

THE BROOKINGS INSTITUTION
WEBINAR

THE 119TH CONGRESS: WHAT LIES AHEAD

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MCPHERSON: Hello. Welcome to the Brookings webinar on what lies ahead for the 119th Congress. My name Lindsey McPherson. I'm a reporter at the Washington Times, and I'll be your moderator for this event. Let me start by letting our three panelists introduce themselves. We have Sarah. Sarah Binder. Sarah.

BINDER: Hi. I'm Sarah, the senior fellow here in Government Studies at Brookings and a professor of political science at George Washington University.

MCPHERSON: We also have Molly Reynolds. Molly.

REYNOLDS: Hi, everyone. I'm Molly Reynolds. I'm a senior fellow in the Governance Studies program here at Brookings.

MCPHERSON: We also have Ruth. Ruth go ahead.

RUBIN: I'm an assistant professor of political science at the University of Chicago.

MCPHERSON: All right. So thank you, panelists. And look forward to diving into some questions with you. I've prepared a few. And then we will also have our audience has a portion where you guys can ask your questions. So if you haven't submitted some already, please do so. You can either email your questions to events@brookings.edu. Or post them on the X platform formerly known as Twitter by tagging at @BrookingsGov and using the #119th Congress. So feel free to submit your questions as we go along and we'll filter out stuff we've already answered, but try to get as many audience questions in as we can. But so start with some of the questions I've prepared. Republicans obviously have just come off a successful election cycle last fall. They now have what we call in Washington the trifecta. They control the House, Senate and the White House. This certainly presents some opportunities for Republicans, but it's not all sunshine and rainbows. Panelists, let's start by discussing the advantages and disadvantages of the trifecta and how that could impact the next two years in Congress.

BINDER: Sure, so I'll dive in on this one. So first unified party control really has long been important to presidents and their parties in Congress. As you've sort of suggested, trifecta, as we call it, is not a magic or a silver bullet for achieving everything the Republicans want to achieve in this Congress. So first, just a couple of thoughts on why trifectas are important and then kind of a, I guess, a reality check. Like what are

the barriers or hiccups that we're likely or possibly will or will emerge? So first, why is important elections matter? As we say, right? They shuffle or change the mix of players at the top, at the bottom on the hill can really change the mix of policies at the top of the party's agenda. The Senate, for instance, today is focused on voting on procedure on relative to an immigration bill, which is obviously a sea change from from before. So why in particular is a trifecta important? In theory, it means the president and the congressional majority, they come to office with a shared policy agenda and an identical electoral goal, which is obviously to stay to stay in power. So, again, the abstract. Right, it means that the job of majority party leaders is really just to carry the water on Capitol Hill for the president's agenda. So we often, as people, scientists write, we think of parties, is like this glue that's helping to bridge the separation of powers from executive and legislative branches. But reality, a lot of headwinds for new trifectas. They don't last very long. On average, 2 or 3 years, last 50 years or so, this one and recent ones are really slim. So very little margin for error. New majorities, we know they tend to overreach, I think in part because leaders know the trifecta will be short lived. This is keep in mind, we're still a two party system. Ours is quite polarized. Right? Intense partizan team play your party sport. So mine is against it. And as will obviously get into this particular section, the Republican side is faction lines, especially other headwinds. It's a bicameral Congress. They're not always on the same page, even during a trifecta. Right. I'm sure we'll get here, too. Right. Are we going to have one big beautiful bill or one big not so beautiful bill and one small bill, Right. All these questions at the moment are dividing within the party. The House versus Senate. Rules of the game are hard on Senate majorities, which is why we're all focused on reconciliation, which can be filibuster proof. And finally, the clock is ticking. Very presidents are, we say, their strongest on day one. Every day, presidents lose a little bit of their political capital. Trump has said he's a dictator on day one, So I don't quite know how that works out with our normal political capital calculus. But the clock is clearly, clearly ticking on this on this new majority. So bottom line, trifecta do deliver, right? Bush tax cuts, Trump tax cuts, Obamacare, Chips Act, infrastructure. Right. But it's still not an easy lift, especially for today's slim, slim majorities. And keep in mind, some of these landmark law during the trifecta are bipartisan, which is an especially heavy lift, I think, in today's hyper hyper competitive electoral system. So I'll stop right. I'll stop right there.

MCPHERSON: Ruth would you like that add anything to that?

RUBIN: Yeah. I would underscore all of what Sarah said and also note that one interesting thing to think about with this particular trifecta is whether the signal that's being sent to the Democratic minority is stronger, that something about that party's politics are not resonating with voters. And I think we're seeing some of

that, whereas sometimes trifecta does compel the minority to resist on all fronts, and it's easy to say no. But here what we're seeing is the Democratic Party seemingly on some issues like immigration, being more willing to say yes. I don't think that undercuts any of what Sarah suggests, but I think it means that it's hard to know what exactly we can anticipate from this particular trifecta other than the fact that Republicans have a clicking target, clicking, ticking clock and are eager to make the most of the time that they have. Whether that's going to be enough to sort of push Democrats to resist collectively or whether there's going to be some space for bipartisan compromise, I think is an open question.

