



Primer: Ending Biden's War on the American People Through Government Funding

Summary

With Congress's return from the long August recess, a pivotal inflection point for America awaits. Discretionary funding for federal agencies is scheduled to expire at the end of the fiscal year on September 30. Meanwhile, beleaguered Americans face crises on numerous fronts—not the least of which is a weaponized Washington at war with its own citizens.

House lawmakers can bring this weaponization to heel using the constitutional power of the purse. They can refuse funding and force the policy changes necessary to defend their constituents against the onslaught of woke and weaponized government. The question remains one of will—both at the leadership level and among many rank-and-file Members accustomed to avoiding conflict. While a fight on federal funding may well result in a temporary partial government shutdown, such a result should not deter lawmakers from upholding their oath to protect the republic. Years of hearings, rhetoric, and promises have resulted in very little accountability, enabling through inaction the federal government's advance toward criminalizing the beliefs of half of the nation.

The House must refuse any funding measure that does not lock in policies that secure the border, reduce spending to pre-COVID levels, end the woke culture revolution in our military and other federal agencies, defang the weaponized Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) that is increasingly using lawfare to attack political opponents, and prohibit COVID mandates and lockdowns.

The time to draw a line in the sand is now. In the wake of the historic agreement made as part of the Speaker deal earlier this year—with the Speaker's commitment to that deal remaining very much in doubt—this is the last chance for House leadership to prove it will act, and that it will keep its promises to defang the federal bureaucracy and restore the public's trust.

Shutdowns: What They Are and What They Are Not

Few subjects illustrate the divide between real America and the D.C. elite more clearly than the threat of a so-called "government shutdown." In Washington, the mere utterance of these two words strikes terror in the hearts of the K Street cartel, corporate press, and party establishments.

For struggling Americans outside the Beltway facing record inflation, skyrocketing crime, a devalued dollar, the escalating fentanyl epidemic, and a weaponized government that views patriotic citizens as domestic terrorists, the real impact of such “shutdowns” measures somewhere between a shrug and a cheer.

What is a government shutdown?

Congress is tasked with passing funding legislation for the discretionary budget that the president must sign before the end of each fiscal year on September 30. These funding measures typically come in the form of appropriations bills (12 in total), either passed individually or tied together in a ‘minibus’ or omnibus. If Congress does not pass these bills before the end of the fiscal year, the legislature will often consider a continuing resolution (CR) at current funding levels until an appropriations agreement is reached. If appropriations measures or an interim CR are not passed, that means discretionary funding lapses and the government “shuts down.”

It is important to note that roughly 73 percent of federal spending is so-called “mandatory” spending—programs that effectively run on autopilot like Social Security, Medicare, Medicaid, and numerous veterans’ programs.¹ These programs largely remain outside the annual appropriations process in Congress. The discretionary budget—currently pegged at \$1.7 trillion following the catastrophic Pelosi-McConnell omnibus agreement in December 2022—represents 27 percent of the total federal budget.² It is mostly within this slice of federal spending that a prospective shutdown is relevant.

However, this 27 percent of spending represents a significant share of the bureaucracy currently engaged in open hostilities against the people from whom it derives its legitimacy.

A government shutdown is in reality a partial government slowdown affecting only specific discretionary programs that did not pass in an appropriations bill prior to the the funding deadline and only those programs deemed “non-essential.” Therefore, any shutdown will at the absolute most only impact about one-fourth of the federal government. The immediate direct impacts of a shutdown are that non-essential federal bureaucrats are furloughed, non-essential programs are halted, and non-essential services are paused until a resolution presents itself and Congress agrees to fund those agencies once more.

As demonstrated by the 2019 shutdown, the Executive branch has fairly wide latitude to mitigate the potential negative impact felt by a shutdown on working Americans. Each agency is tasked with developing its own shutdown plan and typically follows the guidance laid out by the Office of Management and Budget (OMB). For example, the Trump administration used broad latitude to maintain functionality in essential services during the 35-day partial government slowdown in 2018-2019. Among the actions taken by the administration to mitigate the impact on Americans:

- Sending out food stamp benefits early to avoid a lapse for recipients.
- Ensuring that national parks remained open to the public.
- Directing the IRS to continue to pay tax refunds.

This stands in stark contrast with the optics theater during the 2013 Obamacare shutdown fight, in which the Obama administration instructed the National Park Service (NPS) to erect barricades at monuments and kick visitors out, including blocking World War II veterans on Honor Flights from visiting their own memorial.³ Such actions were unnecessary and represented a cynical attempt to inflict intentional pain on citizens in order to pressure congressional Republicans to end their attempt to defund Obamacare.

In other words, President Biden has the power to mitigate many of the effects of any shutdown, but would likely, as Democrat presidents in the past have done, utilize OMB to increase the perceived harm of a shutdown, while blaming their political opponents, and counting on the general ignorance of the public as to how the mechanics of these outcomes occur.

Unfortunately, this naked political ploy has worked in the past to break the weak House leadership.

