Outline for Analyzing Federal Motor Carrier Safety Administration Regulation: Applicability for Agriculture

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Recent regulations written by the Federal Motor Carrier Safety Administration (FMCSA) have led to much concern in the agricultural industry. While a waiver from compliance with the ELD requirements for persons transporting of "agricultural commodities" is in place until June 18, 2018, and another waiver from the ELD requirements exists for persons transporting of livestock and insects is in place until September 30, 2018, once these regulations go into effect they impose requirements on vehicles hauling property, including horses and livestock. The rules are complex and can be confusing, particularly for people involved in agriculture, stock and horse showing, and rodeoing who may have never dealt with this type of regulations before. This outline, focused specifically on agriculture, attempts to assist a hauler in determining whether the requirements of a commercial driver's license, hours of service records, or an electronic logging device may apply. Importantly, this outline **does not** address state-level hauling regulations that may differ from these federal rules. Drivers should consult with their state Department of Transportation with any questions as to state rules and regulations.

1. Am I operating my vehicle in "commerce?"

a. The FMCSA regulations, including ELD, HOS, and CDL requirements, apply only if a person is operating a vehicle "in commerce." State-level requirements, such as the requirement that a driver have a CDL, may apply regardless of whether "commerce" is involved.

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b. Under the federal regulations, the definition of "commerce" is broadly written: "commerce" is "trade, traffic, or transportation in the United States."
c. The FMCSA guidance documents, however, articulate a more narrow definition.
    i. FMCSA states that a vehicle is not traveling "in commerce" and, therefore, is not required to comply with FMCSA regulations if the vehicle is "non-commercial" or is "not business related." They further explain this to be a situation where a driver is not "engaged in an underlying business related to the move" and is not hauling for compensation.
    ii. Scholarship or prize money being offered does not mean that the transportation is necessarily business related.
    iii. Examples of this, taken from FMCSA guidance:
        1. Hauling horses or livestock to shows and events when the transportation in question is not business related;
        2. Transportation unrelated to an agricultural business, such as a cattle rancher that owns horses for personal use, unrelated to that cattle ranch.

2. If I am operating my vehicle in "commerce," am I operating in "interstate" or "intrastate" commerce?

a. Under the FMCSA regulations:
    i. "Interstate commerce" is trade, traffic, or transportation involving the crossing of a state boundary.
    ii. "Intrastate commerce" is trade, traffic, or transportation within a single state.
b. If a person is engaged in <u>interstate commerce</u>, he or she is subject to all federal FMCSA regulations, including each of the ones outlined below.
c. If a person is engaged in <u>intrastate commerce</u>, he or she is subject to the federal CDL requirements, as well as any CDL requirements specific to the state in which the person operates. The person is not subject to the federal FMCSA requirements for ROD and ELD outlined below, but is responsible to comply with any state-level requirements, which may or may not mirror these federal requirements. Please contact your state Department of Transportation or similar department for more information.

Each state establishes its own CDL requirements, but minimum federal standards must be met. The below outline reflects federal standards, including the "covered farm vehicle" exception.

3. What is the "Gross Combination Weight Rating" (GCWR), "Gross Vehicle Weight Rating" (GVWR), and "Gross Vehicle Weight" (GVW) for my vehicle?

a. GCWR is the value specified by the manufacturer of the power unit if displayed on the FMVSS certification label, or the sum of the gross vehicle weight ratings (GVWR) or gross vehicle weights of the power unit and the towed unit, whichever is greater.
b. The GVWR is an amount specified by the manufacturer as the loaded weight

Example*: For a Ford F-250, the GCWR ranges between 19,500-25,700. The GVWR is 10,000. For a 11' x 6 ' x 7' bumper pull stock trailer and for a 12' x 6' x 6'6" gooseneck trailer, the GVWR is 7,000. Thus, the GCWR of 25,700 is greater than the GVWR for the pickup and trailer of 17,000. As a result, you would use the GCWR*

of a single vehicle. This is generally printed on a sticker applied to the trailer, perhaps on the escape door or on the frame.

c. GVW is the actual weight of the vehicle.
d. GCW is the actual weight of the vehicle and towed unit.

4. Do I need a Commercial Driver's License (CDL)?

a. Required for operator of a "commercial motor vehicle" (CMV) in interstate, foreign, or intrastate commerce.
b. What is a "CMV?"
    i. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle is a:
        1. Combination Vehicle (Class A): Has a GCWR or GCW over 26,001 pounds inclusive of a towed unit with a GVWR or GCW of over 10,000 pounds;
        2. Heavy Straight Vehicle (Class B): Has a GVWR or GVW of more than 26,001 pounds
        3. Small Vehicle (Class C): Does not meet Class A or B, but is designed to transport 16 or more passengers or, regardless of size, is used to transport hazardous materials.
c. Is the vehicle a "covered farm vehicle?"
    i. Drivers of a "covered farm vehicle" are exempt, and not required to obtain a CDL if the vehicle is:
        1. Registered in a State with a license plate or other designation issued by the state that allows law enforcement officials to identify it as a farm vehicle;
        2. Operated by the owner or operator of a farm or ranch, or employee or family member of the farm owner;
        3. Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch;
        4. Not used in for-hire motor carrier operations;
        5. Traveling in-state (regardless of weight) or out-of-state and have a GVWR or GVR of less than 26,001 pounds; or if GVWR or GVR of over 26,001 pounds and traveling out of state within 150 air miles of the farm or ranch.

Note: *A state may also waive the required knowledge and skills test and issue restricted CDLs to employees in the following farm-related service industries:*

- *Agri-chemical business*
- *Custom harvester*
- *Farm retail outlet and supplier*
- *Livestock feeders*

5. Am I required to keep paper Records of Duty Status ("RODS")?

a. Required for all "motor carriers," and drivers unless an identified exception applies.
    i. A motor carrier is anyone engaged in transportation of goods or passengers, whether for compensation, in a CMV, or both.
b. Does an exception apply?
    i. Covered farm vehicles (as defined above) are not required to keep RODS.
    ii. "Short-haul operations", as defined below, are not required to keep RODS.
        1. Driver of property-carrying commercial vehicles *for which a CDL is not required*, if::
            a. The driver operates within a 150 air-mile radius of the location where the driver reports to and is released from work;
            b. The driver returns to the normal work reporting location at the end of each duty tour;
            c. The driver does not drive:
                i. After the 14th hour after coming on duty on 5 days of any period of 7 consecutive days; and
                ii. After the 16th hour after coming on duty on 2 days of any period of 7 consecutive days; and
            d. The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records as required
        2. Driver (whether or not a CDL is required) operates within a 100 air-mile radius of the normal work reporting location;
            a. The driver returns to the work reporting location and is released from work within 12 consecutive hours;
            b. The driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
            c. A driver does not exceed the maximum driving time allowed in Section 395.3(a)(3) following 10 consecutive hours off duty; and
            d. The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records as required
    iii. Drivers that fall within the "agricultural operations" exemption are not required to keep RODS if:
        1. It is planting or harvest period as determined by each state;
            a. Both Texas and Arkansas, for example, define this period to include the entire year from January 1st through December 31st.
        2. And drivers are transporting:
            a. Ag commodities from the source of the commodity to a location within 150 air miles; or

b. Farm supplies for ag purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the supplies are intended to be used within a 150 air mile radius from the distribution point; or
c. Farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air mile radius from the wholesale distribution point.

iv. Drivers falling under the "occasional transportation" exception, discussed in Section 6 below, are exempt from keeping RODs.

