

# WE MUST PASS BIPARTISAN COVID RELIEF

(Ms. KUSTER of New Hampshire asked and was given permission to address the House for 1 minute.)

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise to speak of the urgent need to pass bipartisan COVID-19 relief legislation as Congress works to conclude our work this year.

Families, businesses, and workers in New Hampshire are feeling the continued pain and impact of this pandemic as cases reach record highs in my State and hospitals and frontline health workers brace for the expected surge.

This week, I was pleased to see Democrats and Republicans in the House and the Senate come together to find common ground and release a promising framework that we should consider immediately. This legislation would bolster our public health and economic response to COVID-19 to help us get through the long, cold, dark winter ahead.

Democrats and Republicans won't get everything they want, but we need to come together and put politics aside.

This legislation includes new funding for the Paycheck Protection Program for small businesses, State and local funding for our first responders, extended unemployment, and critical funding to help with the distribution of the promising COVID-19 vaccine, as well as \$5 billion in funding to combat the opioid epidemic, which, tragically, continues to rage.

It is time to come together and get the job done.

□ 0915

# MARIJUANA OPPORTUNITY REINVESTMENT AND EXPUNGEMENT ACT OF 2019

Ms. JACKSON LEE. Mr. Speaker, pursuant to House Resolution 1244, I call up the bill (H.R. 3884) 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 1244, 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 116-67, modified by the amendment printed in House Report 116-607, is adopted, and the bill, as amended, is considered read.

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

H. R. 3884

*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 of 2020" or the "MORE Act of 2020".

## 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) 36 States, the District of Columbia, Puerto Rico, and Guam have adopted laws allowing legal access to cannabis, and 15 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands 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 \$9.5 billion in 2017 and are projected to reach \$23 billion by 2022.

(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 in 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 "marijuana,"; 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) INTERSECTION 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”; and

(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”; and

(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”; and

(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”; and

(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 Ap-

propriations 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 of 2020 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 of 2020.”.

(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 TRUST FUND.**—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

##### **“SEC. 9512. 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 of 2020.

“(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 of 2020.”.

(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 removed 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 semimonthly 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, or

“(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 Expungement Act of 2020, 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 subparagraph (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 are not adequate to protect the revenue, or

“(2) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

“(A) is, by reason of their business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal or State criminal law relating to cannabis or cannabis products, not likely to maintain operations in compliance with this chapter, or

“(B) has failed to disclose any material information required or made any material 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,

“(D) has failed to maintain their premises in such manner as to protect the revenue, or

“(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal or State criminal law relating to cannabis, not likely to maintain operations in compliance with this chapter, 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. 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 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 REINVESTMENT 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 OO—COMMUNITY REINVESTMENT GRANT PROGRAM

#### “SEC. 3052. 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. 3053. 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. 3054. 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 Oppor-

tunity Reinvestment and Expungement Act of 2020).

“(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 of 2020”.

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

(1) **CANNABIS OPPORTUNITY PROGRAM.**—The Administrator of the Small Business Administration shall establish and carry out a program, to be known as the “Cannabis Opportunity Program” to provide any eligible State or locality funds to make loans under section 7(m) of the Small Business Act (15 U.S.C. 363(m)) to assist small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)) that operate in the cannabis industry.

(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:

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

(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 criminal conviction restrictions for licensing except with respect to a 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 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 State or locality, to serve as an oversight body of the equitable licensing program.

(3) **DEFINITIONS.**—In this subsection:

(A) The term “individual adversely impacted by the War on Drugs” means an individual—

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

(ii) 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.

(B) 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.

(C) 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”)).

**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:

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

“(1) CANNABIS.—The term ‘cannabis’—

“(A) 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

“(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) 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:

“(37) LOANS TO CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.—The Administrator may not decline to provide a guarantee for 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 borrower solely because such borrower 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.—An eligible intermediary may not decline to provide assistance under this subsection to an otherwise eligible borrower solely because such borrower is a cannabis-related legitimate business or service provider.”.

(i) 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 CANNABIS-RELATED LEGITIMATE BUSINESSES AND SERVICE PROVIDERS.**

“The Administrator may not decline to provide a guarantee for a loan under this title to an otherwise eligible State or local development company solely because such State or local development company provides financing to an entity that is a cannabis-related legitimate business or service provider (as defined in section 3(ff) 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 mari-

juana 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 cannabis, 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 compensation 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 among and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentlewoman from Texas (Ms. JACKSON LEE) and the gentleman from Ohio (Mr. JORDAN) each will control 30 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I really appreciate and find relief in the opportunity to speak on behalf of H.R. 3884, the Marijuana Opportunity Reinvestment and Expungement Act of 2020, or the MORE Act of 2020.

I have great determination for the American people who, with a majority of Democrats and Republicans, understand the importance of the MORE Act, and I believe it is important to pass a long overdue measure, and I encourage the rest of my colleagues to do so as well.

I don't rise today to promote drug use. I don't rise today to harm those young people who are in the beginning of their life.

I do not rise today to undermine law enforcement. In fact, in speaking to a representative of the law enforcement community, detailing this legislation, there was a great relief and understanding of the fairness and the justice that would be rendered with the passage of the MORE Act.

It has taken us a long time to get here, and I would like to take the opportunity to thank all of those who have made it possible for us to consider this bill today; in particular, my colleague, our chairman on the House Judiciary Committee, the author of this

bill, Chairman JERRY NADLER. He has worked without ceasing on this legislation, as well as two very determined colleagues who have continued their advocacy, and they were particularly instrumental in getting us here, Congresswoman BARBARA LEE and Congressman EARL BLUMENAUER.

To summarize the provisions of the MORE Act, they fall into two categories: First, simply, it 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 in the entire United States, as some have tried to argue. It would simply remove the Federal Government from interfering with State laws and State structures in 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 structured to collect a sales tax on marijuana which, over the course of 5 years, could increase from 5 to 8 percent. The funds collected through this tax will be used to establish a trust to do good, to reinvest in communities ravaged by the war on drugs. I know it firsthand, by living and growing up in those communities, those communities of color and those communities beyond.

What I would also say is it would bring banking a relief. Businesses who ultimately will come from this legislation, legally, will have the legal right and opportunity to secure legal banking relationships. The trust fund will be used for rehabilitation and re-entry programs in the Department of Justice and for programs in the Small Business Administration to ensure that the growing marijuana market is diverse and opens up opportunities for entrepreneurship in communities that have been adversely impacted by the war on drugs.

In the last week, in my community, a bright, young individual was killed because of marijuana, marijuana sales. A bright light, yes, was extinguished in a minute with violence. This is what we want to see eliminated. We want a government structure that saves lives.

Finally, the bill would expunge and seal Federal marijuana arrests and convictions and resentenced offenders as appropriate, a much-needed measure to try to undo the damage that has been done to our communities since marijuana was arbitrarily placed on the list of controlled substances back in 1970.

The numbers are staggering but, most of all, the numbers are staggering with the imbalance of prosecution of African Americans and people of

Latinx heritage, Hispanic heritage. What an imbalance. What a massive infusion of incarceration across this Nation.

Thousands of men and women have suffered needlessly from the Federal criminalization of marijuana, particularly in communities of color, and have born the burden of collateral consequences for those ensnared in the criminal legal system that have damaged our society across generations. This is unacceptable, and we must change our laws.

It is time for Congress to catch up with the reforms that States have enacted. It is time for Congress to catch up with Americans. Thirty-six States, the District of Columbia, Puerto Rico, and Guam have adopted laws allowing legal access to cannabis. Fifteen States, the District of Columbia, and the Northern Mariana Islands have adopted laws 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 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 decisionmaking for their citizens.

We need to open the door to research, better banking, and tax laws. We need to help fuel economic growth in this industry. We need to save lives. We need to help young people. We need to bring our Nation together.

And we need to do this without continuing to spend Federal resources on criminalization and unjust incarceration for marijuana offenses.

We need to pass the MORE Act.

That is why I support it, and that is why I believe it is important for us to unify and support this bill today. And I ask my colleagues to do the same.

Mr. Speaker, as a cosponsor of the legislation and a senior member of the Judiciary Committee, and its Subcommittee on Crime, Homeland Security, and Terrorism, I rise in strong support of H.R. 3884, the "Marijuana Opportunity Reinvestment and Expungement Act of 2020," or "MORE Act of 2020."

I support this legislation because it accomplishes three very important things.

First, it removes marijuana, or cannabis, from the list—or the schedule—of Federally controlled substances.

This means that, going forward, individuals could no longer be prosecuted, federally, for marijuana offenses.

To be clear, this does not mean that marijuana would now be legal in the entire United States—it would simply remove the Federal government from the business of prosecuting marijuana cases and would leave the question of legality to the individual States.

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 sets up 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 through this tax will be used to establish a trust fund to reinvest in communities ravaged by the War on Drugs and in communities of color.

The trust fund will be used for rehabilitation and reentry programs in the Department of Justice and for programs in the Small Business Administration to ensure that the burgeoning marijuana market is diverse and opens up opportunities for entrepreneurship in communities that have been adversely impacted by the War on Drugs.

Finally, the bill would expunge and seal Federal marijuana convictions and resentenced offenders, as appropriate—a much-needed measure to try to undo the damage that has been done to our communities since marijuana was arbitrarily placed on the list of controlled substances, back in 1970.

Mr. Speaker, thousands of men and women have suffered needlessly from the federal criminalization of marijuana, particularly in communities of color, and have born the burden of the collateral consequences for those ensnared in the criminal legal system that have damaged our society across generations.

The racially disproportionate prosecution of marijuana offenses is, in fact, a real problem at the federal level, and is not just a problem at the state and local level.

Data from the U.S. Sentencing Commission proves the prosecution of cannabis offenses at the federal level disproportionately affects minority communities.

According to the U.S. Sentencing Commission, about 84 percent of the more than 2,000 marijuana offenders who were federally sentenced in 2018 were people of color.

Only 11 percent were white, even though more than 60 percent of the U.S. population is white.

This is unacceptable and we must change our laws.

It is time for Congress to catch up with the times and the reforms that states are enacting.

Thirty-six states, the District of Columbia, Puerto Rico, and Guam have adopted laws allowing legal access to cannabis.

Fifteen 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 Federal criminalization.

Mr. Speaker, 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 for their citizens.

We need to open the door to research, better banking and tax laws, and we need to help fuel economic growth in this industry.

