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Introduction

On September 25, 2026, the White House and the Office of Management and Budget ("OMB") announced plans to cut $810 million in wasteful spending through a mechanism known as a "pocket rescission."[1] The proposed spending cuts target programs and activities that do not benefit the American people. The Oversight Project has long criticized many of these programs and applauds the Trump Administration for making these necessary spending cuts.

Given the recent midterm elections and incoming divided government, pocket rescissions are a crucial tool for the Trump Administration to make government more efficient and accountable. The Oversight Project is currently projecting that the incoming Senate and House majorities will engage in weaponized and partisan overreach through the guise of oversight, and as tensions heighten, government shutdowns and failure of the appropriations process are likely.

We are particularly pleased with the Administration's cuts to nongovernmental organizations ("NGOs") that have used taxpayer dollars to facilitate the invasion of illegal aliens into the United States. The NGO Illegal Immigration Industrial Complex reaped, according to one estimate, $6 billion across 15 UN agencies and 230 NGOs during the Biden Administration to help fulfill the Biden Administration's open border agenda.[2] We have long called on Congress and the Executive Branch to defund the Illegal Immigration Industrial Complex.[3] The Trump Administration's rescissions correctly cut funding to some of these Biden-era programs and NGOs that have contributed to mass illegal migration and stymied a true mass deportation agenda.

This memorandum (1) identifies the programs the rescissions package proposes to cut, (2) briefly explains how President Trump's proposed rescission is authorized under the text of the Impoundment Control Act of 1974, and (3) discusses how Congress's purportedly nonpartisan accounting arm, the Government Accountability Office ("GAO"), has become a partisan, anti-Trump organization.

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[1] *President Trump Takes Historic Action to Eliminate Wasteful and Harmful Spending*, The White House (Sept. 25, 2026), https://www.whitehouse.gov/briefings-statements/2026/09/president-trump-takes-historic-action-to-eliminate-wasteful-and-harmful-spending/.
[2] Todd Bensman, *Kristi Noem Stops Taxpayer Money from Funding Illegal Migrant Flood*, N.Y. Post (Feb. 1, 2025), https://nypost.com/2025/02/01/opinion/how-us-taxpayers-funded-the-largest-illegal-migration-in-history/.
[3] *See An Inside Job: How NGOs Facilitated the Biden Border Crisis: Hearing Before the H. Comm. on Homeland Sec.*, 119th Cong. (2025) (statement of Mike Howell, President, The Oversight Project), https://homeland.house.gov/wp-content/uploads/2025/07/07.16.25-Witness-Testimony.pdf.

What is in the Rescission Package?

The rescissions package proposes cuts to 11 wasteful government programs, ten of which are housed in the Departments of Commerce, Education, Health and Human Services ("HHS"), Homeland Security ("DHS"), Housing and Urban Development ("HUD"), and Justice; the eleventh falls under International Assistance Programs. We provide a brief breakdown of each program below.

Department of Commerce

Bureau: Minority Business Development Agency
Account: Minority Business Development (013-0201 2026/2026)
Proposed Rescission Amount: $10,000,000

This proposed rescission seeks to cut $10 million of the $50 million appropriated for fiscal year ("FY") 2026 Minority Business Development Agency ("MBDA") programs. MBDA grant programs direct grants to businesses based on race. In March 2024, the United States District Court for the Northern District of Texas granted a permanent injunction, finding the MBDA's practice of vetting applicants on the basis of race unconstitutional.[4] The court found that the MBDA authorizing statute "advertises services exclusively for some races, but not for others."[5] Accordingly, the court ruled that aspects of the MBDA's authorizing statute fail to pass the "strict scrutiny" test, which, among other things, applies to laws and government actions that impose burdens or confer benefits based on protected classes like race, ethnicity, or national origin.

