

United States Senate

WASHINGTON, DC 20510

September 8, 2017

President Donald Trump
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Trump:

It has been four weeks since you announced your intent to declare a state of emergency in response to the opioid crisis. Since then, however, your administration has yet to make such a declaration, leaving another unfilled promise to provide overdue relief to the individuals and communities who continue to suffer.

The Commission on Combating Drug Addiction and the Opioid Crisis you created, as well as public health and substance use disorder experts, support declaring the opioid epidemic a federal emergency among other important recommendations. However, your lack of action – coupled with your support of policies that would make access to substance use disorder care and treatment more difficult for millions of Americans – causes us to question your commitment to ending the opioid use disorder and overdose crisis.

Regardless of whether you choose to declare a state of emergency, continued inaction on this issue is deeply concerning. In order to effectively treat this crisis with the urgency it demands, we believe you must take action immediately to expand treatment capacity, increase prevention efforts (including prescriber education initiatives), improve data sharing, and support detection and interdiction efforts to address the supply side of this epidemic – all recommendations for action proposed by the Commission you created.

To better understand your intentions regarding this crisis, please provide answers to the following questions:


1. Are officials in your administration conducting “an expedited legal review” of the recommendation to declare a national or public health emergency for the opioid epidemic, as reported in the New York Times?
 - a. If so, what is the timeline to complete such a review to determine if your administration can make a declaration?
 - b. How many specialists and experts are actively reviewing the applicability of declaring a state of emergency? Which agencies and offices are involved in this review, and how are they each contributing to the determination?
 - c. Are they considering different types of emergency declarations (under the *National Emergencies Act*, the *Public Health Service Act*, or the *Stafford Act*) available to help address the opioid epidemic? Please identify and explain the processes they will use to determine whether any or all of these declarations are applicable to help address the opioid epidemic.

2. How will you and your deputies ensure that any emergency declaration emphasizes a public health approach and commits new and robust resources to the opioid crisis? How will you ensure that any emergency declaration effectively removes barriers to substance use disorder care and treatment, such as Medicaid's Institution for Mental Disease (IMD) Exclusion?
3. How do you intend to communicate your determination to states, communities, and individuals who are actively working to stop this epidemic? Will you make your findings and your rationale accessible to the public online? Will you be considering expert and public input, including from states and local governments, in addition to your internal legal review?
4. Please identify the actions your administration could take under a formal emergency declaration that are not already available under existing authorities.
5. If you determine that declaring an emergency is not necessary or advisable, please explain how your administration will rapidly respond to the opioid crisis using existing executive authority and please identify any barriers preventing you from doing so.
6. How does your administration plan to consider and implement the other recommendations provided by your Commission's interim report absent an emergency declaration?


Thank you for your prompt attention to this matter.


Sincerely,



Edward J. Markey
United States Senator


Sherrod Brown
United States Senator


Sheldon Whitehouse
United States Senator


Margaret Wood Hassan
United States Senator


Richard Blumenthal
United States Senator


Elizabeth Warren
United States Senator



Cory A. Booker
United States Senator



Jeanne Shaheen
United States Senator



Jack Reed
United States Senator



Tammy Baldwin
United States Senator