

116TH CONGRESS
1ST SESSION

H. R. 3652

To provide for the study and promotion of hemp.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2019

Ms. GABBARD introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Education and Labor, Small Business, Armed Services, Energy and Commerce, Financial Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the study and promotion of hemp.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Hemp for Victory Act
5 of 2019”.

6 SEC. 2. TABLE OF CONTENTS.

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Hemp defined.
- Sec. 4. Studies and reports by the Secretary of Agriculture.
- Sec. 5. Department of Health and Human Services.

Sec. 6. Small Business Administration.

Sec. 7. Department of Defense.

Sec. 8. Department of Labor.

Sec. 9. Environmental Protection Agency.

Sec. 10. Department of Housing and Urban Development.

Sec. 11. Department of Veterans Affairs research on safety and efficacy of hemp extracts and isolates for veterans with certain medical conditions.

1 SEC. 3. HEMP DEFINED.

2 In this Act, the term “hemp” has the meaning given
3 such term in section 297A of the Agricultural Marketing
4 Act of 1946 (7 U.S.C. 1639o).

5 SEC. 4. STUDIES AND REPORTS BY THE SECRETARY OF AG-

6 RICULTURE.

7 (a) COMPETITIVE LAND-GRANT COLLEGE OR UNI-
8 VERSITY RESEARCH AND DEVELOPMENT.—

9 (1) IN GENERAL.—The Secretary, acting
10 through the Director of the National Institute of
11 Food and Agriculture, shall carry out a grant pro-
12 gram under which the Secretary shall make grants
13 to land-grant colleges or universities (as defined in
14 section 1404 of the National Agricultural Research,
15 Extension, and Teaching Policy Act of 1977 (7
16 U.S.C. 3103)) to conduct research on establishing
17 hemp as a domestic agricultural commodity.

18 (2) REPORT.—Not later than 1 year after the
19 date of the enactment of this Act, and annually
20 thereafter, the Secretary, acting through the Direc-

1 tor of the National Institute of Food and Agri-
2 culture, shall—

(B) make such report publicly available on

¹⁰ See the website of the Department.

11 (b) STUDY AND REPORT ON NUTRITIONAL BENEFITS
12 OF FOOD, DRINK, AND SUPPLEMENTS PRODUCED FROM
13 HEMP—

19 (A) the nutritional value of such foods,
20 drinks, and supplements; and

(B) the nutritional benefits derived from such foods, drinks, and supplements, including digestible protein, essential fatty acid, and allergen content.

1 (2) REPORT.—Not later than 1 year after the
2 date of the enactment of this Act, the Secretary
3 shall submit a report to Congress that includes the
4 results of the study conducted under paragraph (1)
5 and make such report publicly available on the
6 website of the Department.

7 (c) STUDY AND REPORT ON USE OF FOOD, DRINK,
8 AND SUPPLEMENTS PRODUCED FROM INDUSTRIAL HEMP
9 IN CERTAIN PUBLIC SCHOOL MEAL PROGRAMS.—

10 (1) STUDY.—The Secretary, in coordination
11 with the Secretary of Education, shall conduct a
12 study on the foods, drinks, and supplements pro-
13 duced from hemp, including—

14 (A) the nutritional value of such foods,
15 drinks, and supplements; and

16 (B) the potential to use such foods, drinks,
17 and supplements as low-cost healthy alter-
18 natives to other foods, drinks, and supplements
19 served under the free or reduced price school
20 lunch program under the Richard B. Russell
21 National School Lunch Act (42 U.S.C. 1751 et
22 seq.) and the free or reduced price school
23 breakfasts under the Child Nutrition Act of
24 1966 (42 U.S.C. 1771 et seq.).

1 (2) REPORT.—Not later than 1 year after the
2 date of the enactment of this Act, the Secretary
3 shall submit a report to Congress that includes the
4 results of the study conducted under paragraph (1)
5 and make such report publicly available on the
6 website of the Department.

7 (d) REPORTS ON POTENTIAL USE OF HEMP-BASED
8 PRODUCTS.—

9 (1) INITIAL REPORT.—Not later than 1 year
10 after the date of the enactment of this Act, the Sec-
11 retary, in consultation with the heads of other execu-
12 tive agencies (as defined in section 102 of title 31,
13 United States Code), including the Administrator of
14 the Environmental Protection Agency and the Sec-
15 retary of Defense, shall—

16 (A) determine which items procured by the
17 Federal Government, or items used by contrac-
18 tors or subcontractors at any tier, can be sub-
19 stituted for a hemp-based product; and

20 (B) submit to Congress a report containing
21 a list of such items.

