



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

The Honorable John Thune
Majority Leader
United States Senate

The Honorable Charles E. Schumer
Democratic Leader
United States Senate

The Honorable Mike Johnson
Speaker
United States House of Representatives

The Honorable Hakeem Jeffries
Democratic Leader
United States House of Representatives

April 30, 2025

Re: Update on potential Impoundment Control Act violations

Dear Leader Thune, Democratic Leader Schumer, Speaker Johnson and Democratic Leader Jeffries:

Yesterday marked 100 days since President Trump issued several executive orders directing agencies to “pause” funding appropriated by Congress. Concerned by these potentially illegal, overly broad and indiscriminate directives, on January 27 I wrote you a letter—explaining that any such withholdings might be unlawful under the Impoundment Control Act (“ICA”), urging you to investigate the executive branch’s actions, asking you to ensure that the administration continued to comply with funding transparency laws and, in what I now know to be a grave understatement, warning that this would not be the administration’s last attempt to usurp Congress’s authority.¹

Before the ink dried on my letter, the Office of Management and Budget (“OMB”) kicked the administration’s onslaught on federal funding into high gear, issuing a government-wide memorandum that ordered agencies to “temporarily pause all activities related to obligation or disbursement of all Federal financial assistance.”² Although OMB rescinded

¹ Letter from Noah Bookbinder, CREW, to Sen. Thune, Sen. Schumer, Rep. Johnson, & Rep. Jeffries, *Re: Potential Impoundment Control Act Violations* 1, 5, 7 (Jan. 27, 2025), <https://www.citizensforethics.org/wp-content/uploads/2025/01/Letter-to-Congress-Potential-Impoundment-Control-Act-Violations.pdf> (January 27 letter).

² OMB, OMB Mem. No. M-25-13, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* 2 (Jan. 27, 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/03/M-25-13-Temporary-Pause-to-Review-Agency-Grant-Loan-and-Other-Financial-Assistance-Programs.pdf>.

the memorandum following litigation and significant public outcry,³ the White House press secretary quickly clarified that this action was a rescission in name only.⁴ As court filings revealed, the freeze continued to impact myriad states and organizations.⁵

Countless other attacks on congressionally authorized and funded programs followed. Within a week of issuing the funding freeze memorandum, the administration started dismantling the U.S. Agency for International Development (USAID).⁶ Within two weeks, the administration initiated a similar attack on the Consumer Financial Protection Bureau,⁷ threatened to withhold funds for sanctuary cities,⁸ halted financial assistance to South Africa⁹ and ordered agencies to “rescind” funding for programs that did not reflect the president’s views on gender.¹⁰ Within a month, the administration had announced over \$900 million in terminated grants and contracts at the Department of Education,¹¹ directed agencies to withhold funds from schools,¹² ordered OMB to prohibit or condition spending

³ OMB, OMB Mem. No. M-25-14, Rescission of M-25-13, at 1 (Jan. 29, 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/03/M-25-14-Rescission-of-M-25-13.pdf>; *New York v. Trump*, No. 1:25-cv-39 (D.R.I. Jan. 28, 2025), ECF No. 1; *Nat’l Council of Nonprofits v. OMB*, No. 1:25-cv-239 (D.D.C. Jan. 28, 2025), ECF No. 1; see Alexander Bolton, *White House budget office rescinds federal funding freeze memo*, The Hill (Jan. 29, 2025), <https://thehill.com/homenews/5113527-omb-federal-funding-freeze-rescind/>.

⁴ Karoline Leavitt, @PressSec (Jan. 29, 2025, 1:40 PM), <https://x.com/PressSec/status/1884672871944901034> (explaining that the rescission of the memorandum was “NOT a rescission of the federal funding freeze”).

⁵ Temporary Restraining Ord., at 10–11, *New York v. Trump*, No. 1:25-cv-39, (D.R.I. Jan. 28, 2025), ECF No. 50 (explaining that “[t]he substantive effect of the directive carri[ed] on” after the rescission of the memorandum); Mem. Op. & Ord., at 16, *Nat’l Council of Nonprofits v. OMB*, No. 1:25-cv-239 (D.D.C. Jan. 31, 2025), ECF No. 30 (“Even aside from the Press Secretary’s seeming admission that the pause will continue as planned, Plaintiffs have presented evidence that fund recipients continue to be deprived of critical loans, grants, and other resources.”). Cf. also Mem. and Order, at 10–11, *Woonasquatucket River Watershed Council v. Department of Agriculture*, No. 1:25-cv-97 (D.R.I. Apr. 15, 2025), ECF No. 45 (explaining that agencies prevented organizations from accessing Inflation Reduction Act and Infrastructure Investment and Jobs Act funding in accordance with the president’s *Unleashing American Energy* executive order).

