



“Groundhog Day,” or “How to Terrify Voters through Perpetual Crises”

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Here we are again, dear reader. Congress is coming soon to deadlines to fund the government with no apparent agreement even remotely in sight. Unless it acts, and acts soon, a significant and necessary part of the federal government will shut down in a little over two-weeks’ time, and most of the rest of it on February 2. Why are we here? What can be done? For what it’s worth, here’s my two cents, although two cents won’t get you much these days.

Debt Ceiling Crisis

Early last year, the United States Department of Treasury and the White House informed Congress that it had to increase the debt ceiling or face – for really the first time ever – the nation’s default on its sovereign debt and a subsequent devastating financial crisis of global proportions. The House of Representatives under new management held out until the last minute to force the White House to negotiate a deal to increase the debt limit. Together with the House leadership, the White House and Senate Democratic leaders reached an agreement that, among other compromises, set yearly appropriations levels for fiscal year 2024 and fiscal year 2025. Both the House and Senate approved the legislation reflecting the deal, and President Biden signed it into law in early June.

Appropriations Crisis

The ink hardly dry on the new law, the new House majority began insisting, contrary to what was agreed to in the debt ceiling negotiations, that the deal’s appropriations levels were merely caps and not floors, and that the House would insist on deep cuts, mostly in non-defense spending. This position runs counter to how the Senate has proceeded in bipartisan fashion, crafting bills that mostly adhere to the

debt ceiling law. Without a plan to pass final negotiated spending measures prior to the September 30 fiscal year-end, former House Speaker Kevin McCarthy (R-California) brought to the floor and secured passage of a bill that simply extended the then-current fiscal year spending levels for some weeks. He did not include any of the deep cuts or legislative riders upon which some in his party were demanding.

House Leadership Crisis

Certain lawmakers in Mr. McCarthy's own Republican Conference, feeling betrayed by the then-speaker and the spending extension, successfully removed McCarthy from the speakership. After several days of deliberations and failed candidacies, House Republicans elected Representative Mike Johnson (R-Louisiana) to serve as the body's new leader. Speaker Johnson promptly moved a similarly clean short-term spending patch with bipartisan support, but said he was "done with" any further limited patches, saying Congress should pass all 12 of the yearly spending bills individually. The problem is, though, that the House-approved bills are deeply partisan in nature, controversial, and in direct opposition to the Senate's bipartisan approach, and simply will not pass the Senate or win the president's signature. The deadlines set by the Johnson extension are January 19 and February 2.

Border Policy Crisis

Seeing the number of people at the country's southern border seeking to enter the United States, either legally or illegally, some in Congress insisted this fall that any legislation providing funding for Ukraine, Israel, and other national needs carry permanent, politically charged changes to the nation's immigration policy. Putting aside the fact that Congress has not been able to reform immigration policy despite decades of trying – it is a staggeringly complicated and politically fraught proposition – these naysayers succeeded in blocking the aid package that some say is desperately needed.

Appropriations Crisis, Part Deux

With no agreement in sight, Congress went home for the holidays leaving a few principals to work on a possible solution to the border policy/aid package problem. As word of progress on a possible border agreement has come out this week, House members who want severe cuts in non-defense accounts are now saying that they will oppose *any* yearly appropriations legislation that does not carry the extreme immigration policy changes the House passed last year. If Speaker Johnson, who, since his election as speaker, has continued to hew to the right side of his conference, opts to stare down the Senate and White House with a take-it-or-leave-it deal that would devastate domestic accounts, I fear we are truly looking at a partial federal government shutdown later this month and perhaps a complete shutdown in early February. (A small number of exempt functions would continue in such a scenario as if funded.) How long a shutdown would last is anyone's guess. What is clear, though, is that some in the House majority have no problem forcing a shutdown and causing immense pain ordinary Americans will most certainly feel.

Come on, Daniel. If it's so bad, why don't the Democrats simply give the Republicans what they want? Firstly, AFOP, as a strong proponent of responsible and equitable immigration reform, strongly objects to the House-passed plan. (I would be happy to dive into why with you; please just shoot me an email or

give me a call.) It is one-sided and wholly unfair to those seeking asylum and/or a legal way to adjust their status. Secondly, it would set a terrible precedent. Republican supporters of this approach are proposing *permanent* policy change for *one year* of appropriations normalcy. If the Democrats agreed to this, I don't think it out of the realm of possibility that doing so would embolden Republicans to make additional policy demands in the future. Cuts to Social Security and Medicare? Changes to fair labor standards? Repeal of the Affordable Care Act? No one knows.

Okay, then why don't Democrats just agree to a so-called "continuing resolution" (CR) through September 30? Wouldn't that mean that the National Farmworker Jobs Program (NFJP) would remain at its current fiscal year 2023 level for all of program year 2024? The answer is a bit complicated, and I will spare you the painful details, but suffice it to say that the debt limit deal requires an across-the-board cut for *all* discretionary accounts, including NFJP, should Congress resort to a year-long CR. Additionally, a long-term CR is also no way to run a railroad, meaning Congress would be abdicating its responsibility to manage the nation's books. A lot has changed since December 2022 when Congress last set spending levels.

Then, what's the plan, Stan? The plan is for the House and Senate to agree without further delay to the overall amount that the federal government will have available to spend in fiscal year 2024. Doing that will then allow appropriators to write the final 12 individual yearly spending measures. Once lawmakers reach those agreements (and understandings about any riders), the path to passage will be somewhat clear, provided that all parties, especially House leadership, have bought into the decisions. That's the plan and that's the hope. And I'm a hopeful person by nature.

Happy New Year to one and all!

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