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Congress Reconvenes for Lame Duck, Leaves Nov. 18 for a Week

Congress reconvened this week following the November 8 election, formally kicking off its lame duck session. This week was all about new member orientation and House and Senate leadership nominations, as well as coordination between the Republican-controlled Congress and the newly GOP White House. It was week all about transitions.

Congress recesses again November 18 for the Thanksgiving holiday, and will reconvene the week of November 21. It is currently the plan of both House and Senate leadership to adjourn the 114th Congress sine die on or about December 16.

Growing Pains in Trump Transition Team; Pence to ‘Purge’ Lobbyists?

The sudden ouster of New Jersey Gov. Chris Christie this week as head of President-elect Trump’s transition team and the naming of Vice President-elect Pence to head the group triggered a domino effect of who may be in and who may be out when it comes to transition.

Trump told reporters this week “it’s going so smoothly,” pushing back against media reports his transition is in “chaos” and criticism he’s only made two White House staff appointments – Republican National Committee Chair Reince Priebus to be his chief of staff, and Breitbart News executive Steve Bannon to be “White House chief strategist.”

President Obama’s first transition team did not rush to announce administration appointments, with most made during in mid-December following the election. A similar pattern was followed by President George W. Bush.

However, the focus this week was on a Pence move to remove all registered lobbyists from the ranks of the transition team, a move to bring Trump’s transition effort in line with campaign rhetoric and his “drain the swamp” initiative to materially change the Washington, DC, culture of “insider government.” The action was announced in a conference call with reporters hastily called Wednesday evening, and according to media reports could affect up to 200 registered lobbyists named to transition slots.

The no-lobbyist move is also in line an internal Trump campaign “ethics code,” as well as with the “contract with the American voter” Trump released in late October during a speech in Gettysburg, Pennsylvania. Some fear the Trump policy could make it difficult to attract top drawer candidates for administration jobs. However, several former members of Congress and attorney in Washington, DC, don’t register as lobbyists, rather they act as “advisors” to clients. The Trump organization says the policy is in place to ensure “people going out of government won’t be able to use that service to enrich themselves.”

The Trump operation said this week anyone joining the transition team or named to an administration job will have to sign a pledge affirming they are not a registered federal or state lobbyist, and if during the last federal lobbying reporting period that person was a registered lobbyist, they must terminate their registration and provide the transition team with written evidence of the termination.

The Trump policy also holds that officials in the Trump administration would be banned from lobbying for five years after leaving the government, similar to President Obama’s two-year ban on his

appointees lobbying the agency or department for which they worked. Such bans sound good, but are nearly impossible to enforce.

As of late this week, there was no word on the fate of Mike Torrey, a former aide to Sen. Robert Dole, and former USDA official who heads the Trump agriculture transition. Torrey is principal in his own lobbying firm with several food and agriculture clients. One Trump official told reporters, “It’s now about what you do, not what you did.”

Lame Duck Gets Lamer as House GOP Opt to Punt Approps to 2017

With the election of a Republican-controlled White House and Congress, and with Vice President-elect Pence participating in the meetings, House GOP leadership this week decided to shelve plans to try and move FY2017 “mini-bus” spending measures, or to craft an omnibus package, opting instead to extend the current continuing resolution (CR) funding the government through March, 2017.

This likely signals a much-abbreviated lame duck session given the spending bill is the only “must-pass” legislation on the schedule. It is expected, however, that completed, non-controversial bills, including the Water Resources Development Act (WRDA) will get floor votes as the details of the CR are worked out.

The current CR expires December 9, and the 90-day extension will allow President-elect Trump to have a say in FY2017 pending priorities, supporters say, as well as letting Republicans avoid trying to cut a spending deal with President Obama as he leaves office.

The next hurdle to get over, however, is convincing Senate Majority Leader Mitch McConnell (R, KY) of the wisdom of funding the federal government at current levels through March next year. McConnell, along with most of the House and Senate appropriations committee leaders, favor hammering together a FY2017 omnibus spending package. Some conservative House members are also still pushing for a series of “mini-bus” sending measures.

A CR extension will also allow Congress to adjourn a week earlier than planned, as well as move to procedurally block any new regulations the Obama White House may crank out during his last weeks in office. It’s expected the Senate will grudgingly agree with the House strategy.

Obama Administration Gets Request from House GOP: No ‘Midnight Rules’

In the wake of a handful of media reports indicating President Obama does not plan to head quietly into retirement, but will continue to promulgate new rules, House Majority Leader Kevin McCarthy (R, CA) and all Republican committee chairs sent a letter this week to the heads of all government agencies asking them to halt all new regulations through the remainder of Obama’s term in office.

For its part, the Office of Management & Budget (OMB) said it will continue to review rules using “the same rigorous practices and principles” it normally follows, in short saying the regulatory process will be business as usual until the president leaves office.

McCarthy told reporters this week that his letter was similar to one sent by then White House Chief of Staff Rahm Emanuel to Congress when Obama was first elected in 2008.

In related action, the House approved on a party line vote this week an amendment – HR 5982, the “Midnight Rules Relief Act” – to the Congressional Review Act (CRA) to allow Congress to bundle together any number of regulations for a CRA challenge, rather than handling them one at a time.