And we need to do this without continuing to spend federal resources on criminalization and unjust incarceration for marijuana offenses.

In short, Congress needs to pass the MORE Act.

Mr. Speaker, I will address briefly why certain objections raised against the bill lack merit and should be disregarded.

Some opponents propose merely re-scheduling marijuana (instead of descheduling it completely).

I oppose rescheduling marijuana to a lower schedule, such as Schedule III, because that

would only benefit industry, as cannabis-related businesses could start receiving tax breaks that would be prohibited if cannabis remained scheduled under Schedules I or II.

Rescheduling marijuana would do absolutely nothing to address the problem of enforcement of marijuana laws.

The Controlled Substances Act does not distinguish among the different schedules for purposes of enforcement and this amendment does not even touch the penalties associated with marijuana—including draconian mandatory minimums.

Keeping marijuana on the schedule of controlled substances at all will only continue to exacerbate disparities in the criminal justice system and further entrench the issues currently presented by federal marijuana prohibition, VA doctors will continue to be prohibited from prescribing medical marijuana for suffering veterans, and federal employees will still be subjected to random workplace drug testing for off-the-job marijuana consumption.

Next, let me address the misconception that decriminalization of marijuana at the federal level will lead to an increase in crime.

In fact, there is every reason to believe it would be the exact opposite.

Studies show that:

1. Laws allowing adult use of marijuana are not associated with an uptick in overall criminal activity.

2. Medical cannabis regulatory laws are not associated with an uptick in overall criminal activity.

3. Retail cannabis facilities are not positively associated with increased criminality and may play a role in the prevention of certain crimes such as larceny.

There is no need to anticipate that federal descheduling of marijuana will lead to more crime; states will still be allowed to leave in place their criminal laws and regulations related to marijuana, if they desire.

Mr. Speaker, what is now largely a cash business will finally have access to banking, which will reduce the potential that lawfully compliant businesses become targets for crime.

In fact, for this very reason, decriminalizing marijuana at the federal level will enhance public safety.

Additionally, Mr. Speaker, veterans consume marijuana at rates far higher than the general population, and many vets report substituting alcohol and prescription drugs with medicinal marijuana.

Veterans often report using cannabis to treat symptoms of chronic pain and mood disorders, like post-traumatic stress. In fact, marijuana used for medical purposes can help veterans ease their reliance on prescription and non-prescription opioids for pain relief.

And the clinical data support the use of cannabis treatment for these indications. Descheduling will allow VA doctors to prescribe marijuana without fear of punishment, and it will allow the choice to be with doctors and patients, where it belongs.

Descheduling marijuana, as this bill would do, will greatly benefit our veterans.

Let me discuss briefly the expungement provisions in the legislation.

The expungement provisions relate only to marijuana offenses, which are not per se violent offenses.

Punishment for other offenses committed simultaneously (or, for that matter, at any other time) would remain in place.

In the past several years, Congress has undertaken significant efforts to address the injustices inherent in our system of criminal justice.

Criminal justice reform has been a bipartisan pursuit.

Expungement is a critical component of any legislation seeking to address the disparities in our criminal justice system.

This is especially true in the context of marijuana arrests, prosecutions, and convictions, which disproportionately affect overcriminalized communities of color.

These are the communities that today continue to suffer most from the consequences of our failed drug policies.

There are two different kinds of expungement processes established by the MORE Act.

For those individuals who are in prison on a marijuana conviction or still under some form of federal court supervision, expungement takes place by way of resentencing, under the watch of a federal judge who will reevaluate whether, based on the person's conviction or convictions, it is appropriate to expunge or recalculate his or her sentence.

For those individuals who have completely finished serving their sentences and are no longer under court supervision, expungement would help give them a fresh start—again, consistent with the principles of criminal justice reform we have espoused in a bipartisan manner.

The collateral consequences suffered by those with marijuana convictions are numerous and vast and they are the direct result of the unfair and unwise placement of marijuana on Schedule I.

We can help undo the harm by expunging federal marijuana convictions in the manner set forth in the MORE Act.

Mr. Speaker, in voting to pass the MORE Act, this body will promoting public health and safety and delivering restorative justice.

I urge all Members to join me in voting to pass H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2020.”

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

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SMALL BUSINESS,  
Washington, DC, February 19, 2020.

Hon. JERROLD NADLER,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: I am writing to you concerning H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019.” Thank you for consulting with the Committee on Small Business regarding the matters in H.R. 3884 that fall within the Committee's jurisdiction.

As a result of your consultation with us on this measure and in order to expeditiously move the bill to the floor, I forego further consideration of H.R. 3884. The Committee on Small Business takes this action with our mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction. Further, I request your support for the appointment of an appropriate number of conferees from the Committee on Small Business during any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming our understanding regarding H.R. 3884 and would ask that a copy of our exchange of letters on this matter be included in the Committee Report and the Congressional Record during floor consideration of the measure. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

NYDIA M. VELÁZQUEZ,  
Chairwoman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, July 13, 2020.

Hon. NYDIA M. VELÁZQUEZ,  
Chairwoman, Committee on Small Business,  
House of Representatives, Washington, DC.

DEAR CHAIRWOMAN VELÁZQUEZ: I am writing to you concerning H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019” (the “MORE Act of 2019”). You wrote me a letter concerning this legislation on February 19, 2020.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Small Business. I acknowledge that your Committee will not formally consider H.R. 3884 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 3884 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND REFORM,  
Washington, DC, September 21, 2020.

Hon. JERROLD NADLER,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: I am writing to you concerning H.R. 3884, the Marijuana Opportunity Reinvestment and Expungement Act of 2019. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Oversight and Reform.

In the interest of permitting your Committee to proceed expeditiously on this bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Oversight and Reform does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name Members of this Committee to any conference committee which is named to consider such provisions.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective Committees.

Sincerely,

CAROLYN B. MALONEY,  
Chairwoman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 21, 2020.

Hon. CAROLYN B. MALONEY,  
*Chairwoman, Committee on Oversight and Reform,  
House of Representatives, Washington, DC.*

DEAR CHAIRWOMAN MALONEY: I am writing to you concerning H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019” (the “MORE Act of 2019”).

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Oversight and Reform. I acknowledge that your Committee will not formally consider H.R. 3884 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 3884 which fall within your Committee’s Rule X jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, November 17, 2020.

Hon. JERROLD NADLER,  
*Chair, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR CHAIR NADLER: In recognition of the goal of expediting consideration of H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019,” the Committee on Natural Resources agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee on Natural Resources.

The Committee on Natural Resources takes this action with the mutual understanding that, in doing so, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. Our Committee also reserves the right to seek appointment of conferees to any House-Senate conference involving this or similar legislation.

Thank you for agreeing to include our exchange of letters in the Congressional Record. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

RAÚL M. GRIJALVA,  
*Chair, House Natural Resources Committee.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 18, 2020.

Hon. RAÚL M. GRIJALVA,  
*Chairman Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN GRIJALVA: I am writing to you concerning H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019” (the “MORE Act of 2019”).

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Natural Resources. I acknowledge that your Committee will not formally consider H.R. 3884

and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 3884 which fall within your Committee’s Rule X jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EDUCATION AND LABOR,  
Washington, DC, November 24, 2020.

Hon. JERROLD L. NADLER,  
*Chairman, House Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN NADLER: I write concerning H.R. 3884, the Marijuana Opportunity Reinvestment and Expungement Act of 2019. This bill was primarily referred to the Committee on the Judiciary, and additionally to the Committee on Education and Labor. As a result of Leadership and the Committee on Judiciary having consulted with me concerning this bill generally, I agree to forgo formal consideration of the bill so the bill may proceed expeditiously to the House floor.

The Committee on Education and Labor takes this action with our mutual understanding that by forgoing formal consideration of H.R. 3884, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and we will be appropriately consulted and involved as the bill or similar legislation moves forward so we may address any remaining issues within our Rule X jurisdiction. I also request that you support my request to name members of the Committee on Education and Labor to any conference committee to consider such provisions.

Finally, I would appreciate a response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the committee report for H.R. 3884 or in the Congressional Record during floor consideration thereof.

Sincerely,

ROBERT C. “BOBBY” SCOTT,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 24, 2020.

Hon. BOBBY SCOTT,  
*Chairman, House Committee on Education and Labor, Washington, DC.*

DEAR CHAIRMAN SCOTT: I am writing to you concerning H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019” (the “MORE Act of 2019”).

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Education and Labor. I acknowledge that your Committee will not formally consider H.R. 3884 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 3884 which fall within your Committee’s Rule X jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with

you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
*Chairman.*

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 27, 2020.

Hon. JERROLD NADLER,  
*Chairman, Committee on Judiciary,  
Washington, DC.*

DEAR CHAIRMAN NADLER: In recognition of the desire to expedite consideration of H.R. 3884, the Marijuana Opportunity Reinvestment and Expungement Act of 2019, the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letter on this matter be included in the Congressional Record during floor consideration of H.R. 3884.

Sincerely,

RICHARD E. NEAL,  
*Chairman, Committee on Ways and Means.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 30, 2020.

Hon. RICHARD NEAL,  
*Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN NEAL: I am writing to you concerning H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019” (the “MORE Act of 2019”).

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I acknowledge that your Committee will not formally consider H.R. 3884 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 3884 which fall within your Committee’s Rule X jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, November 30, 2020.

Hon. JERROLD NADLER,  
*Chair, Committee on Judiciary,  
Washington, DC.*

DEAR CHAIRMAN NADLER: I write concerning H.R. 3884, the “Marijuana Opportunity Reinvestment and Expungement Act of 2019,” which was additionally referred to the Committee on Energy and Commerce.

In recognition of the desire to expedite consideration of H.R. 3884, the Committee on

Energy and Commerce agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Energy and Commerce. The Committee takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. I also request that you support my request to name members of the Committee on Energy and Commerce to any conference committee to consider such provisions.

Finally, I would appreciate the inclusion of this letter into the Congressional Record during floor consideration of H.R. 3884.

Sincerely,

FRANK PALLONE, JR.,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 1, 2020.

Hon. FRANK PALLONE, JR.,  
*Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN PALLONE: I am writing to you concerning H.R. 3884, the "Marijuana Opportunity Reinvestment and Expungement Act of 2019" (the "MORE Act of 2019").

