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THE COMPOSITION OF THE FARM BILL CONFERENCE COMMITTEE

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At long last, the House of Representatives and the Senate will be engaged in conference to seek a compromise between the combined House bills HR 2642 and HR 3102 and the Senate bill S 954, more commonly referred to as the farm bill.

As even half-hearted followers of agricultural policy and farm bill politics know, the path to this conference committee has been both long and arduous. The purpose of this information letter is to consider the men and women who have been appointed to the conference committee and what they bring to the table in terms of their previous voting patterns and values.

Also shaping the agriculture committee conference will be the recently concluded deal to relax the debt ceiling, extend appropriations to reopen the government, and begin a new conference of the House and Senate Budget Committees. The budget conference committee will be co-chaired by Rep. Paul Ryan (R-WI) and Senator Patty Murray (D-WA).

The Basics of a Conference Committee

In the bicameral legislative system of the US government, a bill cannot be sent to the President for final approval until both the House and Senate have passed identical bills - until they have agreed on exactly the same language. When one chamber passes a bill, it is sent to the other for concurrence. Whether the other chamber has a similar bill or not, the members can consider the bill from the other side of the Capitol. They can 1) agree to that

¹ *The original version of this paper discussed voting records for the entire committee, including members of the House who are appointed for a limited purpose. Members so appointed only vote on the provisions specifically allocated to them. Their vote is included in the majority of the House members that must approve the corresponding Title or sections. On all other elements of the bill, they are not eligible to vote and, thus, the standards for a majority vote are adjusted accordingly. Sections of the original text are modified to reflect this clearer understanding of the voting process, where applicable.*

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bill in its entirety, 2) change some part of it, or 3) change all of it, i.e., substitute their own bill. In the normal Farm Bill process, each chamber crafts its own bill independently. They then go through a parliamentary process of formally sending their bills back and forth to one another, until either they find an agreement. The two chambers can reconcile their differences by having debates and discussions of every member in each chamber, that is, by discussions and votes on the floors of the House and Senate. While that occurs when there are minor differences in bills, the more common solution for very important and complex legislation is for each chamber to appoint members of a conference committee. The objective of the conference committee is to find a compromise that can be taken back to each chamber for a positive vote on one, consolidated bill.

The leaders of the Republican and Democratic parties within each chamber traditionally appoint the members of the conference committee, with each leader choosing a number of members in proportion to their party's representation in the respective chamber. The members of the conference committee always represent the core committees that have jurisdiction for the legislation. In the case of a farm bill, this would be the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. If a bill has significant overlap with one or more other committees, the leadership may and usually will appoint representatives from the other committees. The leaders may also appoint a kind of at-large member. This is typically done when the leadership feels an acute need to make sure a particular perspective that otherwise might be absent or in short supply is represented in the discussions. Traditionally, the Chair and Ranking Member of the lead committee will play an important role in identifying the members of their committee, from their respective parties, whom they want to serve on the conference committee. The Republican gets to name other Republicans. The Democrat gets to name other Democrats. In the Senate, it is common to choose members based on seniority. In the House, seniority is important but not the only consideration. In either case, the final decisions are made by the Speaker of the House and the Senate Majority Leader.

The rules for how a conference committee conducts its business are fairly wide open. For most straightforward and routine bills, the Chair of one of the core committees will serve as the Conference Committee chair, and the chairmanship rotates over time. For the next Farm Bill, the Chair of the House agriculture committee, Mr. Frank Lucas (R-OK) will serve as the Chair of the Conference Committee. As part of the farm bill rotation tradition, the House version of the legislation is formally the default this time around; so Senators will formally propose their items as an amendment to the House bill.

A compromise agreement is reached when a majority of the Senators and a majority of the Representatives agree to a consolidated bill. If they are successful, which is not always or necessarily the case, the compromise bill goes back to each chamber as a Conference Committee Report. Ideally, each chamber schedules a vote and approves the conference report. The consolidated bill then goes to the President for his approval, or rejection. If and when the President signs the bill, it becomes law.

The legislative train can still fall off the tracks in a couple of places. The leadership of either or both chambers can reject the conference report and simply not allow it to come to

the floor for a vote. This is unusual but there is nothing that requires the conference report to be presented for a final vote. However, if the report is brought to the floor for a vote, it cannot be amended, but the full membership of either or both the House and Senate can reject it as presented. This is also unusual, and very unusual for farm bills, but it is certainly a possibility.