REYNOLDS: Yeah, I'll just add a couple of things. One, as Sarah pointed out, when we have unified party control, we have a trifecta and it can be clarifying for a majority party, even a majority party like Republicans who have divisions within the conference. And we'll talk more about those. But at the same time, research and here thinking, particularly of some work by political scientist Jim Curry and Francis Lee tell us that when a majority party fails to enact its agenda, it is as often because of divisions within the party as it is because of divisions between the parties. So even when we have a unified majority, when that when one party controls the House, the Senate and the White House, there are still situations where that party cannot come to agreement amongst themselves to overcome all of the other hurdles to lawmaking, including in many cases, for things that aren't eligible to go through the reconciliation process, the filibuster in the Senate, and at least as of now, Senate Republicans have been clear that they don't intend to go in the near term to make changes to the underlying structure of of the filibuster itself. The other thing that I'd say is that if you think sort of the particular challenges that President Trump presents are important to think about here. So we know that unlike, say, President Biden, there are gaps between sort of what the president's what is most important to President Trump and what may be most important to congressional Republicans. And so one of the one of the ways in which a president under a unified party control can be helpful to his party is by helping drive them to agreement on some of these things where there are internal disagreements and the question of whether Trump is well-suited to do that, I think is an open one. And I think it'll be important as we talk about things like what does the tax bill look like? What other legislative priorities look like in the coming months?

MCPHERSON: Let's talk a little bit more about House Republicans in particular. They had a narrow majority last Congress that was ended by the government, but now they have an even slimmer one with the trifecta. So the 118th Congress we remember is all the infighting from the initial speaker's race to the debt limit fight to Kevin McCarthy's ouster. A lot happened? Mike Johnson's ascension. Government funding battle

straddling those speaker events. Will, things be any easier for House Republicans now that they have partners in the Senate. The White House are you expect are expecting similar theatrics and that fighting.

RUBIN: I guess I'll jump in first here. I mean, I think that if there's any predictable feature of our current politics is that one should expect our infighting within the Republican Party. And I'll talk I think there are a couple of things that are worth thinking about here, one of which is that we often focus on Conservatives are the most vocal, best organized of the Republican Party's various wings or factions. And so we get a lot of our attention. But the narrowness of the House majority means that everyone's going to be important and every greasy wheel is going to cause problems. And so that's just going to be really difficult for Republicans in the House. On the other hand, the fact that we have a trifecta means that there's actual potential to get some gains for the party to run on. And certainly President Trump will have a real incentive to rack up some wins and quickly, as we're seeing. And so whether that will be enough to squelch these, I think there will always be infighting. But the sort of divisions that spill over in ways that make it difficult to actually pass policy is an open question. I think we're seeing evidence on both sides. So on the one hand, Speaker Johnson faced a kind of uncertain ascension and it required a couple of individuals flipping their votes after having initially voted against him. That's, you know, not a great opening. It's not 15 ballots, but it's not, you know, strong stuff. But on the other hand, we're seeing the House Freedom Caucus being more deferential on the reconciliation bill processing. You know, we prefer two bills like the Senate. But if Speaker Johnson and Trump are really, you know, in favor of one big, beautiful bill will play along so long as we get the open process and considering what goes into the bill that we want. And so whether in fact that happens, I think remains to be seen. But there's sort of evidence, I think, on both sides that this could either go not as bad as we might have expected or just about as bad as it's ever been. And it's probably a coin flip at this point about which we'll end up with.

REYNOLDS: Yeah, I'll just. I'll add a few things and then let's come in as well. So I think as Ruth was indicating most of our conversation, particularly over the past two years about factions within the House Republican Conference, was really focused on the sort of House Freedom Caucus wing of the party, which includes some people who are actually members of the Freedom Caucus, some of them who are sort of adjacent kind of fellow travelers. And their willingness to, particularly over the past few years, kind of hold out against their party's leadership for things that they want. It's an open question in any given circumstance whether how much of it worth it, how many of those situations were ones where they actually felt they could win things versus how much of the sort of holding out was about kind of generating performative outrage?

But suffice it to say, we've talked a lot about those folks. I do think this question of are there other groups within the conference, other factions that may become important, if not pivotal in certain circumstances? It's a really important one. I think, for example, and we may learn something about this as soon as this weekend when a group of blue state Republicans from places like New York, New Jersey and California are supposed to go to go to meet with President elect Trump, to talk about particularly to talk about possible ways that a tax bill would address the deduction for state and local taxes, which is an issue that's very important to these members. What exactly that looks like, are they really willing to hold out against the overall tax bill? Will they get a fix for the thing that they really care about? I don't know. But I think it's a good example of the kind of overall point that Ruth was making about the degree to which we should be paying attention in the coming months to multiple different factions within the Republican conference and not necessarily just kind of the Freedom Caucus way.

