

Reading One: Biden's Agenda in Congress

Since the presidency of Franklin Delano Roosevelt in the 1930s, what a new administration is able to accomplish in its first 100 days has served as a marker of the president's potential success and ability to actualize a vision for the country.

Some accomplishments go through Congress, as the White House sends its policy initiatives to the legislative branch. In other cases, the president is able to make changes by using the power of the executive branch—through issuing executive orders, appointing new leaders of federal government institutions, and announcing new priorities for regulation and enforcement of existing law.

So what might the incoming Biden administration do in its first 100 days?

On the Congressional front, the second impeachment of Donald Trump threatens to take up significant time and energy in the Senate, possibly limiting the ability of the White House to pursue new policy initiatives. Washington D.C.-based journalist Alexandra Jaffe wrote a January 14 article in the [Associated Press](#) that details the potential risks facing a new administration that is also dealing with the impeachment of the last president:

President-elect Joe Biden already faces the daunting task of steering a newly announced \$1.9 trillion coronavirus relief bill through a closely divided Congress as the pandemic and its economic fallout grow.

Now Biden will have to do it with President Donald Trump's impeachment trial beginning potentially as soon as his first day in office.

"We don't have the time to spend an enormous amount of time on impeachment, and then we're going to go to Biden's nominees and then we have to deal with legislation," the independent senator [Bernie Sanders] said. "We're going to have to move simultaneously in a whole bunch of areas...."

"President-elect Biden has a big job. So let him do his job — and let the Senate do their work," said California Rep. Barbara Lee, a Democrat.

But once the proceedings start, it's certain to be tougher for Biden to completely avoid them, with the trial dominating the news cycle and forcing his former opponent back into the spotlight, even as Biden tries to stay focused on the coronavirus pandemic.

And there's the prospect they could further exacerbate the already fraught atmosphere on Capitol Hill, politicizing Biden's agenda and making it tougher for him to get support from winnable Republican senators.

<https://apnews.com/article/joe-biden-donald-trump-capitol-siege-coronavirus-pandemic-impeachments-fe7412d38a74025cdb93c100c4a17>

In spite of these difficulties, President Biden hopes to pass some major bills, using the Democratic Party's majorities in Congress. Even before taking office, Biden proposed a \$1.9 trillion [pandemic relief package](#) that would include \$1,400 direct payments to individuals, \$400 a week for unemployed workers, \$50 billion dollars for Covid-19 testing, and the extension of eviction and foreclosure moratoriums until the end of September.

In a January 6 article for New York Magazine, political commentator Jonathan Chait noted that having even a small majority of Democrats in Congress will allow Biden to appoint judges and to push forward other measures as well. (The Senate is evenly divided, with 50 Democrats and 50 Republicans, but Vice President Kamala Harris can cast a tie-breaking vote, giving the Democrats a one-vote majority.) Chait wrote:

Biden's majority will be historically narrow. He will not have the chance to pass the full agenda he campaigned on, let alone the agenda of his party's progressive wing. But the difference between a one-vote majority and a one-vote minority is not trivial....

Legislatively, Democrats will be constrained by the filibuster. The Senate's bizarre rules allow a majority to confirm any jurist to a lifetime appointment with a bare majority, but require 60 votes to pass even basic legislation. And while a majority can eliminate the legislative filibuster, several Democratic Senators have expressed reluctance to do so, and one, West Virginia's Joe Manchin, has adamantly insisted he won't.

That means measures like increasing the minimum wage to \$15, liberalizing immigration laws, and enacting (small-d) democratic reforms like automatic voter registration, anti-gerrymandering laws, and statehood for Washington D.C. and Puerto Rico are almost certainly off the agenda.

However, there is one off loophole in the Senate's arcane rules that will allow Biden to pass at least one major law. Budget-related legislation can be passed with a majority, as long as it meets certain conditions — it can't change Social Security, it cannot increase the deficit after ten years (but it can before), and it can only effect changes to taxes and spending.

That leaves a lot of room to maneuver. Democrats can use reconciliation to pass economic relief.... This will give them a chance to accelerate the economic recovery, which in turn will create conditions likely to make voters reward Democrats in the majority.

They can also enact many of Biden's proposals to shore up and expand Obamacare. A budget reconciliation bill could increase subsidies for people buying insurance in the exchanges, and also create a public option. Democrats have a fair amount of consensus on these changes.

<https://nymag.com/intelligencer/2021/01/what-can-joe-biden-pass-democratic-senate-georgia-runoffs-warnock-ossoff.html>

Although Biden's slim Democratic majority will not allow his full agenda to pass through Congress, he may be able to make legislative gains if he can move his party in unison.

For Discussion:

1. How much of the material in this reading was new to you, and how much was already familiar?
 2. Do you have any questions about what you read?
 3. According to the reading, what are some of President Biden's key legislative proposals?
 4. What are some of the obstacles President Biden is facing in enacting his goals through the legislative process? How does the filibuster affect his party's ability to pass legislation?
 5. What do you think the new administration's top legislative priority should be? Explain why the issue you picked is important to you.
 6. If you were President Biden, would you play a more public role in the impeachment process or might you leave it to the Senate to decide and instead focus on other matters? What are the advantages and disadvantages of either position?
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Reading Two

Using Executive Power to Make Change

Although parts of Biden's agenda will require the cooperation of Congress, there are other changes the president can implement through the executive branch—whether through the institutions of the federal government or through executive orders. Indeed, the new president began taking action immediately upon being sworn into office.

