

## Deadlocked speaker's race paralyzes House as 118th Congress convenes

Veteran and newly elected lawmakers arrived on Capitol Hill this week to officially convene the 118th Congress, but while the Senate began the new session in traditional fashion, the House as of press time was in its fourth day of stalemate, with the new—and very narrow—Republican majority struggling to elect a speaker and thus unable to conduct any other business.

### The fight for the speaker's gavel: Multiple rounds, no decision

The GOP flipped the House in November's midterm elections and now holds a majority of 222 seats in the new Congress, compared to 212 for Democrats. (One seat is vacant following the death of Rep. Donald McEachin, D-Va., who was re-elected to a fourth term but died November 28.)

Rep. Kevin McCarthy, R-Calif., who has been the Republican leader since 2019, was chosen as speaker designee by a majority of the Republican conference during the lame duck congressional session in November, but in multiple roll call votes over the course of this week he has been unable to clinch the 218 votes necessary to be named speaker. (The speaker is elected by a vote of the entire House, so to win the gavel a candidate has to secure an absolute majority of all members present and voting.)

With all House members present and all Democrats backing their party leader, Rep. Hakeem Jeffries of New York, McCarthy can lose no more than four votes to ascend to the speakership. But about 20 Republicans—primarily from the far-right House Freedom Caucus—have consistently voted against McCarthy in 11 separate roll calls between January 3 and January 5, while demanding (and winning) significant concessions on issues such as House operating rules and committee assignments that are favorable to their faction. That number was whittled down to seven in the twelfth round of voting, held on January 6.

**Implications for committees, members, and constituents:** Administratively, the House cannot conduct any other business until members have elected a speaker and then approved a rules package for this Congress. This week's deadlock means, among other things, that members have not yet been sworn in to Congress, returning House members have lost their security clearances and cannot receive classified briefings, and members' offices cannot provide constituent services; moreover, committees cannot meet, and no legislative business can occur.

The gridlock in organizing has specific implications for House committees and their staff. *Punchbowl News* reported January 5 that a memo was sent to committees stating that committee staff members will not get their next paycheck if the House rules package isn't in place by January 13. (The staff of individual members' offices are paid out of budgets allotted to the district's office and so are not under the same threat.)

**URL:** <https://twitter.com/KFaulders/status/1611174972495462402?s=20&t=5WEbu0S3wf5qDWQGSWz9fA>

“Committees need to be aware that should a House rules package not be adopted by the end of business on January 13, no committee will be able to process payroll since the committee's authority is not yet confirmed,” stated the memo, which was drafted by the House Administration Committee and Chief Administrative Office.

The situation on the Ways and Means Committee is even more unsettled than many others. Bucking tradition, McCarthy opted to defer until after the speaker's election the process of choosing leaders for committees where there are contested races for the top spot. Three taxwriters are vying for the Ways and Means gavel—Reps. Vern Buchanan of Florida, Adrian Smith of Nebraska, and Jason Smith of Missouri—but until a speaker is elected and the Republican Steering Committee meets to select a chair, decisions on committee staffing are on hold, leaving staff from last Congress in an uncertain position. Another significant repercussion of the House leadership stalemate is a freeze on the appointment of new members to the committee. (Republicans are likely to add about 10 members to the panel as they fill new seats to reflect their majority in the chamber and fill vacancies created by the departures of former ranking member Kevin Brady of Texas, who did not seek re-election in 2022, and former Rep. Tom Rice of North Carolina, who lost his 2022 primary bid.)

**Any resolution in sight?:** At press time, the chamber was prepared to move to a thirteenth roll call vote for speaker, although it was unclear whether McCarthy would be able to flip enough of the remaining seven holdouts to claim a majority or, if he is unsuccessful, whether there would be yet another round of voting or a motion to adjourn. It remains possible that the speaker's race and McCarthy's negotiations with the last of his Republican opponents, who some observers say may be especially difficult to win over, could continue into the coming weekend or into the week of January 8. In comments to reporters late January 5, McCarthy was noncommittal when asked about how long it might take to nail down a deal that would allow him to clinch a majority.

I'm not putting any timeline on it—I just think we've got some progress going on," he said. "We got members talking, I think we've got a little movement and we'll see."

### **Familiar leadership teams in the Senate**

The kickoff of the 118th Congress was less fraught in the Senate, where Democrats and Republicans this week formally installed their respective leadership teams and then adjourned until January 23.

The Democratic roster remains largely unchanged from the previous Congress, with Sen. Charles Schumer of New York back as majority leader, Richard Durbin of Illinois as majority whip, Debbie Stabenow of Michigan as chair of the party's Policy and Communications Committee, Amy Klobuchar of Minnesota as chair of the Steering Committee, Elizabeth Warren of Massachusetts and Mark Warner of Virginia as vice chairs of the conference, Bernie Sanders of Vermont as chair of outreach, and Tammy Baldwin as conference secretary.

In one notable change to the line-up, Sen. Patty Murray of Washington stepped down from her role as assistant Democratic leader to become president pro tempore of the Senate. (The assistant leader position has been eliminated in the 118th Congress.) The president pro tempore, which is third in line to the presidency after the vice president and the House speaker, is a position traditionally held by the most senior senator in the majority party. Although Sen. Dianne Feinstein of California is the most senior Democrat now that Vermont Sen. Patrick Leahy has retired, she chose not to take the president pro tempore role.

Across the aisle, Republican Sen. Mitch McConnell is once again Senate minority leader, John Thune of South Dakota is minority whip, and John Barrasso of Wyoming is Republican conference chairman.

**Finance Committee developments:** Leadership on the Senate Finance Committee also is unchanged from the previous Congress, with Sen. Ron Wyden, D-Ore., staying on as chairman and Sen. Mike Crapo, R-Idaho, continuing as ranking member.

It is not yet clear, though, just how the committee roster will be adjusted to reflect the expanded Democratic majority on the Senate floor. Democrats control 51 Senate seats in the 118th Congress—including 3 Independents who caucus with the party—while Republicans hold 49.

Democrats and Republicans each held 14 Finance Committee seats in the 117th Congress to reflect what had been a 50-50 party split in the chamber. (Democrats had the majority with the tiebreaking vote of Vice President Harris in her role as president of the Senate.) With an outright majority in the new Congress, Democrats are likely to insist on having a majority of seats on the taxwriting panel and therefore might either add a seat of their own or tell Republicans they may not fill one or more of the vacancies on their roster created by the recent retirements of Sens. Richard Burr of North Carolina, Rob Portman of Ohio, and Patrick Toomey of Pennsylvania, and the pending resignation of Sen. Ben Sasse of Nebraska. (Sasse is set to resign on January 8 to become president of the University of Florida.)

All of the Democrats who served on the Finance Committee in the 117th Congress are back on the taxwriting panel; however, this will be the final term for taxwriter Debbie Stabenow, who announced this week that she will not seek re-election to the Senate in 2024 and will retire from Congress.

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