

sion or the reservation, and to the maximum extent practicable, the estimated effect of the proposed rescission or the reservation upon the objects, purposes, and programs for which the budget authority is provided.

§ 1012(b) (b) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION. — Any amount of budget authority¹⁰²² proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation unless, within the prescribed 45-day period,¹⁰²³ the Congress has completed action on a rescission bill¹⁰²⁴ rescinding all or part of the amount proposed to be rescinded or that is to be reserved.¹⁰²⁵

¹⁰²² Section 3(2) defines "budget authority." See *supra* pp. 11-13.

¹⁰²³ Section 1011(5) defines this 45-day period. See *supra* p. 376.

¹⁰²⁴ Section 1011(3) defines "rescission bill." See *supra* p. 376.

¹⁰²⁵ The Senate has repeatedly rejected attempts to change this law. See, e.g., 138 CONG. REC. S2457-78 (daily ed. Feb. 27, 1992) (McCain motion to waive Sasser point of order under section 306 rejected 44-54 regarding his amendment no. 1698 to enhance the President's rescission authority); *id.* at S2268-312 (daily ed. Feb. 26, 1992) (further debate on same); 136 CONG. REC. S7457-78 (daily ed. June 6, 1990) (McCain motion to waive point of order under section 306 rejected 43-50 regarding his amendment no. 1995 to enhance the President's rescission authority); 135 CONG. REC. S15,336-58 (daily ed. Nov. 9, 1989) (Coats motion to waive point of order under section 306 rejected 40-51 regarding his amendment no. 1092 to enhance the President's rescission authority). On February 26 and 27 of 1992, on the occasion of one of these attempts to change the law, Senator Byrd's delivered a series of exhaustive statements on the subject. See 138 CONG. REC. S2278-86 (daily ed. Feb. 26, 1992) (history of the congressional power of the purse); *id.* at S2286-95 ("The Item Veto; Why Follow the States"); *id.* at S2295-300 ("Enhanced Rescission Power Means Enhanced Executive Power"); *id.* at S2300-02 ("The GAO Report on the Line-Item Veto"); *id.* at S2304-11 ("The Real Issue Is Power"); *id.* at S2465-68, S2476-77 (daily ed. Feb. 27, 1992) (closing arguments). See also *id.* at S3737-50 (daily ed. Mar. 17, 1992) (statement of Sen. Byrd: "A Line-Item Veto in the Constitution? 'It Is Not There'").

Several bills introducing in the 101st Congress sought to change what would happen if the Congress failed to act. See S. 6, 101st Cong., 1st Sess., 135 CONG. REC. S206-08 (daily ed. Jan. 25, 1989) (Sen. Dole, "To grant the power to the President to reduce appropriated funds within ten days after the date of enactment of a bill appropriating such funds"); S. Con. Res. 9, 101st Cong., 1st Sess., 135 CONG. REC. S770-72 (daily ed. Jan. 25, 1989) (Sen. Humphrey, "Establishing procedures for expedited consideration by the Congress of certain bills and joint resolutions submitted by the President"); S. 21, 101st

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