



## Miscellaneous Provisions<sup>1</sup>

### INTRODUCTION

This backgrounder provides an overview of the Miscellaneous Title (Title XII) of the farm bill. Though the Miscellaneous Title traditionally accounts for a small fraction of farm bill spending, and may appear haphazard in its organization, it has served as an incubator for a number of programs that have received more permanent status within other titles. For example, rice, peanut, and specialty crop programs all started as “miscellaneous” programs. Disaster assistance programs, which rose to prominence in the wake of Hurricane Katrina, have also moved out of the Miscellaneous Title. Thus, Title XII historically provides an opportunity to explore solutions to new and current agricultural issues facing the U.S., including possible future topics such as food waste, urban farming, and animal welfare.

Section I of this backgrounder highlights select programs that were historically included in the Miscellaneous Title, but have since received more significant support with the farm bill. Section II provides an overview of programs included in the Miscellaneous Title of the Agricultural Act of 2014. Finally, Section III summarizes several proposals for inclusion in the Miscellaneous Title of the 2018 Farm Bill.

### I. BACKGROUND

The Miscellaneous Title includes a veritable grab bag of provisions, including projects ranging from special grazing and hay production (1977) to feral swine eradication (2014).<sup>2</sup> While programs within the Miscellaneous Title are typically unrelated to each other, the Miscellaneous Title of the 2014 Farm Bill created subtitles with specific emphasis on livestock programs and efforts to better serve socially disadvantaged producers.<sup>3</sup> During the 2014-2018 period, the Congressional Budget Office anticipates approximately \$2.3 billion in spending on Miscellaneous Title programs, making up approximately one half of one percent of the total estimated 2014 Farm Bill expenditures for that period.<sup>4</sup>

During the long course of the farm bill’s history, a number of programs have outgrown the Miscellaneous Title and have earned a title of their own or have obtained a prominent place within one of the farm bill’s other titles. This section highlights a selection of those programs and briefly recounts their development.

Rice was one of the first programs of the Miscellaneous Title to secure a more prominent role within the farm bill. During the authorization of the Agricultural Act of 1949, rice was housed within Title IV: Miscellaneous.<sup>5</sup> The Miscellaneous Title described the process for acreage allotment and determining market quotas and farm market quotas for the rice industry.<sup>6</sup> In 1956, however, market quotas and acreage

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<sup>2</sup> Food and Agricultural Act of 1977, Pub. L. No. 95-113, 91 Stat. 913; Agricultural Act of 2014, Pub. L. No. 113-79, 128 Stat. 649.

<sup>3</sup> Agricultural Act of 2014, Pub. L. No. 113-79, 128 Stat. 649.

<sup>4</sup> Carl Zulauf, *2014 Farm Bill: The Big Picture As Seen Through Spending*, FARMDAILY, May 22, 2014, <http://farmdocdaily.illinois.edu/2014/05/2014-farm-bill-the-big-picture-through-spending.html>.

<sup>5</sup> Agricultural Act of 1949, Pub. L. No. 81-439, 63 Stat. 1051.

<sup>6</sup> *Id.*



allotments for rice were moved from Miscellaneous to Title III: Marketing Quotas and Acreage Allotments.<sup>7</sup> Rice also found its own home within Article V: Certificate Program for Rice in the 1956 Agricultural Act.<sup>8</sup>

One of the more recent initiatives to outgrow the Miscellaneous Title is the bundle of programs to support specialty crop production, which garnered its own place within Title X: Horticulture and Organic Agriculture in the 2008 Farm Bill.<sup>9</sup> Specialty crop programs gained a foothold in the Miscellaneous Title of the 2002 Farm Bill,<sup>10</sup> and in 2004, Congress passed the Specialty Crop Competitiveness Act, which intended to increase both the consumption and competitiveness of specialty crops.<sup>11</sup> The increased attention to specialty crops during this time may be attributed to lobbying efforts originating in California,<sup>12</sup> which is the largest state producer of specialty crops in the U.S.<sup>13</sup> Additionally, the House Committee on Agriculture suggested that the diverse interests of specialty crop producers and lobbyists converged at this time, which enabled specialty crop advocates to build a coalition to more effectively lobby Congress.<sup>14</sup>

