

Congress of the United States
Washington, DC 20515

March 19, 2018

The Honorable Rodney Frelinghuysen
Chairman
Appropriations Committee
U.S. House of Representatives
H-305, The Capitol
Washington, DC 20515

The Honorable Nita Lowey
Ranking Member
Appropriations Committee
U.S. House of Representatives
1016 Longworth House Office Building
Washington, DC 20515

The Honorable Tom Cole
Chairman
House Appropriations Committee
Labor, Health and Human Services, Education,
and Related Agencies
2358-B Rayburn House Office Building
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
House Appropriations Committee
Labor, Health and Human Services, Education,
and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Frelinghuysen, Chairmen Cole, Ranking Member Lowey, and Ranking Member DeLauro:

The *21st Century Cures Act* created the largest and most comprehensive grant program designed to combat the nation's growing opioid and heroin pandemic. This historic legislation was an important step in helping states and their communities fight substance misuse. The Cures Act authorized \$1 billion for Fiscal Years 2017 and 2018. Along with the Comprehensive Addiction and Recovery Act, passage of the Cures Act demonstrated that the federal government finally had a framework to address this public health crisis.

Unfortunately, the formula implemented by the Cures Act left the nation with a crucial blind spot – it poorly targeted the communities most in need. Rather than focusing on data that effectively defined the nature of the opioid crisis, the U.S. Department of Health and Human Services (HHS) and the Substance Abuse and Mental Health Services Administration (SAMHSA) utilized a formula developed during the prior administration that myopically focused on admissions for treatment and the *total* mortality in a given state due to drug overdose. It is now clear that these metrics led to a selection bias in favor of larger and more urban states that already have more advanced treatment capacity. While we do not seek to diminish the importance of larger states, the crisis is more acute in less urban communities across the country.

Given the promised funding to be provided as part of the Balanced Budget Agreement of 2018, we respectfully request that the House Appropriations Committee direct HHS and the Substance Use and Mental Health Services Administration (SAMHSA) to utilize metrics that more appropriately responds to the nature of this public health emergency. It is crucial that that this additional funding is distributed to communities in greatest need. We suggest that the Committee

consider H.R. 5109, the *Federal Opioid Response Fairness Act*, as a framework for distribution of funding.

H.R. 5109 would direct SAMHSA to consider per capita mortality as well as the impact of the crisis on the public health infrastructure of a state, for example the dramatic rise of neonatal abstinence syndrome. H.R. 5109 would also require a minimum award of \$5 million, a funding floor that more appropriately reflects the needs of our communities struggling with addiction.

Below is suggested report language for Fiscal Year 2019 appropriations that would address the concerns described above:

Distribution of Funding to Combat the Opioid Epidemic. – The Committee is concerned that grants created by the Substance Use and Mental Health Services Administration (SAMHSA) to combat the opioid addiction problem do not effectively target states, localities, territories and Indian tribes in greatest need. Distribution of the Opioid State Targeted Response grants authorized by the 21st Century Cures Act closely followed population size rather than the acute needs of communities grappling with opioid addiction. The Committee directs SAMHSA to utilize metrics that target communities and grantees of greatest need, including prevalence of opioid use disorder and per capital overdose mortality.

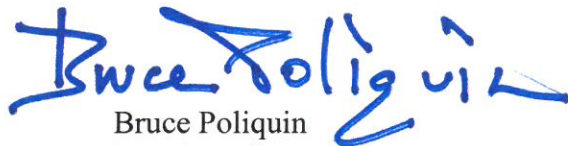
We hope the Committee will consider any and all actions it could undertake as part of the appropriations process to ensure the communities and states of greatest need are provided the maximum available assistance from HHS and SAMHSA, including similar language in the Fiscal Year 2018 omnibus appropriations act.

Thank you for consideration of our request.

Sincerely,



Ann McLane Kuster
Member of Congress



Bruce Poliquin
Member of Congress



Lisa Blunt Rochester
Member of Congress



Joe Courtney
Member of Congress