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United States Senate

April 18, 2018

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The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Dear Secretary Azar and Attorney General Sessions,

I write to seek additional information on your plans to distribute the new funding Congress appropriated to your respective departments to help respond to the nation's prescription and illicit opioid epidemic. States cannot adequately address this public health crisis without these critical dollars, and it is imperative that the administration dispense this much-needed assistance as soon as possible.

More than 42,000 Americans lost their lives to an opioid overdose in 2016. This number has climbed over recent years, attributable in part to the growing presence of illicit fentanyl, a dangerous synthetic opioid that can instantaneously cause a fatal overdose. Despite the increasing number of families and communities touched by this public health crisis, our federal response has been subpar. Now more than ever, providers, first-responders, communities, families, and individuals suffering from opioid use disorders need new, enhanced resources to respond to the health and economic burden of this relentless epidemic.

In 2016, Congress passed and President Obama signed the *21st Century Cures Act*, which authorized \$1 billion to the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide grant funds for states to tackle the opioid epidemic for fiscal years 2017 and 2018. Congress appropriated the first half of this funding, dedicated for Fiscal Year 2017, as part of the *Further Continuing Appropriations Act of 2017*, which became law in December 2016. That same week, SAMHSA announced the availability of these opioid funds and initiated the application process for states. States were awarded \$485 million from the 2017 authorization on April 20th, 2017.

Last month, Congress appropriated an additional \$3.3 billion for fiscal year 2018 – to supplement, not supplant, opioid funding dedicated through *Cures* and other initiatives – to help states and localities respond to the crisis. The *Consolidated Appropriations Act of 2018* allocated

this funding for specific programs and initiatives operated by the U.S. Department of Agriculture, the U.S. Department of Health and Human Services (HHS), and the Department of Justice (DoJ). While these programs vary in allocation, they also vary in the timeframe by which the funding must be expended. For instance, the \$500 million appropriated to the National Institutes of Health for “research related to opioid addiction, development of opioid alternatives, pain management, and addiction treatment” is available until September 30, 2019. Similarly, the \$330 million allocated for programs authorized through the *Comprehensive Addiction and Recovery Act* will “remain available until expended.” Nearly a dozen offices or entities within your departments received varying amounts that must be spent by a specified date or until the funds are expended.

Given the dire need for more resources to combat the opioid crisis, it is important for states and the public to know how the money will be made available through the *Consolidated Appropriations Act of 2018* and when the federal government will disseminate the newly appropriated dollars. For each of the opioid-related programs in your department that received additional funding over Fiscal Year 2017 enacted levels through the *Consolidated Appropriations Act*, please provide answers to the following questions by April 30, 2018:

1. When will you make funding applications and instructions available to states, researchers, or other grantees eligible through programs funded in the *Consolidated Appropriations Act*? How will you communicate the availability of these applications to states and localities?
2. How will you allocate the funding over the timeframes specified in the legislation to ensure that states get these much-needed resources as quickly as possible?
 - a. How do you expect to divide and make available the funding for programs appropriated through multiple fiscal years?
 - b. How will you allocate funding that is “available until expended?” Do you intend to make the majority of the funding available for this fiscal year?
3. How are you ensuring that the appropriated funds are released from your department and awarded to grantees as quickly as possible? What are the barriers to expedient release or availability of the appropriated funds?
4. How will you prioritize spending on aspects of the opioid crisis with unmet need?
 - a. For instance, justice-involved populations still do not have adequate access to all forms of medication-assisted treatment (MAT). Despite evidence supporting that MAT can help save lives, especially for this vulnerable population, many jails and prisons do not provide adequate access to this treatment. Will DoJ use a portion of their new funding to help address this issue to ensure that all approved forms of MAT are an option for treatment?
 - b. Similarly, how will the Substance Abuse and Mental Health Services Administration, Centers for Disease Control and Prevention, the Health Resources and Services Administration, and other agencies within HHS use their newly appropriated funds to focus on aspects of the opioid epidemic under their jurisdictions where there is still unmet need?
5. How will you measure the success of these new investments? How will you show if they are making a meaningful impact in improving our response to the opioid crisis?

Thank you for your attention to my request. Should you have any questions please have your staff reach out to Nikki Hurt, of my staff, at 202-224-2742.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive, flowing style.

Edward J. Markey
United States Senator