

United States Senate
WASHINGTON, DC 20510

July 28, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

The Office of National Drug Control Policy (ONDCP) is responsible for creating, implementing, and evaluating U.S. drug control policies to reduce the use, manufacturing, and trafficking of illicit drugs, as well as drug-related health consequences. As a United States Senator in the late-1980s, you helped create ONDCP. In fact, on multiple occasions, you called for the position of “Drug Czar” to be in the Presidential Cabinet.¹

The makeup of the President’s Cabinet is an institution based in custom, rather than statute.² However, which heads of governmental agencies earn a coveted position on the Cabinet speaks volumes. Placing an agency head in the Cabinet is a way for the President to publicly convey the agency’s importance. It also serves a logistical purpose in that officials in the Cabinet would have parity in communications with, and access to, other Cabinet members. Since ONDCP and its leadership are vital to fighting drug abuse, the placement of the ONDCP Director in the Cabinet could be a useful and critical tool.

While the drastic uptick in overdose deaths is reason enough to evaluate whether the Drug Czar should hold a Cabinet position, I find it important to evaluate this issue in light of the history of this position’s placement. The ONDCP Director was elevated to a Cabinet-level position in 1993 by President Clinton, and remained in the Cabinet during President George W. Bush’s Administration. However, President Obama chose to demote the post from the Cabinet. This affirmative choice of President Obama to remove the ONDCP Director from the President’s Cabinet is a confusing one, not only because it was a major departure from the precedent set under President Clinton, but also because his Vice President was in favor of elevating the position. Although the reason for this downgrade is unclear, an Obama Administration official dismissed that moving the Drug Czar out of the Cabinet was effectively a demotion, noting that

¹ See Kevin Sabet, *O(ND)CP Director, Where Art Thou?*, Newsweek, June 15, 2021, available at: <https://www.newsweek.com/o-ndcp-director-where-art-thou-opinion-1600348>; Orrin Hatch, *Downgrading of ‘drug czar’ and his office*, San Diego Union-Tribune, Mar. 31, 2009, available at: <https://www.sandiegouniontribune.com/sdut-lz1e31hatch194129-downgrading-drug-czar-and-his-of-2009mar31-story.html>.

² Luisa Blanchfield, Henry Hogue, Cong. Res. Serv., *United Nations Issues: Cabinet Rank and the U.S. Permanent Representative*, Mar. 23, 2021, available at: <https://www.crs.gov/Reports/IF11618>.

“[w]hether a position is Cabinet-level or not is less important than whether the director will have a seat at the table when important decisions are being made.”³

This is an interesting interpretation given the importance of combating drug abuse and the rampant and consistent supply of deadly drugs like fentanyl, methamphetamine, and cocaine. Congress, understanding and indicating the importance of the position of “Drug Czar,” made it clear in the comprehensive and bipartisan SUPPORT Act that the Director position must “hold the same rank and status as the head of an executive department” currently sitting on the President’s Cabinet.⁴ While this does not dictate that the Director of ONDCP must sit on the Cabinet, it is an instance of Congress recognizing what some cannot: drug control policy must be a priority.

Given your previous roles on the Senate Judiciary Committee, International Narcotics Control Caucus, and creation of ONDCP, I would like to know if you intend to have the Director of ONDCP as a member of your Cabinet, or if you will follow the precedent set by the Obama Administration and choose to keep the “Drug Czar” in a position outside of the Cabinet. I look forward to hearing your intention.

Sincerely,



Charles E. Grassley
Ranking Member, U.S. Senate Committee on the Judiciary
Co-Chairman, U.S. Senate Caucus on International Narcotics Control

³ Ross Colvin, *U.S. drug czar named as Mexico drug war worsens*, Reuters, Mar. 11, 2019, available at: <https://www.reuters.com/article/idUSN11269402>.

⁴ *Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act*, Pub. L. No. 115-271, subtit. K, sec. 8217, 132 Stat. 4119 (2018).