

111TH CONGRESS  
1ST SESSION

# S. 1200

To establish a temporary vehicle trade-in program through which the Secretary of Transportation shall provide financial incentives for consumers to replace fuel inefficient vehicles with vehicles that have above average fuel efficiency.

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## IN THE SENATE OF THE UNITED STATES

JUNE 8, 2009

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on the Budget

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## A BILL

To establish a temporary vehicle trade-in program through which the Secretary of Transportation shall provide financial incentives for consumers to replace fuel inefficient vehicles with vehicles that have above average fuel efficiency.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Short Term Acceler-  
5       ated Retirement of Inefficient Vehicles Act of 2009”.

1 **SEC. 2. TEMPORARY VEHICLE TRADE-IN PROGRAM.**

2 (a) ESTABLISHMENT.—There is established in the  
3 National Highway Traffic Safety Administration a pro-  
4 gram, to be known as the “Cash for Clunkers Temporary  
5 Vehicle Trade-In Program”, through which the Secretary,  
6 in accordance with this section and the regulations pro-  
7 mulgated under subsection (d), shall—

8 (1) authorize the issuance of a voucher, subject  
9 to the specifications set forth in subsection (c), to  
10 offset the purchase price or lease price of a fuel effi-  
11 cient automobile upon the transfer of the certificate  
12 of title of an eligible trade-in vehicle to a dealer par-  
13 ticipating in the Program;

14 (2) register dealers for participation in the Pro-  
15 gram and require each registered dealer to—

16 (A) accept vouchers provided under this  
17 section as partial payment or down payment for  
18 the purchase or lease of any fuel efficient auto-  
19 mobile offered for sale or lease by such dealer;  
20 and

21 (B) dispose of each eligible trade-in vehicle  
22 in accordance with subsection (c)(2) after the  
23 title of such vehicle is transferred to the dealer  
24 under the Program;

25 (3) in consultation with the Secretary of the  
26 Treasury, make payments to dealers for eligible

1 transactions by such dealers before the date that is  
2 1 year after regulations are promulgated under sub-  
3 section (d), in accordance with such regulations; and

4 (4) in consultation with the Secretary of the  
5 Treasury and the Inspector General of the Depart-  
6 ment of Transportation, establish and provide for  
7 the enforcement of measures to prevent and penalize  
8 fraud under the Program.

9 (b) QUALIFICATIONS FOR AND VALUE OF VOUCH-  
10 ERS.—A voucher issued under the Program shall have a  
11 value that may be applied to offset the purchase price or  
12 lease price of a fuel efficient automobile as follows:

13 (1) \$1,000 VALUE.—The voucher may be used  
14 to offset the purchase price of a previously owned  
15 fuel efficient automobile manufactured for model  
16 year 2004 or later, by \$1,000 if—

17 (A) the newly purchased fuel efficient  
18 automobile is a passenger automobile and the  
19 combined fuel economy value of such auto-  
20 mobile is at least 7 miles per gallon higher than  
21 the combined fuel economy value of the eligible  
22 trade-in vehicle;

23 (B) the newly purchased fuel efficient  
24 automobile is a category 1 truck and the com-  
25 bined fuel economy value of such truck is at

1 least 3 miles per gallon higher than the com-  
2 bined fuel economy value of the eligible trade-  
3 in vehicle; or

4 (C) the newly purchased fuel efficient auto-  
5 mobile is a category 2 truck that has a com-  
6 bined fuel economy value of at least 17 miles  
7 per gallon and the combined fuel economy value  
8 of such truck is at least 3 miles per gallon high-  
9 er than the combined fuel economy value of the  
10 eligible trade-in vehicle, which is also a category  
11 2 truck.

12 (2) \$2,500 VALUE.—The voucher may be used  
13 to offset the purchase price or lease price of the new  
14 fuel efficient automobile by \$2,500 if—

15 (A) the new fuel efficient automobile is a  
16 passenger automobile and the combined fuel  
17 economy value of such automobile is at least 7  
18 miles per gallon higher than the combined fuel  
19 economy value of the eligible trade-in vehicle;

20 (B) the new fuel efficient automobile is a  
21 category 1 truck and the combined fuel econ-  
22 omy value of such truck is at least 3 miles per  
23 gallon higher than the combined fuel economy  
24 value of the eligible trade-in vehicle;

1 (C) the new fuel efficient automobile is a  
2 category 2 truck that has a combined fuel econ-  
3 omy value of at least 17 miles per gallon and—