6. Do I need an Electronic Logging Device, or "ELD"?

a. ELDs are required for motor carriers operating "commercial motor vehicles" between multiple states when
   i. Your vehicle has a GCWR, GVWR, GVW, or GCW of 10,001 pounds or more;
   ii. You are traveling in "interstate commerce"; and
   iii. You are hauling property (includes horses and livestock).

> **Note:** *Until June 18, 2018, there is a waiver excluding the transportation of "agricultural commodities" from the new electronic logging device regulations. Drivers operating under this waiver must carry a copy of it to present upon request. A copy of the waiver may be found at* https://bit.ly/2uaFCoo.
>
> *Further, authorities will not enforce the ELD requirement for persons hauling livestock or insects through September 30, 2018. No official waiver paperwork is necessary for this provision to apply.*

b. Are you excluded from the requirement?
   i. Vehicles older than model year 2000 are not required to have an ELD.
   ii. Drivers required to complete RODS for not more than 8 days within any 30 day period are not required to have an ELD.

   Note: Drivers not required to keep RODS at all fall under this exception.

   iii. Drivers of a "covered farm vehicle" are not required to have an ELD if:
      1. Registered in a state with a license plate or other designation issued by the state that allows law enforcement officials to identify it as a farm vehicle;
      2. Operated by the owner or operator of a farm or ranch, or employee or family member of the farm owner;
      3. Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch;
      4. Not used in for-hire motor carrier operations; and
      5. Traveling in any state with a GVWR or GVW of less than 26,001 pounds; or if GVWR or GVW of over 26,001 pounds, traveling within the state in

which is registered or out of state within 150 air miles of the owner's farm or ranch.

iv. Drivers engaged in the "occasional transportation of personal property" are not required to have an ELD. This exception applies if:
    1. The transportation is not in return for compensation; and
    2. It is not in the furtherance of a commercial enterprise
        a. Any prize money is declared as ordinary income for taxes;
        b. The cost of underlying activities is not deducted as a business expense for tax purposes;
        c. Corporate sponsorship is not involved.

Summary

The first step is to determine whether a vehicle is being operated in "commerce" and, if so, whether that is intrastate or interstate commerce. If it is a vehicle operated in intrastate commerce, the driver should contact the appropriate state Department of Transportation. If it is operated in interstate commerce, the next step is to determine the gross combination weight rating and the gross vehicle weight rating (whichever is greater). With these initial questions answered, a driver may then continue to analyze which federal statutes apply.

A person must determine if a commercial driver's license ("CDL") is legally required. For anyone operating in commerce with a weight rating or actual weight of more than 26,001, a CDL is required, unless the vehicle qualifies as a covered farm vehicle.

Next, a person must analyze whether installing an electronic logging device ("ELD") is required. ELDs are required for any vehicle hauling property weighing over 10,001 pounds that does not fall under exceptions such as the covered farm vehicle, occasional transportation, or other listed exceptions. As part of analyzing the ELD requirements, a person should consider whether he or she is required to keep paper records of duty status (RODS.)

Many livestock owners will fall under an exception to the rules, such as the covered farm vehicle exemption or an exemption for drivers not required to maintain certain records more than 8 out of a 30 day period. There may be concern, however, for persons with vehicles over 26,001 pounds, who travel more than 8 days out of a 30 day period, who are traveling more than 150 miles out of state.

For example, a rodeo athlete living in San Antonio who is going to travel to Oklahoma City to compete in a rodeo may have to have a CDL, ELD, and be required to keep RODS. The "covered farm vehicle" exception to the CDL requirement would not apply as the athlete would be traveling out of state and more than 150 miles. Thus, a CDL would be required. The "covered farm vehicle" exception to the ELD requirement would not apply for the same reasons. Further, the occasional transportation exception likely would not apply because most athletes in this situation would deduct underlying expenses from taxes and many may have corporate sponsorships. Thus, the only potential exception left would be if the person was not required to keep paper records of duty status "RODS" for more than 8 days during a 30

day period. This would likely depend on how many trips the driver had taken, and where the trip destinations were, within the last month.

Livestock exhibitors would be another example. Assume a person in Amarillo has a vehicle with a GCWR or GVWR over 26,001 pounds headed to a stock show to exhibit cattle. The driver would need to determine if he was traveling in "commerce." If the livestock owner was a ranch and the stock were to be exhibited in an open show as part of the ranch business, that likely would constitute commerce and the federal regulations would be applicable. If, however, the livestock were owned by a 4-H or FFA exhibitor and were not part of an underlying business, the hauling would likely not constitute "commerce" and the federal regulations would not apply.

Assuming a factual scenario where the hauling did constitute commerce, if the exhibitor hauls to Houston, he or she would not be required to have a CDL if the farm vehicle exception applies (farm tags are required on the vehicle) because the travel would be in-state. If the same vehicle was headed to show at Denver, a CDL would be required because that would be out-of-state and more than 150 miles. With regard to an ELD and hours of service requirements, there are likely several exceptions that would apply, including the covered farm vehicle exception, the "occasional transportation exception", or the 8/30 day exception if the driver was not required to keep paper RODS more than 8 out of a 30 day period.

Conclusion

As with most regulations, the FMCSA rules are complicated and determining applicability can be very fact specific. An additional layer of complication exists with regard to state Department of Transportation rules, which may differ from the federal rules discussed in this outline. Anyone concerned should visit with an attorney, Department of Transportation employee, or FMCSA official to determine what, if any, of these rules may apply to their situation.

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An Agricultural Law Research Project

Beef Checkoff Dollars & USDA "Redirection": Compatible with Federal Law?

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INTRODUCTION

Congress enacted the Beef Promotion and Research Act of 1985[1] (Beef Act) to authorize "a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products."[2] This program, commonly referred to as the beef checkoff, is funded by a mandatory assessment of one dollar per-head of cattle sold in the United States.[3] Additionally, the Beef Act and Beef Promotion and Research Order[4] (Order) set forth a mandatory three-step process for the payment, collection, and remittance of the assessment that, when complied with, results in a state's Qualified State Beef Council[5] (QSBC) retaining one-half of the assessment and remitting the remaining half to the Cattlemen's Beef Promotion and Research Board (Board).[6]

However, the USDA Agricultural Marketing Service (AMS) implements a "redirection" policy that appears incompatible with the Beef Act and Order, specifically including the three-step process that governs the payment, collection, and remittance of the dollar per-head assessment.[7] The policy at issue allows beef producers in certain states to "redirect" the full dollar per-head assessment to the Board, thereby prohibiting the QSBC from retaining the fifty cents of the assessment it would have otherwise retained. More recently, AMS issued a proposed rule that "is intended to formalize the policy."[8] Outside of redirection, there appears to be no other legal avenue under the Beef Act or Order that allows QSBCs to be "bypassed" such that the assessment they would have collected, retained, and expended is otherwise remitted to the Board. Thus, redirection is very significant because it directly impacts – and challenges – the federal-state relationship Congress envisioned when it enacted the Beef Act more than three decades ago.

The apparent incompatibility between "redirection" and the Beef Act and Order raises questions as to whether, or to what extent, redirection is legally permissible. Additionally, there is a central question as to

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[1] 7 U.S.C. §§ 2901-2911 (2012).

[2] Id. at § 2901(b).

[3] Id. at § 2904(8)(C). The Beef Act requires importers to pay the one dollar per-head assessment "or the equivalent thereof." Id.

