

controlled substance under State or Federal law before, on, or after December 20, 2018, shall be ineligible, during the 10-year period following the date of the conviction—

(I) to participate in the program established under this section or section 1639q of this title; and

(II) to produce hemp under any regulations or guidelines issued under section 1639r(a) of this title.

(ii) Exception

Clause (i) shall not apply to any person growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 5940 of this title before December 20, 2018.

(C) False statement

Any person who materially falsifies any information contained in an application to participate in the program established under this section shall be ineligible to participate in that program.

(f) Effect

Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe—

(1) for which a State or Tribal plan is not approved under this section, if the production of hemp is in accordance with section 1639q of this title or other Federal laws (including regulations); and

(2) if the production of hemp is not otherwise prohibited by the State or Indian tribe.

(Aug. 14, 1946, ch. 966, title II, § 297B, as added Pub. L. 115-334, title X, § 10113, Dec. 20, 2018, 132 Stat. 4909.)

§ 1639q. Department of Agriculture

(a) Department of Agriculture plan

(1) In general

In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 1639p of this title, the production of hemp in that State or the territory of that Indian tribe shall be subject to a plan established by the Secretary to monitor and regulate that production in accordance with paragraph (2).

(2) Content

A plan established by the Secretary under paragraph (1) shall include—

(A) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;

(B) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;

(C) a procedure for the effective disposal of—

(i) plants, whether growing or not, that are produced in violation of this subchapter; and

(ii) products derived from those plants;

(D) a procedure to comply with the enforcement procedures under subsection (c)(2);

(E) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of this subchapter; and

(F) such other practices or procedures as the Secretary considers to be appropriate, to the extent that the practice or procedure is consistent with this subchapter.

(b) Licensing

The Secretary shall establish a procedure to issue licenses to hemp producers in accordance with a plan established under subsection (a).

(c) Violations

(1) In general

In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 1639p of this title, it shall be unlawful to produce hemp in that State or the territory of that Indian tribe without a license issued by the Secretary under subsection (b).

(2) Negligent and other violations

A violation of a plan established under subsection (a) shall be subject to enforcement in accordance with paragraphs (2) and (3) of section 1639p(e) of this title, except that the Secretary shall carry out that enforcement instead of a State department of agriculture or Tribal government.

(3) Reporting to Attorney General

In the case of a State or Indian tribe covered by paragraph (1), the Secretary shall report the production of hemp without a license issued by the Secretary under subsection (b) to the Attorney General.

(d) Information sharing for law enforcement

(1) In general

The Secretary shall—

(A) collect the information described in paragraph (2); and

(B) make the information collected under subparagraph (A) accessible in real time to Federal, State, territorial, and local law enforcement.

(2) Content

The information collected by the Secretary under paragraph (1) shall include—

(A) contact information for each hemp producer in a State or the territory of an Indian tribe for which—

(i) a State or Tribal plan is approved under section 1639p(b) of this title; or

(ii) a plan is established by the Secretary under this section;

(B) a legal description of the land on which hemp is grown by each hemp producer described in subparagraph (A); and

(C) for each hemp producer described in subparagraph (A)—

(i) the status of—

(I) a license or other required authorization from the State department of ag-

riculture or Tribal government, as applicable; or
 (II) a license from the Secretary; and
 (ii) any changes to the status.

(Aug. 14, 1946, ch. 966, title II, §297C, as added Pub. L. 115-334, title X, §10113, Dec. 20, 2018, 132 Stat. 4912.)

§ 1639r. Regulations and guidelines; effect on other law

(a) Promulgation of regulations and guidelines; report

(1) Regulations and guidelines

(A) In general

The Secretary shall promulgate regulations and guidelines to implement this subchapter as expeditiously as practicable.

(B) Consultation with Attorney General

The Secretary shall consult with the Attorney General on the promulgation of regulations and guidelines under subparagraph (A).

(2) Report

The Secretary shall annually submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing updates on the implementation of this subchapter.

(b) Authority

Subject to subsection (c)(3)(B), the Secretary shall have sole authority to promulgate Federal regulations and guidelines that relate to the production of hemp, including Federal regulations and guidelines that relate to the implementation of sections 1639p and 1639q of this title.

(c) Effect on other law

Nothing in this subchapter shall affect or modify—

- (1) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);
- (2) section 262 of title 42; 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 262 of title 42; or

(B) to promulgate Federal regulations and guidelines that relate to the production of hemp under the Act described in subparagraph (A)(i) or the section described in subparagraph (A)(ii).

(Aug. 14, 1946, ch. 966, title II, §297D, as added Pub. L. 115-334, title X, §10113, Dec. 20, 2018, 132 Stat. 4913.)

Editorial Notes

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(1), (3)(A)(i), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete

classification of this Act to the Code, see section 301 of Title 21 and Tables.

§ 1639s. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter.

(Aug. 14, 1946, ch. 966, title II, §297E, as added Pub. L. 115-334, title X, §10113, Dec. 20, 2018, 132 Stat. 4914.)

CHAPTER 39—STABILIZATION OF INTERNATIONAL WHEAT MARKET

Sec.

1641. Availability of wheat for export; utilization of funds and facilities; prices; authorization of appropriations.

1642. Enforcement by President.

§ 1641. Availability of wheat for export; utilization of funds and facilities; prices; authorization of appropriations

The President is authorized, acting through the Commodity Credit Corporation, to make available or cause to be made available, notwithstanding the provisions of any other law, such quantities of wheat and wheat-flour and at such prices as are necessary to exercise the rights, obtain the benefits, and fulfill the obligations of the United States under the International Wheat Agreement of 1949 signed by Australia, Canada, France, the United States, Uruguay, and certain wheat importing countries, along with the agreements signed by the United States and certain other countries revising and renewing such agreement of 1949 for periods through July 31, 1965 (hereinafter collectively called the “International Wheat Agreement”). Nothing in this chapter shall be construed to preclude the Secretary of Agriculture, in carrying out programs to encourage the exportation of agricultural commodities and products thereof pursuant to section 612c of this title, from utilizing funds available for such programs in such manner as, either separately or jointly with the Commodity Credit Corporation, to exercise the rights, obtain the benefits, and fulfill all or any part of the obligations of the United States under the International Wheat Agreement or to preclude the Commodity Credit Corporation in otherwise carrying out wheat and wheat-flour export programs as authorized by law. Nothing contained in this chapter shall limit the duty of the Commodity Credit Corporation to the maximum extent practicable consistent with the fulfillment of the Corporation’s purposes and the effective and efficient conduct of its business to utilize the usual and customary channels, facilities, and arrangements of trade and commerce in making available or causing to be made available wheat and wheat-flour under this chapter. The pricing provisions of section 1510(e)¹ of title 22 and section 713a-9 of title 15, shall not be applicable to domestic wheat and wheat-flour supplied to countries which are parties to the International Wheat Agreement and credited to their guaranteed purchases thereunder on and after August

¹ See References in Text note below.