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that your Committee will not formally consider H.R. 3884 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 3884 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

JERROLD NADLER,  
*Chairman.*

Mr. JORDAN. Mr. Speaker, I yield 3 minutes to the gentleman from the State of North Carolina (Mr. MURPHY), the good doctor.

Mr. MURPHY of North Carolina. Mr. Speaker, I rise today in opposition of H.R. 3884, the Marijuana Opportunity Reinvestment and Expungement Act.

As a practicing physician for over 30 years, this bill deeply troubles me, especially with its researched implications for our youth population.

Marijuana is one of the most abused substances on this planet. And I will say, I am sympathetic to those who use marijuana for pain relief; I really am. It has been clinically proven to have activity in this area.

That said: A July 2020 study from the National Library of Medicine concluded that the THC component of cannabis can be the main culprit in psychosis and schizophrenia. A 2018 study from Duke University, in fact, showed a five-time increase in psychosis among chronic cannabis users.

The U.S. Surgeon General, Dr. Jerome Adams, agreed that there are se-

rious health risks associated with the use of marijuana in adolescence and in pregnancy.

The bill fails to set any standards to prevent marijuana, THC concentrates, vaping products, or edibles from getting into the hands of teenagers and young adults whose brains are still developing.

The MORE Act doesn't help prevent the distribution of marijuana to minors. It disrespects States' rights, fails to prevent violence and the use of firearms in growing and distributing marijuana and, lastly, it allows for the potential of marijuana revenue to fund criminal organizations, gangs, or cartels.

I have been to the border and have personally seen what smuggling operations this legislation might allow.

Yes, legalizing weed would create revenue from taxes, but at what cost? Do we then start legalizing cocaine?

Marijuana is a gateway drug; make no mistake about that. It undoubtedly leads to further and much more dangerous drug use.

And while I do believe that medical marijuana can have some activity in chronic pain or those with cancer, this bill simply goes way too far. I will vote against it on the House floor, and I urge my colleagues to do the same.

GENERAL LEAVE

Ms. JACKSON LEE. 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. 3884.

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

There was no objection.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, marijuana is not a gateway drug. There is ample scientific evidence demonstrating that the use of marijuana does not cause the use of other illicit substances. And according to the National Institute on Drug Abuse, the majority of people who are marijuana users do not go on to use other, harder substances.

The bill does not have any provision to sell marijuana to children.

Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Georgia (Mr. JOHNSON), a distinguished member of the House Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of the MORE Act. The war on drugs targeting communities of color, primarily, has resulted in the advent of the prison industrial complex that has fed on and consumed the lives of countless individuals and families. Too many Black and Brown children in our country have grown up without a parent because of government-sponsored crony capitalism which saw profits and policies that put people in prison rather than dealing with drug abuse as a public health issue.

The criminalization of marijuana was used to disenfranchise an entire generation of Black men and women. The MORE Act is an important step forward toward more enlightened policy. I am proud to vote in favor of this bill, and I encourage my colleagues to do the same.

Mr. JORDAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GAETZ).

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

The MORE Act is flawed. It uses cannabis policy to do a great deal of social engineering to create new taxes and new programs and redistribution of assets.

But I am here as the only Republican cosponsor of the MORE Act, and I am voting for it because the Federal Government has lied to the people of this country about marijuana for a generation.

We have seen a generation, particularly of Black and Brown youth, locked up for offenses that should not have resulted in any incarceration whatsoever.

I am also deeply troubled by the current policy of the Federal Government that inhibits research into cannabis, research that could unlock cures and help people live better lives.

My Republican colleagues today will make a number of arguments against this bill, but those arguments are overwhelmingly losing with the American people. In every State where cannabis reform was on the ballot in this country, it passed. It passed with overwhelming support.

As a matter of fact, the only thing that I know that is more popular than getting out of the war on drugs is getting out of the war in Afghanistan. But if we were measuring the success in the war on drugs, it would be hard to conclude anything other than the fact that drugs have won because the American people do not support the policies of incarceration, limited research, limited choice, and particularly constraining medical application.

□ 0930

We are here in a time when many people in our country are suffering. They are in pain. It is documented that States with medical cannabis programs see a reduction in the prescribing of opioids and in the number of opioid abuses and deaths. We have held hearings in the House Judiciary Committee where people in our government must confess that this is, in fact, true, that the more we give people access to medical cannabis programs, the more we see a blunting of this horrible scourge of opioid addiction and opioid abuse.

We talk all the time on the right about the need to empower people and empower States. Right now, the Federal policy on cannabis constrains our people. It limits our States. I would only hope that in the 117th Congress, after this bill invariably dies in the Senate, we will actually come back and

pass the STATES Act because it acknowledges that we have screwed this up in the Federal Government.

While we have screwed it up, States have taken action. They have designed programs in the way that our great Federal system promises. If we were to pass the STATES Act, then best practices would emerge, States that developed applicable programs for their people would be replicable, and we would see better policies.

I am going to vote for the MORE Act. It won't pass the Senate and it won't become law, but then we should come back in the 117th Congress, and we should truly do more for our people.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first thank the gentleman from Florida for making this a bipartisan bill. I thank him for his insight, and I know that we will have many opportunities to work together.

I might add, if we pass the MORE Act, we will allow veterans, hospitals, and doctors to be engaged in research to help our returning soldiers and veterans who are suffering from a variety of diseases that may be impacted by marijuana use.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES), a distinguished member of the Judiciary Committee and chair of the Democratic Caucus.

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentlewoman from Texas for yielding.

The failed war on drugs first began almost 50 years ago, when Richard Nixon declared drug abuse public enemy number one. At the time there were less than 200,000 people incarcerated in America. Today, there are 2.3 million, disproportionately Black and Latino. Many of those who have been incarcerated over the years were imprisoned for nonviolent drug offenses, including possession of marijuana.

The United States incarcerates more people than any other country in the world. We have ruined lives, families, and communities. It is a stain on our democracy.

The possession of marijuana is done in equal, if not greater, numbers by White Americans when compared to Black Americans. Yet in community after community after community, Blacks and Latinos make up approximately 75 to 80 percent of the arrests and prosecutions.

How can that be?

Marijuana use is either socially acceptable behavior or it is criminal conduct, but it can't be socially acceptable behavior in some neighborhoods and criminal conduct in other neighborhoods when the dividing line is race. That is why we must pass the MORE Act, decriminalize marijuana in America, and bring to light the principle of liberty and justice for all.

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

Mr. Speaker, I was all over the State of Ohio in the recent campaign. I was all over the country. I was in Georgia, Florida, Wisconsin, Pennsylvania, and Texas, all over the place. Not once—not once—did an American citizen come up to me and say: Do you know what? The first thing I hope the Congress does after this election, the first major piece of legislation I hope the Congress takes up after this election is to legalize marijuana.

Not once did that happen.

But this bill does more than that. This bill says it is not enough just to legalize marijuana. They want taxpayers to pay for it. This bill sets up a grant program. This is the marijuana business infrastructure bill. It sets up an office in the Department of Justice—a special office in the Department of Justice—for the marijuana industry. Grant dollars, taxpayer dollars are going to this industry.

I didn't have anyone tell me: Do you know what? I hope the first big bill the Democrats do after this session is to give my tax dollars to the marijuana industry.

That is exactly what has happened here. But, frankly, this shouldn't surprise us. Think about what the Democrats did earlier this week. Their first big hearing—actually, their first hearing—since the election in the Judiciary Committee was Wednesday in the Crime, Terrorism, and Homeland Security Subcommittee. It was a hearing about letting criminals out of prison early because of the COVID issue—letting criminals out early in an environment where violent crime is increasing.

We know that, this summer, aggravated assaults are up 14 percent and homicides are up 53 percent. Democrat mayors and city councils around the country in our major urban areas in that environment are defunding the police. So in that overall environment where homicides are up, aggravated assaults are up, and there are less cops on the street, they want to release criminals early.

I want to read from a letter that Mr. NADLER and Congresswoman BASS sent to the Attorney General back in March:

We urge you to use every tool at your disposal to release as many prisoners as possible to protect from COVID-19.

They go on to further to state—and this is the part that is scary:

What you do with individuals who are high risk of contracting COVID-19, who are not in low- or minimum-security facilities, who have been convicted of serious offenses, we urge you to consider that even these individuals in these categories be assessed for release.

Mr. Speaker, so even the most violent criminals they were looking at and they were encouraging the Attorney General to release on our streets.

Oh, and just like with this marijuana bill, they want your tax dollars to pay for a grant program to the States to release criminals early—even the most

violent criminals. In an environment where violent crime is up, where our Democrat mayors are defunding their police and taking cops off the street, they want to release criminals early and, oh, your tax dollars pay for it. Mr. Speaker, that is what they want to do.

Now they say: Oh, by the way, it is not just enough that your tax dollars go to States to release criminals early in that environment when they are defunding the police and violent crime is up, we also want you to pay for the marijuana industry.

You have got to be kidding me, Mr. Speaker. You have got to be kidding me. They started the week off having a hearing on paying States to release criminals out of our jails, and now they are going to end the week by saying that taxpayers pay for the marijuana industry.

This is crazy. This is exactly what they want to do. Think about this for a second, Mr. Speaker. Think about a small business owner. Let's just pick Portland. A small business owner in Portland, who paid their local taxes, who this summer had their business destroyed because Democrat leaders in that city would not protect their business, now Democrats in Congress are saying: Oh, we want your Federal tax dollars to be used to release criminals early and to buttress the marijuana industry.

Such a deal for the taxpayer. That is what the Democrats have prioritized this week in the United States Congress. It is ridiculous.

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

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is interesting my good friend has been in different places than we have been in the House Judiciary Committee, but he remains my good friend.

Obviously, our hearing this week was on the devastation of COVID-19 in the Nation's Federal prisons, lives that are lost and lives that could be lost if strong structures are not put in place. That is our job.

I think the other point that should be made is that we will be made safer by this legislation. I can't explain to him the life that I have led, the neighborhood that I lived in, the amazing loss of young lives over marijuana because it was illegal. As we watched not only the life lost in bloodshed, but the life lost in incarceration—imbalanced incarceration, huge sentences—the loss of opportunity, of college, of housing, and of jobs.

We are crying out for relief. Interestingly enough, two out of three Americans say marijuana should be legal, including a majority of both Democrats and Republicans.

Finally, the taxation is on those who use marijuana. It is not on the small business person, it is on those who use and buy marijuana. So I hope that we can move forward on what the American people want us to do.



