

WHITE HOUSE SETS IMPOUNDED FUNDS BELOW ESTIMATE

Lists \$8.7-Billion Without
Pollution Bill—Democrats
Estimate \$12.2-Billion

CONGRESS FIGHT LOOMS

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Ziegler Says Reserve Total
Is Smaller Than at Any
Time in Last 7 Years

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By R. W. APPLE Jr.
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WASHINGTON, Feb. 5—The White House reported today that President Nixon was holding \$8.7-billion in Federal funds in reserve—substantially less than estimated by a Democratic Congressman last month.

The Congressman, Representative Joe J. Evins of Tennessee, said that impoundments, which have become the focal point of the struggle between Congress and the President, totaled at least \$12.2-billion. Budget officials said today that Mr. Evins's numbers "are incorrect."

In a report to Congress signed by Roy L. Ash, director of the Office of Management and Budget, the Administration omitted the \$6-billion in water pollution control funds the President has refused to allocate. Mr. Evins had included this item in his tabulation.

Explaining the omission, budget officials said the impoundments related only to funds actually appropriated, whereas the pollution funds were authorized but not appropriated in the Water Pollution Control Act of 1972.

Cites Lower Figures

The technicality enabled Ronald L. Ziegler, the White House press secretary, to state at a briefing this morning that current "budgetary reserves" were lower than those six months ago and a year ago. He said, in fact, that the \$8.7-billion figure was smaller than in any fiscal year since 1966.

Alluding to the developing struggle for control of spending power, Mr. Ziegler said he expected the Administration's adversaries to try to lump the

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water pollution funds together with the others to "make the figure appear larger."

But he insisted that "we are not" impounding an unusual amount of money.

On Capitol Hill, Administration economic officials refused to say whether Mr. Nixon would agree to spend the impounded funds if directed to do so by Congress. Mr. Ash and Secretary of the Treasury George P. Shultz, testifying before the House Appropriations Committee, said the issue would be resolved by seeking a legal opinion from the Justice Department.

Representative Jamie L. Whitten, Democrat of Mississippi, bitterly criticized the Administration's tactics, arguing that they were unconstitutional. At one point Mr. Whitten, chairman of the Appropriations

Subcommittee on Agriculture, said, "This encroachment is the most dangerous thing I've seen in my 30 years in Congress."

The detailed list of impoundments, which was supplied under the new Federal Impoundment and Information Act, showed the largest reserves to be those of the Transportation Department (\$2.9-billion), Defense Department (\$1.9-billion) and Agriculture Department (\$1.5-billion). None of the reserves for other departments or agencies exceeded \$600-million.

The largest single item by far is \$2.5-billion in Federal aid funds for highway construction. These impoundments began in the Johnson Administration, long before the present squabble over constitutionality had begun.

In the Agriculture Department, Mr. Whitten's special area of interest, a large number of programs were involved,

among them the following: Rural Electrification Administration loans, \$456-million; rural water and waste disposal grants, \$120-million; rural environmental assistance, \$210-million; forest roads and trails, \$280-million, and the Federal food stamp program, \$159-million.

Most of the Defense Department impoundments were for military construction and for shipbuilding. According to the budget officials who appeared with Mr. Ziegler at the briefing, some of those funds will be released as project plans are approved.

The White House indicated in the report that the authority relied upon by Mr. Nixon for each impoundment, thus laying the basis for the forthcoming legal and constitutional contest over control of the purse. Many were justified under the President's "constitutional duty to take care that the laws be faithfully executed."