

RECOGNIZING SAINT MARYS AREA MIDDLE SCHOOL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Saint Marys Area Middle School in Saint Marys, Pennsylvania.

On March 17, students and staff participated in the Mini-THON. This is a smaller service of Penn State University's THON.

Throughout the day, students participated in various activities to raise money for the Four Diamonds fund to assist children and families in their battle with cancer.

One of the many ways students raised funds was through the "duct tape your principal" challenge. This brought in over \$900. Dom Surra, the assistant principal, was duct-taped to the gymnasium wall.

Due to the tremendous support from students, staff, and the community, Saint Marys Area Middle School raised more than \$12,237.

Mr. Speaker, please join me in congratulating the students and staff for this tremendous achievement for such a righteous cause.

REMEMBERING DON YOUNG

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, this past week, we celebrated the life of Don Young, the dean of the House with 49 years here representing the State of Alaska. He was a Republican. But before he was a Republican, he was an American. He wanted this House to work and this House to work together.

Don Young voted for the bipartisan infrastructure bill because he knew infrastructure, roads, airports, river ports, and trains made this country move and made business happen.

I hope we will not forget Don Young, not just because of his oversized and loveable personality and the warmth that he exuded to all of us, but for the fact that he was bipartisan and wanted this House to work.

There is a motto up there, above the Speaker's lectern, that says: Get something done while you are here that is memorable and important.

Look at that and remember Don Young.

BIDEN'S ANTI-AMERICAN ENERGY AGENDA

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, the latest Gallup poll shows most Americans are concerned about the cost and availability of energy now more than at any time in the last decade, and for good reason.

Thanks to President Biden's anti-American energy agenda, we are all paying more for the fuel necessary to fill our cars, heat our homes, and run our businesses.

One short year ago, I warned: If the President's destructive actions toward America's domestic energy production during his first week in office are any indication of where our energy policy is headed over the next 4 years, our Nation is on a dangerous path.

Today, that warning has come true. This destruction is entirely self-inflicted, and it is entirely avoidable.

To solve the energy crisis and deliver relief for the American people, President Biden must remove the ban on new drilling, reopen the Keystone pipeline, and unleash American energy dominance.

HONORING THE LIFE OF CAPTAIN JAMES T. BELLEW

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to honor the life and service of Captain James T. Bellew.

Captain Bellew was tragically killed in a helicopter crash at Hunter Army Airfield in Savannah, Georgia, earlier this week, on March 30.

He was a native of Charlottesville, Virginia, and entered the United States Army in 2017 as a medical service officer. In 2019, he became an aeromedical evacuation officer, and in 2020, he was assigned to the 3rd Infantry Division.

This sudden and tragic loss has dealt a heavy blow to the brigade, division, community, and his family.

During his service, Captain Bellew had successfully evacuated critically ill COVID-19 patients to better care across the country and was the top platoon leader in his company. He was decorated with the Army Achievement Medal, National Defense Service Medal, and the Global War on Terrorism Service Medal, among other accolades.

Captain Bellew was a hero in its truest sense, and he will never be forgotten.

May God bless his family, friends, and fellow servicemembers, and may God bless our troops.

BIDEN BUDGET DELIBERATELY WORSENS CRISES

(Mr. SMITH of Missouri asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Missouri. Mr. Speaker, Democrat policies have created multiple crises: the highest spike in prices in 40 years, gas prices over \$4 a gallon, a violent crime crisis, school closures that have drastically harmed our children, and so many other items.

President Biden's budget, which was released this week, deliberately makes every crisis American families are facing that much worse.

With \$73 trillion in spending, Biden doubles down on his delusion that spending more will cause inflation to go down when Americans are facing a \$5,200 inflation tax this year.

Biden's budget charges Americans another \$2.5 trillion in taxes, upward of \$4 trillion if you count the build back broke agenda, which he tries to put in the budget as being free.

American families can't afford what this budget is costing.

KETANJI BROWN JACKSON SHOULD NOT BE CONFIRMED

(Mr. HICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICE of Georgia. Mr. Speaker, I rise in objection to Judge Ketanji Brown Jackson's appointment to the Supreme Court. She is an activist, not a constitutionalist.

Repeatedly, she has reduced sentences for convicted child sex torturers and pornographers. One example, for an individual who deserved 10 years, she gave only 3 months of a sentence.

She was in favor of an extended buffer zone around abortion clinics in Massachusetts, which is a blatant attempt to limit the free speech rights of peaceful protesters who stand for life.

In her confirmation hearings, she would not even define the word "woman," which is an indication of potential future attacks on religious liberties, among other things.

Judge Ketanji Brown Jackson would ensure a radical leftwing agenda on the Supreme Court for decades to come.

America deserves better. America deserves a constitutional Justice on the Supreme Court.

I urge my Senators from Georgia and other Senators to vote "no" on her confirmation.

MARIJUANA OPPORTUNITY REINVESTMENT AND EXPUNGEMENT ACT

Mr. NADLER. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 3617) to decriminalize and deschedule cannabis, to provide for reinvestment in certain persons adversely impacted by the War on Drugs, to provide for expungement of certain cannabis offenses, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-37, modified by the amendment printed in part A of House Report 117-285, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marijuana Opportunity Reinvestment and Expungement Act” or the “MORE Act”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The communities that have been most harmed by cannabis prohibition are benefiting the least from the legal marijuana marketplace.

(2) A legacy of racial and ethnic injustices, compounded by the disproportionate collateral consequences of 80 years of cannabis prohibition enforcement, now limits participation in the industry.

(3) 37 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have adopted laws allowing legal access to cannabis, and 15 States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, and Guam have adopted laws legalizing cannabis for adult recreational use.

(4) A total of 47 States have reformed their laws pertaining to cannabis despite the Schedule I status of marijuana and its Federal criminalization.

(5) Legal cannabis sales totaled \$20,000,000,000 in 2020 and are projected to reach \$40,500,000,000 by 2025.

(6) According to the American Civil Liberties Union (ACLU), enforcing cannabis prohibition laws costs taxpayers approximately \$3.6 billion a year.

(7) The continued enforcement of cannabis prohibition laws results in over 600,000 arrests annually, disproportionately impacting people of color who are almost 4 times more likely to be arrested for cannabis possession than their White counterparts, despite equal rates of use across populations.

(8) People of color have been historically targeted by discriminatory sentencing practices resulting in Black men receiving drug sentences that are 13.1 percent longer than sentences imposed for White men and Latinos being nearly 6.5 times more likely to receive a Federal sentence for cannabis possession than non-Hispanic Whites.

(9) In 2013, simple cannabis possession was the fourth most common cause of deportation for any offense and the most common cause of deportation for drug law violations.

(10) Fewer than one-fifth of cannabis business owners identify as minorities and only approximately 4 percent are Black.

(11) Applicants for cannabis licenses are limited by numerous laws, regulations, and exorbitant permit applications, licensing fees, and costs in these States, which can require more than \$700,000.

(12) Historically disproportionate arrest and conviction rates make it particularly difficult for people of color to enter the legal cannabis marketplace, as most States bar these individuals from participating.

(13) Federal law severely limits access to loans and capital for cannabis businesses, disproportionately impacting minority small business owners.

(14) Some States and municipalities have taken proactive steps to mitigate inequalities in the legal cannabis marketplace and ensure equal participation in the industry.

SEC. 3. DECRIMINALIZATION OF CANNABIS.

(a) CANNABIS REMOVED FROM SCHEDULE OF CONTROLLED SUBSTANCES.—

(1) REMOVAL IN STATUTE.—Subsection (c) of schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812) is amended—

(A) by striking “(10) Marihuana.”; and

(B) by striking “(17) Tetrahydrocannabinols, except for tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946).”.

(2) REMOVAL FROM SCHEDULE.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall finalize a rulemaking under section 201(a)(2) removing marihuana and tetrahydrocannabinols from the schedules of controlled substances. For the purposes of the Controlled Substances Act, marihuana and tetrahydrocannabinols shall each be deemed to be a drug or other substance that does not meet the requirements for inclusion in any schedule. A rulemaking under this paragraph shall be considered to have taken effect as of the date of enactment of this Act for purposes of any offense committed, case pending, conviction entered, and, in the case of a juvenile, any offense committed, case pending, and adjudication of juvenile delinquency entered before, on, or after the date of enactment of this Act.

(b) CONFORMING AMENDMENTS TO CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102(44) (21 U.S.C. 802(44)), by striking “marihuana.”;

(2) in section 401(b) (21 U.S.C. 841(b))—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (vi), by inserting “or” after the semicolon;

(II) by striking clause (vii); and

(III) by redesignating clause (viii) as clause (vii);

(ii) in subparagraph (B)—

(I) in clause (vi), by inserting “or” after the semicolon;

(II) by striking clause (vii); and

(III) by redesignating clause (viii) as clause (vii);

(iii) in subparagraph (C), in the first sentence, by striking “subparagraphs (A), (B), and (D)” and inserting “subparagraphs (A) and (B)”;

(iv) by striking subparagraph (D);

(v) by redesignating subparagraph (E) as subparagraph (D); and

(vi) in subparagraph (D)(i), as so redesignated, by striking “subparagraphs (C) and (D)” and inserting “subparagraph (C)”;

(B) by striking paragraph (4); and

(C) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(3) in section 402(c)(2)(B) (21 U.S.C. 842(c)(2)(B)), by striking “, marihuana.”;

(4) in section 403(d)(1) (21 U.S.C. 843(d)(1)), by striking “, marihuana.”;

(5) in section 418(a) (21 U.S.C. 859(a)), by striking the last sentence;

(6) in section 419(a) (21 U.S.C. 860(a)), by striking the last sentence;

(7) in section 422(d) (21 U.S.C. 863(d))—

(A) in the matter preceding paragraph (1), by striking “marihuana.”; and

(B) in paragraph (5), by striking “, such as a marihuana cigarette.”; and

(8) in section 516(d) (21 U.S.C. 886(d)), by striking “section 401(b)(6)” each place the term appears and inserting “section 401(b)(5)”.

(c) OTHER CONFORMING AMENDMENTS.—

(1) NATIONAL FOREST SYSTEM DRUG CONTROL ACT OF 1986.—The National Forest System Drug Control Act of 1986 (16 U.S.C. 559b et seq.) is amended—

(A) in section 15002(a) (16 U.S.C. 559b(a)) by striking “marijuana and other”;

(B) in section 15003(2) (16 U.S.C. 559c(2)) by striking “marijuana and other”; and

(C) in section 15004(2) (16 U.S.C. 559d(2)) by striking “marijuana and other”.

(2) INTERCEPTION OF COMMUNICATIONS.—Section 2516 of title 18, United States Code, is amended—

(A) in subsection (1)(e), by striking “marihuana.”; and

(B) in subsection (2) by striking “marihuana”.

(3) FMCSA PROVISIONS.—

(A) CONFORMING AMENDMENT.—Section 31301(5) of title 49, United States Code, is

amended by striking “section 31306,” and inserting “sections 31306, 31306a, and subsections (b) and (c) of section 31310.”.

(B) DEFINITION.—Section 31306(a) of title 49, United States Code, is amended—

(i) by striking “means any substance” and inserting the following: “means—

“(A) any substance”;

(ii) by striking the period at the end and inserting “; and

“(B) any substance not covered under subparagraph (A) that was a substance under such section as of December 1, 2018, and specified by the Secretary of Transportation.”.

(C) DISQUALIFICATIONS.—Section 31310(b) of title 49, United States Code, is amended by adding at the end the following:

“(3) In this subsection and subsection (c), the term ‘controlled substance’ has the meaning given such term in section 31306(a).”.

(4) FAA PROVISIONS.—Section 45101 of title 49, United States Code, is amended—

(A) by striking “means any substance” and inserting the following: “means—

“(A) any substance”;

(B) by striking the period at the end and inserting “; and

“(B) any substance not covered under subparagraph (A) that was a substance under such section as of December 1, 2018, and specified by the Secretary of Transportation.”.

(5) FRA PROVISIONS.—Section 20140(a) of title 49, United States Code, is amended—

(A) by striking “means any substance” and inserting the following: “means—

“(A) any substance”;

(B) by striking the period at the end and inserting “; and

“(B) any substance not covered under subparagraph (A) that was a substance under such section as of December 1, 2018, and specified by the Secretary of Transportation.”.

(6) FTA PROVISIONS.—Section 5331(a)(1) of title 49, United States Code, is amended—

(A) by striking “means any substance” and inserting the following: “means—

“(A) any substance”;

(B) by striking the period at the end and inserting “; and

“(B) any substance not covered under subparagraph (A) that was a substance under such section as of December 1, 2018, and whose use the Secretary of Transportation decides has a risk to transportation safety.”.

(d) RETROACTIVITY.—The amendments made by this section to the Controlled Substances Act (21 U.S.C. 801 et seq.) are retroactive and shall apply to any offense committed, case pending, conviction entered, and, in the case of a juvenile, any offense committed, case pending, or adjudication of juvenile delinquency entered before, on, or after the date of enactment of this Act.

(e) EFFECT ON OTHER LAW.—Nothing in this subtitle shall affect or modify—

(1) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(2) section 351 of the Public Health Service Act (42 U.S.C. 262); or

(3) the authority of the Commissioner of Food and Drugs and the Secretary of Health and Human Services—

(A) under—

(i) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(ii) section 351 of the Public Health Service Act (42 U.S.C. 262); or

(B) to promulgate Federal regulations and guidelines that relate to products containing cannabis or cannabis-derived compounds under the Act described in subparagraph (A)(i) or the section described in subparagraph (A)(ii).

(f) PUBLIC MEETINGS.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall hold not less than one public meeting to address the regulation, safety, manufacturing,

product quality, marketing, labeling, and sale of products containing cannabis or cannabis-derived compounds.

(g) **SPECIAL RULE FOR FEDERAL EMPLOYEE TESTING.**—Section 503 of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note) is amended by adding at the end the following:

“(h) **MARIJUANA.**—

“(1) **CONTINUED TESTING.**—Notwithstanding the Marijuana Opportunity Reinvestment and Expungement Act and the amendments made thereby, the Secretary of Health and Human Services may continue to include marijuana for purposes of drug testing of Federal employees subject to this section, Executive Order 12564, or other applicable Federal laws and orders.

“(2) **DEFINITION.**—The term ‘marijuana’ has the meaning given to the term ‘marihuana’ in section 102 of the Controlled Substances Act (21 U.S.C. 802) on the day before the date of enactment of the Marijuana Opportunity Reinvestment and Expungement Act.”.

(h) **SPECIAL RULE FOR CERTAIN REGULATIONS.**—

(1) **IN GENERAL.**—The amendments made by this section may not be construed to abridge the authority of the Secretary of Transportation, or the Secretary of the department in which the Coast Guard is operating, to regulate and screen for the use of a controlled substance.

(2) **CONTROLLED SUBSTANCE DEFINED.**—In this subsection, the term “controlled substance” means—

(A) any substance covered under section 102 of the Controlled Substances Act (21 U.S.C. 802) on the day before the date of enactment of this Act; and

(B) any substance not covered under subparagraph (A) that was a substance covered under section 102 of the Controlled Substances Act (21 U.S.C. 802) on December 1, 2018, and specified by the Secretary of Transportation.

SEC. 4. DEMOGRAPHIC DATA OF CANNABIS BUSINESS OWNERS AND EMPLOYEES.

(a) **IN GENERAL.**—The Bureau of Labor Statistics shall regularly compile, maintain, and make public data on the demographics of—

(1) individuals who are business owners in the cannabis industry; and

(2) individuals who are employed in the cannabis industry.

(b) **DEMOGRAPHIC DATA.**—The data collected under subsection (a) shall include data regarding—

- (1) age;
- (2) certifications and licenses;
- (3) disability status;
- (4) educational attainment;
- (5) family and marital status;
- (6) nativity;
- (7) race and Hispanic ethnicity;
- (8) school enrollment;
- (9) veteran status; and
- (10) sex.

(c) **CONFIDENTIALITY.**—The name, address, and other identifying information of individuals employed in the cannabis industry shall be kept confidential by the Bureau and not be made available to the public.

(d) **DEFINITIONS.**—In this section:

(1) **CANNABIS.**—The term “cannabis” means either marijuana or cannabis as defined under the State law authorizing the sale or use of cannabis in which the individual or entity is located.

(2) **CANNABIS INDUSTRY.**—The term “cannabis industry” means an individual or entity that is licensed or permitted under a State or local law to engage in commercial cannabis-related activity.

(3) **OWNER.**—The term “owner” means an individual or entity that is defined as an owner under the State or local law where the individual or business is licensed or permitted.

SEC. 5. CREATION OF OPPORTUNITY TRUST FUND AND IMPOSITION OF TAXES WITH RESPECT TO CANNABIS PRODUCTS.

(a) **ESTABLISHMENT OF OPPORTUNITY TRUST FUND.**—Subchapter A of chapter 98 of the Inter-

nal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 9512. ESTABLISHMENT OF OPPORTUNITY TRUST FUND.

“(a) **CREATION OF TRUST FUND.**—There is established in the Treasury of the United States a trust fund to be known as the ‘Opportunity Trust Fund’ (referred to in this section as the ‘Trust Fund’), consisting of such amounts as may be appropriated or credited to such fund as provided in this section or section 9602(b).

“(b) **TRANSFERS TO TRUST FUND.**—There are hereby appropriated to the Trust Fund amounts equivalent to the net revenues received in the Treasury from the taxes imposed under chapter 56.

“(c) **EXPENDITURES.**—Amounts in the Trust Fund shall be available, without further appropriation, only as follows:

“(1) 50 percent to the Attorney General to carry out section 3052(a) of part OO of the Omnibus Crime Control and Safe Streets Act of 1968.

“(2) 10 percent to the Attorney General to carry out section 3052(b) of part OO of the Omnibus Crime Control and Safe Streets Act of 1968.

“(3) 20 percent to the Administrator of the Small Business Administration to carry out section 6(b)(1) of the Marijuana Opportunity Reinvestment and Expungement Act.

“(4) 20 percent to the Administrator of the Small Business Administration to carry out section 6(b)(2) of the Marijuana Opportunity Reinvestment and Expungement Act.”.

(b) **CANNABIS REVENUE AND REGULATION ACT.**—Subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

“CHAPTER 56—CANNABIS PRODUCTS

“SUBCHAPTER A. TAX ON CANNABIS PRODUCTS

“SUBCHAPTER B. OCCUPATIONAL TAX

“SUBCHAPTER C. BOND AND PERMITS

“SUBCHAPTER D. OPERATIONS

“SUBCHAPTER E. PENALTIES

“Subchapter A—Tax on Cannabis Products

“Sec. 5901. Imposition of tax.

“Sec. 5902. Definitions.

“Sec. 5903. Liability and method of payment.

“Sec. 5904. Exemption from tax; transfers in bond.

“Sec. 5905. Credit, refund, or drawback of tax.

“SEC. 5901. IMPOSITION OF TAX.

“(a) **IMPOSITION OF TAX.**—There is hereby imposed on any cannabis product produced in or imported into the United States a tax equal to—

“(1) for any such product removed during the first 5 calendar years ending after the date on which this chapter becomes effective, the applicable percentage of such product’s removal price, and

“(2) for any product removed during any calendar year after the calendar years described in paragraph (1), the applicable equivalent amount.

“(b) **APPLICABLE PERCENTAGE.**—For purposes of subsection (a)(1), the applicable percentage shall be determined as follows:

“(1) For any cannabis product removed during the first 2 calendar years ending after the date on which this chapter becomes effective, 5 percent.

“(2) For any cannabis product removed during the calendar year after the last calendar year to which paragraph (1) applies, 6 percent.

“(3) For any cannabis product removed during the calendar year after the calendar year to which paragraph (2) applies, 7 percent.

“(4) For any cannabis product removed during the calendar year after the calendar year to which paragraph (3) applies, 8 percent.

“(c) **APPLICABLE EQUIVALENT AMOUNT.**—

“(1) **IN GENERAL.**—For purposes of subsection (a)(2), the term ‘applicable equivalent amount’ means, with respect to any cannabis product re-

moved during any calendar year, an amount equal to—

“(A) in the case of any cannabis product not described in subparagraph (B), the product of the applicable rate per ounce multiplied by the number of ounces of such product (and a proportionate tax at the like rate on all fractional parts of an ounce of such product), and

“(B) in the case of any THC-measurable cannabis product, the product of the applicable rate per gram multiplied by the number of grams of tetrahydrocannabinol in such product (and a proportionate tax at the like rate on all fractional parts of a gram of tetrahydrocannabinol in such product).

“(2) **APPLICABLE RATES.**—

“(A) **IN GENERAL.**—For purposes of paragraph (1)(A), the term ‘applicable rate per ounce’ means, with respect to any cannabis product removed during any calendar year, 8 percent of the prevailing sales price of cannabis flowers sold in the United States during the 12-month period ending one calendar quarter before such calendar year, expressed on a per ounce basis, as determined by the Secretary.

“(B) **THC-MEASURABLE CANNABIS PRODUCTS.**—For purposes of paragraph (1)(B), the term ‘applicable rate per gram’ means, with respect to any cannabis product removed during any calendar year, 8 percent of the prevailing sales price of tetrahydrocannabinol sold in the United States during the 12-month period ending one calendar quarter before such calendar year, expressed on a per gram basis, as determined by the Secretary.

“(d) **TIME OF ATTACHMENT ON CANNABIS PRODUCTS.**—The tax under this section shall attach to any cannabis product as soon as such product is in existence as such, whether it be subsequently separated or transferred into any other substance, either in the process of original production or by any subsequent process.

“SEC. 5902. DEFINITIONS.

“(a) **DEFINITIONS RELATED TO CANNABIS PRODUCTS.**—For purposes of this chapter—

“(1) **CANNABIS PRODUCT.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘cannabis product’ means any article which contains (or consists of) cannabis.

“(B) **EXCEPTIONS.**—The term ‘cannabis product’ shall not include an FDA-approved article or industrial hemp.

“(C) **FDA-APPROVED ARTICLE.**—The term ‘FDA-approved article’ means any article if the producer or importer thereof demonstrates to the satisfaction of the Secretary of Health and Human Services that such article is—

“(i) a drug—

“(I) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act, or

“(II) for which an investigational use exemption has been authorized under section 505(i) of the Federal Food, Drug, and Cosmetic Act or under section 351(a) of the Public Health Service Act, or

“(ii) a combination product (as described in section 503(g) of the Federal Food, Drug, and Cosmetic Act), the constituent parts of which were approved or cleared under section 505, 510(k), or 515 of such Act.

“(D) **INDUSTRIAL HEMP.**—The term ‘industrial hemp’ means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

“(2) **THC-MEASURABLE CANNABIS PRODUCT.**—The term ‘THC-measurable cannabis product’ means any cannabis product—

“(A) with respect to which the Secretary has made a determination that the amount of tetrahydrocannabinol in such product can be measured with a high degree of accuracy, or

“(B) which is not cannabis flower and the concentration of tetrahydrocannabinol in which

is significantly higher than the average such concentration in cannabis flower.

“(3) CANNABIS.—The term ‘cannabis’ has the meaning given such term under section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)).

“(b) DEFINITIONS RELATED TO CANNABIS ENTERPRISES.—For purposes of this chapter—

“(1) CANNABIS ENTERPRISE.—The term ‘cannabis enterprise’ means a producer, importer, or export warehouse proprietor.

“(2) PRODUCER.—

“(A) IN GENERAL.—The term ‘producer’ means any person who plants, cultivates, harvests, grows, manufactures, produces, compounds, converts, processes, prepares, or packages any cannabis product.

“(B) PERSONAL USE EXCEPTION.—Subject to regulation prescribed by the Secretary, the term ‘producer’ shall not include any individual otherwise described in subparagraph (A) if the only cannabis product described in such subparagraph with respect to such individual is for personal or family use and not for sale.

“(3) IMPORTER.—The term ‘importer’ means any person who—

“(A) is in the United States and to whom non-tax-paid cannabis products, produced in a foreign country or a possession of the United States, are shipped or consigned,

“(B) removes cannabis products for sale or consumption in the United States from a customs bonded warehouse, or

“(C) smuggles or otherwise unlawfully brings any cannabis product into the United States.

“(4) EXPORT WAREHOUSE PROPRIETOR.—

“(A) IN GENERAL.—The term ‘export warehouse proprietor’ means any person who operates an export warehouse.

“(B) EXPORT WAREHOUSE.—The term ‘export warehouse’ means a bonded internal revenue warehouse for the storage of cannabis products, upon which the internal revenue tax has not been paid—

“(i) for subsequent shipment to a foreign country or a possession of the United States, or

“(ii) for consumption beyond the jurisdiction of the internal revenue laws of the United States.

“(5) CANNABIS PRODUCTION FACILITY.—The term ‘cannabis production facility’ means an establishment which is qualified under subchapter C to perform any operation for which such qualification is required under such subchapter.

“(c) OTHER DEFINITIONS.—For purposes of this chapter—

“(1) PRODUCE.—The term ‘produce’ includes any activity described in subsection (b)(2)(A).

“(2) REMOVAL; REMOVE.—The terms ‘removal’ or ‘remove’ means—

“(A) the transfer of cannabis products from the premises of a producer (or the transfer of such products from the bonded premises of a producer to a non-bonded premises of such producer),

“(B) release of such products from customs custody, or

“(C) smuggling or other unlawful importation of such products into the United States.

“(3) REMOVAL PRICE.—The term ‘removal price’ means—

“(A) except as otherwise provided in this paragraph, the price for which the cannabis product is sold in the sale which occurs in connection with the removal of such product,

“(B) in the case of any such sale which is described in section 5903(c), the price determined under such section, and

“(C) if there is no sale which occurs in connection with such removal, the price which would be determined under section 5903(c) if such product were sold at a price which cannot be determined.

“SEC. 5903. LIABILITY AND METHOD OF PAYMENT.

“(a) LIABILITY FOR TAX.—

“(1) ORIGINAL LIABILITY.—The producer or importer of any cannabis product shall be liable for the taxes imposed thereon by section 5901.

“(2) TRANSFER OF LIABILITY.—

“(A) IN GENERAL.—When cannabis products are transferred, without payment of tax, pursuant to subsection (b) or (c) of section 5904—

“(i) except as provided in clause (ii), the transferee shall become liable for the tax upon receipt by the transferee of such articles, and the transferor shall thereupon be relieved of their liability for such tax, and

“(ii) in the case of cannabis products which are released in bond from customs custody for transfer to the bonded premises of a producer, the transferee shall become liable for the tax on such articles upon release from customs custody, and the importer shall thereupon be relieved of their liability for such tax.

“(B) RETURNED TO BOND.—All provisions of this chapter applicable to cannabis products in bond shall be applicable to such articles returned to bond upon withdrawal from the market or returned to bond after previous removal for a tax-exempt purpose.

“(b) METHOD OF PAYMENT OF TAX.—

“(1) IN GENERAL.—

“(A) TAXES PAID ON BASIS OF RETURN.—The taxes imposed by section 5901 shall be paid on the basis of return. The Secretary shall, by regulations, prescribe the period or the event to be covered by such return and the information to be furnished on such return.

“(B) APPLICATION TO TRANSFEREES.—In the case of any transfer to which subsection (a)(2)(A) applies, the tax under section 5901 on the transferee shall (if not otherwise relieved by reason of a subsequent transfer to which such subsection applies) be imposed with respect to the removal of the cannabis product from the bonded premises of the transferee.

“(C) POSTPONEMENT.—Any postponement under this subsection of the payment of taxes determined at the time of removal shall be conditioned upon the filing of such additional bonds, and upon compliance with such requirements, as the Secretary may prescribe for the protection of the revenue. The Secretary may, by regulations, require payment of tax on the basis of a return prior to removal of the cannabis products where a person defaults in the postponed payment of tax on the basis of a return under this subsection or regulations prescribed thereunder.

“(D) ADMINISTRATION AND PENALTIES.—All administrative and penalty provisions of this title, insofar as applicable, shall apply to any tax imposed by section 5901.

“(2) TIME FOR PAYMENT OF TAXES.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, in the case of taxes on cannabis products removed during any semi-monthly period under bond for deferred payment of tax, the last day for payment of such taxes shall be the 14th day after the last day of such semi-monthly period.

“(B) IMPORTED ARTICLES.—In the case of cannabis products which are imported into the United States, the following provisions shall apply:

“(i) IN GENERAL.—The last day for payment of tax shall be the 14th day after the last day of the semi-monthly period during which the article is entered into the customs territory of the United States.

“(ii) SPECIAL RULE FOR ENTRY OF WAREHOUSING.—Except as provided in clause (iv), in the case of an entry for warehousing, the last day for payment of tax shall not be later than the 14th day after the last day of the semi-monthly period during which the article is removed from the first such warehouse.

“(iii) FOREIGN TRADE ZONES.—Except as provided in clause (iv) and in regulations prescribed by the Secretary, articles brought into a foreign trade zone shall, notwithstanding any other provision of law, be treated for purposes of this subsection as if such zone were a single customs warehouse.

“(iv) EXCEPTION FOR ARTICLES DESTINED FOR EXPORT.—Clauses (ii) and (iii) shall not apply to

any article which is shown to the satisfaction of the Secretary to be destined for export.

“(C) CANNABIS PRODUCTS BROUGHT INTO THE UNITED STATES FROM PUERTO RICO.—In the case of cannabis products which are brought into the United States from Puerto Rico and subject to tax under section 7652, the last day for payment of tax shall be the 14th day after the last day of the semi-monthly period during which the article is brought into the United States.

“(D) SPECIAL RULE WHERE DUE DATE FALLS ON SATURDAY, SUNDAY, OR HOLIDAY.—Notwithstanding section 7503, if, but for this subparagraph, the due date under this paragraph would fall on a Saturday, Sunday, or a legal holiday (as defined in section 7503), such due date shall be the immediately preceding day which is not a Saturday, Sunday, or such a holiday.