[4] 7 C.F.R. Part 1260.

[5] *See* 7 U.S.C. § 2902(14) and 7 C.F.R. § 1260.115 (defining "Qualified State Beef Council"). *See also* 7 C.F.R. § 1260.181 (setting forth requirements for certification as a Qualified State Beef Council).

[6] *See Flow of a Checkoff Dollar*, CATTLEMEN'S BEEF PROMOTION AND RESEARCH BOARD, http://www.beefboard.org/ (follow "Resources +" tab; then follow "Flow of a Checkoff Dollar" hyperlink under "References").

[7] Soybean Promotion, Research, and Consumer Information; Beef Promotion and Research; Amendments to Allow Redirection of State Assessments to the National Program; Technical Amendments; 81 Fed. Reg. 45984, 45986 (proposed July 15, 2016) (to be codified at 7 C.F.R. pt. 1220 and 1260) (hereinafter Redirection Proposed Rule). *See also* Defendants' Objections to Findings and Recommendations of United States Magistrate Judge at 7-8, Ranchers-Cattlemen Action Legal Defense Fund, United Stockgrowers of America v. United States Department of Agriculture, 4:16-cv-00041-BMM, Doc. 45 (D. Mont., Dec. 23, 2016) ("Defendants have now made clear that, in accordance with USDA's longstanding policy, cattle producers in states like Montana may decline to contribute to a QSBC and instead direct the QSBC to forward the full amount of their federal assessment to the Beef Board.").

[8] Redirection Proposed Rule at 45986 ("In States where payments to a QSBC are not required by State law, the opportunity for producers to choose to direct the full assessment is already AMS' current policy; this rule is intended to formalize the policy.").

whether AMS's stated legal basis for its redirection policy is based on an accurate interpretation of the Beef Act and Order. This article briefly addresses these questions.

A. Beef Act & Order: Three-Step Process

The Beef Act and Order establish a mandatory three-step process for the payment, collection, and remittance of the dollar per-head assessment that fuels the beef checkoff at the state and national levels. That process is as follows:

(1) The purchaser "shall" collect the dollar per-head assessment from the producer;[9]
(2) The purchaser "shall" remit to the appropriate QSBC the dollar per-head assessment it collected from the producer;[10] and
(3) The QSBC "shall remit to the Board assessments paid and remitted to the council, *minus authorized credits issued to producers pursuant to § 1260.172(a)(3)* . . . ."[11]

Additionally, if a purchaser fails to collect the assessment from the producer, that failure "shall not relieve the producer of his obligation to pay the assessment to the appropriate qualified State beef council . . . ."[12] A producer, purchaser, or QSBC that fails to comply with these requirements stands in violation of the Beef Act and Order.[13]

Section 1260.172(a)(3) provides that "a producer who is contributing to a qualified State beef council(s) shall receive a credit from the Board for contributions to such council, but not to exceed 50 cents per head of cattle produced."[14] The practical application of the § 1260.172(a)(3) is that QSBCs retain fifty cents of the dollar per-

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[9] 7 U.S.C. § 2904(8)(A) ("The order shall provide that each person making payment to a producer for cattle purchased from the producer shall, in the manner prescribed in the order, collect an assessment . . . ."); 7 C.F.R. §§ 1260.172(a)(1) (". . . each person making payment to a producer for cattle purchased from such producer . . . shall collect an assessment from the producer, and each producer shall pay such assessment . . . ."); and 7 C.F.R. § 1260.311(a) (". . . each person making payment to a producer for cattle purchased . . . shall collect from the producer an assessment at the rate of $1-per-head of cattle. . . .").

[10] 7 U.S.C. § 2904(8)(A); *Id.* at § 2904(8)(B) ("If an appropriate qualified State beef council does not exist to collect an assessment in accordance with paragraph(1), such assessment shall be collected by the Board."); 7 C.F.R. § 1260.172(a)(1) (". . . such collecting person shall remit the assessment to the Board or to a qualified State beef council pursuant to § 1260.172(a)(5)."); 7 C.F.R. § 1260.172(a)(5) ("Each person responsible for the remittance of the assessment pursuant to § 1260.172(a)(1) and (2) shall remit the assessment to the qualified State beef council in the State from which the cattle originated prior to sale, or if there is no qualified State beef council within such State, the assessment shall be remitted directly to the Board."); 7 C.F.R. § 1260.311(a) (". . . each person making payment . . . shall collect . . . an assessment . . . and shall be responsible for remitting assessments to the QSBC or Board as provided in § 1260.312."); 7 C.F.R. § 1260.311 ("Each person responsible for the collection and remittance of assessments shall transmit assessments . . . to the qualified State beef council of the State in which such person resides or if there is not qualified State beef council in such State, then to the Cattlemen's Board as follows . . . ."). *See also* 7 C.F.R. § 1260.310(c) ("Failure of the collecting person to collect the assessment on each head of cattle . . . shall not relieve the producer of his obligation to pay the assessment to the appropriate qualified State beef council or the Cattlemen's Board as required in § 1260.312.").

[11] 7 U.S.C. § 2904(8)(A); 7 C.F.R. § 1260.181(b)(4) (emphasis added).

[12] 7 C.F.R. § 1260.310(c).

[13] *See* 7 U.S.C. § 2908 (Enforcement). *See also* id. at § 2904(2)E).

[14] 7 C.F.R. § 1260.172(a)(3).

head assessment so that the QSBC can "determine how it should be invested in local and state programs."[15] It bears noting that the requirement that the QSBC remit fifty cents to the Board and retain fifty cents is one that a state entity "must" agree to in order to even exist as a QSBC.[16]

B. AMS Redirection Policy & Proposed Rule: An Overview

AMS states that it maintains a "longstanding policy" that allows producers "to decline to contribute to a QSBC and instead direct the QSBC to forward the full amount of their federal assessment to the Beef Board."[17] The redirection policy applies whenever "there is no state law requiring cattle producers to contribute to the QSBC."[18] On July 15, 2016, AMS issued a proposed rule that is "intended to formalize the policy."[19]

AMS's proposed rule encompasses its "longstanding policy" of redirection but also includes a standard that deals with the existence of producer refund provisions "authorized or required" under state law. According to the AMS Press Release that accompanied the issuance of the proposed rule, the rule would apply when (1) "there is no state law requiring assessments to a state . . . council"; or (2) "there is a state law requiring assessments, but the state law allows for refunds."[20]

C. Redirection: Legally Permissible?

1) AMS's Core Legal Basis for Redirection May Be In Fundamental Error

AMS's core legal basis for its "longstanding policy" of redirection appears to be based on an interpretation of the Beef Act and Order that may be precisely the opposite of the meaning given by the plain language of the Beef Act and Order. If true, AMS's stated legal basis for redirection would be in serious error. Similarly, the portion of the proposed rule that applies when "there is no state law requiring assessments to a state . . . council" would stand in equal legal jeopardy.

In explaining its redirection policy, AMS states the following:

> Furthermore, while the Beef Act and Beef Order *authorize* QSBCs to retain up to 50 cents per head of cattle assessed, neither the Beef Act or the Beef Order *require* producers to contribute a portion of the $1.00-per-head assessment to a QSBC. Thus, unless State statutes require the collection of the $1.00-per-head assessment set forth in the Beef Act (the federal assessment) or require producers to contribute a portion of the $1.00-per-head assessment to the State

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[15] *Flow of a Checkoff Dollar*, CATTLEMEN'S BEEF PROMOTION AND RESEARCH BOARD, http://www.beefboard.org/ (follow "Resources +" tab; then follow "Flow of a Checkoff Dollar" hyperlink under "References").

