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## AAF: No. The Senate Foreign Aid Package Doesn't Impeach Trump

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**CLAIM:** There's an "impeachment time bomb" for Trump's next term in the foreign aid bill.

**BACKGROUND:** Some Members of Congress and other voices are arguing that Democrats could impeach President Trump if he were to "withdraw from or pause financial support for the war in Ukraine," since the bill appropriates money to Ukraine through 2025.

**FACTCHECK: FALSE:** The president's duty to faithfully execute the law is written into the Constitution. It's not an "impeachment time bomb" created by the foreign aid package.

Further, Speaker Pelosi and her Democratic House impeached President Trump for conditioning aid to Ukraine under the pretenses of investigating then-likely presidential candidate Joe Biden.

**THE TAKE CARE CLAUSE:** The Constitution delegates to the President the duty to "take Care that the Laws be faithfully executed" (Article II, Section 3)

- Ironically, the Nixon administration attempted to argue that the Take Care clause empowered the President to *ignore* federal statutes. This argument was rejected in court.
  - "That constitutional duty does not permit the President to refrain from executing laws duly enacted by the Congress" (*NTEU v. Nixon*).

### IMPOUNDMENT CONTROL ACT:

- The Impoundment Control Act was created to ensure Congress retained the power of the purse, not the President. It sets out the legal process for deferring or rescinding appropriations that have been enacted into law.
- If the President wants to cut off federally enacted funding, he must notify Congress and receive approval within 45 days. Otherwise, he must dutifully execute the law as written.

### REALITY CHECK:

- **Federalist 58:** Congress, **not the President**, holds the power of the purse.
  - "This power over the purse may... be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people." — **James Madison**
- Congress routinely appropriates funds across Presidential terms. Following the argument to its logical conclusion, all advance appropriations are "impeachment time bombs."
- The Trump-Pence Administration sold weapons to Ukraine that the Obama-Biden Administration refused to. It also countered Putin's influence by blocking Russia's Nord Stream 2 pipeline, which President Biden green-lighted.

**BOTTOM LINE:** There are some legitimate concerns with the Senate foreign aid package, including funding Hamas, but an "impeachment time bomb" is not one.

- **DIG DEEPER:** [AAF MEMO: Senate foreign aid package.](#)

### ADDITIONAL RESOURCES:

- Advancing American Freedom: [The Problem With The "New Deal Right"](#)
- Congressional Research Service: [The Take Care Clause and Executive Discretion](#)
- Cornell Law School: [Art II.S3.3.7 Impounding Appropriated Funds](#)
- Committee for a Responsible Federal Budget: [Rescissions, How Do They Work?](#)