

Speaker, I would like to again formally congratulate Lexi Rodriguez on being named the 2019–2020 Gatorade Illinois Volleyball Player of the Year.

NEVER AGAIN EDUCATION ACT

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 2020

Mr. ENGEL. Madam Speaker, I rise to speak in favor of H.R. 943, the Never Again Education Act.

Monday, we recognized International Holocaust Remembrance Day, which marks 75 years since the liberation of the Auschwitz death camp. The Holocaust is a crime without parallel. And how we deal with its memory defines us as a people and as a country.

As we look back at one of the darkest chapters in history, it is also our duty to look forward.

Antisemitism is on the rise and hatred and intolerance seem to spread unchecked. This cannot stand. As we honor the memory of those who came before us, we must recommit ourselves to securing a bright future for the next generation.

To ensure this, we must continue to educate younger generations on the atrocities of the Holocaust and how it could occur. That is why I strongly support H.R. 943. It is critical that the Department of Education provide the funds needed for schools to implement Holocaust education programs into their curriculum, so students understand the history of the Holocaust. I urge the Senate to pass this bill immediately.

PERSONAL EXPLANATION

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. KELLY of Mississippi. Madam Speaker, I was unable to vote on January 28, 2020 due to National Guard obligations.

Had I been present, I would have voted NAY on Roll Call No. 25, NAY on Roll Call No. 26, and YEA on Roll Call No. 27.

RECOGNIZING JOHN JOHNSON ON HIS RETIREMENT FROM THE HOUSE ARMED SERVICES COMMITTEE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. SMITH of Washington. Madam Speaker, on behalf of the House Armed Services Committee, I rise to honor and express gratitude to Mr. John Johnson for his illustrious career serving his country upon his retirement. Known as JJ to his friends and family, his long career is marked with distinction and praise from his colleagues who consider him an exemplary patriot and an embodiment of what it means to dedicate one's life to service.

Born in Georgetown, South Carolina, Mr. Johnson's service to our country started in 1969 when he joined the U.S. Air Force. He served in the prestigious Air Force Honor Guard and, later, in the Air Force Legislative Liaison Office at the Pentagon, rising to the rank of Senior Master Sergeant. After 20 years of service, Mr. Johnson retired from the Air Force but chose to stay in Washington to join the Capitol Hill Police Department, where he served for another 20 years. During his four decades of service, he supported over 100 Congressional Delegation trips and served in every Presidential Inauguration since President Nixon.

In 2009, Mr. Johnson retired from the Capitol Police but again chose to serve the public by joining the House Armed Services Committee. Over the past decade, he has supported the Committee with all hearings, meetings, and events. He has been an instrumental part of the committee's staff and although he kept a low profile, his impact is deeply felt and is a testament to his invaluable work and contribution. His presence will be sorely missed by his many colleagues who consider him a close friend, mentor, and inspiration.

Madam Speaker, it is with great pleasure that I recognize and thank John Johnson for his many years of service to this country and the House Armed Services Committee. I wish him a happy retirement, to be enjoyed with his friends and family.

CELEBRATING THE 10TH ANNIVERSARY OF NAPERVILLE FIRE STATION 10

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. FOSTER. Madam Speaker, I rise today to recognize the 10th anniversary of Naperville Fire Station 10. Opened in 2010, Fire Station 10 has allowed the Naperville Fire Department (NFD) to provide greater service to the citizens of Southwestern Naperville. It is also the first fire station in Naperville to receive a leadership in Energy and Environmental Design (LEED) certification, reflecting the NFD's commitment to sustainable decision-making.

The NFD provides fire protection for more than 146,000 people and employs 200 full-time personnel. I would like to thank the Naperville Fire Department and all Naperville emergency service workers for the lifesaving work they do for our community.