As the Congressional Research Service summarized, the court based its ruling on findings that "there was insufficient evidence of government involvement in creating the disparities in credit access or discriminatory practices in private lending markets" and that "allowing business owners of certain racial or ethnic groups to receive services based on the presumption of social or economic disadvantage was not narrowly tailored."[6] President Trump's FY 2027 Budget proposed to eliminate the agency, and the White House explains that the rescission "would eliminate unnecessary and wasteful spending, including funds appropriated for unconstitutional race-based purposes."[7]

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[4] *Nuziard v. Minority Bus. Dev. Agency*, 721 F. Supp. 3d 431 (N.D. Tex. 2024).
[5] *Id.* at 509.
[6] Julie M. Lawhorn & Adam G. Levin, Cong. Rsch. Serv., IN12337, *District Court Ruling on MBDA Business Development Program* (2024), https://www.congress.gov/crs-product/IN12337.
[7] Letter from President Donald J. Trump to Hon. Mike Johnson, Speaker, U.S. House of Representatives, encl., Rescission Proposal R26-7 (Sept. 25, 2026), https://www.whitehouse.gov/wp-content/uploads/2026/09/September-Rescissions-Package-for-Speaker-Johnson_signed-9.25.26.pdf [hereinafter *Rescissions Message*].

Department of Education

Bureau: Office of Postsecondary Education
Account: Higher Education (091-0201 2026/2026)
Proposed Rescission Amount: $69,588,896

This proposed rescission seeks to cut nearly $69.6 million of the $70.3 million appropriated in FY 2026 for International Education and Foreign Language, Domestic Programs. This program provides grants and fellowships to support colleges and universities in bringing foreign students and faculty to American institutions. The White House states that enacting the rescission would eliminate unnecessary and wasteful spending in a program that has deviated from its core mission and has supported woke and wasteful projects.[8]

Bureau: Office of Elementary and Secondary Education
Account: Education for the Disadvantaged (091-0900 2026/2026)
Proposed Rescission Amount: $24,907,509

This rescission would cut nearly $25 million of the $52 million appropriated in FY 2026 for grants in the Special Programs for Migrant Students. The program helps children of seasonal immigrant workers obtain an education in American schools and transition to college.[9] According to the White House, the program previously funded woke and wasteful programming, including an LGBT youth summit for "migrant students" and "Therapy for Latinx" workshops.[10]

Department of Health and Human Services

Bureau: Administration for Children and Families
Account: Refugee and Entrant Assistance (075-1503 2024/2026)
Proposed Rescission Amount: $567,401,904

This proposed rescission would cut over $567 million of the $6.3 billion appropriated in FY 2024 for the Refugee and Entrant Assistance account, which funds HHS's Office of Refugee Resettlement ("ORR") programs. One of ORR's main responsibilities is to oversee the care of unaccompanied alien children ("UAC"). UAC are illegal alien children from a country other than Mexico or Canada who are apprehended by immigration authorities without a parent or legal guardian to take care of them. Once apprehended by immigration authorities at the border, the UAC are transferred to the care and custody of ORR, which, in turn, places them in facilities

[8] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-8.
[9] Jerry Ashworth, *OMB Set to Axe $810M Under Pocket Recissions* [sic], Thompson Grants (Sept. 30, 2026), https://www.thompsongrants.com/news/omb-set-to-axe-810m-under-pocket-recissions.
[10] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-4.

run by nonprofit organizations that receive grants from ORR until ORR can find a sponsor to care for and house the UAC during the pendency of their immigration proceedings.

The rescission seeks to reduce the funding to these nonprofits. According to the rescission package, the nonprofits are "pro-illegal immigration" and put UAC "in harm's way."[11] President Trump's successful border security policies have dramatically reduced the incoming flow of illegal aliens, including UAC, and the spending reduction "would address excess funds in the account and be consistent with the Administration's goal of ending the use of Federal taxpayer dollars to support non-citizens, putting Americans first."[12]

Bureau: Agency for Healthcare Research and Quality
Account: Healthcare Research and Quality (075-1700 2026/2026)
Proposed Rescission Amount: $27,700,000

This proposed rescission would cut nearly $28 million of the $345 million appropriated for FY 2026 for the Agency for Healthcare Research and Quality ("AHRQ"). The rescission package notes that many of AHRQ's research projects are wasteful and duplicative of work performed by other government research institutions. Under the Biden Administration, AHRQ published a woke "science" report entitled *Reducing Healthcare Carbon Emissions: A Primer on Measures and Actions to Mitigate Climate Change*. It also funded a project at Seattle Children's Hospital titled "Using Telehealth to Improve Access to Gender-Affirming Care for BIPOC and Rural Gender-Diverse Youth."[13]

Bureau: Departmental Management
Account: Office of the Secretary (075-0120 2026/2026)
Proposed Rescission Amount: $5,098,000

This proposal would rescind $5.1 million of the $625 million appropriated in FY 2026 for General Departmental Management, of which $75 million was included by Congress in report language for the Office of Minority Health ("OMH"). OMH targets funding via grants to specific race- and sex-based groups in violation of President Trump's anti-DEI executive orders.[14]

Department of Homeland Security

Bureau: Citizenship and Immigration Services
Account: Federal Assistance (070-0408 2025/2026)
Proposed Rescission Amount: $10,000,000

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[11] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-1.
[12] *Id.*
[13] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-9.
[14] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-11.

