

Denham Second Degree Amendment to Amendment No. 23

H.R. 2, the Agriculture and Nutrition Act of 2018

This amendment would strike the language from underlying amendment, replacing it with language requiring USDA to report (within two years of bill enactment) on existing State laws related to the production of agricultural products, the sale and labeling of agricultural products, and the detection and prevention of invasive pests and diseases. The report must also include an analysis of how such laws impact interstate commerce.

The underlying amendment as written is overly broad and far-reaching, and the impact of existing state-to-state regulatory frameworks should be more closely examined before the Committee considers federal policies with significant implications for States.

SUBSTITUTE FOR THE AMENDMENT TO H.R. 2
OFFERED BY MR. DENHAM TO THE AMENDMENT
OFFERED BY MR. KING OF IOWA

At the appropriate place in title XI, insert the following:

1 **SEC. ____.** **REPORT ON STATE REGULATION OF INTER-**
2 **STATE COMMERCE.**

3 (a) **IN GENERAL.**—Not later than two years after the
4 date of the enactment of this Act, the Secretary shall sub-
5 mit to Congress a report that contains—

6 (1) for each of the several States (and each ter-
7 ritory or possession of the United States), a com-
8 prehensive review of such State's laws relating to—

9 (A) the production of agricultural prod-
10 ucts;

11 (B) the sale and labeling of agricultural
12 products; and

13 (C) the detection and prevention of
14 invasive species; and

15 (2) an analysis of how each such State's laws
16 affect interstate commerce.

17 (b) **INDEPENDENT CONTRACTOR.**—In preparing the
18 report under subsection (a), the Secretary may enter into

1 a cooperative agreement or other contract with an inde-
2 pendent third party.

3 (c) AGRICULTURAL PRODUCT DEFINED.—In this
4 section, the term “agricultural product” has the meaning
5 given such term in section 207 of the Agricultural Mar-
6 keting Act of 1946 (7 U.S.C. 1626).

