

TRUMP'S ILLEGAL & UNCONSTITUTIONAL SCHEME TO WITHHOLD FUNDING HEADED TO COMMUNITIES ACROSS AMERICA

WHAT'S HAPPENED

In his first few hours in office, President Trump signed sweeping [executive orders](#) directing agencies to immediately withhold funding provided by Congress and signed into law.

- *The orders call on agencies to, among other potential violations, halt disbursement of funding from the Bipartisan Infrastructure Law and the Inflation Reduction Act, as well as foreign development assistance.*

Trump's directives are a brazen attempt to ignore federal law and block communities across America from receiving critical investments Congress has made to rebuild roads and bridges, connect families to high-speed internet, create new good-paying jobs, and more.

CONGRESS—NOT THE PRESIDENT—HAS POWER OF THE PURSE

The Constitution explicitly gives Congress, not the president, the power of the purse.

- *Article I, Section 9, Clause 7: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."*

The president does not have the power to override spending laws that Congress has passed and the president has signed into law.

Presidents cannot unilaterally withhold or block investments that have been enacted into law—through what's known as "impoundment."

Presidents don't get to pick and choose which parts of laws they feel like following, nor do they get to pick and choose how much funding that was signed into law gets out to the American people.

This foundational constitutional principle has been reaffirmed time and again:

- *The Supreme Court unanimously affirmed that presidents do not have the unilateral power to impound enacted funding in Train v. City of New York (1975).*
- *The Government Accountability office has repeatedly made clear: "Faithful execution of the law does not permit the President to substitute his own policy priorities for those that Congress has enacted into law. The Constitution grants the President no unilateral authority to withhold funds from obligation."*

The Impoundment Control Act, enacted in 1974, also makes plain that presidents cannot temporarily or permanently withhold enacted funding, and it established procedures the president can and must follow to propose delaying or rescinding funding.

Similarly: presidents cannot spend beyond what has been enacted into law or otherwise ignore spending laws.

As the Constitution clearly stipulates, the president cannot spend money that Congress has not appropriated—nor can they override spending laws to pursue their own funding priorities.

The Antideficiency Act, which was first enacted in 1884, affirms the Executive Branch cannot spend in excess of appropriations and establishes procedures for determining whether violations have occurred and for reporting such violations.

Our founders understood the importance of this principle; it's why they gave Congress the power of the purse and established a clear separation of powers in our Constitution. Presidents can't just choose which parts of federal statutes they want to follow.

Trump's actions jeopardize Congress' ability to reach bipartisan deals, negotiate legislation, and deliver for constituents back home.

- *Lawmakers must be able to trust that a deal is a deal when agreement is reached on legislation. If presidents can unilaterally pick and choose which parts of a deal that gets signed into law they want to execute, that trust will be destroyed.*

TRUMP'S EXECUTIVE ORDERS COULD ILLEGALLY RIP AWAY FUNDING FOR COMMUNITIES ACROSS THE COUNTRY

Trump's illegal actions threaten funding that lawmakers have secured—often on a bipartisan basis—for their constituents in every part of the country.

If fully implemented, Trump's directives to illegally withhold billions of dollars in enacted funding could:

- Halt or altogether cancel anticipated and ongoing infrastructure projects to rebuild roads and bridges, upgrade transit and transportation infrastructure, and connect families to high-speed internet.
- Hurt families and kill good-paying jobs.
- Take a wrecking ball to initiatives to ensure the American people have access to clean air and water and to tackle the climate crisis and create new, good-paying jobs in the process.
- Undermine our national security and credibility on the world stage.

TRUMP AND TOP AIDES' VOWS TO "IMPOUND, BABY, IMPOUND"

Importantly, Trump's executive orders directing his administration to withhold enacted funding may well only represent his opening bid in his quest to amass power for himself, override the spending decisions made by Congress, and withhold investments for the American people.

Because Trump and his allies have been loudly broadcasting their intention to break the law and block funding Congress has provided for communities across the country—all while they pursue devastating spending cuts for American families and tax breaks for billionaires.

- Donald Trump vowed on the campaign trail to wrest spending power from Congress and illegally impound funding, and of course, he illegally withheld security assistance for Ukraine in his first term, facts that ultimately led to his first impeachment.
- Trump's pick for OMB Director, Russ Vought, is a staunch Trump loyalist and a leading proponent of Trump ignoring our spending laws and blocking investments in the American people.
 - As OMB Director, Vought oversaw the illegal impoundment of security assistance during Trump's first term—and rebuffed Congressional oversight efforts.
 - He has called for Trump to illegally impound more investments.
 - And during his confirmation hearings this month, Vought repeatedly refused to commit to following the law if confirmed—despite conceding that no court has ever found the *Impoundment Control Act* to be unconstitutional.
- Trump also picked Mark Paoletta to serve as OMB General Counsel—someone who has called the *Impoundment Control Act* a “stupid law” and urged Vought to “Impound, Baby, Impound!”
 - When evading questions about whether he would illegally impound funding if confirmed as OMB Director, Russ Vought repeatedly said he would rely on the advice of Paoletta as General Counsel.

BOTTOM LINE: TRUMP CANNOT UNILATERALLY ROB FAMILIES AND COMMUNITIES OF INVESTMENTS THEY'RE COUNTING ON

Democrats in Congress will fight Trump's illegal attempts to hold up funding Congress has provided for communities across America.

Lawmakers on both sides of the aisle should defend Congress' constitutional power of the purse and ensure the investments they have worked so hard to secure for families back home make it to them, as intended and as enacted into law.

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