This proposed rescission would cut the full $10 million (appropriated in FY 2025) for the U.S. Citizenship and Immigration Services ("USCIS") Citizenship and Integration Grant Program. This program provides grants to NGOs as part of the Illegal Immigration Industrial Complex to help aliens become U.S. citizens. DHS has already paused the program and cancelled previously awarded grants from prior years, and neither President Trump's budget nor the FY 2026 DHS appropriations bill funded the program.

Bureau: Federal Emergency Management Agency ("FEMA")
Account: Federal Assistance (070-0413 2025/2026)
Proposed Rescission Amount: $15,000,000

This proposed rescission would cut $15 million appropriated in FY 2025 from FEMA's Alternatives to Detention-Case Management Pilot Program. This grant program provided funding to NGOs to provide mental health services, social services, legal orientation, and cultural orientation for immigrants and asylees.[15] Continued funding would run counter to Executive Order 14159, which, among other things, targets NGO contracts and grants related to illegal immigration support.[16]

Department of Housing and Urban Development
Bureau: Housing Programs
Account: Housing Counseling Assistance (086-0156 2025/2026)
Proposed Rescission Amount: $56,100,000

This proposed rescission would cut $56 million of the $58 million appropriated in FY 2025 for Housing Counseling. The White House explains that the program has been ineffective.[17] This program provides grants to NGOs and public entities for counseling and education on a variety of housing matters. Prior awards have gone to NGOs that promote DEI rhetoric and agendas and discriminate based on race.

Department of Justice

Bureau: Legal Activities and U.S. Marshals
Account: Salaries and Expenses, Community Relations Service (015-0500 2026/2026)
Proposed Rescission Amount: $15,000,000

This rescission seeks to cut $15 million of the $20 million appropriated for FY 2026 for the Community Relations Service ("CRS"). The Trump Administration eliminated CRS earlier

[15] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-2.
[16] Exec. Order No. 14,159, 90 Fed. Reg. 8443 (Jan. 29, 2025).
[17] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-10.

this term and transferred the functions of the office to U.S. attorneys. CRS was formerly an agency of 60 government employees tasked with "preventing and resolving racial and ethnic tensions, incidents, and civil disorders, and in restoring racial stability and harmony."[18] A byproduct of the Civil Rights Act of 1964, CRS was dubbed "America's Peacemaker," and provided communities "shaken by mass violence, civil disorder, and other critical incidents" services like mediation, facilitated dialogues, training, and consultation, confidentially and free of charge.[19]

The White House told *The Hill* that the program "promoted identity-conscious law enforcement practices" and was unnecessary.[20] This practice is related to what is known as "victim-centered prosecution models," which the Oversight Project has criticized as a creature of the "Me Too" movement and a breeding ground for weaponized activity.[21]

The CRS rescission builds on the Administration's ongoing effort to remove DEI programming, including the "victim-centered approach," from federal law-enforcement training and from the identification of crimes such as labor trafficking. Executive Orders 14151 ("Ending Radical and Wasteful Government DEI Programs and Preferencing," Jan. 20, 2025) and 14173 ("Ending Illegal Discrimination and Restoring Merit-Based Opportunity," Jan. 21, 2025) directed agencies to eliminate DEI programming and required federal grant recipients to certify they operate no programs promoting DEI; a federal judge blocked enforcement of that certification requirement for all Department of Justice grant recipients after Freedom Network USA, the national anti-trafficking coalition, sued.[22] The FY 2027 budget went further, cutting the Office on Violence Against Women by $181 million, eliminating its trauma-informed training program, and exempting its new Policing and Prosecution Initiative from the "victim-centered" certification requirements previously attached to law-enforcement grants, including the anti-trafficking grants where the victim-centered model was first embedded.[23] Those actions, together with this rescission, reflect this Administration's continuing priority of removing left-driven psychological theories from federal law-enforcement training and from how crime itself is identified and defined.

