

Office of National Drug Control Policy and Its Role in Federal Drug Control

August 24, 2021

Congressional Research Service
<https://crsreports.congress.gov>

R46889



R46889

August 24, 2021

Lisa N. Sacco

Analyst in Illicit Drugs and
Crime Policy

Kristin Finklea

Specialist in Domestic
Security

Office of National Drug Control Policy and Its Role in Federal Drug Control

The Office of National Drug Control Policy (ONDCP) is responsible for creating, implementing, and evaluating U.S. drug control policies to reduce the use, manufacturing, and trafficking of illicit drugs, as well as drug-related health consequences, crime, and violence. ONDCP is located in the Executive Office of the President. It was created by the Anti-Drug Abuse Act of 1988 (P.L. 100-690) and was most recently reauthorized by the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (the SUPPORT Act; P.L. 115-271).

As the coordinating agency of federal drug control efforts, ONDCP is responsible for creating policies, priorities, and objectives for the National Drug Control Program. One of its core duties is to issue a National Drug Control Strategy (hereinafter, “Strategy”) outlining the drug control policies and priorities of the Administration as well as budget priorities and annual objectives. ONDCP also issues supplemental drug control strategies related to U.S. borders. To help carry out its evaluation responsibilities and assess progress in achieving the Strategy’s goals, ONDCP has developed a Performance Reporting System.

ONDCP administers several grant programs, including the High Intensity Drug Trafficking Areas (HIDTA) program and the Drug Free Communities (DFC) program, which support the overall National Drug Control Program.

- The HIDTA program provides assistance to law enforcement agencies—at the federal, state, local, and tribal levels—that are operating in regions of the United States that have been deemed as critical drug trafficking regions. The program supports multiagency enforcement initiatives involving investigation, interdiction, and prosecution, as well as drug use prevention and treatment initiatives.
- The DFC program is co-administered by ONDCP and the Centers for Disease Control and Prevention (CDC). It funds community-based coalitions that aim to prevent youth substance use and misuse. The goal is to mobilize community leaders to identify and respond to the drug problems unique to their community and change local community environmental conditions tied to substance use.

ONDCP was created during the *war on drugs*—a term commonly used for nearly 40 years to describe U.S. drug policy; however, ONDCP has distanced itself from this term. While drug use had been considered primarily a criminal justice problem in the past, it is now more commonly viewed as a criminal justice and public health problem. Mirroring this shift, over time federal drug control spending has increased the proportion of money allocated for prevention and treatment and decreased that for enforcement and interdiction. In more recent years, the proportion of drug control spending allocated to supply reduction activities (domestic law enforcement, international initiatives, and interdiction) has been relatively similar to the proportion allocated to demand reduction activities (treatment and prevention).

The role and influence of ONDCP has also evolved over the last several decades. From 1993 to 2009, the ONDCP Director was a member of the President’s Cabinet, but has since remained outside of the Cabinet. ONDCP formerly issued a Strategy each year, but it now issues a biennial Strategy. As policymakers conduct oversight of ONDCP, they may evaluate its effectiveness in guiding federal drug control policy. Further, as the Senate weighs confirmation of an ONDCP Director, they may consider how this role guides the nation’s policies, particularly if the position remains outside of the President’s Cabinet.

Contents

| | |
|--|----|
| National Drug Control Strategy..... | 1 |
| National Drug Control Program Budget | 2 |
| Supplemental Strategies..... | 3 |
| Southwest Border Counternarcotics Strategy | 3 |
| Northern Border Counternarcotics Strategy | 4 |
| Caribbean Border Counternarcotics Strategy | 4 |
| Performance Measurement..... | 5 |
| Drug Control Data Dashboard..... | 7 |
| ONDCP Administered Programs | 7 |
| High Intensity Drug Trafficking Areas (HIDTA) Program..... | 7 |
| SUPPORT Act Changes to HIDTA..... | 9 |
| Drug-Free Communities (DFC) Support Program..... | 10 |
| Other Drug Control Programs..... | 10 |
| Drug Court Training and Technical Assistance Program | 10 |
| National Community Antidrug Coalition Institute..... | 11 |
| Anti-Doping Activities and Dues for the World Anti-Doping Agency | 11 |
| Model Acts Program..... | 11 |
| National Anti-Drug Media Campaign | 11 |
| ONDCP Going Forward..... | 12 |
| Federal Drug Control Spending | 13 |
| Status of the Director’s Role..... | 14 |

Tables

| | |
|--|----|
| Table 1. National Drug Control Spending by Function, FY2017–FY2021 | 13 |
|--|----|

Contacts

| | |
|--------------------------|----|
| Author Information | 15 |
|--------------------------|----|

The Office of National Drug Control Policy (ONDCP) is responsible for creating, implementing, and evaluating U.S. drug control policies to reduce the use, manufacturing, and trafficking of illicit drugs, as well as drug-related health consequences, crime, and violence. ONDCP is located in the Executive Office of the President. It was created by the Anti-Drug Abuse Act of 1988 (P.L. 100-690) and was most recently reauthorized by the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (the SUPPORT Act; P.L. 115-271).

The ONDCP Director (hereinafter, “Director”), often referred to as the *Drug Czar*, is responsible for developing the National Drug Control Strategy (hereinafter, “Strategy”) to direct the nation’s antidrug efforts. The Director is also responsible for evaluating the Strategy’s implementation by agencies contributing to the overall National Drug Control Program¹ as well as its outcomes. In addition, ONDCP manages programs that support the National Drug Control Program, including the High Intensity Drug Trafficking Areas (HIDTA) program and Drug Free Communities (DFC) program. In July 2021, President Biden nominated Dr. Rahul Gupta to be the next Director of ONDCP. Notably, ONDCP has been without a Senate-confirmed Director since January 2017. As the Senate considers the nomination of Dr. Gupta and conducts oversight of ONDCP, policymakers may also examine the role of ONDCP in federal drug control.

