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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

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March 27, 2025

The Honorable Russell T. Vought  
Director  
The Office of Management and Budget  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Director Vought:

We write regarding the President's March 24, 2025, emergency designation memorandum (the "Memorandum"), which purports to have been executed in accordance with Section 1110 of H.R. 1968, the Full-Year Continuing Appropriations and Extensions Act, 2025. Through the Memorandum, the President "designate[d] as emergency requirements 16 appropriations," but he did not concur with Congress's emergency designations for "the remaining 11 appropriations." The President executed the Memorandum at your recommendation.

As you know, Section 1110 of the continuing resolution expressly incorporates Section 6 of Public Laws 118-42 and 118-47. Section 6 provides the following:

SEC. 6. AVAILABILITY OF FUNDS. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or repurposed, rescinded, or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

This (or substantially similar) language has been used in appropriations legislation for decades, and it has always been interpreted to give the President a binary choice: He must concur with all or none of Congress's emergency designations. Just as the President does not have a line-item veto, he does not have the ability to pick and choose which emergency spending to designate. This interpretation is consistent with congressional intent and is the most logical and consistent reading of the law. Indeed, Section 6 expressly refers to "each amount designated in this Act by the Congress as an emergency requirement" and then conditions the availability of those funds on the President similarly "designat[ing] all such amounts."

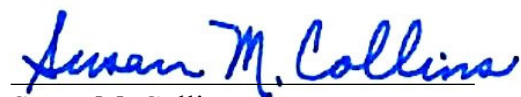
Notably, this interpretation has been adopted by Administrations of both political parties—including during the first Trump Administration. The language in Section 6 does not, and has never been interpreted to, provide the President the ability to concur in some, but not all, of the emergency designations.

Regardless of our views on the Fiscal Responsibility Act and accompanying implementation agreement, it is incumbent on all of us to follow the law as written—not as we would like it to be. In this case, if the Administration disagreed with some of the designations that stem from the “side deal,” it could have requested an anomaly prior to enactment of the continuing resolution, as it did in connection with numerous other issues. Further, this new piecemeal approach calls into the question the availability of the emergency funding in the continuing resolution that the President has concurred with, including \$8 billion in housing assistance.

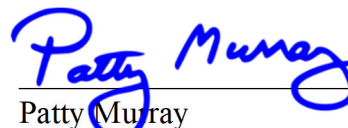
We are concerned that sudden changes to OMB’s interpretation of long-standing statutory provisions could be disruptive to the appropriations process and make it more difficult for the Appropriations Committee to work in a collaborative fashion with the Administration to advance priorities on behalf of the American people. Collaboration will become even more challenging when the Committee is first informed of such developments through the press, rather than notified through official channels, as was the case here.

Thank you for your attention to this important matter.

Sincerely,



Susan M. Collins  
Chair



Patty Murray  
Vice Chair