

The Honorable Richard Shelby
Chairman
Senate Committee on Appropriations
304 Russell Senate Office Building
Washington, DC 20510

The Honorable Patrick Leahy
Ranking Member
Senate Committee on Appropriations
437 Russell Senate Office Building
Washington, DC 20510

The Honorable John Kennedy
Chairman
Senate Committee on Appropriations,
Subcommittee on Financial Services and
General Government
416 Russell Senate Office Building
Washington, DC 20510

The Honorable Christopher Coons
Ranking Member
Senate Committee on Appropriations,
Subcommittee on Financial Services and
General Government
218 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Shelby, Ranking Member Leahy, Senator Kennedy, and Senator Coons:

As founding members of the Power of the Purse Coalition, we write today to encourage the Senate Appropriations Committee to advance a number of priorities that would strengthen and reaffirm Congress's purview over the nation's tax and spending policy. We urge you to utilize the FY 2021 appropriations season as an opportunity to reassert the power of the purse, a fundamental congressional authority that has been undermined in recent decades.

In a recent letter to congressional leadership¹, we outlined principles for achieving this goal, and called on Congress to work deliberately toward rebalancing the growing asymmetry between the Executive and Legislative Branches. The House has taken a number of meaningful steps in its appropriations bills, and we encourage the Senate to do the same.

Specifically, we ask you to include several items in your appropriations bills that recently passed out of the House via the Financial Services and General Government (FSGG) funding bill², including:

- Section 204: Requires the Office of Management and Budget (OMB) to disclose apportionment decisions publicly, which currently are legally binding and made by OMB in secret.
- Section 738: Reins in reprogramming budget authority by requiring various automatic disclosures when the Executive Branch seeks to reprogram congressionally appropriated funds.
- Section 748: Enacts strictures on the manipulation of the timing of funds' obligation by requiring that funds are obligated within a reasonable time in order to avoid circumventing congressional intent.
- Section 749: Requires executive agencies to, as a matter of statute, be more responsive to and cooperative with the Government Accountability Office (GAO) when GAO is investigating and making inquiries pursuant to potential violations of appropriations law.

¹ <https://www.ntu.org/library/doclib/2020/07/power-of-the-purse-coalition-letter-1-.pdf>

² <https://appropriations.house.gov/legislation/financial-services-and-general-government-subcommittee-legislative-activity>

- Section 750: Requires executive agencies to notify Congress when OMB has issued apportionment decisions that would impact or otherwise delay or disrupt specific funding directives as they have been enacted by Congress.

Additionally, we encourage you to include report language similar to the below in your own appropriations reports:

- FSGG Report³, Online Budget Repository: Instructs agencies to post their budgets and associated congressional budget justifications on a publicly accessible website. Requires additional reporting and public disclosure of critical budget data.
- Legislative Branch Report⁴, Reprogramming Guidelines: Requires agencies to notify Congress about reprogramming decisions that meet certain criteria and thresholds.

Including these provisions and passing them out of the Senate Appropriations Committee would help to meaningfully restore Congress's power over the country's purse through stronger transparency and reporting from the Executive Branch. Given the direct relationship between the appropriations process and these kinds of reporting and disclosure requirements, none of the above provisions qualify as extraneous policy riders. Congress can effectively fulfill its mission to be responsible stewards of taxpayer funds only when it has necessary information on how, where, and to what extent congressionally appropriated funds are spent by the Executive Branch.

Thank you for your consideration, and we are happy to assist you however possible in this effort.

Respectfully,

Demand Progress

FreedomWorks

National Taxpayers Union

Project On Government Oversight

Protect Democracy

R Street Institute

³ <https://docs.house.gov/meetings/AP/AP00/20200715/110881/HMKP-116-AP00-20200715-SD003.pdf>

⁴ <https://docs.house.gov/meetings/AP/AP00/20200710/110878/HMKP-116-AP00-20200710-SD003.pdf>