4 (i) the eligible trade-in vehicle is a  
5 category 2 truck and the combined fuel  
6 economy value of the new fuel efficient  
7 automobile is at least 3 miles per gallon  
8 higher than the combined fuel economy  
9 value of the eligible trade-in vehicle; or

10 (ii) the eligible trade-in vehicle is a  
11 category 3 truck manufactured for model  
12 year 2001 or earlier; or

13 (D) the new fuel efficient automobile is a  
14 category 3 truck and the eligible trade-in vehi-  
15 cle is a category 3 truck manufactured for  
16 model year 1999 or earlier and is of similar size  
17 or larger than the new fuel efficient automobile,  
18 as determined in a manner prescribed by the  
19 Secretary.

20 (3) \$3,500 VALUE.—The voucher may be used  
21 to offset the purchase price or lease price of the new  
22 fuel efficient automobile by \$3,500 if—

23 (A) the new fuel efficient automobile is a  
24 passenger automobile and the combined fuel  
25 economy value of such automobile is at least 10

1 miles per gallon higher than the combined fuel  
2 economy value of the eligible trade-in vehicle;

3 (B) the new fuel efficient automobile is a  
4 category 1 truck and the combined fuel econ-  
5 omy value of such truck is at least 6 miles per  
6 gallon higher than the combined fuel economy  
7 value of the eligible trade-in vehicle; or

8 (C) the new fuel efficient automobile is a  
9 category 2 truck that has a combined fuel econ-  
10 omy value of at least 17 miles per gallon and  
11 the combined fuel economy value of such truck  
12 is at least 5 miles per gallon higher than the  
13 combined fuel economy value of the eligible  
14 trade-in vehicle, which is also a category 2  
15 truck.

16 (4) \$4,500 VALUE.—The voucher may be used  
17 to offset the purchase price or lease price of the new  
18 fuel efficient automobile by \$4,500 if—

19 (A) the new fuel efficient automobile is a  
20 passenger automobile and the combined fuel  
21 economy value of such automobile is at least 13  
22 miles per gallon higher than the combined fuel  
23 economy value of the eligible trade-in vehicle;

24 (B) the new fuel efficient automobile is a  
25 category 1 truck and the combined fuel econ-

1           omy value of such truck is at least 9 miles per  
2           gallon higher than the combined fuel economy  
3           value of the eligible trade-in vehicle; or

4                   (C) the new fuel efficient automobile is a  
5           category 2 truck that has a combined fuel econ-  
6           omy value of at least 17 miles per gallon and  
7           the combined fuel economy value of such truck  
8           is 7 miles per gallon higher than the combined  
9           fuel economy value of the eligible trade-in vehi-  
10          cle, which is also a category 2 truck.

11       (c) PROGRAM SPECIFICATIONS.—

12           (1) LIMITATIONS.—

13                   (A) GENERAL PERIOD OF ELIGIBILITY.—A  
14          voucher issued under the Program may only be  
15          used for the purchase or lease of a fuel efficient  
16          automobile that occurs between the date on  
17          which the regulations promulgated under sub-  
18          section (d) are implemented and the date that  
19          is 1 year after such date.

20                   (B) NUMBER OF VOUCHERS PER PERSON  
21          AND PER TRADE-IN VEHICLE.—Not more than  
22          1 voucher may be issued for a single person and  
23          not more than 1 voucher may be issued for the  
24          joint registered owners of a single eligible trade-  
25          in vehicle.

1 (C) NO COMBINATION OF VOUCHERS.—  
2 Only 1 voucher issued under the Program may  
3 be applied toward the purchase or lease of a  
4 single new fuel efficient automobile.

5 (D) CAP ON VOUCHERS FOR CATEGORY 3  
6 TRUCKS.—Not more than 7.5 percent of the  
7 amounts made available for the Program may  
8 be used for vouchers for the purchase or quali-  
9 fying lease of category 3 trucks.

10 (E) COMBINATION WITH OTHER INCEN-  
11 TIVES PERMITTED.—The availability or use of a  
12 Federal or State tax incentive or a State-issued  
13 voucher for the purchase or lease of a new fuel  
14 efficient automobile shall not limit the value or  
15 issuance of a voucher under the Program.

16 (F) NO ADDITIONAL FEES.—A dealer par-  
17 ticipating in the program may not charge a per-  
18 son purchasing or leasing a new fuel efficient  
19 automobile any additional fees associated with  
20 the use of a voucher under the Program.