“(E) SPECIAL RULE FOR UNLAWFULLY PRODUCED CANNABIS PRODUCTS.—In the case of any cannabis products produced in the United States at any place other than the premises of a producer that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon production.

“(3) PAYMENT BY ELECTRONIC FUND TRANSFER.—Any person who in any 12-month period, ending December 31, was liable for a gross amount equal to or exceeding \$5,000,000 in taxes imposed on cannabis products by section 5901 (or section 7652) shall pay such taxes during the succeeding calendar year by electronic fund transfer (as defined in section 5061(e)(2)) to a Federal Reserve Bank. Rules similar to the rules of section 5061(e)(3) shall apply to the \$5,000,000 amount specified in the preceding sentence.

“(c) DETERMINATION OF PRICE.—

“(1) CONSTRUCTIVE SALE PRICE.—

“(A) IN GENERAL.—If an article is sold directly to consumers, sold on consignment, or sold (otherwise than through an arm's length transaction) at less than the fair market price, or if the price for which the article sold cannot be determined, the tax under section 5901(a) shall be computed on the price for which such articles are sold, in the ordinary course of trade, by producers thereof, as determined by the Secretary.

“(B) ARM'S LENGTH.—

“(i) IN GENERAL.—For purposes of this section, a sale is considered to be made under circumstances otherwise than at arm's length if—

“(I) the parties are members of the same controlled group, whether or not such control is actually exercised to influence the sale price,

“(II) the parties are members of a family, as defined in section 267(c)(4), or

“(III) the sale is made pursuant to special arrangements between a producer and a purchaser.

“(ii) CONTROLLED GROUPS.—

“(I) IN GENERAL.—The term ‘controlled group’ has the meaning given to such term by subsection (a) of section 1563, except that ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears in such subsection.

“(II) CONTROLLED GROUPS WHICH INCLUDE NONINCORPORATED PERSONS.—Under regulations prescribed by the Secretary, principles similar to the principles of subclause (I) shall apply to a group of persons under common control where one or more of such persons is not a corporation.

“(2) CONTAINERS, PACKING AND TRANSPORTATION CHARGES.—In determining, for the purposes of this chapter, the price for which an article is sold, there shall be included any charge for coverings and containers of whatever nature, and any charge incident to placing the article in condition packed ready for shipment, but there shall be excluded the amount of tax imposed by this chapter, whether or not stated as a separate charge. A transportation, delivery, insurance, installation, or other charge (not required by the preceding sentence to be included) shall be excluded from the price only if the amount thereof is established to the satisfaction of the Secretary in accordance with regulations.

“(3) DETERMINATION OF APPLICABLE EQUIVALENT AMOUNTS.—Paragraphs (1) and (2) shall apply for purposes of section 5901(c) only to the extent that the Secretary determines appropriate.

“(d) PARTIAL PAYMENTS AND INSTALLMENT ACCOUNTS.—

“(1) PARTIAL PAYMENTS.—In the case of—

“(A) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments,

“(B) a conditional sale, or

“(C) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments, there shall be paid upon each payment with respect to the article a percentage of such payment equal to the rate of tax in effect on the date such payment is due.

“(2) SALES OF INSTALLMENT ACCOUNTS.—If installment accounts, with respect to payments on which tax is being computed as provided in paragraph (1), are sold or otherwise disposed of, then paragraph (1) shall not apply with respect to any subsequent payments on such accounts (other than subsequent payments on returned accounts with respect to which credit or refund is allowable by reason of section 6416(b)(5)), but instead—

“(A) there shall be paid an amount equal to the difference between—

“(i) the tax previously paid on the payments on such installment accounts, and

“(ii) the total tax which would be payable if such installment accounts had not been sold or otherwise disposed of (computed as provided in paragraph (1)), except that

“(B) if any such sale is pursuant to the order of, or subject to the approval of, a court of competent jurisdiction in a bankruptcy or insolvency proceeding, the amount computed under subparagraph (A) shall not exceed the sum of the amounts computed by multiplying—

“(i) the proportionate share of the amount for which such accounts are sold which is allocable to each unpaid installment payment, by

“(ii) the rate of tax under this chapter in effect on the date such unpaid installment payment is or was due.

The sum of the amounts payable under this subsection in respect of the sale of any article shall not exceed the total tax.

“SEC. 5904. EXEMPTION FROM TAX; TRANSFERS IN BOND.

“(a) EXEMPTION FROM TAX.—Cannabis products on which the internal revenue tax has not been paid or determined may, subject to such regulations as the Secretary shall prescribe, be withdrawn from the bonded premises of any producer in approved containers free of tax and not for resale for use—

“(1) exclusively in scientific research by a laboratory,

“(2) by a proprietor of a cannabis production facility in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment, relating to cannabis or cannabis operations, under such limitations and conditions as to quantities, use, and accountability as the Secretary may by regulations require for the protection of the revenue, or

“(3) by the United States or any governmental agency thereof, any State, any political subdivision of a State, or the District of Columbia, for nonconsumption purposes.

“(b) CANNABIS PRODUCTS TRANSFERRED OR REMOVED IN BOND FROM DOMESTIC FACTORIES AND EXPORT WAREHOUSES.—

“(1) IN GENERAL.—Subject to such regulations and under such bonds as the Secretary shall prescribe, a producer or export warehouse proprietor may transfer cannabis products, without payment of tax, to the bonded premises of another producer or export warehouse proprietor, or remove such articles, without payment of tax,

for shipment to a foreign country or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

“(2) LABELING.—Cannabis products may not be transferred or removed under this subsection unless such products bear such marks, labels, or notices as the Secretary shall by regulations prescribe.

“(c) CANNABIS PRODUCTS RELEASED IN BOND FROM CUSTOMS CUSTODY.—Cannabis products imported or brought into the United States may be released from customs custody, without payment of tax, for delivery to a producer or export warehouse proprietor if such articles are not put up in packages, in accordance with such regulations and under such bond as the Secretary shall prescribe.

“(d) CANNABIS PRODUCTS EXPORTED AND RETURNED.—Cannabis products classifiable under item 9801.00.10 of the Harmonized Tariff Schedule of the United States (relating to duty on certain articles previously exported and returned), as in effect on the date of the enactment of the Marijuana Opportunity Reinvestment and Erpungement Act, may be released from customs custody, without payment of that part of the duty attributable to the internal revenue tax for delivery to the original producer of such cannabis products or to the export warehouse proprietor authorized by such producer to receive such products, in accordance with such regulations and under such bond as the Secretary shall prescribe. Upon such release such products shall be subject to this chapter as if they had not been exported or otherwise removed from internal revenue bond.

“SEC. 5905. CREDIT, REFUND, OR DRAWBACK OF TAX.

“(a) CREDIT OR REFUND.—

“(1) IN GENERAL.—Credit or refund of any tax imposed by this chapter or section 7652 shall be allowed or made (without interest) to the cannabis enterprise on proof satisfactory to the Secretary that the claimant cannabis enterprise has paid the tax on—

“(A) cannabis products withdrawn from the market by the claimant, or

“(B) such products lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the claimant.

“(2) CANNABIS PRODUCTS LOST OR DESTROYED IN BOND.—

“(A) EXTENT OF LOSS ALLOWANCE.—No tax shall be collected in respect of cannabis products lost or destroyed while in bond, except that such tax shall be collected—

“(i) in the case of loss by theft, unless the Secretary finds that the theft occurred without connivance, collusion, fraud, or negligence on the part of the proprietor of the cannabis production facility, owner, consignor, consignee, bailee, or carrier, or their employees or agents,

“(ii) in the case of voluntary destruction, unless such destruction is carried out as provided in paragraph (3), and

“(iii) in the case of an unexplained shortage of cannabis products.

“(B) PROOF OF LOSS.—In any case in which cannabis products are lost or destroyed, whether by theft or otherwise, the Secretary may require the proprietor of a cannabis production facility or other person liable for the tax to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the burden shall be upon the proprietor of the cannabis production facility or other person responsible for the tax under section 5901 to establish to the satisfaction of the Secretary that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the proprietor of the cannabis production facility, owner, consignor, consignee, bailee, or carrier, or their employees or agents.

“(C) REFUND OF TAX.—In any case where the tax would not be collectible by virtue of sub-

paragraph (A), but such tax has been paid, the Secretary shall refund such tax.

“(D) LIMITATIONS.—Except as provided in subparagraph (E), no tax shall be abated, remitted, credited, or refunded under this paragraph where the loss occurred after the tax was determined. The abatement, remission, credit, or refund of taxes provided for by subparagraphs (A) and (C) in the case of loss of cannabis products by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed in respect of the tax for such loss.

“(E) APPLICABILITY.—The provisions of this paragraph shall extend to and apply in respect of cannabis products lost after the tax was determined and before completion of the physical removal of the cannabis products from the bonded premises.

“(3) VOLUNTARY DESTRUCTION.—The proprietor of a cannabis production facility or other persons liable for the tax imposed by this chapter or by section 7652 with respect to any cannabis product in bond may voluntarily destroy such products, but only if such destruction is under such supervision and under such regulations as the Secretary may prescribe.

“(4) LIMITATION.—Any claim for credit or refund of tax under this subsection shall be filed within 6 months after the date of the withdrawal from the market, loss, or destruction of the products to which the claim relates, and shall be in such form and contain such information as the Secretary shall by regulations prescribe.

“(b) DRAWBACK OF TAX.—There shall be an allowance of drawback of tax paid on cannabis products, when shipped from the United States, in accordance with such regulations and upon the filing of such bond as the Secretary shall prescribe.

“Subchapter B—Occupational Tax

“Sec. 5911. Imposition and rate of tax.

“Sec. 5912. Payment of tax.

“Sec. 5913. Provisions relating to liability for occupational taxes.

“Sec. 5914. Application to State laws.

“SEC. 5911. IMPOSITION AND RATE OF TAX.

“(a) IN GENERAL.—Any person engaged in business as a producer or an export warehouse proprietor shall pay a tax of \$1,000 per year (referred to in this subchapter as an ‘occupational tax’) in respect of each premises at which such business is carried on.

“(b) PENALTY FOR FAILURE TO REGISTER.—Any person engaged in business as a producer or an export warehouse proprietor who willfully fails to pay the occupation tax shall be fined not more than \$5,000, or imprisoned not more than 2 years, or both, for each such offense.

“SEC. 5912. PAYMENT OF TAX.

“(a) CONDITION PRECEDENT TO CARRYING ON BUSINESS.—No person shall be engaged in or carry on any trade or business subject to the occupational tax until such person has paid such tax.

“(b) COMPUTATION.—

“(1) IN GENERAL.—The occupational tax shall be imposed—

“(A) as of on the first day of July in each year, or

“(B) on commencing any trade or business on which such tax is imposed.

“(2) PERIOD.—In the case of a tax imposed under subparagraph (A) of paragraph (1), the occupational tax shall be reckoned for 1 year, and in the case of subparagraph (B) of such paragraph, it shall be reckoned proportionately, from the first day of the month in which the liability to such tax commenced, to and including the 30th day of June following.

“(c) METHOD OF PAYMENT.—

“(1) PAYMENT BY RETURN.—The occupational tax shall be paid on the basis of a return under such regulations as the Secretary shall prescribe.

“(2) STAMP DENOTING PAYMENT OF TAX.—After receiving a properly executed return and remittance of any occupational tax, the Secretary

shall issue to the taxpayer an appropriate stamp as a receipt denoting payment of the tax. This paragraph shall not apply in the case of a return covering liability for a past period.

“SEC. 5913. PROVISIONS RELATING TO LIABILITY FOR OCCUPATIONAL TAXES.

“(a) PARTNERS.—Any number of persons doing business in partnership at any one place shall be required to pay a single occupational tax.

“(b) DIFFERENT BUSINESSES OF SAME OWNERSHIP AND LOCATION.—Whenever more than one of the pursuits or occupations described in this subchapter are carried on in the same place by the same person at the same time, except as otherwise provided in this subchapter, the occupational tax shall be paid for each according to the rates severally prescribed.

“(c) BUSINESSES IN MORE THAN ONE LOCATION.—

“(1) LIABILITY FOR TAX.—The payment of the occupational tax shall not exempt from an additional occupational tax the person carrying on a trade or business in any other place than that stated in the records of the Internal Revenue Service.

“(2) STORAGE.—Nothing contained in paragraph (1) shall require imposition of an occupational tax for the storage of cannabis products at a location other than the place where such products are sold or offered for sale.

“(3) PLACE.—

“(A) IN GENERAL.—For purposes of this section, the term ‘place’ means the entire office, plant or area of the business in any one location under the same proprietorship.

“(B) DIVISIONS.—For purposes of this paragraph, any passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require an additional occupational tax, if the various divisions are otherwise contiguous.

“(d) DEATH OR CHANGE OF LOCATION.—

“(1) IN GENERAL.—In addition to the person who has paid the occupational tax for the carrying on of any business at any place, any person described in paragraph (2) may secure the right to carry on, without incurring any additional occupational tax, the same business at the same place for the remainder of the taxable period for which the occupational tax was paid.

“(2) ELIGIBLE PERSONS.—The persons described in this paragraph are the following:

“(A) The surviving spouse or child, or executor or administrator or other legal representative, of a deceased taxpayer.

“(B) A husband or wife succeeding to the business of his or her living spouse.

“(C) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

“(D) The partner or partners remaining after death or withdrawal of a member of a partnership.

“(3) CHANGE OF LOCATION.—When any person moves to any place other than the place for which occupational tax was paid for the carrying on of any business, such person may secure the right to carry on, without incurring additional occupational tax, the same business at the new location for the remainder of the taxable period for which the occupational tax was paid. To secure the right to carry on the business without incurring additional occupational tax, the successor, or the person relocating their business, must register the succession or relocation with the Secretary in accordance with regulations prescribed by the Secretary.

“(e) FEDERAL AGENCIES OR INSTRUMENTALITIES.—Any tax imposed by this subchapter shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax.

“SEC. 5914. APPLICATION TO STATE LAWS.

“The payment of any tax imposed by this subchapter for carrying on any trade or business shall not be held to—

“(1) exempt any person from any penalty or punishment provided by the laws of any State for carrying on such trade or business within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law, or

“(2) prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

“Subchapter C—Bond and Permits

“Sec. 5921. Establishment and bond.

“Sec. 5922. Application for permit.

“Sec. 5923. Permit.

“SEC. 5921. ESTABLISHMENT AND BOND.

“(a) PROHIBITION ON PRODUCTION OUTSIDE OF BONDED CANNABIS PRODUCTION FACILITY.—

“(1) IN GENERAL.—Except as authorized by the Secretary or on the bonded premises of a cannabis production facility duly authorized to produce cannabis products according to law, no cannabis product may be planted, cultivated, harvested, grown, manufactured, produced, compounded, converted, processed, prepared, or packaged in any building or on any premises.

“(2) AUTHORIZED PRODUCERS ONLY.—No person other than a producer which has filed the bond required under subsection (b) and received a permit described in section 5923 may produce any cannabis product.

“(3) PERSONAL USE EXCEPTION.—This subsection shall not apply with respect to the activities of an individual who is not treated as a producer by reason of section 5902(b)(2)(B).

“(b) BOND.—

“(1) WHEN REQUIRED.—Every person, before commencing business as a producer or an export warehouse proprietor, shall file such bond, conditioned upon compliance with this chapter and regulations issued thereunder, in such form, amount, and manner as the Secretary shall by regulation prescribe. A new or additional bond may be required whenever the Secretary considers such action necessary for the protection of the revenue.

“(2) APPROVAL OR DISAPPROVAL.—No person shall engage in such business until he receives notice of approval of such bond. A bond may be disapproved, upon notice to the principal on the bond, if the Secretary determines that the bond is not adequate to protect the revenue.

“(3) CANCELLATION.—Any bond filed hereunder may be canceled, upon notice to the principal on the bond, whenever the Secretary determines that the bond no longer adequately protects the revenue.

“SEC. 5922. APPLICATION FOR PERMIT.

“(a) IN GENERAL.—Every person, before commencing business as a cannabis enterprise, and at such other time as the Secretary shall by regulation prescribe, shall make application for the permit provided for in section 5923. The application shall be in such form as the Secretary shall prescribe and shall set forth, truthfully and accurately, the information called for on the form. Such application may be rejected and the permit denied if the Secretary, after notice and opportunity for hearing, finds that—

“(1) the premises on which it is proposed to conduct the cannabis enterprise will not be adequate to protect the revenue after commencing operations, or

“(2) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, any partner) has failed to disclose any material information required or made any materially false statement in the application therefor.

“SEC. 5923. PERMIT.

“(a) ISSUANCE.—A person shall not engage in business as a cannabis enterprise without a permit to engage in such business. Such permit, conditioned upon compliance with this chapter and regulations issued thereunder, shall be issued in such form and in such manner as the Secretary shall by regulation prescribe. A new

permit may be required at such other time as the Secretary shall by regulation prescribe.

“(b) SUSPENSION OR REVOCATION.—

“(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

“(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

“(B) has violated the conditions of such permit,

“(C) has failed to disclose any material information required or made any material false statement in the application for such permit, or

“(D) has failed to maintain their premises in such manner as to protect the revenue, the Secretary shall issue an order, stating the facts charged, citing such person to show cause why their permit should not be suspended or revoked.

“(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why their permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.

“(c) INFORMATION REPORTING.—The Secretary may require—

“(1) information reporting by any person issued a permit under this section, and

“(2) information reporting by such other persons as the Secretary deems necessary to carry out this chapter.

“(d) INSPECTION OR DISCLOSURE OF INFORMATION.—For rules relating to inspection and disclosure of returns and return information, see section 6103(o).

“Subchapter D—Operations

“Sec. 5931. Inventories, reports, and records.

“Sec. 5932. Packaging and labeling.

“Sec. 5933. Purchase, receipt, possession, or sale of cannabis products after removal.

“Sec. 5934. Restrictions relating to marks, labels, notices, and packages.

“Sec. 5935. Restriction on importation of previously exported cannabis products.

“SEC. 5931. INVENTORIES, REPORTS, AND RECORDS.

“Every cannabis enterprise shall—

“(1) make a true and accurate inventory at the time of commencing business, at the time of concluding business, and at such other times, in such manner and form, and to include such items, as the Secretary shall by regulation prescribe, with such inventories to be subject to verification by any internal revenue officer,

“(2) make reports containing such information, in such form, at such times, and for such periods as the Secretary shall by regulation prescribe, and

“(3) keep such records in such manner as the Secretary shall by regulation prescribe, with such records to be available for inspection by any internal revenue officer during business hours.

“SEC. 5932. PACKAGING AND LABELING.

“(a) PACKAGES.—All cannabis products shall, before removal, be put up in such packages as the Secretary shall by regulation prescribe.

“(b) MARKS, LABELS, AND NOTICES.—Every package of cannabis products shall, before removal, bear the marks, labels, and notices if any, that the Secretary by regulation prescribes.

“(c) LOTTERY FEATURES.—No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of cannabis products.

“(d) INDECENT OR IMMORAL MATERIAL PROHIBITED.—No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of cannabis products.

“(e) EXCEPTIONS.—Subject to regulations prescribed by the Secretary, cannabis products may be exempted from subsections (a) and (b) if such products are—

“(1) for experimental purposes, or

“(2) transferred to the bonded premises of another producer or export warehouse proprietor or released in bond from customs custody for delivery to a producer.

“SEC. 5933. PURCHASE, RECEIPT, POSSESSION, OR SALE OF CANNABIS PRODUCTS AFTER REMOVAL.

“(a) RESTRICTION.—No person shall—

“(1) with intent to defraud the United States, purchase, receive, possess, offer for sale, or sell or otherwise dispose of, after removal, any cannabis products—

“(A) upon which the tax has not been paid or determined in the manner and at the time prescribed by this chapter or regulations thereunder, or

“(B) which, after removal without payment of tax pursuant to section 5904(a), have been diverted from the applicable purpose or use specified in that section,

“(2) with intent to defraud the United States, purchase, receive, possess, offer for sale, or sell or otherwise dispose of, after removal, any cannabis products which are not put up in packages as required under section 5932 or which are put up in packages not bearing the marks, labels, and notices, as required under such section, or

“(3) otherwise than with intent to defraud the United States, purchase, receive, possess, offer for sale, or sell or otherwise dispose of, after removal, any cannabis products which are not put up in packages as required under section 5932 or which are put up in packages not bearing the marks, labels, and notices, as required under such section.

“(b) EXCEPTION.—Paragraph (3) of subsection (a) shall not prevent the sale or delivery of cannabis products directly to consumers from proper packages, nor apply to such articles when so sold or delivered.

“(c) LIABILITY TO TAX.—Any person who possesses cannabis products in violation of paragraph (1) or (2) of subsection (a) shall be liable for a tax equal to the tax on such articles.

“SEC. 5934. RESTRICTIONS RELATING TO MARKS, LABELS, NOTICES, AND PACKAGES.

“No person shall, with intent to defraud the United States, destroy, obliterate, or detach any mark, label, or notice prescribed or authorized, by this chapter or regulations thereunder, to appear on, or be affixed to, any package of cannabis products before such package is emptied.

“SEC. 5935. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED CANNABIS PRODUCTS.

“(a) EXPORT LABELED CANNABIS PRODUCTS.—

“(1) IN GENERAL.—Cannabis products produced in the United States and labeled for exportation under this chapter—

“(A) may be transferred to or removed from the premises of a producer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5904,

“(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5904(d) or are returned to the original producer of such article as provided in section 5904(c), and

“(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original producer into new packaging that does not contain an export label.

“(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL PRODUCER.—This section shall apply to articles labeled for export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified

or altered by a person other than the original producer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

“(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5904(d), section 5941, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

“(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5904(b).

“Subchapter E—Penalties

“Sec. 5941. Civil penalties.

“Sec. 5942. Criminal penalties.

“SEC. 5941. CIVIL PENALTIES.

“(a) OMITTING THINGS REQUIRED OR DOING THINGS FORBIDDEN.—Whoever willfully omits, neglects, or refuses to comply with any duty imposed upon them by this chapter, or to do, or cause to be done, any of the things required by this chapter, or does anything prohibited by this chapter, shall in addition to any other penalty provided in this title, be liable to a penalty of \$10,000, to be recovered, with costs of suit, in a civil action, except where a penalty under subsection (b) or (c) or under section 6651 or 6653 or part II of subchapter A of chapter 68 may be collected from such person by assessment.

“(b) FAILURE TO PAY TAX.—Whoever fails to pay any tax imposed by this chapter at the time prescribed by law or regulations, shall, in addition to any other penalty provided in this title, be liable to a penalty of 10 percent of the tax due but unpaid.

“(c) SALE OF CANNABIS OR CANNABIS PRODUCTS FOR EXPORT.—

“(1) Every person who sells, relands, or receives within the jurisdiction of the United States any cannabis products which have been labeled or shipped for exportation under this chapter,

“(2) every person who sells or receives such relanded cannabis products, and

“(3) every person who aids or abets in such selling, relanding, or receiving, shall, in addition to the tax and any other penalty provided in this title, be liable for a penalty equal to the greater of \$10,000 or 10 times the amount of the tax imposed by this chapter. All cannabis products relanded within the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such cannabis products from the place where relanded, shall be forfeited to the United States.

“(d) APPLICABILITY OF SECTION 6665.—The penalties imposed by subsections (b) and (c) shall be assessed, collected, and paid in the same manner as taxes, as provided in section 6665(a).

“(e) CROSS REFERENCES.—For penalty for failure to make deposits or for overstatement of deposits, see section 6656.

“SEC. 5942. CRIMINAL PENALTIES.

“(a) FRAUDULENT OFFENSES.—Whoever, with intent to defraud the United States—

“(1) engages in business as a cannabis enterprise without filing the application and obtaining the permit where required by this chapter or regulations thereunder,

“(2) fails to keep or make any record, return, report, or inventory, or keeps or makes any false or fraudulent record, return, report, or inventory, required by this chapter or regulations thereunder,

“(3) refuses to pay any tax imposed by this chapter, or attempts in any manner to evade or defeat the tax or the payment thereof,

“(4) sells or otherwise transfers, contrary to this chapter or regulations thereunder, any cannabis products subject to tax under this chapter, or

“(5) purchases, receives, or possesses, with intent to redistribute or resell, any cannabis product—

“(A) upon which the tax has not been paid or determined in the manner and at the time prescribed by this chapter or regulations thereunder, or

“(B) which, without payment of tax pursuant to section 5904, have been diverted from the applicable purpose or use specified in that section, shall, for each such offense, be fined not more than \$10,000, or imprisoned not more than 5 years, or both.

“(b) LIABILITY TO TAX.—Any person who possesses cannabis products in violation of subsection (a) shall be liable for a tax equal to the tax on such articles.”.

(c) STUDY.—Not later than 2 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary of the Treasury, or the Secretary's delegate, shall—

(1) conduct a study concerning the characteristics of the cannabis industry, including the number of persons operating cannabis enterprises at each level of such industry, the volume of sales, the amount of tax collected each year, and the areas of evasion, and

(2) submit to Congress recommendations to improve the regulation of the industry and the administration of the related tax.

(d) ANNUAL REPORTS REGARDING DETERMINATION OF APPLICABLE RATES.—Not later than 6 months before the beginning of each calendar year to which section 5901(a)(2) of the Internal Revenue Code of 1986 (as added by this section) applies, the Secretary of the Treasury, or the Secretary's delegate, shall make publicly available a detailed description of the methodology which the Secretary anticipates using to determine the applicable rate per ounce and the applicable rate per gram which will apply for such calendar year under section 5901(c)(2) of such Code.

(e) CONFORMING AMENDMENTS.—

(1) Section 6103(o)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “and firearms” and inserting “firearms, and cannabis products”.

(2) The table of chapters for subtitle E of such Code is amended by adding at the end the following new item:

“CHAPTER 56. CANNABIS PRODUCTS”.

(3) The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

“Sec. 9512. Establishment of Opportunity Trust Fund.”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to removals, and applications for permits under section 5922 of the Internal Revenue Code of 1986 (as added by subsection (b)), after 180 days after the date of the enactment of this Act.

(2) ESTABLISHMENT OF OPPORTUNITY TRUST FUND.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 6. OPPORTUNITY TRUST FUND PROGRAMS.

(a) CANNABIS JUSTICE OFFICE; COMMUNITY RE-INVESTMENT GRANT PROGRAM.—

(1) CANNABIS JUSTICE OFFICE.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by inserting after section 109 the following:

“SEC. 110. CANNABIS JUSTICE OFFICE.

“(a) ESTABLISHMENT.—There is established within the Office of Justice Programs a Cannabis Justice Office.

“(b) DIRECTOR.—The Cannabis Justice Office shall be headed by a Director who shall be appointed by the Assistant Attorney General for the Office of Justice Programs. The Director shall report to the Assistant Attorney General for the Office of Justice Programs. The Director

shall award grants and may enter into compacts, cooperative agreements, and contracts on behalf of the Cannabis Justice Office. The Director may not engage in any employment other than that of serving as the Director, nor may the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

“(c) EMPLOYEES.—

“(1) IN GENERAL.—The Director shall employ as many full-time employees as are needed to carry out the duties and functions of the Cannabis Justice Office under subsection (d). Such employees shall be exclusively assigned to the Cannabis Justice Office.

“(2) INITIAL HIRES.—Not later than 6 months after the date of enactment of this section, the Director shall—

“(A) hire no less than one-third of the total number of employees of the Cannabis Justice Office; and

“(B) no more than one-half of the employees assigned to the Cannabis Justice Office by term appointment that may after 2 years be converted to career appointment.

“(3) LEGAL COUNSEL.—At least one employee hired for the Cannabis Justice Office shall serve as legal counsel to the Director and shall provide counsel to the Cannabis Justice Office.

“(d) DUTIES AND FUNCTIONS.—The Cannabis Justice Office is authorized to—

“(1) administer the Community Reinvestment Grant Program; and

“(2) perform such other functions as the Assistant Attorney General for the Office of Justice Programs may delegate, that are consistent with the statutory obligations of this section.”.

(2) COMMUNITY REINVESTMENT GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. et seq.) is amended by adding at the end the following:

“PART PP—COMMUNITY REINVESTMENT GRANT PROGRAM

“SEC. 3056. AUTHORIZATION.

“(a) IN GENERAL.—The Director of the Cannabis Justice Office shall establish and carry out a grant program, known as the ‘Community Reinvestment Grant Program’, to provide eligible entities with funds to administer services for individuals adversely impacted by the War on Drugs, including—

“(1) job training;

“(2) reentry services;

“(3) legal aid for civil and criminal cases, including expungement of cannabis convictions;

“(4) literacy programs;

“(5) youth recreation or mentoring programs; and

“(6) health education programs.

“(b) SUBSTANCE USE DISORDER SERVICES.—The Director, in consultation with the Secretary of Health and Human Services, shall provide eligible entities with funds to administer substance use disorder services for individuals adversely impacted by the War on Drugs or connect patients with substance use disorder services. Also eligible for such services are individuals who have been arrested for or convicted of the sale, possession, use, manufacture, or cultivation of a controlled substance other than cannabis (except for a conviction involving distribution to a minor).

“SEC. 3057. FUNDING FROM OPPORTUNITY TRUST FUND.

“The Director shall carry out the program under this part using funds made available under section 9512(c)(1) and (2) of the Internal Revenue Code.

“SEC. 3058. DEFINITIONS.

“In this part:

“(1) The term ‘cannabis conviction’ means a conviction, or adjudication of juvenile delinquency, for a cannabis offense (as such term is defined in section 13 of the Marijuana Opportunity Reinvestment and Expungement Act).

“(2) The term ‘eligible entity’ means a non-profit organization, as defined in section

501(c)(3) of the Internal Revenue Code, that is representative of a community or a significant segment of a community with experience in providing relevant services to individuals adversely impacted by the War on Drugs in that community.

“(3) The term ‘individuals adversely impacted by the War on Drugs’ has the meaning given that term in section 6 of the Marijuana Opportunity Reinvestment and Expungement Act.”.

