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5 on 45: Will Congress avoid a government shutdown, again?

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CONTRIBUTORS:

ADRIANNA PITA

MOLLY E. REYNOLDS

Fellow, Governance Studies

(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 and I'm a fellow in the Governance Studies program at the Brookings Institution.

Are you watching Congress this week and feeling a sense of déjà vu? You're not alone. The House and Senate need to take action this week on their fourth temporary measure funding the government since September in order to avoid a partial government shutdown. Signs still point to keeping the lights on, but things could change and with the clock ticking time is tight.

The current plan to avoid a shutdown this week involves a short term spending bill that will last for four weeks. It would also reauthorize the Children's Health Insurance Program for six years. The measure's first hurdle comes in the House of Representatives where the majority party, Republicans, have been struggling for some time with divisions within the party about a range of issues. On the proposal to keep the government open several blocks must fall in line if Republicans are able to pass the measure in the House without Democratic support.

What are the sources of intraparty conflict for Republicans? Some potential opponents are defense hawks that object to another temporary spending bill because it further delays Congress's ability to increase military spending. A handful, like their Democratic colleagues, want to adjust the status of DACA recipients, or, undocumented immigrants brought to the U.S. as children. And still others are simply frustrated with the Senate where a smaller Republican majority must compromise with Democrats in order to overcome the threat of a filibuster. When the parties are as polarized as they are presently that can mean substantial concessions.

If House Republicans can't find the votes they need to clear another short term measure themselves they'll need to look across the aisle for help, but House Democrats may not have much reason to cooperate. House Democratic Whip Steny Hoyer has indicated that his members are unlikely to support a temporary stopgap funding bill that doesn't include a fix for DACA and negotiations on that measure remain unfinished.

Beyond the specific politics of immigration, Democrats, as the minority party in a Washington where Republicans control the House the Senate and the presidency, simply don't have the incentive to help their partisan opponents deliver legislative victories.

While getting the bill out of the House may prove challenging, the politics in the Senate appear more favorable to preventing a shutdown. Some defense hawks like Senator Lindsey Graham may oppose the bill but generally Republican support seems solid. On the other side of the aisle, the stopgap presents Senate Democrats the challenge that they generally avoided in 2017. Last year Republicans focused mainly on nominations and on legislation that could be adopted on a party line basis using the filibuster proof reconciliation process. As a result, Democrats confronted relatively few issues where individual members might want to support a bill that the caucus overall opposed. That tension is present in the short term spending bill however, in part because it also includes an extension of the CHIP program.

A number of Democratic senators from states won by President Trump who are up for re-election in 2018 may find it difficult to cast a vote that could be portrayed as opposing health care for kids. Those kinds of votes are ripe for campaign ad fodder. To the extent that Democrats want to use their leverage on spending bills to make a deal on DACA, the fact that this week's vote is not the last must-pass vote that they will take in the coming weeks also makes it harder to use this one as an action forcing mechanism.

In recent years, much of Congress's work has been done in the shadow of a deadline, but a deadline is only as good as the degree to which members actually think it is binding. To be clear, delaying action on DACA has had, and will continue to have, major effects on those enrolled in the program. But if legislators think they'll have another bite at the apple, it's harder to convince them to use this particular go around as the chance to get a hard task done.

So is the government going to shut down? Probably not, but things could change. Republicans are working with narrow vote margins and on a tight timetable. And even if Congress is able to keep the lights on this week we could find ourselves right back in the same spot when this week's stopgap would expire in February.

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