



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

ONDCP Circular: Policy Coordination

March 5, 2013

TO: THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Policy Coordination

1. **Purpose.** This circular provides guidance for National Drug Control Program agencies for obtaining approval, from the Director of the Office of National Drug Control Policy (ONDCP), prior to initiating a change in drug policy. Also, to ensure the close coordination of the drug control program of the President, this circular outlines the procedures for ONDCP review of agency reports and testimony that may have a drug control nexus.
2. **Rescission.** This circular rescinds and replaces the ONDCP Circular, *Policy Coordination*, dated August 3, 2011.
3. **Authority.** *The Office of National Drug Control Policy Reauthorization Act of 1998* (P.L. 105-277, dated October 21, 1998), as amended by Public Law 109-469 (December 29, 2006), 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. **Coverage.** The provisions of this circular apply to all National Drug Control Program agencies, as well as all of their constituent bureaus that are involved in implementing any aspect of the *National Drug Control Strategy*.
5. **Definitions.** As used in this circular, key terms related to the National Drug Control Program are defined in Section 4 of the ONDCP Circular, *Budget Formulation*, dated January 18, 2013. These terms include *National Drug Control Program*, *National Drug Control Program agency*, and *bureau*.
6. **Certification of Policy Changes.** The head of a National Drug Control Program agency, pursuant to 21 U.S.C. § 1704(b), "... shall, unless exigent circumstances require otherwise, notify the Director [of National Drug Control Policy] in writing regarding any proposed change in policies relating to the activities of that agency under the National Drug Control Program prior to implementation of such change. 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 National Drug Control Strategy."
 - a. **Exigent Circumstances.** If prior notice of a proposed change under 21 U.S.C. § 1704(b) 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 and upon such notification, the Director shall review the change and certify to the head of that agency in writing whether the change is consistent with the National Drug Control Strategy.

- b. **Annual Report on Policy Changes.** To assist in the development of the National Drug Control Strategy under 21 U.S.C. § 1705, by August 1 of each year every agency head shall report to ONDCP on the effects of all changes in policy initiated and implemented by their agency and its bureaus during the previous 12 months, which were related to activities under the National Drug Control Program. 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.

7. Review of Testimony and Reports. Upon the request of the Director of National Drug Control Policy, the head of any National Drug Control Program agency, pursuant to 21 U.S.C. § 1704 (a), "... shall cooperate with and provide to the Director any statistics, studies, reports and other information prepared or collected by the agency concerning the responsibilities of the agency under the National Drug Control Strategy that relate to ... drug control; or ... the manner in which amounts made available to that agency for drug control are being used by that agency." Consistent with provisions, and to ensure that drug control policy is well coordinated throughout the Executive Branch, proposed reports or testimony prepared for Congress with any nexus to drug control shall be provided to ONDCP for review, prior to the delivery of this information. 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, 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.

8. ONDCP Point of Contact. The ONDCP point of contact for all matters referenced in this circular is:

Director's Senior Policy Advisor
Office of National Drug Control Policy
750 17th Street, N.W.
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R. Gil Kerlikowske
Director