(b) CANNABIS RESTORATIVE OPPORTUNITY PROGRAM; EQUITABLE LICENSING GRANT PROGRAM.—

(1) CANNABIS RESTORATIVE OPPORTUNITY PROGRAM.—The Administrator of the Small Business Administration shall establish and carry out a program, to be known as the “Cannabis Restorative Opportunity Program”, to provide loans and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) to assist small business concerns owned and controlled by socially and economically disadvantaged individuals that operate in eligible States or localities.

(2) EQUITABLE LICENSING GRANT PROGRAM.—The Administrator of the Small Business Administration shall establish and carry out a grant program, to be known as the “Equitable Licensing Grant Program”, to provide any eligible State or locality funds to develop and implement equitable cannabis licensing programs that minimize barriers to cannabis licensing and employment for individuals adversely impacted by the War on Drugs, provided that each grantee includes in its cannabis licensing program at least four of the following elements:

(A) A waiver of cannabis license application fees for individuals who report an income below 250 percent of the Federal Poverty Level for at least 5 of the past 10 years and who are first-time applicants for a cannabis license.

(B) A prohibition on the denial of a cannabis license based on a conviction for a cannabis offense that took place prior to State legalization of cannabis or the date of enactment of this Act, as appropriate.

(C) A prohibition on restrictions for licensing relating to criminal convictions except with respect to a criminal conviction related to owning and operating a business.

(D) A prohibition on cannabis license holders engaging in suspicionless cannabis drug testing of their prospective or current employees, except with respect to drug testing for safety-sensitive positions required under part 40 of title 49, Code of Federal Regulations.

(E) The establishment of a cannabis licensing board that is reflective of the racial, ethnic, economic, and gender composition of the eligible State or locality, to serve as an oversight body of the equitable licensing program.

(3) DEFINITIONS.—In this subsection:

(A) ELIGIBLE STATE OR LOCALITY.—The term “eligible State or locality” means a State or locality that has taken steps to—

(i) create an automatic process, at no cost to the individual, for the expungement, destruction, or sealing of criminal records for cannabis offenses; and

(ii) eliminate violations or other penalties for persons under parole, probation, pre-trial, or other State or local criminal supervision for a cannabis offense.

(B) INDIVIDUAL ADVERSELY IMPACTED BY THE WAR ON DRUGS.—The term “individual adversely impacted by the War on Drugs” means an individual—

(i) who reports an income below 250 percent of the Federal Poverty Level for at least 5 of the past 10 years; and

(ii) who has been arrested for or convicted of the sale, possession, use, manufacture, or cultivation of cannabis (except for a conviction involving distribution to a minor), or whose parent, sibling, spouse, or child has been arrested for or convicted of such an offense.

(C) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DIS-

ADVANTAGED INDIVIDUALS.—The term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(D) STATE.—The term “State” means each of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, and any Indian Tribe (as defined in section 201 of Public Law 90-294 (25 U.S.C. 1301) (commonly known as the “Indian Civil Rights Act of 1968”)).

(c) STUDY ON PROGRAMS.—

(1) GAO STUDY.—The Comptroller General of the United States, in consultation with the Administrator of the Small Business Administration, shall conduct an annual study on the individuals and entities receiving assistance under the Cannabis Restorative Opportunity and Equitable Licensing Programs. This study shall include the types of assistance by state, and a description of the efforts by the Small Business Administration to increase access to capital for cannabis-related small business concerns owned and controlled by socially and economically disadvantaged individuals, individuals adversely impacted by the War on Drugs, as well as the racial, ethnic, economic and gender composition of the eligible State or locality.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the results of the study conducted under paragraph (1) to—

(A) the Committee on Small Business of the House of Representatives;

(B) the Committee on Small Business and Entrepreneurship of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on the Judiciary of the Senate.

SEC. 7. AVAILABILITY OF SMALL BUSINESS ADMINISTRATION PROGRAMS AND SERVICES TO CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.

(a) DEFINITIONS RELATING TO CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

“(gg) CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—In this Act:

“(1) CANNABIS.—The term ‘cannabis’—

“(A) means—

“(i) all parts of the plant *Cannabis sativa* L., whether growing or not;

“(ii) the seeds thereof;

“(iii) the resin extracted from any part of such plant; and

“(iv) every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; and

“(B) does not include—

“(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946;

“(ii) the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination; or

“(iii) any drug product approved under section 505 of the Federal Food, Drug, and Cosmetic Act, or biological product licensed under section 351 of the Public Health Service Act.

“(2) CANNABIS-RELATED LEGITIMATE BUSINESS.—The term ‘cannabis-related legitimate business’ means a manufacturer, producer, or any person or company that is a small business concern and that—

“(A) engages in any activity described in subparagraph (B) pursuant to a law established by a State or a political subdivision of a State, as

determined by such State or political subdivision; and

“(B) participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.

“(3) SERVICE PROVIDER.—The term ‘service provider’—

“(A) means a business, organization, or other person that—

“(i) sells goods or services to a cannabis-related legitimate business; or

“(ii) provides any business services, including the sale or lease of real or any other property, legal or other licensed services, or any other ancillary service, relating to cannabis; and

“(B) does not include a business, organization, or other person that participates in any business or organized activity that involves handling cannabis or cannabis products, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing, or purchasing cannabis or cannabis products.”.

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following new paragraph:

“(9) SERVICES FOR CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—A small business development center may not decline to provide services to an otherwise eligible small business concern under this section solely because such concern is a cannabis-related legitimate business or service provider.”.

(c) WOMEN’S BUSINESS CENTERS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following new subsection:

“(p) SERVICES FOR CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—A women’s business center may not decline to provide services to an otherwise eligible small business concern under this section solely because such concern is a cannabis-related legitimate business or service provider.”.

(d) SCORE.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by adding at the end the following new sentence: “The head of the SCORE program established under this subparagraph may not decline to provide services to an otherwise eligible small business concern solely because such concern is a cannabis-related legitimate business or service provider.”.

(e) VETERAN BUSINESS OUTREACH CENTERS.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following new subsection:

“(h) SERVICES FOR CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—A Veteran Business Outreach Center may not decline to provide services to an otherwise eligible small business concern under this section solely because such concern is a cannabis-related legitimate business or service provider.”.

(f) SECTION 7(a) LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

“(38) LOANS TO CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—The Administrator may not decline to provide a guarantee for a loan under this subsection, and a lender may not decline to make a loan under this subsection, to an otherwise eligible small business concern solely because such concern is a cannabis-related legitimate business or service provider.”.

(g) DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (15) the following new paragraph:

“(16) ASSISTANCE TO CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—The Administrator may not decline to provide

assistance under this subsection to an otherwise eligible small business concern solely because such concern is a cannabis-related legitimate business or service provider.”.

(h) MICROLOANS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following new paragraph:

“(14) ASSISTANCE TO CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—The Administrator may not decline to make a loan or a grant under this subsection, and an eligible intermediary may not decline to provide assistance under this subsection to an otherwise eligible borrower, eligible intermediary, or eligible nonprofit entity (as applicable) solely because such borrower, intermediary, or nonprofit entity is a cannabis-related legitimate business or service provider.”.

(i) SMALL BUSINESS INVESTMENT COMPANY DEBENTURES TO FINANCE CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following new section:

“SEC. 321. DEBENTURES TO FINANCE CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.

“(a) GUARANTEES.—The Administrator may not decline to purchase or guarantee a debenture made under this title to an otherwise eligible small business investment company solely because such small business investment company provides financing to an entity that is a cannabis-related legitimate business or service provider (as defined in section 7(a)(38) of the Small Business Act).

“(b) OTHER ASSISTANCE.—A small business investment company may not decline to provide assistance under this title to an otherwise eligible small business concern solely because such small business concern is a cannabis-related legitimate business or service provider (as defined in section 7(a)(38) of the Small Business Act).”.

(j) STATE OR LOCAL DEVELOPMENT COMPANY LOANS.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following new section:

“SEC. 511. LOANS TO FINANCE CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.

“(a) LOANS AND LOAN GUARANTEES.—The Administrator may not decline to make or provide a guarantee for a loan under this title to an otherwise eligible qualified State or local development company solely because such qualified State or local development company provides financing to an entity that is a cannabis-related legitimate business or service provider (as defined in section 7(a)(38) of the Small Business Act).

“(b) OTHER ASSISTANCE.—A qualified State or local development company may not decline to provide assistance under this title to an otherwise eligible small business concern solely because such small business concern is a cannabis-related legitimate business or service provider (as defined in section 7(a)(38) of the Small Business Act).”.

SEC. 8. NO DISCRIMINATION IN THE PROVISION OF A FEDERAL PUBLIC BENEFIT ON THE BASIS OF CANNABIS.

(a) IN GENERAL.—No person may be denied any Federal public benefit (as such term is defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))) on the basis of any use or possession of cannabis, or on the basis of a conviction or adjudication of juvenile delinquency for a cannabis offense, by that person.

(b) SECURITY CLEARANCES.—Federal agencies may not use past or present cannabis or marijuana use as criteria for granting, denying, or rescinding a security clearance.

SEC. 9. NO ADVERSE EFFECT FOR PURPOSES OF THE IMMIGRATION LAWS.

(a) IN GENERAL.—For purposes of the immigration laws (as such term is defined in section

101 of the Immigration and Nationality Act), cannabis may not be considered a controlled substance, and an alien may not be denied any benefit or protection under the immigration laws based on any event, including conduct, a finding, an admission, addiction or abuse, an arrest, a juvenile adjudication, or a conviction, relating to the possession or use of cannabis that is no longer prohibited pursuant to this Act or an amendment made by this Act, regardless of whether the event occurred before, on, or after the effective date of this Act.

(b) CANNABIS DEFINED.—The term “cannabis”—

(1) means all parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; and

(2) does not include—

(A) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946;

(B) the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination; or

(C) any drug product approved under section 505 of the Federal Food, Drug, and Cosmetic Act, or biological product licensed under section 351 of the Public Health Service Act.

(c) CONFORMING AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 212(h), by striking “and subparagraph (A)(i)(II) of such subsection insofar as it relates to a single offense of simple possession of 30 grams or less of marijuana”; and

(2) in section 237(a)(2)(B)(i), by striking “other than a single offense involving possession for one’s own use of 30 grams or less of marijuana”; and

(3) in section 101(f)(3), by striking “(except as such paragraph relates to a single offense of simple possession of 30 grams or less of marijuana)”;

(4) in section 244(c)(2)(A)(iii)(II) by striking “except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marijuana”; and

(5) in section 245(h)(2)(B) by striking “(except for so much of such paragraph as related to a single offense of simple possession of 30 grams or less of marijuana)”;

(6) in section 210(c)(2)(B)(ii)(III) by striking “, except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marijuana”; and

(7) in section 245A(d)(2)(B)(ii)(II) by striking “, except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marijuana”.

SEC. 10. RESENTENCING AND EXPUNGEMENT.

(a) EXPUNGEMENT OF NON-VIOLENT FEDERAL CANNABIS OFFENSE CONVICTIONS FOR INDIVIDUALS NOT UNDER A CRIMINAL JUSTICE SENTENCE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Federal district shall conduct a comprehensive review and issue an order expunging each conviction or adjudication of juvenile delinquency for a non-violent Federal cannabis offense entered by each Federal court in the district before the date of enactment of this Act and on or after May 1, 1971. Each Federal court shall also issue an order expunging any arrests associated with each expunged conviction or adjudication of juvenile delinquency.

(2) NOTIFICATION.—To the extent practicable, each Federal district shall notify each individual whose arrest, conviction, or adjudication

of delinquency has been expunged pursuant to this subsection that their arrest, conviction, or adjudication of juvenile delinquency has been expunged, and the effect of such expungement.

(3) **RIGHT TO PETITION COURT FOR EXPUNGEMENT.**—At any point after the date of enactment of this Act, any individual with a prior conviction or adjudication of juvenile delinquency for a non-violent Federal cannabis offense, who is not under a criminal justice sentence, may file a motion for expungement. If the expungement of such a conviction or adjudication of juvenile delinquency is required pursuant to this Act, the court shall expunge the conviction or adjudication, and any associated arrests. If the individual is indigent, counsel shall be appointed to represent the individual in any proceedings under this subsection.

(4) **SEALED RECORD.**—The court shall seal all records related to a conviction or adjudication of juvenile delinquency that has been expunged under this subsection. Such records may only be made available by further order of the court.

(b) **SENTENCING REVIEW FOR INDIVIDUALS UNDER A CRIMINAL JUSTICE SENTENCE.**—

(1) **IN GENERAL.**—For any individual who is under a criminal justice sentence for a non-violent Federal cannabis offense, the court that imposed the sentence shall, on motion of the individual, the Director of the Bureau of Prisons, the attorney for the Government, or the court, conduct a sentencing review hearing. If the individual is indigent, counsel shall be appointed to represent the individual in any sentencing review proceedings under this subsection.

(2) **POTENTIAL REDUCED RESENTENCING.**—After a sentencing hearing under paragraph (1), a court shall—

(A) expunge each conviction or adjudication of juvenile delinquency for a non-violent Federal cannabis offense entered by the court before the date of enactment of this Act, and any associated arrest;

(B) vacate the existing sentence or disposition of juvenile delinquency and, if applicable, impose any remaining sentence or disposition of juvenile delinquency on the individual as if this Act, and the amendments made by this Act, were in effect at the time the offense was committed; and

(C) order that all records related to a conviction or adjudication of juvenile delinquency that has been expunged or a sentence or disposition of juvenile delinquency that has been vacated under this Act be sealed and only be made available by further order of the court.

(c) **EFFECT OF EXPUNGEMENT.**—An individual who has had an arrest, a conviction, or juvenile delinquency adjudication expunged under this section—

(1) may treat the arrest, conviction, or adjudication as if it never occurred; and

(2) shall be immune from any civil or criminal penalties related to perjury, false swearing, or false statements, for a failure to disclose such arrest, conviction, or adjudication.

(d) **EXCEPTION.**—An individual who at sentencing received an aggravating role adjustment pursuant to United States Sentencing Guideline 3B1.1(a) in relation to a Federal cannabis offense conviction shall not be eligible for expungement of that Federal cannabis offense conviction under this section.

(e) **DEFINITIONS.**—In this section:

(1) The term “Federal cannabis offense” means an offense that is no longer punishable pursuant to this Act or the amendments made under this Act.

(2) The term “expunge” means, with respect to an arrest, a conviction, or a juvenile delinquency adjudication, the removal of the record of such arrest, conviction, or adjudication from each official index or public record.

(3) The term “under a criminal justice sentence” means, with respect to an individual, that the individual is serving a term of probation, parole, supervised release, imprisonment, official detention, pre-release custody, or work

release, pursuant to a sentence or disposition of juvenile delinquency imposed on or after the effective date of the Controlled Substances Act (May 1, 1971).

(f) **STUDY.**—The Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall conduct a demographic study of individuals convicted of a Federal cannabis offense. Such study shall include information about the age, race, ethnicity, sex, and gender identity of those individuals, the type of community such users dwell in, and such other demographic information as the Comptroller General determines should be included.

(g) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall report to Congress the results of the study conducted under subsection (f).

SEC. 11. REFERENCES IN EXISTING LAW TO MARIJUANA OR MARIHUANA.

Wherever, in the statutes of the United States or in the rulings, regulations, or interpretations of various administrative bureaus and agencies of the United States—

(1) there appears or may appear the term “marihuana” or “marijuana”, that term shall be struck and the term “cannabis” shall be inserted; and

(2) there appears or may appear the term “Marihuana” or “Marijuana”, that term shall be struck and the term “Cannabis” shall be inserted.

SEC. 12. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of this Act and the amendments made by this Act to any other person or circumstance shall not be affected.

SEC. 13. CANNABIS OFFENSE DEFINED.

For purposes of this Act, the term “cannabis offense” means a criminal offense related to cannabis—

(1) that, under Federal law, is no longer punishable pursuant to this Act or the amendments made under this Act; or

(2) that, under State law, is no longer an offense or that was designated a lesser offense or for which the penalty was reduced under State law pursuant to or following the adoption of a State law authorizing the sale or use of cannabis.

SEC. 14. RULEMAKING.

Unless otherwise provided in this Act, not later than 1 year after the date of enactment of this Act, the Department of the Treasury, the Department of Justice, and the Small Business Administration shall issue or amend any rules, standard operating procedures, and other legal or policy guidance necessary to carry out implementation of this Act. After the 1-year period, any publicly issued sub-regulatory guidance, including any compliance guides, manuals, advisories and notices, may not be issued without 60-day notice to appropriate congressional committees. Notice shall include a description and justification for additional guidance.

SEC. 15. SOCIETAL IMPACT OF MARIJUANA LEGALIZATION STUDY.

The Comptroller General of the United States shall, not later than 2 years after the date of enactment of this Act, provide to Congress a study that addresses the societal impact of the legalization of recreational cannabis by States, including—

(1) sick days reported to employers;

(2) workers compensations claims;

(3) tax revenue remitted to States resulting from legal marijuana sales;

(4) changes in government spending related to enforcement actions and court proceedings;

(5) Federal welfare assistance applications;

(6) rate of arrests related to methamphetamine possession;

(7) hospitalization rates related to methamphetamine and narcotics use;

(8) uses of marijuana and its byproducts for medical purposes;

(9) uses of marijuana and its byproducts for purposes relating to the health, including the mental health, of veterans;

(10) arrest rates of individuals driving under the influence or driving while intoxicated by marijuana;

(11) traffic-related deaths and injuries where the driver is impaired by marijuana;

(12) arrest of minors for marijuana-related charges;

(13) violent crime rates;

(14) school suspensions, expulsions, and law enforcement referrals that are marijuana-related;

(15) high school dropout rates;

(16) changes in district-wide and State-wide standardized test scores;

(17) marijuana-related hospital admissions and poison control calls;

(18) marijuana-related juvenile admittances into substance rehabilitation facilities and mental health clinics;

(19) diversion of marijuana into neighboring States and drug seizures in neighboring States;

(20) marijuana plants grown on public lands in contravention to Federal and State laws; and

(21) court filings under a State’s organized crime statutes.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

The gentleman from New York (Mr. NADLER) and the gentleman from Oregon (Mr. BENTZ) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3617.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3617, the Marijuana Opportunity Reinvestment and Expungement Act, or the MORE Act, is long-overdue legislation that would reverse decades of failed Federal policies based on the criminalization of marijuana. It would also take steps to address the heavy toll these policies have taken across the country, particularly among communities of color.

□ 0915

For far too long, we have treated marijuana as a criminal justice problem, instead of as a matter of personal choice and public health. Whatever one’s views are on the use of marijuana for recreational or medicinal use, the policy of arrests, prosecution, and incarceration at the Federal level has proven both unwise and unjust.

That is why the MORE Act would set a new path forward and would begin to correct some of the injustices of the last 50 years. The bill decriminalizes

marijuana at the Federal level by removing it from the Controlled Substances Act. This change applies retroactively to prior and pending convictions. It does not, however, undermine the ability of States to apply their criminal laws to marijuana or to legalize and regulate it as they see fit.

The bill also eliminates barriers to medical research, allows the VA to recommend medical marijuana to veterans living with PTSD, and it allows financial institutions to service the marijuana industry. It provides for expungement or resentencing of certain Federal marijuana arrests and convictions and supports expungement programs at the State and local levels.

In addition, the bill authorizes a sales tax on marijuana sales and directs those revenues to an Opportunity Trust Fund to support communities harmed by the war on drugs. It also establishes a wide range of grant programs to support equal access to the benefits of decriminalization.

When it comes to our immigration laws, the bill prospectively and retroactively ensures that marijuana will not be considered a controlled substance, directly mirroring the protection and relief under the criminal justice provisions of the bill. This protects individuals from the collateral consequences for marijuana activity and ensures that immigrants can participate in their State's legal cannabis industry.

In recent years, 36 States and the District of Columbia have legalized medical cannabis. Nineteen States and the District of Columbia have legalized cannabis for adult recreational use.

If States are the laboratories of democracy, it is long past time for the Federal Government to recognize that legalization has been a resounding success and that the conflict with Federal law has become untenable.

While I am proud to be the sponsor of this legislation, there are many people who are responsible for getting us to this point today. I want to thank them for their efforts.

This includes Congresswoman BARBARA LEE, the mother of this movement, and Congressman BLUMENAUER, whose dogged persistence was critical to moving this legislation forward. Congressman COHEN has also been a long-time champion and an important voice in the movement for reform, as has Congresswoman JACKSON LEE, who helped shepherd this legislation to the floor.

I also want to thank Chairman NEAL, who has been a critical partner in drafting the revenue provisions in this bill and in helping move this legislation to the floor, as well as Chairman MCGOVERN, who structured a good debate on this bill.

Finally, Speaker PELOSI, Whip CLYBURN, and Chairman JEFFRIES have all been steadfast in their support of this legislation, and I want to particularly thank Majority Leader HOYER for everything he has done to bring this bill to the floor.

Mr. Speaker, criminal penalties for marijuana offenses, and the resulting collateral consequences, are unjust and harmful to our society. The MORE Act comprehensively addresses these injustices, and I urge all my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a war raging in Ukraine, killing thousands and thousands of innocent people.

Gasoline, diesel, and grocery prices are through the roof.

For all practical purposes, we don't have a southern border anymore, so hundreds of thousands of immigrants continue to flood into the United States, and the situation there is about to get much worse.

Rampant inflation is making short work of the hard-earned money of all Americans, but the main priority for the Democrats this week isn't Ukraine, skyrocketing gasoline prices, 8 percent inflation, or the border crisis. No. Instead, it is marijuana.

It has been obvious for years that at some point, marijuana was going to be formally legalized. What is deeply and truly disturbing, however, about this bill is its failure to address the clear consequences of legalization—such as what this drug does to children, to drivers on our highways, to the mental health of up to 30 percent of those adults who choose to use marijuana, to communities inundated with hundreds, if not thousands, of foreign cartel-operated, unlicensed, and out-of-control marijuana growers, and finally, to those who actually try to produce cannabis, marijuana, legally.

Let's take a closer look at Oregon, my State, to see what really happens when marijuana is legalized without careful and necessary thought.

The picture behind me is a hoop house. It is about 100-feet long and 50-feet wide. At current retail, it will produce about \$6 million worth of marijuana a year.

The next picture is a picture of a grow consisting of 30 to 40 hoop houses. By the way, these are all in my district in southern Oregon. And if each of these hoop houses is in full production, 40 hoop houses would generate \$240 million, at retail, of marijuana each year.

To put this in perspective, there are currently 180 grows like this in Jackson County, Oregon, alone, many of which are illegal. Hundreds upon hundreds of hoop houses.

Mr. Speaker, I ask unanimous consent that a video taken from a helicopter of approximately 180 grows in Jackson County be entered into the RECORD.

The SPEAKER pro tempore. The Chair can't entertain that request.

Mr. BENTZ. Mr. Speaker, I will move on.

These operations are, in large part, unlicensed, uncontrolled, unregulated, operated on stolen water, ignoring

building codes, ignoring land use laws, ignoring labor laws, and importing thousands upon thousands of immigrants to work in squalor and in fear.

Why? Because the Federal Government has refused to help the overwhelmed local law enforcement officers meet the huge challenge these cartels present.

In fact, months ago, I directly asked Attorney General Garland and again, several weeks ago, for his assistance in getting the FBI, Homeland Security, and the DEA to help us in southern Oregon, and I have heard nothing, absolutely nothing, back from him.

This is why it is essential that any bill dealing with legalization include significant money for law enforcement. We are certainly not getting any help from the Attorney General.

This picture behind me is what the living conditions are like for the immigrants working for the cartels.

We are experiencing one of the worst droughts in the history of the western United States. Water is gold in my district. Cartels are stealing water and using it to grow marijuana.

Water regulators in southern Oregon have been threatened with death by cartel members when they have tried to stop water theft. Here is a picture of some of the stolen water.

When the crop is harvested, hoop houses are abandoned, the migrant laborers disappear, and the mess is left for someone else to clean up. Here is what that looks like.

Mr. Speaker, I include in the record the Politico article labeled “. . . Why Legal Weed Didn't Kill Oregon's Black Market,” dated January 14, 2022.

“TALK ABOUT CLUSTERF---”: WHY LEGAL WEED DIDN'T KILL OREGON'S BLACK MARKET

Cave Junction, Ore.—The first unlicensed cannabis grow popped up near Gary Longnecker's remote Southern Oregon home seven years ago. Now there are six farms surrounding the densely-forested property. “Last night I woke up at 12:30 with gunshots. [Then again] this morning, seven o'clock,” Longnecker said as he and I walked his land in November. “That's them intimidating all of us neighbors to keep out of their face.” A Vietnam veteran and former firefighter, Longnecker retired to the woods of southern Oregon almost 30 years ago to get some peace and quiet, but that's not exactly what he's found. Historically a logging community, the residents of the Illinois Valley near Cave Junction are still drastically outnumbered by trees—and they prefer it that way. In most places, you could yell at the top of your lungs from your front door without another soul hearing. Many people in the county own a gun, and typically aim them at deer or bears—not their neighbors. But since the cannabis farmers moved in (none of whom appear to be licensed based on state records), Longnecker says he's had bullets whiz by his head when working outside, and regularly hears gunshots in the middle of the night. Trash and toilet paper are littered around the thin wire fence that separates his forested land from each cannabis farm. As Longnecker gave me a tour of his property, a few people could be seen moving around on the property through the scattered pine trees and partially-deconstructed hoop houses. Longnecker's partner called out to them in broken Spanish, since she believed

most of the workers were Hispanic. No one answered. A few moments later, shots rang out. “So that’s called intimidation,” Longnecker said as we hurried away. It’s a word that I heard often when I spoke with residents about their marijuana-growing neighbors. Over the last two years, there’s been such an influx of outlaw farmers that southern Oregon now rivals California’s notorious Emerald Triangle as a national center of illegal weed cultivation. Even though marijuana cultivation has been legal in Oregon since 2014, Jackson County Sheriff Nate Sickler says there could be up to 1,000 illegal operations in a region of more than 4,000 square miles. The Oregon Liquor and Cannabis Commission, which oversees the state’s \$1.2 billion legal cannabis industry, estimates the number of illicit operations is double that. Local law enforcement officials believe that people from every U.S. state and as many as 20 countries have purchased property in Jackson or Josephine counties. Cartels roll in and offer long-time residents as much as a million dollars in cash for their property, and hoop houses follow soon after the sale is complete. Residents have become accustomed to hearing Bulgarian, Chinese, Russian and even Hebrew spoken at the grocery store. “Two weeks ago, we took down a Bulgarian operation and in the same week an Argentinian operation,” said Josephine County Sheriff Dave Daniel, adding that they’ve also recently dealt with Chinese- and Mexican-run outfits. “A lot of these organizations, before the legal market came into effect, would grow in the forest lands—they’d be up in the hills,” explained Obie Strickler, a licensed cannabis grower in Josephine County. “Now they’re . . . right out in the open.” What is happening in the woods of the southern Oregon represents one of the most confounding paradoxes of the legalized marijuana movement: States with some of the largest legal markets are also dealing with rampant illegal production—and the problem is getting worse. Oklahoma, where licenses to cultivate medical marijuana are some of the easiest to get in the nation, has conducted more than five dozen raids on illicit grows since last April. In California, meanwhile, most of the state continues to purchase cannabis from unlicensed sources—straining legal operators already struggling with the state’s high taxes and fees. It wasn’t supposed to be this way. One of the underlying promises for legalizing cannabis was that legalization would make the illegal drug trade, with all its attendant problems of violent crime and money laundering, disappear. But 25 years into the legalization movement, as 36 states have adopted some form of legalized marijuana, the black market is booming across the country. Legal states such as Oregon and California—which have been supplying the nation for nigh on 60 years—are still furnishing the majority of America’s illegal weed.

Oregon’s weed is some of the cheapest in the nation, and Oregonians predominantly purchase weed from licensed dispensaries. Economist Beau Whitney estimates that 80–85 percent of the state’s demand is met by the legal market. But most of the illicit weed grown in southern Oregon is leaving the state, heading to places where legal weed is still not available for purchase ‘such as New York or Pennsylvania—or where the legal price is still very high, like Chicago and Los Angeles. In Illinois, which legalized medical marijuana in 2013, only about a third of the demand for cannabis is satisfied by legal dispensaries, according to Whitney. Differences in tax rate and regulations plays the major role in differences from state to state, Whitney explains. Unlicensed growers aren’t paying any fees or taxes, and they can afford to keep their prices at least 20 percent

lower than legal weed—the benchmark Whitney says is the difference in consumers purchasing legal versus illegal products.

