



Except for trade title, Farm Bill is now the 'law of the land'

By Sara Wyant

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With an 82 to 13 Senate override vote, Senate Agriculture Chairman Tom Harkin (D-IA) summed up the status of the farm bill: "I just want to make sure there is no doubt in anyone's mind. Fourteen of the 15 titles of this bill are now the law of the land."

Harkin said that when the Senate returns from its Memorial holiday break, it will deal with a "clerical error" by passing the trade title which was inadvertently dropped from the printed copy that President George Bush vetoed. The Iowa Democrat said that he has confirmed with both USDA and USAID that a two-week delay won't be a problem. "We will have to take care of that immediately when we get back," he added.

Harkin's comments followed a day filled with plenty of doubts, confusion and political theatre. As we reported earlier, the House voted to override President Bush's veto on Wednesday by 306-110---despite a lot of confusion over how to handle the fact that the bill vetoed by the President was missing the trade title. .

Earlier this morning, **Democrats had apparently devised a three-prong strategy to deal with the "missing title" issue.** They started with approval of a new, 15-title bill. As House Agriculture Chairman Collin Peterson noted, "It is a messy process... but we think it is an appropriate way" to correct the clerical error discovered yesterday."

After the new bill passed, Democrats planned to bring up a bill that reproduced just Title III Trade (the missing title)---in order to give the Senate different ways to approach the problem if they ran into procedural difficulties. Third, there was a plan to extend the current farm bill---depending on whether or not the Senate did the override. If they did, our sources said only Title III would need to be extended.

Democratic leaders said they had conferred with parliamentarians and concluded they could indeed enact the 14 titles of the bill by overriding Bush's objections and then passing a bill with just the missing trade title. They cited an 1892 legal precedent involving what Peterson called an "exactly similar" situation. "It is totally constitutional to do what we're planning to do."

The morning started with a lot of angst and finger pointing between House Democratic and Republican leaders. Peterson suggested that the clerk's mistake resulted from a change in process

that the Republicans enacted ten years ago, which no longer required inking approval of every page. Majority Leader Steny Hoyer (D-MD) complained that he had stopped by Minority Leader John Boehner's office to try and discuss the matter last night, but that Boehner wasn't in and couldn't call him back.

Republican Whip Roy Blunt (R-MO) suggested that the "blame game" rhetoric, was not very helpful, but several members of his own party proceeded to offer their own criticism---especially the way Democrats had attacked them during a somewhat similar situation 10 years ago.

"The really unfortunate and, frankly, the most galling part of this is that we knew before the veto override occurred that there was a problem," noted Minority Leader Boehner, who asked Democrats to send the entire bill back to the President. "There was no interest in working with us in trying to understand and work this out before the veto override was debated and voted on the House floor." Boehner offered a privileged resolution which criticized Speaker Nancy Pelosi (D-CA) for the way in which the enrollment and vote was handled and called for an investigation. His resolution was tabled.

In the end, the House passed a new version of the entire, 15-tile bill on Thursday by 306-110, but decided not to take any action on the trade title until after the Memorial Day break.

The Senate action to override the President's veto means that the Food, Conservation and Energy Act of 2008 has been enacted into law, with the exception of the bill's trade title.

Supporters, like Sen. Kent Conrad (D-ND) hailed the override as historic.

"More than 2,500 Presidential vetoes have been levied in the nation's history. Congress has successfully overridden those vetoes less than 4% of the time." Conrad cited the broad base of support that made the override possible.

"I believe this is the best Farm Bill ever written. It deserves the overwhelming, bipartisan support it received. It deserves to be law," he added.

And what about that trade title? It has not officially been approved or extended, but Harkin said there shouldn't be any problems in the next week or two.

However, other sources say the trade title will have to be taken up quickly when Congress returns in early June or there will be problems---especially for programs dealing with food aid and trade promotion. **The "fix" isn't entirely clear.** In order to avoid further ambiguity, the Senate may be required to once again approve the farm bill---with the trade title included.

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