

Amendment to the Chairman's Mark

Offered by Ranking Member Boyle

Power of the Purse Policy Statement

1. At the end of Title IV, add the following:

“SEC4003. POLICY STATEMENT ON PROTECTING CONGRESS’ POWER OF THE PURSE

(a) FINDINGS. — The House finds the following:

- (1) The United States government was designed with three coequal branches — Legislative, Executive, and Judicial — to ensure a system of checks and balances that prevents the concentration of power into one single branch and preserves our democracy. Among these, the Legislative Branch, as the most representative of the people, was explicitly granted control over the power of the purse.
- (2) The Founders established Congress' Article I power of the purse as a bedrock principle of our constitutional system, ensuring that the people's elected representatives control federal spending. The Framers recognized that the power of the purse reigns in executive overreach and is a fundamental safeguard of representative government.
- (3) Congress appropriates funds. The Supreme Court has consistently held that Congressional appropriations are both a ceiling and a floor. Absent Congressional discretion to the President, the President can only spend funds that Congress has appropriated and does not have the discretion to withhold funds that Congress has appropriated.
- (4) The Trump administration has taken this abuse to dangerous new heights. In Trump's first term as president, in 2020, the Government Accountability Office (GAO) found that his administration violated the ICA when it withheld appropriated security assistance for Ukraine in an attempt to further the president's own political objectives. This was a blatant and unlawful rebellion against Congress' power of the purse.
- (5) Additionally, now that we are in Trump' second term as president, his administration has repeatedly refused to spend congressionally appropriated funds and has sought to unilaterally implement funding freezes through executive orders – in his first few days in office – actions that defy

congressional authority. Further, Trump's OMB Director, Russell Vought, has openly declared that he believes the ICA is unconstitutional, signaling this administration's outright contempt for laws designed to uphold Congress' constitutional authority. When asked at the HSGAC confirmation hearing if he believes the ICA is constitutional, Vought stated "[n]o, I don't believe it's constitutional," he said. "The president ran on that view. That's his view, and I agree."

- (6) In *Train v. City of New York*, the Supreme Court unanimously held that even without the ICA, the President does not have unilateral authority to impound funds. In other words, impoundment is not unconstitutional because of the ICA; it is unconstitutional because of the Constitution.
- (7) Congress cannot allow this administration – or any administration – to continue this pattern of lawlessness and executive overreach. Protecting the power of the purse is not a partisan issue; it is essential to maintaining our system of checks and balances and upholding the rule of law.
- (8) The Congressional Power of the Purse Act (CPPA) is necessary to reassert congressional control over federal spending, increase executive transparency, and strengthen enforcement mechanisms against violations of the ICA and ADA. The bill will:
 - Prevent the President, regardless of party, from rescinding funds without congressional approval.
 - Require OMB to release funding at least 90 days before it expires, ensuring that executive delays do not nullify congressional intent.
 - Put an expiration date on presidential emergency declarations, requiring congressional approval after 30 days.
 - Impose real consequences for executive officials who unlawfully withhold funds, including administrative discipline such as suspension or termination.
 - Strengthen GAO's authority to investigate and report on executive branch abuses of appropriated funds.
- (9) Given Trump's demonstrated lawlessness, Congress must strengthen its enforcement mechanisms.

(b) POLICY ON PROTECTING CONGRESS' POWER OF THE PURSE. — It is the policy of this resolution that Congress should:

- Protect congressional spending authority from executive overreach and ensure the President does not unlawfully delay or withhold appropriated funds.
- Strengthen the ICA and ADA by increasing enforcement mechanisms and penalties for violations.

- Ensure greater executive transparency and accountability, requiring that all legally binding budget decisions be reported to Congress.
- Empower GAO to conduct stronger oversight and provide Congress with critical information on executive branch compliance with spending laws.
- Reaffirm Congress' sole power of the purse Article I constitutional authority, safeguarding the balance of power envisioned by the Founders.

2. Amend the committee report to reflect the following policy assumptions:

The resolution affirms that Congress' Article I power of the purse is a bedrock of our democracy. The resolution supports enacting the Congressional Power of the Purse Act (CPPA) to reinforce the separation of powers, enhance transparency, and prevent future administrations from unlawfully circumventing congressional authority over federal spending.

The resolution further acknowledges that the Trump administration has dangerously undermined Congress' power of the purse through repeated violations of the Impoundment Control Act, discretionary withholding of appropriated funds, and executive overreach through Office of Management and Budget directives. These actions threaten the integrity of our constitutional system and necessitate immediate congressional action to reinforce legal safeguards and ensure the executive branch remains accountable to Congress and the American people.