

House lawmakers return to looming budget and impeachment decisions

Balancing the two demands could be the hardest test of Speaker McCarthy's leadership thus far

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The House reconvenes Tuesday with a pressing deadline to fund the government and avert a shutdown, a priority that threatens the power of Speaker Kevin McCarthy (R-Calif.) and is complicated by the growing thirst among some Republicans to launch an impeachment inquiry into President Biden.

Funding the government by Sept. 30 will be the greatest hurdle to date for the fragile House Republican majority and McCarthy's chances of keeping his speaker's gavel. Passing conservative funding bills while juggling calls for impeachment could unite the conference around McCarthy — or splinter it further, according to several Republicans, who, like others, spoke on the condition of anonymity to outline ongoing negotiations. And there is no clear path forward that would mollify all factions.

Several lawmakers and senior aides close to leadership detailed what they see as the likeliest deal: House Republicans would pass a month-long budget extension, known as a continuing resolution, that would almost certainly include concessions to the hard right to allow time to pass individual appropriations bills throughout October.

Hanging over that discussion is a growing expectation that there could be a vote on an impeachment inquiry, though it remains unclear what exactly Republicans want to impeach Biden for, and few could predict a timeline for that decision. That path also doesn't account for the handful of lawmakers who want short-term funding and an impeachment inquiry to be tied to one vote.

Multiple people said finding a path to averting a shutdown will begin in earnest once lawmakers descend on Washington, because there have not been active negotiations over the August recess. Majority Whip Tom Emmer (R-Minn.) and Deputy Whip Guy Reschenthaler (R-Pa.) have spent the past

several weeks working the phones to gauge where red lines lie for various lawmakers. Leadership will work this week to convince members that keeping the government open is good for the party and will help achieve their goals of lowering spending.

Complicating leadership's desire to begin passing appropriations bills this week is a threat from the House Freedom Caucus. Members of the hard-right group have demanded cuts to all 12 appropriations bills, further reducing government funding and ignoring an agreement on spending levels that McCarthy and President Biden reached earlier this year in a deal to raise the debt limit. Freedom Caucus members are threatening to block a procedural vote until they receive a top-line number on the overall funding allotted to fiscal 2024. Members say they have yet to see proof that all the bills fall below the threshold McCarthy and Biden set.

It is not their only demand. In an August letter, Freedom Caucus members said they would support a continuing resolution only if it includes a border security bill that Republicans passed this year, addresses "the unprecedented weaponization of the Justice Department and FBI," revokes "cancerous woke policies in the Pentagon," and does not include any funding for Ukraine. Those demands are nonstarters among senators. In the Senate, there is bipartisan support for passing a short-term funding bill that also fulfills Biden's request to allot more money for Ukraine and domestic natural-disaster relief.

Still, members of the five ideological groups within the House GOP conference say they share the goal of passing the most conservative proposals possible, to enter negotiations with the Senate on the strongest footing for both the short-term funding extension and the 12 year-long appropriations bills.

"The clock is running out, and we need to put forth the most conservative bills possible," said Rep. Kevin Hern (R-Okla.), who chairs the Republican Study Committee.

Congress must also address several reauthorization deadlines by the end of the month, including spending for agriculture and aviation.

"If the Senate doesn't understand that elections have consequences and that House Republicans are more conservative than Leader Schumer, then listen, we're going to have a complicated go at it," said Rep. Dusty Johnson (R-S.D.), referring to Senate Majority Leader Charles E. Schumer (D-N.Y.).

The politics of an impeachment inquiry

Perhaps no piece of the funding puzzle is more complicated than the politics of potentially opening an impeachment inquiry into Biden — and whether the issue will be used to entice far-right lawmakers to avoid a shutdown.

Some lawmakers fear that the parameters of a short-term funding bill could irritate far-right colleagues, whose votes would be needed to pass a procedural hurdle without Democratic support. When Republicans relied on Democrats to help pass the debt ceiling deal struck between McCarthy and the Biden administration earlier this year, Freedom Caucus members blocked the House from considering any legislation for a week.

To appease those lawmakers, Republican leaders are weighing whether to use a potential impeachment inquiry vote as a bargaining chip in the funding negotiations. But even if the inquiry is included in the talks, it's not certain that Republicans have the necessary 218 votes to pass it. Some lawmakers are staunchly against it, and McCarthy has said that an impeachment inquiry would occur through a vote on the House floor, as opposed to his unilateral decision-making.

"I think it's abusing the process," Rep. David Joyce (R-Ohio) said, lamenting how political impeachments have become. "We've been good about letting [the] Judiciary and Oversight [committees] run their course, and I've not seen a compilation of facts or evidence that had been put together that would convince me or anybody else at the moment that the next step is an impeachment inquiry."

House Republicans have been investigating whether Biden benefited from his son Hunter's business dealings, but they have yet to discover evidence directly connecting the two. While they have uncovered allegations that the Justice Department stymied the investigation into Hunter Biden's financial misdeeds, along with testimony about his penchant for touting the family brand to reel in business deals, investigators on the House Oversight and Judiciary committees have not unearthed any evidence of wrongdoing by the president.

Rep. Ken Buck (R-Colo.), a member of the Freedom Caucus, criticized his colleagues who are pushing to open an inquiry.

"The time for impeachment is the time when there's evidence ... linking President Biden to a high crime or misdemeanor," Buck said in an NBC News interview.

“That doesn’t exist right now, and it isn’t really something that we can say, ‘Well, in February we’re going to do this.’”

Several conservative lawmakers who reliably toe the party line have privately echoed similar concerns: that the pursuit of an impeachment inquiry is a distraction and could be perilous if investigators do not find a direct link between the president and his son that reaches the impeachment threshold of “high crimes and misdemeanors.”