21 (G) NUMBER AND AMOUNT.—The total  
22 number and value of vouchers issued under the  
23 Program may not exceed the amounts appro-  
24 priated for such purpose.



1 (H) VALUES FOR QUALIFYING SHORTER  
2 TERM LEASES.—If a fuel efficient vehicle is  
3 leased under a qualifying shorter term lease,  
4 the value of the voucher issued under the Pro-  
5 gram shall be 50 percent of the value otherwise  
6 applicable under subsection (b).

7 (2) DISPOSITION OF ELIGIBLE TRADE-IN VEHI-  
8 CLES.—

9 (A) IN GENERAL.—If the title of an eligi-  
10 ble trade-in vehicle is transferred to a dealer  
11 under the Program, the dealer shall certify to  
12 the Secretary, in such manner as the Secretary  
13 shall prescribe by rule, that such vehicle, includ-  
14 ing the engine and drive train—

15 (i) has been or will be crushed or  
16 shredded within such period and in such  
17 manner as the Secretary prescribes, or will  
18 be transferred to an entity that will ensure  
19 that the vehicle will be crushed or shredded  
20 within such period and in such manner as  
21 the Secretary prescribes; and

22 (ii) has not been, and will not be, sold,  
23 leased, exchanged, or otherwise disposed of  
24 for use as an automobile in the United  
25 States or in any other country, or has been

1 or will be transferred, in such manner as  
2 the Secretary prescribes, to an entity that  
3 will ensure that the vehicle has not been,  
4 and will not be, sold, leased, exchanged, or  
5 otherwise disposed of for use as an auto-  
6 mobile in the United States or in any other  
7 country.

8 (B) SAVINGS PROVISION.—Nothing in sub-  
9 paragraph (A) may be construed to preclude a  
10 person who dismantles or disposes of the vehicle  
11 from—

12 (i) purchasing the disposed vehicle  
13 from a dealer for the purpose of selling  
14 parts other than the engine block and drive  
15 train;

16 (ii) selling any parts of the disposed  
17 vehicle other than the engine block and  
18 drive train, unless the engine or drive train  
19 has been crushed or shredded; or

20 (iii) retaining the proceeds from such  
21 sale.

22 (C) COORDINATION.—The Secretary shall  
23 coordinate with the Attorney General to ensure  
24 that the National Motor Vehicle Title Informa-  
25 tion System and other publicly accessible and

1           commercially available systems are appro-  
2           priately updated to reflect the crushing or  
3           shredding of vehicles under this section and ap-  
4           propriate reclassification of the vehicles' titles.

5           (d) RULEMAKING.—Notwithstanding the require-  
6           ments of section 553 of title 5, United States Code, the  
7           Secretary shall promulgate final regulations to implement  
8           the Program not later than 30 days after the date of the  
9           enactment of this Act. Such regulations shall—

10           (1) provide for a means of registering dealers  
11           for participation in the Program;

12           (2) establish procedures for the electronic reim-  
13           bursement of dealers participating in the Program,  
14           within 10 days after the submission to the Secretary  
15           of information supporting the eligible transaction, as  
16           determined appropriate by the Secretary, for the ap-  
17           propriate amount under subsection (c) and any rea-  
18           sonable administrative costs incurred by the dealer;

19           (3) prohibit any dealer from using vouchers to  
20           offset any other rebate or discount offered by that  
21           dealer or by the manufacturer of the new fuel effi-  
22           cient automobile;

23           (4) require dealers to disclose to the person  
24           trading in an eligible trade-in vehicle the best esti-  
25           mate of the scrappage value of such vehicle and to

1 permit the dealer to retain \$50 of any amounts paid  
2 to the dealer for scrappage of the automobile as pay-  
3 ment for any administrative costs to the dealer asso-  
4 ciated with participation in the Program;

5 (5) consistent with subsection (c)(2), establish  
6 requirements and procedures for the disposal of eli-  
7 gible trade-in vehicles and provide such information  
8 as may be necessary to entities engaged in such dis-  
9 posal to ensure that such vehicles are disposed of in  
10 accordance with such requirements and procedures,  
11 including—

12 (A) requirements for the removal and ap-  
13 propriate disposition of refrigerants, antifreeze,  
14 lead products, mercury switches, and such other  
15 toxic or hazardous vehicle components prior to  
16 the crushing or shredding of an eligible trade-  
17 in vehicle, in accordance with rules established  
18 by the Secretary, in consultation with the Ad-  
19 ministrator of the Environmental Protection  
20 Agency, and in accordance with other applicable  
21 Federal and State requirements;

