

OPIOID PROGRAM EVALUATION ACT

MAY 6, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 5052]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5052) to direct the Attorney General and the Secretary of Health and Human Services to evaluate the effectiveness of grant programs that provide grants for the primary purpose of providing assistance in addressing problems pertaining to opioid abuse, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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Purpose and Summary

The purpose of the Opioid Program Evaluation Act (OPEN Act) is to improve the evaluation of the opioid-related grant programs authorized under the Comprehensive Opioid Abuse Reduction Act

(H.R. 5046, 114th Congress) and any program administered by the Secretary of Health and Human Services (HHS) that provides grants for the primary purpose of providing assistance in addressing problems pertaining to opioid abuse. The OPEN Act requires the Attorney General and Secretary of HHS to enter into arrangements with the National Academy of Sciences (NAS) to identify outcomes that are to be achieved by the activities funded by Congress to address opioid abuse; develop the metrics by which each program's performance will be evaluated; complete an interim evaluation assessing the nature and extent of opioid abuse and illegal opioid distribution in the United States; and carry out an evaluation of the effectiveness of the programs. The OPEN Act requires the Attorney General and the Secretary of HHS to publish the results of such evaluations along with the data collected from grantees and used to evaluate the programs' performance.

Background and Need for the Legislation

Congress must demand greater achievement and increased transparency and accountability with respect to its Federal grant programs. Evaluations such as the ones required by this Act can be a valuable illustration of how well a Federal program or agency is operating. By first carrying out an interim evaluation of the nature and extent of opioid abuse and illegal opioid distribution in the United States, NAS can establish a baseline by which to evaluate the programs' true performance. Following that, an assessment of whether the programs represent an effective use of taxpayers' dollars in the effort to combat opioid abuse can be made.

The lack of transparency with respect to some Federal grant programs will be addressed by the Act's requirement that the Attorney General and Secretary of HHS compel grantees to collect and annually report data on their use of grant funding and the subsequent requirement that all such data be published along with the required report.

The Committee expects the Attorney General and Secretary of HHS to carry out the OPEN Act using existing resources. Specifically, the Committee directs the Attorney General to use funds made available to the National Institute of Justice, including funds made available through the discretionary set-aside from Office of Justice Programs-administered grant programs,¹ to support the activities required by this Act. Similarly, the Secretary of HHS shall use amounts otherwise available to execute its duties under this Act. Importantly, the OPEN Act instructs the Attorney General and Secretary of HHS to enter into arrangements with NAS because each agency's existing relationship with NAS' Division of Behavioral and Social Sciences and Education represents an opportunity to leverage its Federal research resources.

Hearings

The Committee on the Judiciary held no hearings on H.R. 5052.

¹In recent years, beginning with the appropriations provided to the Department of Justice for fiscal year 2012, Congress has permitted the Attorney General to transfer up to 2 percent of funds made available to the Office of Justice Programs to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes. The Committee assumes this practice will continue with respect to Department of Justice appropriations during the period of fiscal years 2017 through 2021.

Committee Consideration

On April 27, 2016, the Committee met in open session and ordered the bill H.R. 5052 favorably reported, without amendment, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 5052.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 5052, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 5, 2016.

Hon. BOB GOODLATTE, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5052, the "Opioid Program Evaluation Act."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

KEITH HALL,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 5052—Opioid Program Evaluation Act.

As ordered reported by the House Committee on the Judiciary
on April 27, 2016.

H.R. 5052 would direct the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) to enter into agreements with the National Academy of Sciences to evaluate the effectiveness of a proposed grant program to be administered by DOJ to combat opioid abuse. (Separate legislation would establish and authorize appropriations for those grants.) The bill would require the evaluations to be completed not later than five years after enactment.

Based on information from the National Academy of Sciences, CBO estimates that implementing H.R. 5052 would cost about \$4 million over the 2016–2021 period, assuming enactment—through separate legislation—of a grant program to combat opioid abuse. Such spending would be subject to the availability of appropriated funds. For grant programs administered by DOJ, the department sets aside a portion of the funds appropriated for the grants to cover the cost of certain administrative activities including the evaluation of grantees.