Said Speaker Paul Ryan (R, WI), “The last thing that we need to see today or in the next weeks is unelected bureaucrats pushing through regulations at the 11th hour. We look forward to tackling regulatory reform in the new unified Republican government.”

The president has vowed to veto the bill if it reaches his desk, saying it’s unnecessary and unreasonably expands the reach of the CRA.

Speculation on Trump “First 100 Days” Continues

While the list of “very first things” President-elect Trump will do once he’s sworn in on January 20, keeps growing, ag speculation on his priority list widens as well. His first critical action will be naming a secretary of agriculture, and like his to-do list and ag speculation, the list of candidates keeps growing.

House Agriculture Committee Chair Mike Conaway (R, TX) this week said he expects one of Trump’s first actions will be to kill the EPA “waters of the U.S. (WOTUS)” rulemaking, along with pending rules governing livestock marketing promulgated by USDA’s Grain Inspection Packers & Stockyards Administration (GIPSA).

Trump laid out his “100-day action plan” at a campaign stop in late October at Gettysburg, Pennsylvania. Releasing a what he called the “Donald J. Trump Contract with the American Voter,” among his immediate executive actions once in office will be the following:

- Rescission of President Obama’s Clean Energy/Climate Programs deemed to be a “war on coal,” along with cancellation of EPA’s ozone proposed rule;
- Cancellation of payments to the UN Climate Change programs, using the money to fix America’s water and environmental infrastructure;
- Propose legislation to build a wall along the U.S.-Mexican border, expecting the Mexican government to pay for it, and impose a new set of criminal sanctions for illegal immigrants;
- Cancel every unconstitutional executive action, memorandum and order issued by Obama, including Obama’s controversial deportation deferral orders for certain classes of undocumented workers now in the U.S.;
- Begin selecting a nominee to replace Justice Antonin Scalia on the U.S. Supreme Court;
- Announce his intention to renegotiate NAFTA or withdraw from the treaty;
- Withdraw from the Trans-Pacific Partnership (TPP);
- Instruct the Secretary of Commerce and the U.S. Trade Representative to identify all foreign trading abuses that unfairly impact American workers and direct them to end the abuses;
- Formally label China a “currency manipulator”;
- Begin the removal of more than 2 million criminal illegal immigrants from the U.S., and cancel visas to foreign countries which won’t take them back, and
- Lift restrictions on producing \$50 trillion worth of energy reserves, including shale, oil, natural gas and clean coal.

Most Often Mentioned Candidates for Trump's Agriculture Secretary

In poring over both general and agriculture media, the following names are most often mentioned – in no order of likelihood or preference – as possible candidates for secretary of agriculture in a Trump Administration:

- Chuck Conner, CEO of the National Council of Farmer Cooperatives (NCFC), and former USDA deputy secretary and special assistant to President George W. Bush;
- Charles Herbster, Nebraska angus breeder, businessman, donor and chair of Trump's agricultural advisory committee;
- Gov. Sam Brownback, Kansas;
- Former Nebraska Gov. Dave Heineman;
- Former Georgia Gov. Sonny Perdue;
- Former Texas Gov. Rick Perry;
- Mike McCloskey, Indiana dairy executive;
- Bruce Rastetter, Iowa donor and alternative fuel champion;
- Don Villwock, president of the Indiana Farm Bureau;
- Ted McKinney, director, Indiana Department of Agriculture in the Pence Administration, and
- Sid Miller, the current Texas secretary of agriculture

Trump's Campaign Ag Talking Points Leaked to Politico

A list of agriculture talking points for the incoming Trump Administration was leaked to the Capitol Hill newspaper *Politico* this week, and the list shows a get-tough USDA and White House, at least from main stream agriculture's point of view.

The talkers contain the broad commitment to “defend American agriculture against its critics, particularly those who have never grown or produced anything beyond a backyard tomato plant,” the newspaper reported. The document also pledges, “All segments of the agriculture industry will have a say in the development of any legislation or rulemaking done or supported by the executive branch.”

To that end, the talking points include a pledge to kill off the “unlawful” waters of the U.S. (WOTUS) rule, and select an EPA administrator “friendly to farmers,” says the paper. The federal estate or “death tax” would be eliminated, and the Trump White House promises to “protect private property, water and mineral rights for farmers and ranchers,” enforce the Interstate Commerce Clause “to keep individual states from dictating policy for food growers.”

The new administration further promises to “use the best available science to determine appropriate regulations for the food and agriculture sector; agriculture will NOT be regulated based upon the latest trend on social media,” *Politico* said.

The target of the talking points was Trump's Agricultural Advisory Committee, and was written during the campaign, *Politico* said. The newspaper said the points “offer a host of policy pledges – from suggesting a shift back to conventional agriculture, to promises for the Trump White House to be an ‘active participant’ in writing the next Farm Bill, to fighting the so-called ‘good food movement’ and undoing Obama-era agricultural and environmental policies.”

