



Congress of the United States
House of Representatives
Washington, DC 20515

February 8, 2024

The Honorable Anne Milgram
Administrator
U.S. Drug Enforcement Administration
8701 Morrisette Drive
Springfield, Virginia 22152

Dear Administrator Milgram:

Thank you for your agency's December 19, 2023 response to my letter urging thorough consideration of the merits of descheduling in the Drug Enforcement Administration's review of the scheduling of marijuana. Clear and proactive communication is critical as this formal scheduling review moves forward. As my bipartisan letter emphasized, this scheduling review is a necessary step in the work to end the federal government's failed and discriminatory prohibition of cannabis.

The Drug Enforcement Administration's (DEA) clarity that "DEA has the final authority to schedule, reschedule or deschedule a drug under the Controlled Substances Act" is critical as Congress and the Biden Administration work to normalize federal cannabis policy. Moving marijuana to Schedule III as the Department of Health and Human Services (HHS) recommended in their August 2023 letter, made publicly available in January, would be an important step in the right direction. However, moving marijuana to Schedule III is not sufficient to correct the wrongs of federal prohibition or to meaningfully address the federal-state gap on cannabis policy.

With DEA now conducting its review, we request further details on the ongoing review process:

- What is DEA's planned deadline to publish its draft rule on the scheduling of marijuana for public comment?
- What is the standard timeline for DEA's drug scheduling reviews?
- On what date did DEA begin its review following receipt of HHS's findings and recommendation on marijuana scheduling?
- How is DEA ensuring the agency's review incorporates the status of marijuana under state laws and regulations in its scheduling decision?
- How will DEA proactively communicate developments and receive feedback from congressional partners as the review proceeds?

While Congress works to send the President comprehensive cannabis legislation, the urgency of

full descheduling should inform DEA's position on overall cannabis reform. Appropriate enforcement should be centered on advancing public safety, not unjust criminalization. Marijuana's continued inappropriate scheduling is both arcane and out-of-touch with the will of the American people. I look forward to your response and DEA's continued communication to work transparently and proactively with Congress to adopt this crucial step.

Sincerely,



Earl Blumenauer
Member of Congress

CC: The Honorable Xavier Becerra, U.S. Secretary of Health and Human Services
The Honorable Merrick Garland, U.S. Attorney General
The Honorable Michael D. Miller, Acting Chief, Drug Enforcement Administration
Office of Congressional Affairs