



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

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The Honorable Robert S. Michel
House of Representatives

Dear Mr. Michel:

This replies to your letter of January 19, 1978, in which you requested our opinion whether the Department of Labor (DOL) violated the Impoundment Control Act of 1974 when it allowed \$500,000 in budget authority that was appropriated to the Bureau of Labor Statistics (BLS) in the Economic Stimulus Appropriations, 1977, Pub. L. No. 95-29, May 13, 1977, to lapse without notifying the Congress of its intentions concerning the use of the funds or proposing a rescission thereof.

The subject funds were provided to enable BLS to begin development of a job vacancy survey. The funds were intended to provide 30 positions to permit BLS to launch a pilot program—

designed to test the concepts and methodology necessary for the collection of data required to develop monthly estimates of national job vacancies and job vacancies according to occupation and region. See H.R. Rep. 95-66, 95th Cong., 1st Sess. 19 (1977); and S. Rep. 95-58, 95th Cong., 1st Sess. 17-18 (1977).

Although the \$500,000 for the job vacancy feasibility study was appropriated in May 1977, BLS told us that the Office of Management and Budget (OMB) did not approve its request to allocate to the Bureau additional positions for the program. This is a factual matter in dispute. OMB told us that DOL did not request a personnel ceiling increase related to utilizing the \$500,000 for the job vacancy feasibility study. In this regard, we are not sure that the dispute can be resolved since there may not be documentation available supporting either BLS or OMB. Accordingly, and in view of the limited time available to respond to your request, we did not attempt to resolve the dispute. Moreover, no purpose would be served in terms of the Impoundment Control Act by pursuing this matter since the funds have already lapsed.

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Despite what it claims to have been an unsuccessful attempt to get additional positions, BLS, nevertheless, detailed three employees to work on the project. However, the salaries and expenses of these individuals were not underwritten by the May 1977 appropriation of \$500,000.

BLS told us that it also wanted to contract out the job vacancy feasibility study to the Conference Board, a private organization that had done some work in the area, because positions were not available in BLS to carry out the program beyond the three detailed. In this connection, BLS contemplated a sole source award to the Conference Board and the Board was asked to draft for BLS a contract to review the quality, composition, and comprehensiveness of data the Board had already developed regarding job vacancies and to study the feasibility of adding occupational information to the index. Despite its request, BLS never received a contract proposal to do the work from the Conference Board.

The funds were not obligated as of the last date of their availability, September 30, 1977, and they reverted to the Treasury under 31 U.S.C. 761(a)(2). BLS said that it did not notify the Congress of the lapse of the \$500,000 and did not propose a rescission of the funds because it was expecting the Conference Board to submit a contract proposal before the end of fiscal year 1977.

In view of the information currently available to us we cannot conclude that BLS was not interested in utilizing the budget authority or that the Bureau considered the funds excess to their needs in connection with implementing a job vacancy feasibility study. Thus, we do not conclude that BLS' actions constituted an unreported impoundment of the budget authority. Based upon the information and documentation we have obtained in this matter we believe BLS was interested in implementing the job vacancy study and in utilizing the \$500,000 provided therefor.

Separate and apart from the Impoundment Control Act issue raised by your letter, we do believe that BLS could have avoided some of the apparent misunderstanding regarding

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its handling of the funds and efforts to implement the program had it kept the appropriate Committees and Members of the Congress abreast of the status of its efforts.

We hope the foregoing will be of assistance to you.

Sincerely yours,

(SIGNED) ELMER B. STAATS

Comptroller General
of the United States