

**Congress of the United States**  
**Washington, DC 20515**

August 9, 2019

The Honorable Mick Mulvaney  
Director  
Office of Management and Budget  
The White House

The Honorable Russell Vought  
Acting Director  
Office of Management and Budget  
The White House

Dear Director Mulvaney and Acting Director Vought:

We write to express our deep concern regarding reports that for the second year in a row, the Administration has paused end of the fiscal year obligations and may be preparing a rescission package that would cancel over \$4 billion in funding vital for American foreign policy. Slashing crucial diplomacy and development programming would be detrimental to our national security while also undermining Congress's intended use for these funds.

These funds, which were appropriated by Congress and signed into law by the President following lengthy, bipartisan negotiations, are essential to promoting U.S. global leadership and protecting the security of the American people. We urge you to make them available for obligation without further delay.

Under the Constitution, Congress has the authority to appropriate funds and oversee their expenditure, and it is the duty of the Administration to "take care that the laws be faithfully executed." The 1974 Congressional Budget and Impoundment Control Act (ICA) was enacted to protect this constitutional framework. Under the ICA, only Congress has the power to rescind budget authority. The Administration may, under limited circumstances, propose rescissions, but if the proposal is not approved by both chambers of Congress within 45 days, the funds must be made available with sufficient time for prudent obligation.

A December 2018 legal opinion by the Government Accountability Office upholds Congress's constitutional power of the purse under the ICA and reinforces why it is unacceptable to propose a rescission package as the clock on the fiscal year counts down. It states, "[T]he statutory text and legislative history of the ICA, Supreme Court case law, and the overarching constitutional framework of legislative and executive powers provide no basis to construe the ICA as a mechanism by which the President may, in effect, unilaterally shorten the availability of budget authority by transmitting rescission proposals shortly before amounts are due to expire . . . . Therefore, amounts proposed for rescission must be made available for prudent obligation before the amounts expire, even where the 45-day period for congressional consideration in the ICA approaches or spans the date on which the funds would expire."

It would be inappropriate for any administration, under any circumstance, to attempt to override Congress's most fundamental power. Such action would be precedent-setting and a direct affront to the separation of powers principle upon which our nation was built. As leaders of the Congressional Committees with oversight responsibility for U.S. foreign policy and the appropriate resourcing and execution of development and diplomacy programs, we would be

compelled to use all the tools at our disposal to respond appropriately, should such action be taken.

We strongly urge the Administration not to submit a new rescission package to Congress and seek your assurance that no such package will be forthcoming.

Thank you for your attention to this urgent matter, and we look forward to your timely response.

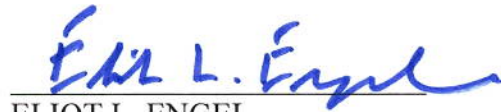
Sincerely,



JAMES E. RISCH  
Chairman  
Senate Foreign Relations Committee



ROBERT MENENDEZ  
Ranking Member  
Senate Foreign Relations Committee



ELIOT L. ENGEL  
Chairman  
House Foreign Affairs Committee



MICHAEL T. McCAUL  
Ranking Member  
House Foreign Affairs Committee

cc: The Honorable Mike Pompeo, Secretary, U.S. Department of State

The Honorable Mark Green, Administrator, U.S. Agency for International Development