BINDER: The only thing I would add, I agree totally with Molly, Ruth. So far, the only go now is I think that the calendar is going to matter here in that the first mini crisis to be approached is in mid mid March with the expiration of the continuing resolution for government funding. And that's an environment in which we've seen what Freedom Caucus and the adjacent far right like to do on that package because at the end of the day, so long as there's still a filibuster, that's going to be a bipartisan bill. And so their votes really in some ways aren't needed, assuming Democrats are really getting something out of the negotiations on that outcome. So it could be that we get like this split screen that the the electoral pressures on the far right to play ball and on the pragmatists on the other side. Right to play ball because everything hinges on Trump's right on their electoral brand here plays out on the tax cuts and on reconciliation. But then the other split screen is, is, as Ruth suggested, like the like the dynamics we've kind of gotten used to, which is either trying to load these bills down with sort of firebrand conservative policy goals and policy riders and then, you know, essentially voting against the deal and letting Democrats save the day. So and getting something out of it. But I think the calendar here is going to force some of some of this out of their hands so they can't completely control leaders, can't control what they're going to encounter down the pike here.

MCPHERSON: Yeah, that was definitely an interesting choice by House Speaker Johnson to put the government funding deadline in March when they're trying to pass their agenda and there was some opposition to that here in Congress. So we'll see how that plays out and we'll come back to the House soon in our questions. But let's go to the Senate for a moment. Obviously, their first order of business is confirming Trump's cabinet and other administration nominees. Senators have been having one on one meetings with

these nominees. That process is going to begin more in earnest next week, though, as Commerce Commission hearings begin. What are you guys watching for in this confirmation process and these hearings? Any nominees that you would consider are in danger of not being able to get confirmed?

BINDER: The joke wasn't that good anyway. So we're good. We're good. So, I mean, the petition is like the Senate expectation. Senate moves quickly to confirm a president's cabinet. Right. In reality, right. The last time that probably happened was Obama in 2009. I went back to the numbers today and one week in Obama, the Senate confirmed 11 of the 15 cabinet positions. Several them by voice vote. Right. And that's in an era where Democrats needed 60 votes. If anybody objected to moving quickly up Trump 2017 two work for that first week. Pentagon, Homeland Security. Little bit after State Department. Biden 2021. First three. The first week he got three Pentagon, Treasury, State. And I think that's kind of emblematic of what the state of the confirmation process, right? Even today, we just need a simple majority to cut off debate to get the confirmation vote. But there's still no sort of like blanket deference from either party really to the president in getting his team in place. Right. And the expectation, true, was that with the exception of 1 or 2 stray cats, one of them's already dropped out of the the AG confirmation race. I think the expectation is that the Senate will confirm the president's cabinet. But these are pretty unconventional nominees. Most of them add in a kind of slow walking of the FBI background checks by the Trump team. It's not clear to me whether the Senate majority on these committees have the paperwork on all the nominees or not, or whether it's been shared with Democrats. And so absent sort of more understanding of what's going to be aired at these hearings, it's not really clear whether all the remaining nominees will be confirmed, as we might otherwise expect. We could learn a lot from the hearings. I think this gets back to something Ruth said earlier. I think Democrats have to decide like what their strategy is for these sort of very public affairs, because the danger is that in highlighting what Democrats see as deficiencies in the nominees, especially for Pentagon and intelligence, the risk is that Republicans kind of circle the wagons and turn this into another yet too partizan team play. Right. And that would make, I think, confirmation inevitable probably for almost all of them. And so it's a little hard from outside the Senate to know exactly where these are going to be, whether there will be some defeated. But it does seem that the risk of partizanship here means that at the end of the day, Trump is going to get most of his cabinet, if not all of them, confirmed.

REYNOLDS: One thing that I will add is that notice that in Sarah's answer to this question, she does not at all talk about something we were talking about quite a bit last month and then closer to a cause of action itself, which is the some sort of plan floated by Trump that he would forcibly or with the cooperation of

Congress, recess the Senate in order to put all of these folks in via recess appointments. I read the family because I do think it is worth noting that even in this period where we have really strong partisan loyalty partizan team play, it does seem like enough Republicans in the Senate said we do not want to abdicate our institutional constitutional responsibility here and we don't we're not interested in sort of participating in an exercise where we don't get to weigh in at all on these on these folks. And so, again, how hearings unfold, how the individual committees treat the background check material. And there's some reporting that suggests that different committee chairs have different orientations towards proceeding with their confirmation hearings in the absence of full background check material. Some of them are more willing to do that than others. So we will have to wait and see how this unfolds. But I do think just in terms of a question of sort of institutional norms, institutional responsibilities, that it does not seem likely that one of the kind of worst case scenarios that we are contemplating towards the end of last year is really on the table at this point.

RUBIN: I agree. I one thing I would note is just as a spectator to this, it's interesting. I think fundamentally with Syarah that at the end of the day, like partisanship is going to do the work in ensuring most, if not all, of Trump's current nominees make it across the finish line. But the the to the extent that we see foot dragging or sort of questioning by Republican senators about these candidates qualifications, particularly more prominent ones, I think can help us to start to identify people who might be squeaker wheels on substantive policy debates, individuals who are even at this point more willing to think about sort of the longer term role that they will play within the Republican Party or how much power they want to cede to Trump as Molly suggesting. And so if we're just sort of curious about who who to watch or who who might be who within the Senate would be more likely to to check the president, I think those provide some interesting and not always intuitive choices.

