



Next week the Senate plans to vote on the House-passed defense authorization bill and will continue to vote on various Biden administration nominees. (UBS)

# Washington Weekly: Having 51 instead of 50

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**Having 51 votes in the Senate instead of 50 will give Democrats more of an advantage in committee deliberations and will enable them to more easily pass Biden administration nominees. The UBS US Office of Public Policy takes a look at Senator Raphael Warnock's re-election and other issues under the dome.**

**Warnock Effect.** With Senator Raphael Warnock's (D-GA) re-election win in the Georgia run-off election this week, Senate Democrats have increased the size of their majority to 51 – 49 (this shouldn't change even with Senator Kyrsten Sinema's (AZ) announcement this morning that she will switch from being a Democrat to being an Independent). While still a slight margin, it is enough to give them a bit more power than they have had over the past two years. Having 51 votes instead of 50 will give Democrats more of an advantage in committee deliberations and will enable them to more easily pass Biden administration nominees. Notably, the star power that Senators Joe Manchin (D-WV) and Sinema have amassed over the last two years due to their leverage in a 50-50 Senate will dim slightly. With the check of a Republican majority in the House next year, there also will be less speculation and drama regarding what legislation the Senate is able to pass. Finally, the Warnock win will have a distinct impact on Vice President Kamala Harris. As President of the Senate, she has had to cast a tie-breaking vote nearly 30 times in the Senate over the past two years.

*With tie-breaking votes likely becoming less necessary, she may have additional bandwidth to focus on other priorities and responsibilities, including the challenges on the southwest border.*

**Defense Authorization Bill.** As everyone knows, Congress doesn't accomplish enough on a bipartisan basis, but it has successfully passed a defense authorization bill every year for the last 61 years (since the administration of President John F. Kennedy). Based on the events of this week, Congress is poised to make it 62. The House passed the bill yesterday, and the Senate is expected to follow suit next week. The bill will authorize \$847 billion of spending for a wide range of defense programs and policies in 2023. With the wide scope of spending and policy proposals, some controversy is inevitable. A primary flash point this year was whether to maintain the Defense Department's policy of requiring its employees

(including active service members) to be vaccinated for Covid. Since the policy was put in effect last year, about 8,000 service members declined the vaccination and left their posts. While President Biden and many key Democrats would like to retain the policy, a bipartisan group of lawmakers was able to include a provision to repeal the mandate. Going forward, a big question will be whether those 8,000 employees who left the Pentagon can or should now return to work.

*Congress doesn't often overturn Defense Department policies in the annual reauthorization bill, but this year will be different.*

**Government Funding Bill.** Congress risks a government shutdown if it doesn't pass a bill to fund government operations before the current deadline of December 16 (next Friday). A big question is whether Congress can come to agreement on a big spending package for the remainder of the fiscal year (to September 30, 2023) or whether another short-term extension is needed. If more time is needed, a key question is whether the extension should be just for a few days or extend into next year? While most Senators and all House Democrats would like to wrap up the bill this year, plenty of House Republicans would like to negotiate a final bill next year when they will control the House, albeit narrowly. Some progress was made this week with Senate leaders exchanging offers on an amount of total spending for the bill. Without agreement on that, a final deal will remain elusive. This situation remains very fluid.

*With time running out, there's an increasing likelihood that Congress will need to pass another short-term extension to avoid a government shutdown*

**A Multi-Ballot Speaker?** Congressman Andy Biggs' (R-AZ) announcement that he will run for Speaker of the House on January 3 only further complicates Congressman Kevin McCarthy (R-CA)'s already challenging path to become Speaker. While Biggs does not have a realistic chance of winning the Speakership, his entrance into the race provides Republicans with an actual alternative to McCarthy. Assuming all Republicans vote, McCarthy is only able to lose five votes in the Speaker race (he would have a little more breathing room if some Republicans simply vote present instead of casting their ballot for an alternative). If no one reaches a majority of the votes cast for Speaker, voting will continue on subsequent ballots until someone receives a majority. A Speaker has not required multiple ballots to be elected since 1923 when Frederick Gillett (R-MA) needed nine ballots to become Speaker. Of the 127 Speaker elections, only 14 have ever required multiple ballots to win, with Nathaniel Banks (R-MA) setting the record by requiring 133 ballots to win the Speakership in 1855.

*McCarthy will certainly try to do anything possible between now and January 3rd to avoid having multiple ballots, but, with such a narrow majority, it will take every bit of political wrangling that he can muster.*

Main contributor: John Savercool

For more, see [Washington Weekly](#), 9 December, 2022.

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