22 (2) COST-BENEFIT ANALYSIS REPORT.—

23 (A) IN GENERAL.—Not later than 180
24 days after the report under paragraph (1) is
25 submitted to Congress, the Secretary, acting

1 through the appropriate agricultural research
2 agency heads, shall—

(ii) submit a report to Congress on
the result of such cost-benefit analysis.

(B) APPROPRIATE AGRICULTURAL RESEARCH AGENCY HEADS.—In this paragraph, the term “appropriate agricultural research agency heads” means the Administrator of the Economic Research Service, the Director of the National Institute of Food and Agriculture, the Administrator of the Agricultural Research Service, and the Administrator of the National Agricultural Statistics Service.

1 (4) PUBLICATION OF REPORTS.—The Secretary
2 shall make the reports required under paragraphs
3 (1) through (3) publicly available on the website of
4 the Department.

5 (e) FOREST SERVICE REPORT.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of the enactment of this Act, Secretary, act-
8 ing through the Chief of the Forest Service, shall—

9 (A) conduct a study to determine the po-
10 tential for hemp to be used for the purposes of
11 soil erosion control and as a windscreen; and

12 (B) shall submit a report to Congress that
13 includes the results of the study required under
14 subparagraph (A).

15 (2) PUBLICATION OF REPORT.—The Secretary
16 shall make the report required under paragraph
17 (1)(B) publicly available on the website of the De-
18 partment.

19 (f) ORGANIC GUIDANCE.—The Secretary, acting
20 through the Administrator of the Agricultural Research
21 Service and in consultation with the Administrator of the
22 Agricultural Marketing Service, shall provide guidance
23 and information regarding the cultivation of hemp in ac-
24 cordance with the guidelines of the national organic pro-
25 gram established under the Organic Foods Production Act

1 of 1990 (7 U.S.C. 6501 et seq.) to each State that permits
2 the growth or cultivation of organic hemp under the laws
3 of the State.

4 (g) HIGH-PRIORITY RESEARCH.—Section 1672(d) of
5 the Food, Agriculture, Conservation, and Trade Act of
6 1990 (7 U.S.C. 5925(d)) is amended by adding at the end
7 the following new paragraph:

8 “(21) HEMP.—Research and extension grants
9 may be made under this section for the purposes of
10 developing and disseminating science-based tools and
11 treatments to combat noxious species (such as in-
12 sects and weeds) that could impact hemp farms and
13 establishing an areawide integrated pest manage-
14 ment program for areas that could be affected by,
15 or areas at risk of, being affected by the noxious
16 species.”.

17 (h) HEMP ECONOMIC IMPACT.—Not later than 1
18 year after the date of the enactment of this Act, the Sec-
19 retary shall update the study entitled “Industrial Hemp
20 in the United States: Status and Market Potential” pub-
21 lished by the Economic Research Service to include data,
22 information, and analysis with respect to—

23 (1) the quantity of hemp imported, its cost,
24 country of origin, and the country from which it is
25 imported;

8 (i) AGRICULTURAL HEALTH AND SAFETY STAND-
9 ARDS STUDY AND REPORT.—

10 (1) STUDY.—The Secretary, acting through
11 the Administrator of the Agricultural Research Service,
12 in consultation with the Secretary of Health and
13 Human Services, the Director of the Centers for
14 Disease Control and Prevention, and the Commis-
15 sioner of Food and Drugs, shall—

16 (A) conduct a study that examines the use
17 and presence of agricultural chemicals and
18 pathogens in consummable hemp products, in-
19 cluding therapeutic, ingestible, and other hemp-
20 based or hemp-blended products and the impact
21 of such use and presence on the health and
22 safety of consumers of such products; and

(B) in conducting such study, use data generated from the Pesticide Data Program of the Agricultural Marketing Service.

1 (2) REPORT.—Not later than 1 year after the
2 date of the enactment of this Act, the Secretary
3 shall—

4 (A) submit to Congress a report that in-
5 cludes—

6 (i) the results of the study conducted
7 under paragraph (1); and

8 (ii) recommendations, as applicable, to
9 nullify the impacts of pathogens and agri-
10 cultural chemicals on the products de-
11 scribed in subparagraph (A) of such para-
12 graph; and

13 (B) make such report publicly available on
14 the website of the Department.

