



Miscellaneous Provisions¹

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 briefly summarizes key issues that may impact the Miscellaneous Title in the next farm bill.

I. HISTORY

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).² Over 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.³ The Miscellaneous Title described the process for acreage allotment and determining market quotas and farm market quotas for the rice industry.⁴ In 1956, however, market quotas and acreage allotments for rice were moved from Miscellaneous to Title III: Marketing Quotas and Acreage Allotments.⁵ Rice also found its own home within Article V: Certificate Program for Rice in the 1956 Agricultural Act.⁶

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.⁷ Specialty crop programs gained a foothold in the Miscellaneous Title

¹ The following people contributed to this report: Gabrielle Gurian (Georgetown Law Center), Jessica Moran (Georgetown Law Center), Tong Zhu (Georgetown Law Center), Nicholas Butto (Georgetown Law Center), Andrew Norkiewicz (Summer Intern, Harvard Law School Food Law & Policy Clinic), Emma Pollack (Harvard Law School Food Law & Policy Clinic), and Emma Scott (Harvard Law School Food Law & Policy Clinic).

² 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.

³ Agricultural Act of 1949, Pub. L. No. 81-439, 63 Stat. 1051.

⁴ *Id.*

⁵ Agricultural Act of 1956, Pub. L. No. 84-540, 70 Stat. 188.

⁶ *Id.*

⁷ Food Conservation, and Energy Act of 2008, Pub. L. No. 110-246, 122 Stat. 1651.



of the 2002 Farm Bill,⁸ and in 2004, Congress passed the Specialty Crop Competitiveness Act, which aimed to increase both the consumption and competitiveness of specialty crops.⁹ The increased attention to specialty crops during this time may be attributed to lobbying efforts originating in California,¹⁰ which is the largest state producer of specialty crops in the U.S.¹¹ 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.¹²

Disaster Assistance also rose to new prominence in the 2008 Farm Bill through the authorization of five new disaster programs.¹³ 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.¹⁴

The Feral Swine Eradication Pilot Program appeared in the 2014 Farm Bill in response to the growing concern of feral swine threatening domestic swine operations and agricultural systems. One of the goals of this program was to learn about the nature and extent of the damage caused by feral swine and to study methods to control or even eradicate the spread of feral swine. Also, this program will study methods to restore feral swine damage.¹⁵ In 2018, the feral swine eradication pilot program was moved to Title VI with an authorized \$100 million in mandatory funding until FY2023.¹⁶

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.¹⁷ 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.¹⁸

⁸ Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, 116 Stat. 134.

⁹ Specialty Crops Competitiveness Act of 2004, Pub. L. No. 108-465, 118 Stat. 3882.

¹⁰ California accounts for 10 percent of all U.S. agricultural exports. *Subcommittee Reviews Specialty Crops*, HOUSE COMM. ON AGRIC. (Aug. 25, 2005), <https://agriculture.house.gov/news/documentsingle.aspx?DocumentID=399>.

¹¹ *Subcommittee Examines Effect of Farm Policy on Specialty Crops*, HOUSE COMM. ON AGRIC. (Sept. 26, 2006), <https://agriculture.house.gov/news/documentsingle.aspx?DocumentID=302>.

¹² 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/>.

¹³ 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).

¹⁴ 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>.

¹⁵ Agricultural Act, Pub. L. No. 113-79 (2014); RALPH M. CHITE, CONG. RESEARCH SERV., R43076, THE 2014 FARM BILL (P.L. 113-79): SUMMARY AND SIDE-BY-SIDE (2014), https://www.everycrsreport.com/files/20140212_R43076_05b11e2270b2c30985d7754bdc9f836e584f9323.pdf.

¹⁶ Agricultural Improvement Act of 2018, Pub. L. No. 115-334, §2408, 132 Stat. 4574.

¹⁷ Agricultural Act of 2014, Pub. L. No. 113-79, 128 Stat. 649.

¹⁸ Carl Zulauf, *2014 Farm Bill: The Big Picture As Seen Through Spending*, FARMDAILY, May 22, 2014, <http://farmdaily.illinois.edu/2014/05/2014-farm-bill-the-big-picture-through-spending.html>.