“It all comes down to economics,” said Whitney. “If you reduce the price, then there’s no, or little, or less, incentive [for consumers] to participate in [the] illicit market because you’re getting the price that you want . . . that’s the tipping point.” The macro-economics of the marijuana market are small consolation to residents of Oregon, who say they are caught in a regulatory gap between state law, which fully legalized cannabis in 2014, and federal law, which still considers cannabis to be as illegal as heroin. The one exception in federal law is for hemp, a low-THC cannabis plant which looks virtually identical to the naked eye. Officials say that some of Oregon’s illegal farms are masquerading as hemp producers to escape federal oversight. There are just more than 1,000 licensed marijuana and hemp farms in Jackson and Josephine counties, but a recent test of the region’s hemp farms found that more than half were illegally growing marijuana—not the low-THC hemp. “[They] easily danced into the hemp program and got administrative protection,” said Oregon Liquor and Cannabis Commission Executive Director Steve Marks. “They inundated that program.” On top of that, there could be a thousand or more unlicensed grows that never bothered with a hemp license. The impact of the booming illegal trade is being felt by overburdened law enforcement that can’t keep up with the illegal operations that seem to sprout with abandon, but it is also exhausting the patience of residents who were key to making Oregon one of the first states to legalize medical marijuana in the late 1990s. “The danger of what’s going on and the fear and worry folks in southern Oregon are feeling about their safety cannot be overstated,” Sen. Ron Wyden (D-Ore.), the influential chairman of the Finance Committee, told POLITICO in December. “And it’s all the more reason why federal cannabis prohibition is just not working.” Nicole Rensenbrink, a 62-year-old social worker, travels daily along a curving two-lane road that weaves between groves of tall trees and dozens of farms before finally passing the local high school. Along her seven-minute commute to work, she passes 14 marijuana cultivation or processing sites. She’s not an expert, but she can tell that many of them are illegal by the lack of proper signs and the number of hoop houses that exceed the legal limits. But it’s the unforeseen consequences—the damage to the environment, not to mention a general fear for her safety—that most troubles her. “I and my husband both voted for cannabis legalization. I’m liberal, [an] old hippie type. I don’t want people to go to jail for smoking pot or dealing a little weed,” Rensenbrink said. “But I regret it. At this point, I really regret it. People have grown marijuana illegally in southern Oregon for at least half a century. It was easy to conceal illicit activity in private woods and national forests when the nearest human could easily be a few miles away. But there’s nothing hidden about what’s going on now. The Red Mountain Golf Course, a 24-acre plot of land just outside Grants Pass, the county seat, sold for just over half a million dollars in June 2021. Three months later, Josephine County Sheriffs and Oregon State Troopers raided the former golf course and seized more than 4,000 marijuana plants and arrested two people on charges of felony marijuana manufacture. It wasn’t an isolated incident. Around the same time, law enforcement seized 380 pounds of processed marijuana stuffed in a car abandoned at the scene of a crash. Cops also seized 7,600 marijuana and hemp plants, 5,000 pounds of processed marijuana and \$210,000 in

cash from two grow operations just outside Cave Junction. Two men were arrested and held for unlawful manufacture of a marijuana item and other charges. While these eye-popping figures draw headlines, the raids are just a cost of doing business for the cartels, according to law enforcement officials. Many buy or lease six or seven properties, knowing that some might get shut down by the police. Like any smart entrepreneurs, the cartels budget for those losses. “They know that the resources for law enforcement and our ability to combat this issue [are such that] they can overwhelm us,” Daniel said. The proliferation of unlicensed cannabis farms is scaring local residents and scarring the landscape. Personal wells have run dry and rivers have been illegally diverted. Piles of trash litter abandoned grow sites. Locals report having knives pulled on them, and growers showing up on their porches with guns to make demands about local water use. Multiple women say they’ve been followed long distances by strange vehicles. Locals regularly end conversations with an ominous warning: “Be careful.” Debbie, who retired from the Napa County Sheriff’s Department in California, has little faith in Josephine County’s law enforcement. Debbie, who requested her last name not be used for fear of reprisal from the drug dealers, says that officers didn’t show up when ten gun shots whizzed past her husband’s head while he was sitting on the porch, or when the neighbor’s pit bulls chased her from the mailbox back up to her own home. When Debbie reported her neighbors to the sheriff’s department, they asked her to photograph the license plates of the growers next door, but she was spotted taking pictures.

“[The growers] stalked me and chased me all the way down Placer Road,” she said.

The problem has gotten so bad that residents and local officials have called for the Oregon National Guard to be called in. Democratic Gov. Kate Brown hasn’t taken that step yet, but in December she called a special session in which lawmakers approved \$25 million to address Oregon’s illicit grows. \$20 million of that funding is designated for law enforcement to increase staff and resources, while \$5 million is dedicated for oversight of water use and water theft. Earlier in the year, the legislature passed a bill, sponsored by Republican state Rep. Lily Morgan, that increased penalties for growing cannabis illegally and gave state regulators the authority to investigate hemp growers. Jackson County Sheriff Nate Sickler says the tougher rules for hemp cultivation and the money lawmakers funneled to local enforcement efforts are an excellent start.

“If we’re able to get our positions funded, I really think we can make a significant impact [on] illegal marijuana,” said Sickler. “Are they going to go away? It’s probably never going to happen.” The illicit market isn’t just a law enforcement problem, however; it’s actually having an effect on the environmental health of the region.

Chris Hall has spent months surveilling cannabis farms in Josephine County’s Illinois River Valley from the air. The community organizer with the Illinois Valley Soil & Water Conservation District is compiling a map of illicit grows checked against state licensing information.

On a weekday afternoon in November, Hall explored the debris-filled Q Bar X Ranch site, taking photographs for his records. In August, it took about 250 law enforcement officers—called in from state and federal agencies—to raid the ranch. Officials seized 200,000 marijuana plants and found more than 130 workers at the site, according to the Josephine County Sheriff’s department. At the main site, a new fence with “no trespassing” signs warned off curious visitors.

Behind that fence were the ruins of a massive cannabis operation: multiple white hoop houses, now in tatters; ramshackle buildings where workers likely lived; PVC pipes, tarps, buckets, and empty containers of fertilizer and pesticides.

Down the road, the second site was in an even greater state of disarray. Huge gashes had been cut into the earth, and a crevice was filled with bottles of fertilizer and pesticides. The banks of a stream were laden with what seemed like the contents of an entire convenience store snack and soda section. "You want to talk about clusterf---, here it is," Hall said, shaking his head as he saw that the creek bisecting the grow site was lined with plastic. "The [creek] bed is the most sensitive natural habitat that we have," Hall said. "To line it with plastic, particularly black plastic, is to kill everything underneath it." Hall was hired because the soil and water district was inundated with complaints from local residents about the negative impacts on their water sources. The \$5 million that Morgan's bill recently allocated for water-resource issues is meant to address this problem.

Reclaiming land and waterways after illicit growing occurs, though, is an expensive and complex undertaking. A U.S. House member proposed allocating \$25 million in last year's federal budget for shuttering and reclaiming grow sites on national forest land, though it was removed from the final bill. Even if that funding eventually gets approved, it could only be used to target a small sliver of the illicit grows in Josephine and Jackson counties, since most are on private property.

"If this was going on [closer to Eugene or Portland], you better believe the state of Oregon would stomp this out in a hot second," Hall said—but added that many of the region's residents are famously resistant to government intervention, especially from the state capitol four hours north. "You know, sometimes you get what you asked for. . . . [Southern Oregonians] have been telling [the state government] to leave you alone, so we're gonna just leave you alone."

There are as many suggested solutions to southern Oregon's weed problem as there are factors creating it. Some say tweaks to federal and state hemp regulations—and more money for law enforcement—will get the illicit grows under control. Others argue that only federal decriminalization will solve the problem, because it would reduce the market for illicit weed.

Anti-legalization advocates, meanwhile, point to Oregon's woes as proof that legalization doesn't live up to its promise of eliminating the illicit market.

"Legalization exacerbates the issue of illicit growing operations because it increases the demand for the product," Kevin Sabet told POLITICO. "With more users emerging throughout the state, more sellers—both legal and illegal—begin working to match the supply. The state has done little to curb demand because it has little incentive to do so."

On the last point, John Hudak of the Brookings Institute says that the rampant illicit operations in Oregon aren't likely to be replicated in more densely-populated states like Connecticut or Rhode Island. "I don't think there's a direct connection between legalization and this situation happening," said Hudak, an expert on cannabis policy who also volunteers as part of the Coalition for Cannabis Policy, Education, and Regulation—a think tank funded in part by Molson Coors and Constellation Brands (which owns Corona). Constellation Brands has already entered the cannabis beverage market. "There's sort of geographic aspects to why it thrives in certain states," Hudak

added. "This is more likely to happen on a large scale in larger states with rural spaces than it would be in smaller, urban states." Instead, Hudak argues that the illicit market will continue to thrive in legal states as long as cannabis remains federally illegal. It isn't clear when full legalization could happen, though—if ever. A federal decriminalization bill proposed in 2021 by Wyden, Senate Majority Leader Chuck Schumer and Sen. Cory Booker (D-NJ) has only been seen by the general public in draft form, and it isn't clear when it will be formally introduced in Congress. The draft version of that decriminalization bill would levy high taxes against the cannabis industry, which Whitney, the economist, argues would push prices higher and give illicit growers continued market access.

Cautionary tales like Oregon's won't move the federal needle, either, Hudak cautions. The lawmakers who understand the impact of the federal-state cannabis policy gap, he says, are the ones who already support legalization. Moreover, there have already been many other stories about the problems created by the policy gap—such as the impact siloed markets have on the environment or the inability of cannabis farmers and store owners to get reliable insurance to cover looters or forest fires—and federal policy has remained the same.

The problem, cannabis advocates say, is not that legalization has failed. Rather it's that the country hasn't legalized enough. Until many more states—and the federal government—decide to legalize cannabis, those advocates say, the illicit weed problem is going to continue, even in legal states. The patchwork of still-illegal states—including some of the country's most populous—creates tootempting a market for illicit growers.

"We don't have a [moonshine] business in the country . . . that is challenging Budweiser or Grey Goose," Hudak said. "Alcohol is widespread legal. And until we get on that same page with cannabis, this is going to be a continuing problem."

The OLCC's Marks, though, argues that blanket legalization won't solve all of the problems because hemp and marijuana will still be regulated separately at the federal level—hemp through the Department of Agriculture and marijuana through the FDA or the Alcohol and Tobacco Tax and Trade Bureau.

"Frankly, the federal government has plenty of responsibility and accountability for the regulation of legal hemp and THC," Marks said. "Making regulators bifurcate the plan under an old federal definition of marijuana and a newer one of hemp is creating unaccountability, craziness and a bad market." Oregon tweaked its hemp rules this year to make THC testing more enforceable. Meanwhile, the 2023 farm bill is up for discussion in Washington, D.C. this year, but there has not been much chatter on Capitol Hill about making hemp oversight more stringent.

Economist Beau Whitney argues that focusing on hemp regulations is a misplaced solution because many cartels don't bother to hide behind hemp licenses.

"They're focusing in on small hemp farmers instead of the real problem, which is international cartels," Whitney said. "Until there's some way in which to have a coordinated enforcement against the illicit cartels, this is going to perpetuate."

While experts and lawmakers in Salem and Washington, D.C. go back and forth over the solutions, southern Oregonians will continue to live with the impact of divergent cannabis laws. "The people in Salem and the people in Grants Pass don't understand that we're living under this intimidation," Gary

Longnecker said, talking about the Oregon state capital and his county's seat of government. "To sit here and be ignored by the people who are supposed to represent you, not even get a staff member to call you back, is so, so frustrating," he said. He's glad that Oregon's legislature adopted tougher rules for hemp growers, but doesn't think it's nearly enough to solve the problem. "You can't just keep throwing a little bit of money out [here], because . . . it's like whack a mole. Take this one out, and four more pop up over here."

Mr. BENTZ. Mr. Speaker, it is absolutely essential that any bill legalizing marijuana include significant funding for law enforcement which will be absolutely and predictably necessary to control the cartels that will flood into the farming areas such as southern Oregon.

Simply setting up a penalty, as this bill does, for failing to register will not work without the concurrent means of enforcement. Do not let the defunding-the-police thinking that currently is in this bill lead the Nation into the same ecological human and social disaster we now face in Oregon.

The bill fails to address impairment. It fails to address the ever-increasing potency of the drug. It fails to address the age at which marijuana could be legally used.

It fails to address the impact the bill's 5 percent and quickly rising to 8 percent gross receipts tax, when added to the State and local taxes, will have in driving the black market sources of marijuana. The Federal tax, when added in, will make legal marijuana almost 30 percent more expensive than that which is on the black market.

The bill fails to correctly clarify the differences between marijuana and hemp. This is essential if the hemp market is to be protected from the policies and regulations associated with marijuana.

This bill is the wrong approach.

We should be addressing the crises created by the Biden administration, not passing an incomplete, inadequate, and damaging to our children and communities stimulus marijuana bill.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I would command the attention of the gentleman to the sections of the bill that deal with all the different problems he raised.

I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. COHEN), a member of the committee.

Mr. COHEN. Mr. Speaker, I thank the chairman for my time.

I rise in support of the MORE Act which would finally reform how we deal with marijuana laws and how we should. Mr. BENTZ said we should put more money into law enforcement. That is the opposite of what we should do.

Decriminalizing means cops spend less time busting people for marijuana possession and more time looking for people committing violent crime. That is a better use of law enforcement time.

Maurice Hinchey and Sam Farr on this side of the aisle knew it when they were here. They sponsored bills, as did Don Young and Dana Rohrabacher on the other side of the aisle, because it was a Libertarian freedom issue.

It is no secret the war on drugs failed. Harry Anslinger started it in the 1930s, and he vilified Hispanic Americans and said this was a way to get them.

Then Richard Nixon even had a commission that said we should decriminalize marijuana but then decided, because of Ehrlichman and Haldeman, that, no, the Nixon strategy was better designed at going after marijuana because Blacks and hippies who protested the war were his opponents, and we needed to go after them.

So they turned it around, they never legalized it as the commission said they should, and they made the war on drugs worse. It then went on and on.

Marijuana is less dangerous than alcohol. People do not smoke marijuana and beat up their wives or get angry and beat up others or drive their cars in wildly dangerous conditions at fast speeds and kill others.

Congress has been out of step on this issue. It is called cultural lag. We are finally coming around to rescheduling it from Schedule I where it is in a class with heroin and methamphetamines, which is absurd. We should have research.

We must deschedule marijuana. We must decriminalize it at the Federal level. Now is the time to do some remedies to our Federal marijuana laws. This is an historic time.

I thank Mr. NADLER, Ms. LEE, and the others who have championed this bill, Mr. BLUMENAUER, and let's move forward and do the right thing.

Mr. BENTZ. Mr. Speaker, I just want to mention that I have read the bill very carefully, and there is nothing in the bill allocating money to law enforcement.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Mr. Speaker, I thank the gentleman from Oregon for yielding.

Our country continues to suffer under the many crises created by the Biden administration and Democrat policies; you know, the border crisis, the crime crisis, the inflation crisis, the energy crisis. And yet, the priority of this Congress now turns to expanding access to addictive, behavior-altering, recreational drugs at a time when our country is also experiencing increased addiction, depression, and suicide.

What is worse, we want to target those individuals and communities who are historically most impacted by the harm of illegal drugs and provide Federal funding to help enable criminals to open and operate now legal drug businesses.

We have rising violent crime in Democrat-run cities across the country. More drug use won't help that.

We had 100,000 Americans die of overdoses last year, the leading cause of death in Americans ages 18 to 45. More drug use won't help that.

Our government, schools, and our education systems are failing us. More drug use won't help that.

But, in fact, this legislation has no prohibitions on edible forms of marijuana, flavored vape products, or other efforts to target, specifically, teens and young people.

Meanwhile, we have surrendered operational control of our southern border to the Mexican crime cartels, and we have got fentanyl and other dangerous drugs streaming into our country at historic levels because of this President's open border policies.

Of course, what is his solution? Let's end Title 42 which is predicted to increase the daily crossings from the current 7,000 a day to as much as 18,000 a day. That is over half a million a month.

How might this impact the illegal drug trade across our country? Law enforcement tells me that legalizing marijuana will force the criminal element to redouble their efforts into hard, more dangerous drugs to replace the profit that has been lost from marijuana.

You can also look at the States that have already legalized it, and you can see the increased addiction, dependency, and homelessness that this has cost. We should be ashamed of ourselves for this legislation, and I oppose this bill.

□ 0930

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES), the distinguished chairman of the Democratic Caucus.

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished chairman for yielding and for his tremendous leadership, as well as all of my colleagues who have worked on the MORE Act.

Richard Nixon began the failed war on drugs a little over 50 years ago, in 1971. At the time, there were less than 300,000 Americans incarcerated in this country. Today, there are 2.3 million, disproportionately Black and Latino. Many of those individuals who have been incarcerated are there because of nonviolent drug offenses, often marijuana possession and use.

The United States of America incarcerates more people than any other country in the world, including per capita China and Russia combined. That is a stain on our democracy.

We have an overcriminalization problem in America. We have a mass incarceration problem in America. We have a prison industrial complex in America. It doesn't advance public safety, and it hurts economic development. It has ruined individuals, ruined lives, ruined families, and ruined communities, particularly in communities of color.

It is time to end the Federal cannabis prohibition. It is time to deschedule it. It is time to decriminalize marijuana.

It is time to invest in communities in a way that makes sense, both from a public safety standpoint as well as a fairness, equity, and justice standpoint. It is time to pass the MORE Act.

Mr. BENTZ. Mr. Speaker, I just want to mention that there is about \$400 million that would have been raised last year under this bill had this tax been in place, and none of that money goes to public safety. It goes to rebuild community space but not public safety.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, how is it that we here in Congress, in the face of all the domestic and international crises that we are facing right now, that we are here talking about decriminalizing and descheduling marijuana?

Now, we are all going to go home this weekend, and what are our constituents going to be talking about? They are going to be talking about the price of gas. They are going to be talking about the price of food. They are going to be talking about the price that they have to pay to heat their homes.

They are going to turn on the TV. What are they going to see? They are going to see in real time Ukrainians being bombed by Russia, fleeing for their lives.

And what are we doing here in Congress? Talking about marijuana? You have got to be kidding me.

Mr. Speaker, as you know, I am a pharmacist. I know addiction. I know and I have studied addiction. I can tell you, marijuana is nothing more than a gateway drug. It leads to other harder drugs. Don't try to justify this by saying, Oh, alcohol is a drug and it is legalized. That is not what we do. That makes no sense whatsoever.

Mr. Speaker, we had a hearing in the Energy and Commerce Committee. We had 10 parents before us whose children had died due to opioid addiction. Not 8 out of 10, not 9 out of 10, but 10 out of 10 of those parents said they smoked marijuana to begin with; 10 out of 10. It is a gateway drug that leads to harder drugs.

This is not a Republican-Democrat situation here. This is an American problem. You know that we had 100,000 Americans die of overdose last year.

Mr. Speaker this is misguided. This is wrong. This is not what we should be discussing.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. CICILLINE), a member of the Judiciary Committee.

Mr. CICILLINE. Mr. Speaker, I rise today in support of the MORE Act, legislation that takes an important step in rectifying some of the harm caused by the failed war on drugs.

The enforcement of marijuana laws has been a major driver of mass incarceration in the United States. Hundreds of thousands of people are arrested each year for marijuana-related charges, very often just possession.

This has, in turn, led to our Federal prison system operating at 103 percent of capacity, and too many of these offenders are serving time for nonviolent drug-related crimes.

A drug-related conviction, even for possession, can be devastating for the rest of a person's life, making it difficult or even impossible to vote, get a job, be approved for a loan, or even qualify for a government program. As we know, these consequences have had massively disproportionate impact on communities of color, as Chairman JEFFRIES just mentioned.

This current system, frankly, doesn't work. It doesn't make any sense—not for community safety, not for the functioning of an effective prison system, and not for successful rehabilitation.

By removing marijuana from the Federal controlled substances list, allowing for the expungement of marijuana offenses, and providing support to communities most impacted by the failed war on drugs, the MORE Act is a long overdue step in restoring justice and reversing the harms caused by the war on drugs.

Mr. Speaker, I want to thank Chairman NADLER for his extraordinary leadership on this issue. I am proud to be a cosponsor of this legislation and to support it here today. I urge my colleagues to join me in voting “yes” in reversing the gross injustice that the war on drugs has produced and bring sensible policy back into place.

I again want to end by thanking everyone who has worked on this for so many years, but particularly our chairman for his passionate and strong leadership.

Mr. BENTZ. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Mr. Speaker, it is great to be here. I got a kick out of the gentleman from Tennessee showing his age. He is talking about pot when it was 2 percent THC. He is thinking pot is still this drug where people get goofy and they eat Cheetos and nacho cheese Doritos.

He is not talking about the 99 percent THC pot that is being sold in some of these States where they have legalized recreational pot. I think that is really fun and anachronistic; very good to go back and think about how things were in the late 1960s, early 1970s.

Let's talk about a Mother Jones article that I have before me where they are analyzing the use of pot, and they are talking about, hey, look, this is what happens, you start seeing paranoia and psychosis come in. They are referring to New Zealand studies, long-term longitudinal studies about the dangers of pot.

That is interesting. We are not going to even talk about that because we don't have time to talk about that because we are focusing here on descheduling marijuana. What that does is that incentivizes marijuana use and distribution.

But this bill is also reckless in its approach. It provides no limits on or re-

quirements to clearly identify the potency of marijuana or its extracts or concentrates. In 1995, for instance, the THC concentration was about 4 percent on average. Today, it goes between 20 and 99 percent.

It also doesn't deal with what the Surgeon General says needs to be the case, that the minimum age limit should be age 25. This doesn't get into any age limit. It doesn't cover that, yet that is what the Surgeon General says.

In fact, the Surgeon General's advisory says the human brain continues to develop from birth into the mid 20s, vulnerable to the effects of addictive substances, I don't know, like marijuana. In fact, it goes on to say frequent marijuana use during adolescence is associated with changes in the areas of the brain involving attention, memory, decision-making, and motivation.

Adolescent marijuana use is associated with declines in IQ, school performance and attendance, and life satisfaction, increased rates of suicide attempts.

You know what this bill does? It is a lot of fun, folks. What it does is, it says you can distribute this, under Federal law anyway, you can distribute this to an 11-year-old kid. The 11-year-old kid is going to have marijuana, be able to use it. You can't do anything to them here for that, that is for sure.

What it does do is it creates a tax crime. It creates a tax crime. You get rid of your marijuana crime, it creates some tax crimes. We all know how great the Tax Code is for ease of use and understanding.

Section 3 of the bill removes marijuana from the schedule of the Controlled Substances Act. It would no longer be a Federal crime to possess or sell marijuana, including to 11 year olds. Section 5, however, puts it into the Tax Code.

I think there is another fun aspect here. It talks about 600,000 arrests annually yet, the reality is that is for State and local crimes. In fact, there were 1,100 marijuana convictions in 2020 under Federal law. You know what those convictions were? Those were for transport and distribution. Now you are not going to be able to get to anybody for that.

Let's talk about how well this has worked in the L.A. Times pieces that talk about this. The L.A. Times does a massive exposé. What do they find out? They say Prop 64 was going to solve all these problems, solve the problems. Instead what you have are thousands of illegal grow dispensaries. Why? Because they have a Byzantine code like what these guys are setting up here today. So you have a crisis in L.A. County, San Bernardino County and also in Riverside County.

Those grow farms use forced labor, as Mr. BENTZ so eloquently talked about, the Oregon grow farms. These are being run in southern California by the cartels, who originate in Mexico, Ukraine,

Russia, Bulgaria, and China. Yeah, that is what you are going to do, you are going to Federalize this. Well done. This is a piece of garbage. I oppose this legislation.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE. Mr. Speaker, I thank the lead sponsor, Chairman NADLER, for problem solving, along with Mr. BLUMENAUER, Mr. COHEN, Congresswoman LEE, and all of those who galvanized all of us. I was pleased to be able to lead this through the Crime, Terrorism, and Homeland Security Subcommittee.

The war on drugs simply failed, and I am glad that one interpretation that has just been evidenced by my good friend on the other side of the aisle will have little weight and little basis because what we are doing here is solving a problem.

Let me just indicate from the Health Affairs Culture of Health, a Black person is still nearly four times more likely to be arrested for cannabis possession than a White person.

To summarize this bill, it deals with Federal decriminalization, taxation, and expungement. It does not stop the DA, the Department of Justice, the FBI or anyone else from doing their job. The bill would remove cannabis from the list or schedule of federally controlled substances.

This means that, going forward, individuals can no longer be prosecuted federally for marijuana offenses. This does not mean that marijuana would now be legal throughout the United States. The bill would simply remove the Federal Government from the business of prosecuting marijuana cases, which would leave the question of legality to individual States. Forty-seven States already have some form of legal use of marijuana.

Let me share, my friends, the points that they are going to make. The bill was designed to help individuals who have been caught up in the criminal justice system for possessing more small amounts of marijuana for personal use. It was not designed to help drug traffickers.

By the way, the President has given over a billion dollars to Ukraine as one of the steadfast leaders and has galvanized NATO and our allies, and not one of us needs to challenge the President or any one of us in our fight to help Ukraine.

Let me make it very clear about crime. Read the President's budget. He has a massive piece in there to reduce crime. It is everywhere, including rural America, where Republicans say they are, but I don't look at it that way. It is Americans, we stand together. This bill is about America.

The expungement provisions are limited to nonviolent marijuana possession convictions that have loaded up our Federal prisons. If an individual has other criminal convictions in addition to a covered nonviolent offense,

marijuana offense, the bill already includes a stated exemption for drug kingpins, meaning anyone who received an increased sentence for being a leader or organizer of drug trafficking will not qualify for expungement.

Once this bill is passed, it would enable individuals to possess and use marijuana for personal use. Marijuana will be regulated as a commodity, but let me tell you what else will happen. We will be able to research, the scientists will be able to study what is happening to our young people, our juveniles if that is the case. We have a definitive position in there about helping those who may become addicted. We do not overlook those who might as well be using it, so let us go forward with this bill. I ask support for the bill.

This bill was designed to help individuals who have been caught up in the criminal justice system for possessing small amounts of marijuana for personal use. It was not designed to help drug traffickers.

The expungement provisions are limited to nonviolent marijuana possession convictions only. If an individual has other criminal convictions in addition to a covered nonviolent marijuana offense, those other convictions will not be expunged. The bill already includes a stated exemption for "drug kingpins," meaning anyone who received an increased sentence for being a leader or organizer of drug trafficking will not qualify for an expungement.

Once passed, this bill would enable individuals to possess and use marijuana for a personal use. Marijuana will be a regulated commodity like alcohol and the transportation, distribution, or selling of marijuana without complying with federal regulations will continue to be illegal. For example, an individual will not be able to transport marijuana across the border without complying with import regulations and appropriate tax requirements.

The bill already includes a requirement that a study be conducted to understand the societal impacts of decriminalizing marijuana, including the impact on juveniles, education, transportation, veterans, employment, and many others.

Because marijuana will now be considered a commodity or good to be sold and purchased, like alcohol and even cigarettes, the MORE Act preserves the FDA's ability to issue regulations to address the regulation, safety, manufacturing, product quality, marketing, labeling, and sale of products containing cannabis or cannabis derived compounds.

Cannabis will be regulated along the same lines as alcohol and cigarettes, which have age requirements for consumption, sale, and purchase.

Regulation of cannabis protects children and minors because the black market and street dealers are not required to ask for the age or ID of their customers, unlike permitted and regulated sellers.

Driving while impaired is illegal in the United States. The MORE Act does not change this fact.

Impaired driving occurs when someone operates a vehicle while impaired by a substance like marijuana, or any other drug, including prescribed and over-the-counter medicines, or alcohol. Law enforcement officers are trained to detect impairment of drivers by sub-

stances other than alcohol through field sobriety tests.

Many states have supported the establishment of Drug Recognition and Classification programs within their State and local police, and the training of special Drug Recognition Experts, which are law enforcement officers trained to identify drug-impaired driving using a 12-step, standardized evaluation that includes behavioral tests and physical assessments to determine impairment among seven categories of drug classification.

Mr. BENTZ. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. PALAZZO).

□ 0945

Mr. PALAZZO. Mr. Speaker, I thank the gentleman for yielding.

Our country is facing a national security crisis, an energy crisis, a border crisis, and an economic crisis, but here we are, voting on cannabis legislation.

How is this helping our constituents who are paying sky-high prices at the gas pump? How does this strengthen our military and help secure America? How does this address Biden's record-breaking surge of illegal immigrants at our southern border? How does this help us to leave a stronger, safer, more secure America for our children and our children's children?

Simple answer: It doesn't.

We are here today to vote to get America high.

In States with legalized marijuana, there are more marijuana-related emergency room visits and hospitalizations than any other category.

Patients in a study using marijuana to treat pain, anxiety, and depression failed to report improved symptoms, and the continued use of marijuana brought risk of addiction known as cannabis abuse disorder.

The National Institute on Drug Abuse found that about 30 percent of marijuana users have some form of use disorder. In Colorado, the Speaker's home State and the leading State for legalizing marijuana, there was a 25 percent increase in CUD among 12- to 17-year-olds.

These are our children. Allowing children, who don't know how to rationalize long-term effects of drugs, to use a gateway drug for recreational or medicinal purposes is reckless, negligent, careless, and irresponsible.

The MORE Act does not responsibly end Federal prohibition of cannabis. The MORE Act does not end the war on drugs. All it does is poison our children and weaken our society.

This flawed legislation is not time sensitive, does not require consideration this week, and should not take priority over the various serious issues our country currently faces.

I urge my colleagues to vote against this bill and put our children first, not the dope dealers.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CORREA).

Mr. CORREA. Mr. Speaker, I rise in strong support of the MORE Act.

This legislation is a very simple but very important piece of legislation. It does three basic things.

Number one, it legalizes cannabis by removing it from the Controlled Substance Act. Number two, it establishes a process to expunge cannabis-related convictions. Number three, it taxes cannabis.

Mr. Speaker, it is time.

Thirty-seven States in our Nation have already legalized cannabis. Even Canada has legalized cannabis, and other nations around the world are legalizing cannabis. Even the Israelis are selling cannabis-related medicine.

It is time, Mr. Speaker.

But this is just the start. Cannabis farmers can't enroll in crop insurance. They can't receive the official organic designation. They can't access USDA programs.

Mr. Speaker, it is well beyond time. Please vote for this legislation. Vote for common sense. Let's vote for the MORE Act.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

In response to this bill helping farmers, I just want to say it does not. What it does is it puts a tax on top of their product. When added to the Oregon tax, it would be almost 30 percent. That does not encourage farmers to raise the crop because they can't compete against the black market. There has to be far more thought given to what will be an 8 percent additional cost.

By the way, it is a gross receipts tax. It is on top of the gross receipts, not that net profit that you are supposed to get.

Secondly, the bill, as written, fails to distinguish between hemp and marijuana. This must be done if the folks in each space are going to grow properly.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader of the House.

Mr. HOYER. Mr. Speaker, Chairman NADLER, ranking members, this is an important piece of legislation. How do I know that? Because the people have told us that.