15 (3) DEFINITIONS.—In this subsection:

16 (A) AGRICULTURAL CHEMICAL.—The term
17 “agricultural chemical” means an insecticide,
18 pesticide, herbicide, fungicide, or other chemical
19 product used in agriculture.

20 (B) PATHOGEN.—The term “pathogen”
21 means a mold, mildew, fungus, yeast, virus, or
22 other microorganism that can cause disease or
23 illness.

24 (j) INCLUSION IN CENSUS OF AGRICULTURE.—Sec-
25 tion 2(a) of the Census of Agriculture Act of 1997 (7

1 U.S.C. 2204g(a)) is amended by adding at the end the
2 following:

3 “(3) INCLUSION OF HEMP.—Effective beginning
4 with the census of agriculture required to be con-
5 ducted in 2008, the Secretary shall conduct as part
6 of each census of agriculture a census of hemp (as
7 defined in section 297A of the Agricultural Mar-
8 keting Act of 1946 (7 U.S.C. 1639o)).”.

9 (k) BIOPREFERRED PROGRAM.—Section 9001(4)(A)
10 of the Farm Security and Rural Investment Act of 2002
11 (7 U.S.C. 8101(4)(A)) is amended by inserting “hemp (as
12 defined in section 297A of the Agricultural Marketing Act
13 of 1946 (7 U.S.C. 1639o)),” after “chemicals.”.

14 (l) CULTIVATION OF HEMP AS A COMMODITY.—Sec-
15 tion 1672(d) of the Food, Agriculture, Conservation, and
16 Trade Act of 1990 (7 U.S.C. 5925(d)), as amended by
17 subsection (g), is further amended by adding at the end
18 the following new paragraph:

19 “(22) CULTIVATION AND USE OF HEMP.—Re-
20 search and extension grants may be made under this
21 section for the purposes of developing and dissemi-
22 nating research-based information regarding the cul-
23 tivation and use of hemp (as defined in section 297A
24 of the Agricultural Marketing Act of 1946 (7 U.S.C.
25 1639o)) as a commodity, including by issuing pro-

1 duction guidance for underserved and rural commu-
2 nities and providing technical assistance with respect
3 to any such grant.”.

4 (m) MARKET DATA.—The Secretary acting through
5 the Agricultural Resource Management Survey, and in col-
6 laboration with the Economic Research Service and the
7 National Agricultural Statistics Service, shall include
8 hemp production in all publications in which data from
9 such Survey are used and in outreach toolkits issued by
10 such Survey.

11 (n) BUFFER ZONES.—The Secretary shall submit to
12 Congress a report on the Secretary’s recommendations on
13 how to best establish buffer zones between hemp and mari-
14 juana farms for purposes of preventing cross-pollination
15 between such plants.

16 (o) SUN GRANTS.—Section 7526(c) of the Food,
17 Conservation, and Energy Act of 2008 (7 U.S.C. 8114(c))
18 is amended—

19 (1) in paragraph (1)(B), by inserting before the
20 period at the end the following: “, including with re-
21 spect to the production of hemp (as defined in sec-
22 tion 297A of the Agricultural Marketing Act of 1946
23 (7 U.S.C. 1639o))”; and

24 (2) in paragraph (3)—

12 (p) DEFINITIONS.—In this section:

13 (1) SECRETARY.—The term “Secretary” means
14 the Secretary of Agriculture.

17 SEC. 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

18 (a) HEALTH AND SAFETY OF CONSUMERS.—

24 (A) the presence of pathogens in hemp-
25 based and hemp-blended products; and

(B) the impact of that presence on the health and safety of consumers of such products.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

6 (A) submit to Congress a report on the re-
7 sults of the study conducted under paragraph
8 (1), including recommendations for nullifying
9 any negative impacts of pathogens in hemp-
10 based and hemp-blended products on the health
11 and safety of consumers of the products; and

(B) make such report publicly available on the website of the Department of Health and Human Services.

19 (b) HEMP HEALTH CARE COMMODITIES.—

1 (A) materials and equipment (such as bed-
2 ding, curtains, uniforms, building materials,
3 body care supplies, and industrial cleaning sup-
4 plies) used in health care delivery settings (in-
5 cluding hospitals, clinics, and health centers);
6 and

7 (B) materials and equipment used to cre-
8 ate, store, or administer prescription drugs and
9 durable medical equipment.

10 (2) REPORT.—Not later than 1 year after the
11 date of the enactment of this Act, the Secretary of
12 Health and Human Services shall—

13 (A) submit to the Congress a report on the
14 results of the study conducted under paragraph
15 (1); and

16 (B) make such report publicly available on
17 the website of the Department of Health and
18 Human Services.