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

Mr. CICILLINE. Mr. Speaker, wars are costly, and the war on marijuana is no exception. This war has derailed lives. It has led to lost jobs and housing. It has torn families apart. The cost of the war on marijuana has disproportionately fallen on the backs of Blacks and Latino people.

As White entrepreneurs across the country support their families by running businesses selling marijuana, many Black and Latino people are spending time behind bars and criminalized for doing the same.

In Rhode Island, a Black person was 3.3 times more likely to be arrested for possessing marijuana than a White person in 2018, even though Black and White people use marijuana at similar rates.

Immigrants have been deported simply for using marijuana in States that permit its use and despite never being convicted of a crime.

Targeting low-level marijuana-related offenders with harsh penalties has done little to make our communities safer. The MORE Act ends the criminalization of marijuana. It protects the 36 States, including Rhode Island, that have led the way on marijuana policy and legalized it for medicinal purposes.

People convicted of marijuana-related charges are often denied access to social programs or even the ability to take out student loans to further their education and careers. The MORE Act helps fix that.

This legislation redirects resources away from prosecution of marijuana and toward community investments and public health solutions. It establishes an opportunity trust fund that provides resources for those who have marijuana-related convictions, including job training and substance abuse treatment. It moves us closer toward racial equity by allowing expungement of nonviolent marijuana convictions.

The MORE Act provides restorative justice by providing SBA loans to assist small businesses, especially small businesses controlled by socially and economically disadvantaged people.

Mr. Speaker, I thank Chairman NADLER for his leadership and for introducing the MORE Act. I am proud to be a cosponsor, and I urge my colleagues to vote in support of this historic legislation.

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

Mr. Speaker, I would just point out the American Medical Association put out a letter 2 days ago saying they oppose this legislation for the reasons that Dr. Murphy highlighted in his opening remarks.

I would also just, again, point out what the Democrats on the Judiciary Committee did on Wednesday. It was about releasing criminals from prisons early.

Again, just to read from the letter that the chairman of the Judiciary Committee sent to the Attorney General of the United States on March 30, 2020, he says. . . . who have been convicted of serious offenses or who have high pattern risk scores, we urge you to consider that even these individuals in these categories be assessed for release.

I don't know how you can say it any plainer, Mr. Speaker. These are some of the most dangerous people in our Federal prison system. They wanted the Attorney General to look at releasing them into the public. That is how they started the week. They are going to end the week by decriminalizing marijuana and giving American tax dollars to businessowners to further the marijuana industry.

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BISHOP).

Mr. BISHOP of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentlewoman from Texas' comment that the MORE Act would make us safer calls for a specific response.

As Representative JORDAN just said, the fact that the MORE Act is on the floor at this time epitomizes Democrats' misplaced priorities. But it also puts on display their inclination to reckless disregard of consequences.

Just like the clarion call to defund the police, followed rapidly by astonished surprise over the ensuing surge in violence, Democrats' rush to legalize marijuana without any heed or response to the rising epidemic of drug driving across the country would mean more dead and injured Americans on our highways.

Consider this: since 2013, in Washington State, the number of fatal crash drivers who tested positive for THC has more than doubled. In Vermont, since 2010, fatal crashes linked to marijuana use have skyrocketed by 173 percent following that State's decriminalization. Forty-seven percent of Oregonians who died in a car crash in 2018 tested positive for marijuana, according to the Oregon State Police. More Indiana drivers in deadly car crashes test positive for drugs than for alcohol.

The data is clear: when governments liberalize marijuana laws, motorists and passengers die.

□ 0945

Law enforcement tells us they lack a reliable roadside test to detect marijuana use or a uniform standard to measure marijuana toxicity, yet our defund-the-police Democrat colleagues rush to change the status quo across the entire country while refusing even to consider my commonsense amendment that would require the Department of Transportation to develop and prescribe best practices for testing drivers suspected of marijuana impairment.

My amendment would help law enforcement keep people safe, but Demo-

crats would rather prioritize criminals. A North Carolina sheriff recently called drug driving "one of the leading killers in our State." Just like Democrats' efforts to defund police, the MORE Act's unintended consequences will include increased danger for our families.

Mr. Speaker, I urge my colleagues to support Americans' safety by voting against this bill.

Ms. JACKSON LEE. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentlewoman from Texas has 17 minutes remaining. The gentleman from Ohio has 17 minutes remaining, also.

Ms. JACKSON LEE. Mr. Speaker, let me indicate that this legislation does not take away any of the responsibilities of the Department of Transportation in its regulatory authority, and the facts belie any worries regarding road safety.

According to a 2018 study of the National Bureau of Economic Research, States that have legalized marijuana have not experienced significantly different rates of marijuana- or alcohol-related traffic fatalities.

All of the State laws dealing with driving under the influence remain. Operating a motor vehicle under the influence of marijuana is still illegal in every State—we insist on that—and even in these States that have legalized the substance, and the MORE Act leaves these in place.

Mr. Speaker, we need to talk about the many deaths that have occurred because of the violence over illegal marijuana. I have seen it. We have seen it. We have lost lives in their future, and we have lost them to their families.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CORREA), a member of the Committee on the Judiciary.

Mr. CORREA. Mr. Speaker, I thank the gentlewoman for leading. I thank Chairman NADLER for his leadership in this issue and thank him, also, for including my amendment that calls for a study of cannabis as an alternative medicine for our veterans.

More than half of all Americans live in a State where cannabis is legal. Let's align Federal cannabis laws with the will of the people.

And let's take full advantage of the medical benefits of cannabis. We know that medical cannabis is good for treating things such as seizures, glaucoma, chronic pain, and PTSD, and veterans prefer cannabis over opioids.

Let me repeat. Veterans prefer cannabis over opioids to treat the invisible wounds that they bring back from the battlefield.

Other nations, like Israel, export cannabis products. Let's unleash America's free enterprise system to take full advantage of the commercial benefits of cannabis.

Let's get busy and do the will of the people. Let's pass the MORE Act.

Mr. JORDAN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Mr. Speaker, I thank the gentleman from Ohio for yielding. I will talk about what I view as a massive confusion in this bill.

We have heard arguments this morning, already, that States are regulating this, and I believe, ultimately, that is where this regulation, domestically, should be: within the States.

Mr. Speaker, this bill ostensibly de-regulating cannabis imposes a Federal tax, Federal agencies, Federal oversight. You are not de-federalizing marijuana; you are just changing the regulatory structure in which you control marijuana. That is interesting to me, and I find it very disingenuous in some ways.

Mr. Speaker, what it also does is it obviates Congress' constitutional obligation to manage or oversee interstate commerce. That is what this bill does. It obviates that, while you are throwing a Federal tax on all these folks.

That is a bit of a problem, but it goes to an enhanced problem. As long as we have the massive and growing social welfare state that we have today, we will incur whatever detriment comes from the criminalization, nationally, of marijuana.

We must, in my opinion, have a serious discussion on this and not a congeries, a bill that is a congeries, a mishmash of ideas and hopes instead of data-driven science.

As the gentleman from North Carolina just iterated to us, it is a problem. If you have prosecuted or defended—and I did both, and I defended for many years. My specialty, the area that I focused on, was drunk and drug driving cases. It is a problem, and it is exacerbated by the decriminalization and legitimization of marijuana use in the States.

This bill does not address that appropriately. This bill does not do anything more than provide a different mishmash of Federal laws over marijuana regulation.

I am hoping for a serious dialogue sometime about an issue.

Mr. Speaker, I have to just close by saying this. When I heard someone say that all the States that have passed this have done so overwhelmingly, Arizona rejected it three times before barely passing it this time—barely passing it this time—and that is an election that is being contested even right now in the courts.

Ms. JACKSON LEE. Mr. Speaker, I would hope my good friend would not be in opposition to the ability for there to be research on the use of marijuana, as well substance abuse, and as well to provide a healing and a restoration of these broken communities that have suffered the plague of marijuana arrests, incarceration, and prosecution. That is what we are doing in the MORE Act.

Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. DEAN).

Ms. DEAN. Mr. Speaker, I thank my dear colleague.

Mr. Speaker, I rise in support of H.R. 3884, the MORE Act.

Since the war on drugs began, the Nation's prison population increased from 300,000 to a staggering 2.2 million people behind bars. In the decade between 2001 and 2010, 8.2 million people were arrested on marijuana charges. Nearly 90 percent of those arrests were for simply having marijuana.

Most troubling is the fact that, despite equal use rates, Black Americans are four times more likely than White Americans to be arrested for marijuana.

People of color have disproportionately borne the burdens of these draconian policies, facing longer prison sentences and the lifetime economic consequences of having a criminal record. Generations of Black and Hispanic communities have suffered—families ripped apart, businesses shuttered, educations unfinished. This is neither law nor order; it is injustice.

Mr. Speaker, we have an opportunity here to right our wrongs. The MORE Act is a sweeping effort for equity to our criminal justice system by removing marijuana from the Controlled Substances Act and requiring Federal courts to expunge prior convictions. The bill goes a long way to reduce racial disparities that plague our criminal justice system. Marijuana reform is long overdue.

Mr. Speaker, I thank the gentlewoman for bringing the bill forward.

Mr. JORDAN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. STAUBER), a former police officer who has seen firsthand what drugs can do to individuals and to communities.

Mr. STAUBER. Mr. Speaker, Mike's Western Cafe, a family-run diner for 38 years, closed its doors in Duluth, Minnesota, for good on October 7.

On October 25, Waters of Superior, an art gallery and boutique, went out of business.

On the 27th of last month, Grandma's in the Park Bar and Grill, a local watering hole in Hibbing, Minnesota, was forced to call it quits.

And after 10 years in business, the Duluth Candy Company is closing up shop for good on December 31.

These are just a few stories of so many real people, real small business owners in my district who are losing their livelihoods due to effects of the COVID-19 closures. Yet here we are today, with mere days left in the year to get something done for the American people who are suffering, and Speaker PELOSI has brought up a drug legalization bill as mom-and-pop shops close for good, as families remain uncertain where their next paycheck is coming from, as children struggle to receive their education, and as childcare facilities close. As seniors remain isolated from their families, this is their solution: a drug legalization bill.

Mr. Speaker, my friends on the other side of the aisle like to point out that they have passed the Heroes Act, so they claim they have done their part. The Heroes Act was filled with so many partisan wish-list items that it was embarrassing.

