

*Congress of the United States
House of Representatives
Washington, D.C. 20515*

Dear Colleague:

The issue of the impoundment of funds by the Office of Management and Budget has, as you are well aware, become a critical Constitutional matter. The policy of withholding Congressionally approved funds -- a practice tantamount to line or item veto -- has enabled the Executive office to invalidate legislatively enacted programs at will. It is a matter to which the Congress must give immediate attention.

Earlier this month we introduced legislation (H.R. 622, 1760, 1843, 1844, 1845, 1873, 1874, 2330), a copy of which is attached, that would require the President to notify the Congress whenever he authorizes the impoundment of funds appropriated by the Congress. If at the end of 60 days the Congress has not approved the impoundment, the President would be required to cease withholding the funds.

This legislation, which has attracted bi-partisan support, is already co-sponsored by the 81 members of the House listed on the attached sheet. It is virtually identical to the bill introduced last Tuesday in the Senate by Senator Sam Ervin and 49 of his Senate colleagues, both Democrats and Republicans.

In view of the importance of the impoundment issue, we plan to re-introduce this proposal next Tuesday, January 30th. If you are interested in co-sponsoring this bill please let us know at any of the numbers set out below.

54865

J.J. Pickle

56261

William D. Ford

58020

Michael Harrington

COSPONSORS

Dulski	(D., N.Y.)	Koch	(D., N.Y.)
Madden	(D., Ind.)	Kyros	(D., Maine)
Morgan	(D., Pa.)	Leggett	(D., Calif.)
Perkins	(D., Ky.)	Lehman	(D., Fla.)
Poage	(D., Tex.)	Mann	(D., S.C.)
Rodino	(D., N.J.)	McCloskey	(R., Calif.)
Addabbo	(D., N.Y.)	McCormack	(D., Wash.)
Bergland	(D., Minn.)	Mink	(D., Hawaii)
Bowen	(D., Miss.)	Mitchell	(D., Md.)
Burke	(D., Mass.)	Moakley	(D., Mass.)
Burlison	(D., Mo.)	Mollohan	(D., W.Va.)
Chisholm	(D., N.Y.)	Moorhead	(D., Pa.)
Clark	(D., Pa.)	Murphy	(D., N.Y.)
Corman	(D., Calif.)	Murphy	(D., Ill.)
Danielson	(D., Calif.)	Nichols	(D., Ala.)
Davis	(D., Ga.)	Obey	(D., Wis.)
Davis	(D., S.C.)	O'Neill	(D., Mass.)
Denholm	(D., S.Dak.)	Pepper	(D., Fla.)
Dingell	(D., Mich.)	Pickle	(D., Tex.)
Drinan	(D., Mass.)	Preyer	(D., N.C.)
Edwards	(D., Calif.)	Randall	(D., Mo.)
Evins	(D., Tenn.)	Rooney	(D., Pa.)
Fish	(R., N.J.)	Rosenthal	(D., N.Y.)
Flowers	(D., Ala.)	Rostenkowski	(D., Ill.)
Ford	(D., Mich.)	Roybal	(D., Calif.)
Fountain	(D., N.C.)	Ruppe	(R., Mich.)
Fulton	(D., Tenn.)	Sarbanes	(D., Md.)
Fuqua	(D., Fla.)	Seiberling	(D., Ohio)
Gibbons	(D., Fla.)	Sikes	(D., Fla.)
Gonzalez	(D., Tex.)	Stokes	(D., Ohio)
Gray	(D., Ill.)	Studds	(D., Mass.)
Gude	(R., Md.)	Symington	(D., Mo.)
Hansen	(D., Wash.)	Tiernan	(D., R.I.)
Harrington	(D., Mass.)	White	(D., Tex.)
Hechler	(D., W.Va.)	Wright	(D., Tex.)
Helstoski	(D., N.J.)	Yates	(D., Ill.)
Hungate	(D., Mo.)	Yatron	(D., Pa.)
Jones	(D., N.C.)	Zablocki	(D., Wis.)
Kastenmeier	(D., Wis.)	Bingham	(D., N.Y.)
		Metcalf	(D., Ill.)
		Podell	(D., N.Y.)
		Roy	(D., Kan.)

H.R. _____

A BILL

To require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying ---

- (1) the amount of funds impounded,
- (2) the specific projects or governmental functions affected thereby, and
- (3) the reasons for the impounding of such funds,

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document for each House.

SEC 2. The president shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a resolution in accordance with the procedure set out in section 4 of this Act.

SEC 3. For purposes of this Act, the impounding of funds includes---

(1) withholding or delaying the expenditures or obligation of funds (whether by establishing reserves or otherwise), appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

SEC 4. (a) The following subsections of this section are enacted by the Congress ---

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to

the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith and

(2) with full recognition of the constitutional right of either House to change the rules (so far relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section and section 2 the term “resolution” means only a concurrent resolution of the House of Representatives or the Senate, as the case may be, which is introduced in and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President’s message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: That the House of Representatives (Senate) approves the impounding of funds as set forth in the special message of the President dated House (Senate) Document numbered.

(3) For purposes of this subsection and section 2, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to a resolution shall be decided without debate.