Disaster Assistance also rose to new prominence in the 2008 Farm Bill through the authorization of five new disaster programs.<sup>15</sup> One explanation for the increased attention to disaster relief is the effects and fallout of Hurricane Katrina, which took place in 2005, devastating homes and farms across the Southeast. Disaster programs had been included in the Miscellaneous Title of the Farm Bill for a number of years, and after their proliferation in 2008, the 2014 Farm Bill added permanent disaster assistance to the Commodities Title and provided mandatory funding.<sup>16</sup>

Finally, provisions related to both livestock inspection and restrictions first appeared in the 1996 Farm Bill's Miscellaneous Title.<sup>17</sup> By 2008, livestock had its own *title* in the Farm Bill.<sup>18</sup> This prominence was short lived, however, and livestock provisions are scattered throughout the 2014 Farm Bill. The shift back to the miscellaneous treatment in 2014 raised concerns among livestock farmers, especially after the public attention given to livestock issues in 2013.<sup>19</sup> Just as the Miscellaneous Title can provide a launch

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<sup>7</sup> Agricultural Act of 1956, Pub. L. No. 84-540, 70 Stat. 188.

<sup>8</sup> *Id.*

<sup>9</sup> Food Conservation, and Energy Act of 2008, Pub. L. No. 110-246, 122 Stat. 1651.

<sup>10</sup> Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, 116 Stat. 134.

<sup>11</sup> Specialty Crops Competitiveness Act of 2004, Pub. L. No. 108-465, 118 Stat. 3882.

<sup>12</sup> California accounts for 10 percent of all U.S. agricultural exports. Press Release, House Committee on Agriculture, Subcommittee Reviews Specialty Crops, (Aug. 25, 2005), <http://agriculture.house.gov/news/documentsingle.aspx?DocumentID=1841>.

<sup>13</sup> Press Release, House Committee on Agriculture, Subcommittee Examines Effect of Farm Policy on Specialty Crops (Sept. 26, 2006), <http://agriculture.house.gov/news/documentsingle.aspx?DocumentID=1761>.

<sup>14</sup> Jeffery Birnbaum points out in an article on specialty crops that only after 2005 did “groups such as the United Fresh Produce Association, the Western Growers Association, the Florida Fruit and Vegetable Association, and the National Potato Council start to band together.” Keith Good, *Specialty Crops*, FARMPOLICY.COM (Jan. 11, 2007), <http://farmpolicy.com/2007/05/08/specialty-crops/>.

<sup>15</sup> 7 U.S.C. 1531(b) (Supplemental Revenue Assistance Payments); 7 U.S.C. 1531(c) (Livestock Indemnity Program); 7 U.S.C. 1531(d) (Livestock Forage Disaster Program); 7 U.S.C. 1531(e) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Catfish; 7 U.S.C. 1531(f) (Tree-Assistance Program).

<sup>16</sup> DENNIS A. SHIELDS, CONG. RES. SERV., R43448, FARM COMMODITY PROVISIONS IN THE 2014 FARM BILL (P.L. 113-79) 5 (2014), <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R43448.pdf>.

<sup>17</sup> Federal Agriculture Improvement and Reform Act of 1996, Pub. L. No. 104-127, 110 Stat. 888.

<sup>18</sup> Food Conservation, and Energy Act of 2008, Pub. L. No. 110-246, 122 Stat. 1651.

<sup>19</sup> Keith Good, *Senators Highlight Blizzard Impacts on Livestock Producers*, FARMPOLICY.COM (Oct. 8, 2013),

<http://farmpolicy.com/2013/10/12/video-senators-highlight-blizzard-impacts-on-livestock-producers/>; Keith Good, *Persistent*



pad for more significant investment within future farm bills, it is possible for issues that have lost prominence to return to the Miscellaneous Title.

## II. THE 2014 FARM BILL

This section, organized to reflect the current Miscellaneous Title’s subtitles, examines a number programs included in the Miscellaneous Title of the 2014 Farm Bill. While some of these provisions were reauthorized in 2014, the 2014 Farm Bill also added several new programs to the Miscellaneous Title.

### A. Subtitle A: Livestock

Though the 2014 Farm Bill Miscellaneous Title organizes several programs under the Livestock subtitle, this designation represents a rather loose collection of programs aimed at animal-related issues rather than a uniform agenda. For instance, this subtitle includes programs dedicated to sheep production, aquatic animal health, food safety inspection, poultry improvement, and feral swine eradication.

