

Looking Ahead: Impact of the 2020 Elections on Ag Law and Policy



Hunt Shipman
Cornerstone Government Affairs



2020 Election: Senate



- Senate 50:50 split
- Vice President Kamala Harris give Democrats majority
- 9 New Senators



Senate Power Sharing

Compromise

- Last 50-50 split was 2001, Senate passed resolution for organizational basis for power-sharing
 - Key provisions:
 - ◊ Committees: Equal number of Republicans and Democrats
 - ◊ Budget/Office Space: Equally divided
 - ◊ Party Leaders: Equal balance when scheduling/considering legislative/executive business

Reconciliation/Filibuster

- 51 votes could confirm Cabinet positions and judicial nominees
- Filibuster: 60-vote threshold
- Reconciliation: Mechanism to pass legislation with just 51 votes
- Senate could change 60-vote threshold rule; 2/3 vote is required
- Issues for a productive Senate



2020 Election: House



- Democrats: 222
 - Flipped 3 seats
- Republicans 212
 - Flipped 14 seats - net gain of 11
- 4 Vacant Seats:
 - LA-02: Rep. Cedric Richmond (D) will serve in Biden Administration
 - Special Election Mar. 20
 - LA-05: Rep. Luke Letlow (R)
 - Special Election Mar. 20
 - NM-01: Rep. Deb Haaland (D) Secretary of the Interior
 - Special Election TBD
 - OH-11: Rep. Marcia Fudge (D) – Secretary of Housing and Urban Development
 - Special Election TBD



Agriculture Committees

Committee Emphasis/Investment

Specialty crops, urban agriculture, organic, rural development, diversity, nutrition assistance, transparency/trust in biotech innovations, conservation programs, small family farms

- Overarching emphasis of climate change will greatly influence the Committee

Shift focus to 2023 Farm Bill – Hearings begin 2022

- House
 - Chair: David Scott (D-GA) – Scott will be the first African American Chair
 - Ranking Member: Glenn “GT” Thompson (R-PA)
- Senate
 - Expect Debbie Stabenow (D-MI) Chair and John Boozman (R-AR) Ranking Member
 - Given bipartisan nature of the agriculture committees - unlikely that a flip in control greatly impedes the committee’s work



Ag Committee Leadership

3 of 4 New in Leadership Positions



Committee Roster - Senate

Senate Agriculture Committee in the 117th Congress

Republican (116th)

- Chairman Pat Roberts (KS)
- Mitch McConnell (KY)
- John Boozman (AR)
- John Hoeven (ND)
- Joni Ernst (IA)
- Cindy Hyde-Smith (MS)
- Mike Braun (IN)
- Chuck Grassley (IA)
- John Thune (SD)
- Deb Fischer (NE)
- Kelly Loeffler (GA)

Democrat (116th)

- Ranking Member Debbie Stabenow (MI)
- Patrick Leahy (VT)
- Sherrrod Brown (OH)
- Amy Klobuchar (MN)
- Michael Bennet (CO)
- Kirsten Gillibrand (NY)
- Bob Casey (PA)
- Tina Smith (MN)
- Richard Durbin (IL)



Committee Roster - House

House Agriculture Committee in the 117th Congress

Democrat (116th)

- Collin Peterson (MN-07)
- David Scott (GA-13)
- Jim Costa (CA-16)
- Marcia Fudge (OH-11)
- Jim McGovern (MA-02)
- Filemon Vela (TX-34)
- Stacey Plaskett (VI-AL)
- Vice Chair Alma Adams (NC-12)
- Abigail Spanberger (VA-07)
- Jahana Hayes (CT-05)
- Antonio Delgado (NY-19)
- Angie Craig (MN-02)
- Anthony Brindisi (NY-22)

- Josh Harder (CA-10)
- Kim Schrier (WA-08)
- Chellie Pingree (ME-01)
- Cheri Bustos (IL-17)
- Sean Patrick Maloney (NY-18)
- Salud Carbajal (CA-24)
- Al Lawson (FL-5)
- Tom O'Halleran (AZ-01)
- Jimmy Panetta (CA-20)
- Ann Kirkpatrick (AZ-02)
- Cindy Axne (IA-03)
- Xochilt Torres Small (NM-02)

Republican (116th)

- Mike Conaway (TX-11)
- Glenn Thompson (PA-15)
- Austin Scott (GA-08)
- Rick Crawford (AR-01)
- Scott DesJarlais (TN-04)
- Vicky Hartzler (MO-04)
- Doug LaMalfa (CA-01)
- Rodney Davis (IL-13)
- Ted Yoho (FL-9)
- Rick Allen (GA-12)
- Mike Bost (IL-13)
- David Rouzer (NC-07)
- Ralph Abraham (LA-5)
- Trent Kelly (MS-01)

- Jamie Comer (KY-01)
- Roger Marshall (KS-01)
- Don Bacon (NE-02)
- Neal Dunn (FL-02)
- Dusty Johnson (SD-AL)
- Jim Baird (IN-04)
- Jim Hagedorn (MN-01)
- Chris Jacobs (NY-27)
- Troy Balderson (OH-12)



Appropriations Committees

Committee Emphasis

Domestic programs – children, health, environment, youth,

- House**
 - Chair: Rosa DeLauro (D-CT) –
 - Ranking Member: Kay Granger (R-TX)
- Senate**
 - Patrick Leahy (D-VT) Chair and Richard Shelby (R-AL) Ranking Member
 - Given bipartisan nature of the appropriations committees - unlikely that a flip in control greatly changes the committee's work



Ag Appropriations Subcommittee Leadership



Other Committees Important to Agriculture

- Budget
 - Reconciliation
- Environment and Public Works
 - Climate
- Energy/Energy and Commerce
 - Renewable Fuels
- Finance/Ways and Means
 - Trade & Tax



USDA

Nominee for USDA Secretary of Agriculture: Honorable Tom Vilsack

Agency Emphasis

Diversity, rural America, renewable energy, climate and sustainability, research, biotechnology

- Support for farm safety net with expanded regulation
 - Addressing climate change – Climate-smart ag, developing carbon markets, expand conservation programs
 - Research and Development – Funding advanced biofuels research
 - Rural Broadband – \$20 billion, Fund Triple Community Connect broadband grants
 - Small Farmers – Strengthen antitrust enforcement, beginning farmer assistance
 - Farmworker Protection – Legal status to undocumented farmworkers, wage and union protections, change H-2A program
- Vilsack Confirmation
 - Likely bipartisan support
 - Critics could highlight support for U.S. involvement in TPP and firing of GA USDA official



Trade

Nominee for U.S. Trade Representative – Katherine Tai

Agency/Administration Emphasis

- Multilateralism with emphases on environmental protection and labor rights
- Improve trade relationships
- “Buy American – Make in America” – proposed \$700 billion to boost investment in U.S. firms and domestic manufacturing
- Impose tariffs/ revoke subsidies for U.S. companies that move jobs overseas
- Potential re-engagement with CPTPP
- Position/Toughness on China unclear



Environmental Protection Agency

Nominee for EPA Administrator– Michael Regan

Agency/Administration Emphasis

- Paris agreement
- Greenhouse gasses
- Pesticide availability
- WOTUS
- Environmental justice



Federal/State Regulatory Environment

Biden Administration

- Regulatory environment similar to that of the Obama administration
- Attempt major regulatory reforms through executive agencies – large legislative initiatives would be more difficult
- Likely look to revoke the “two for one” executive order immediately – for every new regulation, an agency must cut two existing regulations
- Biden campaign promised regulations on climate-friendly ag and lobbyist’ disclosures