MCPHERSON: Work in love or on time. So I'm going to combine my next two questions, which are both about reconciliation. Republicans are planning to pass most of their legislative agenda through the budget reconciliation process. So something you guys can give us a brief explainer on that. Hopefully some people on the call are familiar. But for those who aren't and talk about the limitations, the process comes with how that might limit their policy ambitions. And then more specifically, if there is a process that you'll get into that they have to write a budget resolution with instructions on revenue and spending targets that guides this legislation. And we've seen some early demands from the Freedom Caucus about any bill having to be deficit minimum or deficit neutral at a minimum, and ideally reduce the deficit under pro-growth dynamic

scoring. So I was wondering if you could speak to that kind of demand and how that might affect them if they try to follow that.

REYNOLDS: Sure. So I will start with kind of a general overview of the process. And so when we talk about reconciliation, the most powerful feature of the reconciliation process is that reconciliation bills cannot be filibustered in the Senate. So to move through the Senate to final passage, you need a simple majority. Throughout that process, there's no sort of moment where you have to get 60 votes to cut off debate and then move on to final passage. In exchange, there are a number of limits placed on the process. There are limits both in terms of what can be in a reconciliation bill. And there are limits in terms of how many reconciliation bills Congress can do in a given fiscal year in relation to a particular budget resolution, which, as you mentioned, the budget resolution is an overall blueprint for federal spending and revenue. Importantly, it can contain these reconciliation instructions, which are directives to particular congressional committees to work on changes to laws within their jurisdiction that affect revenue and spending. And so in terms of the the restrictions on what reconciliation is limited to the revenue side of the federal budget, to certain types of federal spending, and then also to the debt limit, each budget resolution that Congress passes can generate up to three reconciliation bills, one dealing with spending, one dealing with revenue, one dealing with the debt limit. You can combine each of those into one bucket, into a combination of two buckets, but sort of with a given budget resolution. Once you have the analogy folks usually use here involves eating an apple. Once you've taken a bite of the revenue apple in relation to a particular budget resolution, you can't take a second bite at the revenue Apple. In that context, the limits on the contents of a reconciliation bill come primarily from something called the Byrd Rule, named for former Senate Majority Leader Robert Byrd. And most significantly, the Byrd rule stipulates that a reconciliation bill cannot increase the deficit outside of usually a ten year window. That is, as a result why we are talking about extending the 2017 Trump tax cuts were they had to be set to expire in order to meet that requirement of of the the Byrd rule and the bird rule also restricts provisions where any budgetary change that comes with the provision is, quote, merely incidental to a broader policy goal. So this is meant to sort of limit the ability of Congress to kind of circumvent the filibuster, use this process to achieve big policy change that actually has little to do with the budget. The question of what is merely incidental is \$1 trillion one, \$2 trillion. It depends who how big are we talking this bill is going to be and is a subject of much discussion and and debates. I'll say before I talk about the instructions themselves a little bit more so that when we think about sort of policy, the Republicans policy goals, generally, they're going to be relatively unconstrained on the tax side. So to the extent by the rules themselves, to the extent that they want to extend the Trump tax cuts, if they want to to

do other tax cuts in general, the Byrd rule is not going to be what limits their ability to do that from a policy perspective on some of their other areas like immigration. There are, I think, bigger questions about from a policy perspective, what can you achieve through this process? But the end of the day, a really important thing to remember is the rules matter. The rules combined, the rules sort of tell you what you're allowed to put in the reconciliation box. But the bigger constraints are often political. It's often a matter of, you know, can you actually get a simple majority to vote for something? Not does the process allow you to do that things through through reconciliation? I'll say one note about the budget resolution, and then I will let Ruth come in and answer questions of what the Freedom Caucus and some of their allies have been saying on this. So the idea that so the first step in this process is to write a budget resolution that has these reconciliation instructions and those reconciliation instructions take the form of a number. They say this specific committee shall report out legislation that increases the deficit by no more than \$1 trillion over the next ten years. That's sort of just an example. And that sort of sets the size of the box that you could try and put things that. And then the process of figuring out how do you what goes in the box is dictated by a combination of the verbal and what you have, what you have political support for. And importantly, you have to come to this this agreement on the size of the box before you can actually write and pass the bill itself. And so here again, I think there are big questions about the political questions and not just technical questions, questions about, say, will some of the Freedom Caucus types in the House. Demand that there be spending cuts in a reconciliation bill before they're willing to raise the debt limit, either through reconciliation or otherwise. And so this process of coming to agreement on what those instructions look like and how big that boxes again is, as much a political question as it is a technical one.

RUBIN: I can jump in just to second what Molly said here about the Freedom Caucus. And I think one of the challenges we have as observers is it's to know just how serious they are about this particular red line, if you will. It's in their interest to seem very serious about this because it gives them leverage to negotiate about a host of other things that Molly's named, as well as about the process under which a lot of it will be considered. The Freedom Caucus has also been insistent that in deciding what's going be in and out of these one or possibly two bills is really important that it be open and that members get a lot of say in how in what's going to go in and what's going to go out. And so it's really hard to know whether an insistence on a certain kind of reading of the deficit is going is really about sort of their ultimate sticking point or whether it's a bargaining chip to negotiate some more favorable terms on some other dimension. And part of the magic of the Freedom Caucus is by sorting all of that out internally, it is very difficult for congressional leaders to discern what is, what is and isn't truly important. And I think, you know, that's one of the reasons why they

are so effective at having the conversation steered in their direction is because, you know, there is this ambiguity about what is truly a problem and what is something they're going to be more willing to negotiate on.