“If you’re truly going to impeach somebody, impeach him because he actually did something wrong. Don’t do it to win votes; do it because it’s the right thing to do,” one conservative House Republican said, speaking on the condition of anonymity to discuss a growing perspective within the conference.

A Trump campaign official said that former president Donald Trump and McCarthy speak often but that Trump hasn’t explicitly asked the speaker to launch an inquiry. The official, speaking on the condition of anonymity to discuss private conversations, added that Trump’s orbit is leaving it up to Rep. Marjorie Taylor Greene (R-Ga.), Oversight and Accountability Committee Chairman James Comer (R-Ky.) and other Trump allies on the Hill to exert pressure and persuade their colleagues to open an inquiry.

The White House has pushed back vehemently against the effort.

“Speaker McCarthy shouldn’t cave to the extreme, far-right members who are threatening to shut down the government unless they get a baseless, evidence-free impeachment of President Biden,” Ian Sams, spokesperson for the White House Counsel’s Office, said in a statement. “The consequences for the American people are too serious.”

But several Republican lawmakers and aides said McCarthy won’t be able to escape his conference’s demands because a broad swath views an inquiry as a step that would give members more investigative tools if the Biden administration does not comply with current probes.

Further complicating party leaders’ calculation is that Freedom Caucus members do not see a vote on impeachment as guaranteeing their votes on a short-term funding resolution, multiple members and aides said.

“You’re not going to trade one for the other with me, and I think a lot of members feel that way,” said Rep. Scott Perry (R-Pa.), the chair of the Freedom Caucus.

If an impeachment inquiry is eventually approved, according to multiple people familiar with leadership's thinking, McCarthy is expected to argue that if lawmakers want investigations to continue, including those looking into Hunter Biden and Biden administration officials, they cannot shut down the government because that would halt all of those queries.

One senior House GOP aide close to McCarthy rebuffed Perry's comments as wishful thinking, adding that an impeachment inquiry could very well be leverage for the speaker.

"McCarthy is being smart in holding it as a chip," this aide said.

Republican vs. Republican

House Republicans' thin majority has been routinely tested over the past eight months, but they have managed to overcome significant points of tension to pass partisan pieces of their agenda.

While they have defied the odds, including skepticism within their own ranks, lawmakers have privately warned since early this year that McCarthy's speakership would be tested the most by the fall government funding fight. That's because a number of promises he made to win the speaker's gavel hinged on curtailing spending.

"We're asking for a very modest change in the status quo," Perry said. "And, oh, by the way, it's one that the speaker agreed to in January."

How the House majority will manage to fund the government is anyone's guess, GOP lawmakers and aides say. Before the August break, leadership recessed a day early after tensions prevented a deal on a bill funding agriculture policies.

While time away from Washington often cools heads, lawmakers largely predicted that funding the government would test conservatives' fundamental differences on governance. If the House and the Senate pass different short-term spending bills, House Republicans acknowledge that a compromise will be necessary. While the Senate has not drafted such a bill, Schumer and Minority Leader Mitch McConnell (R-Ky.) agree with Biden's request for more than \$24 billion for Ukraine and \$16 billion for disaster relief.

House Republicans, on the other hand, largely believe that supplemental Ukraine funding must be passed as a separate bill, though leaders think they can get enough members on board with including some disaster aid in a short-term funding bill.

At this point, Republican leaders have no plans to rebuff their most conservative colleagues and turn to Democrats to help fund the government. Relying on Democrats would be the surest way for McCarthy's speakership to be challenged, said people familiar with the Freedom Caucus's thinking.

Still, if a bicameral deal is struck, House conservatives are concerned that their hard-right colleagues may oppose it, forcing McCarthy to put a bill on the floor that could pass with more Democratic votes than Republicans — the issue that caused the Freedom Caucus blockade of the House floor this year. And it could imperil McCarthy's gavel.

People familiar with the Freedom Caucus's thinking said the group wants to see McCarthy side with them throughout the negotiations and aggressively fight for their demands against the Senate. Lawmakers know they will not get everything they want, but they want McCarthy to prove he can notch "a win" for them.

And if he doesn't?

"I think that everything is on the table to hold the speaker accountable to do what he committed to do back in January," Rep. Bob Good (R-Va.) said on Fox Business.

While it takes only one Republican to trigger a vote to vacate the speaker's seat, many House Republicans credit McCarthy as the only leader who can manage the unruly conference — and there is no obvious consensus replacement.

A large portion of the GOP conference is worried that they would be blamed for a shutdown, harming their majority. But others say blame is inevitable as Freedom Caucus lawmakers publicly stress that the country should not fear a shutdown — especially if it gets them closer to curtailing spending.

Further irritating many Republicans is the Freedom Caucus's tendency to make last-minute demands rather than actively participate in the appropriations process to extract more concessions, a premise far-right lawmakers reject.

“I hope that more and more folks will start to understand when we’ve [shut down the government] in the past, we put American security at risk,” Joyce said. “People say they’re conservative and they want to cut spending. Well, government shutdowns cost taxpayers billions of dollars.”

But to Perry and others, it’s worth fighting for curtailed spending and lower debt, even at the risk of jeopardizing the House majority.

“I’m not going to base my decisions on whether we win or lose the majority because ... we’re going to be blamed no matter what happens,” Perry said. “If your skin is that weak and that thin that you can’t stand that, you probably shouldn’t have run.”

Johnson, the South Dakota Republican, said he had no idea whom Perry’s remarks were directed to because a majority of the conference is “focused on doing the right thing.”

“We may have tactical disagreements about how best to secure conservative victories,” he said. “I think it’s unfortunate anytime anybody would view tactical disagreements as a lack of courage.”