⁶ Taylor Giorno, ‘We are terrified’: Musk puts USAID through ‘wood chipper’, The Hill (Feb. 3, 2025), <https://thehill.com/policy/technology/5122676-usaid-shutdown-elon-musk-doge/>. The Secretary of State previously paused all Department of State and USAID foreign assistance. See U.S. Department of State, *Implementing the President’s Executive Order on Reevaluating and Realigning United States Foreign Aid* (Jan. 26, 2025), <https://www.state.gov/implementing-the-presidents-executive-order-on-reevaluating-and-realigning-united-states-foreign-aid/>.

⁷ Laurel Wamsley, *New CFPB chief closes headquarters, tells all staff they must not do ‘any work tasks’*, NPR (Feb. 10, 2025), <https://www.npr.org/2025/02/08/nx-s1-5290914/russell-vought-cfpb-doge-access-musk>. Cf. also Jason Powell, *Attacks on the CFPB highlight DOGE’s pretense*, CREW (Feb. 28, 2025), <https://www.citizensforethics.org/news/analysis/attacks-on-the-cfpb-highlight-doges-pretense/>.

⁸ Attorney General, *Sanctuary Jurisdiction Directives*, Department of Justice (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388531/dl?inline> (explaining that the Department would ensure that “sanctuary jurisdictions” do not receive access to Federal funds from the Department,” and that it would “[p]ause” payments to organizations that provide services to removable individuals).

⁹ Exec. Order No. 14,204, *Addressing Egregious Actions of the Republic of South Africa*, 90 Fed. Reg. 9497 (Feb. 7, 2025).

¹⁰ Exec. Order No. 14,201, *Keeping Men Out of Women’s Sports*, 90 Fed. Reg. 9279 (Feb. 5, 2025). Cf. also Exec. Order No. 14,168, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8615 (Jan. 20, 2025) (“Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.”).

¹¹ Department of Government Efficiency, @DOGE (Feb. 10, 2025, 7:43 PM), <https://x.com/DOGE/status/1889113011282907434>.

¹² Exec. Order No. 14,214, *Keeping Education Accessible and Ending COVID-19 Vaccine Mandates in Schools*, 90 Fed. Reg. 9949 (Feb. 14, 2025). Cf. also Zach Montague, *Education Dept. Gives Schools Two Weeks to Eliminate Race-Based Programs*, NY Times (Feb. 17, 2025), <https://www.nytimes.com/2025/02/17/us/politics/education->

by independent regulatory agencies¹³ and set in motion funding cuts for medical research.¹⁴ Similar efforts to unilaterally eliminate or strip programs funded by Congress have only increased in the two months since.¹⁵

Ranking Member of the House Appropriations Committee Rosa DeLauro and Vice Chair of the Senate Appropriations Committee Patty Murray have estimated that the administration has “block[ed] at least \$430 billion dollars in funding.”¹⁶ But they caution that this estimate, which outlines “the minimum amount of federal funding the Committees believe the administration is currently freezing, canceling, or fighting in court to block,” is not “comprehensive or exhaustive.”¹⁷

Indeed, it is impossible to catalogue the universe of funds, programs, entities and individuals affected by the president’s directives to pause, cut or condition funding over the past 100 days: The breadth and speed of the administration’s actions are extraordinary.¹⁸ But beyond the sheer magnitude of the president’s categorical directives, the administration’s failure to comply with the ICA’s procedures in attempting to unilaterally cut congressionally appropriated funding continues to raise questions about the legality of these actions. And despite lawmakers’ best efforts to track affected funds,¹⁹ the

[dept-race-based-programs.html](#) (describing Department of Education’s warning that schools “risked losing federal funding if they continued to take race into account when making scholarship or hiring decisions”).

¹³ *Ensuring Accountability for All Agencies*, Exec. Order No. 14,215, 90 Fed. Reg. 10447 (Feb. 18, 2025).

