

**Statement of the Honorable John Conyers, Jr. for the Hearing on
“Oversight of the Judgment Fund” Before the Subcommittee on the
Constitution and Civil Justice**

**Thursday, March 2, 2017, at 9:00 a.m.
2141 Rayburn House Office Building**

Today’s hearing focuses on the Treasury Department’s Judgment Fund, which Congress created in 1956 to reduce its appropriations workload.

Prior to establishing the Fund, Congress devoted an inordinate amount of its time to appropriating monies to satisfy run-of-the-mill legal judgments and settlements on a case-by-case basis.

Today, the Fund permits agencies to obtain payment for certain legal judgments and settlements without having to request appropriations from Congress, under limited statutorily prescribed circumstances.

Last Congress, the Subcommittee held a similar hearing, and the full Judiciary Committee held a markup of legislation concerning the Judgment Fund.

There are, however, a number of points that the witnesses should address based on what has happened since our most recent Committee activity on this issue.

To begin with, greater transparency over the use of taxpayer dollars, including payments made from the Judgment Fund, is something to be encouraged.

While reliance on the Judgment Fund is perfectly constitutional and legal, it is nonetheless an extraordinary power that Congress has delegated to the Executive Branch.

As such, it is incumbent upon us, as the Branch charged with ultimate responsibility over the public fisc, to maintain careful oversight over the use of taxpayer funds.

Imposing greater transparency measures, therefore, is something we should seriously consider.

While seeking greater transparency, however, we must also ensure that we do not inadvertently create new problems in the process.

As I noted, the full Committee marked up legislation last Congress that was ostensibly designed to increase transparency over the Judgment Fund.

At that time, however, I ultimately opposed the legislation because it had not been fully vetted and because the Treasury Department raised several concerns, particularly with respect to privacy.

I hope that we can use today's hearing as an opportunity to resolve those concerns so that we can be in a position to reach agreement on a truly bipartisan transparency measure for the Judgment Fund.

Finally, I must take issue with some of the justifications raised by the Majority for seeking greater limits on payments from the Judgment Fund, particularly with respect to payments made to Native American women and Hispanic farmers to settle discrimination lawsuits.

It should be noted that the government admitted liability in those cases as there is no dispute that the government discriminated against these plaintiffs and other protected groups.

The resulting settlement payments from the Judgment Fund were entirely appropriate and should not be the subject of criticism.

In closing, I thank the witnesses for appearing today and I look forward to their testimony.