

The Scouting Report: Congress at the August Recess

In an unusually busy session, Congress tackled an economic recovery package, the federal budget and expansions in children's health care. But as Members break for the August recess, some of the most important business, including climate change and health care reform, remains unfinished. Senior Fellow Thomas Mann—a noted congressional scholar—is assessing the achievements to date and the unresolved issues ahead. But will partisan gridlock, Democratic infighting and big price tags stop legislation to revamp the health care system and reduce greenhouse gases?

On Wednesday, August 19, Thomas Mann and *Politico* Senior Editor Fred Barbash took questions in a discussion about the congressional agenda.

The transcript of this web chat follows.

12:28 Fred Barbash-Moderator: Welcome to all.

Welcome Tom. Thanks for taking the time to do this. Let's get started.

12:28 [Comment From Laurie] Do you expect health care reform to pass after August recess? What about climate change legislation?

12:28 Thomas Mann: In spite of the major obstacles and uncertainty, I do expect health care reform to pass before the end of the year. The odds of climate change are substantially lower.

12:28 [Comment From Jason] How would you rate the work of Congress so far in the first part of this session?

12:29 Thomas Mann: It has been a very impressive start. Congress has enacted more than a dozen significant pieces of legislation and begun grappling with some of the toughest issues on the agenda.

12:30 [Comment From Gary] Do you think Obama has successfully reached across the aisle on key issues?

12:31 Thomas Mann: Obama has reached across the aisle but not successfully. The partisan division is as large and intense as ever. Republicans have settled into a purely opposition strategy and Democrats have decided to proceed largely on their own.

12:31 [Comment From Fred] Obama's approval rating has been slipping in the past weeks. What do you make of this?

12:32 Thomas Mann: It reflects a very difficult economy, a contentious debate on health reform that has been framed largely by the opposition, and the backlash from the Skip Gates matter.

12:32 [Comment From Rebecca] What would you consider Obama's top accomplishment to be thus far?

12:34 Thomas Mann: Obama's single achievement to date has been his work to stabilize the financial system and deal with the severe recession. At the beginning of the year, we were on the verge of a complete meltdown and recession. The worst has passed as a consequence of resolute leadership in the US and around the globe.

12:34 [Comment From Rolinda] Do you think there have been any significant failures during this first part of the session?

12:35 Thomas Mann: Some missteps but no serious failures. His real test awaits when Congress returns next month.

12:35 [Comment From Jessica McClay] I am curious to hear your ideas on how liberal Congressional Democratic leaders should react to the Blue Dogs' actions on the health care agenda. Should Baucus et al. be brought back within the fold, or would it be better for the more liberal Democratic agenda to attempt to push them to the margins? This is a pretty salient question not only for the upcoming session, but also for the party's approach to the 2010 midterms.

12:37 Thomas Mann: With Republicans set on a strategy of unified opposition, Democrats are forced to govern largely on their own. That means getting substantial support from those members representing conservative districts. Liberals are well advised to push for their preferences but in the end find a way of reaching agreement within their party.

12:38 [Comment From Anna Wallace] Health care: Please comment on the likelihood of the public option vs. the co-op option making it into the final Senate bill. We've all been hearing about the growing support for the co-op version, which is perceived as (somewhat) less divisive, but the public option still has some strong support in Congress and the White House.

12:40 Thomas Mann: This has emerged as the sharpest point of contention but probably not the most important element of reform. The co-op option has substantive problems and a pure public option almost certainly cannot clear the Senate. I expect some compromise that achieves the objectives of the public plan in a different fashion.

12:41 [Comment From Anna Wallace] Given the tight legislative calendar in September-October, which includes the appropriations, health care and climate bills, how likely are we to get the climate bill completed before the UN talks in Copenhagen?

12:42 Thomas Mann: The problem facing the climate bill is less the crowded schedule and more the opposition of a number of Democratic senators and the scarcity of support on the Republican side. I suspect the administration will go to Copenhagen with what it already has, including a potent EPA authority to act through regulation.

12:42 [Comment From Gwen] What about all the buzz today that the Dems and Obama will "go it alone" on health care. Can they?

12:46 Thomas Mann: Democrats now seem unlikely to get any Republican support in the Senate except for Olympia Snowe. To get cloture they will need every Democrat to support them on the procedural motion, even if some vote no on the proposed legislation. They might initially pass a very mild bill in the Senate with Republican votes and then tough it out in conference. A final option is to use the reconciliation process to pass a bill in the Senate with a simple majority. That has its own problems and limitations, however.