This report provides an overview of ONDCP and its current role and responsibilities. In doing so, it outlines the requirements of the National Drug Control Strategy and supplemental strategies, as well as ONDCP-administered grant programs. It also discusses ONDCP’s performance measurement approach, and potential issues for congressional consideration regarding the future role of ONDCP.

National Drug Control Strategy

The Director is responsible for establishing federal drug control priorities and promulgating the Strategy, which must be submitted by the Administration to Congress. The Director must also include with the Strategy certain supplemental strategies related to reducing the flow of illicit drugs across the U.S. border. Congress has specified that the purpose of the Strategy is to outline a plan to reduce (1) illicit drug consumption in the United States and (2) the consequences of such use.² In creating the Strategy, the Director must consult with coordinators within ONDCP;³ the Interdiction Committee and the Emerging Threats Committee; National Drug Control Program agencies; Congress; state, local, and tribal officials; foreign government representatives; private sector representatives with expertise in both supply and demand reduction; and appropriate representatives of foreign governments.⁴

Prior to the enactment of the SUPPORT Act in 2018, ONDCP was statutorily required to issue the Strategy each year. However, in the years leading up to enactment, ONDCP did not release its Strategy during the relevant fiscal years; moreover, it did not issue a Strategy in 2017 or 2018 at all. As now required by the SUPPORT Act, the Director must release a statement of drug control

¹ The term *National Drug Control Program* means “programs, policies, and activities undertaken by National Drug Control Program agencies pursuant to the responsibilities of such agencies under the National Drug Control Strategy, including any activities involving supply reduction, demand reduction, or State, local, and tribal affairs.” See 21 U.S.C. §1701(10).

² 21 U.S.C. §1705(b)(1).

³ These include the Performance Budget Coordinator; Interdiction Coordinator; Emerging and Continuing Threats Coordinator; State, Local, and Tribal Affairs Coordinator; and Demand Reduction Coordinator.

⁴ 21 U.S.C. §1705(b).

policy priorities no later than April 1 in the calendar year of a Presidential inauguration.⁵ Then, following the year in which the President's term commences, the Director must submit the full Strategy to Congress not later than the first Monday in February, and every two years thereafter.⁶

The contents of the Strategy must include the following:

- a mission statement detailing the major functions of the National Drug Control Program;
- comprehensive, research-based, long-range, quantifiable goals for reducing illicit drug use and the consequences of illicit drug use in the United States;
- annual quantifiable objectives and specific targets to accomplish long-term goals that the Director determines may be achieved during each year beginning on the date on which the Strategy is submitted;
- a five-year projection of budget priorities for the National Drug Control Program;
- a review of international, state, local, and private-sector drug control activities to ensure that the United States pursues coordinated and effective drug control at all levels of government; and
- a description of how each goal will be achieved.

In describing how each goal will be achieved, ONDCP must include the following for each goal:

- a list that includes each relevant National Drug Control Program agency; its related programs, activities, and available assets; and its role in achieving such goal;
- a list of relevant stakeholders and each stakeholder's role in achieving such goal;
- an estimate of federal funding and other resources needed to achieve such goal;
- a list of each existing or new coordinating mechanism needed to achieve such goal; and
- a description of ONDCP's role in facilitating the achievement of such goal.⁷

National Drug Control Program Budget

ONDCP must establish budget priorities and estimate the federal funding needed to achieve its goals. As such, the Director has several responsibilities related to federal drug control spending. By July 1 each year, the Director is required to provide budget recommendations⁸ in line with the Strategy to the heads of departments and agencies with responsibilities under the National Drug Control Program.⁹ Further, the Director must consider drug control budget requests from all National Drug Control Program agencies and develop a consolidated National Drug Control Program budget proposal designed to implement the Strategy and inform Congress and the public about the total amount proposed to be spent on all drug control activities by the federal government.

⁵ President Biden's priorities are outlined in Executive Office of the President, Office of National Drug Control Strategy, *The Biden-Harris Administration's Statement of Drug Policy Priorities for Year One*, April 1, 2021.

⁶ 21 U.S.C. §1705(a).

⁷ 21 U.S.C. §1705(c).

⁸ These budget recommendations would apply to the following fiscal year.

⁹ 21 U.S.C. §1705(b).

Supplemental Strategies

Along with the National Drug Control Strategy, the Director is required to submit a Southwest Border Counternarcotics Strategy as well as a Northern Border Counternarcotics Strategy.¹⁰

Southwest Border Counternarcotics Strategy

The Southwest Border Counternarcotics Strategy is to set forth the strategy for countering drug trafficking between Mexico and the United States, both at and between the ports of entry (POEs).¹¹ The strategy is to outline the roles and responsibilities of the relevant National Drug Control Program agencies and identify the resources needed for each of these agencies to fulfill their responsibilities. In addition to the general requirements for the Southwest Border Counternarcotics Strategy, the Director must specify a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between the United States and Mexico for illegal drug trafficking and make recommendations for criminal penalties for persons who construct or use such tunnels or subterranean passages for this purpose.

The most recent Southwest Border Counternarcotics Strategy was released in February 2020. It specifies that the overarching objective is to reduce the number of Americans whose lives are lost to addiction by decreasing the availability of illicit drugs flowing across the Southwest border and into U.S. communities. The strategy aims to achieve this through three primary elements:¹²

- **Countering criminal networks.** This element focuses on bolstering information sharing among federal, state, local, tribal, territorial, and international partners. It proposes expanding the use of multiagency, multijurisdictional task forces, integrating international partners—namely Mexico—into task forces, and connecting interdictions to criminal enterprise investigations to target Transnational Criminal Organizations (TCOs) and their finances.
- **Strengthening interdiction and law enforcement capabilities.** This element focuses on enhancing interdiction capabilities both at and between POEs by improving the use of intelligence and information sharing to drive targeted investigations, developing enhanced technologies and capabilities to detect illicit drugs, and expanding deterrence technologies and capacities—such as manned and unmanned systems, physical and virtual barriers, and land and air-based sensors.
- **Targeting specific drug transportation modes and routes.** This element focuses on countering the illicit movement of drugs, money, and weapons by identifying gaps in security and developing better targeting criteria for law enforcement. The strategy proposes enhancing outbound interdictions of illicit goods such as money and weapons flowing from the United States to Mexico as well as bolstering efforts to conduct interdictions on the nation's highways and waterways.