19 **SEC. 6. SMALL BUSINESS ADMINISTRATION.**

20 (a) STUDY.—The Administrator of the Small Busi-
21 ness Administration shall develop a guidance manual to
22 provide information on programs for persons who seek to
23 start up a small business concern (as defined in section
24 3 of the Small Business Act (15 U.S.C. 632)) in the hemp
25 industry. Such guidance manual shall include a specific

1 focus on persons who seek to establish such a small busi-
2 ness concern owned and controlled by a Native Hawaiian
3 Organization (as defined in section 8(a)(15) of the Small
4 Business Act (15 U.S.C. 637(a)(15))), an Indian tribe (as
5 defined in section 8(a)(13) of such Act (15 U.S.C.
6 637(a)(13))), or a veteran (as defined in section 3(q)(4)
7 of such Act (15 U.S.C. 632(q)(4))).

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Administrator shall—
10 (1) submit to Congress the manual developed
11 under subsection (a); and
12 (2) make such manual publicly available on the
13 website of the Small Business Administration.

14 **SEC. 7. DEPARTMENT OF DEFENSE.**

15 (a) PROCUREMENT OF HEMP-BASED OR HEMP-
16 BLENDED PRODUCTS.—Not later than 1 year after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall submit to Congress a report containing a list of items
19 procured by the Department of Defense for which a hemp-
20 based or hemp-blended product could be substituted.

21 (b) USE OF HEMP AND HEMP-DERIVED PROD-
22 UCTS.—Not later than 1 year after the date of the enact-
23 ment of this Act, the Secretary of Defense shall submit
24 to Congress a report on the effect of using hemp and
25 hemp-derived products, including hemp extracts and iso-

1 lates such as cannabidiol, on military preparedness with
2 respect to the preparedness, physical health, mental
3 health, and safety of members of the Armed Forces.

4 (c) USE OF HEMP EXTRACTS AND ISOLATES AS
5 HEALTH SUPPLEMENTS.—Not later than 1 year after the
6 date of the enactment of this Act, the Secretary of Defense
7 shall submit to Congress a report on the viability of using
8 hemp extracts and isolates such as cannabidiol as an alter-
9 native to current health supplements—

10 (1) for members of the Armed Forces, including
11 with respect to members deployed in support of a
12 contingency operation, and how such use addresses
13 the preparedness, physical health, mental health,
14 and safety of the members; and

15 (2) for members serving on active duty and
16 members not serving on active duty who are diag-
17 nosed with post-traumatic stress disorder, chronic
18 pain, depression, anxiety, and other illnesses and in-
19 juries.

20 (d) USE OF HEMP FOR SITE CLEANUP.—Not later
21 than 1 year after the date of the enactment of this Act,
22 the Secretary of Defense shall submit to Congress a report
23 on the use of plants that have hyperaccumulatory and
24 phytoremediation capabilities, such as hemp, to clear con-
25 taminants from or related to nuclear sites and heavy metal

1 contamination, including contamination by arsenic, lead,
2 mercury, copper, chromium, and nickel, and other related
3 toxic areas, including for contaminants in soil, water, and
4 air.

5 (e) USE OF HEMP-BASED OR HEMP-BLENDED
6 FOODS, DRINKS, AND SUPPLEMENTS.—Not later than 1
7 year after the date of the enactment of this Act, the Sec-
8 retary of Defense shall submit to Congress a report on
9 the viability of using hemp-based and hemp-blended prod-
10 ucts as foods, drinks, and supplements for Members of
11 the Armed Forces, including with respect to—

12 (1) Members deployed in support of a contin-
13 gency operation; and
14 (2) how such use would address physical and
15 mental health and military preparedness.

16 (f) PUBLIC AVAILABILITY.—The Secretary shall
17 make each report required by this section publicly avail-
18 able on an internet website of the Department pursuant
19 to section 122a of title 10, United States Code.

20 **SEC. 8. DEPARTMENT OF LABOR.**

21 (a) LABOR STANDARDS.—

22 (1) The Secretary of Labor, acting through the
23 Assistant Secretary of Labor for the Occupational
24 Safety and Health, shall create a report on the ap-
25 plication of relevant provisions of Federal law, in-

1 cluding the laws listed in paragraph (3), for the pur-
2 pose of providing information to the Federal Govern-
3 ment and to State governments in States where the
4 cultivation of hemp is legal to ensure the health and
5 safety of individuals working in the hemp industry.