The Conference Committee on the 2013 Farm Bill

Every member of the Senate appointed to the conference committee is a member of the Senate Committee on Agriculture, Nutrition and Forestry. All but one of them supported the Senate farm bill (S 954).

The House conference committee consists of 22 members of the Agriculture Committee, 3 members of Foreign Affairs, 3 members of Ways and Means, and 2 people appointed to represent the House majority and minority leaders.

Using a practice not common in the Senate, the House has appointed members from other than the Agriculture Committee for a limited purpose. This is done to recognize the overlapping jurisdiction that can arise in a complex bill. These Conference Committee members are only allowed to vote on the sections/titles to which they are specifically assigned.

The Foreign Affairs members are there to address legislative content related to international trade (Title III in both versions of the bill).

The Ways and Means members are there to address items related to taxation or the collection and disbursement of money, in particular provisions related to dairy, cotton and sugar programs. The dairy portions are related to fees associated with the Dairy Producer Margin Protection Plan and the penalties associated with milk delivered in excess of base under the Dairy Market Stabilization Plan.

The leadership representatives have wide ranging authority to engage in the compromise deliberations and vote on all sections. The Member appointed to represent the Democrat leadership happens to also be on the Agriculture Committee.

The conference committee consists of 29 Representatives and 12 Senators. Taken altogether, there are 22 Republicans and 19 Democrats. In terms of voting on the broad farm bill provisions, i.e., excluding the limited participation members from the House, there are 23 Representatives and 12 Senators, and the party affiliations are 18 Republicans and 17 Democrats. For the bulk of the bill (excluding the special sections on trade and related to finance), the conference report must be approved by 12 Representatives and 7 Senators.

What Did the Conferees Previously Support?

As noted earlier, only one of the Senators voted against the final Senate farm bill. This was Senator Roberts, who was the architect of the 1996 "freedom to farm" bill, which envisaged dismantling agricultural subsidies and price interventions. He has been concerned about a number of issues, especially the balance of support for crops typical of the Midwest vs. crops of key importance in the South.

Among the House conferees (excluding the limited participation members

- 19 (83%) of the House conferees supported the original version of the farm bill (HR 1947), which failed in the House by a vote of 234 Noes to 195 Ayes.
- 13 (59%) of the House conferees supported the revised farm bill (HR 2642) that was the same as the final version of the original bill, minus the Nutrition title (Title IV).
- 13 (59%) of the House conferees supported the revised nutrition title (HR 3102) that was then essentially merged back into a consolidated farm bill and presented to the Senate as such.
 - The individual votes for these two actions are identical, with the slight exception that one person did not cast a vote on HR 3102.
 - All Republicans supported both measures
 - All Democrats opposed both measures.

In the next section, previous votes on key amendments are reviewed. The extent to which these previous votes indicate a strong preference for a particular version or aspect of, say, the dairy program or strong feelings about SNAP provisions cannot be ascertained simply from the voting record, but it does provide some indication for the House members. There are not always similar votes among the Senators to indicate how willing they might be to negotiate something different from the Senate bill.

The Dairy Provisions

Among the House conferees:

- 12 (52%) voted with the House majority in favor of the Dairy Freedom Act, aka the Goodlatte-Scott amendment to replace the Dairy Security Act (Title I, Section D) with a dairy title that only included a Dairy Margin Protection Plan.

If one assumes that all the Senators favor the provisions of the Dairy Security Act, which is essentially what is contained in the Senate bill, then the prior votes would suggest that:

- 23 conference members favor the DSA, and
- 12 are on record for the DFA.

By no means should this be interpreted as the ending point for deliberations about the dairy title, but perhaps it is an indication of the starting point. At least one Senator flirted with the idea of introducing a DFA-type amendment the first time the Senate considered its farm bill, in 2012. Insofar as no amendment to this effect was ever introduced in the Senate, there is little reason to believe that a DFA-type Dairy Title has a hidden groundswell of support among the Senate members. On the other hand, It only takes one Representative to flip his vote to have a majority of Representatives to support the Senate version of the Dairy Title, or the DSA framework. It is widely anticipated that the Republican leadership will advocate vigorously for retaining the House (DFA) provisions.

