

5100.13a BUDGET EXECUTION - RESCISSIONS AND DEFERRALS

DOE-5100.13A BUDGET EXECUTION - RESCISSIONS AND DEFERRALS  
DOE-5100.13

U.S. Department of Energy  
Washington, D.C.

ORDER  
DOE 5100.13A  
5-18-92

SUBJECT: BUDGET EXECUTION - RESCISSIONS AND DEFERRALS

1. PURPOSE. To describe the procedures by which the Department of Energy (DOE) processes rescissions and deferrals.
2. CANCELLATION. DOE 5100.13, BUDGET EXECUTION - RESCISSIONS AND DEFERRALS, of 3-20-84.
3. REFERENCES.
  - a. Title 31 U.S.C., section 1512, which limits the circumstances under which reserves can be established by the Department.
  - b. Title X of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), of which the following sections are specifically important:
    - (1) Section 1002, which amends the Anti-Deficiency Act to limit the circumstances under which reserves can be established:  
"solely to provide for contingencies, or to effect savings."
    - (2) Section 1012, which establishes the circumstances under which a rescission may be proposed and possible Congressional action pursuant to such a proposal.
    - (3) Section 1013, which establishes reporting requirements and outlines possible Congressional action on deferrals.
    - (4) Sections 1014 and 1015, which legislate reporting requirements in addition to those contained in sections 1012 and 1013.
    - (5) Section 1016, which empowers the Comptroller General to bring civil action when required to make budget authority available pursuant to Congressional action or inaction which necessitates their release.

- c. Office of Management and Budget (OMB) Bulletin 75-15, "Impoundment Control Act of 1974," which provides detailed information on the provisions of the Impoundment Control Act of 1974 (Title X of Public Law 93-344) and guidance on agency preparation of apportionment requests, reappropriation requests and special and supplementary messages on proposed rescissions and deferrals.
- d. OMB Circular A-34, "Instructions on Budget Execution," which describes the preparation and submission of agency apportionment and reappropriation requests.

#### 4. DEFINITIONS.

- a. Deferral. Any action or inaction by an officer or employee of the United States Government which temporarily withholds, delays, or effectively precludes the obligation or expenditure of budget authority. Deferrals consist of amounts reserved for contingencies pursuant to section 1512 of Title 31 U.S.C., as amended, and amounts temporarily withheld through the apportionment process for other reasons pursuant to the Congressional Budget and Impoundment Act (31 U.S.C. 1403).
- b. Rescission. Enacted legislation cancelling budget authority, previously provided by Congress, prior to the time when the authority would otherwise lapse and no longer be available for obligation. Budget authority which is proposed for rescission is not available for obligation or for reprogramming purposes.

#### 5. BACKGROUND.

- a. Rescission actions may be proposed by either OMB or DOE. The rescission provides a mechanism to cancel budget authority under any of the following circumstances:
  - (1) The President determines that all or part of any budget authority is not required to carry out the full objective or scope of programs for which it was provided;
  - (2) The President determines that budget authority should be rescinded for fiscal policy reasons; or
  - (3) All or part of any budget authority due to expire at the end of the fiscal year is to be reserved for the entire fiscal year.

- b. Deferrals may be initiated by either OMB or DOE to provide for contingencies or to effect savings. There are two types of deferrals: those which require an adjustment to be made through the apportionment process and those which do not. The latter type, referred to as agency deferrals, consists of those actions that result from Presidential or Departmental level policy decisions to obligate funds for a specific purpose or project at a pace significantly slower than intended by Congress. Agency deferrals are reported to OMB in accordance with the procedures for those deferrals requiring a reapportionment.

## 6. RESPONSIBILITIES.

- a. Secretarial Officers shall submit proposed rescissions and deferrals to the Chief Financial Officer.
- b. The Chief Financial Officer (CFO) is responsible for:
  - (1) Concurring in all Agency deferrals initiated by DOE. Those of a sensitive political nature will be brought to the attention of the Secretary, as necessary.
  - (2) Monitoring all Agency deferrals after they are reported to OMB.
  - (3) Preparing and submitting to OMB the apportionment or reapportionment request reflecting the proposed rescission or deferral.
- c. All proposed rescissions and deferrals requiring Congressional action must be approved by the Secretary or designee prior to the transmittal of the requests to OMB.

- 7. TIMING. Rescissions and deferrals can be proposed at any time during the fiscal year; however, as the fourth quarter of the current fiscal year approaches, the Department reviews all deferrals to assure that amounts deferred for only a portion of the year will be released in time to be used by the end of the year. This is particularly true in the case of funds for which availability for obligation expires at the end of the fiscal year; e.g., annual appropriations. If a determination is made that deferred funds are no longer required for their original purpose, a rescission should be proposed prior to the beginning of the fourth quarter. Only in exceptional cases will rescissions be proposed during the fourth quarter. This is to assure that funds released for obligation can be used by the end of the year.