¹⁰ For information regarding illicit drug flows across the border, see CRS Report R45812, *Illicit Drug Flows and Seizures in the United States: What Do We [Not] Know?*.

¹¹ 21 U.S.C. §1705(c)(3)(B).

¹² Executive Office of the President, Office of National Drug Control Policy, *Southwest Border Counternarcotics Strategy 2020*, February 2020.

Northern Border Counternarcotics Strategy

Like the Southwest Border Counternarcotics Strategy, the Northern Border Counternarcotics Strategy is to set forth the strategy for countering drug trafficking between Canada and the United States, both at and between POEs.¹³ The strategy is to outline the roles and responsibilities of the relevant National Drug Control Program agencies and identify the resources needed for each of them to fulfill their responsibilities. Notably, the Northern Border Counternarcotics Strategy must also be designed to facilitate, not hinder, lawful travel and trade as well as reflect the unique nature of border communities and coordination between U.S. and Canadian law enforcement officials. In addition to general requirements for the Northern Border Counternarcotics Strategy, the Director must specify a strategy to end the illegal trafficking of drugs to or through Indian reservations on or near the international border between the United States and Canada and make recommendations for additional assistance, if any, needed by tribal law enforcement agencies relating to the strategy, including an evaluation of federal technical and financial assistance, infrastructure capacity building, and interoperability deficiencies.

The most recent Northern Border Counternarcotics Strategy was released in February 2020. Like the Southwest Border Counternarcotics Strategy, it specifies that the overarching objective is to reduce the number of Americans whose lives are lost to addiction by decreasing the availability of illicit drugs flowing across the Northern border and into U.S. communities. The strategy aims to achieve this through three primary elements.¹⁴ While these are the same three primary elements as outlined in the Southwest Border Counternarcotics Strategy—countering criminal networks, strengthening interdiction and law enforcement capabilities, and targeting specific drug transportation modes and routes—the focus is on the Northern border region and law enforcement partnerships with Canada.

Caribbean Border Counternarcotics Strategy

Unlike the existing statutory requirement that ONDCP issue a Southwest Border Counternarcotics Strategy and a Northern Border Counternarcotics Strategy every two years along with the National Drug Control Strategy, ONDCP is not statutorily required to issue a similar strategy for the Caribbean border (though congressional directives to ONDCP regarding the Caribbean Border Counternarcotics Strategy have been placed in explanatory statements accompanying appropriations bills¹⁵). In January 2015, ONDCP issued its first Caribbean Border Counternarcotics Strategy, with a focus on the flow of illicit drugs through the Caribbean, including around Puerto Rico and the U.S. Virgin Islands.¹⁶ In June 2020, ONDCP issued a second Caribbean Border Counternarcotics Strategy.¹⁷

¹³ 21 U.S.C. §1705(c)(3)(C).

¹⁴ Executive Office of the President, Office of National Drug Control Policy, *Northern Border Counternarcotics Strategy 2020*, February 2020.

¹⁵ In the 112th Congress, H.Rept. 112-550, accompanying the Financial Services and General Government Appropriations Bill, 2013 (H.R. 6020) directed ONDCP to develop a biennial Caribbean Border Counternarcotics Strategy on terms equivalent to the Southwest and Northern border strategies. In the 113th Congress, the joint explanatory statement accompanying the Consolidated Appropriations Act, 2014 (P.L. 113-76) modified the House reporting requirement regarding the due date of the requested Caribbean Border Counternarcotics Strategy. ONDCP issued the strategy in 2015.

¹⁶ Executive Office of the President, Office of National Drug Control Policy, *Caribbean Border Counternarcotics Strategy*, January 2015.

¹⁷ Executive Office of the President, Office of National Drug Control Policy, *Caribbean Border Counternarcotics Strategy 2020*, June 2020. In the 116th Congress, H.Rept. 116-122, accompanying the Financial Services and General

Like the Southwest Border and Northern Border Counternarcotics Strategies, the 2020 Caribbean Border Counternarcotics Strategy specifies that the overarching objective is to reduce the number of Americans whose lives are lost to addiction; it broadly aims to do so by decreasing the availability of illicit drugs flowing across the Caribbean border and into the United States. The strategy aims to achieve this through three primary elements.¹⁸ Although these are the same three primary elements as outlined in the Southwest Border and Northern Border Counternarcotics Strategies—countering criminal networks, strengthening interdiction and law enforcement capabilities, and targeting specific drug transportation modes and routes—the focus is on the Caribbean border region and law enforcement partnerships with the territories of Puerto Rico and the U.S. Virgin Islands as well as international partners.

As ONDCP is not statutorily required to issue this strategy, and congressional directives related to it have been placed in explanatory statements accompanying appropriations bills, policymakers may evaluate whether to formalize such a reporting requirement. If they decide to do so, they may consider whether to place such a requirement in future reauthorizations of ONDCP or other legislation.

