



CHAIR JODEY ARRINGTON

HOUSE BUDGET COMMITTEE

Chairman Arrington, Oversight Task Force Chair Bergman Call For Reevaluation of Legality of Biden Border Policy

WASHINGTON, D.C. - House Budget Committee Chairman Jodey Arrington (R-TX) and Budget Committee Oversight Task Force Chair Jack Bergman (R-MI) today sent a letter to Comptroller General Gene Dodaro of the Government Accountability Office (GAO) to request a reevaluation of the legality of the Biden Administration's withholding of congressionally appropriated funds for southwest border wall construction.

The letter reads in part, "As you are aware, President Biden issued a Proclamation on his first day in office, January 20, 2021, which resulted in withholding congressionally appropriated funds for construction of the border wall... GAO issued an opinion in June 2021, finding the Biden Administration's withholding of these funds was a 'programmatic delay,' and therefore did not violate the Congressional Budget and Impoundment Control Act of 1974 (ICA). To date, many of these congressionally appropriated funds have been withheld for over 1,000 days, bringing into question at which point GAO would consider a 'programmatic delay' to become unlawful."

"Due to the duration of how long these congressionally appropriated funds have been withheld, the refusal of the Administration to respond to official requests from Congress for more information (per your recommendation), and the recent announcement by the Secretary of Homeland Security to waive various environmental laws to restart construction of approximately 20 miles of the border wall in Texas, we call into question the legality of the Biden Administration's decision to withhold these funds."

The House Budget Committee has sent several letters to the Biden Administration as far back as the 117th Congress and as recently as [November 2, 2023](#) – despite the pressing nature of this issue, DHS has not provided the requested information to the Committee, prompting further action from the Budget Committee, including today's letter to GAO.

Pursuant to House Rule X, the Committee has jurisdiction over the budget process, including the Congressional Budget and Impoundment Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985. Therefore, the Committee has a responsibility to "assess OMB's legal authorities to manage federal spending." Documents and materials requested by the Committee are necessary to inform its review of the fiscal impact of the Biden Administration's border policies and assist the Committee in making the legislative judgments required as part of the federal budget process.

See the full letter [HERE](#).