Every time they have had the opportunity to vote in America, they have voted to do this. They know that filling our prisons and creating criminal records for people who use marijuana—and knowing full well that if they are people of color, the possibilities of adverse consequences are geometrically greater.

I tell my colleagues, I am tired of hearing this argument that, "Oh, my goodness, we are doing this. We ought to be doing something else."

We are all working on issues of great concern not only to us but to the global community: on the war in Ukraine; on the criminal activities that Putin is subjecting us to; on inflation, a critical problem for all of our people. We are working on that. We are having trouble getting some legislation in the Senate

that will bring down inflation and bring down costs for the American people—not on our side of the aisle.

So, when I hear this argument, “Oh, we ought to be doing this. We ought to be doing that. We ought to be doing the other,” this is an important, fair piece of legislation, fair for the American people.

I thank Chairman NADLER. I thank the Judiciary Committee. I thank Members on my side of the aisle. I thank BARBARA LEE, who is walking down the aisle right now, who has worked so hard on this.

Why did she work so hard on it? Because she knows the extraordinary unfairness of the application of existing laws. You don’t have to argue that. Just look at the statistics, and you find that to be the case.

Chairman NADLER has long been a champion of decriminalizing marijuana and addressing the systemic injustices and inequities resulting from the war on drugs. I was a supporter of the war on drugs. I have been here a long time.

The gentleman who spoke about this as a gateway drug, it is not a gateway drug. I have been convinced of that.

Marijuana has been legalized in 19 States. That is 40 percent of our States, save one, and the District of Columbia. Medical marijuana is legal in 36 States. This is not out of the ordinary. This is what the American people tell us they think is the appropriate thing to do.

Now, for some in this House, those who are treated with inequality, particularly in this area, you are on your own. Make it out for yourself. We are not going to address it because we have other issues.

Of course, we have other issues, and we pass bills on those—unfortunately, not with much support from the other side of the aisle.

Despite the changes in State laws and social norms around the usage of marijuana, its use remains illegal under Federal law. The gentleman who is presiding over the House today comes from a State that has said that is not good policy. Now, that is not some wacko coastal State. It is Colorado.

Despite changes in State laws and social norms, as I have said, its use remains illegal under Federal law, often resulting in devastating consequences. Hear me, my colleagues: devastating consequences for Black, Latino, and Native communities.

Now, I am not any of those. I would tell you, when I was in college in the 1800s, it was alcohol. We were not the generation of drugs; it was alcohol. It devastated the lives of literally hundreds of thousands of young people. But nobody cried out to make it illegal. They tried that, of course, in the twenties.

According to the Center for American Progress, Black Americans are four times more likely than White Americans to be arrested for marijuana possession, even though they use it at similar rates.

The gentleman who spoke asked why we are dealing with this. For the same reason our Founders said that we believe in equality, that all men—and they surely would add women today—are created equal and ought to be treated fairly and equally. Four times more convictions and prosecutions for people of color—that is why we are dealing with this, because it is unfair in America.

Those criminal records can haunt people of color and impact the trajectory of their lives and careers indefinitely. I regret that there are some Members of our Congress who apparently think that is not worthy of attention.

It can result in difficulty in finding employment, difficulty in finding housing, denial of access to government benefits, denial of financial aid at colleges and universities, and denial of the right to vote. That is why we are dealing with this, because the adverse consequences to people are substantial and negative, and negative not only for them but for our country.

The legislation before us would remove marijuana from the list of scheduled substances under the Controlled Substances Act, allowing our police departments—which we want to fund, by the way, so get off that line that we want to defund the police—allow our police departments to focus on serious crimes. The legislation before us would remove marijuana from that list.

The bill already, by the way, includes a requirement that a study will be conducted to understand the societal impacts of decriminalizing marijuana, including the impact on juveniles, education, transportation, veterans, employment, and many others.

This bill also expunges the records of individuals convicted of nonviolent—let me repeat that—nonviolent cannabis offenses and provides resources for job training, reentry services, and youth recreation and mentoring programs.

Now, if you take the position that all of these people are on their own and want no help from us or get no help from us, then perhaps you don’t care.

This bill also addresses the disproportionate economic impact of the war on drugs by providing access to small-business grants, opening up the legal marketplace to communities that have been largely excluded.

This bill is a matter of justice and equal opportunity. It is about addressing systemic inequities and reforming our criminal justice system so that Americans and America can become a better, stronger, more fair, and more just America.

That is why we are spending time on this bill today.

I thank my friend one more time, Chairman NADLER, for his leadership on this bill. I also thank Mr. NEAL for helping us get this bill to the floor. I also thank BARBARA LEE, my dear friend.

BARBARA LEE and I have been working for some years now on how to lift

people out of poverty into the middle class. We talk a lot about the middle class, and the way you grow the middle class is to let people who aren’t in it in it so they can contribute to making a better, stronger America.

□ 1000

This bill will help that because it will take the stigma away from four times as many people of color being stigmatized by our laws.

Mr. Speaker, I urge my colleagues on both sides of the aisle, support this bill. The people of Mississippi supported this bill when they went to the polls and voted—not on this bill, that is not accurate—but on the decriminalization of marijuana, because they knew that it was neither necessary to be criminalized, and they knew the adverse impacts.

I don’t ask you to support something the people of California did or the people of New York, or even Maryland, but think about supporting the people of Mississippi, who voted on a policy that would make a fair and more just America.

Mr. BENTZ. Mr. Speaker, I want to mention that it was noted that we never asked the people if they would support legalization of marijuana. That is not correct. North Dakota Measure 3 failed. Missouri Proposition C to legalize marijuana failed. Ohio Issue 3 failed.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to offer a motion to recommit on behalf of members of our communities who have tragically lost their lives to substance use disorder, SUD.

Prior to the COVID-19 public health emergency, our country faced a different kind of enemy that knew no bounds. This Chamber was once united in the battle against addiction. And I was proud of the legislative work we did to address this crisis most recently through the SUPPORT Act. Unfortunately, all the progress we made seemed to evaporate with the onset of the pandemic and the resulting lockdowns, mandates, social isolation, and fear of an invisible enemy.

Recently, the Centers for Disease Control and Prevention announced that 105,752 Americans died from drug overdoses from October 2020 to October 2021.

Let me repeat that: 105,752 Americans died from drug overdoses in one year’s time.

Many of these deaths can be directly attributed to fentanyl, which is now the leading cause of death in Americans aged 18 to 45. Down at our southern border, Customs and Border Protection are confiscating record amounts of fentanyl coming across the Mexican border.

The CBP seized over 11,201 pounds of fentanyl from October 2020 to September 2021, which is a 41 percent increase from the year before. That is

enough fentanyl to kill 2.5 billion people, or the entire U.S. population, seven times over.

To address this crisis, I introduced the HALT Fentanyl Act with my friend, the gentleman from the Ninth District of Virginia. This legislation will permanently schedule fentanyl-related substances as schedule I and enable researchers to continue to study schedule I substances for possible medical benefits. We must do everything we can to save lives, and I implore my colleagues to support this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BENTZ. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, if we adopt the motion to recommit, I will instruct the Committee on the Judiciary to consider my amendment to H.R. 3617, to permanently place fentanyl-related substances in schedule I of the Controlled Substances Act.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of this legislation because it is long overdue for our Federal laws to catch up with the legal reality in almost every State in the Union, and because Federal reform must place restorative justice as the top priority.

I thank Speaker PELOSI, Chairman NADLER, and my fellow chairs for once again bringing this legislation to the House floor.

Mr. Speaker, voters in States like New York have led the way in changing their cannabis laws, emphasizing restorative justice for our most marginalized communities. This bill takes a meaningful approach to undo the wrongs of the failed war on drugs by removing cannabis as a schedule I drug and encouraging States to expunge low-level possession records.

Importantly, the MORE Act also helps entrepreneurs access affordable capital to start a legitimate business, which too often is a barrier to entrepreneurship for people of color regardless of industry.

As chair of the Committee on Small Business, I am proud the MORE Act includes measures my colleagues and I championed to ensure SBA programs, like the flagship 7(a) Loan Program, the disaster loan program, and Small Business Development Center resources, are available to legitimate cannabis businesses. The MORE Act is the best proposal to ensure communities disproportionately impacted by the prohibition of cannabis are best positioned to profit from its legalization.

Mr. Speaker, for that reason, I urge my colleagues to vote “yes.”

Mr. BENTZ. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. Mr. Speaker, I thank the gentleman for yielding.

Record crime, record inflation, record gas prices, record number of illegal immigrants crossing our southern border.

And what are Democrats doing today? Legalizing drugs; legalizing drugs and using American tax dollars to kick-start and prop up the marijuana industry. Wow. Such a deal for the American people. Every major urban area has increased crime, and Democrats are legalizing drugs and propping up the marijuana industry.

Mr. Speaker, 40-year high inflation. It hasn't been this high since 1982. We have some Members not even born then. Record inflation, and Democrats are focusing on legalizing drugs and kick-starting the marijuana industry.

Record gas prices, \$6 gas in California; \$4 gas everywhere else, and Democrats are legalizing drugs and helping the marijuana industry.

And, of course, 2 million illegal immigrants crossed our southern border in the last 14 months, and Democrats are legalizing drugs and helping the cannabis industry.

Oh, and by the way, we could be focused on this issue: We have a Justice Department that is treating parents as domestic terrorists, spying on moms and dads who simply show up at school board meetings. We know that is going on, putting a threat tag label on parents, this designation, this label, on moms and dads simply standing up for their kids. And Democrats are focused on legalizing drugs and helping the cannabis industry.

The Democrat majority leader said, Why are we dealing with this today? You know why they are dealing with this today? Because they can't deal with the real problems facing the American people. The left won't let them. You think the left is going to let them do what needs to be done to bring down gas prices?

We sat in a hearing a few months ago. One of our Democrat colleagues in that hearing—we had the CEO of the oil and gas company—he went down the line and said, Will you pledge today to decrease production? They want less oil and gas. Literally, he went down the list. I said, What do you want, \$8 gas? And the truth is, they do.

The left will not let the Democrats do what needs to be done to help the inflation problem, the energy problem, the illegal immigration problem on our southern border. So what do they do? They legalize drugs.

Wow. Wow. This is wrong, and everybody knows it. Let's focus on the thing that matters for—as the majority leader said—for middle-class families who are having to drive to work, pick their kids up at school, take their kids to Little League practice, spending four

and five bucks a gallon to get them there and back. Let's focus on the things that matter.

Mr. Speaker, I urge a “no” vote.

Mr. NADLER. Mr. Speaker, this bill will greatly reduce crime by redefining as not crimes things that are now considered crimes. And by releasing people in jail who should not be in jail, it will produce justice and it will reduce the expenses to the public.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE), who has been such a great champion in the fight for this legislation.

Ms. LEE of California. Mr. Speaker, I rise in strong support of H.R. 3617, the MORE Act.

I thank Speaker PELOSI, Leader HOYER, and Chairman NEAL. And let me just thank Chairman NADLER for his persistence, his perseverance, and really hanging in there and bringing this to the floor, because he knows what the issues are, and he knows how important this is to repair the damage of the lives of so many people.

Mr. Speaker, I also thank Congressman BLUMENAUER, my partner on so many issues and, of course, our Speaker pro tempore, Mr. PERLMUTTER, who is in the Chair today, and everyone who has helped to bring this to the floor.

Mr. Speaker, my condolences today are with the family of our colleague, the late Representative Don Young, a champion on this issue. I honor his memory today as the founding member and co-chair of the Cannabis Caucus, who voted for the MORE Act the first time it came to the floor.

Also, let me thank our advocates for educating the public on this issue, which, of course, helped our Members of Congress learn more about the importance of this, that this is also a racial justice bill. It is the product of the work of so many for a long time.

Mr. Speaker, of course, I salute our staff, Amy, Julie, Samira, Gregory, Kayla—so many staff. As a former staff member, look, I know how this was done, so I thank our staff for really doing the heavy lifting on this.

Mr. Speaker, the MORE Act, yes, it includes my legislation, the Marijuana Justice Act, and the REFER Act, which is the first marijuana racial justice bill introduced in Congress many years ago. This bill would end Federal prohibition and decriminalize cannabis by removing it from the list of the Controlled Substances Act. That is what the MORE Act does.

Make no mistake, yes, it is a racial justice bill. According to the ACLU, Black Americans are nearly four times more likely to be arrested for cannabis-related crimes than White Americans, despite equal rates of use. These arrests can have a detrimental impact on a person's quality of life and can lead to difficulty finding employment.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from California.

Ms. LEE of California. Mr. Speaker, it is a multibillion-dollar industry also that brings tax revenue of billions to our States. Over 950 are people arrested daily for marijuana-related offenses. This is truly unjust. So we must end this failed policy of marijuana prohibition, which has led to the shattering of so many lives, primarily Black and Brown people. And yes, that is extremely important.

Mr. Speaker, it is time to repair the damage. It is time to provide equal justice for those who have been unduly incarcerated. Public opinion supports this.

In fact, over 50 years ago, the National Commission on Marijuana and Drug Abuse, or the Shafer Commission, formally recommended to Congress this be done. We are doing it today.

Mr. BENTZ. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), another great champion of this legislation.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman for his courtesy and his leadership, and all the people that my friend, BARBARA LEE, just acknowledged.

Mr. Speaker, a century ago, we were in the midst of a prohibition against alcohol. And the problems that my dear friend from Oregon highlighted in terms of the prohibition against cannabis, I agree with him about the horrific situation in southern Oregon, and I look forward to working with him to try and remediate it. But the solution is to be found in this legislation.

The problem of the cartels, the illegal activity, the black market, is a result of the fact that the Federal Government does not have its act together. People across the country have acted to take it into their own hands and, as a result, we have a piecemeal approach.

Mr. Speaker, 48 States have some form of legalization. What Chairman NADLER and the committee has done is provide a framework to be able to harness the forces, to be able to do the research so we can deal with impairment. The Federal Government interferes with that now. We have an opportunity to solve the horrific problem of lack of access to banking services, which makes dispensaries across the country sitting ducks.

It adds to expenses for minorities. It adds to the problems of law enforcement. We face a situation now of great racial injustice in this country that the legislation faces.

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We have an opportunity to unlock untold benefits for more medical research and be able to channel the efforts into a legal matter, to be able to have a taxing system federally, and to be able to strengthen the legal cannabis market so that the profits flow to the people who should do it rather than the cartels and the corner drug dealers that are still cutting corners.

My friend is right about the problems in southern Oregon, but he is wrong about the solution. The MORE Act is a solution to provide the framework, provide the research, redirect the resources to be able to solve the problem that has been created by the failed prohibition on cannabis.

This is historic legislation, in part, because we will send this to the Senate where there is a different mindset for the leadership. We have opened the opportunity to solve these problems. I urge us to take advantage of it and move forward.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to my friend and former law school classmate, Representative BLUMENAUER—he was a few years ahead of me—I just want to draw attention to the bill, page 15, where it calls out the expenditures. It says: The amounts in the trust fund shall be available, without further appropriation, only as follows. And then it reflects section 3052(a) part 00 of the Omnibus Crime Control Safe Streets Act of 1968, which I dug out and read through three times, looking unsuccessfully for an allocation of money to local law enforcement agencies, such as the ones in southern Oregon. It is not there. That money is going for very limited and very narrow purposes.

How much money? Well, if this 8 percent tax had been applied to the amount of marijuana sold last year in the United States, the total is \$400 million. That is not the total sold; it is the total tax, \$400 million, half of which would go to this narrow piece of work. I am not saying it is unimportant, but narrow.

There is 50 percent called out here, then 10 percent, then 25 percent, but none to police. What I am trying to say is, yes, you have taken this up—do it right. Get it right. And you have a whole bunch of work that needs to be done to get this bill right.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise in strong support of the MORE Act and I applaud my colleagues, Chairman NADLER and BARBARA LEE, for their leadership on this critical legislation.

For years, public support for marijuana legalization has surged. Thirty-seven States have voted to legalize marijuana. It is past time that Congress answers the call for marijuana justice.

This sweeping legislation would finally decriminalize cannabis at the Federal level by removing it from the Controlled Substance Act. The law would apply this retroactively to prior and pending convictions that have disproportionately harmed communities of color.

The MORE Act would also help those whose convictions are overturned

through the Opportunity Trust Fund that would provide job training, re-entry assistance, legal aid, and healthcare.

If we are serious about criminal justice, we need to get rid of the antiquated cannabis laws. The MORE Act would do just that. I hope my colleagues will join me in voting on this long overdue bill.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say again, I went down to southern Oregon and I asked the law enforcement folks what we needed to do to try to head off the cartels which are generating this huge sum of money for themselves. What could we do? And the answer was, law enforcement. If you don't have force, you can't control the cartels.

To get law enforcement it requires people and that requires money and this bill doesn't allocate any for that purpose. Since we know this bill is going to drive up the cost of legal marijuana, thus driving more people into the black market, why isn't there more money for law enforcement? Why isn't there any money for law enforcement?

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, and still I rise. I thank Mr. NADLER, Ms. LEE, and Mr. PERLMUTTER.

Mr. Speaker, I rise because I see this as a bill that will benefit some of the least, the last, and the lost; people who have been denied access to housing, denied access to loans, denied access to things that we need to succeed in the United States of America.

Mr. Speaker, I plan to support it. I ask that my colleagues support it because it is tough being a Black man with a criminal record in the United States of America. This bill will help a lot of Black men have opportunities that they have been denied.

Mr. BENTZ. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. CARTER).

Mr. CARTER of Louisiana. Mr. Speaker, the COVID pandemic has produced a rise in drug abuse, violent crime, and other indicators of collective trauma. These are pressing issues that urgently need resources devoted to them. We must stop wasting precious resources on marijuana offenses.

Law enforcement simply cannot afford to chase small-time pot offenders while violent and random crime continues to be on the rise nationwide. The ACLU reports States are wasting billions annually enforcing cannabis laws. This is money, time, and effort better spent on investing in true community safety.

Further, Americans overwhelmingly want marijuana reform and 91 percent report that they believe that it should

be legalized. Congress is long overdue in marijuana reform and decriminalizing this substance, but we have a long journey ahead to achieve social justice and criminal justice reform.

The war on marijuana is a costly relic of the past. Let's vote "yes" today so we can build a safer and more equitable tomorrow.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to assure everyone that the police in Oregon are not chasing those who are using marijuana. Oregon legalized marijuana. What we are having trouble with are the consequences of that legalization. That is what I am trying to bring to the attention of folks today that if we are going to legalize on a national scale then, for goodness' sake, don't make the mistakes we made in Oregon, get it right.

Put into the bill appropriate funding for law enforcement. By the way, we should put in a lot of other things that I previously mentioned. One of the things that absolutely has to be there is funding for local police because this bill is going to drive up the demand for marijuana and up the cartels across the United States. It is bad and local law enforcement can't take care of it.

The assertion that the FBI and Homeland Security and DEA are going to do so is incorrect. I know because I have asked. We have nothing from the Attorney General helping us in that space. So what I am saying is, if you are going to do this, get it right.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. BENTZ refers to the cartels. Of course there are cartels. Of course they are making money because they have a monopoly of supply of a substance that has a great demand. If you pass this bill then those cartels will no longer have a monopoly and law enforcement expenses will go down because they will not have to enforce the marijuana laws and the marijuana prohibition laws. Nor will they have to fight the cartels, which won't be there anymore because their monopoly of supply will have been eliminated.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New Jersey (Mrs. WATSON COLEMAN).

Mrs. WATSON COLEMAN. Mr. Speaker, I thank the chairman and I thank everyone that my colleague, BARBARA LEE, acknowledged earlier.

Mr. Speaker, I rise today in support of the MORE Act and on behalf of the countless families that have been disrupted and destroyed by our Nation's failed drug policies and the devastating war on drugs.

As a result of the war on drugs, the United States has a higher rate of incarceration than such human rights-abusing governments as Russia, Belarus, and Iran. It also wastes more money than any other country locking up its citizens for personal drug use.

Racial justice and cannabis decriminalization are inextricably intertwined, and the former cannot be achieved without the latter. By decriminalizing cannabis, we can reverse the trend of over-incarceration and get one step closer to dismantling the systemic racism so pervasive in our criminal justice system.

The MORE Act is an important step in rewriting our future, and I urge my colleagues to support it.

The SPEAKER pro tempore. The Chair will advise the managers that Mr. NADLER has 2¾ minutes and Mr. BENTZ has 6¾ minutes remaining.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to mention in response to the assertion that once this bill passes, if it does, that suddenly the cartels will disappear. Sadly, that is not going to be true. That is because legal marijuana will be 30 percent more expensive than that which is raised on the black market. That is why one has to be aware when one puts this kind of additional cost into this bill, 8 percent on a gross basis, that people need to understand the difference between net profit and gross.

What is going to happen is the cartels will have a 30 percent benefit advantage over privately raised marijuana. What I am trying to say is: Get this bill right. This isn't my thinking. This is people who looked into this extremely carefully and those that are trying to do this legally. I am saying this bill is incorrectly crafted on that level and many others.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the chairman for his leadership, but I also want to recognize Representative BLUMENAUER for his decades of work on this issue.

The MORE Act is the most comprehensive marijuana reform bill in Congress, and it is rooted in social justice. The criminalization of marijuana and this Nation's failed war on drugs has devastated our communities of color. It has led to over-policing, mass incarceration, and the destruction of families. This critical legislation takes steps to undo these harms.

Today, I urge my colleagues to vote for criminal justice reform, to vote for an equitable marijuana industry, and to vote for beginning to repair the harms caused by decades of racist marijuana criminalization and enforcement.

Mr. Speaker, I urge all my colleagues today to vote "yes" on the MORE Act.

Mr. BENTZ. Mr. Speaker, I include in the RECORD a list of multiple items:

First, a policy statement from the American Academy of Child & Adolescent Psychiatry on Marijuana Legalization.

Second, Facts for Families from the American Academy of Child & Adolescent Psychiatry on Marijuana and

Teens.

Third, the Insurance Information Institute report on marijuana and impaired driving.

Fourth, an article from verywellhealth.com titled, "Is Marijuana Addictive?" by Ashley Olivine, Ph.D.

Fifth, an NBC News article titled, "Legalized marijuana linked to a sharp rise in car crashes."

Sixth, the Denver Post article titled, "Are you high? The science of testing for marijuana impairment is hazy, and evolving."

Seventh, a Bloomberg article titled, "U.S. Grapples With How to Gauge Just How High Cannabis Users Are."

[From the American Academy of Child and Adolescent Psychiatry]

MARIJUANA LEGALIZATION

The American Academy of Child and Adolescent Psychiatry (AACAP) advocates for careful consideration of potential immediate and downstream effects of marijuana policy changes on children and adolescents. Marijuana legalization, even if restricted to adults, may be associated with (a) decreased adolescent perception of marijuana's harmful effects, (b) increased marijuana use among parents and caretakers, and (c) increased adolescent access to marijuana, all of which reliably predict increased rates of adolescent marijuana use and associated problems. Marijuana use during pregnancy, occurring at increasing rates, raises additional concerns regarding future infant, child, and adolescent development.

AACAP is aware that, among hundreds of chemical constituents, marijuana contains select individual compounds that, if safely administered in reliable doses, may potentially convey therapeutic effects for specific conditions in specific populations. Advocacy regarding potential cannabinoid therapeutics, alongside social justice, public policy, and economic concerns, have contributed to marijuana policy changes. Amid these factors, AACAP remains focused on concerns regarding adolescent marijuana use.

Adolescents are especially vulnerable to marijuana's many known adverse effects. One in six adolescent marijuana users develops cannabis use disorder, a well characterized syndrome involving tolerance, withdrawal, and continued use despite significant associated impairments. Selective breeding has increased marijuana's addictive potency and potential harm to adolescents. Heavy use during adolescence is associated with increased incidence and worsened course of psychotic, mood, anxiety, and substance use disorders. Furthermore, marijuana's deleterious effects on adolescent cognition, behavior, and brain development may have immediate and long-term implications, including increased risk of motor vehicle accidents, sexual victimization, academic failure, lasting decline in intelligence measures, psychopathology, addiction, and psychosocial and occupational impairment.

Marijuana-related policy changes, including legalization, may have significant unintended consequences for children and adolescents. AACAP supports (a) initiatives to increase awareness of marijuana's harmful effects on adolescents, (b) improved access to evidence-based treatment for adolescents with marijuana-related problems, and (c) careful monitoring of the effects of marijuana-related policy changes on child and adolescent mental health. Finally, AACAP strongly advocates for the involvement of

the medical and research community in these critical and highly impactful policy-related discussions.

MARIJUANA AND TEENS

Many teenagers try marijuana and some use it regularly. Teenage marijuana use is at its highest level in 30 years, and today's teens are more likely to use marijuana than tobacco. Many states allow recreational use of marijuana in adults ages 21 and over. Recreational marijuana use by children and teenagers is not legal in anywhere in the United States. Today's marijuana plants are grown differently than in the past and can contain two to three times more tetrahydrocannabinol (THC), the ingredient that makes people high. The ingredient of the marijuana plant thought to have most medical benefits, cannabidiol (CBD), has not increased and remains at about 1 percent.

There are many ways people can use marijuana. This can make it harder for parents to watch for use in their child. These include:

- Smoking the dried plant (buds and flowers) in a rolled cigarette (joint), pipe, or bong

- Smoking liquid or wax marijuana in an electronic cigarette, also known as vaping

- Eating "edibles" which are baked goods and candies containing marijuana products

- Drinking beverages containing marijuana products

- Using oils and tinctures that can be applied to the skin

Other names used to describe marijuana include weed, pot, spliffs, or the name of the strain of the plant. There are also synthetic (man-made) marijuana-like drugs such as "K2" and "Spice." These drugs are different from marijuana and are more dangerous. Additionally, the products being sold in dispensaries currently are not subject to Food and Drug Administration standards and are not purely isolated cannabinoids; they are therefore not reliable in their potency/concentration of CBD or THC, or the inclusion of other ingredients.

PARENTS AND PREVENTION

Parents can help their children learn about the harmful effects of marijuana use. Talking to your children about marijuana at an early age can help them make better choices and may prevent them from developing a problem with marijuana use later. Begin talking with your child in an honest and open way when they are in late elementary and early middle school. Youth are less likely to try marijuana if they can ask parents for help and know exactly how their parents feel about drug use.

Tips on discussing marijuana with your child:

- Ask what they have heard about using marijuana. Listen carefully, pay attention, and try not to interrupt. Avoid making negative or angry comments.

- Offer your child facts about the risks and consequences of smoking marijuana.

- Ask your child to give examples of the effects of marijuana. This will help you make sure that your child understands what you talked about.

- If you choose to talk to your child about your own experiences with drugs, be honest about why you used and the pressures that contributed to your use. Be careful not to minimize the dangers of marijuana or other drugs, and be open about any negative experiences you may have had. Given how much stronger marijuana is today, its effect on your child would likely be much different than what you experienced.

- Explain that research tells us that the brain continues to mature into the 20s. While it is developing, there is greater risk of harm from marijuana use.

- Sometimes parents may suspect that their child is already using marijuana. The following are common signs of marijuana use:

- Acting very silly and out of character for no reason

- Using new words and phrases like "sparkling up," "420," "dabbing," and "shatter"

- Having increased irritability
- Losing interest in and motivation to do usual activities

- Spending time with peers that use marijuana

- Having trouble remembering things that just happened

- Carrying pipes, lighters, vape pens, or rolling papers

- Coming home with red eyes and/or urges to eat outside of usual mealtimes

- Stealing money or having money that cannot be accounted for

EFFECTS OF MARIJUANA

Many teenagers believe that marijuana is safer than alcohol or other drugs. When talking about marijuana with your child, it is helpful to know the myths and the facts. For example, teenagers may say, "it is harmless because it is natural," "it is not addictive," or "it does not affect my thinking or my grades."

However, research shows that marijuana can cause serious problems with learning, feelings, and health.

Short-term use of marijuana can lead to:

- School difficulties
- Problems with memory and concentration
- Increased aggression
- Car accidents
- Use of other drugs or alcohol
- Risky sexual behaviors

Worsening of underlying mental health conditions including mood changes and suicidal thinking

- Increased risk of psychosis
- Interference with prescribed medication

Regular use of marijuana can lead to significant problems including Cannabis Use Disorder. Signs that your child has developed Cannabis Use Disorder include using marijuana more often than intended, having cravings, or when using interferes with other activities. If someone with Cannabis Use Disorder stops using suddenly, they may suffer withdrawal symptoms that, while not dangerous, can cause irritability, anxiety, and changes in mood, sleep, and appetite.

Long-term use of marijuana can lead to: Cannabis Use Disorder

The same breathing problems as smoking cigarettes (coughing, wheezing, trouble with physical activity, and lung cancer)

Decreased motivation or interest which can lead to decline in academic or occupational performance

- Lower intelligence
- Mental health problems, such as schizophrenia, depression, anxiety, anger, irritability, moodiness, and risk of suicide

MEDICAL MARIJUANA

Some teens justify use of marijuana because it is used for medical purposes. Marijuana use with a prescription for a medical reason is called "medical marijuana." Laws for medical marijuana are rapidly changing and are different from state to state. In some states, children of any age can get medical marijuana if they have a "qualifying medical condition." There is very limited research supporting use of medical marijuana in children or teens for most conditions. In most states that allow medical marijuana, the marijuana is not regulated and therefore is not checked for ingredients, purity, strength or safety. There is no evidence that medical marijuana is any safer than other marijuana.

CANNABIDIOL (CBD)

Many parents have questions about CBD and how it may be helpful for their child. There is ongoing research on the use of CBD-containing products for conditions such as

epilepsy, PTSD, Tourette's disorder, pain, and other diagnoses. For now, the use of CBD is only FDA-approved in children for specific forms of epilepsy and in adults for chemotherapy induced nausea and vomiting. At this time, there is not enough evidence to recommend CBD for other uses, in children and adolescents including the treatment of autism and other developmental disorders. The approved CBD requires a prescription. Many stores sell CBD products. However, there are no safety and quality requirements for non-prescription CBD. They may have harmful additives or interfere with prescription medication. If you are considering using CBD for your child, please discuss this with their physician prior to starting to prevent harmful effects.

