

<http://www.msn.com/en-us/news/politics/are-we-headed-toward-another-government-shutdown/ar-AAgaTxr?li=BBnb7Kz>

Are we headed toward another government shutdown?

By Paul Singer (USA Today) 12/9/2015

1. Is it true that Congress has given up on its Dec. 11 deadline for funding the U.S. government?

Yes. Speaker Paul Ryan, R-Wis., said Tuesday that [Congress will miss the Friday deadline](#) because they don't have enough time to finish the spending bill by then.

2. So does that mean the government will shut down Dec. 12?

No. Ryan said he will move a bill to extend current federal funding for a few days to give lawmakers time to reach a spending deal for 2016.

3. Couldn't they just pass a bill to keep the government funded at last year's levels for the rest of next year?

They could, but they won't. That is called a continuing resolution because it "continues" last year's funding levels. But Congress has already agreed to boost the overall spending total by about \$66 billion. A continuing resolution would forgo all of that new money.

4. But former speaker John Boehner struck a budget deal earlier this fall; wasn't that supposed to avoid the crisis?

That deal avoided one crisis by raising the debt ceiling so the government would not default. It also included the agreement to boost spending — half to defense, half to other domestic programs — to satisfy both Republicans, who wanted more for money for the military, and Democrats, who wanted more for social programs.

5. Why the delay now?

The budget deal set out overall numbers for the entire government. Now Congress has to divide that budget and actually approve spending for each agency. How much for the National Institutes of Health? How much for the Department of Labor? How much for NASA?

6. Don't they do that every year?

Yes — and no. Congress is supposed to set those budget targets at the beginning of the year and then spend the year passing separate spending bills for each federal agency. But that requires a lot of compromise and bipartisan cooperation — it has been almost 20 years since Congress has managed to pass all those bills on time. Instead, they wind up extending last year's spending or dumping all the bills into one giant end-of-year bonanza called an "omnibus." That's what they are trying to draft now.

7. OK, so they need an agreement on the numbers. Is that all?

No. The bigger issue is the “riders.”

8. What’s a “rider”?

Spending bills lay out in great detail how much money is available for each government program. They also routinely carry provisions that bar the government from spending money on things that Congress doesn’t like. For example, prior spending bills have included this prohibition: “None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.” Instead of passing a law saying “The U.S. government will not torture anybody,” which could require a lot of argument and amendments, someone stuck that simple language into a spending bill, which theoretically prohibits the government from conducting torture.

9. So there is an argument about torture this year?

No, but there are a lot of riders on this year's draft spending bills that the two parties are fighting over.

10. Like what?

The biggest ones are Planned Parenthood and Syrian refugees. Republicans want to bar the federal government from reimbursing Planned Parenthood for patient services in the wake of those videos released this year by anti-abortion activists that suggested the group was making a profit from selling tissue from abortions. Planned Parenthood denies this was its practice and has since said it will not seek reimbursement for costs associated with fetal tissue donation.

Many Republicans also want to use the spending bill to block President Obama’s plan to allow about 10,000 refugees from Syria to resettle in the United States, fearing that could be a conduit for terrorists to sneak into the country.

11. But isn’t Congress moving separate legislation on those issues?

Yes. But President Obama would veto those bills, and Republicans don't have big enough majorities to overcome the vetoes.

12. So why would adding them to the omnibus bill work?

The theory is that the spending bill is “must pass” legislation. If the president refuses to sign it, the government shuts down. So Republicans believe they have leverage to add things Obama otherwise would not accept.

13. And these are the only riders?

No — there are LOTS of others. One of the riders in consideration this year would bar the Department of Interior from listing the sage grouse as an endangered species. Another would prohibit spending to implement Obama’s 2015 executive order to establish a federal “flood risk management standard.” A third bars the Department of Homeland Security from implementing Obama's executive order protecting millions of undocumented immigrants from deportation while the courts continue to review its legality. In every agency there are a handful of things the Republican-drafted spending bills would cut.

14. Will Obama and the Democrats accept any of them?

It is almost certain that Obama and the Democrats will accept some of them; some are even Democratic ideas. The question is which ones are “acceptable compromise” and which ones are “deal-breakers.” As of now, we just don’t know what provisions Democrats will be willing to accept.