WHY IMPOUNDMENT CONTROL ACT MATTERS

SPEECH OF

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2020

Mr. YARMUTH. Madam Speaker, I include in the RECORD the Government Accountability Office's January 16, 2020 legal opinion finding that the Trump Administration's Office of Management and Budget violated the Impoundment Control Act of 1974 by withholding foreign aid. I am submitting this in the RECORD

to help inform the public of the Administration's systematic disregard of Congress' constitutional authority, separation of powers principles, and the Impoundment Control Act.

GAO DECISION

Matter of: Office of Management and Budget—Withholding of Ukraine Security Assistance.

File: B-331564.

Date: January 16, 2020.

DIGEST

In the summer of 2019, the Office of Management and Budget (OMB) withheld from obligation funds appropriated to the Department of Defense (DOD) for security assistance to Ukraine. In order to withhold the funds, OMB issued a series of nine apportionment schedules with footnotes that made all unobligated balances unavailable for obligation. Faithful execution of the law does not permit the President to substitute his own policy priorities for those that Congress has enacted into law. OMB withheld funds for a policy reason, which is not permitted under the Impoundment Control Act (ICA). The withholding was not a programmatic delay. Therefore, we conclude that OMB violated the ICA.

DECISION

In the summer of 2019, OMB withheld from obligation approximately \$214 million appropriated to DOD for security assistance to Ukraine. See Department of Defense Appropriations Act, 2019, Pub. L. No. 115-245, div. A, title IX, §9013, 132 Stat. 2981, 3044-45 (Sept. 28, 2018). OMB withheld amounts by issuing a series of nine apportionment schedules with footnotes that made all unobligated balances for the Ukraine Security Assistance Initiative (USAI) unavailable for obligation. See Letter from General Counsel, OMB, to General Counsel, GAO (Dec. 11, 2019) (OMB Response), at 1-2. Pursuant to our role under the ICA, we are issuing this decision. Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93-344, title X, §1015, 88 Stat. 297, 336 (July 12, 1974), codified at 2 U.S.C. §686. As explained below, we conclude that OMB withheld the funds from obligation for an unauthorized reason in violation of the ICA. See 2 U.S.C. §684. We also question actions regarding funds appropriated to the Department of State (State) for security assistance to Ukraine.

OMB removed the footnote from the apportionment for the USAI funds on September 12, 2019. OMB Response, at 2. Prior to their expiration, Congress then rescinded and reappropriated the funds. Continuing Appropriations Act, 2020, Pub. L. No. 116-59, div. A, §124(b), 133 Stat. 1093, 1098 (Sept. 27, 2019).

In accordance with our regular practice, we contacted OMB, the Executive Office of the President, and DOD to seek factual information and their legal views on this matter. GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/products/GAO-06-1064SP; Letter from General Counsel, GAO, to Acting Director and General Counsel, OMB (Nov. 25, 2019); Letter from General Counsel, GAO, to Acting Chief of Staff and Counsel to the President, Executive Office of the President (Nov. 25, 2019); Letter from General Counsel, GAO, to Secretary of Defense and General Counsel, DOD (Nov. 25, 2019).

OMB provided a written response letter and certain apportionment schedules for security assistance funding for Ukraine. OMB Response (written letter); OMB Response, Attachment (apportionment schedule). The Executive Office of the President responded to our request by referring to the letter we had received from OMB and providing that

the White House did not plan to send a separate response. Letter from Senior Associate Counsel to the President, Executive Office of the President, to General Counsel, GAO (Dec. 20, 2019). We have contacted DOD regarding its response several times. Letter from General Counsel, GAO, to Secretary of Defense and General Counsel, DOD (Dec. 10, 2019); Telephone Conversation with Deputy General Counsel for Legislation, DOD (Dec. 12, 2019); Telephone Conversation with Office of General Counsel Official, DOD (Dec. 19, 2019). Thus far, DOD officials have not provided a response or a timeline for when we will receive one.

