

# United States Senate

WASHINGTON, DC 20510

February 12, 2025

Director Russell Vought  
Office of Management and Budget  
1650 17th Street NW  
Washington, DC 20006

Dear Director Vought:

As leaders of the Senate Committees on the Budget, Appropriations, and Homeland Security and Governmental Affairs, we write to share our grave concern regarding the unilateral action of the Office of Management and Budget (OMB) and the Trump Administration in freezing federal funds. On January 27, 2025, OMB issued Memorandum M-25-13 (“memo”) directing federal agencies to “temporarily pause all activities related to obligation or disbursement of all federal financial assistance.”<sup>1</sup> The memo ordered agencies to immediately halt funding for programs that conflicted with President Trump’s executive orders to end diversity, equity, and inclusion (DEI) initiatives, environmental regulations, foreign aid, and other policies labeled as “woke.”<sup>2</sup> The memo’s directives triggered confusion across the country, threatening schools, hospitals, food banks, and community organizations that offer vital services. And its harms were immediate, disrupting essential federal programs—including critical Medicaid payment systems.<sup>3</sup>

The following day, a district judge temporarily blocked the freeze.<sup>4</sup> Subsequently, on Wednesday, January 29, the White House “rescinded” the memo; however, White House Press Secretary Karoline Leavitt maintained that the federal freeze remained in effect for funds referenced in President Trump’s previous executive orders on ending DEI, foreign aid, and other federal programs.<sup>5</sup> Despite the rescission of the memo and accompanying statements from the Trump Administration and OMB, the confusion and funding disruptions have not been quelled. As a result, two additional judges have since issued orders blocking the funding freeze from taking effect.<sup>6</sup>

Reporting indicates that OMB’s general counsel, Mark Paoletta, drafted the memo.<sup>7</sup> Paoletta is not new to the innerworkings of OMB, nor to the chaotic, harmful Trump agenda. As you know, Paoletta served as OMB general counsel during President Trump’s first administration, including during your previous tenure as Director. Paoletta also worked under you at the Center for

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<sup>1</sup> **Off. of Mgmt. & Budget, Memorandum M-25-13, Temporary Pause on Federal Financial Assistance (Jan. 27, 2025)**, <https://prod-i.a.dj.com/public/resources/documents/OMB012725.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Ken Thomas, et al., *White House Rescinds Order to Freeze Federal Assistance, Grants*, WALL ST. J. (Jan. 29, 2025), <https://www.wsj.com/politics/policy/trump-administration-rescinds-order-to-freeze-federal-aid-funding-45729ca1>.

<sup>4</sup> Barbara Sprunt, et al., *White House response adds to confusion on federal funding freeze*, NPR (Jan. 29, 2025), <https://www.npr.org/2025/01/29/g-s1-45313/trump-federal-funding-freeze-reversed>.

<sup>5</sup> Jeff Stein & Tony Romm, *White House Pauses All Federal Grants, Sparking Confusion*, WASH. POST (Jan. 28, 2025), <https://www.washingtonpost.com/business/2025/01/28/white-house-pauses-federal-grants/>.

<sup>6</sup> Kyle Cheney & Josh Gerstein, *Judge Puts Another Block on Trump Spending Freeze*, POLITICO (Feb. 3, 2025), <https://www.politico.com/news/2025/02/03/trump-federal-funding-freeze-011315>.

<sup>7</sup> Jonathan Swan & Zolan Kanno-Youngs, *Trump Funding Freeze Rollout*, N.Y. TIMES (Jan. 29, 2025), <https://www.nytimes.com/2025/01/29/us/politics/trump-funding-freeze-rollout.html>.

Renewing America,<sup>8</sup> the think tank you founded in 2021 and led until earlier this year.<sup>9</sup> It strains credibility that you were unaware of the memo prior to its release.

