



The Daily Dish

Reconciling Reconciliation With Reality

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Having just negotiated the air traffic system to get to Indianapolis, the following from [Punchbowl News](#) caught Eakinomics' attention:

For the first time in more than a month, there's optimism that the Senate and the White House can finally find a path to reopening the Department of Homeland Security. Key Senate Republicans returned from the White House late Monday with a noticeably upbeat demeanor over the state of the talks with President Donald Trump, who had just rebuffed a GOP-backed off-ramp.

The framework under discussion would fund all of DHS except for ICE's migrant removal operations, and could eventually include some reforms that Democrats have been demanding.

Republicans would then try to fund the rest of ICE via a party-line reconciliation bill.

GOP leaders would also try to use reconciliation to enact elements of the [SAVE America Act](#), which mandates photo IDs and citizenship verification for federal elections. Trump has called this bill his top legislative priority.

This framework is similar to the outlines of an agreement that Senate Majority Leader John Thune discussed with Trump on Sunday — a strategy that the president rejected. Trump has insisted on [tying the SAVE America Act to DHS funding](#), complicating matters even further. Thune said this was “not realistic.”

Let's hope that a “path to reopening” is a near-term reality. What has been going on at the nation's airports is a disgrace. But let's think a little about a key part of this policy package:

funding ICE using reconciliation.

Reconciliation, readers of Eakinomics will recall, is a special legislative process created in the 1974 Budget Act for legislation that is primarily budgetary in nature. That is, reconciliation was designed to make it easier to do things that were budgetarily hard: raise taxes and cut spending. The key features are that the bill is subject to finite amount of debate in the Senate - no filibuster - and then passes or fails on a simple majority vote - no 60-vote margins needed.

How does one get this fast-track treatment? Pass a budget resolution in the House, pass a budget resolution in the Senate, agree on a common budget resolution and pass it in the House and Senate, craft a reconciliation bill (adhering to the budget resolution) in the House and pass it, craft a reconciliation bill in the Senate and pass it, craft and pass the final reconciliation bill in the House and Senate, and have the president sign it. Piece of cake.

Attentive readers will notice that it is nearly April 1, so the clock is ticking on getting all these steps done in an election year.

Also, a special feature of passing the budget resolution is a Senate “vote-arama.” There is a finite amount of debate on the resolution, but unlimited amendments are allowed. That means as the clock runs down on the debate, amendments are offered at a machine-gun pace (for the Senate, at least), and often senators have to vote without time to read and evaluate them.

This is a recipe for bad votes, and damaging political ads, in an election year. This further raises the bar on using reconciliation and is unlikely to be popular.

While funding ICE via a reconciliation bill would likely pass parliamentary muster, voting rights reform doesn't seem “primarily budgetary in nature.” That means there is a very good chance the Senate parliamentarian will force the SAVE Act sections to be stripped out of the bill. Hmm...what was the point?

Reconciliation sounds great. No pesky opposition party to worry about. But the reality is that it is very limited and there remain myriad significant hurdles - including the opposition that often arises in one's own party.