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— News From The States —

EVENING WRAP



By [Kate Queram](#)

This is the last time we'll see each other before a likely government shutdown, which will begin at 12:01 a.m. Sunday, barring a miraculous last-minute change of heart from [a dozen far-right Republicans](#) who represent roughly 2% of the American population but are holding hostage 100% of the American government.

I'm confident there will be no midnight reprieve. The MAGA caucus is loath to compromise on anything — there's little incentive to barter when the dysfunction is the point — which doesn't really matter, because it doesn't really seem to know what it's holding out for. Border security? The further humiliation of House Speaker Kevin McCarthy? Attention [from Donald Trump](#)? Who knows? Who cares? The government will shut down for no reason, but hey, at least U.S. Rep. Matt Gaetz (R-Fla.) [got his name in the news](#).

The Big Takeaway

The stalemate comes just four months after the last time House Republicans threatened to throw the country into turmoil. That debacle ended after prolonged and painful negotiations between McCarthy and President Joe Biden produced [a compromise spending plan](#) to fund the federal government through the next fiscal year. This month, far-right House lawmakers reneged on that agreement, seeking additional spending cuts that are anathema to Biden, Democratic lawmakers and a good portion of congressional Republicans. And those demands keep changing, leaving legislative leaders (including McCarthy, whose entire job consists of reconciling these situations before they spill into public view) confused about what, exactly, might end the

standoff.



During a shutdown, the Capitol would close to visitors, but not to members of Congress, who would continue to be paid for the duration of the thing they caused.

(Photo by Jennifer Shutt/States Newsroom)

The Senate gave it a go earlier this week, advancing [a short-term funding measure](#) to keep the government open through mid-November in a bid to buy more time to negotiate over ... whatever it is that requires more negotiating. But McCarthy rejected it outright, prompting Senate Republicans to huddle together Thursday to draft amendments that might somehow appease the holdouts in the House. Mostly, those talks focused on additional funding for border security measures, which probably isn't enough to convince McCarthy to put it up for a vote, [our D.C. bureau reported](#).

The continuing resolution isn't a done deal in the Senate, either. The chamber hasn't approved the proposal due to objections from its own Republicans — namely Sen. Rand Paul (R-

Ky.), who's pitching a fit about a provision that would allocate \$6.1 billion to military and humanitarian efforts in Ukraine. Normally, this wouldn't be particularly important (libertarians gonna libertarian), but legislative leaders need consent from all 100 senators to call a vote on the plan ahead of Saturday night's deadline. And as of Thursday, Paul was not in a consenting mood.

"To avoid a government shutdown, I will consent to an expedited vote on a clean CR without Ukraine aid on it," Paul wrote on social media. "If leadership insists on funding another country's government at the expense of our own government, all blame rests with their intransigence."



"Look what you made me do."

(Photo by Greg Nash- Pool/Getty Images)

Senate Democrats did their best to roll with the punches, even as they kept repeatedly stressing that the funding plan is a short-term measure that was designed to simply ensure that the rest of the government can continue to function while Congress flails around doing nothing.

"I know there are colleagues concerned about doing more on border security — something I am willing to continue to discuss," said Sen. Patty Murray, a Washington state Democrat and chair of

the appropriations committee. “But time is of absolute essence here and a shutdown would mean the folks who are working at our Southern border would be forced to work without paychecks.”

House Republicans responded to this by attempting to revive the lost art of letter-writing.

More than 25 members of the extremely conservative Freedom Caucus signed onto [a missive asking McCarthy](#) to answer six questions about funding the government, including a request that he “publicly refute and reject” the bipartisan measure crafted in the Senate and several inquiries about when he’d get around to scheduling votes for four funding bills that ignore the spending levels set in May and thus have no chance of making it past either the Senate or Biden’s veto pen.

House Republicans who *didn’t* sign the letter said they’d prefer that their cohorts get “on record as being for something that prevents a shutdown,” even as they admitted that was a fairly impossible task in the current caucus.

“I’m also very empathetic with leadership right now because they are trying to do the near impossible when you think about it — and that is appease people who may be ... unappeasable,” said Rep. Steve Womack (R-Ark.), a senior appropriator.