In a January 20 article, [NBC News](#) senior White House reporter Shannon Pettypiece provided an overview of Biden's first day in office:

President Joe Biden spent his first hours as president undoing many of the hallmarks of former President Donald Trump's tenure and allowing Biden to begin his own path on how the U.S. will respond to multiple national crises.

Biden signed more than a dozen executive actions Wednesday in the Oval Office just hours after arriving at the White House after having been sworn in as the 46th president, including measures to rejoin the Paris Agreement on climate change, repeal Trump's restrictions on travel from several Muslim-majority countries, stop construction of the Southern border wall and mandate the wearing of masks on federal property....

The wide-ranging moves set the tone for an administration that has said it will waste no time rolling back as many Trump administration actions as it can and push through the policy initiatives Biden pledged to tackle on the campaign trail. Incoming administration officials said Biden will issue additional executive orders and actions soon....

Biden also moved Wednesday to stop the Trump administration's withdrawal from the World Health Organization, which Biden administration officials say is vital for the global response to the pandemic....

On the economic front, Biden asked the Centers for Disease Control and Prevention to extend the federal moratorium on evictions until at least the end of March. He also asked the Education Department to extend the pause on interest and principal payments on direct federal loans until at least the end of September.

<https://www.nbcnews.com/politics/white-house/biden-take-immediate-steps-undo-key-trump-initiatives-unveil-immigration-n1254808>

In a January 17 article for [Vox](#), contributing writer Cameron Peters noted that some of Biden's earliest actions could have both practical and symbolic importance for the rest of the world:

On his first day in office, Biden will also reverse Trump's 2017 decision to withdraw from the Paris climate agreement and put an end to Trump's travel ban, which has targeted primarily Muslim-majority countries (as well as Venezuela and North Korea) and suffered a string of court defeats early in Trump's presidency.

In addition to rejoining the Paris accord, Biden promised in December to "[convene] the leaders of major economies for a climate summit within my first 100 days in office" and reaffirmed plans to "put the country on a sustainable path to achieve net-zero emissions no later than 2050."

<https://www.vox.com/22235689/joe-biden-executive-orders-10-days-travel-ban-mask-mandate>

There are limits to executive power, however. For one, President Biden faces the prospect that some of his actions (as well as some legislation passed by Congress) might be struck down by the Supreme Court, which currently has a 6-3 conservative majority. As [Politico](#) reporters Alex Guillén and Paul Demko wrote this past fall, in the midst of confirmation hearings for Supreme Court Justice Amy Coney Barrett:

The rightward shift [in the court] could imperil much of the agenda of a potential Biden administration or a Democratic Congress, making it easier for the courts to block initiatives such as a "Green New Deal" or vast expansion of Medicare. The addition of a sixth conservative justice — expected to be Amy Coney Barrett — could provide the final ingredient needed for Republicans to restrict or reverse decades-old precedents that have protected a range of government programs from legal challenges, including regulations on healthcare, the environment, technology and the financial industry....

"Without question a 6-3 Court captured by right-wing and corporate interests could shut down much of the progressive agenda, if it could act with impunity," said former Sen. Russ Feingold (D-Wis.), president of the progressive legal nonprofit the American Constitution Society. "Clean water, clean air, food and drug safety, regulation of the health care and health insurance industries, consumer protections and workers' rights (up to and including the right to organize) are all on the chopping block in that scenario."

<https://www.politico.com/news/2020/09/25/supreme-court-regulations-biden-421934>

Meanwhile, grassroots organizations and movements that organized to elect Biden/Harris and help Democrats win a majority in Congress say they are now mobilizing to pressure these elected officials to take bold action – despite the obstacles.

Black Lives Matter co-founder Patrisse Cullors told [PBS's](#) Michel Martin: “I do not believe Biden and Harris are saviors. I don’t think they’ll be able to undo 400 years [of racial injustice]. ... But our job as leaders, as movement leaders, is to push them.” The [Sunrise Movement](#), a youth-led organization that focuses on addressing the climate crisis, says it is stepping up its organizing for passage of a Green New Deal, a package of legislation that aims to transition the U.S. to renewable energy and guarantee everyone a living-wage job.

Joe Biden has gotten an early start in using executive power to start advancing his agenda, but the long-term success of his program has yet to be determined. That success depends not just on the Biden-Harris administration, but on Congress, the Supreme Court, and everyday Americans.

For Discussion:

1. How much of the material in this reading was new to you, and how much was already familiar? Do you have any questions about what you read?
2. According to the reading, what are some of the executive orders that Biden issued on his first day in office?
3. Of Biden’s executive actions described in the reading, which ones do you think will impact you the most? What effect might they have?
4. The judicial branch could limit President Biden’s ability to pursue change through both legislative and executive routes. Can you think of any ways that the administration could work to address this challenge?
5. What does Patrisse Cullors mean when she says that Biden and Harris are not “saviors”? Do you agree? What difference can social movements or individual people make in achieving broad goals?
6. If you were president, what do you think your top agenda items would be?