



Farm Bill Reauthorization¹

The farm bill is one of the most important pieces of legislation passed by Congress. It funds programs that create a stable but robust agricultural market as well as many essential conservation, research, and energy programs. It began as a part of President Roosevelt's New Deal, and has grown over the decades, expanding into multiple areas and becoming an omnibus legislation.

Per the 1949 bill, the programs authorized by the farm bill are to be renewed every five years to be responsive to changes in agricultural markets. Until 2007, this occurred without major incident—every farm bill from 1949 until 2007 was renewed every five years. Since 2007, however, each renewal process has been marked by delays that jeopardize the five-year timeline. The consequences of non-renewal range from integral programs being unable to operate and price controls on commodities expiring. Each time this has been a risk, Congress has passed temporary authorizations until a new permanent bill is passed.

As the 2018 Farm Bill and certain programs funded by it were set to expire in 2023 and have been extended to September 2024, this brief aims to give context to how the farm bill developed into its current state and the consequences of its expiration. The issues will be detailed as follows:

- The historical development of the farm bill;
- The consequences of delaying reauthorization of the farm bill; and
- The context of historical and current delays of reauthorizing the farm bill.

BACKGROUND

The United States farm bill is an omnibus piece of legislation that authorizes funding for over one hundred programs until the end of 2023. Congress has passed a farm bill roughly every five years since 1949, providing funding for some of the United States' most impactful domestic programs. The programs have been responsible for increasing the economic size of the U.S. agricultural sector, implementing widespread conservation policies, funding influential scientific research, and providing food assistance to millions of Americans.

As of December 2023, the farm bill is up for renewal. However, a draft of the 2023 Farm Bill has not yet been released by either the Senate or House Agricultural Committee. The consequences of delaying reauthorization are immense but not certain to manifest, as temporary extensions of program funding are possible. However, not every program is guaranteed extension if one is generally granted, and many

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programs authorized by the bill will thus face funding expiration and inability to provide services essential to those that rely on them.

HISTORICAL DEVELOPMENT OF THE FARM BILL

The first iteration of the farm bill was passed in 1933 as the Agricultural Adjustment Act, part of President Roosevelt's New Deal.² It was a direct response to the conditions the U.S. agricultural industry faced after World War I, the Great Depression, and the Dust Bowl.³ Between 1929 and 1932, gross farm income had dropped 52%, putting the one in four Americans that lived on farms at the time in crisis.⁴ After World War I, farmers had increased production in response to the immense demand; however, that production did not reduce after the demand dropped.⁵ Surpluses dropped prices incredibly low, and the Dust Bowl then rendered many farmers unable to produce much at all.⁶ Primarily, the act established a program to control surpluses and corresponding low prices: subsidies for farmers that agreed to produce fewer commodity crops.⁷ The next version of the bill swallowed up other pieces of New Deal legislation, such as the 1936 Soil Conservation and Domestic Act, thus becoming a multi-focus agriculture bill.⁸

The modern farm bill is known for its five-year cycle, which began in the third farm bill. The Agricultural Act of 1949 encoded the five-year timeline into law, as Congress intended to make the programs' funding and focuses responsive to changes in the agricultural industry.⁹ Since the 1949 bill and parts of the earlier bills were passed into permanent law, the failure of Congress to pass any subsequent farm bill meant a return to the commodity programs established in 1949.¹⁰ Many of the permanent provisions established in that farm bill and the earlier permanent 1935 bill are suspended in every subsequent farm bill but remain a part of the U.S. Code.¹¹

The farm bill continued to grow and began including food security programs and nutrition programs in the 1973 version.¹² Both funding for food assistance programs and any changes to those programs or who is eligible for them have since run through

² Sidonie Devarenne, *History of the United States Farm Bill*, The Library of Congress, <https://www.loc.gov/ghe/cascade/index.html?appid=1821e70c01de48ae899a7ff708d6ad8b> (last visited Nov 27, 2023).

³ *Id.*

⁴ Zachary Cain & Stephen Lovejoy, *History and Outlook for Farm Bill Conservation Programs*, CHOICES MAGAZINE (2005), <https://www.choicesmagazine.org/2004-4/policy/2004-4-09.htm> (last visited Nov 29, 2023).

⁵ *What Is the U.S. Farm Bill? Its History and Role in Fighting Hunger*, WORLD FOOD PROGRAM USA, <https://www.wfpusa.org/articles/what-is-the-us-farm-bill-its-history-role-fighting-hunger/> (last visited Nov 29, 2023).

⁶ *Id.*

⁷ Devarenne, *supra* note 2.