Subtitle A programs do follow some trends, however, such as improved safety of animal food products and the prevention of disease. This includes the Trichinae Certification Program, which seeks to improve the ability of swine and pork producers to avoid risk of exposure of animals to the zoonotic parasite *Trichinella spiralis*.<sup>20</sup> This program has wide coverage and applies to producers, slaughterhouses, and other facilities that handle or process swine.<sup>21</sup> In a similar vein, the National Aquatic Animal Health Plan was developed to benefit aquaculture and aquatic animal resources in the U.S., and to detect, control, or eradicate diseases of aquaculture species.<sup>22</sup> The National Animal Health Laboratory Network program is also health-oriented, as it aims to protect animal health by preventing, detecting, controlling, and eradicating diseases and pests.<sup>23</sup>

### B. Subtitle B: Socially Disadvantaged Producers and Limited Resource Producers

Through Subtitle B of the Miscellaneous Title, the 2014 Farm Bill amends and supplements efforts to address some of the equity and diversity challenges within U.S. agriculture generally and USDA specifically. In particular, Section 12201 of Subtitle B adds veterans as an eligible class for certain programs that were previously available only to socially disadvantages farmers.<sup>24</sup> It provides \$10 million in mandatory funding and authorizes up to \$20 million in addition appropriations for the Section 2501 Program, also known as Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers (OASDFR). OASDFR makes grants to both institutions, such as universities, and nonprofits programs that work with minority and veteran farmers to gain access to USDA programs and provide technical assistance. Section 12202 provides \$2 million in annual funding to the Office of Advocacy and Outreach, created in the 2008 Farm Bill, which oversees the Minority Advisory Committee and works to “improve

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*Drought – Negative Repercussions for Livestock Producers*, FARMPOLICY.COM (Oct. 19, 2012), <http://farmpolicy.com/2012/10/19/persistent-drought>.

<sup>20</sup> Agricultural Act of 2014, Pub. L. No. 113-79 § 12101, 7 U.S.C. § 8304.

<sup>21</sup> RALPH M. CHITE, CONG. RESEARCH SERV., R43076, THE 2014 FARM BILL (P.L. 113-79): SUMMARY AND SIDE-BY-SIDE (2014), <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R43076.pdf>.

<sup>22</sup> Agricultural Act of 2014, Pub. L. No. 113-79 § 12103, 7 U.S.C. § 8322(d); RALPH M. CHITE, CONG. RESEARCH SERV., R43076, THE 2014 FARM BILL (P.L. 113-79): SUMMARY AND SIDE-BY-SIDE (2014), <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R43076.pdf>.

<sup>23</sup> Agricultural Act of 2014, Pub. L. No. 113-79 § 12105, 7 U.S.C. § 8308.

<sup>24</sup> Agricultural Act of 2014, Pub. L. No. 113-79 § 12201, 7 U.S.C. § 2279; *Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers Program*, U.S. DEPT OF AGRIC., <https://www.outreach.usda.gov/sdfr>.



access to USDA programs and to improve the viability and profitability of small farms and ranches, beginning farmers and ranchers, and socially disadvantaged farmers or ranchers.”<sup>25</sup>

### *C. Subtitle C: Other Miscellaneous Provisions*

Subtitle C of the Miscellaneous Title has no unifying theme, but includes programs with various goals, scopes, and levels of funding. Of note, this subtitle reauthorizes the Office of Tribal Relations, which "shall advise the Secretary [of Agriculture] on policies related to Indian tribes," and establishes a new position, the Military Veterans Agricultural Liaison, which aims to better facilitate information and resources between veteran farmers and the USDA.<sup>26</sup>

## **III. LOOKING TOWARD THE 2018 FARM BILL**

This section considers six issues that may find their way into the 2018 Farm Bill’s Miscellaneous Title, based on the prevalence of these topics in agriculture related news, media and publications. Each of these programs addresses issues that are not currently covered by existing titles of the farm bill.

### *A. Urban Farming*

Senator Debbie Stabenow (D-MI), the ranking member of the Senate agriculture committee and an avid supporter of urban farming initiatives, has expressed great interest in including urban farming initiatives in the 2018 Farm Bill.<sup>27</sup> Among the potential proposals she has discussed are the creation of an urban agriculture office within the USDA, an expansion of loan programs benefiting city farmers, and small changes to existing USDA programs that Stabenow believes could benefit urban farmers across the country.<sup>28</sup>

### *B. Underserved & Beginning Farmers*

Although equity issues received some attention in the Miscellaneous Title of the 2014 Farm Bill through the Office of Advocacy and Outreach (OAO), the National Sustainable Agriculture Coalition (NSAC) believes more can be done to serve historically underserved farmers.<sup>29</sup> In particular, NSAC believes that further steps can be taken to ensure the advocacy of small farms within USDA, coordinate outreach activities, and further the interests of underserved farmers throughout the country.<sup>30</sup> Thus, while underserved farmers do not currently have their own place within the farm bill, it is possible that increased focus on equity concerns could help OAO and socially disadvantaged producer provisions move out of the Miscellaneous Title and receive increased funding during the 2018 Farm Bill reauthorization.

