



Written by [R. Cort Kirkwood](#) on March 25, 2021

# GOP Legislators: Biden Broke Law in Stopping Wall Construction

More than 100 Republican congressmen and senators have asked the Government Accountability Office to render an opinion on President Biden's order to halt border wall construction.

Forty senators wrote to Gene Dodaro last week, and more than 60 congressmen joined that effort on Tuesday.

Biden's proclamation on January 20 usurped Congress' authority to control spending, they claim, and that he cannot simply refuse to spend funds for a project that Congress approved. Congress OK'd border wall funding in December.



Photo: grandriver / E+ / Getty Images Plus

They base their case on [GAO's ruling](#) that President Trump broke the law when he tried to cut military funding for Ukraine.

□ This morning, I led 40 of my [@SenateGOP](#) colleagues in a letter to [@USGAO](#) highlighting President Biden's suspension of border wall funding & construction without lawful justification.

Freezing this funding is fueling the crisis at our southern border → <https://t.co/GSjD0aRfna>  
[pic.twitter.com/vFuJ5vWaXh](https://t.co/vFuJ5vWaXh)

— Shelley Moore Capito (@SenCapito) [March 17, 2021](#)

## Biden's Order

Biden invited the GOP action when he declared that he would stop building a wall on the southern border with Mexico. Trump promised to build a wall to stop the illegal-alien invasion that has gone on for years and peaked in 2019. Biden's border wall proclamation can be found [here](#).

Biden's goal: Import as many illegals as possible, turn them into citizens so they vote for Democrats, then achieve permanent one-party rule.

Declaring an end to the national emergency at the border that Trump rightly saw, Biden simply stopped construction. He also ordered the redirection of \$1.4 billion Congress OK'd for the wall in December. "Building a massive wall that spans the entire southern border is not a serious policy solution," Biden proclaimed. "It is a waste of money that diverts attention from genuine threats to our homeland security."

Not so fast, the [40 GOP senators wrote](#) on March 17. "We understand from DHS that it has suspended its border wall projects, that the continued obligation of funds for those purposes has been halted, and



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that both are a direct consequence of the Proclamation,” they wrote:

As these unlawful pauses have proceeded, the rate of illegal crossings has surged, creating a crisis across our southern border, at times with tragic consequences. Meanwhile, billions in lawfully appropriated dollars, which were provided by Congress to address precisely this issue, sit unused by the Biden Administration.

Biden’s proclamation includes not only Trump’s redirected defense appropriations for the wall, which the [U.S. Supreme Court approved](#), but also “projects funded by direct appropriations, which we understand to refer to appropriations provided directly to DHS specifically for border wall construction.”

The latter is what concerns the 40 GOP senators; that is, whether Biden violated the [Impoundment Control Act of 1974](#). The senators’ [letter](#) explained:

The Constitution specifically vests Congress with the power of the purse, providing that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” The President is not vested with the power to ignore or amend a duly enacted law. Instead, he must “faithfully execute” the law as Congress enacts it.

An appropriations act is a law like any other; therefore, the President must take care to ensure that appropriations are prudently obligated in the manner they were provided by Congress. The Constitution grants the President no unilateral authority to withhold funds from obligation. Instead, Congress has vested the President with strictly circumscribed authority to impound, or withhold, budget authority only in limited circumstances. These circumstances are expressly provided in the ICA.

The president can also delay funding when “an agency is taking necessary steps to implement a program, but because of factors external to the program, funds temporarily go unobligated,” the senators wrote. “This presumes, of course, that the agency is making reasonable efforts to obligate.”

The senators observed that the [GAO declared](#) that Trump violated the ICA by not providing appropriated funds to Ukraine.

Because Congress appropriated wall funding, and Trump signed it, Biden “must prudently obligate and execute those funds for the purposes for which they were provided. The President now in office is charged with faithfully executing these laws, notwithstanding any policy or political disagreements with his predecessor who signed them.”

### **Congressman Sign On**

This week, [more than five dozen congressmen signed a letter](#) adding their names to the request.

[Biden’s rash orders](#) that undid Trump’s progress in securing the border have led to another illegal-alien invasion. During February, [border agents apprehended](#) more than 100,000 illegals, about 3,000 per day.

Biden [has packed](#) illegals and their “children” into cages at the border, and [has spent](#) more than \$100 million to bring them into the country and stop the border wall.

H/T: [Politico](#), [Fox News](#)



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