



**U.S. House of Representatives**  
Washington, DC 20515  
COMMITTEE ON THE BUDGET

October 31, 2018

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Dodaro:

We are requesting clarification in the form of a legal opinion on the issue of proposed rescissions of funds submitted close to their expiration date. It is important that Congress remain at the center of the decision of whether to withhold funds. To that end Congress should have adequate time to receive, consider, and act on any rescission message sent by the President.


Under the Impoundment Control Act of 1974 (ICA), the President may submit a special message proposing the rescission of budget authority and may withhold funds from obligation for a period of 45 calendar days of continuous session following transmission of the special message. Public Law No. 93-344, as amended, § 1012; 2 U.S.C. § 683. If Congress does not pass a rescission bill within the 45-day period, the ICA requires that the funds be released for obligation. Specifically, section 1012(b) states: "Any amount of budget authority proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved."

As you know, the rescission process has been used this year for the first time since the Clinton Administration. Naturally, some questions have arisen. One question of particular importance to Congress concerns whether the executive can use the rescission process to withhold funds from obligation for the duration of the 45-day period, even if the funds expire before the end of that period.

GAO has never issued an opinion on the legality of withholding funds in this circumstance. We now request GAO's legal opinion regarding whether the ICA allows funds to be withheld from obligation in this situation.

If you have any questions, please contact Mary Popadiuk (staff to Chairman Womack) at 202-226-7270 or [Mary.Popadiuk@mail.house.gov](mailto:Mary.Popadiuk@mail.house.gov) or Jocelyn Harris (staff to Ranking Member Yarmuth) at 202-226-7200 or [Jocelyn.Harris@mail.house.gov](mailto:Jocelyn.Harris@mail.house.gov). Thank you for your attention to this matter.

Sincerely,

  
Steve Womack  
Chairman

  
John Yarmuth  
Ranking Member