BINDER: I just had one. One of the thing here is, again, this is the calendar. And if if, in fact, what Republicans are talking about is writing a budget resolution for the current fiscal year that began on October 1st, as best in my I have these calendar resolution expiration conversations all the time. But it does seem that the instructions to write the reconciliation bill or bills would expire on September 30th, and that's a hard deadline. Now, Republicans can use the next fiscal year and jumpstart that process after the expiration of the end of the coming budget resolution instructions. They could write a new one for fiscal year 26 that then gives them three more bites at the apple. So again, you've got to think about what Trump's thinking about in the White House wanting big, beautiful delivery on his agenda, as most presidents do want something to show by April, May or June. But that's a pretty heavy lift for the type of big, big, beautiful bill. All right. Which I think is part of what's driving probably on the Senate Republican side to saying, look, let's do what seems to be possibly an easier all spending bill under this fiscal year resolution and instructions on, of course, that might make the tax bill even harder with the revenues. So so, again, there are other sort of action, potentially action forcing deadlines here built into the process that I think probably haven't given it enough, will come to have a bite later, later in the season. Again, well, spending bills are expiring for the end of the end of the fiscal year.

MCPHERSON: And yet it's not on the calendar. Speaker John Johnson says he wants to adopt the budget resolution he hasn't read said which fiscal year, but in February. So that would be coming up soon. So they definitely have to get to some conclusions on what they're doing in terms of the process. And then he wants to pass the big beautiful reconciliation bill and the month of April, and he said no later than Memorial Day. So those are some ambitious goals that we'll see how that plays out as well. And we did discuss briefly the appropriation process, but kind of a spat as far as the audience questions soon. But I did want to talk about that because. That is an area obviously that is still subject to the filibuster so that Republicans in theory, are still forced to work with Democrats to fund the government by March 14th. So how do you guys envision that process going? Considering the last time Trump was in office, he forced the 35 day shutdown over his demand for border wall funding.

REYNOLDS: Yeah. So I think starting with that 2018, 2019 shutdown that occurred when Trump kind of inserted himself into the process after a deal had already been reached. And then there were a sufficient number of House Republicans in particular, who are willing to go along with him. And one of the things that I think is sort of most interesting about what happened just before Christmas was that basically when Trump tried to do that again, which is to say insert himself into the process after a deal to keep the government funded that have a lot of other things attached to it. After that deal with negotiators, Trump came in and said, no, you can't possibly vote for this unless it also deals with the debt limit. And that didn't work. They took a vote on a sort of version of a temporary spending bill that also included an increase the debt limit, and it didn't pass. Now, obviously, Trump is not yet president. So there's that sense. There is there is a difference here. But I do think we when we think about kind of Trump's role here, ask ourselves whether he is going to command the same sort of allegiance from folks on the Hill when he comes out again, particularly late in the process and says like, I don't want this, whether that's that's going to be the same as it was in the first Trump term. I do think that resolving the open government funding bills in or before March is going to be could be tricky of a fundamental dynamic that plagued the appropriations process in the 118th was that there was this faction of House Republicans who demanded particular things in the appropriations bills that in some cases their own party could not clear on a party line basis in the House and certainly weren't going to clear the threat of a or They work to clear the Senate, where Democrats had a majority in the last Congress and will still command influence over this process in the form of the filibuster in the in the in the upcoming Congress. So if we sort of see them try to replay that in in March for this fiscal year, appropriations bills over the summer for the ones for next year, I do think we're going to still be in this position where it's going to be tricky to resolve this. There is an incentive in the form of a provision in the 2023 debt limit deal that should incentivize them to try and actually pass appropriations bills in some form and not have a continuing resolution by the end of April. We'll see if that actually matters. And I'll just say one other sort of new known unknown in this process is the role of Elon Musk. So we saw just before Christmas that Musk was able to sort of goad Trump a little bit into inserting himself in the spending fight. And whether we see more of that, I think is something to pay attention to.

MCPHERSON: Was there anything to add that on it? Okay. So outside of the appropriations process, are there any legislative areas where you can see Democrats working with Republicans to get stuff done?

BINDER: Of all, I'll just jump in here. And I think this goes back to a point that Ruth made early on, is Democrats have to have a decision here to make. And as you said, like elections matter and there's a

change of the agenda here to suggest, depending on your interpretation of the election, that public is more conservative on immigration and border control than Democrats under the Biden administration. The Biden policies were if that's your interpretation of the election, you're going to try to find some ground if Republicans are willing to come to the bargaining table as well. So ultimately, I think these questions of other policy issues, they depend on the party's electoral incentive. Right. If they're going to be bipartisan, what's in both parties interests, each party's interests. Right. What's the cost of refusing to negotiate? I think both parties have to make that calculus and decide whether or not they want the fruits of the outcome. And if Republicans largely decide that what they want could be achieved through reconciliation and can be achieved through what we call the Congressional Review Act, which is sort of one by one binging recently issued Biden administration rules which allow them toward their deregulatory agenda. They may decide there's very little incentive to go to the table. I would put aside the question of the farm bill, which has been now they kicked the can twice since it expired two years ago. Keep kicking the can and just like a lot of cans. But there will be a lot of effort here, certainly from farm groups and red state senators and House members to actually actually get something done and to renew a five year deal. So whether or not it can find time, it can find space, given the Republicans broader reconciliation agenda, I don't know. But that's the type of issue here. Barring other crises that put new issues on the table that might see some quite useful action.