The SNAP Provisions

Among the House conferees:

- 12 (52%) voted with the House majority in favor of the so-called Southerland amendment, which reinstated Clinton-era language authorizing states to impose work requirements for recipients of "food stamps" under the Supplemental Nutrition Assistance Program.
 - Many Democrats consider this to be the poison pill that would not allow them to support the final farm bill
 - Although the individual voting on the Dairy Freedom Act amendment is highly correlated with this vote, 4 people voted differently on these two amendments (switched yes to no or no to yes)
- 13 (57%) supported HR 3102, which includes the Southerland amendment but also provides for other changes in eligibility and benefit rules that the Congressional Budget Office calculates would reduce expenditures on SNAP by almost \$40 billion over the next 10 years. This bill would also change the timing of SNAP authorizations, effectively divorcing the 40-year old practice of considering SNAP (and other food assistance programs) when debating a new "farm bill".

If one assumes that all Senators would have opposed the Southerland Amendment and thus HR 3102 (the House nutrition title), the prior voting would suggest:

- 22 conference members do not favor deep cuts to SNAP
 - but the cuts they are on record supporting range from
 - a low of about \$4 billion over 10 years to
 - a high of about \$20 billion over 10 years
- 13 are on record favoring deep cuts to SNAP, and this represents a slim majority of the House members
- prior voting does not test how many Senators would support divorcing the nutrition title from future farm bills. Many Senators on the agriculture committee have made public statements in opposition to that concept. It is a reasonable guess that well over 20 conference committee members do not support separation.

The debate on SNAP, and food assistance programs broadly, is widely expected to be passionate and rancorous. Not only are most members deeply committed to their positions, the positions they hold are so far apart as to make reconciliation all but impossible to imagine. It will take a lot of something else for many members to significantly yield their position, and there will be no compromise unless some, or even many, make significant concessions on the Nutrition Title.

Repealing Permanent Law

The House has also supported repealing the so-called permanent law, as provided in the Agricultural Acts of 1938 and 1949. This would include the Dairy Price Support Program, which acts to establish a floor under the farm price of milk that is today far above any value consistent with market conditions. The House would instead make the new law permanent. There is no formal voting to test the Senate's receptivity to this proposition, but it has not been favorably received. It is similarly likely that well over 20 of the conference committee members would not support repealing the old permanent law.

How Might General Ideology and Values Play a Role?

Beyond the party affiliations of each conference committee member, their prior voting records establish a scorecard by which each can be judged on a spectrum from highly liberal to highly conservative. A particular scoring system by Congress Watcher indicates the following characteristics of the conferees:²

- 5 members are ranked as extremely conservative
 - all of these are from the House
 - only 2 are formally members of the Tea Party Caucus, a voluntary affinity group of the Congress.
- 11 members are conservative
 - two are from the Senate
 - none are part of the Tea Party Caucus
- 5 members are conservative/moderates
 - 3 are from the Senate
 - although a limited participation member, it is perhaps interesting to note that one of the Members assigned to the Trade Title is in the Tea Party Caucus, although he is scored in this ideological category
- 3 members are moderates, 1 from the Senate
- 4 members are liberal/moderates, 2 from the Senate
- 5 members are liberals, 3 from the Senate
- 2 members are extremely liberal, one from the Senate

Again, these categorizations should be taken as generally indicative of the core values of the members, across a broad range of issues. To the extent that conservatives tend to favor less government, more fiscal restraint, and combining government social benefits with

² *The categorization of members of the Congress as shades of liberal or conservative is made by a group that calls itself Congress Watcher and posts score cards and other information on the following website <http://thatsmycongress.com> Any such categorization is somewhat arbitrary and based on the specific criteria chosen. The categorization used here should be understood to be indicative, not definitive.*

things like means testing and some kind of co-responsibility or work requirement, this categorization would suggest that the panel will lean towards provisions that result in lower SNAP expenditures and stingier agricultural benefits, especially for farmers and farm owners who have much higher incomes than the average.

Insofar as a successful compromise requires a majority of both Senators and Representatives, the 14 Representatives who are conservative or extremely conservative comprise a majority of the House members. A majority of the Senate members can be achieved with all of the liberal and liberal leaning members plus the remaining Democrat who is classified as a moderate.

