

Congress of the United States
Washington, DC 20515

June 29, 2020

The Honorable Russell Vought
Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Acting Director Vought:

The past few months—marked by global pandemic and economic recession—have sharpened the importance of public trust in government.

Over the last year, the independent and nonpartisan Government Accountability Office (“GAO”) identified multiple occasions upon which the Office of Management and Budget (“OMB”) broke the law and breached the public’s trust, including by violating the Impoundment Control Act of 1974 (“ICA”) by facilitating the President’s hold on security assistance to Ukraine.¹ Those findings came on the heels of efforts by OMB to disregard congressional oversight and stifle the responsiveness of other executive branch agencies to the legislative branch.² These past failures underscore how important it is for OMB to change course and comply with budget and appropriations laws going forward.

Recently, President Trump and other government officials made public statements about pausing, freezing, or withholding enacted appropriations for the World Health Organization (“WHO”). In response, we understand that GAO, pursuant to its statutory responsibilities under the ICA, launched a review of the Administration’s actions related to funding for WHO. This is an important constitutional check, without regard to whether GAO finds a violation of the law.

We understand that GAO has contacted you for information about your agency’s involvement in WHO funding decisions and actions. OMB must answer GAO’s requests in a timely fashion and without misrepresentation. Congress, on a bipartisan basis, authorized the Comptroller General in the GAO Access and Oversight Act of 2017 “to obtain such agency records as the Comptroller General requires to discharge the duties of the Comptroller General (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section.”³ Under the law, each agency is

¹ Government Accountability Office, B-331564, *Office of Management and Budget—Withholding of Ukraine Security Assistance*, Jan. 16, 2020, available at <https://www.gao.gov/assets/710/703909.pdf> (“*Withholding of Ukraine Security Assistance GAO Decision*”); Government Accountability Office, B-331132, *Office of Management and Budget—Regulatory Review Activities during the Fiscal Year 2019 Lapse in Appropriations*, Dec. 19, 2019, available at <https://www.gao.gov/assets/710/703496.pdf>; Government Accountability Office, B-331093, *U.S. Department of the Treasury—Tax Return Activities during the Fiscal Year 2019 Lapse in Appropriations*, Oct. 22 2019, available at <https://www.gao.gov/assets/710/702182.pdf>.

² Government Accountability Office, B-331295, *Agency Reporting of GAO Determinations of Antideficiency Act Violations*, Sept. 23, 2019, available at <https://www.gao.gov/products/B-331295>.

³ Pub. L. No. 115-3 (2017).

required to “give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency.”⁴

On numerous occasions, the Trump Administration has refused to cooperate with requests from GAO. Under your leadership, OMB itself was willing to provide only “limited information” in response to GAO’s questions about the President’s hold on foreign military financing to Ukraine. Over six months later, it is our understanding that your agency has still failed to fully comply with those requests.⁵ The House heard further evidence of this Administration’s lack of cooperation as recently as last week when the Comptroller General testified to the House Select Subcommittee on the Coronavirus Crisis that the Small Business Administration has not cooperated with GAO’s requests for information and access to administration officials.⁶

In light of this history of obstruction, we feel compelled to remind you that Executive Branch compliance with GAO inquiries is an essential source of transparency in funds administration and failing to comply would flout this important constitutional check.

The nation is looking to its government for honesty and transparency during this trying time. You and your staff took an oath to uphold the Constitution, as did your counterparts at the agencies responsible for implementing enacted appropriations. We are hopeful that you can rise to that challenge and take the necessary first steps toward restoring the public’s trust.

We insist that you fulfill all outstanding requests from GAO—including those related to foreign military financing for Ukraine. We further ask that you provide written confirmation by July 7, 2020 that OMB will cooperate with all inquiries from GAO related to funding to the WHO.

As the primary committees charged with overseeing annual funding decisions, the ICA, GAO, and oversight of the Executive Branch, we intend to continue to pay careful attention to the course your agency takes and will act accordingly.

Sincerely,

John A. Yarmuth
Chairman
House Committee on
the Budget

Nita M. Lowey
Chairwoman
House Committee on
Appropriations

Carolyn B. Maloney
Chairwoman
House Committee on
Oversight and Reform

⁴ 31 U.S.C. § 716(a)(2).

⁵ *Withholding of Ukraine Security Assistance GAO Decision*.

⁶ Select Subcommittee on the Coronavirus Crisis, *Accountability in Crisis: GAO’s Recommendations to Improve Federal Coronavirus Response*, 116th Congress, June 26, 2020, available at <https://go.usa.gov/xwH7f>; Letter to Small Business Administrator Jovita Carranza, June 17, 2020, available at <https://go.usa.gov/xwHAq>.