International Assistance Programs

Bureau: Multilateral Assistance

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[18] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-5.
[19] *Community Relations Service*, U.S. Dep't of Just., https://www.justice.gov/crs (last visited Nov. 17, 2026..
[20] Mira Bhakta, *Trump Rescinds Nearly $1B in Federal Funding, Bypassing Congressional Approval*, The Hill (Sept. 26, 2026), https://thehill.com/homenews/administration/6112779-trump-cancels-billion-federal-funding/.
[21] *See* Mike Howell, *The Left Wants to Put MAGA on the Couch—Then on Trial*, TheBlaze (June 16, 2026), https://www.theblaze.com/columns/opinion/the-left-wants-to-put-maga-on-the-couch-then-on-trial.
[22] *Freedom Network USA v. Trump*, 825 F. Supp. 3d 638 (N.D. Ill. 2026) (granting preliminary injunction).
[23] U.S. Dep't of Just., *FY 2027 Congressional Justification: Office on Violence Against Women* (2026), https://www.justice.gov/jmd/media/1434336/dl?inline.

Account: Debt Restructuring (020-0091 2023/26)
Proposed Rescission Amount: $8,704,713

This proposed rescission would cut nearly $8.7 million of the $20 million appropriated in FY 2023 for the Department of the Treasury's Tropical Forest and Coral Reef Conservation Act Program. The White House explained that this program provides debt forgiveness to foreign countries that make climate change-related investments for coral reefs and tropical forests.[24] The Trump Administration has critically examined "debt-for-nature" swaps in instances that do not directly benefit the United States.[25]

The "Pocket Rescission" is Legal

Critics of President Trump's proposed rescission claim his message is illegal. The legal dispute centers on the timing of President Trump's message to Congress proposing the rescission package. He transmitted the message on September 25, 2026. He is allowed under federal law to withhold money for 45 days while Congress considers whether to approve, reject, or ignore the proposal. Because the fiscal year ended on September 30—five days after the message was transmitted—the withheld funds lapsed before the 45-day period could run. The critics' claims not only ignore the basic statutory text and historical precedents, but also reflect the partisan flip-flopping of the entity charged with reviewing rescission proposals: GAO.

The Text of the ICA and Canons of Statutory Interpretation Support President Trump

OMB made the proposed rescissions pursuant to its authorities under Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 ("ICA"), 2 U.S.C. § 683. The statute, in pertinent part, establishes a process by which the President may submit a message to Congress proposing to rescind all or part of any budget authority.[26] The statute authorizes the President to withhold funds proposed for rescission for 45 days of continuous session of Congress to allow the legislature to take action on whether or not to rescind the spending the President proposed be cut.[27]

Notably, the "text of the ICA places no limit on how late in the fiscal year a President may propose funds for rescission or withhold funds pending Congressional consideration of a rescission proposal."[28] In addition, the 45-day provision established in 2 U.S.C. § 683(b) "does

[24] *Rescissions Message*, *supra* note 7, encl., Rescission Proposal R26-6.
[25] *See* Marc Jones & Virginia Furness, *US Climate Pullback Threatens Planned Debt-for-Nature Deals*, Reuters (May 22, 2025), https://finance.yahoo.com/news/analysis-us-climate-pullback-threatens-113506590.html.
[26] *See* 2 U.S.C. § 683(a).
[27] *Id.* § 683(b).
[28] Letter from Mark R. Paoletta, Gen. Counsel, Off. of Mgmt. & Budget, to Thomas H. Armstrong, Gen. Counsel, U.S. Gov't Accountability Off. (Nov. 16, 2018), https://trumpwhitehouse.archives.gov/wp-content/uploads/2019/11/Letter-to-GAO-on-Rescissions.pdf [hereinafter *OMB Letter*].

not impose an additional obligation on the President to make withheld budget authority available for obligation before the end of the fiscal year."[29]

Canons of statutory interpretation make clear that Congress made this choice by design. Every word within a statute is there for a purpose and should be given its due significance.[30] "[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion."[31] That is precisely what happened within the ICA with respect to rescissions and deferrals.

