Management of Opioid Therapy for Chronic Pain*, May 2010.

<sup>9</sup> *Id.*

<sup>10</sup> U.S. House of Representatives, Oversight & Gov't Reform Committee, hearing on "Combating the Opioid Crisis," Nov. 28, 2017.

**Recommendation 48.** The Commission recommends ONDCP, the Substance Abuse and Mental Health Services Administration, and the Department of Education identify successful college recovery programs, including sober housing on college campuses, and provide support and technical assistance to increase the number and capacity of high-quality programs to help students in recovery.

**Recommendation 52.** The Commission recommends federal agencies, including HHS (National Institutes of Health, CDC, CMS, FDA, and the Substance Abuse and Mental Health Services Administration), DOJ, the Department of Defense (DOD), the VA, and ONDCP, should engage in a comprehensive review of existing research programs and establish goals for pain management and addiction research (both prevention and treatment).

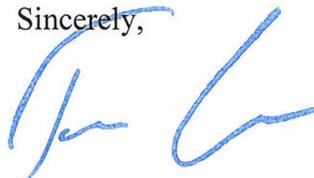
The Committee requests an update on the status of ONDCP progress in implementing the above recommendations. To assist the Committee in assessing such implementation, please provide the following:

1. All documents referring or relating to ONDCP's implementation of recommendations 2, 3, 48, and 52.
2. All documents referring or relating to the development of the National Drug Control Strategy since February 1, 2017—the deadline for submitting the strategy to Congress.

Provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on February 1, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request. In addition to the documents, please provide Committee staff a briefing on the status of reauthorization text and timeline no later than 5:00 p.m. on February 1, 2018.

Please contact Sarah Vance of the majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Trey Gowdy

Enclosure

cc: The Honorable Elijah E. Cummings

## Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,  
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,  
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,  
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,  
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,  
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES  
115<sup>TH</sup> CONGRESS**

**NOTICE OF APPEARANCE OF COUNSEL**

**Counsel submitting:** \_\_\_\_\_

**Bar number:** \_\_\_\_\_ **State/District of admission:** \_\_\_\_\_

**Attorney for:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for \_\_\_\_\_ in (select one):**

**All matters before the Committee**

**The following matters (describe the scope of representation):**

\_\_\_\_\_  
\_\_\_\_\_

**All further notice and copies of papers and other material relevant to this action should be directed to and served upon:**

**Attorney's name:** \_\_\_\_\_

**Attorney's email address:** \_\_\_\_\_

**Firm name (where applicable):** \_\_\_\_\_

**Complete Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_

**I agree to notify the Committee within 1 business day of any change in representation.**

\_\_\_\_\_  
**Signature of Attorney**

\_\_\_\_\_  
**Date**