

United States Senate

WASHINGTON, DC 20510

April 2, 2019

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Barr:

We write to follow up on previous inquiries about the status of pending applications submitted to the Drug Enforcement Administration (DEA) for licenses to manufacture marijuana for scientific research. These inquiries were made in a previous letter sent to then-Attorney General Jeff Sessions encouraging the Department of Justice to finalize its review of the applications. The Department has not responded to the letter, sent on July 25, 2018. Inquiries were also made by both Senator Chuck Grassley¹ and Ranking Member Dianne Feinstein² in questions for the record for your confirmation hearing, to which you responded by committing to review the letter and the status of the pending applications. We are encouraged by your comments, and we look forward to working with the Department on this issue.

Our nation's need for meaningful federally sanctioned research is critical. Research and medical communities should have access to research-grade materials to answer questions around marijuana's efficacy and potential impacts, both positive and adverse. Finalizing the review of applications for marijuana manufacturing will assist in doing just that.

For nearly fifty years, the University of Mississippi has had the sole contract with the National Institute on Drug Abuse to grow cannabis for research purposes. To expand the number of manufacturers, the DEA submitted a notice in the Federal Register on August 11, 2016, soliciting applications for licenses to manufacture marijuana for research purposes. Under this notice, DEA explained its legal authority to "increase the number of entities registered under the Controlled Substances Act (CSA) to grow (manufacture) marijuana to supply legitimate researchers in the United States."³ However, over two year and a half years have passed since the DEA's initial notice without any new schedule I marijuana manufacturer registrations.

On April 25, 2018, during testimony before the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, in response to questioning, Sessions stated: "We are moving forward and we will add, fairly soon . . . additional suppliers of marijuana under

¹ "Questions for the Record, William P. Barr, Nominee to be United States Attorney General: Questions from Senator Grassley," <https://www.judiciary.senate.gov/imo/media/doc/Barr%20Responses%20to%20Grassley%20QFRs1.pdf>.

² "Questions for the Record, William P. Barr, Nominee to be United States Attorney General: Questions from Senator Feinstein," <https://www.judiciary.senate.gov/imo/media/doc/Barr%20Responses%20to%20Feinstein%20QFRs1.pdf>.

³ <https://www.federalregister.gov/documents/2016/08/12/2016-17955/applications-to-become-registered-under-the-controlled-substances-act-to-manufacture-marijuana-to>.

the Controlled [Substances Act].”⁴ In a prior hearing, Sessions testified: “It would be healthy to have some more competition in the [marijuana] supply.”⁵

To prevent further delays in approving the pending DEA applications for licenses to manufacture marijuana for research purposes, we ask you to respond to the following questions and requests by April 23, 2019:

- 1) What is the current status of each marijuana manufacturer application?
- 2) What steps have both DEA and DOJ taken to review each marijuana manufacturer application currently pending?
- 3) By what date do you estimate the DEA will have completed its review of all the marijuana manufacturer applications and commence registration of new marijuana manufacturers?
- 4) Please share DOJ’s analysis of the Single Convention and if the opinion of the Justice Department is the same or similar to that of DEA’s.
- 5) If there are legal barriers to licensing multiple schedule I marijuana manufacturers under the Single Convention, please identify and explain them.
- 6) What impact, if any, did the enactment of the 2018 Farm Bill have on the pending applications? If any of the pending applications were to manufacture hemp-derived CBD for research purposes, does DOJ intend to notify those applicants that a bulk manufacturer registration is no longer needed? If so, when? If not, why not?

In your response to Senator Grassley, you said: “I support the expansions of marijuana for manufacturers for scientific research consistent with law,” and in your response to Senator Feinstein, in reference to the pending applications, you said: “If confirmed, I can commit to reviewing the matter.” We look forward to working with you on this effort, and we thank you for your attention to this matter.

Sincerely,



BRIAN SCHATZ
United States Senator



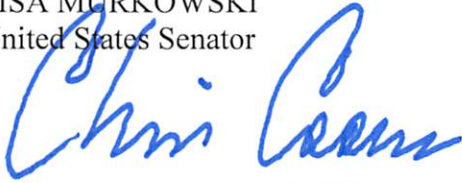
DIANNE FEINSTEIN
United States Senator

⁴ “Attorney General Sessions on Justice Department Budget Request,” C-SPAN, 25 April 2018, <https://www.c-span.org/video/?444368-1/attorney-general-declines-resign-mueller-rosenstein-fired>.

⁵ “Justice Department Oversight Hearing,” C-SPAN, 18 Oct. 2017, <https://www.c-span.org/video/?434413-1/attorney-general-interviewed-special-counsel>.



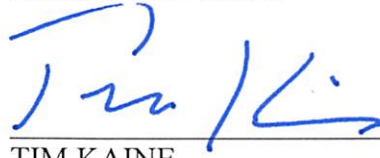
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