12:46 [Comment From Matt] Do you think the health care town hall meeting protestors are a real issue for the Democrats to worry about?

12:47 Thomas Mann: The town halls have put Obama and the Democrats back on their heels, but could backfire. We are still relatively early in this critical battle.

12:47 [Comment From Lester T] Did you see the smackdown Barney Frank gave one of the health care reform protestors? Should Democrats continue these kinds of attacks? Or is it counterproductive?

12:49 Thomas Mann: Frank responded to an outrageous "Nazi" comment which was both ignorant and offensive. Better to respond directly to such statements as he did.

12:49 [Comment From Brad] Can you provide some additional explanation why you peg the odds of climate change legislation as "substantially lower?"

12:49 Thomas Mann: A dozen or so Senate Democrats are very unhappy with what is emerging and sixty votes are needed for cloture.

12:50 [Comment From Guest] Is universal health care possible?

12:51 Thomas Mann: We are likely to approach universal health coverage in the next five to ten years. Once everyone is included, we will have a better handle on controlling costs.

12:52 [Comment From Mark in Greenbelt, MD] I know you've written about Congress as "the broken branch" because of partisan gridlock. If a clear majority with a mandate can't break the gridlock in Congress, what can? How do we start getting things done as a country again?

12:54 Thomas Mann: Signs of a Broken Branch remain after two dramatic elections supporting change. At this point, the best way out is for Obama and the Democrats to succeed in delivering on their promises and building a larger coalition in the electorate. Over time this may be the only way of convincing the Republican opposition to engage in good faith negotiations.

12:55 [Comment From Anna] In your opinion, what are the main priorities for Congress once it's back for recess? Appropriations, health care, energy are the "usual suspects." Are there any other issues, such as mining, that could break through this fall?

12:56 Thomas Mann: You have the usual suspects correct. I would add financial regulation reform to that mix and possibly some initial action on the education agenda.

12:56 [Comment From Martin Knapp] Many times organizing the Democratic party is compared to herding cats. Do you think the leadership has the ability to bring both liberal dems and conservative dems together to push a healthcare reform through?

12:57 Thomas Mann: I think Pelosi can do so in the House but Reid has a much tougher job in the Senate. With Obama's public and private leadership, I think it can be done.

12:57 [Comment From Rio] How do you assess the division within the House Democrats, between Blue Dog and Congressional Progressive Caucus?

1:00 Thomas Mann: The ideological division is real, reflecting the differences in their constituencies, but it is worth noting that Democrats have been very unified during the first months of the new Congress. Obama has been successful on 95 percent of his proposals and Democrats have party unity scores of 90 percent. It is tough reconciling differences within the party but there is much more that unifies than divides them.

1:01 [Comment From Sally] Why are you so optimistic about health care? From the media coverage it seems like the Democrats are fighting among themselves and that can't be good.

1:02 Thomas Mann: My optimism is guarded and contingent, not unbound. But I believe Democrats realize they will suffer politically if they fail to enact health reform. In the end, that self-interest in remaining in the majority party is likely to prevail.

1:03 [Comment From Charlotte, Queens, NY] Please say more about the Skip Gates issue. Do you think Obama handled it wrong after his initial misstep of criticizing the police? Or did it just give people a reason to let racial issues bubble up?

1:04 Thomas Mann: Obama has managed the issue of race brilliantly throughout his campaign and initial months in office. Appearing to take sides on this matter unleashed continuing racial resentment that has cost him some support. But I don't expect it to be long lasting.

1:05 [Comment From Karen] Do you think Congress will pass all of the Appropriations bills this year and if so, separate bills (for those left) or in another omnibus type measure -- and do you think Congress will run into December again, or adjourn closer to their October target date?

1:06 Thomas Mann: A number, likely a majority, of appropriations bills will be passed by October 1, but the remaining ones will be wrapped in an omnibus. I expect a December adjournment.

1:07 [Comment from John] I know you and Norm Ornstein have been watching Congress for quite some time. Is partisanship getting worse? Or better?