II. THE 2018 FARM BILL

The 2018 Farm Bill continued the trend of organizing the Miscellaneous Title into several subtitles. Rather than tracking those subtitles exactly, however, this section is broken down by focus area into the following subsections: Socially Disadvantaged Farmers and Ranchers; Food Waste; Livestock Provisions; USDA Structural Changes and Reporting; and Farm Defense and Biosecurity. An **Appendix** with additional provisions that relate to other farm bill titles may be found at the end of this document. Altogether, the Congressional Budget Office projected approximately \$1.9 billion in spending on Miscellaneous Title programs over the five years following enactment, slightly under one half of one percent of the projected farm bill spending.

A. *Socially Disadvantaged Farmers and Ranchers (SDFR) and Underserved Producers*

The Food, Agriculture, Conservation and Trade Act of 1990 introduced the definition of Socially Disadvantaged Farmer or Rancher (SDFR) as “a member of a socially disadvantaged group.”¹⁹ This definition includes American Indians/Alaskan Natives, Asians, Native Hawaiians/Pacific Islanders, Hispanics, and Blacks/African Americans.²⁰ Beginning farmers and ranchers (BFRs) are defined as persons who has less than 10 consecutive years of experience operating a farm or ranch.²¹ Since the 1990s, the Farm Bill has included specific provisions to assist SDFRs and BFRs. Even with these provisions, the farming population continues to rapidly age and remains racially homogenous. BFRs and SDFRs face both numerous barriers to success and unique challenges for growth. BFRs and SDFRs tend to operate smaller farms with more diversified operations; they often do not fit the necessary description for USDA services.²² In addition, lack of targeted outreach, as well as discrimination, further reduces participation in USDA programs.²³ The 2018 Farm Bill responded with significant structural changes, as well as an investment of \$485 million over the next ten years for beginning, socially disadvantaged, and veteran farmer programs.²⁴ Although this memo is focused on Title XII of the Farm Bill, provisions impacting SDFRs and BFRs are also found in Title I, II, V, VII, and XI.²⁵

i. Farming Opportunities and Training (FOTO)

In 2018, the Farm Bill combined two previously established programs, Outreach and Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers Program (OASDVFR) and the Beginning Farmers and Ranchers Development Program (BFRDP) to create the Farming Opportunities Training and Outreach (FOTO) Program.²⁶ OASDVFR was created in the 2002 Farm Bill and the offices of Small Farms and Beginning Farmers and Ranchers were created in the 2008 Farm Bill. Annually, it was funded \$10 million with \$20 million to be available per year to 2018 with a goal to educate, fund, and conduct outreach to farmers and ranchers who have limited resources. These offices provide grants for these farmers and

¹⁹ Food, Agriculture, Conservation, and Trade Act of 1990 § 2501 (codified at 7 U.S.C. § 2279)

²⁰ *Historically Underserved Farmers & Ranchers*, U.S. DEP’T OF AGRIC., NAT. RES. CONSERVATION SERV. https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/people/outreach/slbfr/?cid=nrcsdev11_001040 (last visited Dec. 25, 2020).

²¹ 7 U.S.C. § 2279.

²² NAT’L SUSTAINABLE AGRIC. COAL., AN AGENDA FOR THE 2018 FARM BILL 16 (2017), <https://sustainableagriculture.net/wp-content/uploads/2017/10/NSAC-2018-Farm-Bill-Platform-FINAL.pdf>.

²³ *Beginning & Socially Disadvantaged Farmers*, NAT’L SUSTAINABLE AGRIC. COAL., <https://sustainableagriculture.net/publications/grassrootsguide/farming-opportunities/> (last visited Dec. 25, 2020).

²⁴ *Id.*

²⁵ *Agriculture Improvement Act of 2018: Highlights and Implications*, U.S. DEP’T OF AGRIC., ECON. RSCH. SERV. (last updated Oct. 1, 2019) <https://www.ers.usda.gov/agriculture-improvement-act-of-2018-highlights-and-implications/>.