Though not yet confirmed to lead OMB, once the memo became the subject of public outrage, you reportedly called a meeting with OMB’s highest ranking political and civil service staff in an attempt to clarify the memo’s wording within the agency.<sup>10</sup> In addition, prior to the memo’s withdrawal, White House Press Secretary Leavitt said that you—again, still unconfirmed to head OMB—told her that morning to “tell [reporters] that the line to [your] office is open for other federal government agencies across the board, and if they feel that programs are necessary and in line with the president’s agenda, then the Office of Management and Budget will review those policies.”<sup>11</sup>

The memo bears similarities to a publication of Project 2025—a coalition of conservative groups organized by The Heritage Foundation that authored a playbook to “pave the way for an effective conservative administration.”—which you co-authored.<sup>12</sup> Though neither the Trump Administration nor OMB has officially confirmed your involvement in the memo, its text and the harm it has caused and continues to cause are from your personal playbook. Project 2025’s publication opined that “unaccountable federal spending is the secret lifeblood of the Great Awakening” and provided tools on “how to muzzle woke propaganda at *every* level of government.”<sup>13</sup> In addition, you have stated that OMB should be the “keeper of ‘commander’s intent’” and that the Director of OMB “and his political staff, not the careerists, [should] drive [OMB] in pursuit of the President’s actual priorities.”<sup>14</sup>

The Constitution grants Congress the power of the purse: “no money shall be drawn from the treasury, but in consequence of appropriations made by law.”<sup>15</sup> Laws may only be enacted though the process of bicameralism and presentment, where both chambers of Congress pass an identical bill and such bill is approved by the President.<sup>16</sup> Once a bill appropriating funding is enacted into law, the President’s duty is to “take care that the laws be faithfully executed,” as there is no constitutional mechanism for the President to unilaterally invalidate a law.<sup>17</sup> In simpler terms, appropriations bills are not suggestions—they are laws that the President must follow.

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<sup>8</sup> Ctr. for Renewing Am., *Mark Paoletta*, <https://americarenewing.com/team/mark-paoletta/> [<https://web.archive.org/web/20250106215639/https://americarenewing.com/team/mark-paoletta/>] (last visited Feb. 5, 2025).

<sup>9</sup> Ctr. for Renewing Am., *Who We Are*, <https://americarenewing.com/about/> (last visited Feb. 5, 2025).

<sup>10</sup> Isaac Arnsdorf, et al., *White House regroup as funding freeze chaos recalls first term’s travel ban*, WASH. POST (Jan. 30, 2025), <https://www.washingtonpost.com/politics/2025/01/30/trump-funding-freeze-chaos/>.

<sup>11</sup> Press Briefing by Press Secretary Karoline Leavitt, THE WHITE HOUSE (Jan. 29, 2025), <https://www.whitehouse.gov/briefings-statements/2025/01/press-briefing-by-press-secretary-karoline-leavitt/>.

<sup>12</sup> Project 2025, *About Project 2025*, <https://www.project2025.org/about/about-project-2025/> (last visited Feb. 4, 2025).

<sup>13</sup> Project 2025, *2025 Mandate for Leadership*, 8–9 (2023), [https://static.project2025.org/2025\\_MandateForLeadership\\_FULLL.pdf](https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf) (last visited Feb. 4, 2025).

<sup>14</sup> *Id.* at 45.

<sup>15</sup> U.S. Const., art. I, § 9, cl. 7.

<sup>16</sup> *Id.*, art. I, § 7, cl. 2, 3; *see INS v. Chadha*, 462 U.S. 919, 951 (1983).

<sup>17</sup> U.S. Const., art. II, § 3; *see also Clinton v. City of New York*, 524 U.S. 417, 438 (1998).