BACKGROUND

For fiscal year 2019, Congress appropriated \$250 million for the Ukraine Security Assistance Initiative (USAI). Pub. L. No. 115-245, §9013, 132 Stat. at 3044-45. The funds were available “to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine.” *Id.* §9013, 132 Stat. at 3044. The appropriation made the funds available for obligation through September 30, 2019. *Id.*

DOD was required to notify Congress 15 days in advance of any obligation of the USAI funds. *Id.* §9013, 132 Stat. at 3045. In order to obligate more than fifty percent of the amount appropriated, DOD was also required to certify to Congress that Ukraine had taken “substantial actions” on “defense institutional reforms.” John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, div. A, title XII, 1246, 132 Stat. 1636, 2049 (Aug. 13, 2018) (amending National Defense Authorization Act for Fiscal Year 2016, Pub. L. No. 114-92, div. A, title XII, §1250, 129 Stat. 726, 1068 (Nov. 25, 2015)). On May 23, 2019, DOD provided this certification to Congress. Letter from Under Secretary of Defense for Policy, to Chairman, Senate Committee on Foreign Relations (May 23, 2019) (DOD Certification) (noting that similar copies had been provided to the congressional defense committees and the House Committee on Foreign Affairs). In its certification, DOD included descriptions of its planned expenditures, totaling \$125 million. *Id.*

On July 25, 2019, OMB issued the first of nine apportionment schedules with footnotes withholding USAI funds from obligation. OMB Response, 1-2. This footnote read:

“Amounts apportioned, but not yet obligated as of the date of this reapportionment, for the Ukraine Security Assistance Initiative (Initiative) are not available for obligation until August 5, 2019, to allow for an interagency process to determine the best use of such funds. Based on OMB’s communication with DOD on July 25, 2019, OMB understands from the Department that this brief pause in obligations will not preclude DOD’s timely execution of the final policy direction. DOD may continue its planning and casework for the Initiative during this period.” *Id.*; see *id.*, Attachment.

On both August 6 and 15, 2019, OMB approved additional apportionment actions to extend this “pause in obligations,” with footnotes that, except for the dates, were identical to the July 25, 2019 apportionment action. *Id.*, at 2 n. 2. OMB approved additional apportionment actions on August 20, 27, and 31, 2019; and on September 5, 6, and 10, 2019. *Id.* The footnotes from these additional apportionment actions were, except for the dates, otherwise identical to one another. *Id.*, Attachment. They nevertheless differed from those of July 25 and August 6 and 15, 2019, in that they omitted the second sentence that appeared in the earlier apportionment actions regarding OMB’s understanding

that the pause in obligation would not preclude timely obligation. *Id.* The apportionment schedule issued on August 20 read as follows:

“Amounts apportioned, but not yet obligated as of the date of this reapportionment, for the Ukraine Security Assistance Initiative (Initiative) are not available for obligation until August 26, 2019, to allow for an interagency process to determine the best use of such funds. DOD may continue its planning and casework for the Initiative during this period.” *Id.*, Attachment. The apportionment schedules issued on August 27 and 31, 2019; and on September 5, 6, and 10, 2019 were identical except for the dates. *Id.* On September 12, 2019, OMB issued an apportionment that removed the footnote that previously made the USAI funds unavailable for obligation. OMB Response, at 2; *id.*, Attachment. According to OMB, approximately \$214 million of the USAI appropriation was withheld as a result of these footnotes. OMB Response, at 2. OMB did not transmit a special message proposing to defer or rescind the funds.

DISCUSSION

At issue in this decision is whether OMB had authority to withhold the USAI funds from obligation. 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.” U.S. Const. art. I, §9, cl. 7. The Constitution also vests all legislative powers in Congress and sets forth the procedures of bicameralism and presentment, through which the President may accept or veto a bill passed by both Houses of Congress, and Congress may subsequently override a presidential veto. *Id.*, art. I, §7, cl. 2, 3. The President is not vested with the power to ignore or amend any such duly enacted law. See *Clinton v. City of New York*, 524 U.S. 417, 438 (1998) (the Constitution does not authorize the President “to enact, to amend, or to repeal statutes”). Instead, he must “faithfully execute” the law as Congress enacts it. U.S. Const., art. II, §3.