[16] 7 C.F.R. § 1260.181.

[17] Defendants' Objections to Findings and Recommendations of United States Magistrate Judge at 7-8, Ranchers-Cattlemen Action Legal Defense Fund, United Stockgrowers of America v. United States Department of Agriculture, 4:16-cv-00041-BMM, Doc. 45 (D. Mont., Dec. 23, 2016). *See also* Proposed Redirection Rule at 45986.

[18] Id. at 12-13 (citing Proposed Redirection Rule at 45986).

[19] Proposed Redirection Rule at 45986).

[20] Press Release, Sam Jones-Ellard, *USDA Proposes Changes to Beef and Soybean Checkoff Programs,* UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE (July 15, 2016, 9:30 AM), https://www.ams.usda.gov/press-release/usda-proposes-changes-beef-and-soybean-checkoff-programs.

> beef council, producers may be able to choose not to contribute up to 50 cents per head of the federal assessment to their QSBC. [21]

Here, AMS clearly espouses that the legal foundation of its "longstanding policy" of redirection is predicated upon an interpretation that the Beef Act and Order merely "authorize" – rather than "require" – QSBCs to retain fifty cents per head of cattle assessed. However, as previously detailed, the mandatory three-step process set forth in the Beef Act and Order, when complied with, concludes with the QSBC retaining fifty cents of the assessment and remitting fifty cents to the Board. Thus, it may be that AMS's entire legal foundation for redirection has no basis in law because its interpretation is precisely the opposite of the meaning given to the plain language of the Beef Act and Order.

Additionally, AMS's view that "neither the Beef Act or the Beef Order require producers to contribute *a portion* of the $1.00-per-head assessment to a QSBC"[22] may be expressly contradicted by the Beef Act and Order. Specifically, "[f]ailure of the collecting person to collect the assessment . . . shall not relieve the producer of his obligation to pay the assessment to the appropriate qualified State beef council or Cattlemen's Board as required in §1260.312."[23] The Beef Act and Order require that such payment be made to the QSBC if one exists in that state; the assessment is to be made directly to the Board only if there is no QSBC.[24] Finally, the Beef Act and Order actually characterize such payments to QSBCs – as well as those payments that are remitted to QSBCs when the purchaser does *not* fail to collect the assessment – as "*contributions* to such Council."

AMS asserts that "[t]hus, unless State statutes require *the collection* of the $1.00-per-head assessment set forth in the Beef Act . . . to the State beef council, . . . producers may be able to choose not to contribute up to 50 cents per head of the federal assessment to their QSBC."[25] The Beef Act expressly speaks to this precise issue, which presumably negates the legal relevance of a standard that depends upon the existence of state laws that "require the collection of the $1.00-per-head assessment". Specifically, the Beef Act states as follows: "The Board *shall* use qualified State beef councils *to collect* such assessments."[26] Therefore, this particular basis for redirection appears to be expressly prohibited by the plain language of the Beef Act and Order.

Next, AMS asserts that "[t]]hus, unless State statutes require . . . producers to contribute *a portion* of the $1.00-per-head assessment to the State beef council, producers may be able to choose not to contribute up to 50 cents per head of the federal assessment to their QSBC."[27] As noted, the Beef Act and Order require producers to pay the dollar per-head assessment to the purchaser at the point of sale or, in the event the purchaser fails to collect the assessment, directly to the appropriate QSBC. Once the assessment is remitted to and collected by the QSBC, the fate of the assessment is governed not by the producer or state law. Rather, the fate of the assessment is governed by the Beef Act and Order requirement that the QSBC "*shall* remit to

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[21] Proposed Redirection Rule at 45986 (emphasis added).
[22] Id. (emphasis added).
[23] 7 C.F.R. § 1260.310(c).
[24] 7 U.S.C. § 2904(8)(A); 7 C.F.R. § 1260.312.
[25] Proposed Redirection Rule at 45986 (emphasis added).
[26] 7 U.S.C. § 2904(8)(A) (emphasis added).
[27] Proposed Redirection Rule at 45986 (emphasis added).

the Board assessments paid and remitted to the council, *minus authorized credits issued to producers pursuant to § 1260.172(a)(3).*"[28]

Finally, it bears re-emphasizing that even if AMS's legal basis for redirection is not in error, its reliance on the existence or non-existence of state law requiring assessments to a QSBC remains legally problematic. The Beef Act and the Order – not state law – clearly establish the mandatory three-step process that, when complied with, concludes with the QSBC retaining one-half of the dollar per-head assessment. That mandatory process in no way involves or is otherwise influenced by the existence of a state law. Therefore, AMS's reliance on the existence of state laws that alter the mandatory requirements of the Beef Act and Order appears to be a false standard that falls outside the boundaries prescribed by the Beef Act and Order, even if AMS's legal basis for redirection is somehow based on a proper interpretation of the Beef Act and Order.

2) Preemption or Superseding of States' Producer Refund Provisions

Another key issue regarding redirection is whether states' producer refund provisions are preempted or superseded by the Beef Act and Order. If states' refund provisions are preempted or superseded by federal law, then those state laws are unenforceable or otherwise set aside. Thus, the state law would not be available for a producer to even request the refund that then triggers "redirection". If true, the portion of AMS's redirection policy and proposed rule that applies to QSBCs that are "authorized or required" to provide producer refunds may not even be capable of implementation. Conversely, if states' refund provisions are somehow not preempted or superseded by state law, the question arises as to how a producer's request for a refund under an otherwise valid and operable state law simultaneously results in the producer's loss of a refund *and* the QSBC's loss of funds that the QSBC would have otherwise retained in accordance with the mandatory, three-step process for the payment, collection, and remittance of the full assessment.

CONCLUSION

Redirection is a very unique legal concept that directly impacts the "coordinated" federal-state relationship Congress established when it enacted the Beef Act thirty-two years ago. As such, it warrants scrutiny from any person or entity who pays, collects, expends, or is otherwise impacted by the beef checkoff.

The uniqueness of redirection is amplified when one considers that redirection appears to be the only mechanism in the Beef Act and Order – or USDA policy based on interpretation of the Beef Act and Order – through which assessment funds that would otherwise be collected, retained, and expended by QSBCs are instead collected, retained, and expended by the Board. Stated differently, USDA's "longstanding policy" of redirection appears to be the only way in which a QSBC is deprived of the funding it would otherwise collect and retain as a result of producers', purchasers', and QSBCs' compliance with the mandatory three-step process set forth in the Beef Act and Order. Redirection therefore strikes at the very heart of the federal-state relationship Congress wove into the beef checkoff in 1985.

Yet, the term "redirection" is never defined, discussed, or otherwise mentioned in the Beef Act or Order. Currently, redirection exists only as a policy that is born entirely from AMS's interpretation that "neither the Beef Act or Order require producers to contribute a portion of the $1.00-per-head assessment to a QSBC." As discussed in this brief article, AMS's interpretation may be exactly the opposite of what Congress – and AMS itself – envisioned when beef checkoff launched more than three decades ago. Further, AMS's reliance on the existence or non-existence of state law may be based not only on a faulty interpretation of the Beef Act and

[28] 7 C.F.R. § 1260.181(b)(4) (emphasis added).

Order but also be expressly contradicted by the plain language of the Beef Act and Order. The proposed rule, which incorporates AMS's existing policy as well as a standard that depends on the existence of states' producer refund provisions, may also be legally problematic.