In fact, Speaker PELOSI is so obsessed with pushing drug legalization efforts forward, she even puts provisions in the Heroes Act—if you can believe this—a new annual study on diversity and inclusion within the marijuana industry.

Come on, man. Families are losing their livelihood. People are hurting.

Mr. Speaker, Speaker PELOSI's answers to these families is: "It is out of our hands."

It is not out of our hands. We have the responsibility and opportunity to provide relief to the American people. We have the power to do better and work harder and be better than this.

It is time we think about the real needs of our constituents and get back to work on legislation that matters. Our priority should not be legalizing drugs or banning tigers; it must be bipartisan, targeted COVID-19 relief.

Ms. JACKSON LEE. Mr. Speaker, may I inquire how much time each side has remaining.

The SPEAKER pro tempore. The gentlewoman from Texas has 13½ minutes remaining. The gentleman from Ohio has 11 minutes remaining.

Ms. JACKSON LEE. Mr. Speaker, you know what I am most—how should I say it?—honestly grateful for in the backdrop of Thanksgiving? That we had a Speaker of the House who never stopped negotiating and trying to find relief for the dying Americans and those suffering from COVID-19 with a major infusion of dollars almost 8 months ago. I am grateful for that.

I am grateful that we are now in the midst, if you will—late, but engaging—of negotiations, and that we are committed not to leave this place, not to go home for any holidays before we provide relief for the American people. I am grateful for that. That is going to happen.

So it is important to note that work is going on, led by our Speaker, and we hope that we will have the right partner to be able to save the lives of the American people who are now suffering from COVID-19. The MORE Act also saves lives.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LEE), distinguished member of the Committee on Appropriations and one of the strongest advocates for the MORE Act to save lives, to help young people.

□ 1000

Ms. LEE of California. Mr. Speaker, let me reemphasize what the gentlewoman just said. I was so proud to vote for the Heroes Act twice nearly 8 months ago. I think that we have to move forward and continue to negotiate, and, hopefully, we will get some

votes on the other side of the aisle to help save lives and to help save businesses and to help our economic recovery. But I was proud to have voted for that twice already.

Thank you to Congresswoman JACKSON LEE for her tremendous leadership in bringing this bill to the floor, the Marijuana Opportunity Reinvestment and Expungement Act, the MORE Act. Let me thank Chairman NADLER and our fellow co-chair of the Cannabis Caucus, Congressman EARL BLUMENAUER, our respective staffs, and everyone for their effort, including the House Judiciary staff, for your hard work and for helping to bring this bill together to the floor.

Also, I have to call your attention to the advocates for their dedication to educating the public on this issue. This bill is an important racial justice measure. It is the product of years of work by so many activists and advocates and young people, and it is long overdue.

Yes, I have worked to end the war on drugs for many years. The MORE Act includes my legislation, the Marijuana Justice Act and the REFER Act, which are the first marijuana racial justice bills introduced in Congress.

This landmark legislation would end the Federal prohibition and decriminalize cannabis nationwide by removing it from the list of controlled substances, which is a major step, mind you, a major step toward ending the unjust war on drugs and racial inequities which are central to these laws.

This bill will facilitate expungement of low-level Federal cannabis convictions, create pathways for lucrative legal cannabis business ownership opportunities for communities of color, and provide critical resources for those most devastated by the war on drugs, for restorative justice to repair this damage.

I refer you to the letter by the chair of our Ways and Means Committee, Mr. RICHARD NEAL, and I would just like to read a portion of his statement as it relates to a Ways and Means tax issue, which Mr. BLUMENAUER is going to discuss a little further.

Mr. NEAL has addressed an issue that came to our attention as an exclusion in this measure and made a commitment, and he says that he looks forward to continuing to work with the measure's sponsors and other committees of jurisdiction to achieve an effective tax regime that supports a vibrant legal market and provides individuals most affected by this war on drugs the opportunity to fully participate in this emerging economy.

I want to thank the chair of the Ways and Means Committee for agreeing to help us fix several provisions of this important bill.

Make no mistake: This is a major 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.

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

Ms. JACKSON LEE. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, Black and Brown people are targeted more frequently than White Americans, despite equal rates of use.

Additionally, prison sentences for Black and Brown people are more likely to be lengthier than White people. Black men receive sentences over 13 percent longer than White men, and nearly 80 percent of people in Federal prisons for drug offenses are Black or Latino. So it is time to end these unjust laws which shatter the lives of so many young people of color.

I tell you, colleagues, we have got to give our young people a second chance. So please vote "yes" on this bill to help us move our unfinished business of liberty and justice for all forward. We have got to begin to really provide racial justice, crack these chains of systemic racism and this mass incarceration judicial system.

Mr. Speaker, I urge an "aye" vote.

Mr. JORDAN. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. Mr. Speaker, yesterday was big cats. Today it is big cannabis. When is it time for real COVID relief? When is it time for us to help our constituents, our small businesses, our struggling and exhausted frontline workers, and teachers?

To legalize marijuana or not is one thing; to pass a bill that has no recourse for States that don't want mass legalization, which totals 35 states, is irresponsible. To not limit or regulate potency is carelessness. To not do anything to regulate advertising, which proved to be an issue with vaping when the industry targeted kids and teens, is negligent. To not provide funding for the FDA or USDA to manage the regulatory framework is reckless.

Take marijuana out of the scenario. None of us would support a reckless, negligent, careless, and irresponsible bill.

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

There are real external threats facing our Nation. We should focus on strengthening America and not weakening it. There is a lot to be done before the end of the year, and Congress must be focused on rebuilding our economy and restoring our way of life.

Mr. Speaker, I urge my colleagues to vote against this bill.

Ms. JACKSON LEE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), one of the determined and strong advocates for this legislation, a distinguished member of the Ways and Means Committee.

Mr. BLUMENAUER. Mr. Speaker, I just heard my friend from Mississippi

talk about, you know, we shouldn't be dealing with things like this because the time is not right. His voters just approved medical marijuana, one of five States that approved it. Arizona didn't barely pass it; it was 60 percent.

We are not rushing to legalize marijuana; the American people have already done that. We are here because Congress has failed to deal with the disastrous war on drugs and do its part for the over 50 million regular marijuana users in every one of your districts.

We are here because we failed the parents of babies with extreme seizure disorders and why 10 States have stepped up, because the only thing that stops those babies from being tortured is medical cannabis. That is why 10 states have approved provisions like that.

We are here because Congress has failed to deal with our veterans, whose wounds, seen and unseen, will give them opioids, but we don't deal with giving them access to something, as Representative CORREA pointed out, dealing with medical cannabis, which is safer than the opioids we give them, and they suffer opioid deaths at a higher rate than the general population.

We are here because Congress has failed with research. We want to have a test for impairment. The 150,000 drivers for beer and wine wholesalers want to be able to test. But Congress has stood in the way of research. There is plenty of money; we don't have the authority to do it.

Speaking of small business, we are here because the Senate has failed to follow through on a \$17 billion industry that doesn't have access to financial services. It is an invitation to money laundering, to theft, to tax evasion, for an industry that is pitched by my friend's fellow Ohioan John Boehner, who is now a spokesman for the industry.

I have worked on this issue for 47 years. I, too, have traveled the country. I have never met an American who feels that this industry should pay its taxes with shopping bags full of \$20 bills.

We are here because we have failed our children. Children in each of your districts can get a joint easier than they can get a six-pack of beer, because no neighborhood drug dealer checks for ID. They don't have a license to lose. That is why we want to have a system that regulates, to protect our children. Right now, kids are not protected. They are victims to a black market that you allow to continue.

We are here because we have failed three generations of Black and Brown young people, whose lives can be ruined or lost by selective enforcement of these laws. This legislation will end that disaster.

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

Ms. JACKSON LEE. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, it is time for Congress to step up and do its part. We need to catch up with the rest of the American people.

I want to thank Stephanie Phillips, Tara Sulzen, Willie Smith, Julia Pomeroy, Amber Ray, Laura Thrift, Jason Little, David Skillman, people who have been working with me on this for a decade.

I am proud that we are at this moment, and I am proud that we are going to have an opportunity to approve the MORE Act and for Congress to step up and do its job so we catch up to your constituents.

Mr. JORDAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I rise today in opposition to the MORE Act, which legalizes marijuana across the United States.

As a mother and a former public schoolteacher, I am appalled at this legislation's disregard for the health and safety of our children, schools, and families. I am also shocked and appalled by the previous speaker's claim that this legislation is good for children and using children as an excuse to pass this bill and legalize it across this country.

The MORE Act would grant the marijuana industry unfettered access to our Nation's youth by allowing the sale of edibles and flavored marijuana vapes and permitting marijuana businesses to be located within 1,000 feet of schools, daycares, private kindergartens, public parks, and recreational facilities.

The bill also opens the floodgates for advertising high potency and extremely dangerous products on TV and social media, a place where our kids are spending countless hours every day.

We need to consider three critical points before voting today:

First, research has shown that people who use marijuana at a young age are more prone to addictive habits later in life as it activates the pleasure center receptors of the brain.

Second, long-term marijuana use has been linked by research to mental illness such as hallucinations, temporary paranoia, depression, suicidal thoughts, violent behavior, and schizophrenia.

And, third, these findings were serious enough to lead the U.S. Surgeon General to declare an advisory for marijuana use, emphasizing that: "Recent increases in access to marijuana and in its potency, along with misperceptions of safety of marijuana endanger our most precious resource, our Nation's youth."

The House should be discussing a responsible COVID relief package to aid the American people during the pandemic. Instead, my colleagues on the other side of the aisle are focusing on legalizing marijuana. Where are our priorities?

The MORE Act completely undermines current research and health

warnings and puts our children in danger. I call on my colleagues to vote "no" on this irresponsible and dangerous bill.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that the aggressive enforcement of marijuana possession laws needlessly ensnares hundreds of thousands of people into the criminal justice system and wastes billions of taxpayer dollars. I can assure you that States are able to protect our children, which we will discuss in a later moment.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ), the chairwoman of the Small Business Committee.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of this legislation because it will restore justice to our most marginalized communities, and it will boost our economy.

I thank Speaker PELOSI, Chairman NADLER, and my fellow chairs, for bringing this legislation to the floor today. The MORE Act takes meaningful action to address systemic injustices by removing cannabis from its current classification as a schedule I drug and incentivizing States to expunge low-level possession records.

