



## Farm Bill Process In a Nutshell<sup>1</sup>

Every five to seven years Congress passes omnibus legislation known as the “farm bill” authorizing a broad array of programs and services that shape virtually every aspect of the American food and agriculture systems.<sup>2</sup> The process through which the farm bill is formed is long and complex, involving multiple steps and numerous stakeholders and governing bodies. Sections below summarize the three major stages of farm bill reauthorization process: reauthorization, appropriations, and rulemaking.

### I. REAUTHORIZATION

The first stage in the farm bill process is reauthorization, which encompasses the process of writing, passing and signing a bill into law. Each step of the reauthorization process is summarized below.

- *Committee Hearings:* The farm bill process begins with several committee hearings and listening sessions, in which House and Senate Agriculture Committee members receive recommendations from various stakeholders. This is an important opportunity for advocates to get involved. Hearings and listening sessions began in 2017 and will continue through 2018.
- *Marker Bills:* While committee hearings and listening sessions are happening, legislators are simultaneously introducing “marker bills,” smaller bills containing policy proposals that they want to see incorporated into the final farm bill. Marker bills are used to set the agenda for farm bill discussions and create debates around policy reforms for the upcoming farm bill. Marker bills for the 2018 Farm Bill have already been introduced and will likely continue through early 2018.
- *Budget:* As a result of Congressional budget discipline introduced in 1974, the farm bill’s budget is largely determined in a process led by Congressional Budget Office (CBO).<sup>3</sup> In this process, CBO takes all existing programs, assumes they continue operating without change, and projects their cost over the next ten years. Under budget rules, this “baseline” becomes the spending limit for the new farm bill, and any cost increases must be offset by corresponding cuts (also estimated by CBO).
- *Bill Draft:* Chairs of both the Senate and House Agriculture Committees write a full draft of the farm bill. The chairs present their drafts to their respective committees, and committee members “mark up” the draft, which includes debating, proposing amendments, and voting on the bill that will be reported to the rest of their respective house.

---

<sup>1</sup> The following people contributed to this report: Jennifer Benson (Summer Intern, Harvard Law School Food Law and Policy Clinic) and Mary Stottele (Harvard Law School).

<sup>2</sup> For a more detailed look at the farm bill reauthorization process, see *What is the Farm Bill?*, NATIONAL SUSTAINABLE AGRICULTURE COALITION, <http://sustainableagriculture.net/our-work/campaigns/fbcampaign/what-is-the-farm-bill/> (last visited Sept. 28, 2017); *Farm Bill 2018: A Primer*, NATIONAL SUSTAINABLE AGRICULTURE COALITION (2016), <http://www.safsf.org/wp-content/uploads/2016/12/2018-Farm-Bill-Primer-for-SAFSF1.pdf>; *U.S. Farm Policy and Process*, U.S. DEPT. OF AGRIC. ECON. RESEARCH SERV., <https://www.ers.usda.gov/topics/farm-economy/farm-commodity-policy/us-farm-policy-and-policy-process/>.

<sup>3</sup> For a detailed explanation of budget baseline, see Jonathan Coppess et al., *Reviewing CBO Baseline for Farm Bill Program Spending*, *farmdoc daily* (7):39 (Mar. 2 2017), <http://farmdocdaily.illinois.edu/2017/03/reviewing-cbo-baseline-for-farm-bill-spending.html>.



- *House and Senate Floor:* The House and Senate Agriculture Committees take the draft created in committee and report it out to the full House and Senate, respectively. The bills are debated on the floor of the House and Senate, and amendments are proposed and voted on. The resulting bills are passed in each house.
- *Joint Conference Committee:* Both the House and Senate versions of the bill are then passed to a joint conference committee made up of senior members of both the Senate and House Agriculture Committees. The joint conference committee reconciles the two versions of the bill and creates a negotiated bill that both houses will attempt to pass without amendments.
- *Final Bill:* The negotiated bill goes back to the floor of both the House and the Senate for a vote. If both houses approve the bill, it will be presented to the President.
- *Presentment:* The final bill is presented to the President, who will either sign or veto the bill. If the President vetoes the bill, it will be returned to Congress for a vote. If two-thirds of each house votes in favor of the bill, the veto will be overridden and the bill will become law. If it does not get a two-thirds majority vote, the veto holds and the bill dies.<sup>4</sup>

## II. APPROPRIATIONS

- The farm bill includes programs that receive mandatory funding, also called entitlement or direct funding, as well as programs that receive discretionary funding, which is not mandatory. Mandatory funding is mandated by statute (i.e. the farm bill) and is disbursed automatically each year the farm bill is in effect, while discretionary funding is subject to the annual appropriations process in Congress.
- The House and Senate Appropriations Committees pass an annual agriculture appropriations bill which allocates discretionary funding to farm bill programs.

## III. RULEMAKING

- The final step is the administration of farm bill programs, largely by the U.S. Department of Agriculture (USDA). USDA writes the rules and regulations through which it will implement farm bill programs. Many rules and regulations must go through the rulemaking process. First, the USDA must notify the public of any proposed rule by publishing them in the Federal Register. The public then has 30-90 days to make comments on the proposed rule. This is a chance for policy advocates and the general public to weigh in.
- When the comment period ends, USDA must acknowledge all the public comments and decide which comments, if any, to incorporate into the rule. USDA then issues the final rule, which dictates how farm bill programs will be administered.

---

<sup>4</sup> If a new farm bill is not passed before the last farm bill expires, Congress must pass an extension to continue the last farm bill and allow Congress more time to come up with the new bill.