Ironically, redirection requires QSBCs to violate § 1260.181(b)(4) of the Beef Order, one of several criteria state entities "must" agree to comply with in order to even exist as a QSBC. Namely, § 1260.181(b)(4) requires that the state entities that applied to the Board for certification as a QSBC "must" agree that it "shall remit to the Board assessments paid and remitted to the Council, minus authorized credits issued to producers pursuant to § 1260.172(a)(3)." Like redirection itself, § 1260.181(b)(4) strikes at the heart of the federal-state relationship that Congress constructed under the Beef Act. Yet, § 1260.181(b)(4) is effectively suspended in each instance that redirection applies; namely, when (1) "there is no state law requiring assessments to a state . . . council"; or (2) "there is a state law requiring assessments, but the state law allows for refunds."[29]

What's a QSBC to do when it receives a producer's request for redirection or for a refund "authorized or required" under state law? Should the QSBC comply with the mandatory requirements placed upon it by the Beef Act and Order, or comply with AMS's policy of redirection based the agency's interpretation of the Beef Act and Order? The lack of compatibility between redirection and the Beef Act and Order suggests that it is not possible for a QSBC to simultaneously comply with both, thereby setting the stage for legal and political tension between cattle producers, QSBCs, the Board, and USDA that could undermine the vitality of the beef checkoff.[30]

[29] Press Release, Sam Jones-Ellard, *USDA Proposes Changes to Beef and Soybean Checkoff Programs,* UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE (July 15, 2016, 9:30 AM), https://www.ams.usda.gov/press-release/usda-proposes-changes-beef-and-soybean-checkoff-programs.

[30] Chris Bennett, *Legal Jumble Over Beef, Soybean Checkoff Articles?* AGWEB (POWERED BY FARM JOURNAL), Nov. 6, 2016, available at https://www.agweb.com/article/legal-jumble-over-beef-soybean-checkoff-dollars-naa-chris-bennett/.

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Farm Bills: Major Legislative Actions, 1965-2018

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CRS REPORT
Prepared for Members and
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Summary

The farm bill provides an opportunity for Congress to address agricultural and food issues comprehensively about every five years. Over time, farm bills have tended to become more complicated and politically sensitive. As a result, the timeline for reauthorization has become less certain, and in general recent farm bills have taken longer to enact than in previous decades. Recent farm bills, beginning with the 2008 farm bill (P.L. 110-246), have been subject to various developments that have delayed enactment, such as insufficient votes to pass the House floor, presidential vetoes, and short-term extensions.

The 2014 farm bill took more than 21 months from introduction to enactment and spanned the 112th and 113th Congresses. The House rejected a bill in 2013 and then passed separate farm and nutrition assistance components before procedurally recombining them for conference with the Senate. Somewhat similarly, the 2008 farm bill took more than a year to enact and was complicated by revenue provisions from another committee of jurisdiction, temporary extensions, and vetoes.

Whether the House or Senate proceeds first in committee or on the floor is also not always predictable. Both the 2008 farm bill and the 2002 farm bill were extended before their successors were enacted.

In 2018, a farm bill reauthorization was reported from the House Agriculture Committee on April 18 (H.R. 2). An initial floor vote on passage on May 18 failed in the House 198-213, but floor procedures allowed that vote to be reconsidered (H.Res. 905). The House passed H.R. 2 in a second vote of 213-211 on June 21, 2018. In the Senate, the Agriculture Committee reported its bill (S. 3042) on June 13 by a vote of 20-1. The Senate passed its bill as an amendment to H.R. 2 by a vote of 86-11 on June 28, 2018.

This report examines the major legislative milestones for the last 11 farm bills covering 53 years and illustrates trends that may provide useful background and context as the current farm bill debate proceeds.

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The farm bill provides an opportunity for Congress to address agricultural and food issues comprehensively about every five years.[1] Over time, farm bills have tended to become more complicated and politically sensitive. This has made the timeline for reauthorization less certain. Recent farm bills have been subject to developments that have delayed enactment, such as insufficient votes to pass the House floor, presidential vetoes, and short-term extensions.

For example, the 1973 farm bill was enacted less than three months after being introduced. In contrast, the 2014 farm bill took more than 21 months from introduction to enactment, spanning the 112th and 113th Congresses.[2] The House rejected a bill in 2013 and then passed separate farm and nutrition assistance components—the first time a chamber-passed farm bill reauthorization did not include a nutrition title since nutrition became part of the farm bill in 1973. The House later procedurally recombined them for conference with the Senate.

Both the 2002 and 2008 farm bills had expired for about three months (from October through December in 2007 and 2012) before extensions were enacted. In each case, the fiscal year began under a continuing resolution for appropriations. The extensions of the 2002 farm bill were for relatively short periods totaling about five months during final House-Senate negotiations. However, the extension of the 2008 farm bill in 2013 was for a full year, since the 112th Congress had ended and it was necessary to reintroduce farm bill legislation in the 113th Congress.

In 2018, a farm bill reauthorization was reported from the House Agriculture Committee on April 18 (H.R. 2). An initial floor vote on passage on May 18 failed in the House 198-213, but procedures allowed that vote to be reconsidered (H.Res. 905). The House passed H.R. 2 in a second vote of 213-211 on June 21, 2018. In the Senate, the Agriculture Committee reported its bill (S. 3042) on June 13 by a vote of 20-1. The Senate passed its bill as an amendment to H.R. 2 by a vote of 86-11 on June 28, 2018. This is the first time since at least 1965 that both chambers completed floor action before the end of June.

This report examines the major legislative milestones for the last 11 farm bills over 53 years, a period representing modern farm bills with growing complexity. It discusses trends that may provide historical perspective as the current farm bill debate proceeds. **Table 1** contains a history of major legislative action on farm bills since 1965. **Figure 1** shows the dates on a timeline for each farm bill from introduction to enactment. The consequences of expiration of a farm bill,[3] as well as its content, are discussed in other CRS reports.[4]

Timelines for Enactment, Extension, and Vetoes

Parts of a farm bill are authorized for a period of fiscal years and therefore expire at the end of the fiscal year (September 30) in the year of the farm bill's expiration. Other parts are authorized for crop years or calendar years. The 2014 farm bill (the Agricultural Act of 2014, P.L. 113-79) generally expires at the end of FY2018 and with the 2018 crop year, which for dairy is the end of the calendar year.