The Framers of the Constitution created three branches of government to prevent abuses of power and protect individual liberties.<sup>18</sup> Under “the doctrine of the separation of powers,” one branch of government may not infringe on the core functions of another.<sup>19</sup> Contrary to what President Trump may prefer, the President may not, through the issuance of an executive order, usurp Congress’s lawmaking authority.<sup>20</sup> Where a President wishes Congress to revisit funding laws and rescind money, there is a process to do so. Under the Impoundment Control Act (ICA), the executive branch may withhold funds only if the President transmits a special message to Congress that includes the amount of budget authority proposed for withholding and the reason for the proposal.<sup>21</sup> Further, Congress must affirmatively approve of any proposed rescission, or else the President must spend as originally directed.<sup>22</sup> As stated by one of the three judges that issued an order blocking the freeze, “[F]urthering the President’s wishes cannot be a blank check for OMB to do as it pleases.”<sup>23</sup>

As members of the Senate Committees charged with overseeing and enforcing rules regarding spending, revenue, the federal budget, and governmental operations, we are deeply troubled by the unilateral action of OMB and the Trump Administration in freezing federal funds appropriated by duly enacted laws. To that end, we request the following information and documents by **Wednesday, February 19, 2025**.

Requests for Information and Documents:

1. For each and every political appointee who participated in the conception, drafting, advising, and/or review of OMB Memorandum M-25-13 (“memo”) prior to its issuance, provide their names, titles, descriptions of participation, and dates of participation. Who provided final approval of the memo? Describe the roles of President Trump and his advisors, you, Mark Paoletta, Elon Musk, and political appointees at OMB in the production of the memo. Produce documents to support your responses, including any and all communications, emails, memoranda, letters, notes, and the like.
2. For any and all current or former employees, members, advisors, directors, board members, and/or consultants of Project 2025 and/or The Heritage Foundation who participated in the conception, drafting, advising, and/or review of the memo, provide their names, titles, descriptions of participation, and dates of participation. Produce documents to support your responses, including any and all communications, emails, memoranda, letters, notes, and the like.
3. Was President Trump and his advisors, you, Mark Paoletta, and/or Elon Musk notified of the memo before its issuance? If yes, provide the names of those notified, means of notification, and the date notified. In addition, provide the names, titles, means of

<sup>18</sup> THE FEDERALIST NO. 47 (James Madison) (“[T]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”).

<sup>19</sup> See *INS v. Chadha*, 462 U.S. 919, 956–958 (1983).

<sup>20</sup> See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 587 (1952).

<sup>21</sup> 2 U.S.C. §§ 683–684.

<sup>22</sup> *Id.* at § 683.

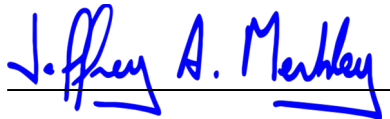
<sup>23</sup> Mem. & Ord, *Nat’l Council of Nonprofits v. Off. of Mgmt. & Budget*, No. 25-239 (LLA), at 23 (D.D.C. Feb. 3, 2025).

notification, and dates notified of any and all current or former employees, members, advisors, directors, board members, and/or consultants of Project 2025 and/or The Heritage Foundation who were notified of the memo before its issuance. Produce documents to support your responses, including any and all communications, emails, memoranda, letters, notes, and the like.

4. Who initiated and/or participated in the decision to rescind the memo? Who gave final approval of the rescission? Describe the roles of President Trump and his advisors, you, Mark Paoletta, Elon Musk, and/or political appointees at OMB in the rescission. In addition, provide the names, titles, descriptions of participation, and dates of participation of any and all current or former employees, members, advisors, directors, board members, and/or consultants of Project 2025 and/or The Heritage Foundation who participated in the rescission decision. Produce documents to support your responses, including any and all communications, emails, memoranda, letters, notes, and the like.

The American people deserve clarity and adherence to the Constitution in all matters concerning federal funding. We expect your full cooperation in providing the requested information. We will be vigilant in our efforts to defend working families from this administration.

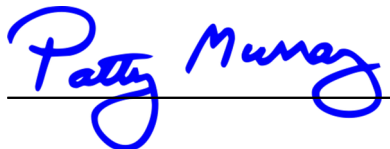
Sincerely,



Jeffrey A. Merkley  
United States Senator  
Ranking Member, Committee  
on Budget



Gary C. Peters  
United States Senator  
Ranking Member,  
Committee on Homeland  
Security and Governmental  
Affairs



Patty Murray  
United States Senator  
Vice Chair, Committee on  
Appropriations