Pay-as-you-go procedures do not apply because enacting the bill would not affect direct spending or revenues. CBO estimates that enacting H.R. 5052 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5052 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Any costs to state, local, or tribal governments would result from complying with conditions of assistance.

The CBO staff contacts for this estimate are Mark Grabowicz (for DOJ costs) and Andrea Noda (for HHS costs). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

Duplication of Federal Programs

No provision of H.R. 5052 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee estimates that H.R. 5052 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. § 551.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5052 will require the Attorney General and the Secretary of HHS to evaluate the Comprehensive Opioid Abuse Reduction Grant Program au-

thorized by the Comprehensive Opioid Abuse Reduction Act (H.R. 5046, 114th Congress) and any program administered by the Secretary of HHS that provides grants for the primary purpose of providing assistance in addressing problems pertaining to opioid abuse, respectively, through arrangements with the NAS.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5052 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. This section cites the short title of the bill as the “Opioid Program Evaluation Act” or “OPEN Act.”

Sec. 2. Evaluation of Performance of Department of Justice Program. Section 2 does the following things:

(a) Requires the Attorney General to complete an evaluation of the effectiveness of the Comprehensive Opioid Abuse Grant Program, based upon the information reported by grantees, not later than 5 years after the enactment of the Act.

(b) Requires the Attorney General to complete an interim evaluation assessing the nature and extent of opioid abuse and illegal opioid distribution in the United States.

(c) Requires the Attorney General to identify outcomes to be achieved under the Comprehensive Opioid Abuse Grant Program, and the metrics by which the achievement of such outcomes shall be determined, not later than 180 days after the enactment of the Act.

(d) Provides that the Attorney General must require grantees and those receiving subawards to collect and annually report data on the activities conducted using their grant funding.

(e) Requires the Attorney General to publish the outcomes and metrics identified under subsection (c) not later than 30 days after identifying such outcomes and metrics. Requires the National Academy of Sciences to publish the results of the evaluations required under subsections (a) and (b) and issue a report on such evaluations to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate not later than 90 days after completion of each evaluation. Requires the data collected from grantees to be published along with the report.

(f) Requires the Attorney General to enter into an arrangement with the National Academy of Sciences to identify the outcomes to be achieved, develop the metrics by which performance will be evaluated, complete the interim evaluation assessing the nature and extent of opioid abuse and illegal opioid distribution, and carry out an evaluation of the Comprehensive Opioid Abuse Grant Program.

Sec. 3. Evaluation of Performance of Department of Health and Human Services Programs. Section 3 does the following things (which parallel the requirements under section 2):

(a) Requires the Secretary of Health and Human Services to complete an evaluation of the effectiveness of the programs administered by the Secretary that provide grants to address problems pertaining to opioid abuse, based upon the information reported by grantees, not later than 5 years after the enactment of the Act.

(b) Requires the Secretary of Health and Human Services to complete an interim evaluation assessing the nature and extent of opioid abuse and illegal opioid distribution in the United States.

(c) Requires the Secretary of Health and Human Services to identify outcomes to be achieved under the programs described in subsection (a), and the metrics by which the achievement of such outcomes shall be determined, not later than 180 days after the enactment of the Act.

(d) Provides that the Secretary of Health and Human Services must require grantees to collect and annually report data on the activities conducted using their grant funding.

(e) Requires the Secretary of Health and Human Services to publish the outcomes and metrics identified under subsection (c) not later than 30 days after identifying such outcomes and metrics. Requires the National Academy of Sciences to publish the results of the evaluations required under subsections (a) and (b) and issue a report on such evaluations to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate not later than 90 days after completion of each evaluation. Requires the data collected from grantees to be published along with the report.

(f) Requires the Secretary of Health and Human Services to enter into an arrangement with the National Academy of Sciences to identify the outcomes to be achieved, develop the metrics by which performance will be evaluated, complete the interim evaluation assessing the nature and extent of opioid abuse and illegal opioid distribution, and carry out the evaluation of the programs administered by the Secretary that provide grants to address problems pertaining to opioid abuse.

Sec. 4. Definition. This section provides a definition of the term “opioid” for the purposes of the Act.

Sec. 5. No Additional Funds Authorized. This section provides that no funds are authorized to be appropriated to carry out the OPEN Act.