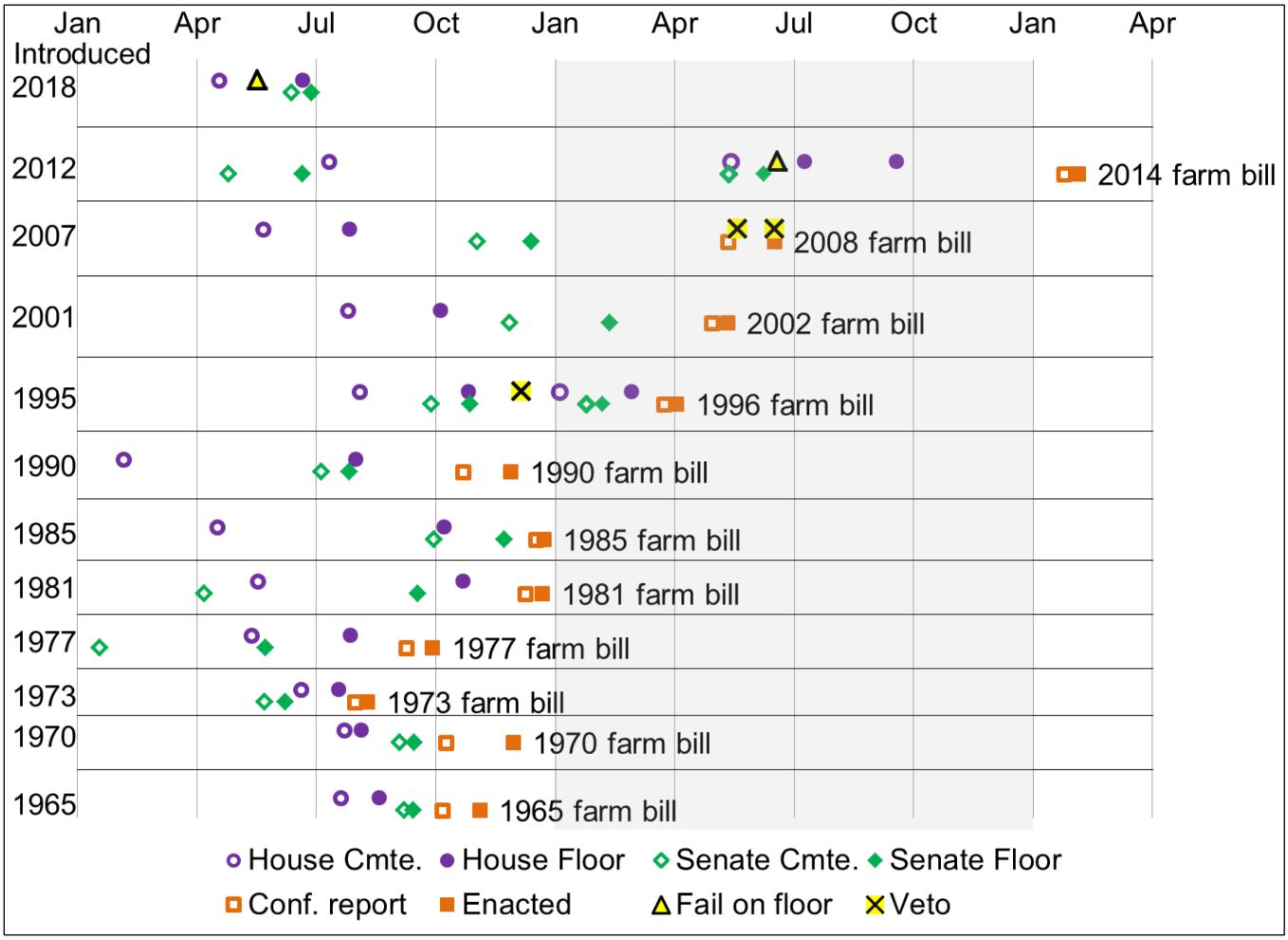
[1] See CRS In Focus IF10187, *Farm Bill Primer: What Is the Farm Bill?*

[2] These dates span only the official introduction of a bill marked up by committee until the President signed the bill. They do not include background hearings before committee markup, which would extend the timeline.

[3] For example, expiration of the 2008 farm bill as the 2014 farm bill was being developed is discussed in CRS Report R42442, *Expiration and Extension of the 2008 Farm Bill*.

[4] See CRS Report R45197, *The House Agriculture Committee's 2018 Farm Bill (H.R. 2): A Side-by-Side Comparison with Current Law*; and CRS Report R44913, *Farm Bill Primer Series: A Guide to Omnibus Legislation on Agriculture and Food Programs*.

Figure 1. Major Legislative Actions on Farm Bills, 2018-1965



Source: CRS, using http://www.congress.gov.

Timeline Relative to Fiscal Years

Enacting farm bills after the end of the fiscal year (in which a farm bill expired) is commonplace. In the past 53 years, only the 1973 and 1977 farm bills were enacted before the September 30 expiration date for most programs.

Timeline Relative to Calendar Years

Farm bills in 1965, 1970, 1981, 1985, and 1990 were enacted by December 31—within three months of the end of the fiscal year but before spring-planted crops that would be covered by the new law were planted. The most recent four farm bills (1996, 2002, 2008, and 2014) have been enacted later in the year—in April (1996), May (2002), June (2008), and February (2014)—but still prior to the first crop covered by the farm bill was harvested.

Timeline Relative to the Two-Year Congress

Since 1965, eight out of 11 enacted farm bills were *introduced* in the first session of a two-year Congress (the odd-numbered year); the exceptions are the 1970, 1990, and 2014 farm bills.[5] The 2014 farm bill, which was introduced in 2012, was the first to start in one Congress, remain unfinished, and require reintroduction in a subsequent Congress. *Enactment* of the past five farm bills (1990-2014) have been in the second session (the even-numbered year), although, except for the 1990 farm bill, some action had occurred in the prior year. Only the 1970 and 1990 farm bills were enacted after an election during a lame duck Congress in late November.

House or Senate Action First

The House and Senate have taken turns in initiating action on a farm bill. Since 1965, the Senate was first to mark up farm bills in 1973, 1977, 1981, 2012, and 2013. The House was first to mark up bills in 1965, 1970, 1985, 1990, 1995 (and 1996), 2001, 2007, and 2018.

Short-Term Extensions

Extensions of a prior farm bill while its successor is being written have been atypical, though the past two reauthorizations have involved extensions. Only the 2002 and 2008 farm bills have required extensions in 2007-2008 and 2013, respectively, as their successors were being written.[6]

When the 2002 farm bill expired, portions of it were extended six times for less than a year total beginning in December 2007. The first of those extensions continued authority for many expiring programs for about three months.[7] Because final agreement was pending, five more extensions—ranging from a week to a month—were needed. With a few exceptions, these extensions continued all 2002 farm bill provisions that were in effect on September 30, 2007. Dairy and sugar programs were included, as were price support loan programs for wool and mohair. But the direct, counter-cyclical, and marketing loan programs for the 2008 crop year for all other supported commodities (i.e., the primary supported commodities such as feed grains, oilseeds, wheat, rice, cotton, and peanuts) were specifically *not* extended.[8] Moreover, the first extension in December 2007 did not address permanent law, but the second and subsequent extensions in 2008 did extend the 2002 farm bill's suspension of permanent law.[9]

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[5] Technically, the bill that became the 2014 farm bill (H.R. 2642) was introduced in 2013 (the first session of the 113th Congress), but many observers consider it a reintroduction of the bills started in 2012.

[6] The 1965 farm bill was extended for one year, but that extension occurred more than a year before expiration and before the reauthorization process had begun in 1970. The 1996 and 2002 farm bills may appear to have been delayed by being reintroduced (1996) or going through the new year into May (2002), but their predecessors did not require extensions. Writing the 1996 farm bill was not pressured by the 1990 farm bill's original expiration date of the 1995 crop year because budget reconciliation in 1993 had extended the farm commodity programs through at least 1996 and, in some cases, the 1997 crops. Writing the 2002 farm bill was not pressured because the 1996 farm bill was to be effective until September 30, 2002, and through the 2002 crop year. In fact, the 2002 farm bill superseded the last year of the 1996 farm bill by beginning with the 2002 crop year.

[7] "Except as otherwise provided in this Act ... authorities provided under the Farm Security and Rural Investment Act of 2002 ... (and for mandatory programs at such funding levels), as in effect on September 30, 2007, shall continue, and the Secretary of Agriculture shall carry out the authorities, until March 15, 2008." P.L. 110-161, §751.