22 (B) a mechanism for dealers to certify to  
23 the Secretary that eligible trade-in vehicles are  
24 disposed of, or transferred to an entity that will  
25 ensure that the vehicle is disposed of, in accord-

1           ance with such requirements and procedures  
2           and to submit the vehicle identification num-  
3           bers, mileage, condition, and other appropriate  
4           information, as determined by the Secretary, of  
5           the vehicles disposed of and the new fuel effi-  
6           cient automobile purchased with each voucher;  
7           and

8                   (C) a mechanism for obtaining such other  
9                   certifications as deemed necessary by the Sec-  
10                  retary from entities engaged in vehicle disposal;

11           (6) establish a mechanism for dealers to deter-  
12           mine the scrappage value of the trade-in vehicle; and

13           (7) provide for the enforcement of the penalties  
14           described in subsection (e)(2).

15           (e) ANTI-FRAUD PROVISIONS.—

16                   (1) VIOLATION.—It shall be unlawful for any  
17                   person to violate any provision under this section or  
18                   any regulations issued pursuant to subsection (d).

19                   (2) PENALTIES.—Any person who commits a  
20                   violation described in paragraph (1) shall be liable to  
21                   the United States Government for a civil penalty in  
22                   an amount equal to not more than \$25,000 for each  
23                   such violation.

24           (f) INFORMATION TO CONSUMERS AND DEALERS.—

1           (1) IN GENERAL.—Not later than 30 days after  
2           the date of the enactment of this Act, and promptly  
3           upon the update of any relevant information, the  
4           Secretary shall make information about the Program  
5           available through an Internet Web site and through  
6           other means determined by the Secretary. Such in-  
7           formation shall include—

8                   (A) how to determine if a vehicle is an eli-  
9                   gible trade-in vehicle;

10                   (B) how to determine the scrappage value  
11                   of an eligible trade-in vehicle;

12                   (C) how to participate in the Program, in-  
13                   cluding how to determine participating dealers;  
14                   and

15                   (D) a comprehensive list, by make and  
16                   model, of fuel efficient automobiles meeting the  
17                   requirements of the Program.

18           (2) PUBLIC AWARENESS CAMPAIGN.—Upon  
19           completing the requirements under paragraph (1),  
20           the Secretary shall conduct a public awareness cam-  
21           paign to inform consumers about the Program and  
22           the sources for additional information.

23           (g) RECORDKEEPING AND REPORT.—

24                   (1) DATABASE.—The Secretary shall maintain  
25                   a database that includes—

1 (A) the vehicle identification numbers of  
2 all fuel efficient vehicles purchased or leased  
3 under the Program; and

4 (B) the vehicle identification numbers,  
5 mileage, condition, scrappage value, and other  
6 appropriate information, as determined by the  
7 Secretary, of all the eligible trade-in vehicles  
8 which have been disposed of under the Pro-  
9 gram.

10 (2) REPORT.—Not later than June 30, 2010,  
11 the Secretary shall submit a report to the Com-  
12 mittee on Commerce, Science, and Transportation of  
13 the Senate and the Committee on Energy and Com-  
14 merce of the House of Representatives that describes  
15 the efficacy of the Program and includes—

16 (A) a description of the results of the Pro-  
17 gram, including—

18 (i) the total number and amount of  
19 vouchers issued for purchase or lease of  
20 new fuel efficient automobiles by manufac-  
21 turer (including aggregate information  
22 concerning the make, model, model year)  
23 and category of automobile;

24 (ii) aggregate information regarding  
25 the make, model, model year, mileage, con-

1                   dition, and manufacturing location of vehi-  
2                   cles traded in under the Program; and

3                               (iii) the location of sale or lease;

4                               (B) an estimate of the overall increase in  
5                   fuel efficiency in terms of miles per gallon, total  
6                   annual oil savings, and total annual greenhouse  
7                   gas reductions, as a result of the Program; and

8                               (C) an estimate of the overall economic  
9                   and employment effects of the Program.

10           (h) RULE OF CONSTRUCTION.—For purposes of de-  
11           termining Federal or State income tax liability or eligi-  
12           bility for any Federal or State program that bases eligi-  
13           bility, in whole or in part, on income, the value of any  
14           voucher issued under the Program to offset the purchase  
15           price or lease price of a new fuel efficient automobile shall  
16           not be considered income of the person purchasing such  
17           automobile.

