

POLITICS

# After a Chaotic Start, Congress Has Made a Conservative Mark

By SHERYL GAY STOLBERG    DEC. 24, 2017

WASHINGTON — After a halting start, the Republican-controlled 115th Congress — sometimes in collaboration with President Trump, often despite him — has enacted surprisingly far-reaching conservative achievements in its first year, among them a long-promised rewrite of the tax code, oil drilling in the Arctic and a series of lifetime appointments to the judiciary.

For the new year, Republican leaders in the House have their sights on decades-old programs for the poor that they say are too easily exploited by those who do not need them. Mr. Trump is expected to move forward with a long-promised program to rebuild roads, bridges and other infrastructure.

And Senator Mitch McConnell of Kentucky, the Republican leader, is speaking gamely of bipartisanship, especially on legislation to protect young undocumented immigrants brought to the country as children, whose Obama-era protection from deportation will run out in March.

On Jan. 20, the latest stopgap spending measure expires, giving lawmakers from both parties another chance to force resolutions on outstanding immigration and health care measures, along with efforts to raise caps on military and domestic spending. And an \$81 billion package of relief for hurricane and wildfire victims that passed the House last week awaits Senate action.

“I don’t think most of our Democratic colleagues want to do nothing, and there are areas, I think, where we can get bipartisan agreement,” Mr. McConnell told reporters on Friday.

But all of those plans will play out in an election year that is shaping up as a referendum on Mr. Trump, whose historically low approval ratings could deflate any Republican overtures to Democrats not anxious to boost the president.

“Hope springs eternal, but they’d have to be a real reversal from the way they’ve operated now,” said Senator Chuck Schumer of New York, the Democratic leader.

Mr. McConnell declared 2017 a year of “extraordinary accomplishment,” a boast that only weeks ago seemed impossible. But a year marred by public spats between the president and Republican leaders in Congress was capped off with a rewrite of the tax code that cut corporate tax rates, favored business owners and reduced income tax rates, at least temporarily, for most families. The same law opened Alaska’s Arctic National Wildlife Refuge to oil exploration, a goal sought by Republicans for decades.

It also eliminated tax penalties in the Affordable Care Act intended to force most Americans to have health care. Ending the so-called individual mandate was Republicans’ most direct blow to President Barack Obama’s signature domestic achievement after a year of misses and ineffectual attacks.

At least for now, the tax bill remains highly unpopular, according to opinion polls. Nevertheless, Mr. Trump trumpeted those achievements on Sunday.



**Donald J. Trump**  
@realDonaldTrump

The Tax Cut/Reform Bill, including Massive Alaska Drilling and the Repeal of the highly unpopular Individual Mandate, brought it all together as to what an incredible year we had. Don’t let the Fake News convince you otherwise...and our insider Polls are strong!

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29,194

22,439

106,280

Those achievements came after the quiet confirmation of 12 federal appeals court judges — the most in a single year since the appeals courts were established in 1891. The confirmations will remake the federal judiciary, stocking it with young and very conservative judges who will serve for decades to come. And those came along with the confirmation of Neil M. Gorsuch to the Supreme Court.

“With the new administration coming in, it has been more chaotic and more politicized than I would like to think,” Senator Susan Collins, Republican of Maine, said. “But we do have more accomplishments than I think we’re generally given credit for.”

For Republicans, who never expected Mr. Trump to win the presidency, getting adjusted to life with a former reality TV star in the White House was not easy.

“I’d say one of the bigger challenges we dealt with this year is just trying to manage the chaotic nature of the White House, the never-ending tweets, drama and dysfunction,” said Representative Charlie Dent, Republican of Pennsylvania.

But after a photo finish, Democrats are not calling the 115th Congress “do-nothing.” Instead they are dwelling on what Republicans did.

“If you ask the top 1 percent how Senate Republicans did this year, they’d give them an A,” Mr. Schumer said. “But if you ask middle-class Americans how the Republican Senate did this year, they’d give them a big fat red F.”

