

# CONGRESSIONAL POWER OF THE PURSE ACT

Mr. LEAHY. Mr. President, the authors of our Constitution purposefully built checks and balances into the foundation of our democracy, and the power of the purse is a critical part of those checks and balances. Article 1, section 9 of the Constitution states "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." That means Congress, not the executive branch, is charged with making decisions about how to invest and spend Federal revenue. As the vice chairman of the Appropriations Committee, I take this responsibility very seriously.

When Congress appropriates Federal dollars, we expect those dollars to be used as directed. We expect appropriations laws to be upheld, and we expect the administration to be transparent in its actions.

But for too many years, Presidents of both parties have encroached on the power of the purse as they have tried to expand their budgetary powers and, in some cases, substitute their judgment for that of Congress. This has been acutely true under this administration. No President has pushed the boundaries of and contorted appropriations law more than President Trump.

When Congress refused to give President Trump the money he requested for a wall on the southern border, he directed his administration to sidestep Congress and take it from funding for our military and their families. He continues to do so to this day.

The President wanted to pressure the Government of Ukraine into investigating his political rival, so he withheld security money for Ukraine in violation of the Impoundment Control Act. An action that would eventually lead to his impeachment.

Last year, the administration asserted to Congress that it had the power to propose rescissions in the last quarter of the fiscal year and further asserted it had the power to allow the funds to lapse if Congress did not act on its proposal, essentially claiming the executive branch, not Congress, had the last word on spending. The Government Accountability Office, GAO, thankfully and rightfully, disagreed. Last year, this administration also overturned a long held precedent that the executive branch did not need to respond to findings by GAO of violations of the Anti-Deficiency Act. Finally, this administration has suppressed OMB and executive branch agency cooperation with GAO in investigating the execution of appropriated funds.

The push and pull over the power of the purse between Congress and the executive branch did not start with President Trump and will not end when he is no longer in office. Administrations of both parties have clashed with Congress over this authority. But the actions of this President make clear that Congress needs to reassert itself

and defend its constitutionally granted prerogatives. This should not be a partisan issue. The Founders chose to vest the power of the purse with Congress. It is an important part of our system of checks and balances, and we must defend it.

That is why I am introducing the Congressional Power of the Purse Act. This bill will restore Congress's central role in funding decisions, increase transparency in the executive branch, and add teeth to existing budget laws.

The bill strengthens the Impoundment Control Act, including the addition of penalties for failure to comply. The bill strengthens administration reporting requirements and congressional oversight tools, so Congress can better follow the money and ensure the law is being complied with. Finally, the bill reforms the National Emergencies Act of 1974 to provide more Congressional control over these designations and how they are used. I hope all members can support it.

I commend Representative LOWEY and Representative YARMUTH for introducing a similar bill in the House, and I hope that the House will send the bill to the Senate in July.

I ask unanimous consent that the following members be listed as original cosponsors: Senators MURRAY, VAN HOLLEN, FEINSTEIN, COONS, BALDWIN, WYDEN, MERKLEY, WHITEHOUSE, SCHATZ, SANDERS, SHAHEEN, TESTER, UDALL, CARDIN, REED, DURBIN, MURPHY and MANCHIN. I would note that this list of cosponsors includes every Democratic Member of the Appropriations Committee.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

## VOTE EXPLANATION

• Mr. TESTER. Mr. President, I was absent when the Senate voted on vote No. 104 to invoke cloture on Executive Calendar No. 655. Victor G. Mercado, of California, to be an Assistant Secretary of Defense, vote No. 105 to confirm Mr. Mercado, vote No. 106 to invoke cloture on Executive Calendar No. 652, Brian D. Miller, of Virginia, to be Special Inspector General for Pandemic Recovery, and vote No. 107 to confirm Mr. Miller. On votes Nos. 104 and 105, had I been present, I would have voted yea on the motion to invoke cloture and confirm Mr. Mercado. On votes Nos. 106 and 107, had I present, I would have voted no on the motion to invoke cloture and confirm Mr. Miller.

Mr. President, I was absent when the Senate voted on vote No. 108 to invoke cloture on Executive Calendar No. 656, James H. Anderson, of Virginia, to be a Deputy Under Secretary of Defense. On vote No. 108, had I been present, I would have voted yea on the motion to invoke cloture on Mr. Anderson.

Mr. President, I was absent when the Senate voted on vote No. 109 to confirm Executive Calendar No. 656, James H. Anderson, of Virginia, to be a Deputy

Under Secretary of Defense. On vote No. 109, had I been present, I would have voted yea on the motion to confirm Mr. Anderson.

Mr. President, I was absent when the Senate voted on vote No. 110 to invoke cloture on Executive Calendar No. 644, Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas. On vote No. 110, had I been present, I would have voted no on the motion to invoke cloture on Mr. Tipton.

Mr. President, I was absent when the Senate voted on vote No. 111 to confirm Executive Calendar No. 644, Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas. On vote No. 111, had I been present, I would have voted no on the motion to confirm Mr. Tipton.●

## DEFENSE NOMINATIONS

Mr. VAN HOLLEN. Mr. President, after Monday's shameful display by the Secretary of Defense, I voted against the President's nominees to be Deputy Under Secretary of Defense for Policy and Assistant Secretary of Defense for Strategy, Plans, and Capabilities.

The language of war has no place on American streets in the face of peaceful protests. Secretary Esper's dangerous comment that the military needs to "dominate the battlespace"—referring to American cities—threatened the lives of American citizens exercising their constitutional rights. His willingness to accompany the President to a photo-op after gassing peaceful protesters underscores the moral rot in the Department's leadership.

At this time, I have lost confidence that any nominee can be trusted to stand up to the President's attempts to weaponize the Defense Department for his personal and political ends. For that reason, I voted against his nominees in the Department.

## INTERNATIONAL DAY AGAINST HOMOPHOBIA, TRANSPHOBIA AND BIPHOBIA

Mr. CARDIN. Mr. President, today I rise to mark the start of LGBT Pride Month with reflections on the recent International Day against Homophobia, Transphobia and Biphobia—IDAHOBIT. For more than 50 years, Pride Month has been a reminder that, despite recent progress, every day, millions of people around the world face social stigmatization, legal prosecution, and even violence based on their sexual orientation or because of their gender identity. COVID-19 is necessitating adjustments to how this month is celebrated, with organizers moving large-scale parades from the streets of towns and cities to the internet, where a 24-hour online Global Pride celebration is planned for later this month.

Two short weeks ago was the annual commemoration of the International Day against Homophobia, Transphobia