CONCLUSION

Marijuana use in teens can lead to long-term consequences. Teens rarely think they will end up with problems related to marijuana use, so it is important to begin talking about the risks with your child early and continue this discussion over time. Talking with your child about marijuana can help delay the age of first use and help protect their brain. If your child is already using marijuana, try asking questions in an open and curious way as your teen will talk more freely if not feeling judged. If you have concerns about your child's drug use, talk with your child's pediatrician or a qualified mental health professional.

[From the Insurance Information Institute, June 24, 2021]

BACKGROUND ON: MARIJUANA AND IMPAIRED DRIVING

OVERVIEW

More states are passing legislation permitting medical and/or recreational marijuana use, which raises concerns about users driving under the influence of marijuana. This piece will discuss:

- Marijuana consumption and characteristics of marijuana impairment; Marijuana legalization's impact on auto accidents; Difficulties related to measuring user impairment; and Insurance impacts.

HISTORICAL PERSPECTIVE

Marijuana is a type of hemp plant of the species *Cannabis sativa* L., part of the genus *Cannabis* L. Unlike industrial hemp, however, marijuana contains appreciable amounts of delta-9-tetrahydrocannabinol (THC), a psychoactive cannabinoid—it's the active chemical that induces user intoxication. The plant also contains several other, non-psychoactive cannabinoids such as "cannabidiol" (CBD).

There is evidence that cannabis has been consumed for thousands of years, often for medicinal purposes. The plant was used as a patent medicine in the U.S. since at least 1850, when the United States Pharmacopoeia described the plant for the first time. Cannabis was first regulated under federal law under the Marihuana Tax Act of 1937.

Marijuana was subsequently subjected to countrywide prohibition under the Controlled Substances Act of 1970 (CSA), which established a schedule for substances regulated under federal law. Marijuana is currently a Schedule I drug under the CSA, which defines Schedule I drugs as substances that have "no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse." Other substances under Schedule I include heroin, LSD, and peyote.

Despite the treatment of marijuana under federal law, in 1996 California became the first state in the U.S. to pass legislation permitting a medical marijuana program. By

April 2021, 36 states and the District of Columbia have passed legislation permitting so-called “comprehensive” medical marijuana programs, which typically allow qualifying patients to access marijuana and marijuana-related products.

Since 2012, 18 states and the District of Columbia have passed legislation permitting anyone over the age of 21 to possess and use marijuana, subject to certain limitations. Most of those states also have or are developing regulations for a commercial market to support recreational marijuana sales.

MARIJUANA IMPAIRMENT

The THC in marijuana plants causes intoxication in a user. (THC levels in other hemp plants are typically so low that they cannot induce intoxication.)

Effects of marijuana consumption can vary. Marijuana can affect users differently, depending on a variety of factors, including user tolerance. Common experiences intoxicated include feelings of euphoria and relaxation; some may also experience heightened sensory perceptions and altered perceptions of time.

Marijuana cannot cause overdose, but can potentially cause temporary psychosis. There are no documented instances of an adult dying from an overdose of marijuana alone. However in rare instances a user may experience a psychotic reaction to the drug or high levels of anxiety—in some cases, these side effects could lead a user to seek medical treatment. Such negative effects are often experienced after consuming edible marijuana products, which are often more potent and take longer to induce intoxication.

Method of consumption alters impairment profile. Several factors influence intoxication onset, intensity, and duration, including method of consumption, type of marijuana product consumed, product potency, and user characteristics.

Marijuana and related products can be consumed in several ways, including inhalation (either by smoking or vaporizing) of dried plant matter or concentrates (such as hashish or kief), oral ingestion (edibles, capsules, infusible oils), sublingual ingestion (lozenges), or topical application (lotions, salves, oils).

Smoking often causes almost immediate intoxication, with impairment typically lasting 2 to 4 hours. Intoxication onset is more delayed for other methods, sometimes up to two hours for edibles—and impairment may last much longer.

Product potency is dependent on THC levels. Potency varies considerably across marijuana products and can influence the degree of impairment. Smokable marijuana plant matter can range anywhere from 8 percent to 30 percent THC, whereas high-quality hash oil up to 80 percent THC. There is evidence that marijuana products have become more potent over time.

User characteristics will also influence impairment. For example, chronic users may experience less acute impairment than non-chronic users.

MARIJUANA AND IMPAIRED DRIVING

Marijuana intoxication can cause impaired driving, thereby increasing the risks of accidents. Marijuana legalization is associated with an increase in impaired driving.

Marijuana impairment degrades cognition and motor skills. Marijuana alters a user's perception. As such, most studies agree that marijuana use results in impaired coordination, memory, associative learning, attention, cognitive flexibility, and reaction time. Driving ability is thereby degraded to some degree—but by how much remains a matter of study and is subject to several factors, including the level of impairment and user characteristics.

For example, there is some evidence that user impairment may also result in limited “compensatory defensive” driving, in which a user drives more carefully to compensate for a degradation in motor functioning—but this may only mitigate degradation for some skills and may not apply to non-chronic users.

Marijuana impairment increases the risk of accidents. Nonetheless, the evidence suggests that acute impairment increases the risk of traffic accidents—though the magnitude of the increased risk is still a matter of study and can vary widely, depending on the study.

One literature review found evidence that 20 to 30 percent of crashes involving marijuana occurred because of the marijuana use. (This compares to roughly 85 percent of crashes involving alcohol that occurred because of alcohol use.) The review estimated that the crash risk increased 22 percent while under the influence of marijuana, controlling for concurrent alcohol use.

Another review found that someone driving under the influence of marijuana is 1.65 times more likely to be culpable in a fatal accident.

The greater the impairment, the worse the driving abilities. As noted above, level of impairment can influence the degree to which driving ability degrades. Indeed, there is evidence that the more impaired the driver, the worse their driving abilities.

Mixing marijuana and alcohol produces additive effects. There is evidence that mixing marijuana and alcohol increases impairment greater than the net effects of each individual substance. There also may exist the possibility for alcohol to increase THC levels. Potential compensatory defensive driving is nullified when a user mixes alcohol and marijuana.

The number of crash rates could increase after legalization. Researchers at the Insurance Institute for Highway Safety (IIHS) and the Highway Loss Data Institute (HLDI) since 2014 have been examining how legalization has affected crash rates and insurance claims, and evidence is emerging that crash rates go up when states legalize recreational use and retail sales of marijuana. The most recent of these studies released in June 2021 by the IIHS, shows that injury and fatal crash rates in California, Colorado, Nevada, Oregon, and Washington jumped in the months following relaxation of marijuana laws in each state. The five states experienced a 6 percent increase in injury crash rates and a 4 percent increase in fatal crash rates, compared with other Western states where recreational marijuana use was illegal during the study period.

However, only the increase in injury crash rates was statistically significant. These findings are consistent with a 2018 IIHS study of police-reported crashes, most of which did not involve injuries or fatalities. This study found that legalization of retail sales in Colorado, Oregon and Washington was associated with a 5 percent higher crash rate compared with the neighboring control states.

Fatal crashes involving drivers who tested positive for THC have increased. Some studies indicate that more people with “detectable” levels of THC in their bloodstreams were involved in fatal accidents after legalization. However, as discussed below, the mere presence of THC does not necessarily indicate marijuana impairment. Furthermore, regarding fatal crash rates overall, at least one study found no significant annual changes in crash fatality rates for Colorado and Washington when compared to 8 control states.

A 2020 study by the AAA Foundation for Traffic Safety shows that the percentage of

drivers in Washington involved in fatal crashes who tested positive for marijuana increased 100 percent after the state made the drug legal for recreational use. The study considered the presence of detectable THC in the blood of fatal-crash-involved drivers. In general, the presence of detectable THC in blood suggests, but does not conclusively prove, that a person has recently used cannabis.

Collision claim frequency appears to have increased. Insurance records show an increase in claims under collision coverage, which pays for damage to an at-fault, insured driver's own vehicle, according to HLDI's latest analysis. The legalization of retail sales in Colorado, Nevada, Oregon, and Washington was associated with a 4 percent increase in collision claim frequency compared with the other Western states from 2012 to 2019. The 4 percent decline is down slightly from the 6 percent increase HLDI identified in a previous study, which covered 2012 to 2018.

Higher risk demographics also have higher rates of marijuana-impaired driving. Younger drivers are at greater risk of traffic accidents than older drivers. Younger male drivers are at high risk of traffic accidents. Early evidence suggests that younger male drivers are most likely to drive under the influence of marijuana.

Use of recreational marijuana impairs driving even when the driver is not high. A study published in the journal *Drug and Alcohol Dependence* suggests that chronic, heavy use of recreational marijuana impairs driving skills even when the driver is not high. The researchers used a driving simulator to evaluate the potential impact of cannabis use on driving performance. The study concluded that driving impairment was significantly worse among the study participants who began using marijuana regularly before age 16. The study, by researchers at Harvard Medical School's McLean Hospital, found that cannabis users hit more pedestrians, exceeded the speed limit more often, and drove through more red lights compared with non-users. At the time of the study, the marijuana users had not used for at least 12 hours and were not intoxicated.

DETERMINING INTOXICATION: “THC PERSISTENCE”

A key issue raised in many studies examining the effects of marijuana-impaired driving and its risks is “THC persistence.” Unlike alcohol, THC levels in a user's body may not be an accurate indication of impairment.

Compared with marijuana, determining alcohol intoxication is relatively straightforward. The human body processes alcohol at a rate that allows blood alcohol concentration (BAC) to closely correlate with intoxication, making it an effective and accurate benchmark for measuring impairment.

[Feb. 17, 2022]

IS MARIJUANA ADDICTIVE?

(By Ashley Olivine, Ph.D., MPH)

(Medically reviewed by Isaac O. Opole, MD, PhD)

In light of the legalization of marijuana, many people have wondered about the substance, its safety, and whether it's addictive. Marijuana—also called weed, cannabis, and other names—is a species of plant that is used as a medical and recreational drug.

People can become addicted to marijuana. While it is possible to try and use the substance without becoming addicted, that is not the case for everyone. There are risks of use, even medicinally, and addiction is one of them.

Like any drug used medicinally, the potential risks of use are weighed against the potential benefits when deciding what should

and should not be tried. Learn more about marijuana addiction, risk factors, effects on the brain, and more.

IS MARIJUANA ADDICTIVE?

While some people can try and use marijuana without becoming addicted, it can also be addictive for some people. Marijuana use disorder, also known as cannabis use disorder, is when the use of marijuana negatively impacts a person's health or life but they continue to use it anyway.

Although the numbers are not entirely known, it is estimated that 6.3 percent of adults have experienced marijuana use disorder, and that percentage is increasing. As many as 30 percent of people who use marijuana may experience marijuana use disorder. Marijuana use can also be associated with addiction and dependency.

ADDICTION VS. DEPENDENCY

Addiction and dependency are two terms that are often used interchangeably. There are differences between the two.

Addiction happens when a person uses a substance such as alcohol, marijuana, or another drug in excess. It is usually marked by a change in behavior, where the person becomes consistently focused on using that substance regardless of potential negative outcomes. Addiction can be physical, psychological, or both at the same time.

Substance dependence, also called chemical dependence, is when a person experiences physical dependence on a substance but is not addicted to it. One example is when a person who has taken a prescription medication for a long time stops taking that medication and experiences physical or mental withdrawal symptoms. Dependence symptoms can be cognitive, behavioral, and physical. Dependence presents as a pattern. A person first uses a substance such as marijuana repeatedly. After regular use over time, they build a tolerance, where the effects of the substance are not noticed as much or at all. The person experiences symptoms when they stop using the substance, which makes them feel the need to use it again.

SYMPTOMS OF CANNABIS USE DISORDER

Cannabis use disorder, or marijuana use disorder, is when a person continues to use the substance even though they experience negative health or life effects from use. Symptoms include excessive focus on marijuana use; ignoring school, work, or relationships; other problems caused by marijuana use such as an inability to resist cravings; and more. These can range from mild to severe depending on the person.

SYMPTOMS MAY INCLUDE

- Changes in sleep, appetite, or mood.
- Cravings to use marijuana.
- Decreased control of marijuana use.
- Decreased fulfillment of responsibilities.
- Decline in school, work, or athletic performance.
- Headache, abdominal pain, chills, or sweating when not using.
- Needing to use more to get the same effect.
- Negative feelings associated with use.
- Overuse of marijuana and using more than intended.
- Risk-taking behaviors.
- Social withdrawal related to marijuana use.

RISK FACTORS

One of the biggest risk factors of marijuana addiction may be age. People are up to seven times as likely to experience marijuana use disorder when they start using before the age of 18. Additionally, men are twice as likely as women to experience marijuana use disorder.

OTHER RISK FACTORS INCLUDE

- Family history of substance use disorder.

Friends and peers who use marijuana.

Adverse childhood experiences such as sexual abuse.

Use of cigarettes.

Teenage Drug Addiction: A Complete Guide.

Effect on the Brain.

Marijuana use has a negative impact on the brain. THC, which stands for tetrahydrocannabinol, is the part of the cannabis plant that causes the mental effect. THC can cause changes to the brain that impact the structure and ability to function, including learning, memory, cognitive ability, and behavior—including future substance use. This is an increased concern for younger people exposed to THC, including babies during pregnancy.

The use of marijuana has also been found to be connected with lower IQ scores, compromised memory and cognitive ability, and decreased performance on tests. The negative effects of use appear to be more of an issue for those who use more often and over a longer period of time. However, research is limited and the details of the negative effects on the brain are not fully understood.

IS RECREATIONAL MARIJUANA TO BLAME?

The negative effects of marijuana are not limited to recreational marijuana. Medicinal marijuana use comes with risks too. Like other medicinal treatments for medical conditions, medicinal marijuana can have negative effects even though it is used to treat medical conditions.

Additionally, over 80 percent of people who use medicinal marijuana also use it recreationally. This can lead to more use and an increased risk of marijuana use disorder.

Medicinal Use of Marijuana.

Medicinal marijuana is used to treat and manage a variety of medical concerns, including physical and mental health challenges. Despite the risks, studies of medicinal marijuana use have shown effectiveness. Nearly 90 percent of people who use medicinal marijuana claim that it helps them to manage their disease and symptoms, and many find that they are able to decrease their use of other medications.

THE DEBATE OVER THE LEGALIZATION OF MARIJUANA FOR MEDICAL USE

Conditions commonly treated with medical marijuana include:

Alzheimer's disease, Amyotrophic lateral sclerosis, (ALS), Anxiety, Cancer chemotherapy side effects, Crohn's disease, Depression, Glaucoma, HIV/AIDS, Inflammation, Multiple sclerosis muscle symptoms, Nausea and vomiting, Pain, Post-traumatic stress disorder or PTSD, Seizures and epilepsy, Marijuana Addiction Criteria.

The Diagnostic and Statistical Manual of Mental Health Disorders, 5th edition (DSM-5) classifies the diagnostic criteria for cannabis use disorder. Use of the substance must be associated with impairment or distress. Diagnosis of this condition requires at least two of the 11 criteria within one year.

CANNABIS USE DISORDER DSM-5 CRITERIA

- More use than intended.
- Unable to decrease use despite desire or effort.
- Excessive time spent on activities related to use, including getting access and recovering.
- Urges or cravings.

Work, school, or home obligations not fulfilled due to use.

A problem of social or interpersonal problems associated with use and continued use.

Withdrawal from social, work, or recreational activities due to use despite importance.

Physically hazardous use.

Knowingly experiencing problems associated with use and continued use.

Tolerance, defined by either needing more to get the effect or decreased effect with the same amount.

Withdrawal, defined by either DSM-5 cannabis withdrawal symptoms or use of a substance to address symptoms of withdrawal.

HELP FOR CANNABIS USE DISORDER

Cannabis use disorder is treatable. This condition can be diagnosed by a healthcare professional such as a medical doctor or psychologist. Treatment methods include psychotherapy (talk therapy) and medications. More specifically, motivational interviewing, contingency management, and cognitive behavioral therapy (CBT) may be used. Medications to control cravings may be used alongside nonmedicinal interventions.

SUBSTANCE USE HELPLINE

If you or a loved one are struggling with substance use or addiction, contact the Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline for information on support and treatment facilities in your area.

For more mental health resources, see our National Helpline Database.

[From NBC News, Oct. 18, 2018]

LEGALIZED MARIJUANA LINKED TO A SHARP RISE IN CAR CRASHES

(By Paul A. Eisenstein)

There has been an increase by up to 6 percent in the number of highway crashes in four of the states where the recreational use of marijuana has been legalized, according to a pair of new studies.

The new reports do not prove there's a direct risk caused by the use of marijuana among motorists, but they raise caution flags, especially since there is no easy way to test drivers to be sure if they are, in fact, under the influence of THC, the active ingredient in marijuana, said David Harkey, president of the Insurance Institute for Highway Safety's Highway Loss Data Institute.

"It's certainly early in the game," Harkey told NBC News. But, he warned, "We're seeing a trend in the wrong direction."

There are now 30 states that have legalized the use of marijuana for medical purposes, with Oklahoma the most recent to join the list. Nine states and the District of Columbia now have legalized recreational use. With a Gallup poll showing 64 percent public support, more states are set to follow, including Michigan, where recreational use is on the November ballot.

Since the legalization wave began, safety and health experts have been trying to measure the potential influence on highway safety, though the results so far have been inconsistent and, in some cases, contradictory.

But this is the second year in a row where the IIHS found a troubling trend. A year ago, the non-profit group looked at three states, Colorado, Oregon, and Washington. This year, it added Nevada to the list. Harkey said the IIHS also looked at highway crash data in surrounding states to try to control for factors like weather and the economy.

The studies looked at police reports and insurance claims, finding crashes rose between 5.2 percent and 6 percent in states with legalized recreational marijuana compared to neighboring states where such use remained illegal.

The IIHS also conducted a street-side study of marijuana use and found something Harkey said he saw as particularly concerning. While those under the influence of alcohol tend to either be driving alone or with other adults, about 14 percent of those confirmed to be using pot had a child in their vehicle. That reflects the fact, he added, that marijuana use isn't confined to evenings and other times when adults are more likely to drink—and abuse—alcohol.

What is unclear is whether that reflects the increasing use of recreational pot or the consumption of medical marijuana to deal with issues like pain or glaucoma, something a patient may time to need.

Harkey cautioned there are limits to what the studies show. There is a “correlation,” reflecting the fact that crashes rose once pot became legal, but that is not the same as “causation,” he added, meaning other, unseen factors could be at work.

That could help explain why earlier studies have often conflicted over the effects of marijuana on highway safety. One, released by the University of Colorado in 2014, showed a surge in fatalities involving stoned drivers. But a study conducted by the National Highway Traffic Safety Administration in Virginia a year later found no clear increase in risk.

Part of the problem is that it is difficult to accurately measure how pot impacts drivers. “Many studies, using a variety of methods, have attempted to estimate the risk of driving after use of marijuana,” a NHTSA report advised Congress last year. “While useful in identifying how marijuana affects the performance of driving tasks, experimental and observational studies do not lend themselves to predicting real-world crash risk.”

Police have a particularly difficult challenge because of the way marijuana works in the body. Blood alcohol levels provide a direct correlation showing how much a motorist has had to drink, with those levels dropping rapidly as someone sobers up. But while THC levels spike after smoking weed or eating a consumable, the psychoactive ingredient remains in the body for weeks, long after it has stopped having any impact.

With so many more states set to permit the use of the drug, Harkey said regulators, law enforcement, and medical authorities need to address “the challenge” and come up with better ways of determining when a driver might be operating under the influence of marijuana.

[From the Denver Post, Aug. 25, 2017]

ARE YOU HIGH? THE SCIENCE OF TESTING FOR MARIJUANA IMPAIRMENT IS HAZY, AND EVOLVING. LAWMAKERS, POLICE, PROSECUTORS GRAPPLE WITH HOW TO DEFINE MARIJUANA IMPAIRMENT.

(By David Migoya)

There was a time when marijuana was illegal everywhere and testing for it was as easy as could be.

It didn't matter the level of cannabinoids found in a person's body. If it was there, they were breaking the law.

It's different now.

The tests have changed from depositing a urine sample into a cup to drawing blood or offering oral fluids. Also different is the particular type of cannabinoid—the chemical compound that reacts in the brain—detected by any of those tests.

The evolving science of testing for marijuana, and the lack of consensus over how to measure impairment, is a defining feature of the drug. It separates marijuana from alcohol and creates challenges for lawmakers, police and prosecutors, not to mention users.

The issue is critical as the state moves forward in determining how to handle driving under the influence of pot. A Denver Post investigation found that the numbers of drivers in fatal crashes testing positive for marijuana—though not necessarily high—is rising sharply, and coroners are finding higher levels of potency in their tests.

The cannabinoid most widely tested for in the past—known as carboxy THC—is actually an inactive metabolite that only indicates prior marijuana use, sometimes as long as a month ago. In time, other metabolites

of THC—short for tetrahydrocannabinol, the psychoactive ingredient in marijuana—were found to be better indicators of recent use and, some say, impairment.

“Urine testing was established many years ago, and, at the time, a test was developed to look for carboxy THC since it's what's there in the highest amount,” said Sarah Urfer, president and owner of ChemaTox, a Boulder lab that handles DUI screening for about three quarters of the law enforcement agencies in Colorado. “Nobody thought it mattered what you were looking for Early on, scientists didn't know for sure which of the cannabinoids were responsible for impairment. They'd measure carboxy and try to correlate it to impairment.”

But THC is not the same as alcohol. It reacts differently in the body, it metabolizes differently and its impairing impact is different. Unlike the 0.08 blood-alcohol level that's widely accepted as indicative of drunken driving, establishing a credible level for THC has been elusive.

It is generally accepted that two standard drinks—about 1/2 ounce of alcohol—in an hour will raise someone's blood-alcohol level to 0.05, approaching the legal limit. One drink is a 12-ounce beer, a 1.5-ounce shot of distilled spirit, or a 6-ounce glass of wine.

For pot, the differences are striking since it depends on the manner ingested—smoked, edible, concentrate—and how much. A Johns Hopkins University study from 1995 found that four puffs of smokable marijuana with 1.75 percent THC content translates to 57 nanograms per milliliter, and 10 puffs as much as 99 ng/mL. The National Highway Traffic Safety Administration says levels of 100-200 ng/mL are “routinely encountered” after smoking but quickly dissipate. Concentrate levels for vapor ingestion are typically higher, as well as for edibles, although the rate of distribution into the blood varies considerably.

FEDS QUESTION TESTS

NHTSA last month acknowledged these gray areas in a report to Congress that not only called into question the reliability of tests to find THC but also noted the problem with determining whether a driver is too stoned to be behind the wheel.

In fact, the NHTSA report notes that even though “research has demonstrated the potential of marijuana to impair driving-related skills,” it lays out a number of other studies that show pot might not be as bad as the better-understood effects of alcohol on driving.

“Many studies, using a variety of methods, have attempted to estimate the risk of driving after use of marijuana,” the NHTSA report noted. “While useful in identifying how marijuana affects the performance of driving tasks, experimental and observational studies do not lend themselves to predicting real-world crash risk.”

Finding THC isn't so difficult. Making any kind of universally accepted determination from the results, however, seems to freeze the legal world in its tracks.

“Testing for THC in whole blood isn't actually that hard,” Urfer said. “Where the issue comes is with interpretation and roadside testing.”

Some widely cited studies have offered differing information about the impact of marijuana on driving. And not all sides agree which studies are right and which are not.

In 2012, a medical study published in *Clinical Chemistry* journal found “cannabis smoking increases lane weaving and impaired cognitive functions,” and that certain THC concentration levels “are associated with substantial driving impairment, particularly in occasional smokers.”

Then came a University of Colorado study—released in 2014, the year recreational

sales of the drug were launched in the state—that found the proportion of drivers involved in fatal crashes who tested positive for marijuana use had risen to 10 percent in 2011, up from 5.9 percent in 2009.

But in 2015, NHTSA released a study it conducted in Virginia that concluded marijuana users had the same chance of crashing as sober drivers. At nearly the same time, the Washington Traffic Safety Commission said it believed marijuana doubles the risk of being in a fatal crash.

Where experts say impairment becomes most noted and is most alarming to law enforcement because of its prevalence is the use of alcohol with marijuana, apparently heightening the effects of each.

In Colorado last year, nearly 36 percent of all drivers involved in fatal crashes who tested positive for marijuana use also had consumed alcohol, according to the Colorado Department of Transportation.

“We're in the infancy with this, and it's very much an unknown since we don't have the data,” Greenwood Village Police Chief John Jackson said. “We spent 25 or 30 years figuring out where we were with alcohol, and finally got to breathalyzers. There is no field test for marijuana yet. You will not convince those who believe it's safer that it's not. It becomes so emotional to the point of irrational.”

DIFFERING APPROACHES

Colorado has established that a THC level of 5 ng/mL is enough to charge someone with DUI. Unlike alcohol, where a reading of 0.08 is enough to convict someone of drunken driving—known as *per se* evidence that a driver is impaired—THC levels are only considered as “permissible inference” of impairment.

That means that despite the level of Delta-9 THC found in a driver's blood, a Colorado jury or judge decides whether the driver was impaired or not.

Washington and Montana, unlike Colorado, treat the same 5 ng/mL level of THC as if it were alcohol, where no other proof of impairment is needed to convict a driver charged with DUI. However, 12 states—including Arizona and Utah—have zero-tolerance policies, so any detectable amount of THC can lead to a conviction.

In its recent report to Congress, NHTSA questioned the THC levels states use to charge someone with impaired driving, calling them “artificial.”

“A number of states have set a THC limit . . . indicating that if a suspect's THC concentration is above that level, . . . then the suspect is to be considered impaired,” the agency said in its report. “This *per se* limit appears to have been based on something other than scientific evidence.”

Urfer agreed.

“Permissible inference is a government-derived number that was part of the discussion around legalization,” said Urfer, who spoke before the committees that prepared for Amendment 64, the voter initiative that legalized recreational marijuana use in Colorado. “I've always said 5 (ng/mL) was a bad number.”

That's because of how THC works its way through a person's system, Urfer said, noting that if a single number had to be used, then using none at all makes the best sense “since it's already illegal to drive when under the influence of a drug.”

“Impairment drops off over the next two to four hours,” she said of marijuana use. “The levels of THC drop off astronomically fast. But that drop-off in blood is distributing into the brain and the muscles of the body. And impairment comes from the brain.”

That means blood levels of THC are probably far lower at the time a test is done than

at the time of a crash or other traffic infraction. Yet, the THC is still in the driver's system—just not in their blood. That's led lawyers and others to contend that someone isn't actually impaired if their THC level is below 5 ng/mL.

"The public is misinterpreting the statement that you can't tell if someone's high because of the THC level," Urfer said. "You can't directly correlate a number to impairment. The blood level for THC does not represent the same as alcohol does."

THC levels hit their peak nearly instantaneously at the time someone uses marijuana and dissipate very quickly. What's detected in the blood is typically much lower than it had been at the time of use, especially when a sample is taken long after a crash occurs.

"The level in the blood is dropping, but the level in the brain is not," Urfer said. "The high is caused by the level in the brain, not in the blood. And no one has published a study that says it's safe to drive high."

As expected, there has been strong pushback from the marijuana industry, which says the only thing understood about THC levels is that very little is understood.

"There needs to be better understanding about what constitutes impairment," said Kristi Kelly, executive director of the Marijuana Industry Group, a Colorado trade organization. "The science on cannabis metabolism doesn't support the legal 5 ng/mL limit in Colorado, which can be present for days and weeks after consumption."

Roadside testing could be improving, with the advent of a saliva test that could bring more immediate and reliable information about the level of active THC in a person's system. The Colorado State Patrol has been using it in preliminary tests to determine its reliability.

"The inference is that at or above 5 (ng/ml), you're high, but there should be no inference that below 5 you're sober," Urfer said. "But people genuinely believe they can use an impairing substance, feel high and still think they can be safe to drive. They rationalize: 'Marijuana is legal. Why can't I drive on it?' They say it all the time. It's odd."

[From Bloomberg News, Jan. 24, 2022]

U.S. GRAPPLES WITH HOW TO GAUGE JUST HOW HIGH CANNABIS USERS ARE
(By Tiffany Kary)

IMPAIRMENT TESTS ARE BECOMING BIG BUSINESS

"Walk a straight line" isn't going to cut it anymore as police and employers grapple with growing use of marijuana.

Earlier this month, a study in a peer-reviewed journal became the latest sign that there's a paradigm shift going on in the nascent business of detecting impairment levels. The article, which appeared in *Neuropsychopharmacology*, showed that an imaging technique can detect cannabis impairment with 76% accuracy. That's better than the 68% accuracy of field tests that employ traditional law enforcement protocols such as walking a straight line and examining a subject's pupils.

The technique, called functional near-infrared spectroscopy, measures changes in the prefrontal cortex of the brain. It shows that impaired brains look different than non-impaired brains in a way that doesn't necessarily correlate with the amount of THC in a person's system. THC detection in saliva or on the breath has so far been the main focus of tests. The study was carried out on 169 people at Massachusetts General Hospital, which is part of Harvard Medical School.

The study is a big deal for the cannabis industry, since the lack of a clear test to gauge intoxication has become a stumbling block

for federal legalization. Though links between marijuana and accidents have been hard to draw due to factors such as the frequent mixing of alcohol with drugs, the study estimates that THC, which is the psychoactive ingredient in cannabis, at least doubles the risk of fatal motor vehicle crashes.

The research arm of the U.S. Department of Justice has acknowledged that field sobriety tests and THC levels are unreliable measures of marijuana intoxication. Methods like the "one-leg stand" and "walk 11d turn" weren't affected by marijuana highs, and some people had poor functions even when their THC levels were low.