Performance Measurement

The Office of National Drug Control Policy Reauthorization Act of 1998 (Title VII of P.L. 105-277) made it a requirement for ONDCP to submit to Congress—along with the Strategy—a report on a national drug control performance measurement system aimed at evaluating the effectiveness of the Strategy.¹⁹ The performance measurement system report is to contain two- and five-year performance measures (along with descriptions of information and data that will be used for each measure) and targets for each of the Strategy’s goals and objectives for reducing drug use, the consequences of drug use, and drug availability. It should also identify federal programs and activities that support the Strategy and evaluate the contribution of their demand- and supply-reduction activities, as well as ensure that each contributing federal drug control agency’s goals and budgets are consistent with the Strategy. In addition, it is to assess existing national instruments and techniques to measure drug use, supply- and demand-reduction activities, and the effectiveness of substance abuse treatment in reducing illicit drug use and criminal behavior—both during and after treatment.

ONDCP developed a Performance Reporting System (PRS) to help carry out its evaluation responsibilities and assess progress in achieving the Strategy’s goals.²⁰ The most recent PRS report, released in February 2020, evaluates progress in meeting the goals of the Strategy against the baseline of 2017. The goals, broadly, are as follows:

- reducing the number of Americans dying from a drug overdose;
- educating the public, particularly adolescents, about the dangers of illicit drug use—specifically opioids—and reducing the rate of past-year drug use (and specifically, opioid use) among youth;

Government Appropriations Act, 2020 (H.R. 3351) directed ONDCP to issue a Caribbean Border Counternarcotics Strategy consistent with the terms set forth in the explanatory statement accompanying P.L. 113-76 and to reissue this strategy along with forthcoming versions of the National Drug Control Strategy.

¹⁸ Executive Office of the President, Office of National Drug Control Policy, *Caribbean Border Counternarcotics Strategy 2020*, June 2020.

¹⁹ 21 U.S.C. §1705(h).

²⁰ According to ONDCP, the PRS was developed in accordance with the Government Performance and Results Modernization Act of 2010 (P.L. 111-352).

- making evidence-based treatment, including medication-assisted treatment (MAT) more widely accessible;
- increasing mandatory prescriber education and continuing training on best practices and clinical guidelines;
- reducing the number of opioid prescriptions filled nationwide;
- increasing the number of states integrating electronic health records with prescription drug monitoring programs;
- reducing the availability of illicit drugs in the United States by reducing potential production of pure heroin in Mexico and cocaine in Colombia;
- reducing the availability of illicit drugs in the United States by reducing their sale online as well as their movement into the country through mail and express courier services; and
- demonstrating reduced drug availability in the United States through increased price and decreased purity.²¹

The February 2020 PRS report provided data for 2017 and 2018 to help evaluate the success of the Strategy. While it noted, based on two years of data, that some goals were on track to be met, such as an increase in the percentage of federal prescribers completing continuing education on best practices in prescribing opioid medications, it showed that other metrics, such as reported past-year illicit drug use among youth, may not be on track to meeting the Strategy's goals.

The SUPPORT Act requires the Director to submit to the President and Congress an Annual National Drug Control Assessment that evaluates the progress made by each National Drug Control Program agency toward achieving each goal, objective, and target contained in the Strategy applicable to the prior fiscal year.²² The act noted that ONDCP's performance measurement system is to be used to conduct this assessment. The most recent PRS reports discuss how the National Drug Control Program agencies collectively are or are not meeting the Strategy's goals. However, Congress may also examine whether the PRS allows for evaluation of individual programs and agencies as well as each agency's contributions to the Strategy's goals. Policymakers may also consider whether the required assessment of individual agency contributions will be reported on as part of the annual PRS reports.

It is unclear whether the PRS is also used to evaluate the three supplemental strategies—the Southwest Border, Northern Border, and Caribbean Border Counternarcotics Strategies. Notably, all three strategies state that the “single most important criterion for success is saving American lives.”²³ ONDCP may be able to rely on some of the PRS metrics to help evaluate success in these areas. However, there are numerous goals in the supplemental strategies that are region-specific, and policymakers may question how ONDCP is evaluating the specific goals set out in them.

²¹ Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy: Performance Reporting System 2020*, February 2020.

²² 21 U.S.C. §1705(g).

²³ Executive Office of the President, Office of National Drug Control Policy, *Southwest Border Counternarcotics Strategy 2020*, February 2020, p. 2; *Northern Border Counternarcotics Strategy 2020*, February 2020, p. 2; and *Caribbean Border Counternarcotics Strategy 2020*, June 2020, p. 2.

Drug Control Data Dashboard

The SUPPORT Act requires that the Director establish a publicly available, online data portal to be known as the Drug Control Data Dashboard (hereinafter, “Dashboard”). The act notes that to the extent practicable, the data made available on the Dashboard must be in a machine-readable format and searchable by year, agency, drug, and location. The data must be updated annually, at a minimum. The Dashboard must include information on “each substance identified by the Director as having a significant impact on the prevalence of illicit drug use.”²⁴ Specifically, for each substance identified, the Dashboard must contain data on its availability and use, including a number of specified elements related to seizures, flow, production, pricing, and associated prosecutions. The Dashboard must also include data related to overdose fatalities; the prevalence of substance use disorders; the number of individuals receiving treatment and the unmet need for treatment; and prescription drug diversion, trafficking, and misuse; as well as other quantifiable measures the Director determines appropriate to detail progress toward the achievement of the Strategy.

The Government Accountability Office (GAO), in its December 2019 assessment of certain ONDCP activities, noted that while ONDCP had launched and updated the Dashboard, it had not met all data requirements, such as including data on the unmet need for substance use disorder treatment.²⁵ GAO noted that ONDCP has indicated on the Dashboard the required elements for which data are unavailable, but that ONDCP has not indicated how or when it plans to acquire these data to fulfill the requirements. In its oversight of ONDCP, Congress may evaluate ONDCP’s steps to meet the data requirements for the Dashboard.