[8] Other programs that were *not* included in the extensions were peanut storage payments, agricultural management assistance, community food projects, the rural broadband program, value-added market development grants, federal procurement of biobased products, the biodiesel fuel education program, and the renewable energy systems program.

[9] Permanent law refers to nonexpiring provisions in Agriculture Adjustment Act of 1938 and the Agriculture Act of (continued...)

When the 2008 farm bill expired on September 30, 2012, the continuing resolution providing appropriations (P.L. 112-175, §§101, 111) continued discretionary programs, the Supplemental Nutrition Assistance Program (SNAP), and certain related nutrition programs. Certain other mandatory programs—such as the Market Assistance Program and the Conservation Reserve Program—ceased to operate insofar as new activity.[10] On January 2, 2013, the entire 2008 farm bill, as it existed on September 30, 2012, was extended for the 2013 fiscal year and the 2013 crop year (P.L. 112-240). This avoided reverting to permanent law for the farm commodity programs, which was imminent for the dairy programs.

The situation from October to December 2013 somewhat repeated the end of 2012. Most of the discretionary parts of the farm bill expired again on October 1, 2013. Some programs ceased new operations, while others were able to continue under appropriations. For SNAP and the discretionary programs, farm bill expiration coupled with the two-week lapse during October 2013 of FY2014 appropriations (the "government shutdown") did create difficulties in operating some farm bill programs. From January 1, 2014, until enactment of the 2014 farm bill on February 7, 2014, the dairy program had technically reverted to permanent law, though federal officials did not implement it, since a conference agreement was imminent.

Presidential Vetoes

Presidential vetoes of farm bills are not common. Since 1965, only the 2008 farm bill has been vetoed as stand-alone measure; it was vetoed twice. A 1995 farm bill was vetoed as part of a larger budget reconciliation package.[11]

President George W. Bush vetoed the 2008 farm bill (H.R. 2419). When Congress overrode the veto to enact P.L. 110-234, it accidentally enrolled the law without Title III (the trade title). Congress immediately reintroduced the same bill with the trade title (H.R. 6124). President Bush vetoed this version as well, and Congress again overrode the veto to enact P.L. 110-246, a complete 2008 farm bill that included the trade title. The overrides in 2008 were the only time that a farm bill was enacted as a result of a veto override.

President Clinton vetoed a 1995 budget reconciliation package that included the first version of what became the 1996 farm bill, but the veto was not due to the farm bill itself but rather the controversial nature of the reconciliation bill in which the farm bill was embedded.

Implications for Congress

As farm bill reauthorization has tended to become more complex and engender greater political sensitivity, the process of enacting a new farm bill prior to the expiration of the existing law has become more difficult. As stakeholders in the farm bill have become more diverse, more people are affected by the legislative uncertainty around this process. This lack of certainty may translate into questions about the availability of future program benefits, some of which may affect agricultural production decisions or market uncertainty for agricultural commodities.

(...continued)

1949 that are temporarily suspended by each modern farm bill. The commodity support provisions of permanent law are inconsistent with today's farming, marketing, and trade agreements and potentially costly to the federal government. See CRS Report RL34154, *Possible Expiration (or Extension) of the 2002 Farm Bill.*

[10] See CRS Report R42442, *Expiration and Extension of the 2008 Farm Bill*.

[11] Prior to 1965, the first veto of a farm bill was in 1956, when President Eisenhower vetoed H.R. 12, the first version of the Agricultural Act of 1956.

Table 1. Major Legislative Actions on Farm Bills, 2018-1965

					Conference Report Approval			
	House Cmte.	House Passage	Senate Cmte.	Senate Passage	Conf. Report	House Passage	Senate Passage	Public Law
2018 farm bill *(115th Congress)* **Agriculture and Nutrition Act of 2018** Would cover 2019-2023 crops or until 9/30/2023	4/18/2018 H.R. 2 Vote of 26-20 5/3/2018 H.Rept. 115-661	5/18/2018 H.R. 2 Initial vote failed by 198-213 Reconsider under H.Res. 905 6/21/2018 Passed by vote of 213-211	6/13/2018 S. 3042 Vote of 20-1	6/28/2018 H.R. 2 Vote of 86-11	—	—	—	—
Agricultural Act of 2014 *(113th Congress)* Covers 2014-2018 crops or until 9/30/2018	5/15/2013 H.R. 1947 Vote of 36-10 5/29/2013 H.Rept. 113-92	6/20/2013 H.R. 1947 Failed by 195-234 7/11/2013 H.R. 2642 Farm part vote of 216-208 9/19/2013 H.R. 3102 Nutrition part vote of 217-210 9/28/2013 H.Res. 361 combines House bills	5/14/2013 S. 954 Vote of 15-5 9/4/2013 S.Rept. 113-88	6/10/2013 S. 954 Vote of 66-27	1/27/2014 H.Rept. 113-333	1/29/2014 H.R. 2642 Vote of 251-166	2/4/2014 H.R. 2642 Vote of 68-32	2/7/2014 P.L. 113-79
Agriculture Reform, Food, and Jobs Act *(112th Congress)*	7/11/2012 H.R. 6083 Vote of 35-11 9/13/2012 H.Rept. 112-669	—	4/26/2012 S. 3240 Vote of 16-5 8/28/2012 S.Rept. 112-203	6/21/2012 S. 3240 Vote of 64-35	—	—	—	—
Early extension:	Extended five conservation programs of the 2008 farm bill through FY2014 (AMA, CSP, EQIP, FPP, and WHIP).							11/18/2011 P.L. 112-55
Extension:	One-year extension of the 2008 farm bill until 9/30/2013 and for the 2013 crop year (dairy price support extended until 12/31/2013, and MILC extended until 9/30/2013). Did not provide funding for programs without mandatory baseline.							1/2/2013 P.L. 112-240 Title VII

					Conference Report Approval			
	House Cmte.	**House Passage**	**Senate Cmte.**	**Senate Passage**	**Conf. Report**	**House Passage**	**Senate Passage**	**Public Law**
2008 farm bill **Food, Conservation, and Energy Act of 2008** Covers 2008-2012 crops or until 9/30/2012	5/22/2007 H.R. 2419 Introduced 7/23/2007 H.Rept. 110-256	7/27/2007 H.R. 2419 Vote of 231-191	11/2/2007 S. 2302 S.Rept. 110-220	12/14/2007 Amdt. to H.R. 2419 Vote of 79-14	5/13/2008 H.Rept. 110-627	5/14/2008 H.R. 2419 Vote of 318-106	5/15/2008 H.R. 2419 Vote of 81-15	5/21/2008 Enrolling error omits Title III Vetoed
						5/21/2008 Passed over veto 316-108	5/22/2008 Passed over veto 82-13	5/22/2008 P.L. 110-234
					Re-passed as new bill w/ Title III	5/22/2008 H.R. 6124 Vote of 306-110	6/5/2008 H.R. 6124 Vote of 77-15	6/18/2008 Vetoed
						6/18/2008 Passed over veto 317-109	6/18/2008 Passed over veto 80-14	6/18/2008 P.L. 110-246
Early extensions:	Extended the early-expiring MILC program of the 2002 farm bill for two years from 9/2005 through 8/2007 and two conservation programs (EQIP and Conservation Security Program) until FY2010.							2/8/2006 P.L. 109-171
Extensions:	Extended parts of the 2002 farm bill until 3/15/2008 but did not extend the direct and counter-cyclical farm commodity programs. See Division A, §751.							12/26/2007 P.L. 110-161
	Continued extension until 4/18/2008 and added extension of suspension of permanent law.							3/14/2008 P.L. 110-196
	Continued extension until 4/25/2008.							4/18/2008 P.L. 110-200
	Continued extension until 5/2/2008.							4/25/2008 P.L. 110-205
	Continued extension until 5/16/2008.							5/2/2008 P.L. 110-208
	Continued extension until 5/23/2008.							5/18/2008 P.L. 110-231
2002 farm bill **Farm Security and Rural Investment Act** Covers 2002-2007 crops or until 9/30/2007	7/26/2001 H.R. 2646 8/2/2001 H.Rept. 107-191	10/5/2001 H.R. 2646 Vote of 291-120	11/27/2001 S. 1731 12/7/2001 S.Rept. 107-117	2/13/2002 Amdt. to H.R. 2646 Vote of 58-40	5/1/2002 H.Rept. 107-424	5/2/2002 H.R. 2646 Vote of 280-141	5/8/2002 H.R. 2646 Vote of 64-35	5/13/2002 P.L. 107-171