Migrants from Haiti stand at a gap in the U.S.-Mexico border wall after having traveled from South America to

the United States on Dec. 10, 2021 in Yuma, Arizona.

(Photo by John Moore/Getty Images)

The shutdown would affect a whole host of things, from [military paychecks](#) to [national parks](#) to immigration courts, where cases are already so backlogged that schedules stretch into 2025. If the government closes its doors Sunday, pending cases in courts outside of detention centers will be canceled or rescheduled, worsening the perpetual logjam for immigrants and attorneys who have already waited for years, [per our D.C. bureau](#).

Nationwide, there are roughly 650 immigration judges, spread across 69 immigration courts and three adjudication centers. As of August, their collective backlog totaled [more than 2.6 million cases](#). Typically, judges can get through just a handful of cases each day, according to Hon. Mimi Tsankov, president of the National Association of Immigration Judges.

“Imagine if you can’t get to a few weeks worth of cases, those are going to be pushed out to the end of the docket. And that just means that these people will really not get their day in court. Their cases become stale, new evidence has to be prepared, assembled, presented,” she said. “It’s inefficient.”

There’s no way to know how long a shutdown might last. At best, officials hope it will be shorter than in 2019, when the government ground to a halt for 35 days after Democrats refused to fund Trump’s dumb border wall (which Mexico [was supposed to pay for](#)). [Nearly 43,000 court cases](#) were canceled during that debacle, ensuring a longer wait for people who had already waited as long as four years for their day in court.



U.S. Sen. Dianne Feinstein (D-Calif.) at a Senate Judiciary Committee hearing on judicial nominations on Capitol Hill on Sept. 6, 2023.

(Photo by Drew Angerer/Getty Images)

Amid the drama, Washington awoke on Friday to learn that U.S. Sen. Dianne Feinstein died Thursday night at her home in D.C. She was 90 and in the final year of her [fifth](#) term, [our D.C. bureau reported](#). She had announced her retirement earlier this year.

“She left a legacy that is undeniable and extraordinary,” her chief of staff, James Sauls, said in a statement. “Senator Feinstein was a force of nature who made an incredible impact on our country and her home state.”

Feinstein was first elected to Congress in 1992, becoming the first woman to chair the Senate Rules Committee and the Senate Intelligence Committee. Her legislative accomplishments include the 1994 federal assault weapons ban and a modernization of the Violence Against Women Act.

Her last term was somewhat rocky, peppered with ill health and decreased mobility. Some Democrats called for her resignation when she returned to Congress in May after a prolonged

absence, but she rejected their complaints, saying that she'd returned and was "prepared to resume my duties in the Senate."



Somewhere in there: The Senate.

(Photo by Jennifer Shutt/States Newsroom)

Feinstein's death whittles Democrats' already slim Senate majority to 50, which is likely to slow judicial appointments until California Gov. Gavin Newsom names her replacement. Newsom, a Democrat, said previously he would fill the seat with a Black woman.

"She was a political giant, whose tenacity was matched by her grace," Newsom said in a statement. "She broke down barriers and glass ceilings, but never lost her belief in the spirit of political cooperation."

Feinstein cast her last vote on Thursday in favor of the short-term spending plan to keep the government open past Saturday.

"She voted to make sure that our country would continue to move forward and not shut down,"

Murray said. “That was Dianne ... she cared about her country.”

Hint, hint: [GOP witnesses at Biden impeachment hearing see insufficient evidence of wrongdoing so far](#) ... [Alabama Secretary of State, reapportionment chairs oppose maps drawn by special master](#) ... [Kamala Harris makes her case for the youth vote in appearance at FIU in Miami](#) ... [Warnock, Georgia Democrats ‘gravely concerned’ about impact of Medicaid unwinding error on children](#) ... [Idaho House and Senate still at odds over solution to presidential primary mess](#) ... [Dispute continues between Idaho Republican Party and Bingham County GOP](#) ... [Former Rep. Esau seeks end of Kansas’ 3-day grace period for accepting mailed advance ballots](#) ... [Think tank demands release of ‘secret’ Kansas voter registration deal. It was readily available.](#) ... [GOP former Michigan House speaker sentenced to federal prison for taking bribes as head of state licensing board](#) ... [Nevada plans for presidential primary, says GOP’s caucus is GOP’s business](#) ... [New Mexico political map trial ends with more evidence still on the way](#) ... [New Oregon House GOP leader Helfrich seeks unity, pragmatic solutions](#) ... [Oregon’s 5th and 6th districts lean Democratic but still diverge politically](#) ... [Lawsuit by Attorney General Ken Paxton’s accusers can continue, Texas Supreme Court rules](#)



