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5 on 45: The government shutdown is over—for now

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(MUSIC)

PITA: You're listening to 5 on 45 from the Brookings Podcast Network, analysis and commentary from Brookings experts on today's news regarding the Trump administration.

REYNOLDS: My name is Molly Reynolds, I'm a fellow in Government Studies at the Brookings Institution. With the vote in the Senate, Congress has begun the process of reopening the government after a brief shutdown. So what happens now?

From here, much of what happens depends on the ability and willingness of Republican legislative leaders to keep the promises they made to rank and file members of both parties. If Senate Majority Leader Mitch McConnell reneges on his commitment to bring an immigration bill to the floor of the Senate before February 8th if no compromise is worked out before then, Democrats, and potentially the Republicans who want to see a DACA fix, could engineer another government shutdown putting us right back where we are right now.

But suppose McConnell keeps his promise and brings an immigration measure to the floor of the Senate. At that point the process will matter a great deal. What will the proposal brought up for debate be, and will members get to offer amendments? Will determinations about amendments be made as part of the floor negotiations, or will the floor debate be more free flowing? Recent Senate history would suggest a carefully managed process with little opportunity for input during floor debate is likely.

If efforts in the Senate fail, either because there's genuine disagreement that prevents a compromise or because senators are unwilling to use their individual leverage to ensure a process that allows debate on a proposal that could pass, Democrats and pro-compromise Republicans are in a tricky spot. After all, Leader McConnell would have followed through on his commitment to hold a vote making it more difficult for pro-DACA forces to use the threat of another shutdown to try and produce a solution. But say the Senate does pass an immigration measure. Then action shifts to the House.

The major challenge there is that for Democrats and pro-compromise Republicans getting a deal through the House might require Speaker of the House Paul Ryan bringing a bill to the floor that a majority of his caucus opposes, but that a majority of the chamber would support. Political scientists refer to this as rolling the majority party, and while it's unusual in the House it's not unheard of. The vote to reopen the government after the 2013 shutdown was one such case.

But resolving the current conflict over immigration might be a different kind of roll. When then-Speaker of the House John Boehner broke with the majority of his own members to reopen the government in 2013 it was to push a measure that maintained a status quo they disliked—funding for Obamacare. This year however, Ryan would have to drive forward a bill that would create a new policy on immigration with which many of his members disagree. This may seem like a subtle difference but it matters. It could be more politically difficult to commit a crime of commission than one of omission.

Beyond the House the Senate, President Trump remains a wildcard in the process going forward. Political scientists often differentiate between the president's formal and informal powers and both matter in this case. Given getting a veto proof majority for any immigration measure in Congress seems unlikely, the president will need to sign any agreement that Congress reaches into law.

President Trump's preferences, or at least the ones expressed to members of Congress and the public, have hardly been fixed over the last several weeks making it hard to know what exactly he would sign. Beyond his actual preferences, President Trump has also proven ineffective at his more informal responsibility of helping members of Congress reach a deal and commit to it.

The lift from here to an actual immigration bill is likely to be a heavy one. A divided Congress could use a President effective at reaching compromises to help them get there, but if the last few weeks are any indication they don't have one available. The long term policy effects of the shutdown on the immigration policy debate remain to be seen, but will there be electoral consequences? The last few shutdowns suggest they'd be small. After the 1995-96 shutdown, President Clinton won re-election while

congressional Republicans maintained their majorities. In 2014 Republicans expanded their majorities in congressional elections including picking up control of the Senate.

It's possible the fact that this shutdown happened under unified government when voters usually expect the party in power to be able to deliver legislative achievements could matter, especially if voters see the shutdown as partially the fault of a president whose approval ratings are already quite low, but before we even get to November we must first get through the next several weeks.

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