

Alert

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Cozen Currents: What Makes This Time Different



Howard Schweitzer

CEO, Cozen
O'Connor
Public
Strategies

hschweitzer@cozen.com
Phone: (202) 912-4855
Fax: (202) 640-5932

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"President-elect Trump — and his MAGA movement — will sweep into office in January with much more experience and preparation than it had eight years ago."

— Howard Schweitzer, CEO, Cozen O'Connor Public Strategies

The Cozen Lens

- The second Trump term will be very different from the first. President-elect Trump and his team will enter office more prepared to enact much of their agenda through an aggressive expansion of executive power.
- With the Senate majority set to flip, the Senate GOP caucus will hold its own leadership elections tomorrow to determine which lawmakers will steer Trump's agenda through the upper chamber.
- With Trump's return to the Oval Office, House Speaker Mike Johnson's (R-LA) job will get a bit easier, but it still won't be easy.

Trump 2.0 Will Be Different Than Trump 1.0

2024 Is Not 2016. Unlike his first term, President-elect Trump will begin his second term more prepared.

- In 2016, few expected Trump to win, including the candidate himself. The campaign ended up dumping the transition effort led by former Governor Chris Christie (R-NJ) and the Trump team entered office ill-prepared to govern.
- The first president without prior government or military experience, Trump in 2016 didn't understand how the federal government functioned. He thus relied heavily on establishment Republicans to staff his administration and enact his agenda. Ultimately, they provided some guardrails on the mercurial president, leading Trump to feel like they were thwarting some of his goals.
- This time, Trump and his MAGA movement have had four years to become familiar with the levers of power and four more to prepare for another term. A constellation of think tanks, including the America First Policy Institute, Center for Renewing America, and Heritage Foundation, have laid the groundwork for the second Trump administration to hit the ground running.

Personnel Differences. The staff of a second Trump term will look different from the first.

- Trump has made clear that he'll prioritize loyalty in his appointments. This is a

major issue for him. “There’s something about the lack of loyalty in politics,” he said at a rally this year. The MAGA movement has grown rapidly, giving Trump a greater selection of staffers with ideological and personal ties to him. He won’t need to resort to calling in members of the GOP establishment this time.

- Trump’s first personnel pick is Susie Wiles, his co-campaign director, as chief of staff. Wiles is credited with professionalizing his campaign while letting Trump be Trump. She is poised to operate Trump’s White House effectively while minimizing the chaos of the first term.
- Trump has announced that he will not ask former US Ambassador to the UN Nikki Haley and former Secretary of State Mike Pompeo to join his administration, a sign of the importance of loyalty to him. Haley ran against Trump for the 2024 Republican presidential nomination, while Pompeo was seen as a potential candidate and has criticized his former boss.

Expansion of Executive Authority. A second Trump term will likely challenge institutional norms.

- The core of Trump 2.0 is the strengthening of executive power, which could lead to challenges over the system of checks and balances. Some of the guardrails that prevented a full-blown constitutional crisis in the first term likely will not be present during the second term, such as members of the GOP establishment serving in key personnel roles.
- Trump would likely begin a second term with the restoration of Schedule F, his October 2020 executive order to bring thousands of career federal employees under direct presidential authority, expanding the power of the Oval Office. Trump has also pledged to bring back the power of budget impoundment, the refusal to spend funding appropriated by Congress, which has been illegal since the Nixon administration. He also seeks to erode the Justice Department’s independence from the White House.
- In speeches made public last month, former Office of Management and Budget Director Russ Vought outlined his vision for strengthened presidential power. He criticized the administrative state as unconstitutional. Vought is likely to play a major role in Trump’s second term.

The Senate Under New Management

The Race to Succeed McConnell. Senate GOP lawmakers will vote tomorrow to determine a successor to Senate GOP Leader Mitch McConnell (R-KY).

- Since late May, the race to become the next Senate GOP leader has been a three-man competition. Senator John Thune (R-SD), the current Senate GOP whip and Senator John Cornyn (R-TX), Thune’s predecessor as GOP whip, are the frontrunners. Both are long-time McConnell allies. Senator Rick Scott (R-FL), the favorite of the MAGA crowd, also is vying for the role.
- While the state of the Senate GOP leadership race has been fairly stable since early summer, President-elect Trump’s resounding victory and the possibility of a late endorsement has had the potential to upend the race. Scott has actively courted Trump’s support, arguing transformational leadership change is needed to make Trump’s agenda a reality. Scott’s allies believe a Trump endorsement would be necessary for, but would not guarantee, a Scott victory. While neither Thune nor Cornyn have publicly campaigned for Trump’s endorsement, both have privately sought to make amends for their prior criticism of him.
- Although the race for Senate GOP leader is receiving much of the attention, most of the party’s other top positions will turn over tomorrow as well. Senator John Barrasso (R-WO), the current GOP conference chair, is running unopposed to replace Thune as

whip. Senator Tim Scott (R-SC) is also running unopposed to replace Senator Steve Daines (R-MT) as the next chair of the National Republican Senatorial Committee. In the one other competitive race, Senator Joni Ernst (R-IA), the GOP Policy Committee chair, is running against Senator Tom Cotton (R-AR) to succeed Barrasso as conference chair. Cotton reportedly has privately secured enough votes to beat out Ernst for the role, effectively ending her stint in leadership since Senator Shelly Moore Capito (R-WV) is running for Ernst's current role.