15. Why are Democrats in charge? Don’t Republicans control both the House and Senate?

They do. But not by margins big enough to overcome a Democratic filibuster in the Senate or to override a presidential veto. Also, some of the Republicans won’t support this deal anyway.

16. Wait — Republicans are against the spending bill?

Yes. Some of the most fiscally conservative Republicans — such as members of the House Freedom Caucus — opposed their party leaders' agreement to raise spending levels for next year. Those members of Congress might vote against any deal that enshrines those higher dollar figures. There are also Republicans who will refuse to support a spending deal unless it bans Planned Parenthood funding or defunds Obamacare.

17. So this bill will face Democratic and Republican opposition?

That’s right. It may very well have to pass the House with more Democratic votes than Republican votes.

18. Isn’t that what made conservatives mad and led them to oust Boehner?

Yes. This is going to be a very difficult navigation for Ryan, the new speaker. He has promised the most ardent conservatives that they will have a bigger role in the process, but ultimately, the bill they want is one that Democrats (and the president) won’t accept. The government will shut down if Congress does not pass some kind of compromise. So Ryan has to pass a bill that keeps the government open without alienating his party’s right wing again.

19. Do Republicans want to force a shutdown?

Republicans leaders in the House and Senate have said they do not want a government shutdown. Senate Majority Leader Mitch McConnell, R-Ky., repeated this mantra over and over again this summer: “No more government shutdowns.” House Majority Leader Kevin McCarthy, R-Calif., said Tuesday “we will not allow the government not to be funded.”

But there are some Republicans, including presidential candidate Sen. Ted Cruz, R-Texas, who argue that taking a shutdown off the table weakens the GOP bargaining position. If Democrats want to keep the government open, this argument goes, make them accept some of our policies.

20. This is McConnell’s first time leading this process, isn’t it?

That’s right. McConnell became majority leader in January. And as a member of the Appropriations Committee, McConnell has taken a keen interest in the drafting of the spending bills this year with Republicans in charge of the committee for the first time since 2006.

He made it clear Tuesday he plans to include policy changes in the omnibus bill. “We’ve had all kinds of requests from various abused sections of our economy as a result of the regulatory overreach this administration has been engaging in,” McConnell said. “How much relief we can get to all of these aggrieved people out across the country who have been assaulted by one over-aggressive regulator after another, I don’t know, but the list is a mile long and we’ll do the best we can.”

21. Does McConnell have riders in the bill?

There are several provisions dear to McConnell’s heart. For instance, long an opponent of campaign finance limits, McConnell is backing some controversial language that would repeal limits on how much political parties can spend in coordination with candidates. That plan has raised the hackles of Democrats, and some Tea Party Republicans fear it would give too much power to the national parties to pick winners in primaries.

22. What about climate change? Is that also on the table?

It certainly is. Climate change is a top priority for the Obama administration, which focuses on cleaning up, or phasing out, coal-fired power plants. But McConnell said after the 2014 elections made him majority leader that Obama “had a war on coal and, honestly, I’m going to go to war with him over coal.” One battle in that war will be provisions in House and Senate spending bills that bar the Environmental Protection Agency from implementing any emissions rules for carbon dioxide from coal-fired power plants and cut funding for the Environmental Protection Agency’s “Clean Power Plan.”

23. This is all about spending. What about taxes?

Taxes is on a parallel track and may or may not be part of this deal. Both parties are looking to extend expiring tax cuts for both middle class taxpayers and corporations, but there are deep divisions on how to handle this. Republicans had been hoping to make some expiring corporate tax breaks permanent, to avoid Congress having to renew them every year. But House Ways and Means Chairman Kevin Brady, R-Texas, released a bill Monday night that is only a two-year extension of the tax breaks, and House Minority Whip Steny Hoyer, D-Md., said his party can probably live with that as a “stop-gap” as the parties pursue a broader overhaul of the tax code.

24. When will this all be resolved?

Senate Minority Leader Harry Reid, D-Nev., said Tuesday that serious negotiations began Monday night. Ryan said he would observe a “three-day rule” that would give lawmakers that much time to read the bill after it is introduced before they have to vote on it. Both chambers are scheduled to adjourn Dec. 18, so if there is going to be an agreement that avoids a shutdown, most likely it will come by late next week.