



TRUMP'S IMPOUNDMENT UNINFORMED & UNCONSTITUTIONAL

Trump Administration's Plan to End the Assistance that the Middle Class, Working and Vulnerable Families, and Small Businesses Depend On

The Constitution of the United States of America Article I, Section 9, Clause 7

*No Money shall be drawn from the Treasury, but in **Consequence of Appropriations** made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.*

The Constitution gives Congress the power of the purse, and nowhere does it give the President any unilateral power to either temporarily or permanently impound—steal, withhold, or prevent from being spent—funds appropriated by Congress.

Donald Trump and Russ Vought, Trump's nominee for OMB Director and co-author of Project 2025, are **deeply confused about this and many other points about the Constitution, the rule of law, and the Impoundment Control Act of 1974.**

The notion of an “inherent Presidential power to impound” has been **disavowed by the Supreme Court, the Department of Justice, and the Government Accountability Office** as well as through enactment of the Impoundment Control Act of 1974.

Supreme Court of the United States

The Supreme Court's treatment of the claim that there is Presidential impoundment power is well summarized by **Justice Scalia**, concurring in part and dissenting in part, in *Clinton v. City of New York*: “**President Nixon, the Mahatma Gandhi of all impounders, asserted at a press conference in 1973 that his ‘constitutional right’ to impound appropriated funds was ‘absolutely clear.’... Our decision two years later in *Train v. City of New York*, 420 U. S. 35 (1975), proved him wrong...**”

Department of Justice

Prior to the Impoundment Control Act of 1974, then-Assistant Attorney General William H. Rehnquist, who would later become the Chief Justice of the Supreme Court, concluded in this 1969 DOJ Office of Legal Counsel memorandum that **“With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.”**

Following the enactment of the Impoundment Control Act of 1974, a 1998 DOJ Office of Legal Counsel memorandum reaffirmed the conclusions of the 1969 memorandum: **“This Office has long held that the ‘existence of such a broad power is supported by neither reason nor precedent.’” & “There is no textual source in the Constitution for any inherent authority to impound.”**

Government Accountability Office

The Government Accountability Office has concluded time and time again that **“the Constitution grants the President no unilateral authority to withhold funds from obligation.”**

The Framers were right to give Congress the power of the purse. If the President had the unilateral power to decline to spend resources as directed by Congress, then those who rely on Social Security, Medicare, Veterans Medical Care, and other federal spending programs would be subject to the whims of the executive branch. The American people would be unable to depend on promises made by Congress in appropriations laws.

The incoming Trump Administration seems eager to withhold critical assistance from the middle class, working people, and the vulnerable. House Appropriations Democrats will fight any attempts to steal the power of the purse and gut programs that American families depend on to survive.