¹⁴ Office of the Director, National Institutes of Health, *Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates*, NOT-OD-25-068 (Feb. 7, 2025) (imposing cap for grantees’ indirect cost rates)

<https://apnews.com/article/trump-nih-medical-research-funding-cut-indirect-costs-a75b8d7d56a29f1e880859d79ef744e4>; see also Benjamin Mueller, *Trump Administration Stalls Scientific Research Despite Court Ruling*, NY Times (Feb. 21, 2025), <https://www.nytimes.com/2025/02/21/science/nih-research-funding-delays.html> (describing effective funding block for biomedical research).

¹⁵ See, e.g., Exec. Order No. 14,238, *Continuing the Reduction of the Federal Bureaucracy*, 90 Fed. Reg. 13043 (Mar. 14, 2025) (ordering the OMB Director to “reject funding requests” that are inconsistent with the policy of the order, namely, to “reduce” operations of the Federal Mediation and Conciliation Service, United States Agency for Global Media, Woodrow Wilson International Center for Scholars in the Smithsonian Institution, Institute of Museum and Library Services, United States Interagency Council on Homelessness, Community Development Financial Institutions Fund, and Minority Business Development Agency); Eli Hager, *The Trump Administration’s War on Children*, ProPublica (Apr. 23, 2025), <https://www.propublica.org/article/how-trump-budget-cuts-harm-kids-child-care-education-abuse> (describing how the administration “blocked or delayed billions of dollars in funding for things like school meals and school safety”); Alvin Powell, *Trump administration freezes \$2.2 billion in grants to Harvard*, Harvard T.H. Chan School of Public Health (Apr. 15, 2025),

<https://hsph.harvard.edu/news/trump-administration-freezes-2-2-billion-in-grants-to-harvard/>; *Statement on NED’s Funding Disruption and Program Suspensions*, National Endowment for Democracy (Feb. 25, 2025), <https://www.ned.org/statement-on-neds-funding-disruption-and-program-suspensions/>; Sarah N. Lynch and Peter Eisler, *Exclusive: US Justice Dept grant cuts valued at \$811 million, people and records say*, Reuters (Apr. 24, 2025), <https://www.reuters.com/world/us/us-justice-dept-grant-cuts-valued-811-million-people-familiar-say-2025-04-24/>.

¹⁶ *NEW: 100 Days In, Trump is Blocking At Least \$430 Billion Dollars in Funding Owed to American People*, House Appropriations Committee Democrats (Apr. 29, 2025), <https://democrats-appropriations.house.gov/news/press-releases/new-100-days-trump-blocking-least-430-billion-dollars-funding-owed-american> (Press Release); see also *100 Days In, Trump Blocks At Least \$430 Billion Dollars in Funding Owed to American People*, House Appropriations Committee Democrats (last visited Apr. 29, 2025), <https://democrats-appropriations.house.gov/100-days-trump-blocks-least-430-billion-dollars-funding-owed-american-people> (Tracker).

¹⁷ See *supra* Press Release, note 16.

¹⁸ See *id.* (explaining that the \$430 billion estimate does not include previously frozen funding, funding affected by mass firings, or unobligated funding).

¹⁹ See *id.*; see *supra* Tracker, note 16.

administration's refusal to carry out the laws requiring transparency in executive branch spending has rendered the total affected amount incalculable, the full range of affected accounts unknowable and all these actions more difficult to effectively investigate.

Every administration may experience unavoidable spending delays that result not *because* of an agency's desire to withhold funds, but *despite* their best efforts to prudently obligate them.²⁰ And for many programs, Congress has given the president discretion regarding how to implement the programs for which it appropriates money. But that discretion does not extend to whether to implement such programs. As the administration has terminated contracts, leases and grants, cut program operations and reduced the federal workforce, it has characterized the president's actions as "savings," without any stated plans to spend those funds for a congressionally authorized purpose.²¹ Yet it is Congress, not the executive branch, that has the authority to permanently cut previously enacted government funding.