STATES' EFFORTS

States have forged ahead nevertheless. According to New Frontier Data, at least five opted protocols that set a legal limit for driving based on the level of THC in the body. That has sparked a lot of interest in tests that can actually measure that level—a scientific challenge unto itself.

"Everybody wants a cannabis breathalyzer—something like what we have for alcohol where you breathe into a device and it tells a THC level and whether that means you're impaired or not," said Jodi Gilman, an associate professor in psychiatry at Harvard Medical School and lead author of the imaging study. "But that's not how it works for cannabis, we need a new paradigm."

Companies have been trying to crack the stoned-test for a while. Hound Labs, which makes a marijuana breathalyzer, said in September it had raised \$20 million to scale its product. Cannabix Technologies, Inc. recently reported it had made headway creating a more portable device, while Lifeloc Technologies Inc. said it was finalizing the platform for a rapid marijuana breathalyzer that could be used for roadside testing.

There are concerns, however, that tests based on THC levels may be unfair to those their system but aren't actually impaired. This can be the case for some who consumed cannabis days ago, or with frequent users who've built up a tolerance—who may use it for medical reasons.

"You wouldn't want to penalize that person," Gilman told me. "What this technology will do is differentiate impaired from not-impaired, which is different than distinguishing cannabis from no-cannabis."

IMPAIRMENT APP

One company that uses a similar approach is Cambridge, Massachusetts-based Impairment Science, which has an app called *Druid* to measure response times and motor skills through a series of tests on a screen. The methods let the app gauge impairment, regardless of whether the cause was alcohol, marijuana, or something else. The company aims to raise as much as \$1.2 million in seed funding, according to Chief Executive Officer Robert Schiller.

Druid is being pitched to construction companies, and Impairment Science recently struck a deal with Anheuser-Busch InBev SA's Grupo Modelo, which will promote the app in an effort to reduce drunk driving in the Mexican state of Zacatecas. Schiller said the company plans to announce more corporate partnerships in the near future.

Still, there are no easy solutions. *Druid's* app requires that people take the test more than once in order to gauge impairment compared to a baseline score. The company is researching a product where tests could be one-offs, which would appeal to law enforcement.

The method used by Gilman also has its limitations. It relies on an imaging device from NirX Medical Technologies, which still costs around \$40,000.

For better or worse, the techniques used by Gilman's study and *Druid's* app will also pick up forms of impairment that arise from issues other than marijuana, such as fatigue, illness or chronic medical conditions. That could be a good thing for public safety—especially at a time where perception-altering drugs like psilocybin are on the rise, and other drugs like opiates also create risks in driving and high-risk industries—but it could create other problems.

It's not hard to envision a future where people could be taken aside and wired up for a quick scan that checks their brain for tell-tale signs of impairment. Then comes the real work: Employers, insurers and police will have to figure out what to do with the information.

NUMBER OF THE WEEK

The number of U.S. states that have zero-tolerance laws prohibiting driving with any amount of THC or its metabolites in the body, according to New Frontier Data.

QUOTE OF THE WEEK

"Cannabis definitely impacts areas of the brain that affect decision making and impulse control. And that's very much what driving is," said Rebecca Siegel, a clinical psychiatrist and author of the book "The Brain on Cannabis: What You Should Know About Recreational and Medical Marijuana."

WHAT YOU NEED TO KNOW

Eleusis, a health-care company focused on using psychedelic drugs as medicines, is going public through a merger with a blank-check firm.

Thailand plans to remove marijuana from its list of controlled substances, paving the way to decriminalization.

Mississippi could be the next state to put a cannabis law on the books.

A New Hampshire court found that a worker who was fired after he told his employer he started using cannabis when his doctor prescribed it for PTSD may have a viable claim under state disability bias law.

Mr. BENTZ. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, the MORE Act is a historic piece of legislation, no question about it. It removes criminal convictions for marijuana use that have stigmatized the lives of thousands of individuals in our country, particularly those of color. In addition, tragically, our veterans have been denied access to medical marijuana for treatment of pain management and also post-traumatic stress syndrome after they have offered their lives and put their lives in danger for us.

Supported by public vote, Nevada legalized medical marijuana in 2001, decriminalized marijuana use in 2017, and has shown that regulating marijuana works. Most of the other States have done the same, so it is time for the Nation to follow suit.

□ 1030

With the passage of the MORE Act, the marijuana industry can become a key element of growing and diversifying our economy, creating more good jobs, and putting more folks back to work as we recover from the pandemic.

Mr. Speaker, I urge a "yes" vote on the bill.

Mr. BENTZ. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 3617, the Marijuana Opportunity Reinvestment and Expungement Act of 2021, or the MORE Act of 2021.

I am pleased to support this long-overdue measure and encourage my colleagues to do the same.

I am proud to be an original cosponsor of the MORE Act, which is an important step in our continuing efforts to reform the criminal justice system, and I commend our Chairman for introducing this bill once again.

To summarize, the provisions of the MORE Act fall into three main categories—federal decriminalization, taxation, and expungement.

First, the bill would remove marijuana, or cannabis, from the list—or schedule—of Federally controlled substances. This means that, going forward, individuals could no longer be prosecuted, federally, for marijuana offenses. This does not mean that marijuana would now be legal throughout the United States—the bill would simply remove the Federal government from the business of prosecuting marijuana cases and would leave the question of legality to the individual States.

Those states choosing to decriminalize can do so, without ongoing interference from the Federal government, and those states that choose to continue to make marijuana illegal can continue to do so, as well.

Second, the bill would establish a taxation structure to collect a sales tax on marijuana, which, over the course of five years would increase from five to eight percent. The funds collected from this tax would be used to establish a trust fund to reinvest in communities ravaged by the War on Drugs, particularly communities of color.

The trust fund would be used for rehabilitation and reentry programs in the Department of Justice and for programs in the Small Business Administration to ensure that participants in the burgeoning marijuana market are diverse and provide opportunities for entrepreneurship in communities that have been adversely impacted by the War on Drugs.

Finally, the bill would expunge and seal Federal marijuana arrests and convictions and resentment offenders, as appropriate—a much-needed measure of this bill to attempt to undo some of the damage done to black and brown communities by decades of unjust enforcement.

Thousands of men and women have suffered needlessly from the federal criminalization of marijuana, particularly in communities of color, and have borne the burden of collateral consequences that have damaged our society across generations, such as the denial of affordable housing, educational opportunities, and employment.

The laws enacted for the purpose of perpetuating the “War on Drugs” have led America to imprison more people than any other country.

Expunging and sealing the arrest and conviction records of people affected by the cannabis laws would remove barriers that helped create a permanent second-class status for millions of Americans.

Our outdated federal laws and policies unwisely require scarce law enforcement re-

sources to be expended on cannabis offenses while conflicting with many states’ laws regarding cannabis.

Cannabis does not fit the definition of a Schedule One drug and federal law must be updated to reflect this reality—just as most states have already begun to do.

Public support for legalization has surged. Thirty-seven states, the District of Columbia, Puerto Rico, and Guam have adopted laws allowing legal access to cannabis. And eighteen states, the District of Columbia, and the Northern Mariana Islands have adopted laws for legalizing cannabis for adult recreational use.

A total of 47 States have reformed their laws in one form or another pertaining to cannabis, despite its continued Federal criminalization.

The State legal-cannabis industry already employs almost a quarter of a million people, and the federal government needs to get out of the way of state-level decision making.

We need to open the door to research, therapeutic treatment for veterans, better banking and tax laws, and we need to help fuel economic growth within the industry.

We need to do all of this without continuing to spend federal resources on criminalization and unjust incarceration for marijuana offenses. Congress needs to pass the MORE Act.

That is why I support passage of this bill today and ask my colleagues to do so, as well.

I thank our Chairman JERRY NADLER, Congresswoman BARBARA LEE, and Congressman EARL BLUMENAUER for their commitment to this potentially life-changing bill.

Ms. JACKSON LEE. Mr. Speaker, I include in the RECORD Health Affairs’ “Culture of Health,” which shows the importance of cannabis liberalization policy, and a letter from all of these individuals, religious groups, and the Center for American Progress.

[From HealthAffairs, July 2021]

CANNABIS LIBERALIZATION IN THE US: THE POLICY LANDSCAPE

The cannabis—or marijuana—policy landscape has shifted rapidly in past decades, with increasing numbers of states decriminalizing cannabis possession and legalizing its medical and recreational uses. Yet under federal law, cannabis remains prohibited because of the potential for drug misuse and negative health consequences. This disconnect between federal and state law has allowed a for-profit commercial industry to flourish in many states, absent consistent regulation to ensure product safety. Increasing cannabis accessibility in the states thus raises important public health concerns while expanding certain therapeutic opportunities. A second Health Affairs Health Policy Brief accompanying this one explores the health effects of cannabis legalization. It is also important to understand the framework of policies governing legal cannabis markets, as each policy category likely has differential impacts on health benefits and harms associated with cannabis use and inconsistencies across jurisdictions have important population health implications.

FEDERAL CANNABIS POLICY

The US federal government began taxing cannabis production and sales by enacting the Marihuana Tax Act of 1937 only after most states had prohibited the substance. In 1970, this law was replaced by the Controlled Substances Act, which designates marijuana as a Schedule I substance considered to have

high abuse potential and no accepted medical use. Under federal law, the production, sale, possession, and distribution of cannabis can carry fines and prison time.

During the Obama administration, the federal government relaxed its enforcement of cannabis-related crimes. In a series of executive actions, culminating in the 2013 Cole memorandum, the Department of Justice deprioritized prosecution of federal cannabis crimes in states where these activities were legal and robustly regulated. First passed in 2014, the Rohrabacher-Farr Amendment prohibited the use of federal funds to prosecute medical cannabis-related activities permissible under state law.

Other recent federal actions have further facilitated access to cannabis plant derivatives, although these differ from the botanical products and simple extracts that tend to dominate state cannabis markets. The Food and Drug Administration (FDA) approved several synthetic tetrahydrocannabinol (THC) products in 1985 and 2016, each of which was placed on a higher controlled substance schedule than cannabis. The 2018 Farm Bill legalized hemp, a substance extracted from the cannabis plant that contains only 0.3 percent THC. Also in 2018, the Drug Enforcement Administration designated FDA-approved cannabis-derived cannabidiol (CBD) products containing no more than 0.1 percent THC as Schedule V substances.

Under this authority, the FDA approved the first CBD product, Epidiolex, to treat childhood seizures.

EVOLUTION OF THE STATE POLICY LANDSCAPE

Public support for the legalization of cannabis use in the US rose from 12 percent to 66 percent between 1969 and 2019. Concurrently, states liberalized their approaches to cannabis markets. Four central policy categories have evolved: prohibition, decriminalization, medical legalization, and recreational (also known as adult use) legalization. Decriminalization regimes were generally adopted first (in the 1970s–1980s, with a resurgence in the 2010s). Decriminalization laws were later complemented by medical legalization or replaced by recreational legalization. Exhibit 1 shows the current status of these four policies, and exhibit 2 depicts state adoption of legalization policies for medical and recreational cannabis since 1996.

Prohibition

States began prohibiting cannabis cultivation, distribution, and possession in the early twentieth century. By 1937, every state had some form of cannabis legislation, often motivated by concerns (largely unsubstantiated by scientific evidence at the time) that cannabis products were psychologically addictive, produced insanity, and motivated crime. Although liberalization policies have largely replaced prohibitions, two states—Idaho and Kansas—still ban cannabis in all forms and assign criminal penalties for the possession of even small amounts. Another ten states permit the use of “low-THC, high-CBD” products but maintain prohibitions and criminal penalties for all other cannabis activities (included in the “prohibition” category in exhibit 1).

Decriminalization

Decriminalization is the repeal of criminal penalties associated with cannabis possession for personal use and casual exchange (that is, not sales). “Depenalization” policies that lower these penalties without removing them do not qualify as decriminalization regimes. Decriminalization also differs from the nonenforcement policies adopted in several US cities, where enforcement of low-level cannabis-involved offenses is deprioritized. Decriminalization falls short

of legalization because it still prohibits and criminally penalizes cannabis cultivation, production, and sales and maintains civil penalties for possessing cannabis. Since the 1970s, states have increasingly adopted decriminalization policies. By 2020, sixteen states had such a policy (exhibit 1). The laws vary along several dimensions, including the levels of civil fines, penalties for repeat offenses, and threshold amounts of cannabis that are exempt from criminal penalties.

Medical Cannabis Legalization

Medical cannabis laws typically permit patients with “qualifying conditions” certified by a medical professional to purchase cannabis at dispensaries operating within the state. Medical cannabis laws differ from low-THC and high-CBD laws, which only legalize the supply and use of cannabis products with low THC content. The most common qualifying condition for which medical users can be certified is chronic pain, although states regularly add conditions to their lists. Since California passed the first medical cannabis law in 1996, the number of jurisdictions adopting such programs has grown steadily (exhibit 2). Today, more than two-thirds of Americans live in one of the thirty-six states and four territories that have approved medical cannabis use (exhibit 1).

The first medical cannabis laws passed (1996–2000) were vague and defined medical use broadly. Although laws passed between 2000 and 2009 offered more regulatory guidance over the legal supply chain, laws passed or modified in more recent years (2009–17) feature more comprehensive regulatory programs that prioritize product safety. Still, the vast majority of participants in medical cannabis programs are in what are considered “nonmedicalized programs,” which lack components consistent with evidence-based medicine and pharmaceutical regulation (for example, testing and labeling) and are largely divorced from medical practice. Ways in which current laws differ from each other include the qualifying conditions approved, channels of access (dispensaries, collective versus home cultivation, and so on), registration card renewal requirements, and use by patients from other states.

Recreational Cannabis Legalization

Recreational cannabis laws remove the criminal and civil penalties associated with supply or possession of the substance by adults ages twenty-one and older. These laws typically allow individuals to grow four to six cannabis plants and limit possession and purchase to one to two ounces; most also impose at least a 10 percent retail excise tax on sales. Most states with recreational laws prohibit the use of cannabis while operating a motor vehicle, although four states have specific per se THC limits while driving.

Legalization of recreational use is a relatively new phenomenon. In 2012, Colorado and Washington were the first jurisdictions globally to allow adult cultivation and possession of cannabis. In 2020, fifteen states and Washington, DC, had laws that legalize adult cannabis supply and possession in some form (exhibit 1), resulting in more than one-third of the US population having legal access to the substance. With the exception of Illinois and Vermont, all laws passed through 2020 have advanced via ballot measures rather than through the legislature.

States have choices in their recreational cannabis regulatory regimes. Most states have opted for a commercial model, wherein private industry is allowed to produce, supply, and sell cannabis subject to regulation at the state and sometimes local levels. Washington, D.C., uniquely does not allow for commercial production or retail sale but, rather, permits only small amounts of cannabis for personal possession, use, and cul-

tivation. Although Vermont originally prohibited commercial sale, the state authorized the establishment of a commercial retail market in October 2020. Factors that can vary within commercial regimes include how producers and suppliers are regulated, the types of products that may be distributed, taxes, prices, marketing restrictions, and ways in which products can be used or personally cultivated.

States that enacted recreational legalization laws saw declines in adult cannabis-related arrests, although racial disparities in those arrests persist. Some cannabis policies, including the 2021 New Mexico, New York, and Virginia legalization initiatives, incorporate reforms to address harms experienced by communities disproportionately affected by cannabis criminalization. Some laws include provisions to expunge or pardon cannabis-related minor offenses. Other states have initiated programs to increase minority participation in the legal market. Some jurisdictions have earmarked tax revenue generated from cannabis sales to support socioeconomically disadvantaged communities.

POLICY CHALLENGES AND OPPORTUNITIES

Limited national regulation of cannabis, the persistent divide between national and state policy, and the growth of state cannabis markets present numerous challenges for population health, in part because the safety of many cannabis products is uncertain and varies from state to state. A dearth of federal regulation around cannabis products has resulted in an unevenly regulated for-profit industry that generates high profits and maintains substantial control over marketing, promotion, and products supplied.

Cannabis’s Schedule I designation under federal law poses additional challenges. It hinders the research into the safety and adverse effects of cannabis-based products that would be required for FDA approval. It also restricts cannabis supplied for clinical trials to that which comes from federal sources, which fails to reflect the potency and type of products actually marketed in the states, although the Drug Enforcement Administration is poised to approve several manufacturers’ applications to cultivate marijuana for research needs. Institutions for higher education may be reluctant to allow cannabis to be used in research on their campuses for fear of losing federal funding. Cannabis consumers remain uncertain over the stability of their supply chain and risks that they may be prosecuted under federal law or become ineligible for federal benefits. Finally, cannabis cultivators and distributors face barriers accessing financial services, given that the banking industry is subject to federal laws, resulting in an inability to design investment and growth strategies that could enhance the legitimacy of the industry and safety of the products.

The lack of comprehensive, consistent oversight of cannabis products and the disconnect between federal and state policy suggest a number of important considerations for policy makers.

Enhanced Federal Oversight of Product Safety and Development

Several options exist to improve federal oversight of cannabis markets and products and to better align national and state policies. Modifying cannabis’s classification in the Controlled Substances Act would facilitate enhanced product safety research at the federal and state levels, relax consumer and industry fears of criminal prosecution, and facilitate legitimate financial transactions for cannabis companies. It also would provide federal policy makers with additional regulatory controls, such as premarketing

approval, which is currently unavailable for substances designated as Schedule I, and would acknowledge cannabis’s medical benefits. This modification could be accomplished by amending the Controlled Substances Act to remove cannabis from Schedule I and moving it to a higher schedule; descheduling cannabis altogether, but having it meet the threshold for FDA oversight, similar to nicotine and tobacco products; or creating a new schedule for cannabis that distinguishes it from other Schedule I substances. The Medical Marijuana Research Act recently approved by the US House of Representatives promotes cannabis research by allowing scientists to access cannabis from state-level dispensaries. Federal policy makers could also further facilitate state regulation of cannabis supply by passing legislation that restricts federal prosecutorial interference with state cannabis markets.

Notwithstanding the above changes, the FDA already possesses some regulatory powers to enhance the safety of cannabis products. Under the Food, Drug, and Cosmetic Act of 1938 and Section 351 of the Public Health Service Act as affirmed in the 2018 Farm Bill, the FDA can regulate cannabis-containing and cannabis-derived compounds. Under this authority, the FDA has taken particular interest in overseeing the science and safety of CBD products. Of concern are health claims made by some cannabis product manufacturers and the introduction of foods containing THC or CBD into interstate commerce—both of which are areas under FDA jurisdiction. The agency could take more aggressive action than issuing warning letters to questionable (CBD-related commercial practices and could extend the rigor of its investigations into THC products. For example, it could limit the allowable THC content, which is concerningly high in many cannabis products and is capable of inducing dependence or cannabis use disorder.

State Strategies for Overseeing Cannabis Product Safety

Without changes in the federal regulatory architecture or enhanced FDA oversight, states that move forward with legalization must carefully consider how to safely oversee cannabis markets.

Medical and recreational legalization have encouraged a proliferation of product forms. Data from early recreationally legalized states suggest that although the flower of the plant still accounts for the largest proportion of the market, heterogeneous extracts for inhalation are the fastest-growing market segment. Cannabis products vary not only in form but also in the potency of THC, CBD, and other cannabinoids, as well as in the types and amounts of pesticides and other impurities. Cannabis food and drink products pose unique regulatory challenges. The health risks associated with edibles, including for minors, likely result from minimal consistency across products relating to potency, inaccurate labeling, and the fact that many edibles contain multiple servings of the advised THC dose. Further, users may fail to appreciate the delayed effects of ingestion compared with inhalation.

State legalization provides an opportunity for enhanced regulatory oversight that can improve the safety of legal cannabis products and limit the health risks and other risks associated with the illegal marketplace. Policy makers can consider ways to align legal cannabis markets with public health strategies gleaned from tobacco and alcohol, such as minimizing youth advertising exposure, restricting sale and marketing locations, and requiring childproof packaging. Frameworks could also consider medical and recreational legalization regimes that adopt safety standards, for instance, by limiting the concentration of THC

in products to levels not associated with dependence.

Standards for Medical Training

Despite the increasing prevalence of cannabis use in states with and without legalization, many physicians do not receive training on the potential health benefits and harms of medical and recreational cannabis. To address this gap, states could mandate that state-licensed physicians complete continuing medical education credits on medical cannabis use before certifying patients for medical cannabis registration. Medical schools and residency programs could also design coursework on the biochemical effects, clinical relevance, and legal evolution of cannabis policy. These education activities could be regularly updated with emerging evidence on the health effects of cannabis. Outreach could extend to patients and the public to inform them of the evidence-based therapeutic uses of cannabis. All such training would be better informed by enhanced research, as discussed above.

Considerations for Criminal Justice and Racial Equity

As cannabis liberalization progresses throughout the country, states must address the collateral consequences of cannabis-related criminal justice contact. Although states with legalization and, to a lesser degree, decriminalization regimes have experienced overall declines in arrests for cannabis across racial groups, disparities in arrests across races remain notable. Although cannabis-related arrests decreased by 18 percent during the past decade, a Black person is still nearly four times more likely to be arrested for cannabis possession than a White person.

Cannabis policy reforms that aim to address criminal justice and social disparities warrant consideration. Cumbersome and expensive expungement processes, significant entry obstacles associated with the legal market, and declines in price that in turn reduce funds earmarked for community programs threaten initiatives that address harms produced by cannabis criminalization. As states begin to implement social equity measures, they should carefully assess which communities have been disproportionately harmed by cannabis prohibition; how to encourage equitable, sustainable participation in the cannabis industry—including training and business support; and how earmarked cannabis revenue will be disseminated to equity-enhancing initiatives.

CONCLUSION

Cannabis policy liberalization provides opportunities for therapeutic benefit but also presents the potential for health harms, the full consequences of which remain unknown, given the nascency of the research and inconsistency in findings (see the accompanying Health Affairs Health Policy Brief). For policy makers considering reforms, policy choices extend beyond blunt categories of prohibition, decriminalization, medical legalization, and recreational legalization and involve decisions related to the panoply of regulatory provisions that govern legal and illegal cannabis. The specifics of how to implement and enforce cannabis policy and regulation are important to health, and researchers should endeavor to evaluate these nuances as well as the broader policy categories. Some states have included within their legalization initiatives provisions requiring policy evaluation. For example, Washington State earmarked cannabis tax revenue to fund a continuous cannabis research program. Other states, including Vermont and New York, reviewed the potential impacts of regulating a recreational cannabis supply chain before policy reform.

More efforts such as these will help to unpack the independent and comparative health harms and benefits of various cannabis policy regimes and regulatory approaches.

MARCH 1, 2022.

Speaker NANCY PELOSI,

Washington, DC.

House Majority Leader STENY HOYER,

Washington, DC.

Re Bring the MORE Act to the House Floor for a Vote

DEAR SPEAKER PELOSI AND MAJORITY LEADER HOYER: We, the undersigned criminal justice, civil rights, drug policy, labor and advocacy organizations who make up the Marijuana Justice Coalition, write today to urge you to swiftly bring to the House floor the Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2021 (H.R. 3617). This legislation would end federal marijuana prohibition, address the collateral consequences of federal marijuana criminalization, and take steps to ensure the legal marketplace is diverse and inclusive.

This historic legislation first passed the House in December of 2020 with a bipartisan vote of 228–164 but was not considered by the Senate prior to the close of the 116th Congress. Given that nearly every minute one person in this country is arrested for a minor marijuana crime, the public deserves to know if members of the 117th Congress stand on the side of justice and against the outdated and cruel policy of prohibition and criminalization of marijuana.

Mass criminalization and over-enforcement of drug law violations have devastated the social and economic fabrics of entire communities, while also tearing apart the lives of millions of individuals and families. And while Black, Latino, and Indigenous people have carried the brunt of marijuana criminalization, they have been shut out of the regulated marijuana marketplace due to these very same criminal records in addition to financial barriers to entry.

The MORE Act seeks to solve these problems through a comprehensive approach. The bill would declassify marijuana as a controlled substance under federal law, expunge marijuana convictions, and reduce marijuana sentences. The Congressional Budget Office estimates that the MORE Act would have reduced time served by 73,000 person-years, over the 2021–2030 period, among existing and future incarcerated individuals. The bill, after solving the industry's 280E tax issue, would also place a minor initial five percent federal excise tax on marijuana sales at the manufacturer level in order to fund services in communities adversely impacted by drug prohibition and to build up Small Business Administration programming to support a more diverse and inclusive marketplace with local ownership.

The previous House vote on the MORE Act came on the heels of an election where five states—Montana, Arizona, South Dakota, Mississippi, and New Jersey—had marijuana reform on the ballot and each voted to loosen their marijuana laws. Since then, even more states have chosen to reform their marijuana laws. More recently, Connecticut, New York, New Mexico, and Virginia passed marijuana legalization bills rooted in social justice bringing the total number of states that have legalized adult-use of marijuana to 18, in addition to the District of Columbia, while 37 states and the District of Columbia have legalized medical marijuana, most recently Mississippi earlier this year.

A recent Pew Research poll shows that a record number of U.S. adults—91 percent—now support marijuana legalization for medical or adult use, a policy that is only achievable by removing the substance from

the Controlled Substances Act as the MORE Act does. In short, the resounding shift in favor of marijuana reform demonstrates what we have been saying: marijuana justice is a winning issue and it is long past time for the federal government to catch up.

The time to end federal prohibition is long overdue. We urge you bring the MORE Act to the House floor in March. For more information or to address any questions you may have, please contact Maritza Perez, Director of the Office of National Affairs of the Drug Policy Alliance and convener of the Marijuana Justice Coalition.

Sincerely,

American Civil Liberties Union; The BOWL PAC; Center for American Progress; The Center for Law and Social Policy (CLASP); Clergy for a New Drug Policy; Doctors for Cannabis Regulation; Drug Policy Alliance; Human Rights Watch; Immigrant Defense Project; Immigrant Legal Resource Center JustLeadershipUSA; Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil & Human Rights; Minorities for Medical Marijuana, Inc.; MoveOn; National Immigration Project of the National Lawyers Guild; National Organization for the Reform of Marijuana Laws; National Urban League; Students for Sensible Drug Policy; United Food and Commercial Workers International Union; Veterans Cannabis Coalition.

Mr. BENTZ. I am prepared to close, and I reserve the balance of my time, Mr. Speaker.

Mr. NADLER. Mr. Speaker, I am prepared to close.

Mr. BENTZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill, as I mentioned previously, fails to appropriately fund the police in all the States that will be facing the challenges that we face in Oregon.

This is not a question of money. The bill, as drawn, will be raising literally billions of dollars at 8 percent tax over the next how many years—billions. Somehow, some of that money has to make its way into law enforcement.

Without law enforcement, Mr. Speaker, you will see situations like we have in southern Oregon replicated across the Nation, regardless of the optimistic thought that somehow the cartels no longer have the monopoly and, therefore, will go away. That is not going to be the case as long as there is a higher price. In many cases, it is going to be a much higher price for legally produced marijuana.

The bill fails to address impairment. My friends, many of them in the law enforcement space, including my brother, a former county sheriff, have said this is a huge problem where we don't know when people are driving impaired. Studies are ongoing.

Why are we broadening this problem when we don't know how to charge those who are driving under the influence?

Of course, as we have heard, it fails to address the ever-increasing potency of the drug. It fails to address the age at which marijuana can be legally used.

What is that about? We know this drug adversely affects particularly young men's brain development all the

way up to age 26, yet this bill says nothing about it.

It fails to address the differences between marijuana and hemp. Some would say, well, that is such a small issue. It is a huge issue. It is a huge issue, and it needs to be addressed.

This bill is the proper vehicle to address these issues. I see that there are some amendments being brought which perhaps will at least go partially in that direction. But the bill itself and the legalization are premature, given the nature of those amendments.

This is an untimely and incomplete bill. Its greatest failure is in not recognizing and addressing the damage the drug will do to our kids and our communities.

Mr. Speaker, I strongly urge a “no” vote, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, last Congress, the House voted, on a bipartisan basis, to address this issue. Unfortunately, the Senate failed to act, so I am pleased that we are moving forward again today.

Over the past two decades, public support for legalizing marijuana has surged. States have led the way and continue to lead the way on marijuana reform, but our Federal laws have not kept pace with the obvious need for change. It is time for the Federal Government to catch up, to do what is right.

The MORE Act would treat marijuana as a public health issue rather than a criminal matter and would begin to rectify the heavy toll that criminalization has taken, particularly on communities of color and low-income communities.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. CARBAJAL. Mr. Speaker, I rise in strong support of the MORE Act, and urge my colleagues—on both sides of the aisle—to support this important and comprehensive cannabis reform legislation. It tackles inequities and historic criminalization associated with cannabis.

The MORE Act will begin the long-overdue effort to undo the damage to families and communities across our nation that has been caused by misguided and ineffective federal drug policies related to cannabis. It will finally establish a safe and well-regulated interstate marketplace for cannabis.

It is vitally important that at the federal level we finally recognize and invite this economic engine of job creation into the mainstream of our economy and workforce development. The vast majority of Americans support this long overdue change, and voters in many states including my home state of California have already taken action to legalize cannabis at the state level. It is time that we end this senseless and impactful disconnect between state and federal law.

I also want to bring my colleagues' attention to one outstanding issue as this legislation moves forward. California's farmers are among the most productive and innovative in

the world. Not surprisingly, that is the case with our cannabis farmers too, including those in my congressional district. Unfortunately, cannabis farmers are in the same legal limbo as everyone else in the industry because there are grey areas in the law that need to be resolved: they can't enroll in crop insurance programs, they can't receive an official “organic” designation, and they can't access USDA programs and support. Yet cannabis cultivation is not significantly different from farming strawberries, wine grapes, cut flowers, vegetables, and other crops grown in my district and state. I am hopeful that as we work with the Senate on comprehensive cannabis reform, we can provide clear statutory direction to bring USDA into this conversation as well and eliminate this remaining area of ambiguity for the farmers in my state.