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<sup>25</sup> Agricultural Act of 2014, Pub. L. No. 113-79 § 12202, 7 U.S.C. § 2279; *Office of Advocacy and Outreach (OAO)*, U.S. DEPT OF AGRIC., <https://www.outreach.usda.gov/aboutus.htm>.

<sup>26</sup> Agricultural Act of 2014, Pub. L. No. 113-79 § 12203, 7 U.S.C. § 6921.

<sup>27</sup> *Senator Stabenow Announces the Urban Agriculture Act of 2016*, STABENOW.SENATE.GOV, Sep. 26, 2016, <http://www.stabenow.senate.gov/news/senator-stabenow-announces-the-urban-agriculture-act-of-2016>.

<sup>28</sup> Jenny Hopkinson, *Stabenow: Urban Ag Proposal Will Lay Groundwork for 2018 Farm Bill*, POLITICO, Sep. 27, 2016, <http://www.politico.com/tipsheets/morning-agriculture/2016/09/stabenow-urban-ag-proposal-will-lay-groundwork-for-2018-farm-bill-216543>.

<sup>29</sup> *Farming Opportunities*, NATIONAL SUSTAINABLE AGRICULTURE COALITION, <http://sustainableagriculture.net/our-work/issues/farming-opportunities>.

<sup>30</sup> *USDA’s Agency Realignment Is a Good Move for Historically Underserved Farmers*, NAT’L SUSTAINABLE AGRIC. COALITION, Nov. 17, 2016, <http://sustainableagriculture.net/blog/oao-realignment-good-for-underserved-farmers>.



Challenges faced by “beginning” farmers may also play an elevated role in farm bill discussions. This may include small and simple steps, such as refining the definition of “beginning farmers” to ensure that such farmers can identify and take advantage of programs aimed at helping new and beginning producers.<sup>31</sup> However, larger issues, such as increasing the effectiveness of programs dedicated to serving beginning farmers, may be addressed as well.<sup>32</sup>

### C. Food Waste

In May, 2016, a group of chefs and food waste advocates met with twenty-two Senate and House offices, where they delivered a petition containing over 4,000 signatures asking Congress to enact food waste reduction policies.<sup>33</sup> The issue received a great deal of national attention in the following months, as the National Resources Defense Council (NRDC) and the Ad Council launched their “Save the Food” campaign, which focused on educating the public about food waste issues.<sup>34</sup> Moreover, the federal Food Recovery Act, which sought to reduce food waste, was introduced in the House in 2015 and has since been referred to the relevant subcommittees.<sup>35</sup> Given the growing public attention, food waste issues may garner enough support to be included within the 2018 Farm Bill. Since no current titles of the Farm Bill address food waste creation or reduction, this topic may find its way into the Miscellaneous Title.

### D. Beef Production

The NRDC has undertaken an initiative to improve the standards for beef production in the United States and Canada.<sup>36</sup> In particular, the NRDC has proposed a comprehensive standard to verify beef quality during all stages of its production.<sup>37</sup> In the next farm bill, measures may be included that address manure contamination, pollution from factory farms, the production of grain fed to cows, misuse of antibiotics on farms, and labeling of so-called “better” beef.<sup>38</sup> These proposals come at a time of increased public attention to the 780 million acres that are grazed by livestock, and the massive portions of land that have become severely degraded by poor grazing operations and management.<sup>39</sup>

### E. Organic Livestock and Poultry Practice; Enhanced Welfare for Animals

During the Obama Administration, the White House proposed rules to create new standards for how livestock and poultry must be treated on organic farms.<sup>40</sup> The standards call for a variety of changes to animal living conditions, veterinary health care practices on farms, and the handling and slaughter of livestock.<sup>41</sup> The Organic Trade Association (OTA) asserts that these updates are necessary to ensure that

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<sup>31</sup> Bruce Knight, *2018 Farm Bill - Helping Beginning Farmers*, AGRI-PULSE, <http://www.agri-pulse.com/Opinion-2018-farm-bill-helping-beginning-farmers-10042016.asp>.