⁸ *Id.*

⁹ Agricultural Act of 1949, Pub. L. No. 81-439, 63 Stat. 1051.

¹⁰ Laura Zaks, *What the Expiration, and Likely Extension, of the 2018 Farm Bill Means for Food and Agriculture*, NAT'L SUSTAINABLE AGRIC. COALITION (2023), <https://sustainableagriculture.net/blog/what-the-expiration-of-the-2018-farm-bill-means-for-food-and-agriculture/> (last visited Nov 27, 2023).

¹¹ *Id.*

¹² CONG. RSCH. SERV., EXPIRATION OF THE FARM BILL (2023), <https://crsreports.congress.gov/product/pdf/R/R47659>.



farm bill legislation.¹³ The farm bill thus took shape as an “omnibus” bill, dealing with several distinct policy areas. Although conservation programs were part of the bill as early as the 1938 Act, the farm bill of the 1980s made major conservation programs, such as incentivizing wetland preservation and prevention of soil erosion, permanent fixtures that have been modified and supplemented in every version since.¹⁴ The forestry title and energy title were added in 1990 and 2002, respectively.¹⁵

Reauthorizations of the farm bill were passed prior to expiration deadlines for the first sixty years of the legislation’s existence. However, reauthorization was delayed at the end of 2007 after the initial expiration deadlines in the 2002 bill and similar delays have occurred in every iteration since.¹⁶ This has continued up to the current version of the farm bill, which is delayed as of November 2023 and does not appear to be coming in the upcoming several months.¹⁷

CONSEQUENCES OF DELAYED REAUTHORIZATION

There are several complexities around the consequences of expiration. First, there are two general expiration dates for policies authorized by the bill: the end of the fiscal year and the end of the crop year. The former affects mandatory spending programs and, to a lesser degree, discretionary spending programs, while the latter affects all farm commodity support programs.¹⁸ Discretionary programs are not at as much risk in the event of expiration because of the possibility of unspent, but already authorized, funds to support continuing operations of the program.¹⁹ Up to this point, whenever the bill has reached official expiration, Congress has passed temporary funding extensions until the permanent bill has been reauthorized.²⁰

As of December 2023, the 2018 Farm Bill has been extended in full through September 2024.²¹ If a permanent farm bill is not passed by that date, Congress will again need to extend programs for their funding to continue. There are three distinct possibilities for categories of programs reliant on mandatory funding in the event of no permanent reauthorization or temporary extension in 2024:

- Mandatory Funding Expires at End of Fiscal Year: the program will cease to be funded on September 30, 2024 rendering the program unable to operate. For example, all subprograms under the Conservation Reserve Program will cease to operate on September 30, 2024.²²
- Mandatory Funding Expires at End of Crop Year: the program will cease to be funded or operational for all crops harvested after December 31, 2024. For

¹³ Devarenne, *supra* note 2.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ CONG. RSCH. SERV., *supra* note 12.

¹⁷ Leah Douglas, *US Government Spending Bill Extends Farm Programs, Some Nutrition Aid*, REUTERS (Nov. 17, 2023), <https://www.reuters.com/world/us/us-government-spending-bill-extends-farm-programs-some-nutrition-aid-2023-11-17/> (last visited Nov 29, 2023).

¹⁸ CONG. RSCH. SERV., *supra* note 12.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Douglas, *supra* note 17.

²² 16 U.S.C. § 3831.

example, Price Loss Coverage would cease to be operational for any crop harvested after December 31, 2024. However, crops harvested prior to that date but marketed after would still qualify for subsidies under the program.²³

- Mandatory Funding Expires at End of Crop Year and Permanent Law Exists: any crops harvested after December 31, 2024 would be subject to the applicable permanent law. For example, beginning with dairy produced on January 1, 2025, the government would be required to purchase enough crops to artificially inflate the price. If the farm bill had not been extended, this would have resulted in a roughly 250% increase in the price of dairy.²⁴

Discretionary funding programs are much more varied and could cease operations if they have already used all of the funding for which they were authorized. However, any that held a surplus amount of funds could continue to operate.