ONDCP Administered Programs

As the coordinator of federal drug control efforts, ONDCP is responsible for creating policies, priorities, and objectives for the federal drug control program. In addition, ONDCP administers several grant programs, including the HIDTA and DFC programs, which support the overall federal drug control program.²⁶

High Intensity Drug Trafficking Areas (HIDTA) Program

The HIDTA program provides assistance to law enforcement agencies—at the federal, state, local, and tribal levels—that are operating in regions of the United States that have been deemed as critical drug trafficking regions.²⁷ The program aims to reduce drug production and trafficking through the following:

- promoting coordination and information sharing among federal, state, local, and tribal law enforcement;

²⁴ 21 U.S.C. §1705(f)(3)(A).

²⁵ U.S. Government Accountability Office (GAO), *Drug Control: The Office of National Drug Control Policy Should Develop Key Planning Elements to Meet Statutory Requirements*, GAO-20-124, December 2019.

²⁶ For more information about the broader federal drug control program, see Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy: FY2021 Budget and Performance Summary*, June 2020.

²⁷ Congress initially created the HIDTA program through the Anti-Drug Abuse Act of 1988 (P.L. 100-690). It was permanently authorized through the Office of National Drug Control Policy Reauthorization Act of 2006 (P.L. 109-469).

- bolstering intelligence sharing among federal, state, local, and tribal law enforcement;
- providing reliable intelligence to law enforcement agencies such that they may be better equipped to design effective enforcement operations and strategies; and
- promoting coordinated law enforcement strategies that rely upon available resources to reduce illegal drug supplies not only in a given area, but throughout the country.²⁸

The HIDTA program does not focus on a specific drug threat, such as heroin trafficking; rather, funds are used to support the most pressing initiatives in a region. These range from multiagency enforcement initiatives involving investigation, interdiction, and prosecution, to drug use prevention and treatment initiatives.

The ONDCP Director has the authority to designate areas within the United States that are centers of illegal drug production, manufacturing, importation, or distribution as HDTAs.²⁹ There are currently 33 designated HDTAs in the United States and its territories, and ONDCP indicates that of the 100 most populous metropolitan areas in the United States, 99 are included in areas designated as HDTAs.³⁰ The HIDTA program is administered by ONDCP at the national level, but each of the HIDTA regions is governed by its own Executive Board. Each board is responsible for providing direction and oversight in establishing and achieving the goals of the HIDTA, managing the funds of the HIDTA, and evaluating the initiatives in the region.³¹

Funding for the HIDTA program is provided by a direct appropriation to the HIDTA subaccount under the ONDCP account. From the total HIDTA program appropriation, each HIDTA receives a base amount of funding to support initiatives in its region, and the remainder of the overall HIDTA appropriation is allocated to HDTAs based on specific priorities throughout the country—determined collectively by the HIDTA directors and ONDCP. Beginning with the FY2019 budget request, and in subsequent budget requests, the Trump Administration proposed transferring the administration of the HIDTA program out of ONDCP and into the Department of Justice (DOJ), specifically the Drug Enforcement Administration (DEA).³² As a law enforcement agency within DOJ, the DEA participates in the HIDTA program, including at the Intelligence Support Centers within each HIDTA, but does not currently administer HIDTA or other grant programs. Congress declined to support the proposed transfer and continued to fund the HIDTA program as a grant program administered by ONDCP. The Biden Administration has not proposed any changes to the administration of the HIDTA program. However, as Congress considers ONDCP's role in federal drug control, policymakers may continue to examine whether the HIDTA program would be best administered by ONDCP or another entity.

²⁸ 21 U.S.C. §1706(a)(2).

²⁹ The HIDTA program uses counties as the geographic unit of inclusion in the program. Four main criteria are considered when designating an area as a HIDTA: the extent to which (1) the area is a significant center of illegal drug production, manufacturing, importation, or distribution; (2) state, local, and tribal law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem; (3) drug-related activities in the area are having a significant harmful impact in the area and in other areas of the country; and (4) a significant increase in allocation of federal resources is necessary to respond adequately to drug related activities in the area. See 21 U.S.C. §1706(d).

³⁰ Data provided to CRS by ONDCP, Office of Congressional Affairs, April 20, 2021.

³¹ Executive Office of the President, Office of National Drug Control Policy, *HIDTA Program Policy and Budget Guidance*, January 6, 2020.

³² Office of Management and Budget, *Efficient, Effective, Accountable: An American Budget*, FY2019.

SUPPORT Act Changes to HIDTA

The SUPPORT Act reauthorized and amended the HIDTA program. In doing so, it removed the prohibition on the use of HIDTA funds to establish or expand drug treatment programs and specified that a maximum of 5% of HIDTA appropriated funds can be used for “substance use disorder treatment programs and drug prevention programs.”³³ It also authorized \$280 million to be appropriated for the HIDTA program each year for FY2018 through FY2023 and specified that at least \$7 million annually should be spent on HDTAs with severe neighborhood safety and illegal drug distribution problems. It required that the HIDTA Director develop and disseminate to HDTAs best practices for helping state, local, and tribal governments with “witness protection or assistance in cases of illegal drug distribution and related activities.” The SUPPORT Act specifically authorized ONDCP to use HIDTA funds to implement its drug overdose response strategy (see text box below).³⁴

The SUPPORT Act also authorized the ONDCP Director to use \$10 million of the funds otherwise appropriated to ONDCP to provide supplemental competitive grants to HDTAs whose drug trafficking areas have experienced high seizures of fentanyl and new psychoactive substances³⁵ for (1) purchasing portable equipment to test for fentanyl and other substances; (2) training law enforcement officers and other first responders on best practices for handling fentanyl and other substances; and (3) purchasing protective equipment, including overdose reversal drugs.