18           (i) DEFINITIONS.—In this section:

19                   (1) CATEGORY 1 TRUCK.—The term “category  
20           1 truck” means a nonpassenger automobile (as de-  
21           fined in section 32901(a)(17) of title 49, United  
22           States Code) that—

23                               (A) has a combined fuel economy value of  
24                   at least 20 miles per gallon; and

25                               (B) is not a category 2 truck.



1           (2) CATEGORY 2 TRUCK.—The term “category  
2 truck” means a large van or a large pickup, as  
3 categorized by the Secretary using the method used  
4 by the Environmental Protection Agency and de-  
5 scribed in the report entitled “Light-Duty Auto-  
6 motive Technology and Fuel Economy Trends: 1975  
7 through 2008”.

8           (3) CATEGORY 3 TRUCK.—The term “category  
9 3 truck” has the meaning given the term “work  
10 truck” in section 32901(a)(19) of title 49, United  
11 States Code.

12           (4) COMBINED FUEL ECONOMY VALUE.—The  
13 term “combined fuel economy value” means—

14           (A) with respect to a new fuel efficient  
15 automobile, the number, expressed in miles per  
16 gallon, centered below the words “Combined  
17 Fuel Economy” on the label required to be af-  
18 fixed or caused to be affixed on a new auto-  
19 mobile pursuant to subpart D of part 600 of  
20 title 40 Code of Federal Regulations;

21           (B) with respect to an eligible trade-in ve-  
22 hicle manufactured after model year 1984, the  
23 equivalent number determined on the  
24 fueleconomy.gov Web site of the Environmental

1 Protection Agency for the make, model, and  
2 year of such vehicle; and

3 (C) with respect to an eligible trade-in ve-  
4 hicle manufactured between model years 1978  
5 through 1984, the equivalent number deter-  
6 mined by the Secretary and posted on the  
7 website of the National Highway Traffic Safety  
8 Administration, using data maintained by the  
9 Environmental Protection Agency for the make,  
10 model, and year of such vehicle.

11 (5) DEALER.—The term “dealer” means a per-  
12 son that is licensed by a State and engages in the  
13 sale of automobiles to ultimate purchasers.

14 (6) ELIGIBLE TRADE-IN VEHICLE.—The term  
15 “eligible trade-in vehicle” means an automobile or a  
16 work truck (as such terms are defined in section  
17 32901(a) of title 49, United States Code) that, at  
18 the time it is presented for trade-in under this sec-  
19 tion—

20 (A) is in drivable condition;

21 (B) has been continuously insured, con-  
22 sistent with State law, and registered to the  
23 same owner for a period of not less than 1 year  
24 immediately prior to such trade-in; and

1 (C) has a combined fuel economy value of  
2 17 miles per gallon or less.

3 (7) FUEL EFFICIENT AUTOMOBILE.—The term  
4 “fuel efficient automobile” means a vehicle described  
5 in paragraph (1), (2), (3), or (9), that was manufac-  
6 tured for any model year after 2003, and, at the  
7 time of the original sale to a consumer—

8 (A) carries a manufacturer’s suggested re-  
9 tail price of \$45,000 or less;

10 (B) complies with the applicable air emis-  
11 sion and related requirements under the Na-  
12 tional Emission Standards Act (42 U.S.C. 7521  
13 et seq.);

14 (C) qualifies for listing in emission bin 1,  
15 2, 3, 4, or 5 (as defined in section 86.1803–01  
16 of title 40, Code of Federal Regulations), or for  
17 work trucks the applicable vehicle and engine  
18 standards found under section 86.005–10 and  
19 86.007–11 of title 40, Code of Federal Regula-  
20 tions; and

21 (D) has a combined fuel economy value  
22 of—

23 (i) 24 miles per gallon, if the vehicle  
24 is a passenger automobile;

1 (ii) 20 miles per gallon, if the vehicle  
2 is a category 1 truck; or

3 (iii) 17 miles per gallon, if the vehicle  
4 is a category 2 truck.

5 (8) NEW FUEL EFFICIENT AUTOMOBILE.—The  
6 term “new fuel efficient automobile” means a fuel  
7 efficient automobile, the equitable or legal title of  
8 which has not been transferred to any person other  
9 than the ultimate purchaser.

10 (9) PASSENGER AUTOMOBILE.—The term “pas-  
11 senger automobile” means a passenger automobile  
12 (as defined in section 32901(a)(18) of title 49,  
13 United States Code) that has a combined fuel econ-  
14 omy value of at least 24 miles per gallon.