					Conference Report Approval			
	House Cmte.	**House Passage**	**Senate Cmte.**	**Senate Passage**	**Conf. Report**	**House Passage**	**Senate Passage**	**Public Law**
1996 farm bill **Federal Agriculture Improvement and Reform Act of 1996** Covers 1996-2002 crops or until 9/30/2002	1/5/1996 H.R. 2854 introduced Vote of 29-17 2/9/1996 H.Rept. 104-462	2/29/1996 H.R. 2854 Vote of 270-155	1/26/1996 S. 1541 introduced	2/7/1996 S. 1541 Vote of 64-32 3/12/1996 Amdt. to H.R. 2854 Voice vote	3/25/1996 H.Rept. 104-494	3/29/1996 H.R. 2854 Vote of 318-89	3/28/1996 H.R. 2854 Vote of 74-26	4/4/1996 P.L. 104-127
Balanced Budget Act of 1995	10/26/1995 H.R. 2491 includes H.R. 2195	10/26/1995 H.R. 2491 Vote of 227-203	10/28/1995 S. 1357 includes Senate bill	10/28/1995 Amdt. to H.R. 2491 Vote of 52-47	11/16/1995 H.Rept. 104-347	11/20/1995 H.R. 2491 Vote of 235-192	11/17/1995 H.R. 2491 Vote of 52-47	12/6/1995 Vetoed
Freedom to Farm Act	8/4/1995 H.R. 2195 introduced 9/20/1995 fails cmte.	—	9/28/1995 unnumber-ed bill	—	—	—	—	—
Extension:	More than a year before expiration, extended the dairy program of the 1990 farm bill until 1996 and extended programs for wheat, feed grains, cotton, rice, peanuts, wool, and mohair until 1997 and honey until 1998.							8/10/1993 P.L. 103-66
1990 farm bill **Food, Agriculture, Conservation, and Trade Act of 1990** Covers 1991-1995 crops or until 9/30/1995	2/5/1990 H.R. 3950 introduced 7/3/1990 H.Rept. 101-569	8/1/1990 H.R. 3950 Vote of 327-91	7/6/1990 S. 2830 S.Rept. 101-357	7/27/1990 S. 2830 Vote of 70-21	10/22/1990 H.Rept. 101-916	10/23/1990 S. 2830 Vote of 318-102	10/25/1990 S. 2830 Vote of 60-36	11/28/1990 P.L. 101-624
1985 farm bill **Food Security Act of 1985** Covers 1986-1990 crops or until 9/30/1990	4/17/1985 H.R. 2100 introduced 9/13/1985 H.Rept. 99-271	10/8/1985 H.R. 2100 Vote of 282-141	9/30/1985 S. 1714 S.Rept. 99-145	11/23/1985 H.R. 2100 Vote of 61-28	12/17/1985 H.Rept. 99-447	12/18/1985 H.R. 2100 Vote of 325-96	12/18/1985 H.R. 2100 Vote of 55-38	12/23/1985 P.L. 99-198
1981 farm bill **Agriculture and Food Act of 1981** Covers 1982-1985 crops or until 9/30/1985	5/18/1981 H.R. 3603 introduced 5/19/1981 H.Rept. 97-106	10/22/1981 S. 884 Vote of 192-160	4/7/1981 S. 884 introduced 5/27/1981 S.Rept. 97-126	9/18/1981 S. 884 Vote of 49-32	12/9/1981 H.Rept. 97-377 12/10/1981 S.Rept. 97-290	12/16/1981 S. 884 Vote of 205-203	12/10/1981 S. 884 Vote of 67-32	12/22/1981 P.L. 97-98
1977 farm bill **Food and Agriculture Act of 1977** Covers 1978-1981 crops or until 9/30/1981	5/13/1977 H.R. 7171 introduced 5/16/1977 H.Rept. 95-348	7/28/1977 Amdt. to S. 275 Vote of 294-114	1/18/1977 S. 275 introduced 5/16/1977 S.Rept. 95-180	5/24/1977 S. 275 Vote of 69-18	9/9/1977 S.Rept. 95-418	9/16/1977 S. 275 Vote of 283-107	9/9/1977 S. 275 Vote of 63-8	9/29/1977 P.L. 95-113

					Conference Report Approval			
	House Cmte.	House Passage	Senate Cmte.	Senate Passage	Conf. Report	House Passage	Senate Passage	Public Law
1973 farm bill **Agriculture and Consumer Protection Act** Covers 1974-1977 crops or until 6/30/1977	6/20/1973 H.R. 8860 introduced 6/27/1973 H.Rept. 93-337	7/19/1973 Amdt. to S. 1888 Vote of 226-182	5/23/1973 S. 1888 introduced S.Rept. 93-173	6/8/1973 S. 1888 Vote of 78-9	7/31/1973 H.Rept. 93-427	8/3/1973 S. 1888 Vote of 252-151	7/31/1973 S. 1888 Vote of 85-7	8/10/1973 P.L. 93-86
1970 farm bill **Agricultural Act of 1970** Covers 1971-1973 crops	7/23/1970 H.R. 18546 H.Rept. 91-1329	8/5/1970 H.R. 18546 Vote of 212-171	9/4/1970 Amdt. to H.R. 18546 S.Rept. 91-1154	9/15/1970 Amdt. to H.R. 18546 Vote of 65-7	10/9/1970 H.Rept. 91-1594	10/13/1970 H.R. 18546 Vote of 191-145	11/19/1970 H.R. 18546 Vote of 48-35	11/30/1970 P.L. 91-524
Extension:	More than a year before expiration, extended the 1965 farm bill for one-year until 12/31/1970.							10/11/1968 P.L. 90-559
1965 farm bill **Food and Agricultural Act** Covers 1966-1969 crops	7/20/1965 H.R. 9811 H.Rept. 89-631	8/19/1965 H.R. 9811 Vote of 221-172	9/7/1965 Amdt. to H.R. 9811 S.Rept. 89-687	9/14/1965 Amdt. to H.R. 9811 Vote of 72-22	10/6/1965 H.Rept. 89-1123	10/8/1965 H.R. 9811 Vote of 219-150	10/12/1965 H.R. 9811 Voice vote	11/4/1965 P.L. 89-321

Source: CRS, using http://www.congress.gov. Includes only major legislative actions. Excludes subsequent revisions, such as in budget reconciliation, except for extensions as noted.

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