Overdose Response Strategy

In 2015, ONDCP launched the Heroin Response Strategy, now called the Overdose Response Strategy (ORS), as “a multi-HIDTA, cross-disciplinary approach that develops partnerships among public safety and public health agencies at the Federal, state and local levels to reduce drug overdose fatalities and disrupt trafficking in illicit opioids.”³⁶ Through ORS, HIDTA partners with the Centers for Disease Control and Prevention, and the partnership of drug intelligence officers and public health analysts now involves 21 programs across 34 states and the District of Columbia.³⁷ The HIDTA program notes that through these programs, ORS has the ability to improve access to near real-time data for rapid overdose response, increase timely and accurate information about emerging drug threats, promote multi-disciplinary and multi-agency data sharing and collaboration, promote prevention strategies in schools and high-risk communities, and support first responder behavioral and mental health.³⁸

³³ Previously, HIDTA funds could not be used to establish or expand drug treatment programs (though they could be used to support ongoing initiatives). And, before enactment of the SUPPORT Act, up to 5% of HIDTA funds could be used to establish drug prevention programs.

³⁴ The SUPPORT Act authorized the ONDCP Director to use funds to implement a drug overdose response strategy in HIDTA by (1) coordinating multidisciplinary efforts to prevent, reduce, and respond to drug overdoses, including the uniform reporting of fatal and nonfatal overdoses to public health and safety officials; (2) increasing data sharing among public safety and public health officials concerning drug-related abuse trends and related crime; and (3) enabling collaborative deployment of prevention, intervention, and enforcement resources to address substance use addiction and narcotics trafficking.

³⁵ For more information on new psychoactive substances, see Drug Enforcement Administration (DEA), *About Synthetic Drugs*, https://www.deadiversion.usdoj.gov/synthetic_drugs/about_sd.html.

³⁶ Executive Office of the President, Office of National Drug Control Policy, *Heroin Response Strategy, Annual Program Report for 2016*, May 2, 2017, p. 1.

³⁷ Executive Office of the President, Office of National Drug Control Policy, *The Overdose Response Strategy: 2019 Annual Report*, https://www.hidta-program.org/pdf/ors_report_2019.pdf.

³⁸ Ibid.

Drug-Free Communities (DFC) Support Program

Congress and the Clinton Administration created the DFC program through the Drug-Free Communities Act of 1997 (P.L. 105-20).³⁹ This grant program is co-administered by ONDCP and the Centers for Disease Control and Prevention (CDC),⁴⁰ and it funds community-based coalitions that aim to prevent youth substance use and misuse.⁴¹ The SUPPORT Act authorized \$99 million in appropriations for ONDCP for the DFC program for each of FY2018 through FY2023.

According to the CDC, the DFC program aims to mobilize community leaders to identify and respond to the drug problems unique to their community and change local community environmental conditions tied to substance use. In FY2020, DFC funded 733 community coalitions across the country. These coalitions are made up of youth; parents; businesses; media; schools; youth-serving organizations; law enforcement; religious or fraternal organizations; civic or volunteer groups; healthcare professionals or organizations; state, local, and tribal government agencies; and other local organizations involved in reducing substance use. These coalitions receive funding up to \$125,000 per year to enhance collaboration among local partners and create an infrastructure that reduces youth substance use.⁴²

Other Drug Control Programs

Aside from the HIDTA and DFC programs, ONDCP administers several other programs, including the Drug Court Training and Technical Assistance Program, National Community Antidrug Coalition Institute, anti-doping activities and dues for the World Anti-Doping Agency, Model Acts Program, and National Anti-Drug Media Campaign.

Drug Court Training and Technical Assistance Program

ONDCP supports training and technical assistance (TTA) for states, state courts, local courts, and units of local government with drug courts or considering drug courts⁴³ in developing, maintaining, and enhancing alternatives to incarceration for individuals with addiction through a competitive grant program. Prior to enactment of the SUPPORT Act, this TTA did not have a specific statutory authority, and it received an appropriation each year under the ONDCP, Other Federal Drug Control Programs account. The SUPPORT Act provided an authorization for the Drug Court Training and Technical Assistance program under ONDCP. It authorized \$2 million for each of FY2018-FY2023.

³⁹ 21 U.S.C. §§1521 et seq.

⁴⁰ Prior to FY2020, ONDCP co-administered the DFC program with the Substance Abuse and Mental Health Services Administration (SAMHSA).

⁴¹ The SUPPORT Act defined “substance use and misuse” as the illegal use or misuse of drugs, including any substance listed in Schedules I-V of the Controlled Substances Act; the misuse of inhalants or over-the-counter drugs; or the use of alcohol, tobacco, or other related products as such use is prohibited by state or local law. See 21 U.S.C. §1523(9).

⁴² Centers for Disease Control and Prevention (CDC), *Drug Overdose: Drug-Free Communities*, April 2021, <https://www.cdc.gov/drugoverdose/drug-free-communities/index.html>.

⁴³ For more information on drug courts, see CRS Report R44467, *Federal Support for Drug Courts: In Brief*.

National Community Antidrug Coalition Institute

In 2001, Congress and President George W. Bush first authorized a grant to an eligible nonprofit organization to establish the National Community Antidrug Coalition Institute (NCI).⁴⁴ The NCI was authorized to (1) provide education, training, and technical assistance for coalition leaders and community teams; (2) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes; and (3) bridge the gap between research and practice by translating knowledge from research into practical information. This program is jointly administered by ONDCP and SAMHSA.

