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You Can't Get There from Here: House Republicans Struggle to Navigate Appropriations Process

The expression, “You can’t get there from here,” said jokingly by Maine natives to visitors asking for directions to find a place far away or difficult to get to from their current location, comes to mind when describing the predicament in which House Republicans currently find themselves. With the passage of a short-term continuing resolution (CR) tiding the government over until November 17, Republicans are now trying to figure out how to complete the fiscal year (FY) 2024 appropriations process or pass another CR to keep the government open before the current one expires. It will be difficult and complicated for House Republicans to find their way and will involve navigating a circuitous route to the final destination: funding the United States government. Fortunately, to paraphrase the chorus in an R.E.M. song of the same name, the president and his experienced White House staff and congressional appropriators of both parties have been there before and know the way.

As the end of the fiscal year approached on September 30, a deal to avoid a government shutdown and buy more time to negotiate a final FY 2024 spending agreement later in the year came together at the last minute, but with a price. Due to mounting political pressure and the realization that House Republicans would be blamed by the American public for holding up the appropriations process, and rightly so, House Speaker Kevin McCarthy floated the idea of passing a short-term CR to keep the federal government open. The House Freedom Caucus, whose earlier demands resulted in the inclusion of draconian funding cuts and radical policy “riders” in the House’s partisan subcommittee bills and delayed efforts to get spending bills to the floor, quickly vowed to oppose a CR, threatening to remove McCarthy from the speakership if he relied on Democratic votes to pass a CR out of the House.

Defying the conventional wisdom in the waning days that a government shutdown was all but inevitable, soon-to-be former Speaker McCarthy brought a “clean” CR with current FY 2023 funding levels and policy provisions to the House floor on September 30. The CR passed with a strong bipartisan majority attracting more Democratic votes than Republican. The House-originated CR was then adopted by the Senate without drama and signed by President Biden just in time to meet the fiscal year deadline and avert a shutdown. A mere three days later on October 3, MAGA firebrand Representative Matt Gaetz (R-FL) delivered on his threat and offered a “motion to vacate,” [removing Rep. Kevin McCarthy from the speakership](#) when he and seven other Republicans joined with all Democrats in adopting the motion. Democrats aligned against McCarthy since it is the responsibility of the majority party to elect and support their leader and because of Democrats’ complete lack of trust in him after he reneged on bipartisan deals to appease the small but vocal right-wing flank in his caucus.

Now, the House finds itself in the situation of having no speaker in place and no ability to consider legislation on the floor, including appropriations bills, until one is elected. This is at a time when the need to approve emergency supplemental funding for Israel grows as conflict and political tensions in the Middle East threaten to spiral out of control. On top of this, funding for additional military assistance

for Ukraine to support efforts to beat back Russian aggression becomes more acute. Last night, President Biden announced during a prime-time Oval Office address to the nation that the administration will send to Congress a [request](#) for \$106 billion in emergency supplemental funding for military aid to Ukraine and Israel, humanitarian assistance for Ukraine, Israel and Gaza, countering Chinese influence in the Indo-Pacific, and enhanced security at the southern U.S.-Mexican border.

A series of legislative developments, related to funding and the reauthorization of U.S. foreign assistance programs, came together at the end of September and continue now—including House floor action on the foreign assistance appropriations bill and passage of the CR. One related development is Congress' failure to extend the five-year authorization of the President's Emergency Plan for AIDS Relief (PEPFAR) on its technical expiration date of September 30. The delayed reauthorization of PEPFAR is a result of an aggressive campaign of propaganda and false claims by House Republican anti-abortion zealots and will be examined in a forthcoming installment in this series.

A summary of how these legislative developments have all converged in the last three weeks follows.

House Floor Action on the State Department and Foreign Operations Appropriations Bill

In the run-up to the end of the fiscal year, House Republican leadership rushed to pass as many appropriations bills as possible to honor an element of the deal Rep. McCarthy made to secure the speakership in early January. As part of the deal, he committed to bringing all 12 appropriations subcommittee bills to the House floor for consideration and final passage. It was an ultimately futile attempt to persuade right-wing extremist members of the GOP caucus, who vowed not to support omnibus spending packages or CRs to approve a compromise to keep the lights on in Washington past the looming September 30 deadline.

Three subcommittee bills were adopted on the House floor in the last week of the fiscal year: Homeland Security, Defense and last but not least, State, Foreign Operations and Related Programs. A fourth subcommittee bill funding Agriculture, Rural Development and the Food and Drug Administration was defeated on the floor after more than two dozen Republicans, many representing districts carried by President Biden in 2020, balked at the inclusion of a new restriction—for them a “poison pill rider”—limiting access to the medication abortion drug mifepristone and voted with every Democrat present to kill the bill.