Section 1013 of the ICA, 2 U.S.C. § 684, *does* impose a time limit on presidential action by expressly barring a *deferral* from extending past the end of the fiscal year in which it is proposed.[32] Congress included no parallel restriction for rescissions. Accordingly, "Congress considered the possible effects of withholding funds close to the end of the fiscal year and decided to limit such withholdings only with respect to deferrals, not with respect to rescissions."[33] Indeed, the Supreme Court just last year gave the Trump Administration the go-ahead to withhold foreign aid via a pocket rescission, without ruling on the merits of the President's action.[34] If Congress wants to limit the President's ability to use pocket rescissions close to the end of the fiscal year, it is free to change the law.

GAO Has Flip-Flopped on Rescission Analysis

Under the ICA, GAO has the responsibility of reviewing and opining on "the facts surrounding [a] proposed rescission or the reservation of budget authority."[35] This is not the first time a President has proposed a "pocket rescission." Presidents Ford in 1975 and Carter in 1977, like President Trump, each proposed rescissions of funds that lapsed before the 45-day window closed. Nearly fifty years ago, GAO fulfilled its statutory obligation to review the facts surrounding the proposed rescission. GAO's analysis, issued less than a year and a half after the

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[29] *Id.*
[30] *See* Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 174 (2012) (discussing the surplusage canon).
[31] *Russello v. United States*, 464 U.S. 16, 23 (1983) (quoting *United States v. Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)); *see also Keene Corp. v. United States*, 508 U.S. 200, 208 (1993).
[32] 2 U.S.C. § 684(a) ("[a] deferral may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and Senate"). The term "rescission" (as used in 2 U.S.C. § 683)—meaning to revoke, repeal, or cancel—suggests that such an impoundment results in the permanent excision of budget authority, whereas a "deferral" (as used in 2 U.S.C. § 684) amounts to a temporary suspension of budget authority, not a permanent removal. *See* U.S. Gen. Acct. Off., *Deferrals Versus Rescissions* (Dec. 19, 1974), https://www.gao.gov/assets/094150.pdf.
[33] *OMB Letter*, *supra* note 28.
[34] *Dep't of State v. AIDS Vaccine Advoc. Coal.*, No. 25A269, 606 U.S. ___ (Sept. 26, 2025) (granting application for stay).
[35] 2 U.S.C. § 685(b).

ICA became law, clearly acknowledged that nothing in the text of the ICA precludes the President from withholding funds that will expire during the withholding period.

GAO previously agreed that the plain text of the statute authorized the President to withhold funds via a pocket rescission close to the end of the fiscal year. In a 1975 report to Congress regarding two rescission proposals, whose budget authority lapsed prior to the expiration of the 45-day withholding period, GAO explained:

> [I]n our opinion, having to wait 45 days of continuous session before it can be determined that a proposed rescission has been rejected is a major deficiency in the Impoundment Control Act. We believe Congress should . . . chang[e] the Act to prevent funds from lapsing where the 45-day period has not expired. In the case of [two recent rescission proposals], Congress was unable, under the Act, to reject the rescission in time to prevent the budget authority from lapsing.[36]

Notably, GAO never stated or implied that the proposed rescission fell outside of the President's authorities under the ICA because he submitted his message to Congress late in the fiscal year.

In July 1977, President Carter sent proposed rescissions to Congress. Funds from two of those proposals lapsed on September 30, 1977—in one case before the 45-day withholding period expired, and in the other five days after it ended.[37] The GAO report on these proposed rescissions merely noted the lapse in funds as a matter of fact, and did not find that the withholding was unlawful. Nor did it recommend any corrective action.[38]

GAO reversed its then-40-year-old position in 2018. It concluded for the first time that the ICA bars the President from withholding funds proposed for rescission through their expiration date.[39] Under GAO's new interpretation, even when the President properly conveys the special message to Congress (under 2 U.S.C. § 683(a)) and Congress's 45-day review period is still running, the executive branch must release the funds in time for them to be "prudently obligated" before they lapse.[40] GAO acknowledged that how much time this requires "will vary from one program to another," from hours to months.[41] In practice, that standard displaces the 45-day period that Congress actually wrote into the statute.

