

Peter Friedmann's View from Washington D.C.
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Lame Duck!! Already?!

During an election year such as this, the Congressional leadership is dedicated to one thing, and one thing alone: the Majority party leaders (Senator Reid in the Senate, and Congressman Boehner in the House) seek to maintain their Majority after the November elections, while the Minority party leaders (Senator McConnell and Congresswoman Pelosi) strategize on gaining enough seats to become the Majority party next year. Every issue to be considered, every vote, to be scheduled or not, depends on how the Majority leader in each house feels it will impact this struggle.

Why is this dynamic so important to all of us out here in the rest of the country? (well, "inside the Beltway," as I am, might not constitute being in the rest of the country, but work with me here). It's important because the Majority leader controls the legislative agenda. When Republicans and Democrats agree on an issue (such as the need to fund navigation infrastructure, or renew expired tax provisions, or confirm a President's nominee for some position, or extend unemployment compensation), then that legislation moves through Congress and to the President for signature.

But when they don't, the Republican Majority House can pass legislation all it wants (as it has, for example, with 'fixes' to ObamaCare) but the Democratic Senate Majority leader will not put it on the agenda for a Senate vote. And vice-versa.

So what about legislation that both sides might know is important, but is politically risky because many voters oppose it? There are plenty of examples: increasing the gas tax to pay for highway and bridge repairs and transit infrastructure, giving the President authority to negotiate trade agreements with other countries, extending current trade incentives which will require some new tax or revenue stream to offset the lost import duty revenue, etc. Rather than risk the wrath of constituents or favored interest groups whose campaign contributions Congresspeople and Senators are depending upon, there is often a mutual agreement to put the votes off until AFTER the elections. If you know the gas tax needs to be increased, but constituents will be angered, why not wait until after they have re-elected you? If you want labor union campaign contributions, then you certainly don't want to vote to facilitate international trade agreements (which the unions oppose), until after you've been re-elected (with the help of those contributions).

Of course, if you are personally and substantively opposed to trade expansion, then you will vote against bills that allow for their negotiation, regardless of when the vote takes place—before or after the elections. But if you do understand why we need to negotiate such agreements, but prefer not to have to defend your vote before the elections, then a lame duck vote will give your constituents two years (for Congresspeople) or six years (for Senators) to get over it, or rather, appreciate all the other things you have done for them subsequently.

And for those Members who retired or lost their re-election bids, well, they are still in Congress and voting until the new Congress is seated in January. They of course are now free to vote their conscience, without regard to what their constituents think, and without regard to the special interests and their campaign contributions. They are "lame ducks."

This is the way that much controversial legislation has managed to get through Congress in the past, and how we expect a new highway bill, trade negotiating authority, GSP and other tariff reductions, perhaps some tax provisions, some defense spending cuts, to pass in November or December, after the elections—the Lame Duck.