<sup>32</sup> Bruce Knight, *2018 Farm Bill - Helping Beginning Farmers*, AGRI-PULSE, <http://www.agri-pulse.com/Opinion-2018-farm-bill-helping-beginning-farmers-10042016.asp>.

<sup>33</sup> Jill Ettinger, *Celebrity Chefs Urge Congress to Tackle Food Waste Ahead of 2018 Farm Bill*, ORGANIC AUTHORITY (May 26, 2016), <http://www.organicauthority.com/celebrity-chefs-urge-congress-tackle-food-waste>.

<sup>34</sup> *RDC and Ad Council Launch New “Save the Food” National Public Service Campaign*, AD COUNCIL, Apr. 20, 2016, <http://www.adcouncil.org/News-Events/Press-Releases/NRDC-and-Ad-Council-Launch-New-Save-the-Food-National-Public-Service-Campaign>.

<sup>35</sup> Food Recovery Act of 2015, H.R. 4184, 114th Congress (2015).

<sup>36</sup> *Id.*

<sup>37</sup> *Where's the Better Beef?*, NAT'L RESOURCES DEF. COUNCIL, <https://www.nrdc.org/resources/wheres-better-beef>.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Proposed Organic Livestock Rule not Guaranteed*, Luke Ryons & Harvest Public Media, KUNC (Dec. 16, 2016) <http://www.kunc.org/post/proposed-organic-livestock-welfare-rule-not-guaranteed-usda-s-vilsack-says>.

<sup>41</sup> *Id.*



organic livestock and poultry production maintain the integrity of the organic label.<sup>42</sup> Specifically, the OTA wishes to prohibit the ability of meat producers to qualify for the organic label, and therefore charge a higher premiums, without changing farming practices.<sup>43</sup> Several of the country's largest farm organizations, including the National Pork Producer Council and National Cattleman's Beef Association, oppose the new standards and are engaged in lobbying efforts to block them.

Although organic practices are a subject traditionally covered in the Horticulture Title, these existing provisions largely focus on the organic farming of specialty crops, horticulture, research and technology updates. Because these proposed standards would deal directly and holistically with livestock and poultry production, it is possible that such provisions would be included in the farm bill under the Miscellaneous Title.

#### *F. Livestock Feed & Insurance*

In January 2017, the Georgia Ag Forecast seminar series was held at the University of Georgia, and hosted nearly a thousand producers, agribusiness representatives, and community leaders.<sup>44</sup> One of the featured topics of the series was livestock feed, and included a discussion led by livestock research veterinarian Brent Credille, who addressed the implementation and possible impacts of the veterinary feed directive from 2015. This directive called for limiting the use of antibiotics in livestock feed and water.

Discussion at the seminar also emphasized the need for a robust livestock insurance program that mirrors the insurance regime currently in place for crop producers, especially as many cattle and swine operators continue to use private risk management solutions rather than farm bill programs.<sup>45</sup> Thus, issues surrounding livestock feed and livestock insurance have gained momentum in 2016 and 2017, and are likely to spark proposals for inclusion in the 2018 Farm Bill.

## CONCLUSION

While the Miscellaneous Title does not feature the most prominent or well-funded programs within the farm bill, it has served as an effective springboard for a number of programs and has supported many programs that do not easily conform to existing title themes. These unique aspects of Title XII create a dynamic structure that Congress uses to address emerging issues in food and agriculture policy.

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<sup>42</sup> *Id.*

<sup>43</sup> *The Organic Industry Wants to Define Humanely Raised Meat for Confused Customers*, HARVEST MEDIA (Sept. 8, 2016), <http://harvestpublicmedia.org/article/organic-industry-wants-define-humanely-raised-meat-confused-consumers>.

<sup>44</sup> University of Georgia College of Agricultural and Environmental Sciences, Georgia Ag Forecast, <http://www.caes.uga.edu/about/signature-events/ag-forecast.html>.

<sup>45</sup> Press Release, Farm Bureau, *Should the Livestock Insurance Program be Altered?*, Oc. 18, 2016, [http://www.fb.org/files/2018FarmBill/Should\\_the\\_Livestock\\_Insurance\\_Programs\\_be\\_Altered.pdf](http://www.fb.org/files/2018FarmBill/Should_the_Livestock_Insurance_Programs_be_Altered.pdf).