As chair of the Small Business Committee, I am proud to have championed measures included in the bill that will expand capital access and Federal small business development resources to the cannabis sector.

We cannot forget that while communities of color have disproportionately suffered from the so-called war on drugs, they have also been locked out of traditional capital markets. That is why the MORE Act is the best legislation to advance progress on this issue, and I urge my colleagues to vote "yes".

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Mr. JORDAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I appreciate the time.

Mr. Speaker, much of the debate we have heard today has been about criminal justice and the child safety implications of this bill. But I would like to focus on the troubling aspect of this bill in the tax title.

This bill would create a new Federal tax on marijuana, starting at 5 percent in the first year and escalating to 8 percent after 5 years. We always hear about tax parity in this Chamber, yet the treatment of these products compared to tobacco are vastly different—vastly different.

Let me say again, though, that this bill taxes marijuana, which has the potential to impact society really in unknown ways or at least in ways that we should all be concerned about, but at less than half the tax rate of a pack of cigarettes.

Once these taxes are created, rather than treating them as general revenue

where they could actually help defray the costs associated with the Department of the Treasury's newly created obligation to regulate marijuana growers, importers, and retailers, the bill would actually divert tax revenue into four brand-new government programs, including one to create subsidies for businesses.

This bill creates new criminal penalties for failure to pay the taxes. So, this isn't criminal justice reform. It is actually creating different types of penalties and criminalization and would likely lead to jail for small-time dealers for tax evasion instead of for selling their product.

Mr. Speaker, I don't support the underlying purposes of this bill, the legalization itself nationwide, but even if I did, I can't support the terribly flawed design, in terms of taxation, and the overall form of this bill.

Mr. Speaker, we have been waiting for months for Democrats to get serious about COVID relief, focusing on safely reopening our economy and helping folks who need it the most. Yet, here we are today, talking about a legalization bill yet again. This is a bad bill at the wrong time. I urge opposition.

Ms. JACKSON LEE. Mr. Speaker, may I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentlewoman from Texas has 4 minutes remaining. The gentleman from Ohio has 5½ minutes remaining.

Ms. JACKSON LEE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DANNY K. DAVIS), a distinguished member of the Ways and Means Committee.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise in support of the MORE Act, which allows the Federal Government to begin to catch up with the 47 States, like Illinois, which have already reformed their marijuana use laws in one way or the other.

Mass incarceration, which disproportionately affects Black and Brown citizens, has been aided and abetted by marijuana laws, which result in more than 600,000 arrests annually. The expungement provisions in this legislation will allow hundreds of thousands of individuals to get their records expunged so that they can more enthusiastically pursue legitimate jobs and work to take care of themselves and their families.

The MORE Act is an idea whose time has come. I urge that we vote "yes."

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

Ms. JACKSON LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished chair of the Oversight and Reform Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her leadership and for yielding.

Mr. Speaker, I rise in support of the MORE Act. I applaud my colleagues,

Chairman NADLER and Vice President-elect HARRIS, for their leadership. It is past time that Congress answers the call for reform for low-level marijuana conviction justice.

This sweeping legislation would officially remove cannabis from the list of federally controlled harmful substances, protect medical cannabis businesses, and expunge low-level marijuana convictions that have disproportionately harmed people and communities of color.

The MORE Act would also help those whose convictions are overturned through an opportunity trust fund that would provide job training, reentry assistance, and legal aid. If we are serious about criminal justice reform, we need to get rid of the antiquated cannabis laws that disproportionately harm people of color. The MORE Act would do just that.

Mr. Speaker, I urge a "yes" vote.

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

Ms. JACKSON LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Ms. GABBARD).

Ms. GABBARD. Mr. Speaker, finally, this is a historic moment that so many here and across the country have been working toward, to take this step to end America's destructive and costly war on drugs that has turned everyday Americans into criminals and torn families apart, ruining so many people's lives.

This legislation removes cannabis from the Controlled Substances Act, frees States to regulate it as they choose, and encourages research into the medicinal qualities of this plant that we all already know are changing people's lives and saving people's lives. It also applies retroactively, expunging prior convictions and records, freeing a generation of people from the shackles of this failed war on drugs.

Mr. Speaker, the bottom line is this vote is about freedom. It is freedom of choice for every American to make their own decisions for themselves without fear of the government coming and arresting them.

Mr. Speaker, I urge my colleagues to support this bill. The Senate should pass it quickly so we can send it to the President for his signature.

Mr. JORDAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, House Democrats started the week off with a hearing on letting criminals out of jail early. They end the week with a bill legalizing drugs. And they want the American taxpayers to pay for both programs.

They introduced a bill earlier in the year to give grant dollars to States to let criminals out of jail early, even violent ones, according to the letter Mr. NADLER and Chairwoman BASS sent to the Attorney General. Now, they want to create a trust fund in this bill to give grants to the marijuana industry and finance the marijuana industry.

Mr. Speaker, these are the actions the Democrats take, the first actions

they take after a national election. Go figure. Maybe that is why they lost 27 out of 27 toss-up seats around the country. Maybe that is why our party almost took back the majority.

That is what they choose to focus on at a time when you have Democrat leaders around the country defunding the police, locking down businesses, destroying small businesses all over our Nation. This is what they choose to focus on. This is what they choose to focus on.

Mr. Speaker, I urge a "no" vote on the legislation, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me indicate very quickly that every 37 seconds, between 2001 and 2010, there were 8 million arrests, every 37 seconds, for marijuana. We spent \$3.6 billion on the war on marijuana, and it has not worked. We do today what saves lives.

We know that States are going to be able to continue to protect their children, and this does not undermine the ability of Congress to protect children as well. In every State that has legalized marijuana, they have developed a comprehensive set of regulations to protect consumers.

We also recognize that this issue of vaping is not generated by marijuana use. With a comprehensive structure, we will be able to protect children and not be selling marijuana to children. Those who have died in our communities may now live. As well, we will further understand the importance of a structure that is about restoration of justice. The imbalance against people of color has been a tragedy.

Mr. Speaker, the MORE Act is crucial to be able to pass, and I ask my colleagues to do so vigorously as we also fight COVID-19.

Mr. Speaker, before I close, I would like to thank the following Members and committee and Member staff for their outstanding work on the MORE Act: Joe Graupensperger, Milagros Cisneros, Christine Leonard, BARBARA LEE, EARL BLUMENAUER, NYDIA VELÁZQUEZ, and FRANK PALLONE.

Mr. Speaker, I yield back the balance of my time.

Mr. NEAL. Mr. Speaker, today's House Consideration of the MORE Act marks an important step in mitigating the impacts of the historically racist war on drugs. This legislation will reform our federal criminal laws while also making investments in and empowering communities of color and those adversely affected by current unjust policies.

The MORE Act makes important changes to federal law by removing marijuana, or cannabis, from the list of federally controlled substances. This change to federal law does not undermine the ability of states to apply their criminal laws as they see fit. Instead it makes marijuana a federally regulated substance that is subject to the FDA's regulatory authority and federal taxation. The excise tax that is established by the bill is similar to those for alcohol and tobacco.

By creating a legal marijuana market that is subject to federal taxation, this legislation also

creates an opportunity trust fund that will increase opportunities for individuals and communities affected by the war on drugs. The opportunity trust fund will fund programs such as job training, reentry services, and substance abuse disorder services, as well as assistance to small businesses owned by socially and economically disadvantaged individuals.

I thank my colleague, Representative BLUMENAUER, for his tireless leadership on this issue. As this bill continues through the legislative process, I look forward to continuing to work with the measure's sponsors and the other committees of jurisdiction to achieve an effective tax regime that supports a vibrant legal market and provides individuals most affected by the war on drugs the opportunity to fully participate in this emerging economy.

Mr. NADLER. Mr. Speaker, I am proud to have introduced H.R. 3884, the "Marijuana Opportunity Reinvestment and Expungement Act of 2020," or the "MORE Act of 2020."

This long overdue legislation would reverse the failed policy of criminalizing marijuana on the federal level and would take steps to address the heavy toll this policy has taken across the country, particularly on communities of color.

The MORE Act would make three important changes to federal law:

(1) remove marijuana, or cannabis, from the list of federally controlled substances;

(2) authorize the provision of resources, funded by an excise tax on marijuana, to address the needs of communities that have been seriously impacted by the War on Drugs, including increasing the participation of communities of color in the burgeoning cannabis market; and

(3) provide for the expungement of Federal marijuana convictions and arrests.

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 unwise and unjust.

This issue is not new to Congress. There have been many Members who have introduced bills upon which provisions in this bill are based. For instance, Representative BARBARA LEE has sponsored bills that are the foundation of key provisions of the MORE Act, and I thank her for her longstanding leadership on this issue. Representative EARL BLUMENAUER has also been an indefatigable advocate and has supported everything we have done to get to where we are today. I thank him, as well.

Federal action on this issue would follow the growing recognition in the states that the status quo is unacceptable. Despite the federal government's continuing criminalization of marijuana, 36 states and the District of Columbia have legalized medical cannabis. Fifteen states and the District of Columbia have legalized cannabis for adult recreational use.

I have long believed that the criminalization of marijuana has been a mistake, and the racially disparate enforcement of marijuana laws has only compounded this mistake, with serious consequences, particularly for communities of color.

Marijuana is one of the oldest agricultural commodities not grown for food, and it has

been used medicinally all over the world since at least 2700 B.C., but its criminalization is a relatively recent phenomenon.

The use of marijuana, which most likely originated in Asia, later spread to Europe, and made its way to the Americas when the Jamestown settlers brought it with them across the Atlantic. The cannabis plant has been widely grown in the United States and was used as a component in fabrics during the middle of the 19th century. During that time period, cannabis was also widely used as a treatment for a multitude of ailments, including muscle spasms, headaches, cramps, asthma, and diabetes.

It was only in the early part of the 20th century that marijuana began to be criminalized in the United States—mainly because of misinformation and hysteria, based at least in part on racially-biased stereotypes connecting marijuana use and people of color, particularly African-Americans and Latinos. In 1970, when President Nixon announced the War on Drugs and signed the Controlled Substances Act into law, the federal government placed marijuana on Schedule I, the most restrictive schedule that is attached to the most serious criminal penalties, where—unfairly and unjustifiably—it has remained ever since.