MCPHERSON: The farm bills are good transition to our audience questions because that was one of them. Twain, who worked with the National Wildlife Foundation, wanted to know, will we ever get a new farm bill? Does anyone else have Senator spoke to it but want to weigh in on that?

REYNOLDS: Yeah, I'll just say that it's absolutely right that the we've kicked the can multiple times on the farm though. And that one of the one of the things that has historically made the farm bill a thing that Congress would do on a regular basis is that its structure, which is to say it contains both items that are supposed to be attractive to legislators who represent rural areas. So provisions that provide support for farmers, price supports for agricultural goods, and it combines them with provisions that are supposed to be popular among legislators who represent constituencies with potentially a lot of need among low income populations. So things like nutrition assistance and that sort of thing. And so for a while, that kind of log roll across the issues worked great. And what we've seen, I think, in the past few farm bill cycles is that kind of the winds of partizanship have started to erode the ability of legislators who represent different constituencies to negotiate to an agreement on issues that that cut across what care, what different constituencies care about.

MCPHERSON: So we are moving through audience questions now as a reminder to our audience, if you have any questions, you can email them to events at Brookings, Dot Edu, or you can post them on the X platform by tagging @BrookingsGov. And using the #119thCongress. So we've got some already, so we're going to move through some of them. We have a question from Jackie Coolidge. Anything to read into the observation that Wall Street seem to get nominees that are likely to be confirmed easily? Well, defense and national security and FBI, not to mention HHS, have contentious nominees.

BINDER: I think there there is some debate to be read into that. And it is sort of this bifurcated. Trump Right. This isn't populist. Trump This part where he gets shot. Bessent With a long history of managing treasuries and measure helping manage debt and well known and Wall Street and financial markets, that that part of Trump understands the importance of markets, right? He looks to the stock market as his political barometer. He doesn't care about Gallup approval. He cares about stock market. And so that gives that appointment. He knows it's going to be accepted by Republicans easily. He's listening to his very, very wealthy friends and donors and appointees who are telling him don't mess with markets and he doesn't need much reminding of that. And so that seems straight out Trump's words, straight out of central casting for a nominee. The other nominees, you know, they seem to reflect Trump's populist, anti-globalism, as it were, that sort of anti-trade, anti-free trade agenda and also thinking he's just really thinking about his, I think his own sort of loyal who's most well, who's going to be on my team. Right. So the fact that some of the you or many of the Justice Department nominees seem to come actually from his legal defense being from as many, many cases. So I don't think he sees these other nominees as having policy baskets or policy agendas of their own. They're there to do whatever he's going to tell them to do. And if you're Trump, you have a pretty wide variety of folks who don't don't look like central casting and have a quite, quite controversial background, many of them both personally and in policy on.

MCPHERSON: We have a question from Barbara Below from New York, who wanted to know more about the dynamics of the House majority, asking, quote, How likely is it that members will serve in a spoiler role holding legislation hostage? And what is the likelihood of crossover from conservative Democrats on major legislation?

RUBIN: And. Well, I think that the likelihood is almost certainly yes, that there will be spoilers here. We've seen that in legislative legislation. Hostage works, although maybe if you don't call it hostage taking, it's even

better. But, you know, taking time to consider it that to the point that the calendar is always at work means that that can give individuals quite a lot of leverage in negotiations with leadership. I think, you know, one thing to think about here is just that this the majority is so narrow that it means everyone has the potential to be pivotal and they don't even have to find that many friends to work with to be that person or to be to control a pivotal bloc of votes. And so that makes it easier. Now, we also political scientists, I think, tend to think that leaders are worse positioned to punish members when they most need to. And so Speaker Johnson is going to need to crack the whip, but because of the narrowness of the majority is going to be sort of poorly positioned to do so because you risk alienating other members when you show that you're willing to punish people. And so I think that just means that we're going to see a lot of these internal fights. Whether they ultimately stall Trump's agenda is, I think, an open question. Typically, again, as we've talked about, when you have a president who's within the first hundred days in office, there's some amount of deference shown to their agenda. Whether that will how long that will last and whether it will be perceived to be Trump's agenda that's at stake or Speaker Johnson's own legacy is, I think a different question will matter quite a bit for what actually ends up happening as two individual bills.