15 (10) PROGRAM.—The term “Program” means  
16 the Cash for Clunkers Temporary Vehicle Trade-In  
17 Program established under this section.

18 (11) QUALIFYING LEASE.—The term “quali-  
19 fying lease” means a lease of an automobile for a  
20 period of not less than 5 years.

21 (12) QUALIFYING SHORTER TERM LEASE.—The  
22 term “qualifying shorter term lease” means a lease  
23 of an automobile for a period of not less than 3  
24 years and not more than 5 years.

1           (13)   SCRAPPAGE    VALUE.—The    term  
2    “scrappage value” means the amount received by the  
3    dealer for an eligible trade-in vehicle upon transfer-  
4    ring title of such vehicle to the person responsible  
5    for ensuring the dismantling and destruction of the  
6    vehicle.

7           (14)   SECRETARY.—The    term    “Secretary”  
8    means the Secretary of Transportation, acting  
9    through the National Highway Traffic Safety Ad-  
10   ministration.

11          (15)   ULTIMATE PURCHASER.—The term “ulti-  
12   mate purchaser” means, with respect to any new  
13   automobile, the first person who in good faith pur-  
14   chases such automobile for purposes other than re-  
15   sale.

16          (16)   VEHICLE IDENTIFICATION NUMBER.—The  
17   term “vehicle identification number” means the 17-  
18   character number used by the automobile industry  
19   to identify individual automobiles.

20   **SEC. 3. EXPEDITED CONSIDERATION OF AMERICAN RECOV-**  
21                                   **ERY AND REINVESTMENT ACT RESCISSIONS.**

22          (a)   PROPOSED RESCISSION OF DISCRETIONARY  
23   BUDGET AUTHORITY.—The President may propose, at  
24   the time and in the manner provided in subsection (b),  
25   the rescission of any discretionary budget authority pro-

1 vided under the American Recovery and Reinvestment Act  
2 (Public Law 111–5).

3 (b) TRANSMITTAL OF SPECIAL MESSAGE.—(1) Not  
4 later than 15 days after the date of the enactment of this  
5 Act, the President may—

6 (A) transmit to Congress a special message pro-  
7 posing to rescind amounts of discretionary budget  
8 authority provided in the American Recovery and  
9 Reinvestment Act; and

10 (B) include with the special message described  
11 in subparagraph (A) a draft bill or joint resolution  
12 that, if enacted, would only rescind that discre-  
13 tionary budget authority.

14 (2) If an Act includes accounts within the jurisdiction  
15 of more than 1 subcommittee of the Committee on Appro-  
16 priations, the President, in proposing to rescind discre-  
17 tionary budget authority under this section, shall send a  
18 separate special message and accompanying draft bill or  
19 joint resolution for accounts within the jurisdiction of each  
20 such subcommittee.

21 (3) Each special message transmitted to Congress  
22 under this subsection shall specify, with respect to the dis-  
23 cretionary budget authority proposed to be rescinded—

24 (A) the amount of budget authority proposed to  
25 be rescinded or which is to be so reserved;

1           (B) any account, department, or establishment  
2           of the Government to which such budget authority  
3           is available for obligation, and the specific project or  
4           governmental functions involved;

5           (C) the reasons why the budget authority  
6           should be rescinded or is to be so reserved;

7           (D) to the maximum extent practicable, the es-  
8           timated fiscal, economic, and budgetary effect of the  
9           proposed rescission or of the reservation; and

10          (E) all facts, circumstances, and considerations  
11          relating to or bearing upon the proposed rescission  
12          or the reservation and the decision to effect the pro-  
13          posed rescission or the reservation, and to the max-  
14          imum extent practicable, the estimated effect of the  
15          proposed rescission or the reservation upon the ob-  
16          jects, purposes, and programs for which the budget  
17          authority is provided.

18          (c) LIMITATION ON AMOUNTS SUBJECT TO RESCIS-  
19          SION.—The amount of discretionary budget authority the  
20          President may propose to rescind in a special message  
21          under this section for a particular program, project, or  
22          activity may not exceed \$4,000,000,000.

23          (d) PROCEDURES FOR EXPEDITED CONSIDER-  
24          ATION.—(1)(A) Before the close of the second day of con-  
25          tinuous session of the applicable House of Congress after

1 the date of receipt of a special message transmitted to  
2 Congress under subsection (b), the majority leader or mi-  
3 nority leader of the House of Congress in which the Act  
4 involved originated shall introduce (by request) the draft  
5 bill or joint resolution accompanying that special message.  
6 If the bill or joint resolution is not introduced by the third  
7 day of continuous session of that House after the date  
8 of receipt of that special message, any Member of that  
9 House may introduce the bill or joint resolution.

