

Opening Statement of Ranking Member Merkley
Senate Budget Committee Hearing: “The Nomination of the Honorable Dan Bishop, of
North Carolina, to be Deputy Director of the Office of Management and Budget”
March 5, 2025

Sen. Merkley’s remarks, as prepared for delivery follow:

Thank you, Mr. Chairman. And welcome, Mr. Bishop.

Today, we will consider your nomination to be Deputy Director of the Office of Management and Budget.

Since President Trump took office, OMB has been at the center of many consequential decisions to radically change the federal government, including canceling programs, suspending grants, clawing-back money, reorganizing departments, and firing federal employees.

Many of these actions are in direct violation of the law and the Constitution.

The Executive Branch already has several ways to reorganize federal spending that are laid out within existing law.

First, Congress can pass a new law. If the President wants to reorganize a department or agency, then the President can ask Congress to pass a new law.

But, in the meantime, the President must abide by existing law.

Second, the President can request a rescission.

If funding for a particular program is unwanted or unneeded, the Budget and Impoundment Control Act of 1974 allows the President to request that Congress rescind the funding.

Third, the President can powerfully influence budgets and spending for next year. The President has a large bully pulpit to use to advance his priorities.

Finally, the President has the power to veto bills passed by Congress.

If the President disagrees with a spending bill passed by Congress, he can veto it. Still, the power of the purse lies with Congress.

The Supreme Court has reaffirmed that twice in the last 50 years.

But OMB has repeatedly ignored all of these tools and instead made a series of decisions that violate the law and violate the Constitution.

Amidst these serious concerns, you are nominated to a position with immense influence on how these decisions and others will be made going forward.

So, there are many elements of your background we would like to explore today, including the expertise you will bring to this role and your opinion about whether it is appropriate or inappropriate to break the law, to violate the Constitution, particularly related to impoundments, and to freeze federal funds and fire federal workers.

This Committee will learn today if you are willing to be party to these illegal actions or if you will uphold the Constitution and enforce the laws of the land.

In addition, we'll have questions about opinions and positions you have held in the past that may be in conflict with the policies of this administration, including this central issue of impoundments and about actions you have taken in the past that raise concerns about what you may do in the future, for example, when it comes to whistleblowers.

These questions will help us explore whether you are suitable or unsuitable to make the decisions at stake with this powerful position.

I look forward to discussing these and other issues with you, Mr. Bishop.

Thank you, Mr. Chairman.

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