

## **House still paralyzed as Jordan fails to clinch speaker's gavel and GOP blocks temporary plan to resume business**

The House of Representatives remained unable to conduct legislative business this week after Speaker-nominee Jim Jordan, R-Ohio, failed in three separate ballots to win the 217 votes he needed from his GOP colleagues to become speaker, bringing his quest for the gavel to an end; meanwhile, members of the Republican Conference rejected a tentative plan that would have temporarily granted Speaker Pro Tempore Patrick McHenry, R-N.C., expanded authority to oversee the chamber's operations.

### **A persistent deficit in GOP support**

Jordan, who chairs the House Judiciary Committee and is a founder of the House Freedom Caucus, was unsuccessful in his first bid to replace former Speaker Kevin McCarthy, R-Calif., who was removed from his leadership post following a successful "motion to vacate" on October 3. Jordan lost out to Majority Leader Steve Scalise, R-La., by a vote of 113-99 in the internal Republican conference contest to become the party's nominee for speaker on October 11; but he quickly revived his campaign after Scalise withdrew from the race just one day later. (For coverage of Scalise's short-lived bid for the speakership, see *Tax News & Views*, Vol. 24, No. 34, Oct. 13, 2023.)

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Jordan prevailed in an internal Republican conference vote against a last-minute challenger, Rep. Austin Scott, R-Ga., on October 13, but his margin of victory—124-81—was well below the majority he would need in a vote by the entire House. (Remember that the speaker is elected by the entire House. Republicans currently hold 221 seats in the chamber, Democrats hold 212, and 2 seats are vacant. With all the chamber's Democrats expected to support *their* leader, Rep. Hakeem Jeffries of New York, in an eventual floor vote, a Republican candidate for speaker can afford to lose no more than 4 votes on the GOP side of the aisle to clear the 217-vote threshold required for a majority. This is precisely the math problem that proved to be Majority Leader's Scalise's undoing: his calculation that 217 votes were beyond his reach prompted him to abandon the speaker's race without even attempting a floor vote.)

Jordan's performance in a subsequent "validation vote" on October 13 in which Republican conference members were asked to indicate if they would actually vote for him on the floor, was marginally better—152-55—but still left him staring down a considerable deficit in support among his colleagues.

Jordan spent the weekend of October 14 attempting to corral votes from those Republican lawmakers who either opposed him outright or were undecided about casting a vote for him. Those efforts yielded some success, but not enough to win him the gavel. Jordan garnered only 200 votes—compared to 212 for Minority Leader Jeffries and 20 that were split among assorted current and former GOP lawmakers, including former Speaker Kevin McCarthy and Majority Leader Scalise—in an October 17 roll call. He fared even worse in a second round of voting on October 18, receiving only 199 votes. Jeffries once again won all 212 Democratic votes and the remaining 22 votes went to other Republicans—including 1 vote for former Speaker John Boehner, R-Ohio.

Like Scalise before him, Jordan appears to have bumped up against several discrete blocs of House Republicans who refuse to back him under any circumstances. Some continue to support former Speaker McCarthy out of resentment over the way a small group of Freedom Caucus members used a “motion to vacate” to force him out of office; some remain loyal to Scalise because they feel he was not given an adequate chance to mount a campaign for the top spot; some GOP appropriators expressed reservations over Jordan’s willingness to embrace government shutdowns instead of taking a more measured approach to the government funding process; and others bristled at what they have described as heavy-handed tactics employed by Jordan and his allies to win over opponents.

### **A potential off-ramp gets blocked**

The fact that he was bleeding support over two days of voting prompted Jordan to announce on the morning of October 19 that he would postpone further roll call votes, suspend—but not abandon—his campaign for speaker, and back a plan emerging in some Republican circles to advance a resolution that would temporarily give Speaker Pro Tempore Patrick McHenry, R-N.C., broader powers to move legislation through the chamber.

McHenry became speaker pro tempore on October 3, after then-Speaker McCarthy was removed from his leadership post; however, the position generally is considered to be ministerial and its powers limited to overseeing the election of a permanent speaker. (This view is not universal, however, as some scholars think he has as much authority as a majority of House members allow him to exercise.) The plan under discussion—which was never formally introduced—purportedly would have given McHenry authority for a limited period of time (reportedly through January 2, 2024) to call the House back into session and conduct regular legislative business. Such an arrangement also would have given Jordan some breathing room to work on building a sufficiently broad base of support among his GOP colleagues and even allow him to call for another floor vote in the interim if he felt he was within striking distance of a majority.

But that option was quickly shot down during a House Republican Conference meeting on the afternoon of October 19, with the opposition coming primarily from conservative members who felt that such a move was, in essence, a capitulation to Democrats. (A resolution giving McHenry additional legislative powers likely would have required Democratic support to succeed, and some in the GOP were concerned that Democrats would demand significant concessions on policy and procedural issues in exchange for their “aye” votes.)

### **Strike 3—and he’s out**

Jordan emerged from that afternoon meeting determined to resume his campaign and pursue yet another floor vote.

“I’m still running for speaker, and I plan to go to the floor and get the votes and win this race,” he told reporters. “But I want to go talk with a few of my colleagues. Particularly, I want to talk with the 20 individuals who voted against me so that we can move forward and begin to work for the American people.”

Jordan met with several GOP holdouts on the evening of October 19; however, press reports suggest he made little headway in winning them over. (One lawmaker told reporters that there were calls within the group for Jordan to drop out of the race.)

Subsequent news reports that Jordan's support among Republicans was continuing to erode were borne out in the third round of voting, held on the morning of October 20. Jordan was held to just 194 votes and Jeffries won 210. The number of Republicans who defected to other current and former GOP members climbed to 25.

That third ballot proved to be the end of Jordan's campaign. During an internal conference meeting on the afternoon of October 20, Republican House members voted by secret ballot to remove him as their speaker-nominee. According to press reports, only 86 of his colleagues supported his continued candidacy and 112 voted against it.

### **What's next?**

Republicans left town after the October 20 conference meeting. An internal candidate forum to give speaker-aspirants a chance to make their respective cases to their colleagues is planned for October 23. Members will have until noon on October 22 to declare their intention to run.

As of press time, there were no obvious leading contenders for the post and it is unclear how House Republican leaders intend to manage the process of nominating another candidate and shepherding him—or her—through a conference that remains beset by competing priorities and whose power hinges on an extremely narrow majority.

Also unclear is what the prolonged speaker's race will mean for getting urgent legislation through Congress and to the president's desk. Without an elected speaker at the helm, normal House operations are essentially hamstrung—a predicament that is growing more urgent by the day as lawmakers face calls from both parties and the White House to address priorities such as funding the federal government after the current stopgap measure keeping the doors open expires in less than one month; providing aid to Israel, Ukraine, and Taiwan; and authorizing funds to enhance security at the US southern border.

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