As a consequence of this decision, thousands of individuals—overwhelmingly people of color—have been subjected, by the federal government, to unjust prison sentences for marijuana offenses. It is time for this manifest injustice to end. The MORE Act would remove marijuana from Schedule I and the Controlled Substances Act altogether, thereby decriminalizing it at the Federal level.

This is only fair, particularly because the same racial animus motivating the enactment of marijuana laws also led to racially disproportionate enforcement of such laws, which has had a substantial, negative impact on communities of color. In fact, nationwide, the communities that have been most harmed by marijuana enforcement are benefitting the least from the legal marijuana marketplace.

The MORE Act would address some of these negative impacts, by establishing an Opportunity Trust Fund within the Department of Treasury to fund programs within the Department of Justice and the Small Business Administration to empower communities of color and those adversely impacted by the War on Drugs. These programs would provide services to individuals, including job training, reentry services and substance use disorder services; provide funds for loans to assist small businesses that are owned and controlled by socially and economically disadvantaged individuals; and provide resources for programs that minimize barriers to marijuana licensing and employment for individuals adversely impacted by the War on Drugs.

The collateral consequences of a conviction for marijuana possession—and even sometimes for a mere arrest—can be devastating. For those saddled with a criminal conviction, it can be difficult or impossible to vote, to obtain educational loans, to get a job, to maintain a professional license, to secure housing, to receive government assistance, or even to adopt a child.

These exclusions create an often-permanent second-class status for millions of Americans. This is unacceptable and counterproductive, especially in light of the disproportionate impact that enforcement of marijuana laws has

had on communities of color. The MORE Act recognizes this injustice and addresses these harmful effects by expunging and sealing federal convictions and arrests for marijuana offenses.

It is not surprising that over the past two decades, public support for legalizing marijuana has surged. In the most recent Pew Research Center poll—which was released at the end of 2019—67 percent of Americans now back marijuana legalization, up from 62 percent in Pew's 2018 poll. And just this November, there were ballot measures pertaining to marijuana in several states; they were all approved by voters. Indeed, the states have led the way—and continue to lead the way—on marijuana, but our federal laws have not kept pace with the obvious need for change. We need to catch up because the public supports reform and because it is the right thing to do.

In my view, applying criminal penalties, with their attendant collateral consequences for marijuana offenses is unjust and harmful to our society. The MORE Act comprehensively addresses this injustice, and I urge all of my colleagues to support this bill today.

Mr. COHEN. Mr. Speaker, I rise today in strong support of the Marijuana Opportunity Reinvestment and Expungement Act of 2019 or the MORE Act. This landmark legislation is long overdue. It will deschedule marijuana, provide expungement for previous offenders, clarify that those previously convicted of marijuana related offenses would be eligible for federal benefits, and will establish an excise tax system on marijuana to invest in communities disproportionately affected by our failed marijuana policy.

I have been working on this issue since I was first elected to the Tennessee General Assembly in 1982. In this Congress, I have sponsored the CARERS Act to provide legal certainty for those using medicinal marijuana allowed under state law and the Fresh Start Act which provides a pathway for expungement for these types of offenses.

The history of marijuana as a Schedule-I drug is one full of bias and discrimination. This policy has served its racist purposes, targeting communities of color and disproportionately incarcerating people of color.

The War on Drugs has been a resounding failure, especially regarding cannabis. About 700,000 Americans each year are arrested for cannabis related offenses. Despite similar usage rates, there are nearly four Black Americans arrested for a cannabis-related offense for every white American. In my district, the situation is even worse. According to a 2013 ACLU study, in Shelby County, 83.2 percent of people arrested for cannabis offenses were Black, which the report cited as one of the highest county-level statistics in the nation. These arrests and convictions have long term impacts. Those with criminal records are limited from receiving federal benefits including SNAP, housing benefits, and Pell Grants. Our policy is exactly backward. We should be supporting those susceptible to substance abuse, not punishing them.

This bill rights an historic wrong and invests in the communities most harmed. I am proud to be an original cosponsor of this bill. I thank Chairman NADLER for his leadership on this important issue.

Mr. BLUMENAUER. Mr. Speaker, this vote on the Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2020 is a

historic moment for the millions of Americans caught in the tentacles of the failed “war on drugs”. In the midst of growing national dialogue on unjust law enforcement practices, the MORE Act first and foremost centers racial justice and comprehensively addresses cannabis prohibition. I am pleased that the MORE Act has remained a critical component of House Democrats’ plan for addressing systemic racism and advancing criminal justice reform. We owe it to the American people to pass this bill and I strongly support this legislation.

In 1970, Congress passed the Controlled Substances Act (CSA) to establish a comprehensive federal drug policy. As part of that bill, Congress placed a broad range of drugs among five Schedules, based on the relative harms of those drugs. Cannabis was placed—temporarily, it seemed—in Schedule I, while a commission studied the plant to make an informed recommendation about how it should be treated. Two years later, the commission recommended that marijuana be removed from Schedule I of the Controlled Substances Act. However, for the past 50 years, that recommendation has been ignored, resulting in a decades-long war on cannabis that has damaged tens of millions of American lives.

This racially motivated policy has led to one of the most shameful episodes in criminal justice and race relations in America: the deliberate targeting of Black Americans for selective application of our cannabis laws. Too often, cases of low-level cannabis possession escalate to police violence, and Black Americans regularly face mistreatment at the hands of police because of cannabis.

More than 99 percent of the American population will soon live in a state where cannabis is legally accessible to some degree yet arrests for cannabis possession continue in huge numbers. In 2018, the highest number of arrests were for drug offenses, with cannabis arrests accounting for more drug arrests in the U.S. than any other drug class. At almost 700,000, police made more cannabis arrests than all violent crimes combined.

More concerning than the sheer number of arrests, is the racially biased enforcement of cannabis laws that is so evident in the stark disparity in arrest rates between Black and white people for cannabis possession. Despite similar rates of use, on average, Black people are almost four times more likely than white people to be arrested for marijuana. This difference can reach more than 20, 30, 40, or even 50 times at the county level.

People of color are often robbed of their dignity in perpetuity, because having a felony conviction can impact the ability to get an education, secure gainful employment, or vote. Ironically, as the emerging cannabis market blossoms, the cards are frequently stacked against the very people most victimized by the “war on drugs,” who now want to become entrepreneurs in the legal cannabis market. After centuries of systemic discrimination in housing, employment, and education, Black Americans are far less likely to have or be able to raise the kind of money needed to get involved in the legal market. Additionally, 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. Minorities, and Black Americans specifically, are now largely missing out on the economic



opportunities created by legalization. Sadly, fewer than one-fifth of cannabis business owners identify as minorities and only approximately 4 percent are Black.

The American people have recognized the need to reverse this tragic mistake. A recent Gallup survey showed that more than two-thirds of Americans believe that cannabis should be legal. This groundswell of public support has translated into actual changes in state law. We now have 15 states, plus the District of Columbia, that have legalized cannabis for all adults. Moreover, there are 36 states in which medical cannabis laws allow patients to legally enjoy the benefits of the full spectrum of the cannabis plant. Some states and municipalities have taken proactive steps to mitigate inequalities in the legal cannabis marketplace and ensure equal participation in the emerging market.

The dichotomy between state and federal cannabis laws is the direct result of Congress ignoring the recommendations of experts nearly 50 years ago. The emperors who made and have kept cannabis illegal at the federal level were wearing no clothes—and the American people have called it out. We are now embarrassing ourselves by sitting by and doing nothing. This bill would not force states to make cannabis legal. If a state like Idaho wants to continue arresting people for cannabis, they will have that ability, as much as I may disagree with that decision. But by removing cannabis from the CSA, which is what this bill will do, we can remove this one tool of oppression. We can ensure that individuals who are acting in compliance with sensible state cannabis laws will not be in violation of federal law, while expanding cannabis research, broadening access to our veterans, and opening up banking opportunities.

No bill is perfect, and the MORE Act contains a provision that is contrary to our legislative intent. Without hesitation, I am committed to correcting this language to ensure that the millions of Americans, especially Black and Latino people, who have been most harmed by cannabis prohibition can participate equally in this emerging industry. Equity, inclusion and opportunity are fundamental values that must be at the center of all federal cannabis legislation. This is not the end of the story, it's the beginning of the next chapter. This is a fight for racial justice, economic justice, and freedom. This policy is long-overdue.

I have been working on this issue longer than any other politician in America, and I am thrilled that we are here today. I want to thank Congresswoman BARBARA LEE and her staff, Samira Damavandi and Gregory Adams, who have worked tirelessly to advance racial justice on this issue. I also want to thank the many advocates, businesses, and individuals who have helped us champion the end of cannabis prohibition. Lastly, I want to thank my team both past and present: Willie Smith, Laura Thrift, Amber Ray, Danielle Cohen, Sean Ryan, David Skillman, Stephanie Phillips, and Tara Sulzen.

This is a momentous moment and I am eager for the day this bill is signed into law.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1244, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mrs. LESKO. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. LESKO. Mr. Speaker, I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Lesko moves to recommit the bill H.R. 3884 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add, at the end of section 3, the following:

(h) RULE OF CONSTRUCTION.—Notwithstanding the provisions of this Act and the amendments made by this Act, an employer may test an employee or applicant for cannabis use to ensure workplace and public safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Arizona (Mrs. LESKO) is recognized for 5 minutes in support of her motion.

Mrs. LESKO. Mr. Speaker, in the middle of the COVID-19 pandemic, House Democrats are rushing to pass a sweeping marijuana legalization bill without considering the unintended consequences the legislation will have on workplace and public safety.

According to the National Institute on Drug Abuse, studies have suggested specific links between marijuana use and adverse consequences in the workplace, such as increased risk for injuries or accidents.

According to the Federal Government's own workplace safety experts at the National Institute for Occupational Safety and Health, or NIOSH, other studies of cannabis use have demonstrated effects that include sedation, disorientation, impaired judgment, lack of concentration, and slowed fine motor skills. As my Democratic colleagues often say, we need to follow the science.

Currently, it is common practice for employers in industries such as construction and warehouse logistics to enact zero-tolerance drug policies that include a prohibition on marijuana usage to protect workers by ensuring a safe workplace and to comply with Federal law. Unlike on-demand evaluations of alcohol usage, there currently is no adequate real-time intoxication testing technology for marijuana impairment.

