



U.S. Hemp  
Roundtable

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## **A PRIMER ON THE STATUS OF HEMP LEGISLATION IN CONGRESS**

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September 18, 2025

***TL;DR: Congress is fighting over spending bills, and some powerful members (Rep. Andy Harris and Sen. Mitch McConnell) are trying to insert language that would ban hemp products with any THC. The House bill includes the ban, but the Senate stripped it out after Rand Paul objected. The likely showdown will come in October/November during negotiations on a “minibus” spending package. Bottom line: the ban isn’t law yet, but it’s the biggest threat on the table this fall. It is time for Hemp Supporters to get to work contacting their Members of Congress to stop the ban. [Use this link.](#)***

### **BACKGROUND ON HOW CONGRESS WORKS**

For those of us who grew up on Schoolhouse Rock, I’m afraid to report that the congressional sausage-making process is a little more complicated than “[I’m Just a Bill](#)”.

Within each chamber of Congress (the House and the Senate), there are two types of committees – authorizing and appropriations committees. To oversimplify things, the authorizing committees are supposed to write the laws, while the appropriations committees instruct how the government’s money is to be spent under those laws.

There are two authorizing committees in each chamber that govern hemp. In both bodies, the Agriculture Committee is in charge of the farm economy and its regulation. Every five years or so, Congress passes a Farm Bill that originates in the Agriculture Committees. The 2014 and 2018 versions of the Farm Bill birthed the new hemp economy. The authorization and regulation of consumable products – usually by the FDA – fall under the jurisdiction of the House Energy & Commerce (E&C) committee and the Senate Health, Education, Labor and Pensions (HELP) committee. Ideally, any bill that banned or regulated hemp consumable products would be initiated through E&C and HELP.

The House and the Senate each boast a very powerful Appropriations Committee. Within these committees fall 12 different subcommittees with jurisdiction over separate matters. The chairs of these subcommittees are very powerful and are referred to as Cardinals. In both the House and the Senate, hemp spending is mostly governed by the Agriculture Appropriations Subcommittees. The Chair/Cardinal of agriculture appropriations in the House is Rep. Andy Harris (R-MD), and in the Senate is John Hoeven (R-ND).

In an ideal world, the appropriations subcommittees draft and mark up 12 separate spending bills in each chamber. Those bills go before the full Appropriations Committee, where they are further amended. Then they go to the floors of the House and the Senate for passage. When the chambers' versions differ (almost always!), the two bodies appoint members to serve on a House/Senate Conference Committee, which irons out the differences and sends the compromise version back to the House and Senate floors for final passage. Then "I'm Just a Bill" goes to the President's desk for signature or veto. If he signs it, Bill becomes a Law. Hurray!

However, this process – known as regular order – has become quite rare these days. With deep partisan polarization and intra-party fighting, it is very difficult to secure a majority of votes in the House (218 usually) to pass any bill there. In the Senate, it is even more difficult. To overcome that body's filibuster, you need 60 votes. That means that the majority (today, it is Republicans) need votes from the minority (Democrats) to pass any spending bill.

If none or only a few of the spending bills pass by the end of the fiscal year (September 30), then we have a complete or partial government shutdown. We've seen a number of temporary shutdowns in recent years. To avoid shutdowns, there are several devices used:

1. A continuing resolution ("CR") can be passed – these usually say that we will extend last year's spending bill for another several weeks or months. Sometimes important pieces of legislation are tacked onto CRs where there is bipartisan agreement. When there is no extraneous legislation tacked on, we call that a "clean CR".
2. An omnibus spending bill is where Congress combines all or most of the 12 spending bills into one package, which is then voted up or down by both bodies. Fiscal hawks hate omnibus bills because the compromises reached usually exacerbate the deficit (i.e. the GOP gets more military spending in return for the Dems getting more domestic spending).
3. A package with a handful of bipartisan spending bills is affectionately known as a "minibus".

In theory, appropriators should not be writing new laws through these spending bills – that's the job of authorizers. Unfortunately, as discussed more below, they have the power to do so, and are trying to use that power in this instance.

## **WHAT'S GOING ON WITH HEMP TODAY**

This year, the House Agriculture Appropriations Subcommittee authored a spending bill that included language added by Chairman Andy Harris, which would federally criminalize all hemp products that contain any “quantifiable” level of THC in it; thereby banning more than 95% of hemp consumable products on the market today. While objections were raised in the full committee, it was passed by a mostly partisan vote, as all Republicans yielded to their powerful chairman. This has not yet reached the House floor, and might never.

A few months later, the Senate Agriculture Appropriations Subcommittee added similar language to their spending bill at the instigation of former Senate Majority Leader (and former hemp champion) Mitch McConnell (R-KY). In the full committee deliberations, Sen. Jeff Merkley (D-OR) was able to extract a compromise in which the new language would not go into effect until a year after passage. However, before the spending bill made it to the Senate floor, Sen. Rand Paul (R-KY) insisted on its removal, and because of the quirky rules of the Senate and the urgency the Senate leadership felt about passing the full bill, Paul was able to secure removal. So, the Senate Agriculture Appropriations bill includes no mention of hemp consumables.