LGBTQ Rights

Let’s turn our attention to government operations that should feel free to shut down anytime, like a policy restricting health care for trans kids that will take effect in Nebraska on Sunday with no guidance, rules or regulations in place — and no indication of when they might come, [the Nebraska Examiner reported](#).



*Lawmakers watching as the ban passes the legislature.
(Photo by Zach Wendling/Nebraska Examiner)*

Those policies are the purview of the state’s chief medical officer, an ENT doctor named Timothy Tesmer who promised he would “put aside” his “personal opinions” to regulate hormone treatments and puberty blockers for minors, which [he, personally, does not approve of](#). At his confirmation hearing in May, Tesmer vowed to craft a set of “evidence-based, reasonable and time-efficient” rules with input from a team of multidisciplinary health providers — and to keep lawmakers updated on the process, which, as of this week, he had not done.

For now, all we know is this: Transition surgeries will be prohibited for minors as of Sunday. Non-surgical treatments, including puberty blockers and hormones, can continue, but only for existing patients; patients not currently receiving care will have to wait until the rules are in place to do so.

State Sen. Machaela Cavanaugh, an Omaha Democrat, sought more information on Thursday [via a letter](#) requesting details about the process (were there any medical experts involved? What’s the timeline of the work? Got any draft language?) that essentially boiled down to an inquiry about what, if anything, had been done to implement the law.

“As families prepare for these sweeping changes in their children’s health care, what can they expect to come into effect this Sunday?” she wrote.

The likely answer is that no one has an answer. Even if the draft regulations are finished (which seems unlikely), they must go through [a public hearing process](#) before being finalized by state officials. Per state policy, members of the public must have 30 days notice before the public hearing, effectively delaying the process until late October at the earliest. Health officials [vowed previously](#) to “attempt to minimize” the time between the law taking effect and the enactment of “emergency regulations,” but could not offer a specific timeline or provide details on what, exactly, Tesmer is doing.

Opponents of the law said the lack of transparency proved it was a partisan policy meant to appease right-wing voters at the expense of LGBTQ+ kids and their families. There’s no excuse for the delay, said state Sen. John Fredrickson, one of two openly LGBTQ+ lawmakers in the Nebraska Legislature and one of three senators behind [an alternate proposal](#) that offered specific guidelines for the policy.

That amendment was defeated in favor of another that granted full authority to Tesmer, but it at least provided a framework for him to work from, Fredrickson said.

“We tried to address each and every single one of those concerns in a very specific and enumerated way, and I haven’t heard a peep from Tesmer or anyone about those efforts,” Fredrickson said. “It’s really unfortunate because Nebraskans and Nebraska families have been in anguish in this waiting process, and they are suffering as a result of this.”

The cruelty is the point: [Alabama Attorney General wants to enforce ban on gender-affirming medication](#) ... [Class action lawsuit seeks to halt enforcement of anti-trans law in Lexington public schools](#) ... [U.S. appeals court upholds Kentucky’s ban on some medical care for transgender minors](#) ... [St. Tammany library board chips away at mountain of challenged books](#) ... [As Missouri providers halt transgender care for minors, some feel duped by legislative deal](#) ... [Federal Appeals Court upholds Tennessee law banning gender-affirming care for minors](#) ... [Texas’ ban on certain drag shows is unconstitutional, federal judge says](#)



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One Last Thing

*NSYNC's new song [is here](#) and it's, I don't know, fine? A notable standout in the "I'm not sure anyone really asked for this" hall of fame? Appropriate for a "Trolls" soundtrack? (That's not a diss, it's ... literally for a "Trolls" soundtrack, which I guess is maybe all you really need to know.)

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