



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

ONDCP Circular: Policy Coordination and Organizational Oversight

September 9, 2021

TO: THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

FROM: REGINA M. LABELLE, ACTING DIRECTOR 

SUBJECT: POLICY COORDINATION AND ORGANIZATIONAL OVERSIGHT

1. **Purpose.** This circular provides guidance for National Drug Control Program agencies to ensure the close coordination of National Drug Control Program agencies in supporting the drug control policies of the President. This includes information and procedures related to policy change requests; changes in the organization or management of National Drug Control Program agencies, and the review of testimony and reports.
2. **Rescission.** This circular rescinds and replaces the ONDCP Circular, *Policy Coordination*, dated October 22, 2019.
3. **Authority.** *The Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act of 2018* (P.L. 115-271, dated October 24, 2018) provides the authority for ONDCP's oversight of the National Drug Control Program. In relevant part, this law has been codified at 21 U.S.C. §§ 1701 *et seq.*
4. **Definitions.** As used in this circular, -
 - a. **Policy Change** means any change by a National Drug Control Program agency or bureau that would materially affect the ability of the agency or bureau to implement the policies, goals, objectives, and priorities for the National Drug Control Program, including the *National Drug Control Strategy (Strategy)*, its goals, and objectives. This may include changes in policy, funding requests, grant award criteria, program management, data systems, and other policy and management issues related to the implementation of the National Drug Control Program and *Strategy*.
 - b. **Management Issues** means any changes in the organization, management, and budgets of National Drug Control Program agencies, including changes in the allocation of personnel to and within those departments and agencies, to implement the policies, goals, priorities, and objectives of the *Strategy* (21 U.S.C. § 1703(b)(4)).
 - c. **Other key terms** related to the National Drug Control Program and its associated budget are defined in Section 4 of the ONDCP Circular, *Budget Formulation*, dated September

9, 2021. These terms include *National Drug Control Program*, *National Drug Control Program agency*, and *bureau*.

5. **Coverage.** The provisions of this circular apply to all National Drug Control Program agencies in the Executive Branch as defined by ONDCP Circular, *Budget Formulation*, dated September 9, 2021, Section 4.b.
6. **Certification of Policy Changes.** Pursuant to 21 U.S.C. § 1704(b)(1), the head of a National Drug Control Program agency shall submit any proposed policy changes in writing to the Director of National Drug Control Policy prior to implementation, unless exigent circumstances prevent prior notification. The Director shall promptly review the proposed change and provide written certification of whether the change in policy is consistent with the *Strategy*.
 - a. **Requirements.** Agencies shall submit a letter to the Director prior to the implementation of any policy change. Each letter shall include the following information:
 - (1) **Proposed Policy Change.** The letter shall include a narrative describing the current state as well as the proposed action, procedure, or policy that meets the definition of a policy change under Section 4.a. of this Circular.
 - (2) **Justification:** The letter shall include a justification for the proposed action, procedure, or policy change that details the issue/problem that is motivating the need for a change, any evidence or research that supports the change, and the description of the expected outcome if the change is implemented. All such descriptions shall acknowledge and explain all potential impacts, including potential adverse effects, resulting from implementation of the change.
 - (3) **Resources Levels.** The letter shall include a thorough description of the anticipated impact on drug control resources of any agency/bureau that may be affected by the proposed change. For any proposed change that is expected to result in changes to reported drug control funding levels by an agency/bureau—including changes at the decision unit or program level—agencies shall provide a resource summary table (as described in ONDCP’s *Budget Formulation* circular) to show anticipated changes in funding levels that would result from the implementation of the policy change.
 - b. **Exigent Circumstances.** If prior notice of a proposed change is not practicable, the head of the National Drug Control Program agency, pursuant to 21 U.S.C. § 1704(b)(2), shall notify the Director of the proposed change as soon as possible. Such notifications shall meet the requirements in Section 6.a. of this Circular and shall additionally include an explanation of the exigent circumstances that prevented prior notification of the policy change.
 - c. **Certification of Policy Changes.** Upon notification under this Section, the Director shall promptly review such proposed change and certify to the head of that agency in writing whether such change is consistent with the *Strategy*.