As I laid out in my January 27 letter, if the administration had submitted a special message proposing to rescind these congressionally appropriated funds under the ICA, it could have temporarily and legally withheld some of these amounts.²² But as of today, the administration has not done so. And although the president reportedly plans to use the ICA's procedures to propose for rescission a subset of funds,²³ the transmission of a rescission proposal would authorize the president to withhold only the amounts proposed for rescission, and only temporarily.²⁴ It would not cure other past deficiencies, justify the withholding of amounts not proposed for rescission or in any way render lawful other ongoing executive branch funding pauses.²⁵

Nor would the transmission of a special message for only a subset of funds provide much-needed information about the president's other funding actions. In addition to protecting Congress's constitutional power of the purse, the ICA serves as a transparency measure: When the president proposes funds for deferral or rescission, the president must specify the amounts withheld, the affected accounts, the reasons for and estimated effects of the withholding and, for a deferral proposal, the legal authority for the president's action.²⁶ Had President Trump proposed to rescind the many funds the administration purports to have "saved"—as is required under the ICA—then members of Congress and their constituents would know exactly how much money the administration believes is no longer needed in

²⁰ See January 27 letter, at 4 n.21 (describing programmatic delays); see also CREW, *Key Concepts Related to the Impoundment Control Act of 1974*, <https://www.citizensforethics.org/wp-content/uploads/2025/01/Key-ICA-Concepts.pdf>.

²¹ *Savings*, Department of Government Efficiency (last visited Apr. 30, 2025), <https://doge.gov/savings>.

²² January 27 letter, at 3. *But see id.* at 4 (also explaining that the "policy-driven language in the executive orders raises questions about whether [any] deferral would be legal at all").

²³ Benjamin Mullin, Tony Romm and Jonathan Swan, *White House to Ask Congress to Claw Back Funding From NPR and PBS*, NY Times (Apr. 14, 2025), <https://www.nytimes.com/2025/04/14/business/media/trump-npr-pbs-funding.html>.

²⁴ If Congress elects not to rescind amounts proposed for rescission, then the president must immediately release those funds for obligation after the 45-day period outlined in the law. 2 U.S.C. §§ 682(5), 683(b).

²⁵ U.S. Gov't Accountability Office, B-329092, *Impoundment of the Advanced Research Projects Agency-Energy Appropriation Resulting from Legislative Proposals in the President's Budget Request for Fiscal Year 2018* 1 (Dec. 12, 2017) (concluding that the agency had violated the ICA even though the funds had been released); see also U.S. Gov't Accountability Office, *U.S. Department of Homeland Security—Impoundment Control Act and Appropriations for the Tenth National Security Cutter* 1 (Dec. 19, 2018) (same).

²⁶ 2 U.S.C. §§ 683, 684.

each appropriation account,²⁷ the administration would be able to temporarily, lawfully withhold certain amounts²⁸ and Congress would have a meaningful opportunity to debate any potential rescission.²⁹ But the president has not shared this critical information with Congress or the public.³⁰

Second, OMB has flouted another critical transparency law, namely, the requirement that OMB publicly post documents apportioning an appropriation on a public website.³¹ In my January 27 letter, I outlined OMB's role in apportioning funds to executive agencies, explained how OMB had abused this power during the first Trump administration, and urged Congress to ensure that OMB continued to comply with this requirement.³² But beginning on or around March 24, the administration abruptly took down this legally required apportionment website and replaced it with an error message that reads "Page Not Found,"³³ meaning that members of Congress, funding recipients, members of the public and others who rely on this data to gather information about federal spending and hold the government accountable now have no ability to see how OMB is controlling, or preventing, agency spending of taxpayer funds.³⁴

Following these actions, states³⁵ and organizations³⁶ stepped in to sue the administration for withholding appropriated funds. And government watchdogs, including CREW, sued OMB for failing to comply with the apportionment transparency requirement.³⁷ Although many plaintiffs have seen initial success in cases against the administration,³⁸ Congress

²⁷ *Id.*

²⁸ U.S. Gov't Accountability Office, *Impoundment Control Act* (last visited Apr. 30, 2025), <https://www.gao.gov/legal/appropriations-law/impoundment-control-act>. The president may not withhold funds, however, if doing so would prevent their prudent obligation or if the law falls under what is known as the "fourth disclaimer," thus providing the executive branch no discretion over the obligation of funds. 2 U.S.C. § 681(4); see also U.S. Gov't Accountability Office, B-330045, *Impoundment Control Act of 1974: Review of the President's Special Message of May 8, 2018* 10–11 (May 22, 2018); U.S. Gov't Accountability Office, B-330330, *Impoundment Control Act—Withholding of Funds through Their Date of Expiration* 6 (Dec. 10, 2018).