Harris and McConnell are trying to find the right vehicle to attach their language at the current time.

That vehicle is highly unlikely to be a continuing resolution. Republican leaders have introduced a “clean CR” with no mention of hemp that they hope to pass by September 30. Under current plans, this would expire right before Thanksgiving. It is very possible that Democrats will not agree to this, and we could see a government shutdown in October.

The most likely vehicle would be a spending minibuss. Both chambers have passed a handful of Appropriations bills through the House and Senate floor, and many others through their respective Appropriations Committees. They are now attempting to assemble a final negotiated minibuss with three spending bills – Agriculture, Military Construction/Veterans, and Legislative Branch. The Senate Conference Committee has not been appointed, and likely won’t be until October. While the Ag and Leg Branch bills have not been passed on the House side, the House has already voted to go to conference on them and appointed conferees.

Right now, key congressional members and staff are informally negotiating over the “top-line” spending numbers in these bills. The House and Senate are pretty far apart on the agriculture bill, but they could reach agreement. They will likely, in October, move into the formal conference, where they will debate issues like hemp. The goal would be to pass this minibuss before or around the time of when the clean CR expires – which the current goal is before Thanksgiving.

A lot could happen that could delay or even kill the minibuss:

- We could experience a lengthy, angry government shutdown, which could further delay or make impossible agreements on a minibuss.

- The two bodies could decide to pass a clean CR that goes for a year – through September 2026, making the minibuss unnecessary.
- Talks could break down on the agriculture spending bill as they have in the past on issues like SNAP/Food Stamp funding.

## **WHAT CAN HEMP SUPPORTERS DO?**

There are several, very important things that Hemp Supporters can do – and must do in the coming days:

1. Contact your Members of Congress TODAY at this link to urge them to block the hemp ban: <https://hempsupporter.com/bill/help-stop-the-congressional-attempt-to-ban-hemp-products>
2. Send [that link](#) widely – send emails to your customers, colleagues and friends – and get the word out on social media.
3. [Make a contribution](#) to the US Hemp Roundtable to help us build our budget for digital media. Every dollar counts.
4. If you think you have a good connection or relationship with a key congressional leader, please let me know so that we can strategize on the best way to approach him/her.
5. Engage your customers! [Linked here is a sticker and postcard](#) that you may use on your products as soon as possible!

## **WHAT SHOULD I SAY IN MY COMMUNICATIONS?**

### ***Key Talking Points:***

Responsible Regulations, Not Prohibition: “Four Pillar” framework designed to ensure product safety while ensuring millions of adults continue to have access to properly regulated products.

- History demonstrates that prohibition only shifts the existing demand for products to black market products manufactured by foreign countries.
- Age restrictions: restrict the retail and online sale of human consumable hemp products with any THC to adults 21 and older.
- Manufacturing and testing standards: mandate good manufacturing practices and strict testing requirements provided by independent and competent laboratories.
- Labeling standards: empower adult consumers to make informed choices and manufacturers to create uniform labels across individual states.
- Packaging standards: eliminate “look-alike” products that can potentially confuse adults and may be attractive to minors.

Hemp is a uniquely American success story: Hemp products are made in the USA, harvested from crops grown by American farmers, manufactured by innovative U.S. entrepreneurs, and sold by small businesses dotting the nation.

- Its cannabinoids offer wellness solutions for some of the most vulnerable members of our society such as veterans and first responders.
- Its seeds are rich in protein and nutrients. Its fiber is transforming construction, textiles, packaging, and plastic alternatives.
- Hemp's contributions to health, sustainability, and economic development are real and lasting.
- Hemp products are made in the USA, harvested from crops grown by American farmers, manufactured by innovative U.S. entrepreneurs, and sold by small businesses dotting the nation.

#### Economic Impact

- Hemp is now a more than \$28.4 billion American industry and is predicted to approach a \$1 trillion industry, when including fiber and grain.
- Farmers receive significantly more profit from hemp (24.2%) than corn (15%) or soy (7.9%).

#### Things to Keep in Mind:

- Discuss the strength of the industry: jobs, small businesses, economic impact
- Focus on Wellness
- Focus on Farming
- Thank Members of Congress publicly if they are supportive of our position
- Call on Members of Congress to support our position (if their position is unknown or opposed) and/or send a letter via [Voter Voice](#)
- Ask Members of Congress to sign on to legislation that will create robust regulation of hemp, saving thousands of jobs and billions of dollars of economic activity, and VOTE NO on any proposed language to redefine hemp
- Request a meeting with your Members of Congress

#### Things to Avoid:

- Don't bash Members of Congress publicly
- Avoid talking about products that could be mistaken for traditional marijuana products
- Avoid terms like "intoxicating products". Instead, focus on "wellness products" or "proven hemp products"

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