1:09 Thomas Mann: Partisanship has been getting worse, not better, this Congress. Obama has been unable to engage Republicans in serious negotiations in spite of his many overtures. Republicans are banking on defeating his major agenda items, not in modifying them. So Pelosi is using her control of the rules to march forward without their participation. The war of the roses continues.

1:09 [Comment From Kim] What are some important next steps Obama needs to take to encourage more support for health care reform, and by when?

1:11 Thomas Mann: His heavy lifting will come in the fall, first to ensure something clears the Senate, then to hammer out a conference agreement that has some chance of clearing both

chambers, and then going to the public with inspiring speeches that simplify and clarify the economic and moral imperatives of passing the legislation.

1:14 [Comment From Frank] How well do you think Majority Leader Reid and Speaker Pelosi are doing aligning the very different views of their caucuses on health care?

1:14 Thomas Mann: The test for both will come at the conference stage. Pelosi has more room for error with a simple majority requirement while Reid has no room to maneuver.

1:15 [Comment From Sarah] Do you think that the healthcare debate is going to stall other pending legislation like appropriations, clean water restoration act, etc?

1:15 Thomas Mann: No. Much of the work on health reform will be off the floor. There will be sufficient time to deal with other matters.

1:16 [Comment From Willard] Why does it seem everyone say "Liberals have to be reasonable". To me it looks like when everyone else is unreasonable they get what they want. We have more guns in Yellowstone because of unreasonable people. You could argue they got a war too. In order to be reasonable you have to have something to reason about. Looking at health care what have conservatives really offered to the discussion to be talked about?

1:20 Thomas Mann: Many liberals understandably share your frustration. The problem is that they lack the support to clear the legislative hurdles in both the House and Senate. They can kill reform but they can't dictate it. With Republicans unified in opposition, Blue Dogs are in the same position -- to kill but not to dictate all of the critical terms. (No chance of a Republican-led conservative coalition prevailing as in years past.) That's why give-and-take negotiations within the Democratic caucus are essential.

1:20 [Comment From Anna] Earlier on health care, you mentioned a compromise that would achieve the objectives of a public plan in a different fashion. Are there any ideas for such a compromise already around?

1:23 Thomas Mann: Insurance reform provides one handle. Another is to set limits on the size of acceptable premium increases for the basic plan. Another is to link Medicare payment reforms to private insurance plans in the Exchange. Others much more knowledgeable than I have additional ideas. It's time to start investigating these alternatives.

1:23 [Comment From Debbie in Logan, UT] Obama has recently mentioned that there is a possibility of not having the public option. Does this mean that he is seriously considering withdrawing the public option?

1:25 Thomas Mann: I think he is preparing liberals for the possibility that they might have to accept a plan without the public option and to get them to think now about how to achieve its objectives.

1:25 [Comment From Eugen Babau] Is there any chance for the Democrats to rename the public option and redraw the plan in order to pass real health care reform that would benefit the majority of Americans? Versions of a so called health care public option work very well for a majority of the population in a number of highly developed, industrialized, capitalist (i.e. not socialist) countries where the general standard of living is above the one in the US. The catch is

that taxes are significantly higher in those countries, but so is the level of public services delivered to the average citizen. Do you think the current administration will start explaining the unpopular no-brainer: you can't fix it for free?

1:27 Thomas Mann: I wish he could do it now but given the level of public misinformation, I suspect this will be a continuing education process that stretches over his time in the White House.

1:27 [Comment From Bruce Blevins] How have the ballooning campaign costs and the large contributions changed the way decisions are made in congress?

1:29 Thomas Mann: Campaign contributions and expenditures have been a part of congressional policymaking for many years. Much of the money follows rather than leads opinions and votes in Congress but the inequalities in resources certainly makes it much more difficult to represent the broad public interest.

1:29 [Comment From Linus Billings] Why is it that despite a filibuster-proof majority, the Democrats can't seem to pass any bills consistent with party platforms?

1:32 Thomas Mann: First, with Kennedy and Byrd seriously ill, they are missing two necessary votes. Second, a number of Democrats (e.g. Ben Nelson) are not reliable Democratic votes. We do not have a parliamentary system in which electoral mandates can be delivered more reliably. Our Madisonian system puts up many more hurdles, although the filibuster was never planned or anticipated by the Founders.

1:33 Fred Barbash-Moderator: Tom...thanks so much for all the smart answers. And to all our readers, thanks for the smart questions.

We'll be back here next week...same time, same place. Bye for now.