This means that a compromise has to be found that will have some support by a conservative-leaning group of Representatives and a liberal leaning group of Senators. The ideological dichotomy (regardless of party affiliation) portends a difficult discussion.

A majority of the Senate can be achieved from either end of the spectrum only by including support from moderates. A liberal minded compromise will require at least a few conservative Representatives to support it.

A compromise that seeks to find a middle ground can only exist with support from some combination of 6-8 people who are either strongly conservative or strongly liberal. There are 12 committee members in the ideological middle ground, which includes left or right leaning members. On the Senate side, the middle is exactly half of the 12 members. There are also 6 members in the middle from the House, but this is only about one-fourth of that delegation. It is not especially clear what a "split the difference" middle ground proposal means when dealing with issues where the boundaries are so far apart (e.g., SNAP) or when the alternatives are "either/or" (e.g., dairy with "market stabilization" or not).

All of this may suggest that a conservative leaning compromise is a little more likely to gain the required majorities. But, any such compromise probably cannot tilt too heavily towards the conservative perspective. A conservative-minded compromise will require all the Senate conservatives, the one moderate, and one of the two liberal/moderates to support it. Where geographical or industry loyalties are less the issue, ideological compromise will be very difficult, but it is also very necessary for a successful conference.

On matters such as how deep a cut to make in the SNAP program, it cannot be assumed that a conservative/moderate Republican would view a specific change and associated savings in the same way as a conservative/moderate Democrat. Indeed, the voting on the bill that provides for deep cuts to SNAP was split exactly by party loyalties, regardless of a Member's general ideology.

Other Farm Bill Provisions

For a summary of the major features of the two farm bills, which provides a nice compare and contrast feature, readers are referred to:

"Farm Bill Conference Issues", by Carl Zulauf and Gary Schnitkey

<http://farmdocdaily.illinois.edu/2013/08/farm-bill-conference-issues.html>

The Conference Committee on the Fiscal Year 2014 Budget

As noted earlier, the Congress has agreed on a short-term plan to relieve the debt ceiling and provide appropriations to re-open the government. Part of this agreement includes establishing a Conference Committee of the House and Senate Budget Committees. The rules for this committee are the same as for any other. The Senate has chosen to appoint every one of its 22 Budget Committee members to the Conference Committee. The House has only appointed 7 Representatives, two of which are not members of the House Budget Committee.

It bears noting, as an example of how the process can work, that the Budget Committees of each chamber had each passed a budget proposal some months ago. The House and Senate both approved their own budget plans in March 2013; however, the two plans were so far apart that the two chambers never even bothered to try to reconcile them with a conference committee. The new resolution thus picks up where the March budget process left off, and sets a deadline of 13 December for them to report back to their respective chambers.

Keep in mind that in the jargon of the Congress, a budget is an important planning tool but it is not the same as actually allocating money for federal agencies to spend. That process is called appropriations. The reason why the government was shut down for 16 days in October is because Congress could not agree to an appropriations bill(s) when the 2014 fiscal year began on 1 October. It didn't matter that they didn't have a budget plan in place; or that they still don't have one budget plan.

Insofar as the budget is a plan, the committee will not create a bill for a House and Senate vote, per se. Rather, they will, if successful, issue a set of recommendations for other committees who have specific jurisdictions to discuss and implement or revise. Thus, if they suggest changes to the tax code, they will go to House Ways and Means Committee and the Senate Finance Committee. If they have suggestions for changes to Medicare, those will go to two House Committees: Ways and Means and Energy and Commerce, and the Senate Finance Committee. Matters related to the Supplemental Nutrition Assistance Program would go to the respective agriculture committees.

While it is the agriculture committees that ultimately have the authority (jurisdiction) to write the first draft of any new legislation pertaining to SNAP, the Budget Conference Committee is very likely to want to include this topic in its discussion. It seems possible that the Agriculture Conference Committee will interact with the Budget Conference Committee on this important and contentious topic. It is quite possible that the Agriculture Conference Committee will want to wait or even be obliged to wait until the Budget Conference Committee has time to consider SNAP reforms. Keep in mind that SNAP is the single largest expenditure for the agriculture committees, but it is far from the biggest item the Budget Committee will consider. It will be urgent for the former and important (but not urgent) for the latter.

