



FROM: RSC Staff
TO: RSC Members
RE: 14th Amendment and the Debt Ceiling

President Biden and Congressional Democrats have [recklessly suggested](#) using the 14th Amendment to unilaterally increase the debt ceiling and undercut the responsibility of Congress. Section 4 of the 14th Amendment, the public debt clause, provides that *“The validity of the public debt of the United States, authorized by law...shall not be questioned.”*

Section 4 of the 14th Amendment makes clear that America’s debt cannot be [disputed](#), but it does not prescribe how, or when, debts must be paid. It [does not](#) authorize the President to unilaterally borrow to pay off existing debt. In fact, the 14th Amendment makes no mention of the President in reference to the nation’s debt. It does not authorize the President to do anything whatsoever.

The power of the purse belongs to Congress. Pursuant to Article I, Section 8, Clause 2 of the U.S. Constitution, Congress, [not the President](#), has the power to “borrow money on the credit of the United States.” The President may not simply disregard statutory limits on debt that have been enacted by Congress.

The Left’s interpretation of the 14th Amendment has been rejected by Republican and Democratic administrations. Notably, during the 2011 debt ceiling negotiations Obama’s [Treasury Department](#) rejected this interpretation, viewing the “debt limit as a binding legal constraint that can only be raised by Congress.”

Despite the completely novel and unprecedented nature of invoking the 14th Amendment in this way, Democrats have already [filed lawsuits](#) attempting to declare the current debt ceiling statute as unconstitutional.

Conservatives must stand together to oppose any effort by the Biden administration to invoke the 14th Amendment to unilaterally raise the debt limit. Our Constitution and the founding principles of our Nation require no less.