The Real Senate GOP Leader. No matter which candidate ultimately succeeds McConnell, the focus will be on quickly implementing Trump's second term agenda.

- In a departure from McConnell's stewardship of the GOP caucus, the incoming GOP leader will need to accommodate the priorities of all ideological corners of the GOP conference. Trump-aligned conservatives and populists have been newly empowered by Trump's victory and incorporating their policy preferences will require departures from McConnell's institutional decision making, particularly on policy debates around aid to Ukraine or traditionally bipartisan negotiations over government spending.

- The first step for next year's GOP majority will be to confirm Trump's cabinet nominees. The GOP's extra cushion in the form of a 53-seat majority could lower the chances that even a handful of moderate senators, such as Senators Susan Collins (R-ME) and Lisa Murkowski (R-AK), can combine forces to defeat a controversial nomination. Other GOP senators who opposed some of Trump's least traditional first-term nominees have retired, further improving the odds that Trump's appointees are installed in their roles quickly.

- The top policy item on the agenda for a new Senate GOP leader will be tax reform. Both the Trump campaign and GOP lawmakers, particularly on the House side, have been in talks since early summer over the parameters of a sweeping tax code overhaul via a legislative process called budget reconciliation. House Speaker Mike Johnson (R-LA) and House Majority Leader Steve Scalise (R-LA) are promising to go as big as possible with the bill, aiming to extend the expiring provisions of the Tax Cuts and Jobs Act and make modifications to energy, immigration, and healthcare policy all at once, although it is not entirely clear whether reconciliation rules will allow some of these items to move forward on the grounds of germaneness. Broadly speaking, Senate GOP leadership is on the same page, but with most members of the caucus hoping to attach their own policy priorities to the larger bill, shepherding a final package through the Senate will still be a slog.

This Old House

The Dust Settles. It's likely House control, margin, and leadership will all remain substantially the same.

- Although it hasn't been officially called, Republicans are the clear favorite to keep control of the House of Representatives. The margin is still unknown but will certainly continue to be small, not permitting much room to work with. House Republicans are moving forward with their leadership elections tomorrow on the assumption that they'll keep the majority; Democratic elections will be held on November 19 and 20. All indications are that there won't be much of a shake-up for party leaders. House Speaker Mike Johnson (R-LA) seems poised to retain his gavel. On the other side of the aisle, Democratic leaders are some of the only party higher-ups evading blame for widely disappointing election results, partially because House Democrats overperformed the top of the ticket. House Minority Leader Hakeem Jeffries (D-NY), House Minority Whip Katherine Clark (D-MA) and Democratic Caucus Chair Pete Aguilar (D-CA) are expected to be running unopposed to keep their spots.

- It's common for some members to leave Congress to join the administration — for example, House Republican Conference Chair Elise Stefanik (R-NY) is going to be

nominated for US ambassador to the United Nations — but the narrow margin will make it difficult for most House GOP members to bolt for the Trump administration. It also means they'll be highly skeptical of tapping members whose seats might be too competitive for their liking in a special election, with the GOP hardly willing to risk shrinking their expected narrow lead even further.

This New House. Although the White House will help to ensure House GOP members stay in line, that doesn't mean Johnson's job will become easy.

- Wrangling something approaching a consensus from such a fractured majority has proven difficult this term, with near-unanimity required to get anything done and troubles abound on getting everyone from right-flank House Freedom Caucus members and moderates in swing districts on board with tough votes. Key measures have been voted down repeatedly, leadership initiatives squashed, and former Speaker Kevin McCarthy (R-CA) was memorably booted from office.

- Trump will provide a better barrier for leadership but by no means a perfect one. He's unlikely to tolerate significant party infighting and we've already seen this Congress how much influence he has over members (e.g., killing the border bill). Nevertheless, just because things will be easier on Johnson doesn't mean they will be easy. The same disparate factions of the House GOP will still be there next term with the same deep internal disagreements, as will his razor-thin majority to get anything done. He's made it clear that he wishes to raise the threshold to initiate a motion to vacate but it isn't clear if he'll be able to make it happen.

This Congress, the House has been able to do little more than come to negotiated compromises whose boundaries were already mostly set. Speaker Johnson has had to rely on Democratic votes to pass key legislation. Next Congress, expected unified Republican government means the ability to pass big changes along party lines using budget reconciliation. It also means that Democrats may be less likely to help bail out their Republican counterparts. In his Dear Colleague letter formally submitting his request to remain speaker, Johnson emphasizes how the party has been forced to play defensively but is now taking the field to play *offense*. On one hand, the fact that the House GOP will actually be able to get big things done and the pressure not to be one of a few holdouts that sinks the entire Republican legislative agenda will be strong forces uniting members around a common goal. However, the ability to score wins and make plays will empower every member to maximize what they specifically get out of any deal.
