

Peter Friedmann's View from Washington DC - July 2018

The 'August Recess' is typically the entire month of August, until Congress returns after Labor Day. When we get to August, it's possible to see whether Congress is going to meet its responsibilities and agenda set forth at the beginning of each year. This year, for the first time in quite a few years, it's looking like one of the basic functions of Congress might actually be fulfilled, namely passing all 13 appropriations bills necessary to fund all the functions of the United States government – and most remarkably, getting it done before the government's new Fiscal Year begins October 1.

Congress has in many years failed to agree to spending levels before the beginning of the new Fiscal Year, forcing it to pass Continuing Resolutions to keep the government operating past October 1, at the prior year's spending levels. The CR could last through the entire new year, or until Congress finally does pass appropriations bills, often well into the year. Does this sound dysfunctional? Well, it certainly is, but in many years, it's the norm. This year, there may not be a need to have a CR.

Earlier this year, a major overhaul of the Internal Revenue Code, also known as the tax code, passed almost purely on party-line votes in the House and Senate. Virtually every member of the Majority voted for it, virtually every member of the Minority voted against it. This mirrored what transpired almost exactly 8 years previous -- passage of the Affordable Care Act, also known as Obamacare. – also on party-line votes. The only difference between this year and eight years ago was the party in the Majority. So while talking heads would like us to believe that things are so very different, in some fundamental ways, they are not.

The Trump Administration has been unusually slow to fill the over 4,000 political positions the President typically nominates to serve in the executive branch agencies, subject to Senate confirmation. Some positions remain vacant because the White House has been slow to identify, vet and nominate qualified individuals. Some remain vacant because the White House may not intend to fill all the positions, as part of its effort to reduce the size and scope of the federal workforce. And for those nominated, Congress has been slow to confirm.

The most significant nomination, and one which will absorb the time and attention of the Senate this fall, is that of Brett Kavanaugh to fill the seat of retiring Supreme Court justice Kennedy. There will be millions of dollars spent by organizations supporting or opposed to Kavanaugh's confirmation. The vote will be largely party-line, Republicans for, Democrats against. No surprise, he is a conservative. As President Obama said: "elections have consequences". So, elect a liberal president and he will be nominating liberal judges. Elect a conservative president and he will nominate conservative judges. It seems pretty obvious and is completely predictable. The hundreds of millions of dollars being spent to convince senators to vote for or against Judge Kavanaugh reflects the belief, probably true, that this is a pivotal nomination which will influence Supreme Court decisions for decades to come.

While another opening on the Supreme Court was not a complete surprise, another issue has arisen that was not expected: the President's aggressive measures to address what he believes are unfair international trade relations with China, Mexico, Canada, Korea, the European Union, Japan and others. The so-called "Trump Tariffs" against imports, and the retaliatory tariffs and other measures against our exports, are impacting every state, every Congressional District. Some of the President's most ardent supporters in the "red states" are being hit hardest by China's retaliatory measures targeting US agriculture and forest products exports. As we go into the August recess, all members of the House of

Representatives will be hearing from their constituents in virtually every place they stop in their Districts.

The Senators however will not be travelling their states and seeing their constituents, because they will be staying in here in hot and humid Washington DC, this August. They will be allowed to go home only for one week during August, while Majority Leader Sen. Mitch McConnell holds them here by scheduling votes throughout the month. He wants nominations of judges and officials for the federal agencies to move forward. He wants stalled legislation to move forward, including appropriations bills, so they can get the FY 2019 budget in place by end of September.

Should we feel too sorry for those Senators who have to stay at work in their offices during August? Only if they are up for reelection this November, thus eager (desperate?) to get back home to campaign. There are 26 Democratic Senators trying to hold on to their seats, but only 9 Republicans are up for reelection. Staying in DC reduces time to campaign at home -- which just may be why Senator McConnell, trying to maintain the Republican's Majority in the Senate, is keeping them here.