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[36] U.S. Gen. Acct. Off., ACG-76-12, *Status of Impounded Budget Authority* (Dec. 15, 1975), https://www.gao.gov/assets/acg-76-12.pdf [hereinafter *1975 GAO Report*].
[37] *OMB Letter*, *supra* note 28.
[38] U.S. Gen. Acct. Off., OGC-78-2, *Status of Budget Authority Proposed, but Rejected, for Rescission* (Oct. 26, 1977), https://www.gao.gov/assets/ogc-78-2.pdf.
[39] *Impoundment Control Act—Withholding of Funds Through Their Date of Expiration*, B-330330 (Comp. Gen. Dec. 10, 2018), https://www.gao.gov/assets/b-330330.pdf [hereinafter *B-330330*].
[40] *Id.* at 3, 6.
[41] *Id.* at 6.

Recall that the 1975 report called on Congress to amend the ICA "to prevent funds from lapsing where the 45-day period has not expired."[42] Congress has been on notice for 50 years that it wrote a law with a massive loophole and has not fixed it. Instead of following its practice for over 40 years, GAO in 2018 expressly overruled its prior opinions, citing intervening Supreme Court decisions on the legislative veto[43] and the line-item veto.[44]

In 2018, GAO did not engage with the longstanding canon of statutory interpretation, explained by the Supreme Court in *Russello*, that presumes Congress means what it writes in the laws it passes. GAO conceded that its limit is only "implicit" in section 1012(b)'s requirement that funds be "made available for obligation."[45] In support, GAO relied, not on the text of the law Congress wrote, but on a 1974 floor statement from Senator Sam J. Ervin, Jr., and on broad constitutional principles.[46]

GAO Has Become an Anti-Trump Weaponized Office

GAO's 2018 overturning of a 40-year-old position is just one example of how the agency's views have radicalized to attack President Trump. For an agency that is supposed to serve as the nonpartisan accounting arm of Congress, GAO has acted in a rabidly partisan manner.

For example, in January 2020—after the House had already impeached President Trump the first time—GAO concluded that the withholding of aid to Ukraine violated the ICA.[47] Yet when President Biden froze more than $1 billion in border wall funding on his Inauguration Day in January 2021, GAO reached the opposite conclusion.[48] GAO accepted the freeze as permissible "programmatic delay," even though Congress had appropriated the money specifically for wall construction and building the border wall would have run counter to the Biden Administration's open border policies.

In May 2025, GAO declared that the Department of Transportation's temporary pause of funding for a Biden-era electric vehicle charger program, pending new program guidance, was an illegal impoundment.[49] The Trump Administration called GAO's findings "wrong and legally

[42] *1975 GAO Report*, *supra* note 36.
[43] *INS v. Chadha*, 462 U.S. 919 (1983).
[44] *Clinton v. City of New York*, 524 U.S. 417 (1998).
[45] *B-330330*, *supra* note 39.
[46] *Id.* at 6.
[47] *Office of Management and Budget—Withholding of Ukraine Security Assistance*, B-331564 (Comp. Gen. Jan. 16, 2020).
[48] *Office of Management and Budget and U.S. Department of Homeland Security—Pause of Border Barrier Construction and Obligations*, B-333110 (Comp. Gen. June 15, 2021).
[49] *U.S. Department of Transportation, Federal Highway Administration—Application of the Impoundment Control Act to Memorandum Suspending Approval of State Electric Vehicle Infrastructure Deployment Plans*, B-337137 (Comp. Gen. May 22, 2025).

indefensible."[50] OMB concluded that GAO had "become a partisan actor, issuing opinions based on double standards designed to undermine President Trump's historic and lawful spending reforms" and advised that Executive Branch agencies "should not feel compelled to cooperate at all with GAO."[51]

Congressional Republicans have noticed GAO's partisan work. GAO opined in March 2025 that California's Clean Air Act waivers were not rules and thus could not be repealed under the Congressional Review Act, even though the Environmental Protection Agency itself determined that the waivers constituted rules.[52] GAO issued the opinion at the behest of three Democrat senators.[53]

In response, the Chairmen of the House Oversight and Government Reform Committee, James Comer, and the Energy and Commerce Committee, Brett Guthrie, requested GAO's internal records about the opinion.[54] The Senate subsequently overrode GAO's view, passing three resolutions under the Congressional Review Act to repeal the waivers.[55] In an op-ed, Senate Majority Leader John Thune lambasted GAO's partisan decision to constrain Congress's power, writing, "[t]he audacious GAO now leaves the Senate with a simple choice: either we overrule GAO's improper action and return rulemaking authority to elected officials, or we allow unelected bureaucrats to constrain Congress's Article I authority."[56] In response to this and other instances, Senator Mike Lee concluded that "GAO has lost credibility as an independent body."[57] House Republicans proposed cutting GAO's budget in half.[58]

