

The Constitutional Role of the President and Congress in Determining Expenditures

Each year, the Congress passes a budget. The budget then becomes law. The federal budget funds various programs and executive departments.

Under the Constitution, the President must “faithfully execute” the laws. Instead of faithfully executing the budget law, our current President is slashing federal programs like USAID, and firing employees at the FBI, Department of Education, and others. He has done so without authority from Congress, which funded those programs and departments. The Constitution gives to Congress, not the President, the power to set government spending and to make laws.

By picking and choosing which parts of the budget he likes, the President is violating the Constitution. His staff excuses this behavior, arguing that the President may “impound” (not spend) funds appropriated by Congress. But the 1974 Impoundment Control Act requires the President to spend the full amounts that Congress has appropriated. The administration argues that the Impoundment Act is unconstitutional. But no court has yet agreed with them, and they have not even sought a court ruling to validate their actions.

Of course, we could have a healthy debate about the size of government. Reasonable people can disagree on how large or small the Departments of Defense, Treasury, Interior, etc. should be. But the President does not want a debate, especially where it should happen, in Congress, where the people’s elected representatives serve.

I urge you to stop this assault on the Constitution and restrain the Executive Branch from taking over powers that are reserved to Congress.

Thank you for your consideration.

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