An appropriations act is a law like any other; therefore, unless Congress has enacted a law providing otherwise, the President must take care to ensure that appropriations are prudently obligated during their period of availability. See B-329092, Dec. 12, 2017 (the ICA operates on the premise that the President is required to obligate funds appropriated by Congress, unless otherwise authorized to withhold). In fact, Congress was concerned about the failure to prudently obligate according to its Congressional prerogatives when it enacted and later amended the ICA. See generally, H.R. Rep. No. 100-313, at 66-67 (1987); see also S. Rep. No. 93-688, at 75 (1974) (explaining that the objective was to assure that “the practice of reserving funds does not become a vehicle for furthering Administration policies and priorities at the expense of those decided by Congress”).

The Constitution grants the President no unilateral authority to withhold funds from obligation. See B-135564, July 26, 1973. Instead, Congress has vested the President with strictly circumscribed authority to impound, or withhold, budget authority only in limited circumstances as expressly provided in the ICA. See 2 U.S.C. §§681-688. The ICA separates impoundments into two exclusive categories—deferrals and rescissions. The President may temporarily withhold funds from obligation—but not beyond the end of the fiscal year in which the President transmits the special message—by proposing a “deferral.” 2 U.S.C. §684. The President may also seek the permanent cancellation of funds for fiscal policy or other reasons, in-

cluding the termination of programs for which Congress has provided budget authority, by proposing a “rescission.” 2 U.S.C. §683.

In either case, the ICA requires that the President transmit a special message to Congress that includes the amount of budget authority proposed for deferral or rescission and the reason for the proposal. 2 U.S.C. §§683-684. These special messages must provide detailed and specific reasoning to justify the withholding, as set out in the ICA. See 2 U.S.C. §§683-684; B-237297.4, Feb. 20, 1990 (vague or general assertions are insufficient to justify the withholding of budget authority). The burden to justify a withholding of budget authority rests with the executive branch.

There is no assertion or other indication here that OMB intended to propose a rescission. Not only did OMB not submit a special message with such a proposal, the footnotes in the apportionment schedules, by their very terms, established dates for the release of amounts withheld. The only other authority, then, for withholding amounts would have been a deferral.

The ICA authorizes the deferral of budget authority in a limited range of circumstances: to provide for contingencies; to achieve savings made possible by or through changes in requirements or greater efficiency of operations; or as specifically provided by law. 2 U.S.C. §684(b). No officer or employee of the United States may defer budget authority for any other purpose. *Id.*

Here, OMB did not identify—in either the apportionment schedules themselves or in its response to us—any contingencies as recognized by the ICA, savings or efficiencies that would result from a withholding, or any law specifically authorizing the withholding. Instead, the footnote in the apportionment schedules described the withholding as necessary “to determine the best use of such funds.” See OMB Response, at 2; Attachment. In its response to us, OMB described the withholding as necessary to ensure that the funds were not spent “in a manner that could conflict with the President’s foreign policy.” OMB Response, at 9.

The ICA does not permit deferrals for policy reasons. See B-237297.3, Mar. 6, 1990; B-224882, Apr. 1, 1987. OMB’s justification for the withholding falls squarely within the scope of an impermissible policy deferral. Thus, the deferral of USAI funds was improper under the ICA.

When Congress enacts appropriations, it has provided budget authority that agencies must obligate in a manner consistent with law. The Constitution vests lawmaking power with the Congress. U.S. Const., art. I, §8, cl. 18. The President and officers in an Administration of course may consider their own policy objectives as they craft policy proposals for inclusion in the President’s budget submission.