What is not a government shutdown?

A government shutdown is not a cessation of all activities and functions within the federal government. The intelligence agencies continue to—hopefully—monitor for threats to the nation, Social Security checks continue to go out, soldiers continue to man their posts, embassies continue their diplomatic missions, the United States Postal Service continues to operate, airplanes continue to fly, and doctors continue to see patients on Medicare.

Congress has typically provided that any federal employees furloughed and those required to work without pay will receive their paychecks in full once the slowdown ends.⁴ A shutdown does not result in laid-off federal bureaucrats, but instead merely sidelines such employees until an agreement is reached.

Off-Ramps and Shiny Objects: The Tactics of the Timid

Congressional leadership is currently engaged in both an internal and external exercise to chart a pathway that avoids fighting over border security, a woke military, resuscitated COVID mandates, and a militantly weaponized Department of Justice. The talking points and tactics are a mixture of desperate off-ramps to skirt around the fight or empty bids to attach shiny objects that will ensure the weaponized bureaucracy remains funded at post-COVID levels.

Single Issue Focus: Speaker Kevin McCarthy (R-CA) has signaled intentions to focus on narrowing the CR battle to stripping out a \$24 billion Ukraine supplemental.⁵ While this is the correct policy, the federal bureaucracy's posture against the American people's interests and well-being goes far beyond just profligate and dangerous Ukraine spending. The CR fight cannot come down to a single issue. That would guarantee, at best, a continuation of weaponization throughout the federal bureaucracy and result in a watered-down policy outcome from the initial position—whether it is Ukraine spending, border security, or some other singular focus.

Impeachment Rider: Some members of Congress are pushing hard to condition support for a CR with an impeachment inquiry of President Biden.⁶ While an impeachment inquiry into the Biden administration is justified on a host of issues including his willful refusal to secure the southern border, such a move is little more than a shiny object. In exchange for opening an impeachment inquiry into President Biden, House lawmakers would then fund the very policies justifying the impeachment inquiry in the first place. It makes no strategic sense, fails to solve the underlying issues at hand, muddles the messaging on weaponized government, and is intended to distract Americans from the substantive harm being carried out by the federal bureaucracy. Giving up a major leverage point to achieve policy changes that hold the woke and weaponized deep state accountable for a process that Senate Democrats will kill is not a good trade-off.

Canceled Oversight: One current Beltway talker is the notion that a shutdown will prevent continued oversight hearings in Congress. This scare tactic is ahistorical. Oversight hearings continued to be held during previous shutdowns.⁷ Further, this can be remedied by passing a stand-alone Legislative Branch appropriation bill to keep Congress and its committees operating during a shutdown. It is imperative, however, that House lawmakers not attempt to conflate gathering congressional testimony as a higher priority than substantively curbing the very weaponized administrative state they are investigating.

Political Fears: A constant theme from shutdown-averse establishmentarians is that shutdowns almost always harm the political Right, regardless of who is responsible. This is ahistorical and an exercise in both cowardice and excuse-making. After the 2013 Obamacare shutdown, polls showed significant contemporary blame was indeed placed on the House Republican majority in part because of government leaders' efforts to oppose the policy goal. However, in the following 2014 election, Republicans picked up a historic nine Senate seats and gained 13 seats in the House for their largest majority since 1928.⁸ Because shutdowns are in fact little more than temporary slowdowns for only part of the federal government, the impact felt by Americans is both minimal and fleeting. Further, there is no data showing that such funding lapses serve as a serious motivator for voters.

Better Positioning: One of the weaker arguments designed to provide an off-ramp to avoid a fight on the CR is that a short-term CR provides a better opportunity to extract policy demands from a president that is in-cycle. This is effectively gaslighting as neither party will have the appetite for another funding fight of any serious significance closer to an election and the result of a punted CR without reforms poses the very real risk of setting up yet another Christmas omnibus disaster similar to what Americans experienced last year. Further, a punt of the CR fight fractures the House majority and ensures that the Motion to Vacate the Chair becomes a real consideration.

Senate Blockade: The U.S. Senate has passed all 12 of its appropriations bills out of committee. Majority Leader Chuck Schumer (D-NY) announced that some of the bills will start coming to the floor ahead of the September 30 funding deadline.⁹ This is intended to jam the House and there are rumors that the Senate could attach a short-term CR to one of their minibuss bills to give House leadership cover to capitulate. The House leadership should rebuff this threat and utilize its power within the Rules Committee if needed, knowing that the House minority's only option to bring the Senate bill forward is a discharge petition.

Senate Swap: Another rumored off-ramp for congressional leadership is a swap wherein border security spending is increased in exchange for Ukraine funding and an otherwise continued level of funding and continued bureaucratic weaponization. This fails to account for the fact that policy changes supersede the need for money when it comes to border security. It does little good to give Customs and Border Protection (CBP) more money when the standing policy of the Biden administration is catch-and-release, refusal to erect a border barrier, continued asylum loopholes, abandonment of the Remain in Mexico policy, and refusal to utilize safe third-country asylum protocols.