House, Senate Hold Leadership Elections Looking to 115th Congress

Both sides of the aisle in both chambers of Congress convened this week to nominate their respective caucus leadership for the 115th Congress convening January 3, 2017. All but House Democrats were able to pull off their nominations without angst.

In the House, Speaker Paul Ryan (R, WI) was unanimously nominated by voice vote for a second Speaker's term. Many speculated Ryan would have a tough time securing a renomination given his public distancing from President-elect Trump during the campaign, along with the growing restiveness of the ultra-conservative wing of the House GOP. The vote is a very public demonstration of party unity, and signals Ryan and his team enjoy incoming White House support. The final election will be held in January.

Ryan has some powerful friends in the White House. Vice President-elect Pence is a long-time friend and former Ryan colleague in the House. Newly anointed White House Chief of Staff Reince Priebus, immediate past chair of the Republican National Committee (RNC) and Wisconsin GOP ally, is also firmly in Ryan's corner.

House Minority Leader Nancy Pelosi (D, CA) did not have such a straight-forward time with her caucus. She agreed at the 11th-hour to postpone the Democrat nomination process until the end of the month to allow "for greater assessment" of the GOP wins November 8, and while no member has announced opposition, she sent a strong letter to the caucus about the strength of her candidacy.

In the Senate, Majority Leader Mitch McConnell (R, KY) was easily renominated to his "dream job." Senate Democrats nominated Sen. Charles Schumer (D, NY) to replace the retired Sen. Harry Reid (D, NV). Schumer, known as a political pragmatist, but a fierce partisan when he needs to be, expanded his leadership team to 10 Senators, including a special slot for Sen. Bernie Sanders (I, VT).

Sen. Richard Durbin (D, IL) was reelected minority whip, the number two slot in the Senate minority leadership, but only after agreeing to give his assistant Democrat leader title to Sen. Patty Murray (D, WA), a new member of leadership. Sen. Debbie Stabenow (D, MI), ranking member of the Senate Agriculture Committee, was nominated to be chair of the Democratic Policy & Communications Committee.

House Ag Committee Reorganizing

The loss of a veteran scientist on the majority side, and the promotion of a long-time professional staffer on the minority side mark reorganization of the House Agriculture Committee going into the 115th Congress in January.

Ag committee ranking minority member Rep. Collin Peterson (D, MN) announced this week that going into the 2017-2018 Farm Bill, veteran committee staffer Anne Simmons will become Democrat staff director, replacing long-time Peterson aide Rob Larew who moved to the private sector. On the committee staff since 1993, Simmons, well respected by both sides of the aisle and the agriculture community, was raised near Spencer, Iowa, on a corn, soybean and livestock farm.

Dr. John Goldberg, a 22-year committee veteran who fought tirelessly to ensure animal health, welfare and other technical policy decisions confronting the ag committee were made on the basis of science and not popular opinion, retired in late October, joining Science Based Strategies, a Washington, DC,

food, agriculture and environmental policy consultancy. He will also work with Mathis Public Affairs as a strategic partner.

Glyphosate Science Advisory Panel Meeting Reset for December 13-16, Membership Reworked

The ongoing EPA saga over the future of glyphosate, the world's most widely used herbicide, took another couple of twists this week as the agency rescheduled an outside science advisory panel (SAP) meeting for December 13-16, in Arlington, Virginia. The original meeting was set for October 18-21, but was cancelled due to conflicts with members' schedules.

The SAP meeting is for scientists to review EPA's cancer findings for glyphosate. Reportedly the agency has found glyphosate does not pose an unreasonable risk of cancer when used according to label instructions. A similar safety conclusion was reached by the European Food Safety Agency (EFSA) and the New Zealand EPA. However, the United Nation's (UN) International Agency for Research on Cancer reported in spring, 2015, that glyphosate is "probably carcinogenic."

EPA also shuffled the advisory committee's membership, most notably removing from the committee Dr. Peter Infante, an epidemiologist, due to complaints he worked with laboratories which oppose the use of chemicals in agriculture. The most extensive complaint came in a five-page letter from CropLife America which accused Infante of "patent biases (which) should disqualify him from service on the science advisory panel." At the same time, EPA named five new members to the panel.

The agency's final glyphosate risk assessment, originally due to be released in spring, 2017, will likely be pushed back until sometime during the summer due the delayed committee review and the change of administrations.

Cost of Thanksgiving Dinner for 10 Drops: AFBF

It will cost you 24 cents less this year to feed 10 people a classic Thanksgiving dinner, the grand total coming in at just about \$50, according to the American Farm Bureau Federation's (AFBF) 31st annual informal price survey. When adjusted for inflation, the price is the lowest since 2010.

The shopping list includes turkey, bread stuffing, sweet potatoes, rolls with butter, peas, cranberries, a celery and carrot veggie tray, pumpkin pies with whipped cream, coffee and milk.

A 16-pound turkey will set you back about \$22.74, or about \$1.42 per pound, down two cents a pound from last year. Those items with the greatest price drops from 2015, besides turkey, include milk, pumpkin pie mix and the veggie tray. Foods with increased prices were a dozen dinner rolls, two nine-inch pie shells, green peas, cranberries, whipping cream, cubed bread stuffing and three pounds of sweet potatoes.