Once again, I urge a yes vote on this bill.

Mr. OWENS. Mr. Speaker, I rise today to raise safety concerns that remain unaddressed in H.R. 3617, the Marijuana Reinvestment and Expungement Act—known as the MORE Act. I believe there are serious safety concerns to be addressed prior to this chamber advancing this legislation.

According to recent data, the safety impacts of cannabis legalization for adult recreational use should not be ignored.

A 2020 AAA Foundation for Traffic Safety study analyzed the impacts of legal adult recreational use of cannabis in Washington state. The AAA study concluded that the proportion of fatal-crash-involved drivers who were THC-positive approximately doubled from the level observed before the law went into effect.

Moreover, a series of studies conducted by the Insurance Institute for Highway Safety (IIHS) found that crash rates increased in some of my neighboring states and others after they legalized marijuana. California, Colorado, Nevada, and Oregon, specifically, were the subjects of the IIHS evaluation.

Marijuana use impacts the psycho-motor skills of the people who use it, often resulting in slowed responses. As seen by these earlier data, this impacts how we drive, overall safety on our roadways, and may have other safety impacts as we relax the laws around cannabis. I have serious safety concerns, and I would like to see these issues addressed more directly before I can consider supporting such legislation. To this end, I am developing my own legislation to look at this issue in workplaces to ensure safe, impairment free operations, and I look forward to working with my colleagues to see it enacted.

The SPEAKER pro tempore. All time for debate has expired.

Each further amendment printed in part B of House Report 117-285 shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOTTHEIMER

The SPEAKER pro tempore. It is now in order to consider amendment No. 1 printed in part B of House Report 117-285.

Mr. GOTTHEIMER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 16. STUDY ON MARIJUANA IMPAIRMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct a study on technologies and methods that law enforcement may use to determine whether a driver is impaired by marijuana.

(b) REQUIREMENTS.—The study conducted under subsection (a) shall be carried out by the National Highway Traffic Safety Administration, in consultation with any other agency the Secretary determines appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the gentleman from New Jersey (Mr. GOTTHEIMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GOTTHEIMER. Mr. Speaker, I rise today about an amendment that I think is critically important to this legislation. It addresses a topic that I am concerned about, and I know many are as well, to make sure that law enforcement has the tools they need to ensure that our roads are safe and that when they pull someone over for whatever purpose, they are able to actually have the tools they need to assess the situation.

My amendment would make sure the Secretary of Transportation can conduct a study on technology and methods that law enforcement can use to determine whether a driver is impaired by marijuana. The study will give the National Highway Traffic Safety Administration the resources they need to conduct this study.

I think it is important and will make this legislation even stronger.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTZ. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. BENTZ. Mr. Speaker, this amendment would authorize \$10 million to the National Highway Traffic Safety Administration to conduct a study on how certain technologies can help law enforcement officers detect whether a driver is impaired by marijuana.

Impaired driving is a serious issue that takes thousands of lives every year. Unfortunately, the Democrats only want to address this problem after they create it. Legalizing marijuana will undoubtedly lead to more drivers being impaired by marijuana.

Democrats want to legalize marijuana and then provide law enforcement with a study on how they might be able to detect drivers impaired by

marijuana. Why wouldn't we start with giving law enforcement the resources they need?

This doesn't make any sense, and the lack of support for law enforcement from Democrats in this bill shouldn't surprise us. Nowhere in this bill is there any funding for law enforcement related to marijuana. Let's fix the existing problems before making more.

Mr. Speaker, I reserve the balance of my time.

Mr. GOTTHEIMER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for his thoughtful amendment, and I thank him for helping to further enhance this bill.

For clarity's sake, let me be very clear. This bill decriminalizes possession on the Federal level. All State laws and all State law enforcement are able to do their job. But let me remind you, Mr. Speaker, the President has put in an enormous amount of money for reducing crime in his budget.

This legislation is extremely important for those of us who recognize the key responsibilities on the Nation's highways. That is a Federal responsibility, and the gentleman has offered an important amendment to give \$10 million to the National Highway Traffic Safety Administration to find the technology to enhance safety on highways.

The bill also includes a requirement that a study should be conducted to understand the societal impacts of decriminalizing marijuana, including the impact on juveniles, education, transportation, veterans, employment, and many others.

The gentleman's amendment, Mr. GOTTHEIMER's, enhances this bill and makes it a direct response to the concerns that Americans may have.

Mr. Speaker, I support the amendment and the underlying bill, and I thank the gentleman for clarifying this important responsibility.

Mr. BENTZ. I am prepared to close, Mr. Speaker.

Mr. GOTTHEIMER. Mr. Speaker, I want to reinforce what Ms. JACKSON LEE said, the importance of making sure we invest in safety, which is always my top priority, and making sure that law enforcement has the tools they need.

We invest in law enforcement and ensure we have their backs. They take care of us every single day. I stand by law enforcement, and we will make sure they have the resources they need. This legislation helps in that effort to protect our families and our roads.

Mr. Speaker, I yield back the balance of my time.

Mr. BENTZ. Mr. Speaker, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the previous question is ordered on the amendment offered by the gentleman from New Jersey (Mr. GOTTHEIMER).

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BENTZ. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 2 OFFERED BY MR. LAMB

The SPEAKER pro tempore. It is now in order to consider amendment No. 2 printed in part B of House Report 117-285.

Mr. LAMB. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

SEC. 16. WORKPLACE IMPACT OF MARIJUANA LEGALIZATION STUDY.

Not later than one year after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall—

(1) conduct a study and submit to Congress a report on the impact of the legalization of recreational cannabis by States on the workplace; and

(2) develop best practices for use by employers that are transitioning their policies related to the use of recreational cannabis, prioritizing the development of best practices for employers engaged in Federal infrastructure projects, transportation, public safety, and national security.

Add at the end of the bill the following:

SEC. 17. SCHOOL IMPACT OF MARIJUANA LEGALIZATION STUDY.

Not later than one year after the date of enactment of this Act, the Secretary of Education shall—

(1) conduct a study and submit to Congress a report on the impact of the legalization of recreational cannabis by States on schools and school-aged children; and

(2) develop best practices for use by educators and administrators to protect school-aged children from any negative impacts of such legalization.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the gentleman from Pennsylvania (Mr. LAMB) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. LAMB. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I came to Congress, I was a Federal prosecutor in my hometown of Pittsburgh, and the biggest law enforcement challenges that we had then, and really still have today, are opioids and gun violence. Marijuana just didn't register in terms of the risks that it posed to people on a day-to-day basis compared to those two things.

Yet, because of the way the Federal criminal laws are written and the way that cannabis is placed in schedule I, it is very easy for a marijuana offense to actually get someone a worse sentence than an opioid offense like overprescribing Oxycontin, selling fentanyl, or

a firearms offense like possession of a firearm or shooting at someone. Our Federal laws are out of place.

It is in the spirit of wanting to make sure that our law enforcement priorities are focused on the most serious crimes and the most violent crimes that I can support the removal of cannabis from schedule I.

This bill came up once before in the previous Congress under a closed rule in which there were not opportunities for amendment, so I want to thank the leadership and the chairman this time around for allowing Members under an open rule to make some amendments.

While I do support the removal of cannabis from schedule I, I think, as we have heard in the debate today, there are many questions about what happens the day after that and are we being careful enough to ensure that the public gets the best possible balance of the benefits of taxing and regulating cannabis while still protecting children and making sure that we have safe and efficient workplaces.

The amendment that I am offering here today aims to answer a couple of questions. Essential workers—firefighters, people who operate heavy equipment on infrastructure projects, people who work in public safety and national security—what are we willing to tolerate as far as those workers on the job site potentially with cannabis in their system?

We need to know how to test for it. We need to know what the rules are to keep people safe on that job site and, most importantly, keep the public safe so these people can continue working.

The same question for schools: What are the best practices for schools in a world where cannabis is no longer in schedule I of the Controlled Substances Act; in a world where cannabis could be in corner stores that children walk past on their way home; in a world where school bus drivers or teachers may be legally authorized to use cannabis in their off time?

All we are trying to do is answer these questions.

There are some who see problems with a change in the law. They see challenges, and they shrink from them. They say: Let's keep the status quo the same. Let's not tackle problems.

What we are trying to do here is do the public one better than that.

There is an ironclad case for removing cannabis from schedule I and focusing our law enforcement priorities where they should be, but we have to take steps to make sure that we do this in a careful, cautious, and correct manner.

That is what my amendment offers, Mr. Speaker, and I reserve the balance of my time.

□ 1045

Mr. BENTZ. Mr. Speaker, I rise in opposition to the proposed amendment.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

This amendment is a great example of how Democrats legislate: Make a bunch of drastic changes and then consider the consequences.

The amendment calls for two studies to be conducted, after the enactment of the bill, to evaluate how State legislation on marijuana has impacted those States.

The first study will be conducted by the National Institute for Occupational Safety and Health on the impact of State legalization of recreational marijuana on the workplace. The second study will be conducted by the Department of Education on the impact of legalization to schools and school-aged children.

The amendment also requires the Department of Education to develop best practices for educators and administrators to protect children from negative impacts.

This amendment recognizes the fact that the majority is blindly leading us down the path of marijuana legalization. The information to be provided by these studies would better serve this body and the children of America if we had it before legalization.

Last year, the percentage of American employees testing positive for drugs hit a two-decade high. This jump was driven by an increase in positive marijuana tests.

This amendment is merely window dressing on a bad and incomplete bill. Rather than tackle the actual problem of marijuana abuse at the workplace, which could have disastrous consequences, Democrats simply want to study the issue.

This amendment is a tacit admission that they know this bill is flawed, and it is a ploy by the majority to say they addressed one of the flaws.

I fear the information that the studies will reveal may come too late for many if this bill were to become law.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMB. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 2 minutes remaining. The gentleman from Oregon has 3½ minutes remaining.

Mr. LAMB. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, it is incredulous when good ideas come to the floor that should draw bipartisan support—one cannot look, in the old country, they say, a gift horse in the mouth.

I thank the gentleman from Pennsylvania for recognizing that what we do in Washington, what we do for the people of this Nation, is to make sure we give them good facts. It will be good facts if his amendment is assessing a very important place in our lives, the workplace, or another very important place in our lives, schools.

This legislation, as I indicated, the underlying legislation just decriminalizes possession. It gives people another lifeline. It takes the criminalization away from this mounting incarceration of people of color.

I support the gentleman's amendment and say it is reasonable and good law. Let us support that amendment and the underlying bill.

Mr. BENTZ. Mr. Speaker, I reserve the balance of my time.

Mr. LAMB. Mr. Speaker, I yield myself the balance of my time for closing.

Mr. Speaker, I want to address one point from my colleague from Oregon's side of the debate.

Today, after the passage of this bill—hopefully, with my amendment—we will be sending a letter to both departments addressed by this amendment to ask them to begin these studies right away. I agree that it is important that the public needs this information and knowledge. Employers, workplaces, and schools need it as quickly as possible.

What I am not sure our colleagues on the other side really realize at this moment is that people are already using cannabis. It is very common in all segments of society and all people with all different types of jobs. The place that the public has been left in is an overly harsh criminal penalty, with very little specific guidance to workplaces, employers, and schools of what they are supposed to do in this new world.

What many of them do is react as harshly as possible, matching the criminal sanction of our Federal Government. They do drug tests and have strict bans, basically, on this substance that many Americans feel is actually safe and part of the lifestyle that they want to live.

Our study will allow a better answer than that. In a world where people are going to be using this drug, this substance, and where it is, in fact, much less harsh than prescription drugs that are regulated lower on the scale than that, we need to get the answer out there to these workplaces and schools as quickly as possible. That is all that we are aiming to do here.

We are making policy for the real world with this amendment, and I encourage all of my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to mention that I agree there has to be the proper determination of when you are impaired after you have used marijuana. I made that argument in my discussion of the bill.

The issue is one of timing. It is not just impairment. There are many other things in the bill that need to be addressed that aren't.

In this rush to legalize, what we have is a lot of assuming, as was just suggested, that everybody is already using it, so why bother? Well, a lot of people

are. But after it becomes federally legalized, more will be using it. Thus, the danger level will increase.

We can't sit here and say there are no consequences of legalization. By that, I mean the same number of people using it. The questions become: When are we going to do this? Why wasn't it done earlier? Why wasn't it done yet? One of the reasons is that it is really hard to make this determination.

What I am saying is, it is a matter of timing. But it is not just this issue; there are many others.

Mr. Speaker, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the previous question is ordered on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BENTZ. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 3 OFFERED BY MR. RASKIN

The SPEAKER pro tempore. It is now in order to consider amendment No. 3 printed in part B of House Report 117-285.

Mr. RASKIN. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 78, after line 20 insert the following:
(c) REVIEW AND REASSESSMENT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Federal agency shall review and reassess each decision, made on or after May 1, 1971, to deny or rescind the security clearance of an individual described.

(2) REASON FOR DENIAL.—A review and reassessment conducted under paragraph (1) shall not use past or present cannabis or marijuana use as a reason to deny or rescind a security clearance.

(3) NOTICE.—A Federal agency conducting a review and reassessment under paragraph (1) shall notify each individual described of such review and reassessment and provide such individual an opportunity to decline the review and reassessment. As applicable, an individual described shall be notified of the outcome of any review and reassessment conducted as soon as practicable.

(4) INDIVIDUAL DESCRIBED.—In this subsection, the term "individual described" means any individual who has had a security clearance denied or rescinded for past or present cannabis or marijuana use.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the gentleman from Maryland (Mr. RASKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud today to stand for this legislation with the party of democracy and freedom for the people, rather than the party of Big Brother and failed drug authoritarianism.

Do you know that 150 million Americans have used marijuana? Half of the country. That is just the people who are being honest about it. Half of the country has used marijuana, but you can still be denied a security clearance and government employment for having once used marijuana. That is plainly stupid, wrong, and unfair.

We are disqualifying tens of millions of qualified and excellent job applicants for Federal Government employment, our fellow citizens, our constituents. In Democratic districts and Republican districts, we are disqualifying those people from being Federal Government employees solely because they have used marijuana.

My amendment is one that every Member of the House should support. It says that Americans should not be denied a security clearance simply because they have used marijuana.

The longer I spend time in Congress, Mr. Speaker, the more I realize that in America, change comes from the States. It comes from the people. That is how we got child labor laws. That is how we got women's suffrage. That is how we got direct election of U.S. Senators, and now, so too with our draconian, obsolete, and failed marijuana laws.

Look at what is happening out in America. Eighteen States, plus Washington, D.C., have now passed laws allowing adult use of marijuana. In other words, they have accepted the antiprohibition principle that is in our Constitution. It is not that alcohol is so great for everybody in every circumstance, or marijuana is so great for everybody in every circumstance. It is that criminal prohibition and criminalization of large parts of our own population don't work.

It is legal in 18 States. In 27 States, it has been decriminalized. In a majority of the States, it is no longer criminal. In 36 States, the vast majority of America, more than two-thirds of the States, medical use of marijuana has been approved. In other words, it is legal in the vast majority of States of the country to use marijuana for medicinal purposes.

What a massive outbreak of common sense in America against the GOP's failed authoritarian war on marijuana that depends on paranoid tropes from the 1970s. It is like they saw "Reefer Madness" in middle school and never got over it.

I concede our party is not for the kind of cocaine-fueled orgies that a freshman Republican Representative bragged about this week, but we do understand that their marijuana prohibition laws don't work for our people.

In any event, Mr. Speaker, we can all agree that we should not be denying our constituents the opportunity to

serve in Federal office by denying them a security clearance simply because they have used marijuana.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTZ. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. BENTZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is April Fools' Day, so maybe this is a joke.

This amendment would require Federal agencies to review every decision to rescind or deny a security clearance since 1971 to determine if it was based on marijuana usage. Then, the agency would have to track down every person who was denied a clearance due to marijuana use. The agency would then let them know that the decision will be reassessed unless the person objects.

This is crazy. It creates a huge burden on Federal agencies for what? Even if this bill were to become law, the denial of these security clearances was based on a person's willful violation of a law at the time.

When agencies are assessing whether these people should have access to national security sensitive information, the consideration isn't whether the person uses marijuana. It is whether the person is willing to undermine the rule of law.

If they can't follow this Nation's laws, then we can't expect them to follow the processes to protect our most sensitive information.

Further, this amendment reaches back more than 50 years. How many of these people still need, want, or are even eligible for security clearances?

No one gets a security clearance just because you want one. You can't just walk up off the street and apply for it. You need to be employed with the Federal Government or a government contractor, and your employer must need you to have access to the information.

Very few people who were denied a security clearance in 1980 are still employed in or even qualify for positions that would require security clearances. Some of the people we are talking about may be retirees in their eighties or nineties. Many of them may have representative payees who are their children or grandchildren. Why would we want to expose the fact that their father, mother, grandfather, or grandmother was a marijuana abuser?

The gentleman from Maryland wants the Federal Government to re-create the security clearance backlog that the Trump administration just cleared up for unneeded reviews and to resurface private information. This amendment makes little sense.

Mr. Speaker, I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

I think the distinguished gentleman seems to concede the general principle that we should not be denying the op-

portunity of Federal employment to half of the country because they have used marijuana before.

So, his argument seems to be: We have denied so many people that this would be an imposition on Federal bureaucrats to go back and tell people when they have been wronged in the past simply by telling the truth and saying that they have once used marijuana.

In fact, most of these agencies don't even require that there was any kind of criminal prosecution or conviction. They ask you, "Have you used marijuana?" If people say, "Yes, I used it once in college," or whatever, they can't get a job. That makes no sense. We are doing that to our constituents.

Yes, let's go back and see how many people we have denied the opportunity of Federal employment to because they have used marijuana, which is lawful in most of the country now, either on a medicinal basis or on a recreational basis for adult consenting individuals who decide that is a decision they want to make.

Let's grow up as a country about this, and let's stop discriminating against our own people.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTZ. Mr. Speaker, I just point out that I didn't concede anything that I recognize. If you thought I did, please rethink it.

I want to point out that the security clearance isn't just for Federal employees. It is for private contractors and people seeking security clearances. All I am saying is, one can refer to our "bureaucrats" as though they don't have other things to do. They do lots of very important things. I would suggest this falls pretty low on that list.

It is an interesting amendment, but I urge opposition.

Mr. Speaker, I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I thank the gentleman for pointing out that my amendment would apply not only to people who have sought public employment in the past and been denied because they have been honest enough to admit that they have once used marijuana but to private contractors. We are denying people the opportunity to do business with the government if they tell the truth about that.

I am urging all of my colleagues, wherever you are in terms of your particular State, let's stop discriminating.

The SPEAKER pro tempore. The time of the gentleman has expired.

□ 1100

Mr. BENTZ. Mr. Speaker, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the previous question is ordered on the amendment offered by the gentleman from Maryland (Mr. RASKIN).

The question is on the amendment offered by the gentleman from Maryland (Mr. RASKIN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BENTZ. Mr. Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Amendment No. 1 by Mr. GOTTHEIMER of New Jersey;

Amendment No. 2 by Mr. LAMB of Pennsylvania;

Amendment No. 3 by Mr. RASKIN of Maryland.

Motion to Recommit on H.R. 3617, if offered; and

Passage of H.R. 3617, if ordered.

The first electronic vote will be conducted as a 15-minute vote.

Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

Amendment No. 1 offered by Mr. GOTTHEIMER

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on amendment No. 1, printed in part B of House Report 117-285 offered by the gentleman from New Jersey (Mr. GOTTHEIMER) on which further proceedings were postponed and on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. GOTTHEIMER).

The vote was taken by electronic device, and there were—yeas 243, nays 172, not voting 14, as follows:

[Roll No. 103]

YEAS—243

Adams	Butterfield	Costa
Aguilar	Calvert	Courtney
Allred	Carbajal	Craig
Auchincloss	Cárdenas	Crist
Axne	Carson	Crow
Barragán	Carter (LA)	Cuellar
Bass	Cartwright	Davids (KS)
Beatty	Case	Davis, Danny K.
Bera	Casten	Dean
Beyer	Castor (FL)	DeFazio
Bishop (GA)	Castro (TX)	DeGette
Blumenauer	Cherfilus	DeLauro
Blunt Rochester	McCormick	DelBene
Bonamici	Chu	Delgado
Bourdeaux	Ciilline	Demings
Bowman	Clark (MA)	DeSaulnier
Boyle, Brendan F.	Clarke (NY)	Deutch
Brown (MD)	Cleaver	Dingell
Brown (OH)	Clyburn	Doggett
Brownley	Connolly	Doyle, Michael F.
Bucshon	Cooper	F.
	Correa	Escobar

Eshoo	Lawrence	Roybal-Allard	McCaul	Pocan	Steube
Espallat	Lawson (FL)	Ruiz	McClain	Posey	Stewart
Evans	Lee (CA)	Ruppersberger	McHenry	Reschenthaler	Taylor
Ferguson	Lee (NV)	Rush	McKinley	Rice (SC)	Tenney
Fitzpatrick	Leger Fernandez	Rutherford	Meuser	Rodgers (WA)	Tiffany
Fletcher	Levin (CA)	Ryan	Miller (IL)	Rogers (AL)	Timmons
Frankel, Lois	Levin (MI)	Salazar	Miller (WV)	Rogers (KY)	Tlaib
Gallego	Lieu	Sánchez	Miller-Meeks	Rose	Turner
Garamendi	Lofgren	Sarbanes	Moolenaar	Rosendale	Van Drew
Garcia (CA)	Luria	Scanlon	Mooney	Rouzer	Walberg
Garcia (IL)	Lynch	Schakowsky	Moore (AL)	Roy	Walorski
Garcia (TX)	Mace	Schiff	Moore (UT)	Scalise	Waltz
Gimenez	Malinowski	Schneider	Mullin	Schweikert	Weber (TX)
Golden	Maloney,	Schrader	Nehls	Scott, Austin	Webster (FL)
Gomez	Carolyn B.	Schrier	Norman	Sessions	Wenstrup
Gonzalez,	Maloney, Sean	Schrier	Ocasio-Cortez	Simpson	Westerman
Vicente	Manning	Scott, David	Owens	Smith (MO)	Williams (KY)
Gottheimer	Matsui	Sewell	Palazzo	Smucker	Wilson (SC)
Graves (LA)	McBath	Sherman	Palmer	Spartz	Wittman
Graves (MO)	McClintock	Sherrill	Pence	Steel	Womack
Green, Al (TX)	McCollum	Sires	Perry	Stefanik	Zeldin
Griffith	McEachin	Slotkin	Pfluger	Stell	
Grijalva	McGovern	Smith (NJ)			
Harder (CA)	McNerney	Smith (WA)			
Hartzler	Meeks	Soto	Arrington	Davis, Rodney	Johnson (LA)
Hayes	Meijer	Spanberger	Boebert	Foster	Kinzinger
Higgins (LA)	Meng	Speier	Budd	Gonzalez (OH)	Smith (NE)
Higgins (NY)	Mfume	Stansbury	Bustos	Hollingsworth	Thompson (PA)
Himes	Moore (WI)	Stanton	Cheney	Jacobs (CA)	
Horsford	Morelle	Staubert			
Houlihan	Moulton	Stevens			
Hoyer	Mrvan	Strickland			
Huffman	Murphy (FL)	Suozi			
Jackson Lee	Murphy (NC)	Swalwell			
Jayapal	Nadler	Takano			
Jeffries	Napolitano	Thompson (CA)			
Johnson (GA)	Neal	Thompson (MS)			
Johnson (OH)	Neguse	Titus			
Johnson (SD)	Newhouse	Tonko			
Johnson (TX)	Newman	Torres (CA)			
Jones	Norcross	Torres (NY)			
Joyce (OH)	O'Halleran	Trahan			
Kahele	Oberholte	Trone			
Kaptur	Omar	Underwood			
Katko	Pallone	Upton			
Keating	Panetta	Valadao			
Kelly (IL)	Pappas	Van Duyne			
Khanna	Pascrell	Vargas			
Kildee	Payne	Veasey			
Kilmer	Perlmutter	Velázquez			
Kim (CA)	Peters	Wagner			
Kim (NJ)	Phillips	Wasserman			
Kind	Pingree	Schultz			
Kirkpatrick	Porter	Waters			
Krishnamoorthi	Pressley	Watson Coleman			
Kuster	Price (NC)	Welch			
Lamb	Quigley	Wexton			
Lamborn	Raskin	Wild			
Langevin	Reed	Williams (GA)			
Larsen (WA)	Rice (NY)	Wilson (FL)			
Larson (CT)	Ross	Yarmuth			

NAYS—172

Aderholt	Comer	Guthrie
Allen	Crawford	Harris
Amodei	Crenshaw	Harshbarger
Armstrong	Curtis	Hern
Babin	Davidson	Herrrell
Bacon	DesJarlais	Herrera Beutler
Baird	Diaz-Balart	Hice (GA)
Balderson	Donalds	Hill
Banks	Duncan	Hinson
Barr	Dunn	Hudson
Bentz	Ellzey	Huizenga
Bergman	Emmer	Issa
Bice (OK)	Estes	Jackson
Biggs	Fallon	Jacobs (NY)
Bilirakis	Feenstra	Jordan
Bishop (NC)	Fischbach	Joyce (PA)
Bost	Fitzgerald	Keller
Brady	Fleischmann	Kelly (MS)
Brooks	Foxx	Kelly (PA)
Buchanan	Franklin, C.	Kustoff
Buck	Scott	LaHood
Burchett	Fulcher	LaMalfa
Burgess	Gaetz	Latta
Bush	Gallagher	LaTurner
Cammack	Garbarino	Lesko
Carey	Gibbs	Letlow
Carl	Gohmert	Long
Carter (GA)	Gonzales, Tony	Loudermilk
Carter (TX)	Good (VA)	Lowenthal
Cawthorn	Gooden (TX)	Lucas
Chabot	Gosar	Luetkemeyer
Cline	Granger	Malliotakis
Cloud	Green (TN)	Mann
Clyde	Greene (GA)	Massie
Cohen	Grothman	Mast
Cole	Guest	McCarthy

McCaul	Pocan	Steube
McClain	Posey	Stewart
McHenry	Reschenthaler	Taylor
McKinley	Rice (SC)	Tenney
Meuser	Rodgers (WA)	Tiffany
Miller (IL)	Rogers (AL)	Timmons
Miller (WV)	Rogers (KY)	Tlaib
Miller-Meeks	Rose	Turner
Moolenaar	Rosendale	Van Drew
Mooney	Rouzer	Walberg
Moore (AL)	Roy	Walorski
Moore (UT)	Scalise	Waltz
Mullin	Schweikert	Weber (TX)
Nehls	Scott, Austin	Webster (FL)
Norman	Sessions	Wenstrup
Ocasio-Cortez	Simpson	Westerman
Owens	Smith (MO)	Williams (KY)
Palazzo	Smucker	Wilson (SC)
Palmer	Spartz	Wittman
Pence	Steel	Womack
Perry	Stefanik	Zeldin
Pfluger	Stell	

NOT VOTING—14

Arrington	Davis, Rodney	Johnson (LA)
Boebert	Foster	Kinzinger
Budd	Gonzalez (OH)	Smith (NE)
Bustos	Hollingsworth	Thompson (PA)
Cheney	Jacobs (CA)	

□ 1133

Mr. LOWENTHAL changed his vote from "yea" to "nay."

Ms. MATSUI and Messrs. FERGUSON and RUTHERFORD changed their vote from "nay" to "yea."

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for: Mr. RODNEY DAVIS of Illinois. Madam Speaker, had I been present, I would have voted "yea" on rollcall No. 103.

Mr. FOSTER. Madam Speaker, on April 1, 2022, I missed one recorded vote. I would like to indicate how I would have voted had I been present. On rollcall No. 103, I would have voted "yea."

Stated against: Mr. SMITH of Nebraska. Madam Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 103.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Armstrong	García (L)	McClain
(Reschenthaler)	(Takano)	(Fitzgerald)
Baird (Walorski)	Garcia (TX)	McEachin
Barragán	(Gomez)	(Wexton)
(Correa)	Gimenez (Diaz-Balart)	McHenry
Bass (Blunt)	(Balart)	(Rouzer)
(Rochester)	Green (TN)	Meng (Kuster)
Bilirakis	(Fleischmann)	Newman (Beyer)
(Fleischmann)	Harder (CA)	Owens (Moore)
Bowman (Evans)	(Gomez)	(UT)
Brooks	Jayapal (Gomez)	Panetta (Gomez)
(Fleischmann)	Johnson (TX)	Price (NC)
Brown (OH)	(Beyer)	(Connolly)
(Beyer)	Joyce (OH)	(Connolly)
Cawthorn (Gaetz)	(Garbarino)	Rice (SC)
Clarke (NY)	Kahele (Takano)	(Meijer)
(Velázquez)	Katko	Roybal-Allard
Comer	(Garbarino)	(Wasserman)
(Fleischmann)	Kelly (IL) (Blunt)	Schultz
Crist	Rochester	Ryan (Kaptur)
(Wasserman)	Kind (Beyer)	Salazar (Steube)
Schultz	Kirkpatrick	Sánchez (Gomez)
Cuellar (Pappas)	(Pallone)	Scott, David
Curtis (Moore)	Krishnamoorthi	(Correa)
(UT)	(Beyer)	Sessions (Babin)
Davis, Danny K.	LaMalfa	Sires (Pallone)
(Gomez)	(Palazzo)	Speier (Scanlon)
DeGette (Blunt)	Lawson (FL)	Steel (Oberholte)
Rochester	(Wasserman)	Stewart (Moore)
Deutch (Rice)	Schultz	(UT)
(NY)	Long	Strickland
Espallat	(Fleischmann)	(Takano)
(Correa)	Luetkemeyer	Suozi (Beyer)
Frankel, Lois	(Meuser)	Taylor (Carter)
(Wasserman)	Mace (Timmons)	(TX)
Schultz	Manning (Beyer)	