The End Game: How to Win the Shutdown Fight

Americans rarely hear their elected officials—including self-described conservatives—talk about winning a shutdown showdown. For many party leaders and establishment entities on the political right, the goal is almost always to *avoid* a fight and a prospective shutdown. Indeed many Republicans energetically adopt the framing that Democrats put forward, blaming conservatives for the situation, instead of standing together as a conference, unified against woke and weaponized government. However, in an age where the federal government is actively targeting parents at school board meetings as domestic terrorists, raiding the homes of pro-life activists before sentencing others to prison, monitoring observant Catholics as potential domestic extremists, and stacking the deck to persecute their political opposition—a shutdown of the weaponized bureaucracy should be viewed, at least in part, as an *end*—not merely a means to one.

It is especially appalling that some Members of the political Left are ginning up anxiety about a temporary partial government slowdown that will only impact government bureaucrats

guaranteed to receive back pay, but had no similar qualms shutting down tens of thousands of small businesses and schools in response to COVID. There has been zero accountability for the decimation of working households' livelihoods as a result of those shutdowns. Those who proactively shut down the lives of millions of Americans during COVID, but who will now try to paint a picture that the sky is falling if government funding expires, should be ignored. Such fear-mongering should ring hollow for Members dedicated to winning this fight on behalf of their constituents.

The calculus for rank-and-file Members as well as leadership must change ahead of this month's brewing battle. Instead of looking for off-ramps to avoid a battle or shiny objects to distract citizens from an outcome they will not support, congressional leadership should instead seek a pathway for *winning* the battle and delivering relief for the people they were elected to represent.

Every Member who votes to fund the federal bureaucracy—without significant structural policy reforms that curb weaponized Washington—de facto owns the war being waged on their constituents. No lawmaker can credibly plead ignorance or claim that they are putting a greater good ahead of the well-being of their constituents.

There is no excuse.

In light of that, below are the steps that Members could take to secure victory for a besieged America, held hostage by radical activists in a woke and weaponized government.

- 1. Preempt the Senate:** The House should implement policy changes in a bill that includes all provisions from the Secure the Border Act, prohibits new COVID mandates, blocks abortion tourism and woke indoctrination in the Department of Defense, defangs the FBI, guts the Civil Rights Division at DOJ, holds administration officials like Alejandro Mayorkas accountable for their willfully destructive decisions, and nixes Ukraine funding while charting a path to pre-COVID spending levels.
- 2. Consider Relatively Tame Appropriations:** The House could then consider passing piecemeal appropriations like the MilCon-VA, Energy and Water, Transportation, and Legislative Branch appropriations bills ahead of the September 30 deadline. These bills contain the least weaponized elements of the bureaucracy and move cynical arguments about roads, air traffic, veterans, and nuclear facilities off the table. This is not to say that elements within those bills aren't ripe for policy changes. However, the focus of weaponization is embedded within the DOD, Labor-HHS, CJS, Homeland, and State and Foreign Ops bills.
- 3. Pressure the White House:** Following the passage of a strong House bill, leadership should make clear that the government will remain funded if the Senate passes this bill and President Biden signs it. This should be followed by a relentless commitment to

outlining what the House did to protect the American people—securing the border, ending COVID tyranny, and disarming a two-tiered justice system to protect the rule of law.

4. **Reykjavik the Opposition:** If the U.S. Senate refuses to come to the table or does so in bad faith, House leadership should walk away and move to hold field hearings outside of Washington D.C. until Senate leadership has agreed to either pass their bill or adopt significant policy measures to provide relief for the American people. This is how Reagan dealt with committed left-wing radicals: by walking away when he had the upper hand. Beltway elites need the government to remain on autopilot far more than the American people do. House leadership will do well to internalize that.
5. **Commit to Constituents:** Given the fact that Social Security checks will continue apace, airplanes will continue to fly, veterans' programs will continue uninterrupted, and soldiers will continue to man their posts, House leadership should remain willing to keep the temporary government slowdown in place as a desired end short of adopting policies that will protect their constituents. The backs of the bureaucrats will be broken long before the American people decide they want to see their weaponized government continue.

This is the pathway to victory. The House should adopt strong border security policies that nullify the Biden administration's capitulation to the cartels, proactively prohibit new COVID mandates on masks and vaccines, implement riders that mitigate the Pentagon's abortion tourism policies and woke indoctrination, and drastically reduce funding for the DOJ and FBI, especially the Civil Rights Division.

Conclusion

The federal funding battle is the biggest test that House leadership has faced since the historic Speaker agreement came to fruition at the beginning of the 118th Congress. The willingness of the House majority to use one of their last remaining leverage points to bring an out-of-control federal bureaucracy to heel will determine not just the political future of many elected officials, but also chart the course of a nation reeling from a two-tiered justice system and government at war with its own citizens.

There will be a battle on the CR. The outcome is largely dependent on whether House leadership chooses courage over the typical Beltway cowardice.

Endnotes

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