8. GENERAL. All requests to OMB for deferrals and rescissions must be accompanied by a completed OMB Form "Proposed Rescission of Budget Authority" (Attachment 1) or OMB Form "Deferral of Budget Authority" (Attachment 2) as appropriate. The information contained in these forms must provide the reasons for, and anticipated effect of, the proposed action. This request must be submitted regardless of whether the action affects the apportionment process. OMB may suggest significant changes in Departmental proposals or may propose deferral or rescission actions on its own initiative. Such changes or proposals are discussed with the affected Department and the rescission and deferral reports on them are developed accordingly.

#### 9. PROCESSING PROPOSED RESCISSION OR DEFERRAL REQUESTS.

- a. After it has been determined by DOE or OMB that a rescission or deferral is warranted, the program organization responsible for the affected program initiates a request by:
  - (1) Completing OMB Form "Deferral of Budget Authority" (Attachment 1) or OMB Form "Proposed Rescission of Budget Authority" (Attachment 2) as appropriate. Detailed instructions for completing OMB Form "Proposed Rescission of Budget Authority", and OMB Form "Deferral of Budget Authority" are contained in Attachments B and C of OMB Bulletin 75-15. The Office of Budget will provide guidance, as necessary. Forms are available in the Budget Execution Branch (CR-131).
  - (2) Drafting a letter of transmittal to OMB.
  - (3) Submitting the appropriate Approved Funding Program (AFP) changes to the Office of Budget, which will effect the appropriate allotment reduction.
- b. Upon receipt of the request, the Office of Budget determines whether the deferral requires adjustment to an apportionment. Agency deferrals do not require reapportionment. All proposed rescissions require adjustment to an apportionment. If the proposed rescission or deferral requires adjustment to an apportionment, the Office of Budget will complete the SF 132, "Request for Apportionment/Reapportionment". The amount being requested for rescission or deferral is placed in line 9 or 10, as appropriate, under the column title "Agency Request." The amounts proposed for or deferral are withheld from obligation during the time the request is being considered in order to assure the availability of the funds once action on the deferral or rescission

is finalized. The dollar amount being deferred or proposed for rescission will be placed in reserve by the Office of Budget within the AFP providing the source of funds, and the AFP and allotment will be revised accordingly.

**10. CONGRESSIONAL APPROVAL.** Proposed rescissions and deferrals of budget authority must be reported to Congress by the President in a special message.

- a. Rescissions. Affirmative action by Congress in the form of an enacted rescission bill must be completed to rescind funds. If both Houses have not completed action on the bill within 45 calendar days of continuous session, the funds proposed for rescission must be made available for obligation. The Department must initiate reapportionment action promptly upon expiration of the time period. If Congress rescinds an amount different than the amount originally proposed, the reapportionment action must reflect release of only that portion not rescinded by Congress. If Congress proposes an increase in the amount to be rescinded, the reapportionment will reflect the additional amount.
- b. Deferrals. If Congress has disapproved a deferral, the Department is responsible for assuring that funds are released promptly. If no action is taken by Congress, the deferral may remain in effect until the end of the fiscal year. At the beginning of the new fiscal year, those funds will become available for obligation.

**11. RELEASE OF FUNDS DEFERRED OR PROPOSED FOR RESCISSION.** Release of funds

deferred or propose for rescission through the apportionment process can only be accomplished by submission of a reapportionment request to OMB. Following reapportionment action by OMB to make the funds available for obligation, the cognizant program organization must request an AFP change to release the funds from the reserve.

**BY ORDER OF THE SECRETARY OF ENERGY:**

Donald W. Pearman, Jr.  
Acting Director  
Administration and Human  
Resource Management

DOE-5100.13A/A1

ATTACHMENT 1 - PROPOSED RESCISSION OF BUDGET AUTHORITY

ISSUE DATE: 05-18-92

LAST CHANGE:

CHANGE DATE:

DOE-5100.13A    BUDGET EXECUTION - RESCISSIONS AND DEFERRALS  
DOE-5100.13

\*\*\*\* DATABASE NOTE:

ATTACHMENT OF ATTACHMENT 1 - PROPOSED RESCISSION OF BUDGET  
AUTHORITY

(PAGE 1 AND 2) IS NOT INCLUDED IN DATABASE, DUE TO ITS FORMAT.

DOE-5100.13A/A2

ATTACHMENT 2 - DEFERRAL OF BUDGET AUTHORITY

ISSUE DATE: 05-18-92

LAST CHANGE:

CHANGE DATE:

DOE-5100.13A    BUDGET EXECUTION - RESCISSIONS AND DEFERRALS  
DOE-5100.13

\*\*\*\* DATABASE NOTE:

ATTACHMENT OF ATTACHMENT 2 - DEFERRAL OF BUDGET AUTHORITY  
(PAGE 1 AND 2) IS NOT INCLUDED IN DATABASE, DUE TO ITS FORMAT.