



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

IN REPLY REFER TO: B-115398

January 5, 1978

The Honorable Charles H. Wilson
House of Representatives

Dear Mr. Wilson:

This is in response to an inquiry by Mr. Rudy DeLeon of your staff concerning the B-1 bomber program and the responsibilities of the Comptroller General under the Impoundment Control Act of 1974.

We have been monitoring the status and progress of Department of Defense efforts to restart production activities. In order to obtain sufficient information to enable us to decide what action would be appropriate, we sent a letter to Secretary of Defense Brown on December 27, 1977, requesting a clear statement of DOD's intention with respect to this matter. In addition to the request for factual clarification and confirmation, we inquired as to whether DOD planned to submit a deferral message in the event that DOD does not intend to use the funds without delay. We also referred Secretary Brown to our letter of October 4, 1977, to Representative John J. LaFalce, in which we stressed our need to consider on a case-by-case basis the permissibility of proposing a deferral of funds previously proposed for rescission, but rejected. Accordingly, we asked Secretary Brown, in the event that DOD concludes that present circumstances warrant a deferral, to address the question of the applicability of section 1013 of the Impoundment Control Act of 1974 to funds previously rejected for rescission. A copy of the letters to Secretary Brown and Representative LaFalce are enclosed for your information.

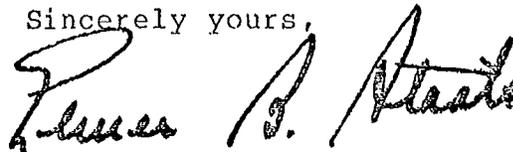
It should be noted that deferrals proposed in a special message transmitted by the President or deferrals reported to the Congress by the Comptroller General may be disapproved by an impoundment resolution passed by either House of Congress.

B-115398

The Act expressly empowers the Comptroller General to bring civil action to enforce the Act's requirements. However, no civil action may be brought until the expiration of 25 calendar days of continuous session following the date on which the Comptroller General files with the Congress an explanatory statement of the circumstances giving rise to the contemplated action. Accordingly, even if such an explanatory statement were filed immediately, the 25-day period would not commence until the Congress reconvenes on January 19, 1978.

In light of the time constraints, we intend to thoroughly consider the circumstances of this case prior to determination of the most appropriate course of action consistent with my responsibilities under the Act. We appreciate your interest in this matter and will advise you promptly of DOD's response and whatever determination is made based upon that response and the most current information available to us.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "James A. Stewart".

Comptroller General
of the United States

Enclosures - 2