



August 21, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate

The Honorable Charles Schumer
Democratic Leader
United States Senate

The Honorable Paul Ryan
Speaker
United States House of Representatives

The Honorable Nancy Pelosi
Democratic Leader
United States House of Representatives

The Honorable Pat Roberts
Chairman
Senate Committee on Agriculture

The Honorable Debbie Stabenow
Ranking Member
Senate Committee on Agriculture

The Honorable Michael Conaway
Chairman
House Committee on Agriculture

The Honorable Collin Peterson
Ranking Member
House Committee on Agriculture

Toi Hutchinson
State Senator
Illinois
President, NCSL

Jon Heining
General Counsel
Legislative Council
Texas
Staff Chair, NCSL

William Pound
Executive Director

RE: 2018 Farm Bill Conference Report

Dear Leader McConnell, Speaker Ryan, Leader Schumer, Leader Pelosi, Chairman Roberts, Chairman Conaway, Ranking Member Stabenow and Ranking Member Peterson:

Maintaining a strong production agriculture capacity is critical to our nation. Unfortunately, the farm economy is under significant financial stress with net farm income having been cut in half over the last five years since the enactment of the 2014 Farm Bill. On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories and commonwealths, we respectfully request you to complete work on the 2018 Farm Bill this year, ahead of the September 30 expiration, to ensure certainty for our farming and ranching communities. As you work to quickly reconcile the differences between the House's Agriculture and Nutrition Act of 2018 and the Senate's Agriculture Improvement Act of 2018, we urge you to ensure that the final conference report reflects three specific state priorities.

NCSL strongly opposes subtitle G, "Protecting Interstate Commerce," from the Agriculture and Nutrition Act of 2018 and urges its removal from your final conference report. Section 11701 and 11702, commonly referred to as the "King Amendment" would pre-empt state agricultural statutes enacted to protect the safety and well-being of the nation's farmland, waterways, forests and most importantly, the health and welfare of all Americans. The 10th Amendment is the cornerstone of constitutional federalism, reserving broad powers to both the states and the people. States have often used this authority to enact laws that protect their citizens from invasive pests and livestock diseases, maintain quality standards for all agricultural products, ensure food safety, and unadulterated seed products. This is not a Commerce Clause issue but an effort by some in Congress to weaken the sovereignty of states to protect the health and general welfare of its citizens. NCSL urges conferees to uphold the 10th Amendment by not including Section 11701 and 11702.

Furthermore, NCSL strongly encourages the inclusion of section 10111, "Hemp Production," from the Agriculture Improvement Act of 2018. Hemp has a long history as a sustainable and profitable crop and has great potential as a new crop for American agriculture and industry. Currently, more than two-thirds of states have passed legislation to address issues facing hemp production. While NCSL believes that current federal policies to obstruct industrial hemp farming are outdated and must be changed to define hemp as a distinct agricultural crop and allow state regulation of commercial hemp farming, we also recognize that decisions affecting American agriculture must reflect a working partnership of the federal government with the states in both the formulation and implementation of policy. Section 10111 effectively balances these requirements by removing federal restrictions on hemp, and authorizing states to regulate its growth and production while providing federal resources to help ensure its success.

Additionally, while we understand that the House and Senate bills differ significantly in their language regarding the Supplemental Nutrition Assistance Program (SNAP) and the requirements for participants, we are hopeful a bipartisan solution will emerge. NCSL supports a robust SNAP program that continues to improve the health and nutrition of millions of families in the United States and opposes any federal proposals that impose costly burdens or mandates on states that would remove state flexibility in the administration of SNAP.

On behalf of our colleagues, we look forward to working with you throughout the process of reauthorizing the Farm Bill. If you have any additional questions or need more information on state laws pre-empted by the King Amendment, or hemp production, please contact Ben Husch (ben.husch@ncsl.org/202-624-7779) and Kristen Hildreth (kristen.hildreth@ncsl.org/202-624-3597). For information related to SNAP, please contact Haley Nicholson (haley.nicholson@ncsl.org/202-624-8662).

Sincerely,



Senator Toi Hutchinson
Illinois Senate
President, National Conference of State
Legislatures



Speaker Robin Vos
Wisconsin State Assembly
President-elect, National Conference of State
Legislatures

cc: Sen. John Boozman (R-Mont.), Sen. John Hoeven (N.D.), Sen. Joni Ernst (Iowa), Sen. Sherrod Brown (Ohio), Sen. Leahy (Vt.), Sen. Heidi Heitkamp (N.D.), Rep. Glenn Thompson (Pa.), Rep. Bob Goodlatte (Va.), Rep. Frank Lucas (Okla.), Rep. Mike Rogers (Ala.), Rep. Austin Scott (Ga.), Rep. Rick Crawford (Ark.), Rep. Vicky Hartzler (Mo.), Rep. Rodney Davis (Ill.), Rep. Ted Yoho (Fla.), Rep. David Rouzer (N.C.), Rep. Roger Marshall (Kan.), Rep. Jodey Arrington (Texas), Rep. Virginia Foxx (R-N.C.), Rep. Rick Allen (R-GA), Rep. John Shimkus (R-IL), Rep. Jeb Hensarling (R-TX), Rep. Sean Duffy (R-WI), Rep. Ed Royce (R-CA); Rep. Steve Chabot (R-OH), Rep. Mark Walker (R-NC), Rep. James Comer (R-KY), Chairman Rob Bishop (R-Utah), Rep. Bruce Westerman (R-Ark.), Rep. Ralph Abraham (R-La.), Rep. Neal Dunn (R-Fla.), Rep. Jeff Denham (R-Calif.), Rep. Bob Gibbs (R-Ohio), Rep. David Scott (Ga.), Rep. Jim Costa (Calif.), Rep. Tim Walz (Minn.), Rep. Marcia Fudge (Ohio), Rep. Jim McGovern (Mass.), Rep. Filemon Vela (Texas), Rep. Michelle Lujan Grisham (N.M.), Rep. Ann Kuster (N.H.), and Rep. Tom O'Halleran (Ariz.), Rep. Alma Adams (N.C.), Rep. Paul Tonko (N.Y.), Rep. Maxine Waters (Calif.), Rep. Eliot Engel (N.Y.), Rep. Raúl Grijalva (Ariz.), Rep. Stacey Plaskett (Virgin Is.), Rep. Eddie Bernice Johnson (Texas) and Rep. Cheri Bustos (Ill.)