By removing marijuana from the list of scheduled substances in the Controlled Substance Act, the underlying bill will place unnecessary burdens on private employers and will needlessly jeopardize workplace and public safety and health.

For instance, the removal of marijuana from the CSA creates legal jeopardy for employers who are authorized under the Americans with Disabilities Act to test for illegal drug use while such authorization does not extend to legal drugs.

□ 1030

My motion to recommit adds specific language to the bill to affirm an employer's right to test job applicants and employees to ensure workplace and public safety.

Legalization of marijuana at the State level has already created complex challenges for employers wishing to maintain a drug-free workplace while abiding by relevant employment laws.

The bill before us today, which declassifies marijuana as an illegal drug, would only further complicate employers' compliance obligations and liability risks and reduce workplace safety around the country.

A last-minute Democrat amendment added to H.R. 3884 recognizes the right of the Federal Government to test its employees and workers in safety-sensitive positions covered by the Department of Transportation regulations, such as pilots and railroad operators. However, the bill omits the same protections for private-sector employers in other high-hazard industries not covered by DOT regulations.

If we adopt this motion, we will address legal ambiguities that may arise from removing marijuana from the Controlled Substances Act and affirm private employers' right to drug test employees in order to keep their workplaces and the public safe.

This is not a gotcha moment. It is not playing politics. My motion to recommit is a genuine attempt to improve the bill.

Mr. Speaker, I urge its passage, and I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, first and foremost, I would call my distinguished friend from Arizona's attention—whose constituents just approved legalization with a 60 percent margin—to the Rules Committee Print, which includes new provisions to ensure that employees working in safety-sensitive transportation positions regulated by the Federal Government would still be tested for illegal or unauthorized use of alcohol, marijuana, or other substances.

Now, to be clear, no one wants to have people who are in these sensitive positions to be operating equipment, but there are several problems with the gentlewoman's position.

First and foremost, as I pointed out in the course of my presentation, because the Federal Government interferes with the research in cannabis, and has for 50 years, there is no good test for impairment.

Right now, I have heard from employers across the country, who are deeply concerned because as they test, and there is a trace of marijuana in the system, it continues for 30 days; long after there is any impairment. So we

are having people's jobs jeopardized because we haven't done the research that would allow us to have a good test.

The MORE Act, in the form that it is here, besides having the provisions that allow the testing to take place, would strip away the Federal Government interference with the research so that we can have a test that takes place.

It is important for employers to be able to have this test. Employers want to be able to deal with their employees fairly, and they don't have a good test now. So people are losing their jobs. They can't fill other jobs because applicants fail drug tests.

It is not that we don't test, the fact is we don't have a good test. And the Federal prohibition on research stands in the way of this. It is yet another example of the failed prohibition on cannabis and its unintended consequences. It prevents being able to make progress to be able to have effective tests and use them where they are needed.

My friends talk about people having traces of marijuana in their system in terms of driving stops. There is no indication that just because there is a trace that that impaired their operation. We don't have the tests.

That is why we need the MORE Act. That is why we need to reject the motion to recommit. Unless and until we do the research to be able to have effective tests to be able to deal with impairment, we are just chasing our tails. It doesn't solve the problem, and it avoids being able to take care of it.

I strongly urge rejecting this motion to recommit, passing the MORE Act so we can do the research, have the tests that employers and employees want and deserve so we get out of this never-never land of speculation and be able to actually tell the circumstances and give people a guidance to be able to get the result that I think we all want.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. LESKO. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS AMENDMENTS ACT OF 2020

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill (S. 2981) to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. CASE) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 265, nays 124, not voting 41, as follows:

[Roll No. 233]

YEAS—265

Adams	Fortenberry	Lynch
Aguilar	Foster	Malinowski
Allred	Frankel	Maloney
Axne	Gabbard	Carolyn B.
Barragán	Gallagher	Maloney, Sean
Bass	Gallego	Matsui
Beatty	Garamendi	McAdams
Bera	Garcia (CA)	McBath
Beyer	Garcia (IL)	McCaul
Bilirakis	Garcia (TX)	McCollum
Bishop (GA)	Golden	McEachin
Blumenauer	Gomez	McGovern
Blunt Rochester	Gonzalez (OH)	McKinley
Bonamici	Gonzalez (TX)	McNerney
Boyle, Brendan	Gottheimer	Meeks
F.	Granger	Meng
Brindisi	Green, Al (TX)	Mfume
Brown (MD)	Grijalva	Moore
Brownley (CA)	Guest	Morelle
Buchanan	Haaland	Moulton
Bustos	Hall	Mucarsel-Powell
Butterfield	Harder (CA)	Murphy (FL)
Byrne	Hartzler	Nadler
Carbajal	Hastings	Napolitano
Cárdenas	Hayes	Neal
Carson (IN)	Heck	Neguse
Cartwright	Herrera Beutler	Norcross
Case	Higgins (NY)	O'Halleran
Casten (IL)	Himes	Ocasio-Cortez
Castor (FL)	Horn, Kendra S.	Omar
Castro (TX)	Horsford	Palazzo
Chu, Judy	Houlihan	Pallone
Ciulline	Hoyer	Panetta
Cisneros	Huffman	Pappas
Clark (MA)	Huizenga	Pascarell
Clarke (NY)	Hurd (TX)	Payne
Cleaver	Jackson Lee	Perlmutter
Clyburn	Jacobs	Peters
Cohen	Jayapal	Peterson
Cole	Jeffries	Phillips
Connolly	Johnson (GA)	Pingree
Cooper	Johnson (TX)	Pocan
Correa	Joyce (OH)	Porter
Costa	Kaptur	Pressley
Courtney	Katko	Price (NC)
Cox (CA)	Keating	Quigley
Craig	Kelly (IL)	Raskin
Crist	Kennedy	Reed
Crow	Khanna	Rice (NY)
Cuellar	Kildee	Riggleman
Cunningham	Kilmer	Roby
Davids (KS)	Kim	Rodgers (WA)
Davis (CA)	Kind	Rogers (KY)
Davis, Danny K.	King (NY)	Rose (NY)
Davis, Rodney	Kirkpatrick	Rouda
Dean	Krishnamoorthi	Roybal-Allard
DeFazio	Kuster (NH)	Ruiz
DeGette	Lamb	Ruppersberger
DeLauro	Langevin	Rush
DelBene	Larsen (WA)	Rutherford
Delgado	Larson (CT)	Ryan
Demings	Lawrence	Sánchez
DeSaulnier	Lawson (FL)	Sarbanes
Deutch	Lee (CA)	Scanlon
Dingell	Lee (NV)	Schakowsky
Doggett	Levin (CA)	Schiff
Doyle, Michael	Levin (MI)	Schneider
F.	Lieu, Ted	Schrader
Engel	Lipinski	Schrier
Escobar	Loeb sack	Scott (VA)
Eshoo	Lofgren	Scott, David
Españillat	Lowenthal	Serrano
Evans	Lowe y	Sewell (AL)
Fitzpatrick	Luján	Shalala
Fletcher	Luria	Sherman

Sherrill	Swalwell (CA)	Van Drew
Simpson	Takano	Veasey
Sires	Taylor	Vela
Slotkin	Thompson (CA)	Velázquez
Smith (NJ)	Thompson (MS)	Visclosky
Smith (WA)	Titus	Waltz
Smucker	Tlaib	Wasserman
Soto	Tonko	Schultz
Spanberger	Torres (CA)	Waters
Spano	Torres Small	Watson Coleman
Speier	(NM)	Welch
Stanton	Trahan	Wexton
Stefanik	Trone	Wild
Stevens	Underwood	Wilson (FL)
Suozzi	Upton	Yarmuth

NAYS—124

Amash	Graves (MO)	Pence
Amodei	Green (TN)	Perry
Armstrong	Griffith	Posey
Arrington	Grothman	Rice (SC)
Babin	Guthrie	Roe, David P.
Baird	Hagedorn	Rogers (AL)
Balderson	Harris	Rose, John W.
Banks	Hern, Kevin	Rouzer
Barr	Hice (GA)	Roy
Bergman	Hill (AR)	Scalise
Biggs	Hollingsworth	Schweikert
Bishop (NC)	Hudson	Sensenbrenner
Bishop (UT)	Johnson (OH)	Shimkus
Bost	Johnson (SD)	Smith (MO)
Brady	Jordan	Smith (NE)
Brooks (AL)	Joyce (PA)	Staubert
Buck	Keller	Steil
Burchett	Kelly (MS)	Steube
Chabot	Kelly (PA)	Stivers
Cheney	Kinzing	Thompson (PA)
Cline	Kustoff (TN)	Thornberry
Cloud	LaHood	Tiffany
Comer	LaMalfa	Timmons
Conaway	Lamborn	Tipton
Crawford	Latta	Turner
Crenshaw	Lesko	Walberg
Curtis	Long	Walden
Davidson (OH)	Loudermilk	Walker
DesJarlais	Lucas	Walorski
Diaz-Balart	Luetkemeyer	Watkins
Duncan	Marshall	Weber (TX)
Emmer	Massie	Webster (FL)
Estes	Mast	Wenstrup
Ferguson	McClintock	Westerman
Fleischmann	Meuser	Williams
Flores	Miller	Wilson (SC)
Fulcher	Moolenaar	Wittman
Gaetz	Mooney (WV)	Womack
Gibbs	Murphy (NC)	Woodall
Gohmert	Newhouse	Zeldin
Gooden	Nunes	
Gosar	Olson	

NOT VOTING—41

Abraham	Dunn	Mullin
Aderholt	Finkenauer	Norman
Allen	Foxx (NC)	Palmer
Bacon	Fudge	Reschenthaler
Brooks (IN)	Gianforte	Richmond
Bucshon	Graves (LA)	Rooney (FL)
Budd	Higgins (LA)	Scott, Austin
Burgess	Holding	Stewart
Calvert	Johnson (LA)	Vargas
Carter (GA)	King (IA)	Wagner
Carter (TX)	Marchant	Wright
Clay	McCarthy	Yoho
Collins (GA)	McHenry	Young
Cook	Mitchell	

□ 1129

Messrs. CHABOT, TIPTON, SMITH of Nebraska, FLORES, JOHNSON of Ohio, WITTMAN, and CURTIS changed their vote from "yea" to "nay."

Ms. DEGETTE, Messrs. PETERSON, RUTHERFORD, SIMPSON, and HUIZENGA changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against: