PITA: You're listening to The Current, part of the Brookings Podcast Network. I'm your host, Adrianna Pita.

As we head into the final weeks of 2021, Congress is still looking at a very long to-do list, including crucial budgetary deadlines as well as advancing some of President Biden's key priorities for strengthening the social safety net, addressing climate change, immigration, and a host of other issues.

As members and staff say they're preparing to work nights and weekends right up until Christmas, Molly Reynolds, senior fellow in Governance Studies here at Brookings, is with us to give us a run-down on the most pressing items on Congress' agenda and why there's still so much to do this year. Molly, thanks for talking to us.

REYNOLDS: Thanks for having me.

PITA: Congress narrowly avoided another government shutdown by getting a stopgap funding bill passed on Friday morning. How did that deal ultimately shake out, and how soon do we get to do this again?

REYNOLDS: Sure. So, I'll start by saying that one of the most important things to remember about government shutdowns is that for a government shutdown to happen, someone really has to want it to happen. Someone has to actively work to make the government shut down, to see it as worth doing. I think what we're really looking at here was perhaps the possibility of a very short lapse in funding. We basically had reached a point whereby negotiators in the House and Senate believed they had enough votes to keep the government open, but did not necessarily have the unanimous support they needed to speed up the clock in the Senate to get to passage of a continuing resolution before the deadline.

Why could they not get to that unanimous agreement to speed up the clock? That comes down to a controversy over a demand on a vote for an amendment authored by several Republican senators that would have defunded or limited the ability of the federal government to use funds to enforce vaccine mandates, both the vaccine mandate that the Biden administration is working to roll out for large employers as well as the vaccine mandate for federal workers and members of the military, and that sort of thing.

So I think that really illustrates an important dynamic of contemporary government shutdown politics, which is that increasingly, we see threats of shutdowns and sometimes actual shutdowns over issues that are only tangentially related to the macro-budgetary picture of the federal government. So, if we look back at, say, the 1990s, when we had at the end of 1995 and the beginning of 1996, when we had a another long government shutdown, at the heart of that shutdown debate really was a question of, can we get to a balanced budget, the big macro-budgetary questions. But more recently, the shutdown politics we see are around unrelated issues, so, in this case, the vaccine mandate. In other situations, back in 2013, it was a demand to defund Obamacare. And so these political issues that are important to some members of Congress get attached to this broader question of whether to keep the government open.

PITA: Alright, so what are some of the other deadlines and the really must-happen items that are on the docket?

REYNOLDS: I realized, you asked me when we get to do this all again. The answer is February 18. That is the new deadline for additional action on government funding, so we could be celebrating Valentine's Day with a debate over whether the government is going to shut down or not.

But in terms of other deadlines and other things that are on the table for the end of the year, most consequential is something to address the debt limit. As always there's a little bit of uncertainty about exactly when Congress will need to take action to address the debt limit. Our colleagues at the Bipartisan Policy Center, who do some of the best, probably the best outside-of-government work on estimating what they call “the X date,” the date before which Congress will need to take action, and basically said that the window is sometime between later in December and sometime in January, and that it really is in Congress's and the country's best interest to have Congress do something before they leave for the holiday recess.

And I put the debt limit at the top of this list because it is the thing where, if Congress does not act, the consequences are the greatest. We know that there would be really severe economic consequences if Congress does not act on the debt limit.

The other two items that some members would like Congress to act on before the end of the year are the National Defense Authorization Act, which is a big defense policy bill that Congress has managed to act on, continue to act on every fiscal year, even as it has struggled to do other legislating. As a result, the NDAA as it's called has become an increasingly popular kind of vehicle for attaching other legislative items to. And so it is generally seen as a must-pass bill. The Senate this week really continued to struggle about whether it was going to actually going to manage to pass the NDAA. Again here, we see some of the what's bogging the Senate down having to do with demands from individual members, particularly on the Republican side for votes on particular items that are important to them.

And then one last thing that I'll put on Congress’ year-end to-do list is the Build Back Better legislation. So this is the big package that is moving through the budget reconciliation process, which means that it can't be filibustered, that has many of President Biden's policy agenda items in it; so, things like child-care subsidies and various health care proposals and some climate change measures. It's a very big and wide-reaching bill and Democrats have said that they would like to complete that before Christmas. I think it's a real question as to whether they do. You saw some reporting today that suggests that some senators are telling senators they really don't think that's possible, but that is certainly the other thing that Democrats like to do before the end of the year.

PITA: The debt ceiling limit that you mentioned, that was a very contentious thing earlier this year. What do you see happening this time? One of the proposals was that Democrats do this on their own, through the reconciliation process. How do you think that that's going to get solved this time?

REYNOLDS: I think it's fundamentally, the most important thing to note, is that I think they will find a way to address the debt limit. Even more so than no one wanting the government to shut down, I really don't think anyone wants the debt limit to be to be breached. Senate Minority Leader Mitch McConnell has been very clear about this. He does not, even for all of the obstructive roadblocks that he and his party members threw up in September when this was on the agenda the last time, that he's ultimately not interested in having the federal government default on its debt.

Exactly how we get to a point where Congress has addressed the debt limit, I don't know. You're absolutely right that one possibility is for Democrats to use the budget reconciliation process to increase the debt limit. That remains an option, though it is a time-consuming option. And then there are various other ways that they could do it either with Republican votes, so that seems less likely, or with only Democratic votes, but with sort of Republicans getting out of the way to allow Democrats to do it by themselves. And I think again, I don't expect us to actually default on the debt; just the real question is exactly what steps are taken to prevent that from happening.

PITA: It seems like every December, there is always this flurry of last-minute business that really needs to get done, gets pushed through before the holiday recess. But as you mentioned there's some unusually big-ticket items like the National Defense Authorization that are usually a bipartisan priority, they're a must-pass, they get through. And as we mentioned a lot of staff are talking about that they're going to be working nights and weekends. Our colleague Kathryn Tenpas has also pointed out the Senate's really slow pace at confirming Biden administration appointees, which has left a lot of important positions across the federal government unfilled. Is this Congress, or maybe the Senate particular, moving more slowly, more contentiously than usual? Even judging by more recent years' standards of contentiousness?

REYNOLDS: Yeah, it's a good question. I will say that there is some sense in in both the House and the Senate that it is literally taking more time to vote. In the House that is in part due to the continued use of the proxy voting system that they have set up to allow members to cast their votes remotely during COVID. And then in the Senate, there is also some sense that, literally the votes the Senate is taking are taking more time for them to do.

More generally, the slow pace of the legislative process, is not a new feature of legislating; you've certainly seen it in recent years. I do think that there are – and I mentioned a couple of these already, the vaccine mandate demand in the case of the continuing resolution, a couple of Republican demands on the NDAA, including one from Marco Rubio – where we are seeing instances of individual senators, particularly in the Senate on the Republican side, trying to use the leverage that they have in a 50-50 Senate to kind of get things that they want and a willingness to not go along with agreements that might speed things up if they can't make those happen. So it's not new, but it does seem to be sort of causing the Senate some particular dysfunction right now, as there are many important things on its agenda and not that much time to address them.

PITA: Looking a little further ahead, one of the issues that is a still a really high priority for the administration and congressional Democrats, even if it's not on the December deadline list, is passing the voting rights bill. Like a lot of their agenda, that's been stymied by the filibuster process in the Senate, but in this case it's an issue that's also a priority for Senator Joe Manchin, who's been one of the significant opponents to changing the rules of the filibuster that would allow bills to pass with a simple majority, instead of the 60-vote threshold.

After seeing even his own version of the voting rights bill get shot down in October, in spite of his efforts to court Republican support, do you see any chance that Senator Manchin and some of the other senators who don't want to do away with the filibuster entirely, that they might potentially come around on

supporting a carve-out or an exception for voting rights issues, in order to get something passed before the midterms?

REYNOLDS: The important thing to think about when we look at potential changes to the filibuster of any kind, is to look back at the long history of the filibuster. And here I will credit my Brookings colleague Sarah Binder was doing some of the really important work in this area. And what we see over the long sweep of history is the notion that when we see changes to the filibuster, it is when a majority has something that they believe is very important to get done, is unified around, and has been sufficiently frustrated by the minority that they're willing to change the way that the Senate works to get it done.

So to put this in the context of your question, could we get to a point where Joe Manchin and other holdout Democratic senators feel like voting rights legislation is important enough, that they are unified enough around it, and that they feel like there really is no way to get it done by working with Republicans that they might make a change to the filibuster to make it happen? I don't know if we get to that point. Manchin has been very clear that he does not want to abolish the filibuster and I think that there's a sense that any change to the filibuster is really a precursor to whole abolition. Which, again, if we look at the long sweep of history, we may be on that road to full abolition, the question is how quickly we get there. But I think those are the important dynamics to think about.

PITA: Right. Well, Molly, we'll see how much actually gets done in the next couple of weeks. thank you, as always, for being here and explaining this to us.

REYNOLDS: It's my pleasure. Thanks for having me.