



SÉRIE AMÉRICAINE ÉLECTIONS 2020

The 2020 US presidential election results will have multiple impacts worldwide. Its outcome will be largely commented during the upcoming weeks. As one of the most prominent French think tanks, Terra Nova has gathered a wide range of experts to provide different analysis on the election's consequences for the United States, and its foreign policy. They do not reflect a collective position, but stand as distinct views and opinions for the French audience on the evolution of the American society and political system after the election. This "American Series" is available on our website www.tnova.fr

PRESIDENT BIDEN SHOULD TAKE ADVANTAGE OF HIS STRENGTHS TO BUILD SUPPORT FOR HIS AGENDA

November 13th 2020 | By Jason Furman, Professor, Harvard University, Former Chairman of the Council of Economic Advisers, 2013-2017

President Biden will be sworn in as President in a divided and polarized country that is being ravaged by a terrible virus and mired in recessionary economic conditions. Most likely he will have an intransigent Republican-controlled Senate that will greatly limit his room for maneuver and make it impossible for him to undertake some of the biggest legislative changes he was proposing for his first year in office. Nevertheless, many of these challenges provide Biden with an opportunity that his predecessors did not have—which is that he can more easily preside over rapid improvements and thus use his first two years to make some progress while building a stronger case for his ideas, and if necessary to implement them, his party in the future.

Large improvements for the United States in 2021 are nearly inevitable regardless of what, if anything, Biden does. COVID deaths will certainly be much lower in the summer of 2021 than they will be in January.

The unemployment rate will almost certainly be lower as well. To the degree Biden has effective policies like expanded testing and vaccine distribution for the virus and an economic stimulus plan for the economy that will hasten these improvements. Biden will get credit not just for his policies but also for the favorable timing of when he is coming into office.

The fact that his predecessor has set such a low bar will help Biden as well. He will be able to improve his standing and the standing of the office of the Presidency with some simple steps like not rage tweeting, petulantly attacking allies on international trips, and disrespecting American veterans. All of this will come as a widespread relief to a country where even the majority of the supporters of President Trump disliked the tone he was setting but were willing to put up with it for policy reasons.

The historic pattern in the United States is for a President to be elected along with a majority for their party in both chambers of Congress. They act aggressively in their first two years to legislate with what they understand may be a transitory governing majority. Perhaps in a self fulfilling manner this leads them to push further than the country as a whole wants to go and thus loses them at least one chamber of Congress in the mid-term elections after their second year as President, effectively ending their legislative agenda. As a result, recent U.S. Presidents have generally gotten the majority of their major legislative accomplishments in the first two of their eight years in office.

President Biden will likely not be able to follow that playbook assuming the Senate stays in Republican hands (the outcome will be decided in a runoff election in the state of Georgia on January 5). This means less legislation in his first two years. But it also means less legislative overreach in his first few years so it might trigger less than the usual backlash. Combine that with the overwhelmingly likely improvements in the virus and the economy and taking back Democratic control of the Senate in 2022 becomes a real possibility, along with it getting his agenda done in his second two years.

In the meantime, President Biden should do what he can to move the ball forward, both for the sake of the country that needs it and also to build the case for more action in the future. That general approach should have four parts :

First, where possible make compromises to legislate. Relief and stimulus legislation to help unemployed workers, cash-strapped states and localities, and testing for the virus—among other priorities—should be top of that list.

Additional investments in infrastructure and clean energy are also something that Democrats and Republicans should be able to agree on provided they include compromises, like more nuclear power along with more wind and solar power. In addition, there is a reform wing of the Republican Party that advocates more investments in children and preschool, working with them could produce important results. Making progress will require some painful concessions, something Biden has shown himself capable of doing both in a long history of passing legislation in the Senate and as Vice President when he was the point person for negotiating many of the fiscal compromises with a Republican Congress.

Second, continue to build out a progressive and pragmatic visions for the future. The United States is the only advanced economy with no nationwide system of paid leave or sick leave. The problems associated with this glaring gap have been vividly on display this past year. Unfortunately, there is almost no Republican interest in the issue so Biden will just be left to make the case for future action. Similarly, further progress on filling the holes in America's health system and unemployment insurance will have to wait, so for now building the case is highest priority.

Third, take executive action without Congress wherever possible. Biden can take steps to address climate change, strengthen worker's rights, improve financial oversight, more aggressively enforce antitrust rules through regulatory and enforcement actions, and expand immigration. He should do as much as possible. Unfortunately, his scope for action will be greatly limited by American courts which were already limiting President Obama's actions in these areas and are likely to be considerably more constraining following the way the President Trump has shifted the judiciary, and especially the Supreme Court, in a direction that greatly limits administrative flexibility. Nevertheless, some progress in these areas is possible.

Finally, Presidents who find themselves stymied at home by legislative and legal gridlock often direct their attentions abroad. President Biden was elected primarily to tackle America's problems but his long-standing focus on foreign policy, he was Chairman of the powerful Senate Committee on this topic even before he was Vice President, gives him a substantial opportunity. So too does the low bar set by President Trump's frequent assaults and allies on multilateralism. Biden can rebuild relationships in Europe, restart coordination around issues from the COVID crisis to climate change, and forge a new multilateral and rules-based approach to more effectively countering China's economic misbehaviors.

The American political system was not designed to make big, rapid changes. Congress and the President are often divided. A supermajority requirement of a 60 percent vote in the Senate adds another break. Judicial activism with frequently overturns legislation and executive actions add yet another break into the system. It is not just institutional breaks, this is also a manifestation of the very divided American opinion that has nothing resembling a consensus for many of the changes that I personally would support. At times I am grateful for this system because it prevents changes I abhor from being pushed through with a narrow majority. At other times I abhor the system for blocking what I see as much needed and well merited changes.

Democrats have become increasingly interested in political reform in recent years, including changes to the composition of the Senate, the rules for how it votes, the Supreme Court and more. None of this agenda can happen in the next two years. Instead Biden will have to figure out how to work within the existing system to make changes. That may be a frustrating restraint, but it also is a useful discipline to force Biden to make a stronger case that brings along more of the country with his very important and inclusive vision for the future of the country.