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Congress of the United States
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COMMITTEE ON THE JUDICIARY

PERMANENT SELECT COMMITTEE ON
INTELLIGENCE

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE (U.S.
HELSINKI COMMISSION)

March 27, 2026

The Honorable Pamela Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC, 20530

The Honorable Terrance Cole
Administrator
U.S. Drug Enforcement Administration
8701 Morrissette Drive,
Springfield, VA 22152

Dear Attorney General Bondi and Administrator Cole:

I write regarding two outstanding drug policy implementation issues: rescheduling of Marijuana and regulations implementing the *Halt All Lethal Trafficking of Fentanyl Act (HALT Fentanyl Act)*. It is critical that our drug laws and policies enable research and provide patients with access to effective therapies.

First, I inquire about the status of the Rescheduling of Marijuana from Schedule I to Schedule III under the Controlled Substances Act. On December 18, 2025, President Trump's Executive Order 14370 'Increasing Medical Marijuana and Cannabidiol Research' which directed the Department of Justice to "[T]ake all necessary steps to complete the rulemaking process related to rescheduling marijuana to Schedule III of the CSA in the most expeditious manner..." When the Chief Administrative Law Judge (ALJ) of the DEA, John Mulrooney II, filed his retirement on July 23, 2025¹, effective August 1, 2025, he stated "My retirement will leave the DEA with no Administrative Law Judge to hear this matter or any of the Agency's other pending administrative enforcement cases. The Controlled Substances Act requires that DEA administrative enforcement hearing proceedings must be conducted in accordance with the Administrative Procedure Act and presided over by an Administrative Law Judge."

Therefore, how does the Drug Enforcement Agency plan to reschedule without an ALJ to oversee the Hearing (Docket No. 24-44)? What is the expected timeline for rulemaking to be completed?

Assistant Secretary for Health and Scientific Affairs, Roger O. Egeberg, MD, wrote to Congressman Harley O. Staggers, Chairman of the Committee on Interstate and Foreign Commerce in the House of Representatives in

¹United States Drug Enforcement Administration. *Marijuana Rescheduling: Notice to the Parties*. U.S. Department of Justice, July 23, 2025. Available at: https://www.dea.gov/sites/default/files/2025-07/Marijuana%20Rescheduling_Noticeto%20the%20Parties.pdf

an August 14, 1970 letter, included in the Committee Report ² on the Comprehensive Drug Abuse Prevention and Control Act of 1970, that “...our recommendation is that marihuana be retained within schedule I at least until the completion of certain studies now underway to resolve this issue.”

The studies he was referring to were completed and presented to Congress on March 22, 1972 ³, and recommended Marijuana be removed from Schedule I. However, the Nixon Administration did not adopt the findings from the Commission he appointed. It has been more than 50 years since that report. It is my firm belief that Marijuana never belonged on Schedule I. Its inclusion resulted in harsh and disproportionate prison sentences, particularly for communities of color, and has substantially hampered research ⁴. You have a historic opportunity to make meaningful progress and implement the wishes of the American people, the President, and the US under the Controlled Substances Act. Rescheduling is widely understood to be in alignment with the best available scientific data and will significantly strengthen scientific and medical research into marijuana.

Second, I inquire about the DEA’s regulations regarding the Scientific Research provisions in Sec. 3 of *HALT Act*. The DEA has missed its statutorily designated deadlines for publishing of proposed rulemaking prescribed in Section 5 of the Act. This section states that the “Attorney General shall, not later than 6 months after the date of enactment of this Act, issue rules to implement this Act and the amendments made by this Act.” The HALT Fentanyl Act was signed into law on July 16, 2025, making the deadline January 16, 2026.

These provisions were designed to improve access to Schedule I substances by the research community for scientific studies, and not as a legalization measure. As Co-Chair of the Congressional Biomedical Research Caucus, I believe that scientists must be able to expeditiously conduct experiments and not be subject to undue regulatory barriers. Section 3 was intended to reduce some of these barriers. Because the DEA has not issued these regulations, scientific research using these substances has been harmed and hampered. Currently, scientists are waiting until the DEA finalizes these rules and cannot access these vital research tools, delaying important research and impacting public health. For example, psilocybin, a Schedule I substance, has shown promise in preclinical and clinical trials as a potential treatment in depression and smoking cessation models, but access for research remains difficult.

Please let me know when the scientific community can expect to see the notice of proposed rulemaking regarding the research provisions in the HALT Fentanyl Act.

² H.R. Rep. No. 91-1444, pt. 1 (1970)

³ Shafer, R. P. on behalf of the National Commission on Marihuana and Drug Abuse. *Government Publishing Office* (1972)

⁴ Nutt, D. J., King, L. A. & Nichols, D. E. Effects of Schedule I drug laws on neuroscience research and treatment innovation. *Nat Rev Neurosci* **14**, 577–585 (2013); National Academies of Sciences. Challenges and Barriers in Conducting Cannabis Research. in *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research* (National Academies Press (US), 2017); Giroir, B. Rescinding mitragynine and 7-hydroxymitragynine proposed placement in Schedule I of the CSA. <https://static1.squarespace.com/static/54d50ceee4b05797b34869cf/t/60145eab6df59e7e36a7cfc1/1611947693695/dhillon-8.16.2018-response-letter-from-ash-radm-giroir.pdf> (2018); Volkow, N. *Hearing on Cannabis Policies for the New Decade: Hearing before the Subcommittee on Health of the Energy and Commerce Committee*, House of Representatives (2020); Henningfield, J. E. *et al.* Psychedelic drug abuse potential assessment research for new drug applications and Controlled Substances Act scheduling. *Neuropharmacology* **218**, 109220 (2022); Barnett, B. S. *et al.* Practical considerations in the establishment of psychedelic research programs. *Psychopharmacology* **242**, 27–43 (2025)

I look forward to your assistance and the answers to these questions.

Sincerely,

A handwritten signature in blue ink that reads "Steve Cohen". The signature is written in a cursive, flowing style.

Steve Cohen
MEMBER OF CONGRESS