Mr. McConnell has warned that 2018 will be difficult. With the election in Alabama of Doug Jones, a Democrat, to the Senate, the Republican majority next year will be 51-49. Senate Republicans are eyeing modest measures in the coming months: to protect so-called Dreamers, young undocumented immigrants; to revise the Obama-era Dodd-Frank financial regulatory law to protect small community banks; and to stabilize health insurance markets by temporarily reinstating insurance subsidies suspended by Mr. Trump.

Mr. Trump will host Mr. McConnell and Speaker Paul D. Ryan of Wisconsin at Camp David in the first weekend of January to align on an agenda for 2018,

beginning with infrastructure, his legislative director, Marc Short, said on Fox News Sunday.

“Both Democrats and Republicans say that infrastructure is crumbling and we need to fix it,” he said. “But the big question remains: Will Democrats put politics aside and actually work with us? They need to meet us halfway.”

Mr. Ryan has bigger ambitions of taking on some of the government’s biggest programs; Republicans have singled out food stamps, welfare and Medicaid.

But after a bruising year, Democrats are leery. Republicans and Democrats had detailed plans to lure corporate profits parked overseas back home, and use some of that revenue to finance an infrastructure push. The new tax law ignored those proposals.

“They used it all to reduce taxes on the wealthiest corporations,” Mr. Schumer said.

As for House plans to cut poverty programs, Senator Richard J. Durbin of Illinois, the No. 2 Democrat, scoffed: “It is just perfect, isn’t it? Tax breaks for the wealthiest people who haven’t punched a time clock in their lives so that we could cut back food stamps for single moms trying to feed hungry kids. Perfect.”

The truth is, even Mr. McConnell acknowledged that 2017 was “pretty partisan.”

The choice to make repealing the Affordable Care Act conservatives’ first legislative effort was generally considered a misstep, said Senator Lindsey Graham, Republican of South Carolina. And the half measure that Republicans achieved may destabilize insurance markets.

“The good news is we repealed the individual mandate,” Mr. Graham said. “The bad news is we now own health care, for sure.”

By sheer numbers, Congress was less productive in 2017 than in 2009, the first year of Mr. Obama’s presidency. In 2009, Mr. Obama signed 125 bills into law, including a huge economic stimulus package, the expansion of the Children’s Health Insurance Program and legislation to regulate tobacco.

This year, Mr. Trump signed 93 measures into law, but of those, 15 were “joint resolutions of disapproval” which rolled back pending Obama-era regulations. Under the law that created such resolutions, they are not technically laws and cannot be filibustered in the Senate.

“Other than the tax bill, this first session of Congress has been a bit of a bust,” said Steven S. Smith, a political scientist at Washington University in St. Louis. “And that probably means that this Congress is a bust, because first sessions tend to be a little bit more productive than second sessions.”

Beyond the tax bill, much of what Congress accomplished came despite Mr. Trump, not because of him. Lawmakers from both parties forced the president to accept sweeping sanctions against Russia, Iran and North Korea and sharply limited his ability to suspend or lift them. The legislation passed with veto-proof majorities.

The string of regulatory rollbacks, passed using a once little-known law called the Congressional Review Act, did reverse pending rules approved in the last days of the Obama administration, including one aimed at protecting internet privacy, one aimed at preventing coal companies from dumping waste into streams, and another intended to bar people with mental illnesses from buying guns.

“This administration and Congress working together probably did more on the deregulatory front than any Congress in modern history,” declared Representative Tom Cole, Republican of Oklahoma.

But Mr. Durbin said that was hardly something to boast about.

“If you’d look at what little we have done this year in the United States Senate compared to when I arrived in this chamber, you’d wonder how we could draw a paycheck,” said Mr. Durbin, who has spent 20 years in the Senate.

Congress did complete some little-noticed business in bipartisan fashion. By a vote of 94 to 1, the Senate passed legislation to finance the Food and Drug Administration, which reauthorized user fees to pay for the review of medical devices, brand-name drugs and generic drugs.

Some Republicans expressed confidence that even Mr. Trump has learned some lessons from such experiences.

“The president has developed a much greater appreciation for the process than he had a year ago,” said Senator Roy Blunt, Republican of Missouri. “I personally developed a greater sense of appreciation for the new fresh set of eyes that he brings to this. And if we could put those two things together effectively, next year we will have a pretty good starting point.”

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