

NATIONAL REVIEW

A Republican Congress?

Taking the Senate would give the GOP control of the legislative process, and that means a lot.

By Michael Tanner

October 29, 2014

The midterm elections are now less than a week away, and the evidence increasingly suggests, if not a Republican wave, at least a strong ripple. The *Washington Post* is now looking at a 93 percent chance of a GOP Senate takeover, while the *New York Times*'s Upshot blog puts the chance at 70 percent. Statistician Nate Silver offers a less rosy view, but still a robust 63 percent chance. Not a guarantee, then, but certainly leaning the Republicans' way.

But what would a Republican-controlled Congress actually mean?

It has been common to dismiss this vote as the “*Seinfeld* election,” a campaign about nothing. It is true, after all, that most Democrats have run on the idea that Republicans are part of a Koch-funded plot to take away your birth control, while Republicans have been portraying their opponents as President Obama's secret love child. Hard to detect much of a mandate from that.

It's also true that anyone expecting big changes is probably going to be disappointed. We are not going to see major tax or entitlement reform. Obamacare is not going to be repealed. Nor is Dodd-Frank.

This is not because the Republicans likely to be elected are all a bunch of RINO squishes, as the fringes will inevitable charge, but because the institutional structures of Washington make change slow and cumbersome. Recall that with Obama as president, a large Democratic majority in the House, and a temporary super-majority in the Senate, Obamacare barely squeaked through. Even after next week's election, the Republicans will enjoy nowhere near such control. Obama will still be president, with the power of the bully pulpit, executive orders, and the veto pen. Democrats will have the power to filibuster (the nuclear option killed the filibuster only for presidential appointments, not regular legislation). If every Republican were a Ted Cruz clone, it wouldn't change this reality.

But does that mean the election is meaningless? Hardly.

First, a Republican takeover will enhance the ability to block bad ideas. Little if any of Obama's worst legislation would have passed in a GOP-led Senate. It's not just a question of votes, it's control of the entire legislative process. Judicial nominations are likely to be handled very differently if Chuck Grassley is chairing the Judiciary Committee.

And, while big reforms aren't going anywhere, there are some smaller but important pieces of legislation that are likely to pass if Harry Reid can no longer prevent them from coming to a vote. The Keystone XL pipeline, for example, becomes a slam dunk. Republicans can also expect bipartisan backing for other energy-related bills, including permitting expanded drilling on federal lands, speeding up permits for gas exports, and lifting the ban on crude-oil exports. They would also be able to clear the way for the approval of two big free-trade agreements that have been stuck in the negotiation phase. Dodd–Frank's Bureau of Consumer Financial Protection could find itself on the firing line. And, there will be a number of efforts to rein in the regulatory bureaucracies.

Even on Obamacare, while full repeal is not in the cards, substantial changes could be. The medical-device tax would almost certainly go. Risk corridors would likely follow, putting an end to the insurance-company bailout. We should also expect legislation to repeal the much-postponed employer mandate, as well as a bill to allow people to keep non-compliant insurance plans.

Immigration reform remains a wild card. If the president showed restraint, a series of small-step immigration bills could potentially pass, such as expanding visas for skilled immigrants and beefing up border security. (Comprehensive immigration reform and a path to citizenship are going nowhere over the next couple of years.) But if, as expected, the president uses his executive authority after the election to give legal status to millions of undocumented immigrants, it will create a firestorm in Congress, leading to a level of resistance that will prevent any cooperation for years to come.

Republicans will also be able to force through a budget resolution, since such resolutions cannot be filibustered and require no presidential signature. While not the final word on spending, the budget sets the terms for the debate to come. A Republican budget will have far different priorities from a Democratic one. For once, Paul Ryan's efforts are not likely to be DOA.

Speaking of priorities and setting the terms of debate, one should never underestimate the importance of being able to control the political narrative. A Republican Congress will be talking about lower taxes, economic growth, and consumer choice rather than inequality, the minimum wage, and taxing the rich.

Republicans could squander this advantage, of course. If they spend the next two years raising the specter of impeachment or complaining about gay marriage, they will have done their party no favors for 2016. But if they focus on an agenda of economic growth, and force President Obama to veto popular proposals, they could lay the foundation for building on this year's gains.

Whether you anticipate or fear a Republican victory next week, it is worth tempering your expectations. If you expect a fundamental transformation of American politics, you will be disappointed. But that doesn't mean that winning or losing will be inconsequential. The outcome matters.

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