²⁶ Agriculture Improvement Act of 2018, § 12301, 132 Stat. 4950.



ranchers to ensure access to all USDA programs.²⁷ The new FOTO program consolidates and expands these efforts with mandatory annual funding starting at \$30 million (FY2019-FY2020) and increasing to \$50 million (FY2023) with added authority to appropriate an additional \$50 million each year.²⁸ Under FOTO, BFRDP has been renamed to Beginning Farmer and Rancher Development Grant Program (BFRDGP) and directed with the creation and distribution of project grants of up to \$250,000 per year for three years.²⁹ FOTO also improves access to USDA benefits including disaster assistance, farm credit, crop insurance, transition assistance, and farm credit, as described in previous titles. The mandatory funding established by FOTO not only supports the development of robust programming for historically underserved producers, but also makes room for them to hold a seat at the table.

ii. Urban Agriculture

Responding to the growth of urban agriculture over the past decade, as well as the recent Urban Agriculture Act of 2018 (S.3005) and the Urban Agriculture Production Act of 2017 (H.R. 3699), the 2018 Farm Bill expanded support for urban agriculture. Initiatives included the creation of an Office of Urban Agriculture and Innovative Production, as well as a supporting committee and the establishment of grants and pilot programs, including a community compost initiative.³⁰ The 2018 Farm Bill authorized \$25 million of appropriations for FY2019-FY2023.³¹ In addition to these direct initiatives, other titles in the 2018 Farm Bill (VII and X) include support for urban agricultural programs, including mandatory funding and support for emerging farmers.

iii. Tribal Advisory Committee & Promise Zones

The 2018 Farm Bill expanded several programs designed to support agriculture and nutrition in Native American communities. Under Title XII, the 2018 Farm Bill established a Tribal Advisory Committee to advise the USDA across programs and initiatives.³² Additionally, the Bill granted the Secretary authority to designate Tribal Promise Zones to improve economic activity, housing education, and community development in these areas.³³

iv. Youth Outreach and Beginning Farmer Coordination

The 2018 Farm Bill established the National Beginning Farmer and Rancher Coordinator to advise the Secretary and establish a beginning farmer and rancher coordinator for each state. The position is required to report annually on programs and activities directed at beginning farmers and ranchers.³⁴ The 2018 Farm Bill also called for the creation of the Agricultural Young Farmer coordinator to focus on promoting a new generation of careers working in agriculture, natural resources, and food.³⁵

²⁷ See CHITE, *supra* note 15.

²⁸ Agriculture Improvement Act of 2018, § 12301, 132 Stat. 4957.

²⁹ Agriculture Improvement Act of 2018, § 12304, 132 Stat. 4965.

³⁰ RENEE JOHNSON & TADLOCK COWAN, CONG. RSCH. SERV., IF11210, 2018 FARM BILL PRIMER: SUPPORT FOR URBAN AGRICULTURE (2019), <https://crsreports.congress.gov/product/pdf/IF/IF11210>.

³¹ Agriculture Improvement Act of 2018, § 12302, 132 Stat. 4958.

³² Agriculture Improvement Act of 2018, § 12303, 132 Stat. 4962; RENEE JOHNSON & TADLOCK COWAN, CONG. RSCH. SERV., IF11287, 2018 FARM BILL PRIMER: SUPPORT FOR INDIAN TRIBES (2019), <https://crsreports.congress.gov/product/pdf/IF/IF11287>.

³³ Agriculture Improvement Act of 2018, § 12510, 132 Stat. 4990.

³⁴ Agriculture Improvement Act of 2018, § 12304, 132 Stat. 4965.

³⁵ Agriculture Improvement Act of 2018, § 12305, 132 Stat. 4967.



v. Department of Agriculture Programs for Veteran Farmers and Ranchers

The 2018 Farm Bill amends the definition of veteran so to further include them under the definition of underserved producer and extend benefits including crop insurance, education and risk management assistance, down payment loan programs and other federal assistances.³⁶ The 2018 Farm Bill also created a National BFR coordinator to improve access to farm programs, as well as appoint state level BFR coordinators.³⁷

vi. Heirs' Property

Heirs' property refers to land that is passed down through generations in the absence of a will or estate plan, leaving farmers without proper documentation to the land and, therefore, preventing them access to certain USDA programs, including FSA loans. The 2018 Farm Bill allows these farms access to a Farm Number, which qualifies them for USDA programs.³⁸ Heirs property is particularly prevalent among SDFR and organizations representing minority farmers fought hard for this change.