10 (B) A bill or joint resolution introduced pursuant to  
11 subparagraph (A) shall be referred to the Committee on  
12 Appropriations of the House in which it is introduced. The  
13 bill or joint resolution shall be voted on not later than the  
14 seventh day of continuous session of that House after the  
15 date of receipt of that special message. If the Committee  
16 on Appropriations fails to vote on the bill or joint resolu-  
17 tion within that period, that committee shall be automati-  
18 cally discharged from consideration of the bill or joint res-  
19 olution, and the bill or joint resolution shall be placed on  
20 the appropriate calendar.

21 (C) A vote on final passage of a bill or joint resolution  
22 introduced pursuant to subparagraph (A) shall be taken  
23 in that House on or before the close of the 10th calendar  
24 day of continuous session of that House after the date  
25 of the introduction of the bill or joint resolution in that



1 House, except in cases in which the Committee on Appro-  
2 priations has considered and voted against discharging the  
3 bill or joint resolution for further consideration. If the bill  
4 or joint resolution is agreed to, the Clerk of the House  
5 of Representatives (in the case of a bill or joint resolution  
6 agreed to in the House of Representatives) or the Sec-  
7 retary of the Senate (in the case of a bill or joint resolu-  
8 tion agreed to in the Senate) shall cause the bill or joint  
9 resolution to be engrossed, certified, and transmitted to  
10 the other House of Congress on the same calendar day  
11 on which the bill or joint resolution is agreed to.

12       (2)(A) A bill or joint resolution transmitted to the  
13 Senate or the House of Representatives pursuant to para-  
14 graph (1)(C) shall be referred to the Committee on Appro-  
15 priations of that House. The bill or joint resolution shall  
16 be voted on not later than the seventh day of continuous  
17 session of that House after it receives the bill or joint reso-  
18 lution. A committee failing to vote on the bill or joint reso-  
19 lution within such period shall be automatically discharged  
20 from consideration of the bill or joint resolution, and the  
21 bill or joint resolution shall be placed upon the appropriate  
22 calendar.

23       (B) A vote on final passage of a bill or joint resolu-  
24 tion transmitted to that House shall be taken on or before  
25 the close of the 10th calendar day of continuous session

1 of that House after the date on which the bill or joint  
2 resolution is transmitted, except in cases in which the  
3 Committee on Appropriations has considered and voted  
4 against discharging the bill or joint resolution for further  
5 consideration. If the bill or joint resolution is agreed to  
6 in that House, the Clerk of the House of Representatives  
7 (in the case of a bill or joint resolution agreed to in the  
8 House of Representatives) or the Secretary of the Senate  
9 (in the case of a bill or joint resolution agreed to in the  
10 Senate) shall cause the engrossed bill or joint resolution  
11 to be returned to the House in which the bill or joint reso-  
12 lution originated.

13       (3)(A) A motion in the House of Representatives to  
14 proceed to the consideration of a bill or joint resolution  
15 under this section shall be highly privileged and not debat-  
16 able. An amendment to the motion and a motion to recon-  
17 sider the vote by which the motion is agreed to or dis-  
18 agreed to shall not be in order.

19       (B) Debate in the House of Representatives on a bill  
20 or joint resolution under this section shall not exceed 4  
21 hours, which shall be divided equally between those favor-  
22 ing and those opposing the bill or joint resolution. A mo-  
23 tion further to limit debate shall not be debatable. It shall  
24 not be in order to move to recommit a bill or joint resolu-  
25 tion under this section or to move to reconsider the vote

1 by which the bill or joint resolution is agreed to or dis-  
2 agreed to.

3 (C) Appeals from decisions of the Chair relating to  
4 the application of the Rules of the House of Representa-  
5 tives to the procedure relating to a bill or joint resolution  
6 under this section shall be decided without debate.

7 (D) Except to the extent specifically provided in the  
8 preceding provisions of this subsection, consideration of a  
9 bill or joint resolution under this section shall be governed  
10 by the Rules of the House of Representatives.

11 (4)(A) A motion in the Senate to proceed to the con-  
12 sideration of a bill or joint resolution under this section  
13 shall be privileged and not debatable. An amendment to  
14 the motion and a motion to reconsider the vote by which  
15 the motion is agreed to or disagreed to shall not be in  
16 order.