REYNOLDS: Add one thing on the part of the question about the possibility of Democrats for the Democrats from sort of the more moderate end of the Democratic caucus choosing to cross the aisle and work with Republicans, I think on the reconciliation bill or bills, that's pretty unlikely as the reconciliation process has evolved since the early 1980s. We've evolved away from bipartisan reconciliation bills. The process was actually quite bipartisan in the early part of its history in general, in the 80 of them into the 90s. But we would see where reconciliation bills that were actually geared towards reducing the deficit and that they would sort of involve lots and lots of congressional committees because no one committee wants to be the one that's responsible for big deficit reduction. So they would sort of implicate all of the committees. Everyone would have to find some savings in whatever their jurisdiction was there would we'd staple all these things together in one big, beautiful bill, if you will. And then it would sort of everyone would hold hands and jump together. For both parties to achieve this goal that they shared around deficit reduction and starting in the early two, thousands of really moved away from that. And almost all not quite all, but almost all reconciliation bills since the early 2000 have been sort of party line affairs. And I think that there's really little incentive because for Democrats to vote for these, because they will the construction of them will be kind of Republican only exercises that will be about, well, what can Republicans get, what the Republicans want to put in this box. And so that really sort of absolves the minority party of any kind of governing responsibility in this context. I think on other issues, though, this is a good and open question. Actually, I think sort of what we've seen even

in the first week of the hundred and 19th Congress on this first through a piece of immigration legislation that moved through the House, got a whole bunch of votes from Democrats, reporting suggests that it will have enough Democratic votes to at least open debate on it in the Senate, whether all of those Democrats ultimately vote for it on final passage is a different question. A number of them have said they would like to see changes to it. They'd like to see amendments. So kind of see what that all looks like. But I do think and this goes back to something Ruth said, I think the answer to the very first question, which is that sort of Democrats, or at least how Democrats are reading the results of the 2024 election, are that there are some places where voters may feel like Democrats in Congress are out of step with what voters want. And Democrats seem to be sort of interpreting that as maybe they should talk in a little bit different direction than they necessarily did in certainly the last time they had the majority. And so I think, again, on some of these things that are outside the reconciliation process, we could see some some more moderate Democrats, particularly in the House, feel like they should cross the aisle and vote with Republicans. I think it's going to be less likely on the things that are actually designed to achieve Republicans major objectives.

MCPHERSON: So we also had several audience questions on specific policy areas. So in the interest of time, because we're getting close to you on the program, I'm going to try to lump those together. But basically there are people want to know if there's anything that we should be watching for policy, that legislation that could pass on the climate, energy, agriculture or health care policy. Arena So any of those you guys feel comfortable speaking to? Go ahead and jump in there.

REYNOLDS: All the things. So I'll just say a couple of things. So one, on the energy piece in particular, when we talk about sort of one bill or two bills in in the reconciliation context and some energy provisions that would be kind of designed to bring in additional revenue by relaxing, say, the ability to drill in federal lands by having more offshore leases for for drilling in that context. That's part of that conversation. And so I expect that that will continue to be part of the conversation, whether that is part of a white bill strategy or to bill strategy, we will see. I'm in the health care space of just two things. One is that on the kind of expiring deadlines list for this year, it includes the expiration of some expanded subsidies for individuals to purchase health insurance on the Affordable Care Act, individual marketplaces. And those are expanded first as part of the American Rescue Plan and then again as part of the Inflation Reduction Act, though that expansion expires this year. There are questions about whether Republicans are at all interested in maintaining those and if not, kind of what would happen. And then in the reconciliation context, I do think there is some interest in the Republican conference trying to achieve some spending cuts via cuts to Medicaid, which is the

program that that that serves low income adults. And so I think that that's that's a real possibility. I don't think they probably have the votes to do kind of the most dramatic restructuring of Medicaid. But I think that'll be something to watch, particularly as we sort of try to figure out what are the spending cuts that folks in the Freedom Caucus wing of the House Republican Conference are going to demand in exchange for voting for other things, potentially in exchange for voting to increase the debt limit, all that sort of thing.

BINDER: The only thing I'll add and I don't know whether these come to fruition this Congress, but the one not going to policy areas or policy where there is a wing of the Democratic Party that tends a bit more toward toward the center is on financial issues and financial regulation. And so it wouldn't be so surprising to surprising to me to see another sort of minor rollback, possibly of capital requirements under Dodd Frank, possibly some issue related to the bank crisis supervision crisis in 23. There's a lot of ferment about digital currencies. So I don't know that those have quite enough of to to muscle their way onto the floor of the House and Senate. But those are the places we somehow see where you get kind of pragmatic Republicans. Certainly the new the financial services chair conservative. But in the Patrick McHenry, that I think would have to go time but in that in that room. So it's possible that you do get you can get some action on those possibly on quote unquote cybersecurity issues or A.I. regulation. But I think those are the type of issues that just can't probably muscle their way to the front of the line given given the Republicans have a policy agenda on the reconciliation side.

MCPHERSON: Then he then got on the. So we have another question from Jackie Coolidge on how pliant is the current Senate parliamentarian likely to be regarding what can be included in a budget reconciliation bill or bill?