vii. Data & Analysis

The 2018 Farm Bill requires USDA to conduct a civil rights impact analysis to review actions, policies, and decisions that may have had discriminatory impacts on employees or beneficiaries of USDA programs.³⁹ It also establishes a new requirement for USDA to report every 3 years on trends in farmland ownership, including tenure, transition, viability of BFRs and SDFRs, as well as the impact of farm land acquisition as real estate investment on farming operations. The report is to include the impact of ownership by race, gender, and ethnicity.⁴⁰

B. Food Waste

Prior to drafting the 2018 Farm Bill, there was much speculation regarding additional support for reducing food waste, as the issue has captured the attention of chefs, advocates, non-profits and state legislatures across the country, as well as member of the House. 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.⁴¹ 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.⁴² Moreover, the federal Food Recovery Act, which sought to reduce food waste, was introduced in the House in 2015.⁴³ Food waste indeed received a boost in the 2018 Farm Bill, with several new provisions.

First, the 2018 Farm Bill established the position of Food Loss and Waste Reduction Liaison, responsible for coordinating federal programs across agencies to measure and reduce food waste and increase food

³⁶ Agriculture Improvement Act of 2018, §§ 11108, 12306, 132 Stat. 4922, 4968.

³⁷ Agriculture Improvement Act of 2018, § 12304, 132 Stat. 4965.

³⁸ Agriculture Improvement Act of 2018, § 12615, 132 Stat. 5014.

³⁹ Agriculture Improvement Act of 2018, § 12403, 132 Stat. 4974.

⁴⁰ Agriculture Improvement Act of 2018, § 12607, 132 Stat. 5006.

⁴¹ 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>.

⁴² *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>.

⁴³ Food Recovery Act of 2015, H.R. 4184, 114th Congress (2015).



recovery.⁴⁴ The Liaison is also tasked with improving education and awareness, particularly around the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791) and conducting a, newly required, study on food waste to access methods of measuring food loss, as well as detail the sources/reasons for food waste.⁴⁵ As previously mentioned under the Urban Agriculture initiative, the 2018 Farm Bill also includes direct support for community compost and food waste reduction plans.⁴⁶

C. Livestock Provisions

Provisions related to livestock inspection and restrictions first appeared in the 1996 Miscellaneous Title.⁴⁷ Livestock was moved to its own provision, Title XI, in 2008.⁴⁸ Interestingly, however, livestock's individual title was short lived; livestock was placed back within the Miscellaneous Title in the 2014 Bill.⁴⁹ The shift back to the Miscellaneous Title in 2014 seemed particularly odd considering an increase in attention paid to livestock in 2013 due to natural disasters.⁵⁰ Despite the growing focus, the 2018 Farm Bill did little to expand livestock's position; a few of the more notable changes are highlighted here.

i. National Sheep Industry Improvement Center (NSIIC) & Sheep Production and Marketing Grant Program

The NSIIC was created in the 1996 Farm Bill and the grant program was created in the 2014 Farm Bill, with funding of \$1.5 million in 2014.⁵¹ The grant program aims to improve the sheep industry, including infrastructure, business, resource development and innovative approaches for long-term needs. The NSIIC also provides financial assistance for the enhancement and marketing of sheep and goat products, with an emphasis on infrastructure and development.⁵² The 2018 Farm Bill included funding of \$2.0 million for the program.⁵³

ii. Regional Cattle and Carcass Grading Correlation and Training Centers

The 2018 Farm Bill established up to three regional Cattle and Carcass Grading Correlation and Training Centers to educate and train those working as cattle and carcass beef graders, as well other professionals working in meat production. The centers are directed to provide intensive training and improve the existent resources of the USDA and state research centers.⁵⁴

⁴⁴ Agriculture Improvement Act of 2018, § 12504, 132 Stat. 4987.