REASONS FOR DELAYED REAUTHORIZATION

The reasons for expirations have largely been tied to political causes and have come from stalls in the House, presidential vetoes, and other legislative delays.²⁵ As the farm bills generally have been up for reauthorization in either a congressional or presidential election year, the need to include or tailor programs due to the political climate of the electoral season has been essential. In 2002, in the wake of the 9/11 terrorist attacks, there was demand to include funding to bolster the United State's ability to respond to bioterrorism attacks.²⁶ Simultaneously, the polarization at the time around conservation programs and climate change led to intense, delay-causing debates as both Democrats and Republicans pushed for changes to conservation funding in the bill.²⁷ As economic fallout from the 2007 housing crash reverberated across the country, the 2008 bill, saw even more elongated delays as President Bush sought to enforce "fiscal discipline" in vetoing the bill.²⁸ Congress overwhelmingly overrode his first veto, but there was an unprecedented error by which the bill submitted to the White House left out the trade title.²⁹ Finally, over President Bush's second veto, the 2008 farm bill passed into law on June 18, 2008.³⁰

The 2012 farm bill was then initially delayed by fears around inefficient spending and debt increases, but eventually made it to the floor in 2012. However, dysfunction within the majority GOP party—headlined by Freedom Caucus members taking last-minute issues with federal SNAP (Supplemental Nutrition Assistance Program) eligibility—delayed the bill by months more.³¹ The bill was signed into law on February 7, 2014.³² Continuing issues in the House over benefit eligibility again delayed the 2018 farm bill; concerns over immigration policy led to a further delay, but the bill eventually passed

²³ 7 U.S.C. § 9016.

²⁴ CONG. RSCH. SERV., *supra* note 12.

²⁵ CONG. RSCH. SERV., *supra* note 12.

²⁶ Spencer Chase, *Every Farm Bill Is Unique. So Is the Process to Pass It.*, AGRI-PULSE COMMUNICATIONS, INC. (2023), <https://www.agri-pulse.com/articles/19614-every-farm-bill-is-unique-so-is-the-process-to-pass-it> (last visited Nov 27, 2023).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Food, Conservation, and Energy Act of 2008, Pub. L. No. 110–234, 122 Stat. 923.

³¹ Chase, *supra* note 26.

³² Agricultural Act of 2014, Pub. L. No. 113–79, 128 Stat. 649.



in the House on June 21, 2018 by two votes.³³ The bill was signed into law on December 20, 2018.³⁴

There are a multitude of reasons for the current farm bill delay. Contentions around SNAP have been a mainstay in conversations, with many Republicans wanting increased work requirements for eligibility and Democrats strongly opposing any further limits on eligibility. Updates to the Thrifty Food Plan—authorized in the 2018 Farm Bill and acted upon in 2021—have been a focal point due to the increased costs associated with the update (the first in decades).³⁵ Safety net payments to farmers, conservation programs, and crop insurance have also been cited as areas of continuing impasse.³⁶ Republican members have been looking at funding from the Inflation Reduction Act, currently dedicated to conservation programs with a climate focus, to reallocate to other programs; Democratic leaders have staunchly opposed this proposal.³⁷ Furthermore, turmoil over the Speakership of the House³⁸ and other large appropriations bills have prevented Congress from focusing on the farm bill.

CONCLUSION

Ultimately, the farm bill remains as important as it has ever been to the agricultural, environmental, and conservation framework of the United States, as well as to a multitude of social programs. However, as the bill has increased in its scope, so it has increased in its politicization. Ultimately, delays have become standard and are likely to remain that way, despite the potential dire consequences.

³³ Chase, *supra* note 26.

³⁴ Agriculture Improvement Act of 2018, Pub. L. No. 115–334, 132 Stat. 4490.

³⁵ See Adam Goldstein, *U.S. Senate Panel Spars Over Elevated Food Assistance Spending in Upcoming Farm Bill*, OHIO CAPITAL J. (Feb. 20, 2023), <https://ohiocapitaljournal.com/2023/02/20/u-s-senate-panel-spars-over-elevated-food-assistance-spending-in-upcoming-farm-bill/>.

³⁶ Allison Winter, *The Farm Bill Has Expired. Congress Is Months Away from a New Version*, MARYLAND MATTERS (Oct. 2, 2023), <https://www.marylandmatters.org/2023/10/02/the-farm-bill-has-expired-congress-is-months-away-from-a-new-version/>.

³⁷ See Saul Elbein, *Farm Bill Faces Battle as GOP Pushes to Strip Climate, SNAP Funding for Subsidies*, THE HILL (Nov. 6, 2023), <https://thehill.com/policy/equilibrium-sustainability/4292953-farm-bill-battle-gop-push-crop-subsidies-climate-snap-funding/>.

³⁸ Clare Foran, *House Remains Paralyzed with No End in Sight for Speakership Battle after Jordan's Exit* | CNN Politics, CNN (Oct. 21, 2023), <https://www.cnn.com/2023/10/21/politics/house-speaker-race-candidates/index.html>.