²⁹ 2 U.S.C. § 688.

³⁰ Bo Erickson, *Trump administration withholding \$436.87 billion in approved spending, top Democrats say*, Reuters (Apr. 29, 2025), <https://www.reuters.com/world/us/trump-administration-withholding-43687-billion-approved-spending-top-democrats-2025-04-29/>.

³¹ 31 U.S.C. § 1513 note.

³² January 27 letter, at 5–6.

³³ Paul M. Krawzak, *White House scraps public spending database*, Roll Call, Mar. 24, 2025, <https://rollcall.com/2025/03/24/white-house-scraps-public-spending-database/>; see also *Approved Apportionments*, OMB, <https://apportionment-public.max.gov/>.

³⁴ Decl. of Joseph Carlile ¶¶ 14, *CREW v. OMB*, No. 1:25-cv-1051 (D.D.C. Apr. 18, 2025), ECF No. 9-5 ("Without timely access to the publicly available data that was on OMB's public apportionment website, determining the total budgetary resources for a specific appropriation at any given moment . . . becomes nearly impossible."); *id.*, Decl. of Christina L. Wentworth ¶¶ 9, 26, ECF No. 9-3 (explaining that approved apportionments are not available on any other government website); Decl. of Billy Ford ¶¶ 19, *Protect Democracy v. OMB*, No. 1:25-cv-1111 (D.D.C. Apr. 22, 2025), ECF No. 13-4 (explaining that, without OMB's apportionment website, "Protect Democracy can no longer provide updated information about apportionments to Congress, the press, and the public").

³⁵ See, e.g., *New York v. Trump*, No. 1:25-cv-39, (D.R.I. 2025); *Shapiro v. Department of the Interior*, No. 2:25-cv-763 (E.D. Pa. 2025).

³⁶ See, e.g., *The Sustainability Institute v. Trump*, No. 2:25-cv-2152 (D.S.C. 2025); *Catholic Charities Dioceses of Fort Worth, Inc. v. Department of Health and Human Services*, No. 1:25-cv-605 (D.D.C. 2025).

³⁷ *CREW v. OMB*, No. 1:25-cv-1051 (D.D.C. 2025); *Protect Democracy v. OMB*, No. 1:25-cv-1111 (D.D.C. 2025).

³⁸ Mem. Order, at 4, *New York v. Trump*, No. 1:25-cv-39 (D.R.I. Mar. 6, 2025), ECF No. 161 (granting preliminary injunction); Mem. Opinion, at 2, *Climate United Fund v. Citibank, N.A.*, No. 1:25-cv-698 (D.D.C. Apr. 16, 2025), ECF No. 89 (same); Order Granting Prelim. Inj., at 5–6, *City and County of San Francisco v. Trump*, No. 3:25-cv-1350 (N.D. Cal. Apr. 24, 2025), ECF No. 111 (same).

cannot expect the courts and the plaintiffs who bravely put these issues before them to fix every unlawful, government-wide funding action or to restore to the legislative branch its constitutional control over federal spending. First, the high cost of litigation may prevent vulnerable organizations already impacted by funding freezes from bringing a lawsuit to vindicate their rights, particularly as lawyers who might otherwise provide pro bono services become wary of challenging the administration.³⁹ Indeed, despite harms resulting from the administration’s policies, some organizations have chosen to suffer in silence.⁴⁰

Congress also should not assume that the courts—which can consider matters only to the extent aggrieved individuals are able and willing to bring a case, must abide by jurisdictional limits and face growing threats to their independence—can effectively address every unlawful funding action by the executive branch. The judiciary exists to resolve questions of constitutional and statutory interpretation like those presented in the many cases addressing withholdings of federal funds.⁴¹ But courts are not designed to resolve cases at the pace needed to effectively prevent or timely remedy the significant harms plaintiffs will suffer or already have borne. Indeed, even with the courts moving at a breakneck speed to resolve the legality of the executive branch’s funding actions, the administration seems to be banking, in part, on the courts not being able to reach the merits—or the likelihood of the plaintiffs’ success on the merits—before these time-sensitive funding issues become moot.⁴²