⁴⁵ Agriculture Improvement Act of 2018, § 12504, 132 Stat. 4988.

⁴⁶ Agriculture Improvement Act of 2018, § 12302, 132 Stat. 4958.

⁴⁷ The Federal Agriculture Improvement and Reform Act, Pub. L. No. 104-127 (1996).

⁴⁸ Food, Conservation, and Energy Act, Pub. L. No. 110-246 (2008).

⁴⁹ Farm Bill: Agricultural Act, Pub. L. No. 113-79 (2014).

⁵⁰ See 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 Drought – Negative Repercussions for Livestock Producers*, FARMPOLICY.COM (Oct. 19, 2012), <http://farmpolicy.com/2012/10/19/persistent-drought/>.

⁵¹ CHITE, *supra* note 15, at 209.

⁵² Agricultural Act, Pub. L. No. 113-79 (2014); CHITE, *supra* note 15, at 209.

⁵³ Agriculture Improvement Act of 2018, § 12102, 132 Stat. 4942.

⁵⁴ Agriculture Improvement Act of 2018, § 12108, 132 Stat. 4943.



iii. Definitions

Title XII adds llamas, alpacas, live fish, crawfish and other animals to the livestock definition under Emergency Livestock Feed Assistance Act of 1988.⁵⁵ It also expands the definition of veterinary teams who are eligible for veterinary training for recognition and diagnosis of exotic and endemic animal diseases.⁵⁶

D. USDA Structure and Reports

The 2018 Farm Bill included several structural changes to USDA programs, including the creation of new positions and committees. The Miscellaneous Title amends the duties of the Military Veterans Agricultural Liaison to create a website for veterans to find skills training, jobs, and apprentices.⁵⁷ It also establishes the position of Rural Health Liaison to expand and lead USDA's role in rural health in collaboration with the Department of Health and Human Services.⁵⁸ Additionally, the Title creates a Precision Agriculture Connectivity task force by the Federal Communications Commission to assess the broadband and technology needs of precision agriculture.⁵⁹ Similarly, it establishes a commission on Farm Transition Needs for 2050 to identify and evaluate the issues impacting established farmers and ranchers transitioning their operations to the next generation of producers.⁶⁰

The Miscellaneous Title also commissioned a wide range of reports and studies, some of which have already been noted above. Others include a feasibility study on the establishment of a livestock dealer statutory trust with a focus on the impact of the trust on buyer and seller behavior in the market;⁶¹ a report on USDA's Food Safety and Inspection Service's outreach, guidance materials and tools, and responsiveness small and very small meat processor establishments;⁶² an evaluation of USDA business centers to examine the effectiveness of customer service, IT modernization, human resources, funding, as well as the overall impact of the centers;⁶³ a required biannual report on the number of staff for each agency for FY2019-2023;⁶⁴ a report to Congress on the impact of absent landlords on soil health, agricultural production, land valuation, and the stability of rural economies;⁶⁵ and a report—developed in consultation with Department of Commerce, Department of Homeland Security, and the Department of Health and Human Services—on the total number of dogs imported over the past three calendar years, including information on dogs imported for resale and those denied importation.⁶⁶

E. Farm Defense / Biosecurity

Under the Agriculture and Food Defense subtitle, the USDA office of Homeland Security (established in the 2008 Farm Bill §14111 of P.L. 110-246) is repealed and reestablished within the Department of Agriculture Reorganization Act of 1994.⁶⁷ Under the restructure, several new requirements were established to improve biosecurity identification, planning, and response.

⁵⁵ Agriculture Improvement Act of 2018, § 12104, 132 Stat. 4942.

⁵⁶ Agriculture Improvement Act of 2018, § 12106, 132 Stat. 4943.

⁵⁷ Agriculture Improvement Act of 2018, § 12402, 132 Stat. 4971.

⁵⁸ Agriculture Improvement Act of 2018, § 12409, 132 Stat. 4977.

⁵⁹ Agriculture Improvement Act of 2018, § 12511, 132 Stat. 4992.

⁶⁰ Agriculture Improvement Act of 2018, § 12609, 132 Stat. 5009.

⁶¹ Agriculture Improvement Act of 2018, § 12103, 132 Stat. 4942.

