

111TH CONGRESS  
1ST SESSION

# S. 640

To provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

---

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2009

Mr. GREGG (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on the Budget

---

## A BILL

To provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

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 “Second Look at Waste-  
5 ful Spending Act of 2009”.

6 **SEC. 2. ENHANCED RESCISSION AUTHORITY.**

7 (a) IN GENERAL.—Title X of the Congressional  
8 Budget and Impoundment Control Act of 1974 (2 U.S.C.  
9 621 et seq.) is amended by striking part C and inserting  
10 the following:

1   **“PART C—ENHANCED RESCISSION AUTHORITY**  
2   **“SEC. 1021. EXPEDITED CONSIDERATION OF CERTAIN PRO-**  
3                   **POSED RESCISSIONS.**

4           “(a) PROPOSED RESCISSIONS.—The President may  
5 send a special message, at the time and in the manner  
6 provided in subsection (b), that proposes to rescind dollar  
7 amounts of discretionary budget authority, items of direct  
8 spending, and targeted tax benefits.

9           “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

10                   “(1) SPECIAL MESSAGE.—

11                           “(A) IN GENERAL.—

12                                   “(i) FOUR MESSAGES.—The President  
13 may transmit to Congress not to exceed 4  
14 special messages per calendar year, pro-  
15 posing to rescind dollar amounts of discre-  
16 tionary budget authority, items of direct  
17 spending, and targeted tax benefits.

18                                   “(ii) TIMING.—Special messages may  
19 be transmitted under clause (i)—

20   “(I) with the President’s budget  
21 submitted pursuant to section 1105 of  
22 title 31, United States Code; and

23   “(II) 3 other times as determined  
24 by the President.

25                                   “(iii) LIMITATIONS.—

1           “(I) IN GENERAL.—Special mes-  
2           sages shall be submitted within 1 cal-  
3           endar year of the date of enactment of  
4           any dollar amount of discretionary  
5           budget authority, item of direct  
6           spending, or targeted tax benefit the  
7           President proposes to rescind pursu-  
8           ant to this Act.

9           “(II) RESUBMITTAL RE-  
10          JECTED.—If Congress rejects a bill  
11          introduced under this part, the Presi-  
12          dent may not resubmit any of the dol-  
13          lar amounts of discretionary budget  
14          authority, items of direct spending, or  
15          targeted tax benefits in that bill under  
16          this part, or part B with respect to  
17          dollar amounts of discretionary budg-  
18          et authority.

19          “(III) RESUBMITTAL AFTER SINE  
20          DIE.—If Congress does not complete  
21          action on a bill introduced under this  
22          part because Congress adjourns sine  
23          die, the President may resubmit some  
24          or all of the dollar amounts of discre-  
25          tionary budget authority, items of di-

1           rect spending, and targeted tax bene-  
2           fits in that bill in not more than 1  
3           subsequent special message under this  
4           part, or part B with respect to dollar  
5           amounts of discretionary budget au-  
6           thority.

7           “(B) CONTENTS OF SPECIAL MESSAGE.—  
8           Each special message shall specify, with respect  
9           to the dollar amount of discretionary budget au-  
10          thority, item of direct spending, or targeted tax  
11          benefit proposed to be rescinded—

12                 “(i) the dollar amount of discretionary  
13                 budget authority available and proposed  
14                 for rescission from accounts, departments,  
15                 or establishments of the government and  
16                 the dollar amount of the reduction in out-  
17                 lays that would result from the enactment  
18                 of such rescission of discretionary budget  
19                 authority for the time periods set forth in  
20                 clause (iii);

21                 “(ii) the specific items of direct spend-  
22                 ing and targeted tax benefits proposed for  
23                 rescission and the dollar amounts of the  
24                 reductions in budget authority and outlays  
25                 or increases in receipts that would result

1 from enactment of such rescission for the  
2 time periods set forth in clause (iii);

3 “(iii) the budgetary effects of pro-  
4 posals for rescission, estimated as of the  
5 date the President submits the special  
6 message, relative to the most recent levels  
7 calculated consistent with the methodology  
8 described in section 257 of the Balanced  
9 Budget and Emergency Deficit Control Act  
10 of 1985 and included with a budget sub-  
11 mission under section 1105(a) of title 31,  
12 United States Code, for the time periods  
13 of—

14 “(I) the fiscal year in which the  
15 proposal is submitted; and

16 “(II) each of the 10 following fis-  
17 cal years beginning with the fiscal  
18 year after the fiscal year in which the  
19 proposal is submitted;