See B-319488, May 21, 2010, at 5 (“Planning activities are an essential element of the budget process.”). However, once enacted, the President must “take care that the laws be faithfully executed.” See U.S. Const., art. II, §3. Enacted statutes, and not the President’s policy priorities, necessarily provide the animating framework for all actions agencies take to carry out government programs. *Louisiana Public Service Commission v. FCC*, 476 U.S. 355, 374 (1986) (“[A]n agency literally has no power to act . . . unless and until Congress confers power upon it.”); *Michigan v. EPA*, 268 F.3d 1075, 1081 (D.C. Cir. 2001) (a federal agency is “a creature of statute” and “has no constitutional or common law existence or authority, but only those authorities conferred upon it by Congress”).

Faithful execution of the law does not permit the President to substitute his own policy priorities for those that Congress has enacted into law. In fact, Congress was concerned about exactly these types of withholdings when it enacted and later amended the ICA. See H.R. Rep. No. 100-313, at 66-67 (1987); see also S. Rep. No. 93-688, at 75 (1974) (explaining that the objective was to assure that “the practice of reserving funds does not become a vehicle for furthering Administration policies and priorities at the expense of those decided by Congress”).

OMB asserts that its actions are not subject to the ICA because they constitute a programmatic delay. OMB Response, at 7, 9. It argues that a “policy development process is a fundamental part of program implementation,” so its impoundment of funds for the sake of a policy process is programmatic. *Id.*, at 7. OMB further argues that because reviews for compliance with statutory conditions and congressional mandates are considered programmatic, so too should be reviews undertaken to ensure compliance with presidential policy prerogatives. *Id.*, at 9. OMB’s assertions have no basis in law. We recognize that, even where the President does not transmit a special message pursuant to the procedures established by the ICA, it is possible that a delay in obligation may not constitute a reportable impoundment. See B-329092, Dec. 12, 2017; B-222215, Mar. 28, 1986. However, programmatic delays occur when an agency is taking necessary steps to implement a program, but because of factors external to the program, funds temporarily go unobligated. B-329739, Dec. 19, 2018; B-291241, Oct. 8, 2002; B-241514.5, May 7, 1991. This presumes, of course, that the agency is making reasonable efforts to obligate. B-241514.5, May 7, 1991. Here, there was no external factor causing an unavoidable delay. Rather, OMB on its own volition explicitly barred DOD from obligating amounts.

Furthermore, at the time OMB issued the first apportionment footnote withholding the USAI funds, DOD had already produced a plan for expending the funds. See DOD Certification, at 4-14. DOD had decided on the items it planned to purchase and had provided this information to Congress on May 23, 2019. *Id.* Program execution was therefore well underway when OMB issued the apportionment footnotes. As a result, we cannot accept OMB’s assertion that its actions are programmatic.

The burden to justify a withholding of budget authority rests with the executive branch. Here, OMB has failed to meet this burden. We conclude that OMB violated the ICA when it withheld USAI funds for a policy reason.

FOREIGN MILITARY FINANCING

We also question actions regarding funds appropriated to State for security assistance to Ukraine. In a series of apportionments in August of 2019, OMB withheld from obligation some foreign military financing (FMF) funds for a period of six days. These actions may have delayed the obligation of \$26.5 million in FMF funds. See OMB Response, at 3. An additional \$141.5 million in FMF funds may have been withheld while a congressional notification was considered by OMB. See E-mail from GAO Liaison Director, State, to Staff Attorney, GAO, *Subject: Response to GAO on Timeliness of Ukraine Military Assistance* (Jan. 10, 2020) (State’s Additional Response). We have asked both State and OMB about the availability of these funds during the relevant period. Letter from General Counsel, GAO, to Acting Director and General Counsel, OMB (Nov. 25, 2019); Letter from General Counsel, GAO, to Secretary of State and Acting Legal Adviser, State (Nov. 25, 2019). State provided us with

limited information. E-mail from Staff Attorney, GAO, to Office of General Counsel, State, *Subject: RE: Response to GAO on Timeliness of Ukraine Military Assistance* (Dec. 18, 2019) (GAO’s request for additional information); E-mail from GAO Liaison Director, State, to Assistant General Counsel for Appropriations Law, GAO, *Subject: Response to GAO on Timeliness of Ukraine Military Assistance* (Dec. 12, 2019) (State’s response to GAO’s November 25, 2019 letter); State’s Additional Response. OMB’s response to us contained very little information regarding the FMF funds. See generally OMB Response, at 2-3.