17 (B) Debate in the Senate on a bill or joint resolution  
18 under this section, and all debatable motions and appeals  
19 in connection to such bill or joint resolution, shall not ex-  
20 ceed 10 hours. The time shall be equally divided between,  
21 and controlled by, the majority leader and the minority  
22 leader or their designees.

23 (C) Debate in the Senate on any debatable motion  
24 or appeal in connection with a bill or joint resolution under  
25 this section shall be limited to not more than 1 hour, to

1 be equally divided between, and controlled by, the mover  
2 and the manager of the bill or joint resolution, except that  
3 in the event the manager of the bill or joint resolution  
4 is in favor of any such motion or appeal, the time in oppo-  
5 sition to such motion or appeal shall be controlled by the  
6 minority leader or his designee. Either such leader may,  
7 from time under their control on the passage of a bill or  
8 joint resolution, allot additional time to any Senator dur-  
9 ing the consideration of any debatable motion or appeal.

10 (D) A motion in the Senate to further limit debate  
11 on a bill or joint resolution under this section is not debat-  
12 able. A motion to recommit a bill or joint resolution under  
13 this section is not in order.

14 (e) AMENDMENTS PROHIBITED.—No amendment to  
15 a bill or joint resolution considered under this section shall  
16 be in order in the Senate or the House of Representatives.  
17 No motion to suspend the application of this subsection  
18 shall be in order in either House, nor shall it be in order  
19 in either House to suspend the application of this sub-  
20 section by unanimous consent.

21 (f) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-  
22 GATION.—Any amount of discretionary budget authority  
23 proposed to be rescinded in a special message transmitted  
24 to Congress under subsection (b) shall be made available  
25 for obligation on the day after the date on which either

1 House defeats the bill or joint resolution transmitted with  
2 that special message.

3 (g) DEFINITIONS.—For purposes of this section—

4 (1) continuity of a session of either House of  
5 Congress shall be considered as broken only by an  
6 adjournment of that House sine die, and the days on  
7 which that House is not in session because of an ad-  
8 journment of more than 3 days to a date certain  
9 shall be excluded in the computation of any period;  
10 and

11 (2) the term “discretionary budget authority”  
12 means the dollar amount of discretionary budget au-  
13 thority and obligation limitations—

14 (A) specified in the American Recovery  
15 and Reinvestment Act (Public Law 111–5), or  
16 the dollar amount of budget authority required  
17 to be allocated by a specific proviso in an ap-  
18 propriation law for which a specific dollar figure  
19 was not included;

20 (B) represented separately in any table,  
21 chart, or explanatory text included in the state-  
22 ment of managers or the governing committee  
23 report accompanying such law;

24 (C) required to be allocated for a specific  
25 program, project, or activity in a law (other

1 than an appropriation law) that mandates obli-  
2 gations from or within accounts, programs,  
3 projects, or activities for which budget authority  
4 or an obligation limitation is provided in an ap-  
5 propriation law;

6 (D) represented by the product of the esti-  
7 mated procurement cost and the total quantity  
8 of items specified in an appropriation law or in-  
9 cluded in the statement of managers or the gov-  
10 erning committee report accompanying such  
11 law; or

12 (E) represented by the product of the esti-  
13 mated procurement cost and the total quantity  
14 of items required to be provided in a law (other  
15 than an appropriation law) that mandates obli-  
16 gations from accounts, programs, projects, or  
17 activities for which dollar amount of discre-  
18 tionary budget authority or an obligation limita-  
19 tion is provided in an appropriation law.

20 (h) CONFORMING AMENDMENT.—Section 1014(e)(1)  
21 of the Congressional Budget and Impoundment Control  
22 Act of 1974 (2 U.S.C. 685(e)(1)) is amended—

23 (1) in subparagraphs (A) and (B), by striking  
24 “he” each place such term appears and inserting  
25 “the President”;

1           (2) in subparagraph (A), by striking “and” at  
2           the end;

3           (3) by redesignating subparagraph (B) as sub-  
4           paragraph (C); and

5           (4) by inserting after subparagraph (A) the fol-  
6           lowing:

7                   “(B) the President has transmitted a spe-  
8                   cial message under section 3 of the Short Term  
9                   Accelerated Retirement of Inefficient Vehicles  
10                  Act of 2009 with respect to a proposed rescis-  
11                  sion; and”.

12 **SEC. 4. SUNSET PROVISION.**

13           Section 3 shall be repealed on the date on which regu-  
14           lations are promulgated under section 2(d).

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