20 “(iv) any account, department, or es-  
21 tablishment of the Government to which  
22 such dollar amount of discretionary budget  
23 authority or item of direct spending is  
24 available for obligation, and the specific  
25 project or governmental functions involved;

1           “(v) the reasons why such dollar  
2 amount of discretionary budget authority  
3 or item of direct spending or targeted tax  
4 benefit should be rescinded;

5           “(vi) the estimated fiscal and eco-  
6 nomic impacts, of the proposed rescission;

7           “(vii) to the maximum extent prac-  
8 ticable, all facts, circumstances, and con-  
9 siderations relating to or bearing upon the  
10 proposed rescission and the decision to ef-  
11 fect the proposed rescission, and the esti-  
12 mated effect of the proposed rescission  
13 upon the objects, purposes, and programs  
14 for which the budget authority or items of  
15 direct spending or targeted tax benefits are  
16 provided; and

17           “(viii) a draft bill that, if enacted,  
18 would rescind the budget authority, items  
19 of direct spending and targeted tax bene-  
20 fits proposed to be rescinded in that spe-  
21 cial message.

22           “(2) ANALYSIS BY CONGRESSIONAL BUDGET  
23 OFFICE AND JOINT COMMITTEE ON TAXATION.—

24           “(A) IN GENERAL.—Upon the receipt of a  
25 special message under this part proposing to re-

1           scind dollar amounts of discretionary budget  
2           authority, items of direct spending, and tar-  
3           geted tax benefits—

4                   “(i) the Director of the Congressional  
5           Budget Office shall prepare an estimate of  
6           the savings in budget authority or outlays  
7           resulting from such proposed rescission  
8           and shall include in its estimate, an anal-  
9           ysis prepared by the Joint Committee on  
10          Taxation related to targeted tax benefits;  
11          and

12                   “(ii) the Director of the Joint Com-  
13          mittee on Taxation shall prepare an esti-  
14          mate and forward such estimate to the  
15          Congressional Budget Office, of the sav-  
16          ings from repeal of targeted tax benefits.

17                   “(B) METHODOLOGY.—The estimates re-  
18          quired by subparagraph (A) shall be made rel-  
19          ative to the most recent levels calculated con-  
20          sistent with the methodology used to calculate  
21          a baseline under section 257 of the Balanced  
22          Budget and Emergency Control Act of 1985  
23          and included with a budget submission under  
24          section 1105(a) of title 31, United States Code,  
25          and transmitted to the chairmen of the Com-

1           mittees on the Budget of the House of Rep-  
2           resentatives and Senate.

3           “(3) ENACTMENT OF RESCISSION BILL.—

4                   “(A) DEFICIT REDUCTION.—Amounts of  
5           budget authority or items of direct spending or  
6           targeted tax benefit that are rescinded pursuant  
7           to enactment of a bill as provided under this  
8           part shall be dedicated only to deficit reduction  
9           and shall not be used as an offset for other  
10          spending increases or revenue reductions.

11                   “(B) ADJUSTMENT OF BUDGET TAR-  
12          GETS.—Not later than 5 days after the date of  
13          enactment of a rescission bill as provided under  
14          this part, the chairs of the Committees on the  
15          Budget of the Senate and the House of Rep-  
16          resentatives shall revise spending and revenue  
17          levels under section 311(a) of the Congressional  
18          Budget Act of 1974 and adjust the committee  
19          allocations under section 302(a) of the Congres-  
20          sional Budget Act of 1974 or any other adjust-  
21          ments as may be appropriate to reflect the re-  
22          scission. The adjustments shall reflect the  
23          budgetary effects of such rescissions as esti-  
24          mated by the President pursuant to paragraph  
25          (1)(B)(iii). The appropriate committees shall



1 report revised allocations pursuant to section  
2 302(b) of the Congressional Budget Act of  
3 1974. Notwithstanding any other provision of  
4 law, the revised allocations and aggregates shall  
5 be considered to have been made under a con-  
6 current resolution on the budget agreed to  
7 under the Congressional Budget Act of 1974  
8 and shall be enforced under the procedures of  
9 that Act.

10 “(C) ADJUSTMENTS TO CAPS.—After en-  
11 actment of a rescission bill as provided under  
12 this part, the President shall revise applicable  
13 limits under the Second Look at Wasteful  
14 Spending Act of 2009, as appropriate.

