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# The Consequences of Divided Government for U.S. Foreign Policy

Here are three things to watch for on the foreign policy front in the 118th U.S. Congress.

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President Joe Biden delivers his first State of the Union address to a joint session of Congress in March 2022. Chip Somodevilla/REUTERS



Divided government is back! After two years of Democratic control of the presidency and both houses of Congress—just barely in the case of the Senate—the 118<sup>th</sup> Congress that opened yesterday puts Republicans in charge of the U.S. House of Representatives. A single party has controlled the White House and Congress only three times in the last three decades.

So what will divided government mean for U.S. foreign policy? Here are three things to watch.

*1. President Joe Biden will face far stronger political headwinds in his second two years in office than he did in his first two.* Biden's legislative agenda is dead in the water.

House Republicans simply won't go along. The question now is how well Biden can defend his legislative achievements of the past two years. House Republicans will be seeking to dismantle many of them, especially those dealing with climate change. Beyond that, House Republicans will hold a range of hearings designed to highlight what they argue are the administration's foreign policy misdeeds and missteps. Likely topics **include** the disastrous U.S. withdrawal from Afghanistan, the flood of migrants at the U.S.-Mexico border, and Hunter Biden's business dealings. These hearings won't be dispassionate inquiries but partisan efforts to damage Biden and the Democrats more broadly heading into the 2024 election.

Biden can take some comfort in the fact that, like all presidents, he has more discretionary authority in foreign policy than in domestic policy. However, his leeway isn't infinite. Some matters—appropriations, trade agreements, treaties, and nominations—require congressional—or in the case of treaties and nominations, Senate—consent. Appropriations will be a problem. (More on that in a moment.) However, Biden isn't looking to negotiate trade agreements or secure Senate consent for any major treaties. And now that Democrats have a two-seat majority in the Senate, confirming nominees for ambassadorships and executive branch positions will be easier than in a 50-50 Senate. Republican senators will no longer be able to bottle up nominees in evenly divided committees.

*2. The 118<sup>th</sup> Congress could become, possibly literally, the "Do-Nothing Congress."* Congress can act only when the House and Senate agree. But agreement could be scarce over the next two years. Indeed, just getting House Republicans to agree among themselves will be a challenge, as the ongoing **battle over selecting** a speaker shows. With just a narrow, ten-seat margin, which is likely to shrink by one after a **special election** in Virginia next month, and almost all significant House business conducted on a party-line basis, Republican leaders will need nearly every Republican vote to pass legislation. That gives rank-and-file Republicans who are willing to defy their colleagues, as is the case with many members of the ultra-conservative Freedom Caucus, **leverage** over which bills pass.

So the House is likely to operate as the Senate did during Biden's first two years in office. Then Democrats could go only as far as Senators Joe Manchin and Kyrsten Sinema were willing to travel. Now a rump group of House Republicans will have an outsized influence on policy. The two situations differ in one critical respect, though. Manchin and Sinema wanted the government to work and pulled Democrats toward the center. Defiant House Republicans instead want to pull their party to the far right, and they have shown that they will shut down the government to get what they want. (It's why former Republican Speaker of the House John Boehner **once called** Jim Jordan, then the leader of the Freedom Caucus and presumptive chair of the House Judiciary Committee, a "legislative terrorist.")

Whoever inherits the speaker's gavel won't be able to force holdout Republicans into line. Indeed, the holdouts will have leverage over the speaker. They are insisting that the House reinstate the so-called **motion to "vacate the chair."** If they get their way, the holdouts will have the right to force a floor vote at any time to remove the speaker. That threat guarantees a weak speakership.

Democratic strategists may be tempted to applaud the disarray among House Republicans, calculating it will help their candidates in 2024. That might be true. But it will come at the price of massive political dysfunction. Gridlock may be the best outcome; chaos the worst. One critical challenge will be the debt ceiling, which the U.S. government could hit as early as this summer. A failure to raise the debt ceiling would be calamitous. Some Republicans **already say** that they won't vote to raise the debt ceiling unless Democrats agree to slash an array of spending programs. Democrats **are saying** they will not negotiate at all. The game of chicken is on.

*3. Congress will embrace Biden's get-tough policy on China, perhaps too much so, and it might complicate but won't end support for Ukraine.* Bipartisanship may be an endangered species on Capitol Hill today, but it is alive and well when it comes to U.S. policy toward China. Both parties have abandoned strategic engagement with Beijing and embraced geopolitical competition. The risk now is that U.S. policy will, as has happened so many times before, overcorrect. Republicans are pushing a hard line on China and will attack any steps the Biden administration takes that can be interpreted as being "soft" on Beijing. That pressure can strengthen the administration's bargaining position by signaling U.S. resolve. It can also escalate tensions if determination is seen as provocation. On that score, a decision by the new speaker to travel to Taiwan could be critical. Beijing will likely react even more aggressively than it did after Speaker Nancy Pelosi's visit last August.

Meanwhile, much has been made of **flagging support** within the Republican Party for aiding Ukraine. Republican voters do **seem to be less supportive** of Ukraine, but Republican lawmakers continue to back Kyiv. The challenge that Biden faces isn't that the House will vote outright to end U.S. support for Ukraine. It's that the small but vocal anti-Ukraine bloc in the House will succeed in tying support for Ukraine to making big changes to U.S. immigration and asylum policy, changes that most Democrats will find unacceptable. The Biden administration wants to secure Ukraine's borders but not America's is factually inaccurate but it could be politically powerful. Some pro-Ukraine Republicans in both chambers may join the effort to avoid antagonizing their base. The question would then become how to craft a deal that gives all sides something of what they want. That could prove difficult.

In all, the 118<sup>th</sup> Congress looks set to produce more turbulence than progress.

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