On September 28, the House debated and considered amendments to the FY 2024 State-Foreign Operations bill ([H.R. 4665](#)). The committee-approved bill that was under consideration dramatically cuts bilateral family planning and reproductive health (FP/RH) funding, prohibits funding for the UN Population Fund (UNFPA) and legislatively codifies the expanded Trump-era Global Gag Rule (GGR), along with adding new, concerning statutory and [report language](#) on other sexual and reproductive health and rights (SRHR) issues. In many ways, there were limited options for SRHR opponents to make the committee-approved bill any worse on the House floor short of attempting to zero out all international FP/RH funding, and even that might have been a bridge too far for some in the GOP caucus.

Under the rule adopted for consideration of the bill on the House floor, 78 amendments were made in order by the Rules Committee, the overwhelming majority of which were performative ideological messaging amendments proposed by extremist Republican members targeting the international affairs budget, United Nations agencies, Department of State personnel, USAID operating expenses and climate change to name just a few examples. Of the 49 amendments offered during debate, only 18 passed, none of which further affected international FP/RH provisions in the bill.

Two amendments on international FP/RH funding and policy were submitted to the Rules Committee by subcommittee Ranking Member Barbara Lee (D-CA) with co-sponsors Representatives Jan Schakowsky (D-IL) and Dina Titus (D-NV). The first would have restored bilateral FP/RH funding to the current level of \$575 million, replacing the \$461 million ceiling contained in the committee-approved bill that amounts to \$114 million cut. The second amendment sought to strike the section in the bill containing a prohibition on U.S. funding for UNFPA and codification of the expanded Trump GGR which would apply to all U.S. global health assistance. But alas, neither of Lee's amendments were made in order and allowed to be offered on the House floor.

During general debate on the bill, Ranking Member Lee and Representatives Grace Meng (D-NY), Lois Frankel (D-FL) and Andrea Salinas (D-OR) spoke out on the floor opposing the cuts to bilateral FP/RH

funding, the UNFPA funding ban and the inclusion of harmful policy riders new and old, such as the expanded GGR and the Helms amendment. It was heartening to hear new voices speaking up in support of SRHR—especially first-term Rep. Salinas and Rep. Meng, who was recently selected as Chair of the House Pro-Choice Caucus International Women’s Rights Task Force.

Two hopeful examples of the expanding political salience of SRHR issues among Democrats in Congress and in the White House emerged during the House consideration of the State-Foreign Operations bill. Immediately prior to the final passage of the bill, Democratic leadership tapped Rep. Salinas to offer a “motion to recommit,” a parliamentary opportunity for the minority party to send a bill back to the committee from which it originated with instructions for further consideration. As Rep. Salinas [explained](#) her intent:

“The majority’s obsession with anti-choice, anti-LGBTQ, and anti-diversity politics precludes them from putting forth a bill that has any chance of becoming law. Specifically, their bill would reinstate the Global Gag Rule and prohibit contributions to the UNPFA, restricting women and girls around the world from receiving the reproductive and maternal healthcare they need.

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“ . . . My amendment would strike the Global Gag Rule and allow contributions to UNPFA. Mr. Chair, I strongly support reproductive rights and believe we should be a global leader guaranteeing it to all women and girls, regardless of where they may have been born.”

While the Salinas motion to recommit (MTR) failed on a straight party line vote as most MTRs do, all Democrats voted in support of the Salinas motion, one of three MTRs focused on SRHR offered during a marathon House floor session on September 28 where four appropriations subcommittee bills were acted upon.

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The second example of increasing Democratic comfort with taking on reproductive rights issues head on was the veto threat issued on the House bill by the White House in its [“statement of administration policy”](#) (SAP). The SAP cited the reproductive health restrictions—both funding and policy—in their list of objections to the bill, stating that the “Administration is deeply concerned that the bill includes new restrictions on lifesaving global family planning and reproductive health (FP/RH) services and other global health assistance; these excessive conditions would undermine U.S. efforts to combat infectious diseases and to advance gender equality globally by restricting America’s ability to support health programs.”

In the end, the FY 2024 State-Foreign Operations bill was adopted by the House on a nearly straight party line vote of 216 to 212 with all Democrats present voting in opposition to a bill that contains [steep funding cuts](#) to the international affairs budget and ideological “poison pill” policy provisions. Democrats were joined by only two Republicans—Representatives Brian Fitzpatrick (R-PA) and Marjorie Taylor Greene (R-GA)—who opposed the bill for different reasons unrelated to SRHR issues.

There is no chance that the House-passed bill will be enacted into law in its current form. As previously reported, there are stark differences between the [House](#) and [Senate](#) versions of the State-Foreign Operations bills with the House-passed bill cutting and capping bilateral FP/RH funding, prohibiting funding for UNFPA, and legislatively codifying an expanded GGR, while its Senate counterpart maintains the status quo on policy, sticking with current law, but also providing a \$25 million bilateral funding increase and preserving a slightly enhanced UNFPA contribution due to the passage of an amendment offered by Senator Jeanne Shaheen (D-NH) during markup.

