

# Powers of Trump and Congress Collide as Government Shutdown Nears

*Democrats say Congress has ceded too much power to the president on spending and tariffs*

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WASHINGTON—President [Trump](#) has spent his first weeks back in office undoing much of the handiwork of Congress—freezing spending that lawmakers authorized, idling agencies that were already funded and bypassing laws regarding immigration and independent agencies.

A budget fight now brewing in Congress is becoming the first test of whether lawmakers will try to claw back any of their powers—or whether they accede to a new power alignment in Washington that centralizes far more authority in the White House.

Opinion is hardening among Democrats that Congress must pass measures to compel Trump to spend money on federal programs as designated by lawmakers—to put guardrails on his unilateral efforts to reshape the federal bureaucracy and reclaim, as they say, their constitutional power of the purse.

Some are insisting that these requirements be written into must-pass legislation needed to fund the government after March 14, raising the prospect that Democrats—if they stick to their demands—could withhold the votes that Republican leaders have typically needed in recent years to pass such spending bills. That would set the government on course for its [first shutdown since 2019](#).

“We should absolutely insist on safeguards to assure that funds are spent when they are appropriated” as a condition of passing a spending bill, said Sen. Richard Blumenthal (D., Conn.). Sen. Edward Markey (D., Mass.) said he couldn’t vote for even a short-term bill to fund the government “in the absence of guarantees” that the president will honor Congress’s funding priorities.

Republicans say there is no way they can agree.

“We’re not going to shackle the president of the United States—can’t do it,” said House Appropriations Committee Chairman Tom Cole (R., Okla.). “We’re not going to do that to a Republican president and we never tried to do it to a Democratic president.”

The spending fight is one aspect of a broader discussion about whether Congress has ceded too much power to the president, either by passing laws that expand his authority or empowering him through their own inaction.

The Constitution assigns to Congress the power to levy tariffs, and some lawmakers within both parties say they have gone too far in delegating that authority to the president. Separately, a handful of lawmakers within each party want to scale back laws that give the president [enhanced powers during emergencies](#), which Trump has cited in some of his actions regarding energy production, tariffs and immigration.

Other separation-of-powers battles could be on the horizon, including one over the authority of federal courts as they consider the legality of Trump's executive actions.

Dan Bongino, Trump's choice to be deputy director of the FBI, has said the president "[should ignore](#)" a court decision with which he disagrees, and Vice President [JD Vance](#) wrote recently that "judges aren't allowed to control the executive's legitimate power."

In a Senate confirmation hearing this week, a nominee for a senior Justice Department job suggested there were circumstances in which a president didn't have to follow federal court orders.

"There is no hard-and-fast rule about whether, in every instance, a public official is bound by a court decision," said Aaron Reitz, Trump's nominee to head the Office of Legal Policy, which advises the attorney general on policy and helps select federal judicial nominees. Sen. Josh Hawley (R., Mo.) expanded on Reitz's comment, by suggesting that some court decisions, such as a 1944 Supreme Court ruling allowing the internment of Japanese-Americans during World War II, merited opposition.

But Reitz's comments drew a rebuke from Republican Sen. John Kennedy of Louisiana, who said: "Don't ever, ever take the position that you're not going to follow the order of a federal court—ever." Blumenthal, in an interview, said the comments reinforced the challenge lawmakers face in ensuring that Trump adheres to the spending priorities they lay out in appropriations.

"Eventually, a court could tell them that you have to obey the law," he said. "If they're now saying, 'Well, we'll disobey the court,' essentially they're saying that we're embracing a lawless and autocratic tyranny."

The White House has previously said that all of Trump's actions have been "fully legal and compliant with federal law."

To many Democrats, the spending issue is existential: Trump and his designated cost-cutter, [Elon Musk](#), have moved to fire thousands of government workers and [claimed authority to cut spending](#) on a range of federal functions, rather than wait for Congress to pass budgets and appropriations. Trump and his budget chief believe the president already has considerable discretion to not spend appropriated funds, and that a 1974 law prohibiting the practice is unconstitutional.

If the president can override any deal struck between the two parties in Congress, Democrats say, then the president has essentially usurped the most essential power that the Constitution gives lawmakers—the power over appropriations. They say there is no point in striking agreements that will be ignored.

“I cannot imagine how we begin to have faith in any kind of deal we make with the Republicans when they so quickly acquiesce all congressional authority and power to Elon Musk,” said Rep. Veronica Escobar (D., Texas). “How can we vote for a government funding bill when we can’t be assured that what we will be voting on will actually be implemented?”

The issue has emerged as a roadblock among congressional leaders negotiating a spending deal. On Thursday, Sen. Patty Murray of Washington, the top Democrat on the Senate Appropriations Committee, indicated that she was looking for a way to satisfy Democratic concerns that the Trump administration had yanked away powers of Congress but that she didn’t want to trigger a shutdown.

In the House, Rep. Rosa DeLauro (D., Conn.), the top Democrat on the House Appropriations Committee, is sparring on the issue with Cole, her GOP counterpart. “The money needs to go to where it’s intended,” she said. “Getting the assurances with regard to that is important.”

Late Thursday, Trump endorsed a continuing resolution to fund the government through the end of the year, which Murray and DeLauro said amounted to walking away from bipartisan talks.

Cole said that if Democrats withhold votes for a spending deal, they would be blamed for a shutdown. “They have to vote for a final deal if it’s going to happen,” he said.

House Speaker Mike Johnson (R., La.) hasn’t aired any concerns about Musk usurping congressional authorities. Instead he praised Musk’s work, saying Congress has been blocked in its own efforts to find waste and abuse. Musk is “doing the job that Congress has been unable to do for decades because the bureaucrats were hiding the data,” he said on Fox News. “He’s cracked the code.” Johnson has also said he wants to codify the executive actions into law.

In a separate separation-of-powers issue, some lawmakers believe they have ceded too much authority to the president over the years to levy tariffs, a power that the Constitution assigns to Congress.

Sen. Chuck Grassley (R., Iowa), asked about Trump's aggressive use of tariffs, said there was political will to place restrictions on presidential trade powers when Grassley was Finance Committee chairman from 2019 to 2021. But Congress missed the opportunity.

"Otherwise, this would have been circumvented," Grassley said. "To what extent I don't know, but at least some restrictions put on" the president's trade authority.

Congress should take action to claw back tariff powers, said Democratic Sen. Peter Welch of Vermont.

"The delegation of authority had as a presumption that it would be used with restraint, and for legitimate national security reasons—not as a negotiating tool or political tool where there is no national security threat," Welch said.