⁶² Agriculture Improvement Act of 2018, § 12107, 132 Stat. 4943.

⁶³ Agriculture Improvement Act of 2018, § 12505, 132 Stat. 4988.

⁶⁴ Agriculture Improvement Act of 2018, § 12506, 132 Stat. 4989.

⁶⁵ Agriculture Improvement Act of 2018, § 12507, 132 Stat. 4989.

⁶⁶ Agriculture Improvement Act of 2018, § 12509, 132 Stat. 4990.

⁶⁷ Agriculture Improvement Act of 2018, §§ 12201, 12202, 132 Stat. 4944.



i. Disease, Pests and Toxins

The Disease or Pest of Concern Response Planning program was established to identify disease and pests and develop respective coordinated response plans.⁶⁸ Other initiatives include the National Plant Diagnostic Network, aimed at monitoring emerging threats to plant health, with \$15 million per year in authorized funding, and the National Plant Disease Recovery System, designed for long-term planning in response to transboundary diseases.⁶⁹ Lastly, this section amends criteria for adding new items to the Biological Agents and Toxins list as established under the Agricultural Bioterrorism Protection Act of 2002.⁷⁰

ii. Animal Health Protection Act (AHPA), National Animal Health Laboratory Network (NAHLN), National Animal Disease Preparedness Response Program (NADPRP) and National Animal Vaccine and Veterinary Countermeasures Bank (NAVVCB)

The AHPA was created in the 2002 Farm Bill with the aim of protecting animal health by preventing, detecting, controlling, and eradicating diseases and pests.⁷¹ The 2014 Farm Bill established the National Animal Health Laboratory Network (NAHLN) as a nationally coordinated network which sought to enhance national veterinary diagnostic capabilities.⁷² The 2018 Farm Bill expanded these programs and established both the National Animal Disease Preparedness Response Program (NADPRP) and the National Animal Vaccine and Veterinary Countermeasures Bank (NAVVCB) under the NAHLN.⁷³ The NADPRP is established to address the growing risk of animal pests and diseases, while the NAVVCB was established to ensure sufficient stocks of veterinary countermeasures for animal disease outbreaks, particularly prioritizing foot and mouth disease. The Title includes mandatory funding of \$120 million for FY2019–FY2022 for these programs, with a mandatory \$30 million allocation for FY2023 onward. In addition, NAHLN funding increased to \$30 million in annual authorized appropriations.

iii. U.S. Drought Monitor

The 2018 Farm Bill calls for improvements to be made to the U.S. Drought Monitor, a collaboration between the USDA, National Oceanic and Atmospheric Administration (NOAA) and the National Drought Mitigation Center at the University of Nebraska-Lincoln.⁷⁴ As many USDA programs, including federal crop insurance and livestock forage program (LFP), depend on the U.S. Drought Monitor for data sources, the Farm Bill authorizes appropriations of \$5 million annually from FY2019–FY2023 to improve the accuracy of the data and expand the collection of data for soil moisture and precipitation monitoring.⁷⁵

III. KEY ISSUES

The unwieldy nature of the Miscellaneous Title makes it challenging to identify key issues that will inform the 2023 Farm Bill negotiations. Many of the issues identified in a pre-2018 version of this backgrounder—including urban farming, food waste, and increased support for beginning farmers and ranchers—were, at least ostensibly, addressed in the 2018 Bill.

⁶⁸ Agriculture Improvement Act of 2018, § 12203, 132 Stat. 4946.

⁶⁹ *Id.*

⁷⁰ Agriculture Improvement Act of 2018, § 12203, 132 Stat. 4949.

⁷¹ CHITE, *supra* note 15, at 212.

⁷² *Id.*

⁷³ Agriculture Improvement Act of 2018, § 12101, 132 Stat. 4937.

⁷⁴ Agriculture Improvement Act of 2018, § 12512, 132 Stat. 4995.

