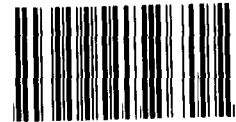




UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL

B-213283

May 24, 1984

To the President of the Senate and the
Speaker of the House of Representatives

This is to inform you of the status of budget authority proposed for rescission under the Impoundment Control Act, for which Congress failed to pass a rescission bill.

On March 23, 1984, we reported to Congress an unreported withholding of \$30 million provided for the immigrant education assistance program. Because the executive branch had not reported the withholding and it appeared that there were no plans to make the funds available before they expire at the end of fiscal year 1984, we reported the withholding as a rescission proposal under section 1012 of the Impoundment Control Act, 2 U.S.C. § 683. Under section 1015(a) of the Impoundment Control Act, 2 U.S.C. § 686(a), our report had the same legal effect as a rescission proposal transmitted by the President under section 1012.

Under section 1012(b) of the Impoundment Control Act, 2 U.S.C. § 683(b), funds proposed for rescission must be made available for obligation unless Congress completes action on a rescission bill before the expiration of the 45-day period of continuous session of Congress following the day such proposal is received by Congress. For the \$30 million which was the subject of our March 23 report, this 45-day period would have expired on May 17, 1984.

We have confirmed that on May 16, 1984, the budget authority was apportioned by the Office of Management and Budget to the Department of Education, Office of Bilingual Education and Minority Language Affairs, for grants to schools with substantial numbers of immigrants.

Harry R. Van Cleve
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Acting General Counsel

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