

Congress of the United States
Washington, DC 20515

April 26, 2021

Rosa DeLauro
Chairwoman
Labor, Health and Human Services,
Education, and Related Agencies
2358-B Rayburn House Office Building
Washington, D.C. 20515

Tom Cole
Ranking Member
Labor, Health and Human Services,
Education, and Related Agencies
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairwoman DeLauro and Ranking Member Cole:

We write regarding funding for the Department of Education in the Fiscal Year (FY) 2022 Labor, Health and Human Services, Education and Related Agencies (Labor-HHS) appropriations legislation. Specifically, we ask that you include specific language prohibiting the Department of Education from withholding funds from higher education institutions that are participating in cannabis research.

The issue at hand is whether the federal government's prohibition of cannabis as a Schedule I controlled substance under the Controlled Substances Act (CSA) should be a basis for federal agencies to withhold funds from higher education institutions that seek to provide a base for cannabis-specific research. This risk is particularly worrying for institutions in those states and in the District of Columbia that have taken steps to legalize both the medicinal and recreational use of cannabis, and the majority of U.S. states that presently authorize and regulate the issue of medical cannabis by statute.

Currently, there are a multitude of higher education institutions conducting a range of cannabis-related research, including many in our districts, who prefer for future developments to occur through an accredited educational setting. Formal research is especially important as more states legalize medical marijuana. We need medical professionals who are equipped with the knowledge and certification to discuss competently issues surrounding cannabis and health. Evidence-based research regarding cannabis ought to be encouraged in academic settings, not discouraged. Although many schools and universities have expressed an interest in conducting scientific and observational research on the cannabis plant, they remain hesitant to do so because of a fear of potentially losing eligibility to receive federal grants from the Department of Education.

Universities receive considerable federal funding for research, education, capital projects, and healthcare. Accepting this funding obligates universities to comply with the Drug-Free Schools and Communities Act (20 U.S.C. § 1011i; 34 C.F.R. § 86.1 et seq.). These federal regulations together prohibit the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance. There has been no statement from the Department of Education suggesting that enforcement of the Drug-Free Schools and Communities Act has been, or will be, relaxed – even in jurisdictions that otherwise regulate cannabis or at institutions in these jurisdictions that wish to research it.

Our constitutional framework has afforded the whole nation the chance to allow states to differ on many matters of public policy, including cannabis. As a result, that same framework should be extended to the protection of research of cannabis at higher education institutions.

We ask that you include the following language in the Labor-HHS appropriations bill, which will provide assurances to higher education institutions interested in conducting scientific and observational research on the cannabis plant:

None of the funds provided by this Act or provided by previous Appropriations Acts to the Department of Education shall be withheld from an institute of higher education solely because that institute is conducting or is preparing to conduct research on marihuana as defined in 21 U.S.C. § 802 (16).

Thank you for your consideration of our request.

Sincerely,



Joe Neguse
Member of Congress



Kelly Armstrong
Member of Congress

s/ Steve Cohen
Member of Congress

s/ Salud Carbajal
Member of Congress

s/ Ken Buck
Member of Congress

s/ Earl Blumenauer
Member of Congress

s/ Peter Welch
Member of Congress

s/ Eleanor Holmes Norton
Member of Congress

s/ Eric Swalwell
Member of Congress

s/ Don Young
Member of Congress

s/ Barbara Lee
Member of Congress

s/ Dina Titus
Member of Congress

s/ Diana DeGette
Member of Congress

s/ Peter A. DeFazio
Member of Congress

s/ J. Luis Correa
Member of Congress

s/ Ted W. Lieu
Member of Congress

s/ Jared Huffman
Member of Congress