

United States Senate

WASHINGTON, DC 20510

The Honorable Gene Dodaro
Comptroller General of the United States
Government Accountability Office
441 G Street NW
Washington, DC 20548

May 22, 2025

Dear Comptroller Dodaro,

As members of the Senate Appropriations Committee, we have tracked with growing alarm the pauses and cancellation of federal funding across agencies since the start of the Trump Administration. We have noted at least \$430 billion in funding has been blocked, an amount equivalent to nearly a third of the discretionary budget.

Agencies were required to submit spend plans for fiscal year 2025 on April 29, but most did not supply plans or provided insufficient detail to allow the Committee to ensure they are allocating resources in accordance with the law. The Administration has also stopped publicly posting apportionment documents as required by the Financial Services and General Government Appropriations Act of 2023, weakening Congress's ability to conduct effective oversight.

As the President enters his fifth month in office, the argument that programs are simply paused for review becomes increasingly less credible. In addition, executive orders and public statements from the President, his cabinet, and the so-called Department of Government Efficiency indicate a clear intention to stop funding for certain agencies and programs entirely. Those statements have frequently aligned with the cancellation of grants and contracts, indicating that they are implementing cuts in fiscal year 2025 in violation of appropriations law, rather than proposing cuts for fiscal year 2026 for Congressional consideration.

As you know, Congress has authority under the Constitution to appropriate funds, and the Executive Branch must expend those funds as the law dictates. And as GAO has stated, "Faithful execution of the law does not permit the President to substitute his own policy priorities for those that Congress has enacted into law."

In a Committee hearing on April 29, you testified that the GAO has 39 ongoing investigations into potentially illegal impoundments. We appreciate GAO's completion of its first legal opinion, that the Department of Transportation violated the recording statute and the Impoundment Control Act (ICA) by improperly recording program liabilities and illegally withholding

mandatory funds for the National Electric Vehicle Infrastructure (NEVI) Formula Program. The NEVI program was authorized by the bipartisan Infrastructure Investment and Jobs Act and, as you noted, “[t]he Constitution grants the President no unilateral authority to withhold funds from obligation.” We agree with your conclusion, and will expect the Department of Transportation to immediately make the withheld funds available to the states.

In your testimony on April 29, you indicated that in some cases you were waiting on information from agencies on their justifications for funding freezes. We appreciate that GAO works to ascertain intent as part of any investigation under the Impoundment Control Act (ICA), and that your good faith requests for information from the Administration allow you to obtain a fuller picture of the circumstances surrounding a withholding.

However, GAO was similarly stonewalled by the prior Trump Administration, when the Office of Management and Budget and the State Department failed to provide necessary information about potential impoundments of Foreign Military Financing Funds. GAO noted then, and we agree, that the delay in response had “constitutional significance” as it obstructed an investigation that Congress delegated to GAO under the ICA.

GAO also noted, in its investigation of the illegal impoundment by the Department of Defense that occurred at the same time, that while OMB provided an explanation for the withholding, its explanation did not adequately justify the action. GAO said that “the burden to justify a withholding of budget authority rests with the executive branch.” You reiterated that in your decision on the Department of Transportation’s illegal withholding of NEVI program funds. In the absence of fulsome responses from the Administration, we encourage GAO to carefully examine the public record, including court records in cases filed against agencies, to inform your investigation into whether agencies are demonstrating the intent to illegally impound funds.

As Congress begins deliberations on the fiscal year 2026 appropriations bills, it is critical that we understand how the Administration is executing current law, and whether, through programmatic delay or illegal impoundment, funds are in danger of expiring without obligation. If the Administration is breaking the law without consequence, the fundamental separation of powers and Congressional power of the purse is under serious threat.

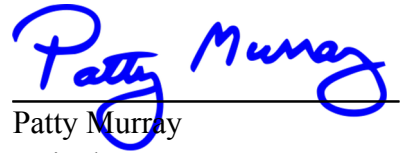
We encourage you to continue to report to Congress as quickly as possible on any violations of the ICA. In the event of a violation, Congress has also invested GAO with the authority to file suit to ensure funds are spent in accordance with the law.

We appreciate the investigations GAO has already undertaken and your vital role in carrying out the ICA to ensure that the President faithfully executes the law as required by our Constitution. We look forward to your legal opinions and analysis of the Administration’s fiscal year 2025 implementation.

Sincerely,



Chris Van Hollen
United States Senator



Patty Murray
United States Senator
Vice Chair, Committee on
Appropriations