GAO's ruling on the current rescission package is just the latest example of its radical anti-Trump shift over the past decade. The text of the ICA is clear. Nearly fifty years ago, GAO acknowledged that the text of the ICA allows Presidents to propose pocket rescissions. While the text of the law has not changed, the unelected bureaucracy of GAO has stepped in to try and

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[50] Letter from Mark R. Paoletta, Gen. Counsel, Off. of Mgmt. & Budget, to Gregory Cote, Acting Gen. Counsel, U.S. Dep't of Transp. 1 (June 3, 2025), https://www.whitehouse.gov/wp-content/uploads/2025/08/OMB-OGC-Letter-to-DOT-Re-GAO-NEVI-Opinion-6-3-25.pdf.
[51] *Id.*
[52] *Observations Regarding the Environmental Protection Agency's Submission of Notices of Decision on Clean Air Act Preemption Waivers as Rules Under the Congressional Review Act*, B-337179 (Comp. Gen. Mar. 6, 2025).
[53] *Id.* at 1 n.2 (responding to request from Senators Sheldon Whitehouse, Alex Padilla, and Adam B. Schiff).
[54] Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Gov't Reform, and Rep. Brett Guthrie, Chairman, H. Comm. on Energy & Com., to Gene L. Dodaro, Comptroller Gen. of the U.S. (Apr. 1, 2025), https://oversight.house.gov/wp-content/uploads/2025/04/Comer-Guthrie-GAO-California-waiver-040125.pdf.
[55] Callie Patteson, *Senate Votes to Undo California Plan to Ban Gas Cars, Sidestepping Parliamentarian*, Wash. Examiner (May 22, 2025), https://www.washingtonexaminer.com/news/3418268/senate-repeal-california-emissions-standards/.
[56] John Thune, *The Senate Will Overturn California's Electric Vehicle Mandate*, Wash. Examiner (May 21, 2025), https://www.washingtonexaminer.com/restoring-america/faith-freedom-self-reliance/3417747/senate-will-overturn-california-electric-vehicle-mandate-clean-air-act/.
[57] Haisten Willis & Ramsey Touchberry, *GOP Fights GAO Efforts to Throttle Trump Administration*, Denver Gazette (May 27, 2025), https://www.denvergazette.com/2025/05/27/gop-fights-gao-efforts-to-throttle-trump-administration-2014dfa3-ff05-56e1-b2ad-8eaafafc4630/.
[58] *See* Tony Romm, *White House Leads Push to Block Watchdog's Inquiries Into Spending Cuts*, N.Y. Times (July 22, 2025), https://www.nytimes.com/2025/07/22/us/politics/trump-spending-government-accountability-office.html

rescue bloated and unnecessary spending in the face of congressional ambivalence. That is not how the Republic should operate.

President Trump recently nominated Eric Ueland to serve as the new Comptroller General.[59] As a longtime Senate staffer and budget expert, he is eminently qualified to lead GAO and foster a return to sober analysis of budget matters.

Conclusion

President Trump's proposed rescission package is sound fiscal policy. It seeks to remove unnecessary and wasteful spending on DEI and other projects that do not advance the interests of the American people. The Oversight Project particularly applauds the Trump Administration's attempts to defund the Illegal Immigration Industrial Complex. As we have written, the Biden Administration opened the borders to an invasion of illegal immigration and created a windfall to ideologically aligned nonprofits. President Trump's successful border policies stopped the flow of illegal immigration and rendered the massive federal spending on grants to service illegal aliens unnecessary.

The U.S. national debt surpassed $40 trillion in August 2026.[60] We need to get our federal spending under control. President Trump's latest rescission package is a great place to start.

[59] Katherine Tully-McManus et al, *Trump nominates top White House aide to head watchdog agency – as Democrats feared*, Politico (Nov. 16, 2026), https://www.politico.com/news/2026/11/16/trump-gao-eric-ueland-impoundment-01168372.

[60] *US Debt Crosses $40 Trillion Threshold After Doubling Under Trump and Biden*, Reuters (Aug. 19, 2026), https://www.reuters.com/world/us-debt-crosses-40-trillion-threshold-after-doubling-under-trump-biden-2026-08-19/.