15 “(c) PROCEDURES FOR EXPEDITED CONSIDER-  
16 ATION.—

17 “(1) IN GENERAL.—

18 “(A) INTRODUCTION.—Before the close of  
19 the second day of session of the Senate and the  
20 House of Representatives, respectively, after the  
21 date of receipt of a special message transmitted  
22 to Congress under subsection (b), the majority  
23 leader of each House, for himself, or minority  
24 leader of each House, for himself, or a Member  
25 of that House designated by that majority lead-

1 er or minority leader shall introduce (by re-  
2 quest) the President’s draft bill to rescind the  
3 amounts of budget authority or items of direct  
4 spending or targeted tax benefits, as specified  
5 in the special message and the President’s draft  
6 bill. If the bill is not introduced as provided in  
7 the preceding sentence in either House, then,  
8 on the third day of session of that House after  
9 the date of receipt of that special message, any  
10 Member of that House may introduce the bill.

11 “(B) REFERRAL AND REPORTING.—

12 “(i) ONE COMMITTEE.—The bill shall  
13 be referred by the presiding officer to the  
14 appropriate committee. The committee  
15 shall report the bill without any revision  
16 and with a favorable, an unfavorable, or  
17 without recommendation, not later than  
18 the fifth day of session of that House after  
19 the date of introduction of the bill in that  
20 House. If the committee fails to report the  
21 bill within that period, the committee shall  
22 be automatically discharged from consider-  
23 ation of the bill, and the bill shall be  
24 placed on the appropriate calendar.

25 “(ii) MULTIPLE COMMITTEES.—

1           “(I) REFERRALS.—If a bill con-  
2           tains provisions in the jurisdiction of  
3           more than 1 committee, the bill shall  
4           be jointly referred to the committees  
5           of jurisdiction and the Committee on  
6           the Budget.

7           “(II) VIEWS OF COMMITTEE.—  
8           Any committee, other than the Com-  
9           mittee on the Budget, to which a bill  
10          is referred under this clause may sub-  
11          mit a favorable, an unfavorable rec-  
12          ommendation, without recommenda-  
13          tion with respect to the bill to the  
14          Committee on the Budget prior to the  
15          reporting or discharge of the bill.

16          “(III) REPORTING.—The Com-  
17          mittee on the Budget shall report the  
18          bill not later than the fifth day of ses-  
19          sion of that House after the date of  
20          introduction of the bill in that House,  
21          without any revision and with a favor-  
22          able or unfavorable recommendation,  
23          or with no recommendation, together  
24          with the recommendations of any

1 committee to which the bill has been  
2 referred.

3 “(IV) DISCHARGE.—If the Com-  
4 mittee on the Budget fails to report  
5 the bill within that period, the com-  
6 mittee shall be automatically dis-  
7 charged from consideration of the bill,  
8 and the bill shall be placed on the ap-  
9 propriate calendar.

10 “(C) FINAL PASSAGE.—A vote on final  
11 passage of the bill shall be taken in the Senate  
12 and the House of Representatives on or before  
13 the close of the 10th day of session of that  
14 House after the date of the introduction of the  
15 bill in that House. If the bill is passed, the  
16 Clerk of the House of Representatives shall  
17 cause the bill to be transmitted to the Senate  
18 before the close of the next day of session of the  
19 House.

20 “(2) CONSIDERATION IN THE HOUSE OF REP-  
21 RESENTATIVES.—

22 “(A) MOTION TO PROCEED TO CONSIDER-  
23 ATION.—A motion in the House of Representa-  
24 tives to proceed to the consideration of a bill  
25 under this subsection shall be highly privileged

1 and not debatable. An amendment to the mo-  
2 tion shall not be in order, nor shall it be in  
3 order to move to reconsider the vote by which  
4 the motion is agreed to or disagreed to.

5 “(B) LIMITS ON DEBATE.—Debate in the  
6 House of Representatives on a bill under this  
7 subsection shall not exceed 4 hours, which shall  
8 be divided equally between those favoring and  
9 those opposing the bill. A motion further to  
10 limit debate shall not be debatable. It shall not  
11 be in order to move to recommit a bill under  
12 this subsection or to move to reconsider the  
13 vote by which the bill is agreed to or disagreed  
14 to.

15 “(C) APPEALS.—Appeals from decisions of  
16 the chair relating to the application of the  
17 Rules of the House of Representatives to the  
18 procedure relating to a bill under this part shall  
19 be decided without debate.

20 “(D) APPLICATION OF HOUSE RULES.—  
21 Except to the extent specifically provided in this  
22 part, consideration of a bill under this part  
23 shall be governed by the Rules of the House of  
24 Representatives. It shall not be in order in the  
25 House of Representatives to consider any bill

1 introduced pursuant to the provisions of this  
2 part under a suspension of the rules or under  
3 a special rule.