6 (2) Not later than 1 year after the date of the
7 enactment of this Act, the Secretary of Labor shall
8 submit to Congress and make publicly available on
9 the website of the Occupational Safety and Health
10 Administration the report created under paragraph
11 (1).

12 (3) The statutes referred to in paragraph (1)
13 are the following:

14 (A) The Fair Labor Standards Act of
15 1938 (29 U.S.C. 201 et seq.).

16 (B) The Occupational Safety and Health
17 Act of 1970 (29 U.S.C. 651 et seq.).

18 (C) The Family and Medical Leave Act of
19 1993 (29 U.S.C. 2601 et seq.).

20 (D) Subchapter IV of chapter 31 of title
21 40, United States Code (commonly known as
22 the Davis-Bacon Act).

23 (E) The Migrant and Seasonal Agricul-
24 tural Worker Protection Act (29 U.S.C. 1801 et
25 seq.).

1 (b) FAIR WAGE STANDARDS.—

2 (1) The Secretary of Labor, acting through the
3 Assistant Secretary of Labor for the Occupational
4 Safety and Health, shall create a report on the ap-
5 plication of relevant provisions of Federal law, in-
6 cluding the Fair Labor Standards Act of 1938 (29
7 U.S.C. 201 et seq.), for the purpose of providing in-
8 formation to the Federal Government and to State
9 governments in States where the cultivation of hemp
10 is legal to ensure the fair, equitable, and proper
11 treatment of individuals working in the hemp indus-
12 try for purposes of providing information to the
13 Federal Government and in States where cultivation
14 of hemp is legal.

15 (2) Not later than 1 year after the date of the
16 enactment of this Act, the Secretary of Labor shall
17 submit to Congress and make publicly available on
18 the website of the Occupational Safety and Health
19 Administration the report created under paragraph
20 (1).

21 **SEC. 9. ENVIRONMENTAL PROTECTION AGENCY.**

22 (a) ECOLOGICAL FOOTPRINT AND LAND CONSERVA-
23 TION.—

24 (1) STUDY.—The Administrator of the Envi-
25 ronmental Protection Agency (in this Act referred to

1 as the “Administrator”) shall conduct a study on
2 the effects of cultivating hemp within agriculture, fo-
3 cusing on the use of hemp—

11 (2) REPORT.—The Administrator shall—

19 (b) WATER IMPURITY.—

- 24 (A) drinking water contamination;
25 (B) sewage effluent; and

(C) post-disaster relief (or pre-disaster mitigation) to clear impurities from farm animal waste, such as in the case of a hurricane causing the overflow of farm animal waste.

5 (2) REPORT.—The Administrator shall—

(B) make such report and any successor reports publicly available on the website of the Environmental Protection Agency.

13 (c) BIODEGRADABILITY AND PLASTIC ALTERNATIVE
14 STUDY.—

(A) the effects of such replacement on reducing landfill waste and ocean pollution; and

(B) the biodegradability of synthetic polymer-based plastic as compared to hemp-based plastic products.

25 (2) REPORT.—The Administrator shall—

**8 SEC. 10. DEPARTMENT OF HOUSING AND URBAN DEVELOP-
9 MENT.**

10 (a) STUDY.—

21 (b) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Secretary of the Depart-
23 ment of Housing and Urban Development shall—

1 (1) submit to the Congress a report on the re-
2 sults of the study conducted under subsection (a);
3 and

4 (2) make such report publicly available on the
5 website of the Department of Housing and Urban
6 Development.

7 **SEC. 11. DEPARTMENT OF VETERANS AFFAIRS RESEARCH**
8 **ON SAFETY AND EFFICACY OF HEMP EX-**
9 **TRACTS AND ISOLATES FOR VETERANS WITH**
10 **CERTAIN MEDICAL CONDITIONS.**

11 (a) RESEARCH.—The Secretary of Veterans Affairs,
12 in consultation with the Commissioner of Food and Drugs,
13 shall carry out scientific and medical research into the
14 safety and efficacy of the use of hemp extracts and iso-
15 lates, including cannabidiol, by veterans diagnosed with
16 post-traumatic stress disorder, chronic pain, depression,
17 anxiety, and other illnesses and injuries determined by the
18 Secretary.

19 (b) REPORT TO CONGRESS.—Not later than 1 year
20 after the date of the enactment of this Act, the Secretary
21 shall submit to Congress, and make publicly available on
22 a website of the Department, a report describing the plan
23 of the Secretary to implement the requirement under sub-
24 section (a).