REYNOLDS: Sure. So let me start by making sure everyone sort of aware of what Jacki is talking about here, which is that talking before about the Byrd rule is a major constraint on what can and cannot be allowed in a budget reconciliation bill. The responsibility for advising the Senate on whether a given provision is or is not compliant with the Byrd rule rests with the Senate parliamentarian. Currently, it's a woman named Joseph McDonald, and she among her job is to hear arguments from staff on both sides of the aisle about whether a given given provision is or is not permitted, and then offer advice back to the Senate. It's worth noting the Senate is not required to listen to her. We are we know that the Senate generally does. And that sort of this norm of deference to the parliamentarian is quite durable in large part because there are often situations where the parliamentarian advises the Senate majority that something is not allowable under the

reconciliation rules and the Senate majority says you, we didn't really want to do that anyway. That thing's actually politically unpopular amongst some members of our party. And if you had said we could leave it in and we were going to be in for a really nasty political fight among our own caucus or conference about whether we actually had the votes to do that. And it's a great example of this involving an increase to the federal minimum wage that was considered as part of the 2021 reconciliation bill by Democrats. The parliamentarian advised that was not permitted. And ultimately, it sort of helped Democrats manage a particular political problem because not all Senate Democrats wanted to vote to do that anyway. In terms of sort of the the questioner uses the word pliant. I think the Senate parliamentarian office, as a general rule, is a pretty small c conservative institution. They're pretty deferential to previous precedents. And so when we think about what they will and will not advise is permissible, I think the looking back to what they have said in the past and what has been advice in the past is really important. The one catch here is that. We don't necessarily know. When we look at a past reconciliation bill, whether something that made it in the bill was left in there because the parliamentarian said it was okay or because no one argued about it in front of her. It's the Senate's rules aren't self-enforcing. And so it's a great question. It'll be an important part of the of the debates. But I think generally we should think that the parliamentarian is pretty deferential to what has happened in the past.

MCPHERSON: All right. I want to get to the last question. We're running out of time. But basically, we had a bunch of submissions that I'm trying to boil down to. Basically, a lot of audience members are interested and can Congress find ways to function, collaborate and all the focus on good governance of Congress. And they won't want to take that. Well, I take the silence as maybe not.

REYNOLDS: So I would just say I will say one one thing, which is that. We know that from work that Sarah has done over several decades, that Congress is quite gridlocked. Congress leaves lots of major national problems unaddressed every year. The farm bill that we're just talking about and the number of times that camp has been kicked up. But when Congress does act, it still tends to do so on a bipartisan basis. And we also know that, particularly in the House, over the past 5 or 6 years, there have been some real efforts, again, in the form, particularly in the form of the House committee, the House Select Committee on the Modernization of Congress and its kind of successor entity within the Committee on House Administration to make not huge sweeping changes in how how the place works, but to make changes that really do make it work better for more people and so on. These big things that we're talking about reconciliation, big policy

changes. I think we are in for more sort of fighting between and within the parties. But I think it's worth remembering that there are always bright spots to look at.

BINDER: And the one thing I would add is like in the long sweep of House history, majority parties do eventually, often in concert with the minority party, make changes to make the place work a little better. And they're often pushed by junior members of the majority party. Right. And so one question is, as you get more turnover and more freshmen members here or sophomore members, or is there some groundswell and some push back against a very centralized, centralized, top down leadership of both the House and obviously in the Senate? And no one has said that he will, you know, have votes, have them in session, work in five day weeks. Well, today, I think the last votes at 3 p.m. and then they're gone to the weekend, but so is next week. There are changes for leaders because of other pressures on leaders, because the rest of the rank and file actually also want to go home and be in their constituencies. So there are competing pressures here, competing agendas here. But we the sit the house inside the not wracked like like locked in into their ways of doing business here. So it is possible as I as Molly suggested, like something for mental changes here can make a difference in the functioning of the House as well as House members recognize experiences as single minded seekers of getting getting stuff done and getting reelected.

MCPHERSON: You have two minutes left. I want to give you all an opportunity for any closing thoughts and anything we then discuss that you might want to bring up. We'll go in reverse order from the intros. The first thing we want to close on.

RUBIN: I'll just say that it's always a pleasure to watch what's happening in Congress, and it's it's quite exciting. I think if you teach legislative politics class because we we can show in real time that this matters. And I think I am not a predictor, but I would suspect that the 119th Congress will offer many such opportunities to convey to students that what's happening matters. And I guess we have that to be grateful for.

REYNOLDS: I guess I'll just sort of restate something I said a little bit earlier, which is that as we look at what's coming, even as folks who are always paying attention because of the procedures and the process, but at the end of the day, what's going to happen is going to happen as much because of politics and whether the majority party can kind of align the politics, the right to get their members to agree on something rather than just because of the procedural constraints or flexibility they have available to them.

BINDER: And I'll just add, I'm a big believer in denominators that is watching what Congress does in it and rewarding them. Rewarding them for what they can get done is great. But don't lose sight of these really, really often tough, often not tough policy issues that are sitting in the denominator year after year, Congress after Congress with so little, so little action. And I think it colors it should color the way we think about Congress's capacity to solve public problems, which is at least half of what what we said in those numbers here to Washington to work on.

MCPHERSON: Well, thank you so much, panelists, for a great and fun discussion. I hope everyone enjoyed it. Unfortunately, we're out of time. I'm sorry we didn't get to your questions, but I'm sure Brookings will be hosting similar events like this in the future and follow our work, my work, Mollie's arc, her work, Sarah's work. And we are always covering Congress. So if you want to keep up with what's happening, we have our eyes on it. Thank you so much.