

9/28/71

Mr. President, the Nixon Administration has frozen more than \$10 billion in congressionally approved funds which are badly needed to help millions of Americans. The President has taken this action without informing the public or the Congress. His Administration refuses to disclose the extent of the freeze or to tell Congress exactly what programs have been frozen.

Mr. President, I am today introducing the Federal Impoundment Information Act. This legislation is critically needed in order to correct a fundamental flaw in the system of separation of powers between the Legislative and Executive Branches of Government.

This legislation is not primarily directed to the issue of whether or not the President has the Constitutional right to impound funds. My distinguished colleague from North Carolina, Senator Ervin, has been very concerned with this issue and has been doing an excellent job examining the complex constitutional questions involved. Both Senator Ervin and I have been working on legislation in this important area. I was pleased to see that he introduced an impoundment procedures act which limits the power of the President to impound funds for more than 60 days without Congressional approval.

The issue which this bill reaches is whether the President should be permitted to not spend funds appropriated by the Congress without full and timely disclosure to the

Congress & To The public.

Today, neither the public--whose money is being impounded-- nor the Congress--who originally approved these expenditures-- are informed when the President decides to use the impoundment device.

I was shocked to learn that the Office of Management and Budget has not even informed the Senate and House Appropriations Committees of how much has been impounded and in which programs. It seems to me that if any member of Committee of Congress should have an accurate tabulation of what I understand to be more than \$10 billion of frozen funds, it would be these committees.

How can the Congress appropriate funds responsibly without having the full details of the Administration's impoundment actions?

In connection with the legislation I am introducing today, my staff and I have been attempting to obtain from OMB the current level of impoundments as well as an up-to-date list of frozen funds by agency and account. As of today, the Director, the Deputy Director, and the congressional liaison officer of the Office of Management and Budget have not complied with what I consider to be a most legitimate request.

My efforts to obtain this information started a week ago on September 22. On September 24 I sent a telegram to George Shultz asking his personal assistance in this matter.

I ask unanimous consent that my telegram to the Director of the OMB be printed in the Record.

Honorable George P. Shultz
Office of Management & Budget, Exec.
Office Bldg.
Washington, D.C.

On September 22, at my direction, my staff requested that OMB furnish me with the current level of funds impounded by the President as well as an updated list of impounded funds by agency and account.

I need this information for legislation which I plan to introduce on September 28 concerning the entire impoundment process.

Neither the Office of your Deputy Director nor your legislative liaison officer have been able to comply with my legitimate request, despite my numerous inquiries.

I would appreciate your personal assistance in seeing that this information is promptly supplied to one.

HUBERT H. HUMPHREY
U.S. Senate

I have received no answer to the telegram.

Mr. President, I believe that the more than \$10 billion now being frozen by the Nixon Administration attests to

a shameful record of neglect of the urgent needs of this nation.

These frozen funds could mean new jobs in communities where unemployment is at record levels, desperately needed new housing, modern schools, and sewage facilities for towns where they are now inadequate.

The multi-billion dollar freeze still in effect means that millions of Americans are not receiving from the Federal government what their elected officials duly appropriated after careful consideration in the normal legislative process.

The legislation I am offering would require the President to notify promptly the Congress and the Comptroller General of the United States when appropriated funds are partially or completely impounded. In his notification report the President would be required to include the following: (1) the amount impounded; (2) the date on which the funds were ordered to be impounded; (3) the date the funds were impounded; (4) any department or establishment of the Government to which the impounded funds would have been available for obligation except for such; impoundment; (5) the period of time during which

the funds are to be impounded; (6) the reasons for the impoundment; (7) to the maximum extent practicable, the estimated fiscal, economic and budgetary effect of the impoundment.

Mr. President, too often we forget that when appropriated funds are impounded by the Executive Branch, millions of people are affected, the plans of many states and cities have to be quickly changed and the economies of many areas disrupted.

All of us in Congress have a right to know immediately when the President impounds money -- whether the funds were for a special milk program for school children or the construction of low-rent public housing.

It is true that the Office of Management and Budget sends a quarterly report of impounded funds to the House Appropriation Committee or supplies such a report to a member of that committee upon request. But this is not sufficient. Information supplied to one Congressional committee every three months is not often enough.

Why shouldn't all Members of the Congress have this information immediately when the President takes this action?

Why shouldn't the public know about these frozen funds?

Why must they learn about them when the impact of the President's action finally reaches their community or neighborhood?

Mr. President, the relationship between the Congress and the President is a delicate one. I believe that the balance between the two branches is dangerously biased in favor of the Executive when there is no statutory provision for Congressional and public notification when funds are impounded by the President.

This is why I have authorized the legislation I am introducing today. I am not willing to accept the fact that I must learn by reading the newspapers that programs which have moved through the various stages of the legislative process and which have been funded by the Congress cannot be implemented because the funds have been frozen for an indefinite period.

Mr. President, I believe that any President might more carefully consider his action on freezing funds if he knew that his decision would be known immediately by the Congress and by the American people.

Mr. President, I am speaking of Executive accountability. No President has the right to hide important decisions affecting millions of people behind a bureaucratic curtain. There is a public need to know and a right to know. The time has arrived when the Congress must act to redress an imbalance and to open for public view a system that has been hidden far too long.

I ask unanimous consent that the Federal Impoundment Information Act be printed at this point in the Record.



Minnesota Historical Society

Copyright in this digital version belongs to the Minnesota Historical Society and its content may not be copied without the copyright holder's express written permission. Users may print, download, link to, or email content, however, for individual use.

To request permission for commercial or educational use, please contact the Minnesota Historical Society.



www.mnhs.org