- d. **Annual Report on Policy Changes.** By August 1 of each year, each agency head shall report to ONDCP on the effects of all drug control policy changes initiated and implemented by their agency and its bureaus during the previous 12 months. If applicable, the report under this section may be brief correspondence, highlighting that the agency has initiated no change in drug control policy in the past year. If a policy change was found to be inconsistent with the *Strategy* in the previous 12 months, the report shall include what has been done to rectify or ameliorate the situation.
7. **Changes in Organization and Management.** ONDCP is required to make recommendations to the President regarding changes in the organization, management and budgets of National Drug Control Program agencies and changes in the allocation of personnel to and within those department and agencies, to implement the policies, goals, priorities, and objectives of the *Strategy* (21 U.S.C. § 1703(b)(4)). In order to implement 21 U.S.C. § 1703(b)(4), the head of a National Drug Control Program agency shall submit any proposed change in organization or management impacting a decision unit, program, or activity that reports funding in support of the National Drug Control Program in writing to the Director of National Drug Control Policy prior to implementation. The Director shall promptly review the proposed change and provide written notification of whether the change in organization or management is consistent with the *Strategy*.
- a. **Requirements.** Agencies shall submit a letter to the Director prior to the implementation of any change in organization or management impacting a decision unit, program, or activity that reports funding in support of the National Drug Control Program. Each letter shall include the following information:
- (1) **Proposed Change in Organization or Management:** The letter shall include a narrative description of what the agency is proposing to change, including a description of the existing organization or management structure and the reason the change is requested.
 - (2) **Justification:** The letter shall include a justification for the proposed organization or management change that details the issue/problem that is motivating the need for a change and the description of the expected outcome if the change is implemented. All such descriptions shall acknowledge and explain all potential impacts, including potential adverse effects, resulting from implementation of the change.
 - (3) **Resources Levels.** The letter shall include a thorough description of the anticipated impact on drug control resources of any agency/bureau that may be affected by the proposed change. For any proposed change that is expected to result in changes to reported drug control funding levels by an agency/bureau—including changes at the decision unit or program level—agencies shall provide a resource summary table (as described in ONDCP’s Budget Formulation Circular) to show anticipated changes in funding levels that would result from the implementation of the organization or management change.
8. **Review of Testimony and Reports.** Pursuant to 21 U.S.C. § 1704(a)(1), upon the request of the Director of National Drug Control Policy, the head of any National Drug Control

Program agency shall provide to the Director any statistics, studies, reports and other information prepared or collected by the agency concerning the responsibilities of the agency that relate to drug control or the use of National Drug Control Program Budget funds.

To ensure that drug control policy is well-coordinated throughout the Executive Branch consistent with statutory provisions, proposed reports or testimony prepared for Congress with any nexus to drug control shall be provided directly to ONDCP for review prior to submission to Congress. Exceptions to this requirement are as follows:

- a. **Survey Data:** Reports associated with routine, periodic collection of data related to drug use or drug law enforcement are not subject to an advance review under this section. However, consistent with past practice, ONDCP requests an advance briefing/copy of survey results so that public messaging can be coordinated with the sponsoring agency. Agencies and bureaus shall provide ONDCP with a timely copy of such reports when issued.
 - b. **OMB Process:** Reports or testimony cleared through the process established by the Office of Management and Budget's (OMB) Circular A-19, *Legislative Coordination and Clearance*, are exempt from the requirements of this section. ONDCP will comment on this material as part of the established OMB process for reviewing Legislative Referral Memoranda.
9. **ONDCP Point of Contact.** The point of contact for all matters referenced in this circular is the Performance Budget Coordinator, via performancebudgetcoordinator@ondcp.eop.gov.