

Republicans scheme to block Trump's funding cancellations

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Lawmakers are fuming over President Donald Trump's latest challenge to Congress' funding power and already plotting to stop him in the future — a move that would require Republicans to buck their own party's standard-bearer.

[Trump declared Friday](#) that he unilaterally nixed a total of \$810 million across several pots of cash Congress enacted for specific programs. It's the second time in two years he has deployed the “pocket rescission” tactic to automatically claw back federal funds.

It's now too late for lawmakers to stop that money from expiring when the fiscal year ends late Wednesday: The House has adjourned until after the midterms, and Congress relinquished a key piece of leverage by clearing a short-term funding patch weeks ago to keep government operations afloat through mid-December.

But lawmakers in both parties are talking about ways to prevent Trump from circumventing the congressional funding process during the final two years of his presidency.

“We're already looking at whether there's language we can put in the next set of appropriations bills that would prohibit this from happening,” Senate Appropriations Chair [Susan Collins](#) (R-Maine) told reporters Monday evening. “But it's going to take some legal work.”

Since lawmakers need to enact another funding bill by Dec. 11 to avert a government shutdown, they could add provisions to it barring Trump from sidestepping congressional spending mandates. Or lawmakers could add similar stipulations to whatever spending measures Congress might enact next year.

That will require bipartisan cooperation. After Trump used the same pocket rescissions tactic last year to [cancel \\$4.9 billion in foreign aid](#), [the Supreme Court allowed](#) the administration to withhold the funding until it expired. In the months that followed, Democrats repeatedly attempted to use funding bills to thwart that kind of late-stage clawback but fell short without alliances across the aisle.

“I have been trying to get that language in there. ... The Republicans objected,” Washington Sen. [Patty Murray](#), the top Democrat on the Senate appropriations panel, told reporters Monday evening.

Republicans who now say they are interested in blocking Trump from employing the maneuver are also thinking about the support they would need in both chambers to override a presidential veto.

“How many votes does it take to bar him?” said South Dakota Sen. [Mike Rounds](#), a senior Republican appropriator. “Depending upon the strategy that you're talking about, it's going to be a vetoable item. If that's the case, then you've got to have two-thirds in the House and the Senate. So we have to talk about things we can actually get done.”

Some lawmakers have floated the idea of seeking to bar the president from sending a rescission package to Congress in the last quarter of the fiscal year. That could stop Trump from unilaterally canceling federal cash because such a move only works in the final weeks of the fiscal year.

Under decades-old impoundment law, the president is allowed to send Congress a request to rescind funding and must then withhold the money for 45 days while lawmakers consider whether to approve, reject or ignore the ask. In a legal interpretation many lawmakers challenge, Trump administration officials argue that sending a rescission request less than 45 days before the end of the fiscal year ensures its expiration on Sept. 30.

Alaska Sen. [Lisa Murkowski](#), another top Republican appropriator, described the strategy as a “sneaky” ploy “designed to go around Congress ... where you basically just run the clock out.”

“I think Congress needs to save ourselves,” Murkowski told reporters Monday. “I don't think that our strategy should be just hoping for a good decision out of the courts. I think we have a role here, and it's up to us to exercise it.”

“Easier said than done,” she added.

Some Republicans argue that it's futile to enact another law to reinforce the limits they believe are already clearly laid out in the original impoundment law Congress enacted in the 1970s, which was designed to prevent presidents from withholding money lawmakers approve.

“So if we pass another law that basically says the same thing, then that's going to change it?” Sen. [John Hoeven](#) (R-N.D.), a member of the Appropriations Committee, said in an interview.

“The Impoundment Control Act was set up to make sure that Congress had the power of the purse and the funds were expended. The executive is interpreting it differently,” he continued. “That's why I don't know how you resolve it without the court stepping in.”

Senate Majority Leader [John Thune](#) said Monday that he is also assuming “that it's going to continue to get litigated.”

He wouldn't say whether he agrees with top appropriators like Collins who argue that Trump's move is against the law.

“There's that argument, for sure,” Thune said. “And I think as an appropriator she feels strongly that these are decisions made by appropriators and that the administration doesn't have this authority. But again, that is probably something the courts probably decide.”

Jordain Carney contributed to this report.