4 “(3) CONSIDERATION IN THE SENATE.—

5 “(A) MOTION TO PROCEED TO CONSIDER-  
6 ATION.—A motion to proceed to the consider-  
7 ation of a bill under this subsection in the Sen-  
8 ate shall not be debatable. A motion to proceed  
9 to consideration of the bill may be made even  
10 though a previous motion to the same effect has  
11 been disagreed to. It shall not be in order to  
12 move to reconsider the vote by which the mo-  
13 tion to proceed is agreed to or disagreed to.

14 “(B) LIMITS ON CONSIDERATION.—Con-  
15 sideration in the Senate of a bill under this sub-  
16 section, and all debatable motions and appeals  
17 in connection therewith, shall not exceed a total  
18 of 10 hours, equally divided and controlled in  
19 the usual form.

20 “(C) DEBATABLE MOTIONS AND AP-  
21 PEALS.—Debate in the Senate on any debatable  
22 motion or appeal in connection with a bill under  
23 this subsection shall be limited to not more  
24 than 1 hour from the time allotted for debate,

1 to be equally divided and controlled in the usual  
2 form.

3 “(D) MOTION TO LIMIT DEBATE.—A mo-  
4 tion in the Senate to further limit debate on a  
5 bill under this subsection is not debatable.

6 “(E) MOTION TO RECOMMIT.—A motion to  
7 recommit a bill under this subsection is not in  
8 order.

9 “(F) CONSIDERATION OF THE HOUSE  
10 BILL.—

11 “(i) IN GENERAL.—If the Senate has  
12 received the House companion bill to the  
13 bill introduced in the Senate prior to the  
14 vote required under paragraph (1)(C), and  
15 the House has not amended the bill, then  
16 the Senate shall consider the Senate bill,  
17 and if the Senate has not amended it’s bill,  
18 the vote under paragraph (1)(C) shall  
19 occur on, the House companion bill.

20 “(ii) PROCEDURE AFTER VOTE ON  
21 SENATE BILL.—If the Senate votes, pursu-  
22 ant to paragraph (1)(C), on the bill intro-  
23 duced in the Senate without amendment,  
24 the Senate bill shall be held pending re-  
25 ceipt of the House message on the bill.

1           Upon receipt of the House companion bill,  
2           if the House bill is not amended by the  
3           House, the House bill shall be deemed to  
4           be considered, read for the third time, and  
5           the vote on passage of the Senate bill shall  
6           be considered to be the vote on the bill re-  
7           ceived from the House.

8           “(4) CONFERENCE.—

9           “(A) PROCEEDING TO CONFERENCE.—If,  
10          after a bill is agreed to in the Senate and  
11          House of Representatives, the bill has been  
12          amended by either chamber, the bill shall be  
13          deemed to be at a stage of disagreement and  
14          motions to proceed to conference are deemed to  
15          be agreed to. There shall be no motions to in-  
16          struct. The Senate and the House of Represent-  
17          atives shall appoint conferees not later than 1  
18          day of session after the vote of the second  
19          House under paragraph (1)(C).

20          “(B) PERIOD OF CONSIDERATION.—A con-  
21          ference report on a bill considered under this  
22          section shall be reported out not later than 3  
23          days of session after the vote of the second  
24          House under paragraph (1)(C). If the 2 Houses  
25          are unable to agree in conference, the com-



1           mittee on conference shall report out the text of  
2           the President's original bill.

3           “(C) SCOPE OF CONFERENCE.—The mat-  
4           ter committed to conference for purposes of  
5           scope of conference shall be limited to the mat-  
6           ter stricken from the text of the bills passed by  
7           the Senate and the House of Representatives.  
8           The conferees shall only report recommenda-  
9           tions to strike or retain any of the provisions  
10          stricken by either chamber.

11          “(D) PROCEDURE.—Consideration on a  
12          conference report on any bill considered under  
13          this section shall be limited to 2 hours equally  
14          divided between the manager of the conference  
15          report and the minority leader, or his designee.

16          “(E) FINAL PASSAGE.—A vote on final  
17          passage of the conference report shall be taken  
18          in the House of Representatives on or before  
19          the close of the 2nd day of session after the  
20          date the conference report is submitted. If the  
21          conference report is passed, the Clerk of the  
22          House of Representatives shall cause the con-  
23          ference report to be transmitted to the Senate  
24          before the close of the next day of session.