The SUPPORT Act authorized the Director to make a grant of \$2 million for each of FY2018 through FY2023 to maintain NCI.⁴⁵ The Community Anti-Drug Coalitions of America (CADCA) has been the primary recipient of this grant.⁴⁶

Anti-Doping Activities and Dues for the World Anti-Doping Agency

ONDCP coordinates U.S. anti-doping activities, and the Director represents the United States at the World Anti-Doping Agency (WADA).⁴⁷ Each year, Congress appropriates funds to ONDCP for anti-doping activities and U.S. membership dues to WADA. Authorization for appropriations for anti-doping activities has expired, but in FY2020, the last year of authorization, \$14.8 million was authorized for the U.S. Anti-Doping Agency.⁴⁸

Model Acts Program

The ONDCP Model Acts program, formerly called the Model State Drug Laws program, is a grant program that supports efforts “to advise states on establishing laws and evidence-based policies to prevent and treat substance use, provide support to those in recovery, and enhance and support sensible criminal justice efforts.”⁴⁹ The Legislative Analysis and Public Policy Association (LAPPA) received the 2019-2021 Model Acts grant and, according to ONDCP, “conducts research and analysis on effective model laws, provides technical assistance to legislators, and drafts model legislation on current and emerging illicit drug issues.”⁵⁰ The SUPPORT Act authorized \$1.25 million for this program for each of FY2018-FY2023.

National Anti-Drug Media Campaign

In 1998, ONDCP launched the National Youth Anti-Drug Media Campaign, which aimed to change youth attitudes about drug use and reverse youth drug trends through targeted media ads.⁵¹

⁴⁴ See the Drug Free Communities Support Program Reauthorization (P.L. 107-82).

⁴⁵ 21 U.S.C. §1521 note.

⁴⁶ For more information about CADCA, see <https://www.cadca.org/>.

⁴⁷ See Executive Order 13165, “White House Task Force on Drug Use in Sports and United States Representative on the Board of the World Anti-Doping Agency,” 65 *Federal Register* 49469, February 28, 2003. See 21 U.S.C. §§2401 et seq. for authorized activities relevant to WADA and anti-doping.

⁴⁸ 21 U.S.C. §2003. While not specifically authorized in U.S. Code, Congress also appropriates funding for U.S. membership dues to WADA.

⁴⁹ Executive Office of the President, Office of National Drug Control Policy, *Model Acts*, <https://trumpwhitehouse.archives.gov/ondcp/other-grant-programs/model-state-anti-drug-laws/>.

⁵⁰ *Ibid.*

⁵¹ Executive Office of the President, Office of National Drug Control Policy, *The National Drug Control Strategy, 1998: Budget Summary*.

In multiple evaluations, it was reported that the program did not have favorable effects on youth behavior or beliefs.⁵² These initial ads were phased out, and ONDCP recreated the youth media campaign in Above the Influence (ATI); this new approach used a “highly visible and effective national messaging presence while encouraging youth participation with ATI at the community level.”⁵³ One study indicated that ATI was “trending toward positive impacts on attitudes and behavior” and “continues to have noteworthy potential.”⁵⁴ Another study noted positive impacts in discouraging female 8th grade students from initiating marijuana use, but it did not identify any significant influence over male 8th grade students or students in grades 10 and 12.⁵⁵ The National Youth Anti-Drug Media Campaign stopped receiving appropriations in FY2011, although various media initiatives have been supported by ONDCP since then. For example, in 2018 ONDCP released “The Truth About Opioids” drug-prevention ads in collaboration with the Ad Council and Truth Initiative.⁵⁶

The SUPPORT Act authorized \$25 million for the National Anti-Drug Media Campaign for each of FY2018-FY2023 and specifies various functions of the program. It outlines various restrictions on the use of funds under this program and sets measures of financial and performance accountability. The Director must submit an annual report to Congress on the performance of the program.

ONDCP Going Forward

The role, influence, and nature of ONDCP have evolved over the last several decades. ONDCP was created during the *war on drugs*, and the Director was often referred to as the *Drug Czar*. While treatment and prevention were part of its efforts, the original focus of the office and its Strategy were on a law enforcement response to the nation’s drug abuse.⁵⁷ However, ONDCP distanced itself from the *war on drugs* term beginning in 2009.⁵⁸ Further, according to ONDCP’s account of current drug control spending (see **Table 1**), a greater percentage of drug control funding is spent on treatment and prevention than on supply control. While drug use and abuse

⁵² Westat, *Evaluation of the National Youth Anti-Drug Media Campaign: 2004 Report of Findings*, Executive Summary, Rockville, MD; Westat and Annenberg School for Communication, *Evaluation of the National Youth Anti-Drug Media Campaign: 2003 Report of Findings*, Executive Summary, Rockville, MD; and Westat and Annenberg School for Communication, *Evaluation of the National Youth Anti-Drug Media Campaign: Fifth Semi-Annual Report of Findings*, Executive Summary, Rockville, MD.

⁵³ Executive Office of the President, Office of National Drug Control Policy, *National Youth Anti-Drug Media Campaign*, <https://obamawhitehouse.archives.gov/ondcp>.

⁵⁴ Michael D. Slater et al., “Assessing Media Campaigns Linking Marijuana Non-Use with Autonomy and Aspirations: ‘Be Under Your Own Influence’ and ONDCP’s ‘Above the Influence,’” *Prevention Science*, vol. 12, no. 1 (March 2011), pp. 12-22.

⁵⁵ Christopher S. Carpenter and Cornelia Pechmann, “Exposure to the Above the Influence Antidrug Advertisements and Adolescent Marijuana Use in the United States, 2006-2008,” *American Journal of Public Health*, vol. 101, no. 5 (May 2011), pp. 948-954.

⁵⁶ See Executive Office of the President, Office of National Drug Control Policy, “White House Releases New Drug Prevention Ad,” October 22, 2018, <https://trumpwhitehouse.archives.gov/briefings-statements/white-house-releases-new-drug-prevention-ad/>.

⁵⁷ Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy*, September 1989.

⁵⁸ Executive Office of the President, Office of National Drug Control Policy, *A Drug Policy for the 21st Century*, <https://obamawhitehouse.archives.gov/ondcp/drugpolicyreform>; and Gary Fields, “White House Czar Calls for End to ‘War on Drugs,’” *The Wall Street Journal*, May 14, 2009.

had been considered primarily a criminal justice problem, it has transitioned to being viewed as a problem to be solved by the criminal justice and public health systems.

