

The Trump administration, 115th Congress and you



FRANK GASPERINI
National Council
of Agricultural
Employers
Frank@NCAEonline.org

We all look forward, with a strange mixture of expectation and trepidation, to working with the administration of President-Elect Donald J. Trump and the soon to be seated 115th Congress. Only a couple of months ago, few of us would have been willing to make a strong prediction that we would be prepping for a Republican administration and both houses of Congress. We suspect that even the president-elect was at least mildly surprised. Even Las Vegas odds-makers were giving Trump a 30 percent or less likelihood of winning within a few days of the election.

Agriculture expects, and will offer, a level of respect and cooperation by all for the president-elect to obtain the information and briefings he needs to start work for the American people. We are all working hard building relationships, educating the transition team on the issues and needs of agricultural employers and working together within our agricultural coalitions to present a unified message. We remind ourselves that agriculture must hang together, or as Benjamin Franklin famously said, "most assuredly we shall all hang separately."

The appointment of Reince Priebus as White House Chief of Staff points to the potential for a more ordered political process than some had feared.

If the president-elect truly sees his role as "Making America Great Again," then our role in engaging with the incoming administration and Congress will be to do everything we can to assure that we "Keep America's Agriculture Great" by assuring that the needs of agricultural employers are not lost in the shuffle.

While we will not be ready for full-scale, in-depth analysis of what 2017 offers us until we see who lands in what jobs in the White House, regulatory agencies and key Congressional staff and committees, we do

know that we will be working with a Republican administration, a Republican Senate and a Republican House in 2017. Remember that legislation cannot go into effect until regulations are written and regulations cannot be simply repealed. Something has to be written to take their place, and even going back to an old regulation will require some notice and comment period. This poses huge opportunities and challenges for agricultural employers.

Our role in engaging with the incoming administration and Congress will be to do everything we can to assure that we "Keep America's Agriculture Great."

It's likely Congress will move to address border security and employment verification relatively quickly. This may provide the opportunity we need to address labor needs and agency bureaucracy. Our challenge will be to counter any "amnesty" claims in any initiative that addresses the current workforce and to assure there is not a "gap" between the shift to enforcement and provisions to assure worker availability. Some of the advisers surfacing to date are not only historic opponents of unlawful immigration, but of guest-worker programs as well.

Foreign trade issues will bring concerns and opportunities. Many have already proclaimed TPP dead, and there was campaign rhetoric about re-opening others, including NAFTA, that are of interest to the agricultural community. Many of our fruits, vegetables and other labor-intensive agricultural products are dependent on free trade.

It is highly likely the Affordable Care Act (ACA) will be repealed or substantially changed, and that discussion will start soon. Trump, on the campaign trail, promised to repeal ACA on day one of his

presidency. Now we are hearing it may need to be improved instead, and are left wondering what that means. The president-elect has also promised that if ACA is repealed and replaced, there will be no gap between coverage under ACA and the "new" program. The big questions are: will congress repeal ACA or simply tweak it; what will the replacement or tweaks look like; how long will that take; what provisions can we get included for seasonal workers in agriculture; and what will it all cost?

We will see a major shift in the Cabinet, which means policy and enforcement priorities will shift, political appointees will change, some career people will be shuffled and/or de-emphasized, and we will have to rebuild our road-maps and bridges with regulatory agencies. The opportunities include policy and enforcement priorities and attitudes in many agencies. As ag employers, we are particularly interested in the U.S. Department of Labor, Department of Homeland Security, Citizenship and Immigration Services, USDA and EPA. The opportunities may be balanced with risks in some cases, particularly in the directions DHS takes relative to aggressive employer sanctions.

We have every reason to believe the new Congress will move quickly on issues of worker verification, possibly universal E-verify and other employer mandates, internal security – which may include resumption of ICE audits – and border security. It will be our role to work with Congress to assure that agricultural employers will have access to authorized workers without delay.

And for those who fear the sky is falling: America has been through good, bad and ugly administrations in the past, and we are still here. We will still be here in four years, when we have a chance to do it all over again. Although there may be "nothing new under the sun," we will be facing a climate in D.C. that we have not seen for many years, starting just about the time of NCAE's Annual Meeting Feb. 7-9, 2017. All are welcome to join us there, and get involved in the "whole new ballgame" of the Trump administration and the 115th Congress. **VGN**