(in millions of dollars)	FY 2023 Enacted (P.L. 117-328)	FY 2024 President's Budget Request	FY 2024 House-Passed Bill (H.R. 4665)	FY 2024 Senate Committee-Approved Bill (S. 2438)
Global Health Programs (GHP) account	(523.95)	600.0	--	(548.95)
Economic Support Fund (ESF)	(51.05)	19.3	--	(51.05)
Assistance for Europe, Eurasia and Central Asia (AEECA)	--	0.4	--	--
TOTAL, bilateral FP/RH	575.0	619.7	(461.0)	600.0
U.S. contribution to UNFPA (IO&P)	32.5	57.5	0.0	35.1
TOTAL, bilateral & multilateral FP/RH	607.5	677.2	461.0	(635.1)



NOTE: FP/RH funding levels that were earmarked in the statute are indicated in **bold**, while funding levels that were specified in report language are denoted (in parentheses).

The timetable and process for Senate floor action on its version of the State-Foreign Operations bill ([S. 2438](#)) is uncertain. Appropriations Committee Chair Patty Murray (D-WA) and Ranking Member Susan Collins (R-ME) are committed to bringing all 12 subcommittee bills to the floor and passing them, probably in a series of “minibuses” packaging two or more bills together. But even though the full committee has passed subcommittee bills with broad bipartisan support, including State-Foreign Operations which was adopted on a vote of 27 to 2, returning to “regular order” in the limited time remaining on the legislative calendar is a daunting task.

The last time that the foreign assistance appropriations bill reached the Senate floor was in September of 2010, more than a dozen years ago. If the State-Foreign Operations bill makes it to the Senate floor, there is no reason for concern that an anti-SRHR amendment might succeed as the chamber’s rules will require any hostile floor amendment to surmount the 60-vote threshold necessary to invoke cloture, a vote total that SRHR opponents cannot reach. At the end of any final appropriations agreement that may take place in the months ahead, it is entirely plausible that the status quo on international FP/RH funding levels and policy provisions will remain for the 14th year in a row, which would not be an unfavorable outcome in the current chaotic political environment.

Continuing Resolution Keeps Government Operating Until November 17

The [CR](#) currently keeping the federal government operating through November 17—a month from now—funds most programs and activities at the FY 2023 levels with several exceptions that provide funding flexibility and additional appropriations for various programs, most notably \$16 billion for disaster relief but not the emergency supplemental funding requested by the Biden administration for Ukraine.

To avoid a shutdown, the CR was introduced last minute in the House, passed by both chambers, and presented to and signed by the president all in one day, September 30, the last day of the fiscal year. The bill passed the House by a wide bipartisan margin of 335 to 91 with Democratic supporters outnumbering their Republican counterparts 209 to 126. Committing the ultimate sin for MAGA Republicans of being a responsible legislator, Rep. McCarthy lost the speakership because he retreated to a “clean” CR and relied on Democratic votes to pass it.

Perhaps all this drama could have been avoided if House Republicans had stuck with the deal that President Biden and then-Speaker McCarthy negotiated in early June to avoid an unprecedented default

on the nation's financial obligations. The deal set top-line discretionary spending levels for defense and nondefense programs for the next two fiscal years with the intent of facilitating a smooth bipartisan, bicameral appropriations process. But no sooner had the ink on the president's signature on the Fiscal Responsibility Act of 2023 dried before the House Republican majority reneged on the deal on top-line spending levels and began treating the levels adopted as "ceilings" rather than "floors." With the tacit approval of Speaker McCarthy, Republican appropriators reverted to writing bills that rolled back funding allocations to below FY 2022 levels, which would result in cuts in the hundreds of billions of dollars to nondefense discretionary programs.

By reneging on the bipartisan budget deal and ignoring agreements on top-line spending allocations — combined with efforts to attach new divisive "culture war" policy "riders" — House Republicans almost succeeded in blowing up the FY 2024 appropriations process and provoking a government shutdown. And they may still succeed. It all depends on how soon Republicans are able to elect a new speaker and who is chosen to replace the now deposed McCarthy. Who is chosen matters greatly to how the process of getting to a final FY 2024 spending deal proceeds.

Apropos of this, Representative Jim Jordan (R-OH), who has emerged as the leading Republican vote-getter in the election to pick the next speaker, has faced opposition from senior GOP appropriators during the three ballots that have been taken so far. They appear to be unconvinced that Rep. Jordan, who has been described by former Republican Speaker and fellow Ohioan John Boehner as a "legislative terrorist," possesses either the temperament or dealmaking skills required to negotiate an FY 2024 spending package that can be passed by both chambers and signed by the president.

Removing a speaker is a historic first that puts the House in uncharted territory, so there are many questions whether Representative Patrick McHenry (R-NC) as Speaker Pro Tempore, a position created in the aftermath of 9/11 to ensure continuity of government, can perform any legislative functions or if his only role is magisterial in supervising the election of a new speaker. With the House being without a speaker for 17 days and counting and unable to function, those questions will increasingly come to the forefront the longer it takes a dysfunctional Republican caucus to elect a new speaker.

Stay tuned for future installments in this series "You Can't Get There From Here: House Republicans Struggle to Navigate Appropriations Process" which will continue to analyze the speaker election, the potential implications of that selection for the prospect of avoiding another appropriations showdown in November and how Congress and the White House can get to their final destination on FY 2024 spending.