

United States Senate

WASHINGTON, DC 20510

April 16, 2019

John P. Sanders
Acting Commissioner
Customs and Border Protection
U.S. Department of Homeland Security
Washington, DC 20528

Acting Commissioner Sanders:

We write today to request that Customs and Border Patrol provide clarity to its Northern border agents regarding hemp importations into the United States.

Farmers across the nation have been growing hemp under the pilot program enacted in the 2014 Farm Bill, with great success. In response to a broad bipartisan push, the 2018 Farm Bill removed hemp from the list of Schedule I controlled substances, removing jurisdiction from the Drug Enforcement Agency. This common sense step was taken to ease regulations so producers could grow and sell hemp as a crop.

Under current law, producers can grow under a federal plan, a USDA-approved state plan, or under the 2014 pilot program. USDA will not be issuing federal guidance or approving state plans until fall 2019. Therefore, growers are required to comply with the 2014 pilot program or be forced to miss this year's growing season.

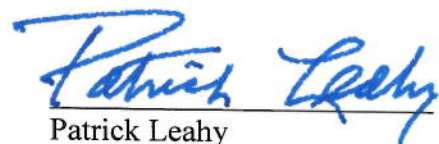
We are hearing from producers that they are unable to acquire seeds as used in previous years under the 2014 pilot program because DEA no longer regulates the commodity or its seeds following the passage of the 2018 Farm Bill. It is currently legal to import industrial hemp seeds into the United States. However, CBP has not updated its guidance for ports of entry to be in compliance with current DEA regulations, meaning that hemp importations are being turned away at the border.

This easily avoidable situation is unacceptable and undermines farmers as they search for ways to make ends meet. Producers cannot afford to wait any longer for seeds -- transporting and cleaning them takes time. There is no valid reason that producers who already have hemp in their crop rotation should be blocked from growing this commodity in 2019. This is an example of Washington, D.C. hurting rural America in a time when the agricultural industry needs certainty.

We urge CBP to work with USDA and DEA to provide immediate clarification to border agents to they can act in accordance with current law.

Sincerely,


Jon Tester


Patrick Leahy