As a result, we will renew our request for specific information from State and OMB regarding the potential impoundment of FMF funds in order to determine whether the Administration’s actions amount to a withholding subject to the ICA, and if so, whether that withholding was proper. We will continue to pursue this matter.

CONCLUSION

OMB violated the ICA when it withheld DOD’s USAI funds from obligation for policy reasons. This impoundment of budget authority was not a programmatic delay.

OMB and State have failed, as of yet, to provide the information we need to fulfill our duties under the ICA regarding potential impoundments of FMF funds. We will continue to pursue this matter and will provide our decision to the Congress after we have received the necessary information.

We consider a reluctance to provide a full-some response to have constitutional significance. GAO’s role under the ICA—to provide information and legal analysis to Congress as it performs oversight of executive activity—is essential to ensuring respect for and allegiance to Congress’ constitutional power of the purse. All federal officials and employees take an oath to uphold and protect the Constitution and its core tenets, including the congressional power of the purse. We trust that State and OMB will provide the information needed.

THOMAS H. ARMSTRONG,
General Counsel.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Ms. GRANGER. Madam Speaker, I was unable to attend votes due to circumstances beyond my control.

Had I been present, I would have voted YEA on Roll Call No. 23; YEA on Roll Call No. 24; NAY on Roll Call No. 25; NAY on Roll Call No. 26; and YEA on Roll Call No. 27.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Ms. SÁNCHEZ. Madam Speaker, on Roll Call Number 23, On motion to suspend the rules and pass H.R. 943, To authorize the Secretary of Education to award grants to eligible entities to carry out educational programs about the Holocaust, and for other purposes, I was unavoidably detained and missed the vote.

Had I been present, I would have voted YEA.

I was also unavoidably detained for Roll Call Number 24, On motion to suspend the rules and pass H.R. 4704 to direct the Director of the National Science Foundation to support multidisciplinary research on the science of suicide, and to advance the knowledge and understanding of the issues that may be associated with several aspects of suicide including intrinsic and extrinsic factors related to areas such as wellbeing, resilience, and vulnerability.

Had I been present, I would have voted YEA.

PERSONAL EXPLANATION

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. COLLINS of Georgia. Madam Speaker, on Monday, January 27, 2020, I was absent from the vote series due to my attendance at a funeral in Georgia.

Had I been present, I would have voted YEA on Roll Call No. 23, and YEA on Roll Call No. 24.

KOBE BRYANT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Ms. LEE of California. Madam Speaker, I rise today heartbroken upon hearing of the sudden passing of Kobe Bryant, his daughter Gianna, and occupants Christina Mauser, Keri Altobelli, John Altobelli, Alyssa Altobelli, Payton Chester, Sarah Chester, and Ara Zobayan.

Kobe was an inspirational leader, advocate, athlete and father. He inspired people from across the world to strive for greatness, to be the best, and to invoke what he called, the Mamba Mentality.

Kobe not only inspired the people of California but the entire world. From his incredibly difficult jump shots, to his selfless charitable efforts, Kobe always worked hard to stand up for what he believed in and to be a great father to four beautiful girls whom he loved.

This unimaginable tragedy has rocked this world and left many hurt. Kobe Bryant finished his NBA career among the best to have ever played the game.

His legacy will live on forever and we must come together to support the entire Bryant family and all the families affected through this tragedy.

WHY IMPOUNDMENT CONTROL ACT MATTERS

SPEECH OF

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 2020

Mr. YARMUTH. Madam Speaker, I include in the RECORD the December 10, 2018 Government Accountability Office’s decision confirming Congress’ power of the purse by concluding that, while the Impoundment Control