Additionally, although the judicial branch serves as a bulwark against unlawful action, its ability to fulfill that function depends on its independence and power to enforce its orders.⁴³ But between the judicial and executive branches, “[t]he respect that courts must accord the Executive must be reciprocated by the Executive’s respect for the courts.”⁴⁴ And “[t]oo often today this has not been the case, as calls for impeachment of judges for decisions the

³⁹ Alison Knezevich, *BigLaw Shying Away From Some Pro Bono Work 'Out Of Fear'*, Law360 (Apr. 10, 2025), <https://www.law360.com/pulse/articles/2323753>. Even if the general cost of litigation did not deter a plaintiff from pursuing a case, the president also has directed the Department of Justice to ask courts to impose a bond when a plaintiff seeks a preliminary injunction against the government. Mem., *Ensuring the Enforcement of Federal Rule of Civil Procedure 65(c)*, White House (Mar. 11, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/ensuring-the-enforcement-of-federal-rule-of-civil-procedure-65c/>.

⁴⁰ Isaiah Thompson, *Trump Moves Cause Widespread Fear Among Nonprofits, Survey Finds*, Nonprofit Quarterly (Feb. 21, 2025), <https://nonprofitquarterly.org/trump-moves-cause-widespread-fear-among-nonprofits/>; Eden Stiffman, *Fearing Retaliation, Loss of Funding, Many Nonprofits Stay Quiet on Trump*, The Chronicle of Philanthropy (Feb. 19, 2025), <https://www.philanthropy.com/article/fearing-retaliation-loss-of-funding-many-nonprofits-stay-quiet-on-trump>.

⁴¹ *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

⁴² See, e.g., Defs’ Mem. of Points and Authorities in Support of Mot. To Dismiss, at 15–16, *U.S. Conf. of Catholic Bishops v. Dep’t of State*, No. 1:25-cv-465 (D.D.C. Apr. 21, 2025), ECF No. 47-1 (in a challenge to a “pause in payments” to a refugee resettlement agency, arguing that the plaintiff’s claims were moot because the plaintiff’s obligation to assist refugees within “the first 90 days that they are in the United States” would expire before the court’s ruling). *But see* Mem. Order, at 16, *New York v. Trump*, No. 1:25-cv-39 (D.R.I. Mar. 6, 2025), ECF No. 161 (rejecting government’s argument that the rescission of the funding freeze memo rendered the lawsuit moot because “the rationale underlying the OMB Directive’s rescission makes it unreasonable to conclude that the Defendants will not reinstate the challenged funding freeze absent an injunction from this court”).

⁴³ See Sacha Heymann, *Trump allies are attacking the judicial system—and may now be targeting courthouses themselves*, CREW (Apr. 21, 2025), <https://www.citizensforethics.org/reports-investigations/crew-reports/trump-allies-are-attacking-the-judicial-system-and-may-now-be-targeting-courthouses-themselves/>.

⁴⁴ Order, at 5, *Abrego Garcia v. Noem*, No. 25-1404 (4th Cir. Apr. 17, 2025).

Executive disfavours and exhortations to disregard court orders sadly illustrate.”⁴⁵ Courts, of course, have tools to ensure compliance with their orders, and threats to impeach judges will not sway independent judges’ rulings.⁴⁶ But these attacks on the judiciary’s legitimacy come at the same time as “a significant rise in threats” and a funding shortfall that the judiciary warns could hinder courthouse security and judges’ personal safety, leaving those who rule against the administration particularly vulnerable.⁴⁷

All of this is why Congress must step in and fulfill its constitutional role. To that end, it is imperative that Congress investigate withholdings by the executive branch and ensure that the administration complies with enacted law—to include laws making appropriations, the ICA, and the apportionment transparency requirement. It bears repeating: Congress’s “power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.”⁴⁸ The administration’s apparent disregard for the funding levels set by Congress not only strips Congress of this power, but it also sets the stage for the administration to claim that it cannot carry out other congressionally passed laws or congressionally authorized programs.⁴⁹ If Congress yields whenever the administration decides not to abide

⁴⁵ *Id.* This potential defiance of orders says nothing of the obstruction courts have faced in developing thorough and accurate factual records in cases challenging government action, or the administration’s commitment to exceptionally narrow interpretations of court orders. See Charlie Savage, *Trump Team Finds Loophole to Defy Spirit of Court Orders Blocking Spending Freezes*, NY Times (Feb. 19, 2025),

<https://www.nytimes.com/2025/02/19/us/politics/trump-foreign-aid-freeze.html?smid=url-share>; Mem. and Order, *Perkins Coie LLP v. U.S. Dep’t of Justice*, No. 1:25-cv-716 (D.D.C. Apr. 25, 2025), ECF No. 173 (granting motion to amend complaint after the government indicated that the agencies not named as defendants “may claim to be free to ignore [the court’s order], thereby undercutting the effectiveness of any permanent injunction order and this litigation generally”).