Federal Drug Control Spending

Mirroring this shift in thinking about how to effectively respond to drug abuse, federal drug control spending has increased the proportion of money allocated for prevention and treatment and decreased that for enforcement and interdiction. In more recent years, the proportion of the National Drug Control Budget allocated to supply reduction activities (domestic law enforcement, international initiatives, and interdiction) has been relatively similar to the proportion allocated to demand reduction activities (treatment and prevention) (see **Table 1**). Notably, for FY2021 about 57% (\$22.874 billion) of the National Drug Control Budget was allocated to demand reduction activities, while about 43% (\$17.501 billion) was allocated to supply reduction activities. The Biden Administration has requested a similar proportion of demand reduction (\$23.501 billion) to supply reduction (\$17.543 billion) funding for FY2022.⁵⁹

Table 1. National Drug Control Spending by Function, FY2017–FY2021
(Amounts in billions of dollars)

| Function | FY2017 | FY2018 | FY2019 | FY2020 | FY2021 |
|---|---------------|---------------|---------------|---------------|---------------|
| Treatment | \$12.169 | \$14.548 | \$15.440 | \$16.460 | \$20.070 |
| Prevention | 1.572 | 2.264 | 2.136 | 2.177 | 2.804 |
| Domestic Law Enforcement | 8.982 | 9.444 | 9.641 | 10.237 | 10.561 |
| Interdiction | 4.596 | 5.566 | 8.308 | 9.546 | 5.838 |
| International Initiatives | 1.494 | 1.465 | 1.283 | 1.264 | 1.102 |
| Total | 28.813 | 33.287 | 36.808 | 39.683 | 40.374 |
| Total Demand Reduction | 13.741 | 16.812 | 17.576 | 18.637 | 22.874 |
| Percentage of Total Drug Control Budget | 47.7% | 50.5% | 47.8% | 47.0% | 56.7% |
| Total Supply Reduction | 15.072 | 16.475 | 19.233 | 21.047 | 17.501 |
| Percentage of Total Drug Control Budget | 52.3% | 49.5% | 52.3% | 53.0% | 43.3% |

Source: Amounts taken from Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Budget, FY2022 Funding Highlights*, May 2021. Percentages calculated by CRS.

Notes: Amounts may not add to totals due to rounding. ONDCP defines *demand reduction* as treatment and prevention, and *supply reduction* as domestic law enforcement, interdiction, and international initiatives.

In considering future changes to ONDCP, Congress may evaluate whether summarizing drug control spending in this way (1) is a true measure of drug control; (2) reflects the Administration's drug control priorities; and (3) is a necessary step to take each year.

⁵⁹ Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Budget, FY2022 Funding Highlights*, May 2021.

Status of the Director's Role

The decision on whether to include the Director in the Cabinet rests with each President.⁶⁰ The Director was elevated to a Cabinet-level position in 1993 by President Clinton. In 2009, the role was returned to a non-Cabinet-level position when President Obama opted not to include the Director in his Cabinet. The Director was not in President Trump's Cabinet, and the status did not change with the reauthorization of ONDCP under the SUPPORT Act. Thus far, President Biden has not elected to re-elevate the position to the Cabinet. As the Senate weighs confirmation of the Director, they may consider how this role guides the nation's policies, particularly if the position remains outside of the President's Cabinet.

ONDCP and Opposition to Legalization of Schedule I Controlled Substances

In 1970, the Controlled Substances Act (CSA) designated marijuana and other drugs as Schedule I controlled substances. This officially prohibited the unauthorized manufacture, distribution, dispensing, and possession of these substances. Under the CSA, there are five schedules under which substances may be classified—Schedule I being the most restrictive.⁶¹ Substances placed onto one of the five schedules are evaluated on actual or relative potential for abuse; known scientific evidence of pharmacological effects; current scientific knowledge of the substance; history and current pattern of abuse; scope, duration, and significance of abuse; risk to public health; psychic or physiological dependence liability; and whether the substance is an immediate precursor of an already scheduled substance.

With respect to the CSA, current law requires that the Director

- ensure that ONDCP's funding is not used for any study or contract relating to the legalization of a substance listed on Schedule I of the CSA, and
- oppose any attempt to legalize any substance that the Food and Drug Administration has not approved for medical use.⁶²

These requirements placed on the Director have come under scrutiny given the current climate concerning marijuana. Despite federal restrictions related to marijuana, states have deviated by establishing a range of laws and policies allowing its medical and recreational use.⁶³ Further, Congress has demonstrated interest in amending the Schedule I status of marijuana. Going forward, Congress may choose to reevaluate ONDCP's ability to support or oppose legalization or remain neutral.

Federal agencies such as the DEA and SAMHSA counter drug abuse through various means ranging from enforcement and interdiction to administering treatment and prevention grants. The extent to which ONDCP influences the activities of these and other agencies that are essential to federal drug control is unclear. With further legislation and oversight of ONDCP, Congress may question and evaluate the role and influence that the office and its Director have in U.S. drug policy.

⁶⁰ For discussion of the President's Cabinet, see CRS In Focus IF11618, *United Nations Issues: Cabinet Rank of the U.S. Permanent Representative*.

⁶¹ For broader discussion of scheduling, see CRS Report R45948, *The Controlled Substances Act (CSA): A Legal Overview for the 117th Congress*.

⁶² 21 U.S.C. §1703(b)(12).

⁶³ For more information, see CRS Report R44782, *The Marijuana Policy Gap and the Path Forward*.

Author Information

Lisa N. Sacco
Analyst in Illicit Drugs and Crime Policy

Kristin Finklea
Specialist in Domestic Security

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.