⁷⁵ *Id.*



Nevertheless, several developments since the end of 2018 will likely play a role in the 2023 Farm Bill and relevant provisions may end up in the Miscellaneous Title. In November 2020, Senators Booker, Warren, and Gillibrand introduced the **Justice for Black Farmers Act**, a response to decades of Black farmer advocacy to address USDA’s history of discrimination against Black farmers and the land loss this caused.⁷⁶ Among other things, the Act would establish an Equity Commission and an Independent Civil Rights Oversight Board, create a Black Farmer Land Grant program, and increase funding for Historically Black Colleges and Universities.⁷⁷ While some of the Act’s provisions could fit into other relevant farm bill titles, those without a home will likely find themselves in the Miscellaneous Title.

Additionally, the **COVID-19 pandemic** has had an outsized impact on farm bill constituencies, from direct support for producers, to increased participation and flexibilities in the Supplemental Nutrition Assistance Programs, to concerns regarding national security and disease control. As lawmakers weigh opportunities to address food system resilience and national security through the farm bill, the Miscellaneous Title may again be the appropriate launching pad for new programs.

Finally, while the 2018 Farm Bill addressed some concerns through its Miscellaneous provisions, the Trump Administration’s USDA did not always execute those provisions within the spirit of the statute. For instance, Congress instructed USDA to create the **Food Loss and Waste Reduction Liaison** position in the 2018 Miscellaneous Title. However, USDA did not create the position or hire someone to fill the role until Congress appropriated funds for it, which suggests USDA believes the position is not intended to be permanent. However, nothing in the 2018 Farm Bill language indicates that the position is subject to such discretion. Thus, the 2023 Farm Bill may need to address failures to implement the 2018 provisions by adopting more prescriptive language.

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.

⁷⁶ S. 4929, 116th Cong. (2020); see *Booker, Warren, Gillibrand Announce Comprehensive Bill to Address the History of Discrimination in Federal Agricultural Policy*, CORY BOOKER (Nov. 19, 2020), <https://www.booker.senate.gov/news/press/-booker-warren-gillibrand-announce-comprehensive-bill-to-address-the-history-of-discrimination-in-federal-agricultural-policy>.

⁷⁷ JUSTICE FOR BLACK FARMERS ACT: SECTION-BY-SECTION SUMMARY (2020), <https://www.booker.senate.gov/imo/media/doc/JBF%20Section%20by%20Section%2011.16.20.pdf>.



APPENDIX

The Miscellaneous Title includes general provisions that are related to other titles found in the Farm Bill.

TITLE I: COMMODITIES

- **PIMA COTTON TRUST FUND**
This program was created in the 2006 Farm Bill and authorized in the 2014 Farm Bill. The aim of this program is to provide payment to the recognized associations which promote pima cotton use.⁷⁸ The 2018 Farm Bill reauthorized the funding of the trust, maintaining the allocation of an annual \$16 million.⁷⁹
- **DAIRY BUSINESS INNOVATION INITIATIVES**
The 2018 Farm Bill requires USDA Agricultural Marketing Service to establish regionally located dairy business innovation initiatives to promote the production of regional dairy through nonmonetary assistance such as trainings and outreach, as well as grants for modernization, product development, and specialization. The initiative includes appropriations of \$20 million annually.⁸⁰

TITLE II: CONSERVATION

- **REPORT AND DATA ON CONSERVATION PRACTICES**
The 2018 Farm Bill added a provision to identify all datasets related to conservation practices and their effects on crop yields, risk, soil health, and profitability.⁸¹

TITLE IV: NUTRITION

- **FOOD ACCESS LIAISON**
The 2018 Farm Bill established a Food Access Liaison to help remove barriers to food access, provide outreach for food access initiatives and raise awareness surrounding the topic.⁸²
- **PROHIBITION ON SLAUGHTER OF DOGS AND CATS FOR HUMAN CONSUMPTION**
Amends the Animal Welfare Act (7 U.S.C. 2131 *et seq.*) to prohibit the slaughtering of cats and dogs for human consumption, as well as the transport, possession, donation, purchasing or selling of these animals for human consumption. Any violation is subjected to a fine of up to \$5,000.⁸³
- **REPORT ON FOOD LABELING**
A report on the effectiveness FDA Regulation “Food Labeling: Revision of the nutrition Supplement Facts Labels” (81 Federal Register 33742). The report is to also evaluate honey, maple sugar, and agave should be regarded as “added sugar” on food labels.⁸⁴

⁷⁸ CHITE, *supra* note 15.