⁴⁶ Debra Perlin, *The judiciary has options to keep pressing the Trump admin on Abrego Garcia’s case*, CREW (Apr. 22, 2025), <https://www.citizensforethics.org/reports-investigations/crew-investigations/the-judiciary-has-options-to-keep-pressing-the-trump-admin-on-abrego-garcias-case/>; see Brief of Amici Curiae John W. Kecker, Robert A. Van Nest, Elliot R. Peters, and Laurie Carr Mims in Support of Pls., at 2, *J.G.G. v. Trump*, No. 1:25-cv-766 (D.D.C. Apr. 18, 2025), ECF No. 94-1; Jason Lalljee, “Deranged” Milwaukee judge’s arrest a warning to others, *Bondi says*, Axios (Apr. 25, 2025), <https://www.axios.com/2025/04/25/hannah-dugan-trump-bondi-fbi-arrest> (Attorney General’s statement that the judiciary is “deranged”); Chris Megerian, Lindsay Whitehurst, and Mark Sherman, *Roberts rejects Trump’s call for impeaching judge who ruled against his deportation plans*, AP News (Mar. 18, 2025), <https://apnews.com/article/donald-trump-federal-judges-impeachment-29da1153a9f82106748098a6606fec39> (quoting President Trump’s statement that many of the judges that he is “forced to appear before . . . should be IMPEACHED!!!”).

⁴⁷ Letter from Amy J. St. Eve and Robert J. Conrad, Jr., to House and Senate Appropriations Committees (Apr. 10, 2025), <https://www.uscourts.gov/sites/default/files/document/fy-2025-funding-request-letters-to-congress.pdf>; Christie Wentworth & Kalyn Mizelle McDaniel, *Trump’s politicization of the U.S. Marshals Service is a threat to our democracy*, CREW (Feb. 18, 2025), <https://www.citizensforethics.org/news/analysis/trumps-politicization-of-the-u-s-marshals-service-is-a-threat-to-our-democracy/>; Mattathias Schwartz and Emily Bazelon, *Judges Worry Trump Could Tell U.S. Marshals to Stop Protecting Them*, NY Times (Apr. 25, 2025), <https://www.nytimes.com/2025/04/25/us/politics/trump-judges-marshals-threats.html>.

⁴⁸ The Federalist No. 58 (James Madison).

⁴⁹ Already, in some cases the administration’s programmatic cuts have been so severe as to eliminate entire offices and effectively prevent agencies from fulfilling statutorily required functions. See, e.g., *Comp.*, at 43, *Am. Ass’n of People with Disabilities v. Dudek*, No. 1:25-cv-977 (D.D.C. Apr. 2, 2025), ECF No. 1 (alleging that the Social Security Administration (“SSA”) “unlawfully withheld SSA’s statutory obligation to provide grievance mechanisms” when it eliminated the office that processed those complaints); *CREW v. Cent. For Disease Control and Prevention*, No. 1:25-cv-1020 (D.D.C. Apr. 4, 2025), ECF No. 1 (alleging that the CDC unlawfully eliminated the CDC’s Freedom of Information Act office); *Robert F. Kennedy Human Rights v. U.S. Dep’t of Homeland Security*, No. 1:25-cv-1270 (D.D.C. Apr. 24, 2025), ECF No. 1 (alleging that eliminating several Department of Homeland Security

by or execute duly enacted law, then the people effectively lose the legislative representation that our founders held so dear. It is incumbent on members of the House of Representatives and Senate to ensure that does not happen.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Bookbinder". The signature is stylized and fluid.

Noah Bookbinder
President and Chief Executive Officer
Citizens for Responsibility and Ethics in
Washington (CREW)

Cc: Gene Dodaro, Comptroller General of the United States

oversight offices, and terminating the performance of their statutorily mandated functions, violated federal law).