Final Observations

While every one of the Conference Committee members will argue that swift action is essential and promise to do their utmost to get their job done, it remains the case that there are many thorny issues. How these all might be resolved is not obvious. SNAP is certainly the biggest and most contentious of these issues, but there are many others as well, including a number that have not even been mentioned in this letter. A sampling includes: 1) the extent to which high income farmers should receive subsidies to crop insurance premiums, 2) whether crop insurance should be restricted to farmers who have approved conservation plans, and 3) whether crop insurance is a model that should apply to all commodities or other provisions should be tailored to specific industries and what they think would work best. These and other areas would be more than enough to debate and consider without the very large issues of SNAP and the budget looming overhead.

While the sense of urgency is genuine, in point of fact nothing horrible happens until 1 January, if the Committee flounders. That is when the 1949 Agricultural Act would kick back in and force USDA to implement the old Dairy Price Support Program. Last year, that specter was more than sufficiently ugly to cause an otherwise deadlocked Congress to pass an extension. This leads to two observations.

With the Budget Conference report due on 13 December, it is quite possible that the Agriculture Conference will be held captive to the Budget deliberations. This could mean that they will wrap up their work but not until early December. Or, it could mean that the whole process collapses, just as it did in 2011 with the so-called Super Committee (the Joint Select Committee on Deficit Reduction). It remains a distinct possibility that the discussions on the next farm bill will once again stalemate, and we will be left with no other option but to do an extension. This is an outcome that no one wants, but avoiding it requires that more than a few people give up on positions for which they have strenuously argued. While it is correct to say that it is this sort of action that is required for a successful government, that doesn't mean it has to come to pass. There remains some very hard work ahead.

APPENDIX: MEMBERS OF THE CONFERENCE COMMITTEE

Members of the Conference Committee are listed in the following table, including the limited participation members from the House. The table identifies each member's affiliation to chamber and party. The primary committee representation and seniority within the committee is shown. The categorization on a scale of -100 equals extremely conservative to +100 equals extremely liberal is based on the scorecard kept at the "that's my congress" website, referenced above.

Name	Chamber	Party	State	CTE & SENIORITY	LIB/CON
Peterson	H	D	MN	AG D01	-43
McIntyre	H	D	NC	AG D02	-20
Costa	H	D	CA	AG D04	-25
Schrader	H	D	OR	AG D06	9
Fudge	H	D	OH	Leadership/AG D07	68
McGovern	H	D	MA	AG D08	87
DelBene	H	D	WA	AG D09	39
Negrette-McLeod	H	D	CA	AG D10	24
Vela	H	D	TX	AG D11	16
Walz	H	D	MN	AG R05	45
Engel	H	D	NY	FA D01	22
Levin	H	D	MI	WM D!	28
Lucas	H	R	OK	AG R01	-61
King, S.	H	R	IA	AG R03	-88
Neugebauer	H	R	TX	AG R04	-72
Rogers, M.	H	R	AL	AG R05	-61
Conaway	H	R	TX	AG R06	-72
Thompson, G.	H	R	PA	AG R07	-61
Scott, A.	H	R	GA	AG R09	-66
Crawford	H	R	AR	AG R11	-61
Roby	H	R	AL	AG R12	-77
Noem	H	R	SD	AG R17	-77
Denham	H	R	CA	AG R19	-66
Davis, R.	H	R	IL	AG R23	-61
Marino	H	R	PA	FA R	-77
Royce	H	R	CA	FA R01	-38
Southerland	H	R	FL	Leadership	-61
Johnson, S.	H	R	TX	WM R	-66
Camp	H	R	MI	WM R1	-77
Stabenow	S	D	MI	AG D01	37
Leahy	S	D	VT	AG D02	74
Harkin	S	D	IA	AG D03	62
Baucus	S	D	MT	AG D04	18
Brown	S	D	OH	AG D05	49
Klobuchar	S	D	MN	AG D06	62
Bennet	S	D	CO	AG D07	24
Cochran	S	R	MS	AG R01	-27
Roberts	S	R	KS	AG R03	-59
Chambliss	S	R	GA	AG R04	-39
Boozman	S	R	AR	AG R05	-59
Hoeven	S	R	ND	AG R06	-39