⁷⁹ Agriculture Improvement Act of 2018, § 12602, 132 Stat. 5004.

⁸⁰ Agriculture Improvement Act of 2018, § 12513, 132 Stat. 4996.

⁸¹ Agriculture Improvement Act of 2018, § 12618, 132 Stat. 5017.

⁸² Agriculture Improvement Act of 2018, § 12614, 132 Stat. 5014.

⁸³ Agriculture Improvement Act of 2018, § 12515, 132 Stat. 5000.

⁸⁴ Agriculture Improvement Act of 2018, § 12516, 132 Stat. 5000.



TITLE VI: RURAL DEVELOPMENT

- **UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT**
The 2018 Farm Bill re-established the position of Undersecretary for Rural Development, which had previously been replaced by the Assistant to the Secretary for Rural Development.⁸⁵
- **RURAL HEALTH LIAISON**
Establishes the position of Rural Health Liaison to expand and lead USDA's role in rural health in collaboration with the Department of Health and Human Services.⁸⁶
- **RURAL EMERGENCY MEDICAL TRAINING**
The 2018 Farm Bill added a section "Supporting and Improving Rural EMS Needs Act of 2018) to the Public Health Service Act (42 U.S.C 201) to reauthorize grants available for emergency medical service agencies for training and certification.⁸⁷

TITLE IX: ENERGY

- **NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 2000 (NORA)**
NORA was established for the research and development of clean oilheat utilization programs and training.⁸⁸ The 2018 Farm Bill amended the sunset clause to extend NORA for 10 years and restructured the obligated funds provision.⁸⁹

TITLE X: SPECIALTY CROPS & HORTICULTURE

- **INDUSTRIAL HEMP LEGALIZATION**
In addition to several other actions to support hemp cultivation outlined in other titles, the 2018 Farm Bill amended the Controlled Substance Act to remove hemp and hemp-derived products from the statutory definition of marijuana.⁹⁰ (Section 12619) No longer classified as a Schedule I substance, this amendment legitimizes the cultivation, processing, marketing and sale of hemp.⁹¹
- **EMERGENCY CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**
The Emergency Citrus Disease Research and Development Trust Fund was established to support research for citrus, as defined as edible fruit and hybrids from the *Rutaceae* family. The fund was allocated \$25 million annually FY2019-FY2023.⁹²
- **ACER ACCESS AND DEVELOPMENT PROGRAM**
Reauthorized \$20 million annual appropriations for grants to states and tribal governments for maple syrup production.⁹³

TITLE XII: MISCELLANEOUS

- **PROTECTING ANIMALS WITH SHELTER**
Authorizes a memorandum of understanding for USDA and other agencies, including the Department of Justice, Department of Housing and Urban Development and the Department of

⁸⁵ Agriculture Improvement Act of 2018, § 12416, 132 Stat. 4982.

⁸⁶ Agriculture Improvement Act of 2018, § 12409, 132 Stat. 4977.

⁸⁷ Agriculture Improvement Act of 2018, § 12608, 132 Stat. 5008.

⁸⁸ 42 U.S.C. § 6201 note.

⁸⁹ Agriculture Improvement Act of 2018, § 12531, 132 Stat. 5002.

⁹⁰ Agriculture Improvement Act of 2018, § 12619, 132 Stat. 5018.

⁹¹ RENEE JOHNSON, CONG. RESEARCH SERV., IF11088, 2018 FARM BILL PRIMER: HEMP CULTIVATION AND PROCESSING (2019).
<https://crsreports.congress.gov/product/pdf/IF/IF11088>.

⁹² Agriculture Improvement Act of 2018, § 12604, 132 Stat. 5006.

⁹³ Agriculture Improvement Act of 2018, § 12501, 132 Stat. 4982.



Health and Human Services, to award grants for programs assisting victims of domestic violence and the pets of the victims.⁹⁴

⁹⁴ Agriculture Improvement Act of 2018, § 12502, 132 Stat. 4982.