1           “(F) ACTION OF THE SENATE.—A vote on  
2           final passage of the conference report shall be  
3           taken in the Senate on or before the close of  
4           the 2nd day of session after the date the con-  
5           ference report is received from the House.

6           “(d) AMENDMENTS AND DIVISIONS PROHIBITED.—

7           “(1) IN GENERAL.—Except as provided in para-  
8           graph (2), no amendment to a bill considered under  
9           this section shall be in order in either the Senate or  
10          the House of Representatives.

11          “(2) MOTION TO STRIKE.—

12           “(A) SENATE.—During consideration of a  
13           bill in the Senate, any Member of the Senate  
14           may move to strike any proposed rescission of  
15           a dollar amount of discretionary budget author-  
16           ity, an item of direct spending, or a targeted  
17           tax benefit if supported by 11 other Members.

18           “(B) HOUSE.—During consideration of a  
19           bill in the House of Representatives, any Mem-  
20           ber of the House of Representatives may move  
21           to strike any proposed rescission of a dollar  
22           amount of discretionary budget authority, an  
23           item of direct spending, or a targeted tax ben-  
24           efit if supported by 49 other Members.

1           “(3) NO DIVISION.—It shall not be in order to  
2 demand a division of any motions to strike in the  
3 Senate, or the division of the question in the House  
4 of Representatives (or in a Committee of the Whole).

5           “(4) NO SUSPENSION.—No motion to suspend  
6 the application of this subsection shall be in order  
7 in the Senate or in the House of Representatives,  
8 nor shall it be in order in the House of Representa-  
9 tives to suspend the application of this subsection by  
10 unanimous consent.

11          “(e) TEMPORARY PRESIDENTIAL AUTHORITY TO  
12 WITHHOLD.—

13           “(1) AVAILABILITY.—The President may not  
14 withhold any dollar amount of discretionary budget  
15 authority until the President transmits and Congress  
16 receives a special message pursuant to subsection  
17 (b). Upon receipt by Congress of a special message  
18 pursuant to subsection (b), the President may direct  
19 that any dollar amount of discretionary budget au-  
20 thority proposed to be rescinded in that special mes-  
21 sages shall be withheld from obligation for a period  
22 not to exceed 45 calendar days from the date of re-  
23 ceipt by Congress.

24           “(2) EARLY AVAILABILITY.—The President  
25 may make any dollar amount of discretionary budget

1 authority withheld from obligation pursuant to para-  
2 graph (1) available at an earlier time if the Presi-  
3 dent determines that continued withholding would  
4 not further the purposes of this Act.

5 “(f) TEMPORARY PRESIDENTIAL AUTHORITY TO  
6 SUSPEND.—

7 “(1) SUSPEND.—

8 “(A) IN GENERAL.—The President may  
9 not suspend the execution of any item of direct  
10 spending or targeted tax benefit until the Presi-  
11 dent transmits and Congress receives a special  
12 message pursuant to subsection (b). Upon re-  
13 ceipt by Congress of a special message, the  
14 President may suspend the execution of any  
15 item of direct spending or targeted tax benefit  
16 proposed to be rescinded in that message for a  
17 period not to exceed 45 calendar days from the  
18 date of receipt by Congress.

19 “(B) LIMITATION ON 45-DAY PERIOD.—  
20 The 45-day period described in subparagraph  
21 (A) shall be reduced by the number of days  
22 contained in the period beginning on the effec-  
23 tive date of the item of direct spending or tar-  
24 geted tax benefit; and ending on the date that  
25 is the later of—

1           “(i) the effective date of the item of  
2           direct spending or targeted benefit; or

3           “(ii) the date that Congress receives  
4           the special message.

5           “(C)    CLARIFICATION.—Notwithstanding  
6           subparagraph (B), in the case of an item of di-  
7           rect spending or targeted tax benefit with an ef-  
8           fective date within 45 days after the date of en-  
9           actment, the beginning date of the period cal-  
10          culated under subparagraph (B) shall be the  
11          date that is 45 days after the date of enactment  
12          and the ending date shall be the date that is  
13          the later of—

14                 “(i) the date that is 45 days after en-  
15                 actment; or

16                 “(ii) the date that Congress receives  
17                 the special message.

18           “(2)   EARLY AVAILABILITY.—The President  
19           may terminate the suspension of any item of direct  
20           spending or targeted tax benefit suspended pursuant  
21           to paragraph (1) at an earlier time if the President  
22           determines that continuation of the suspension  
23           would not further the purposes of this Act.

24           “(g)   DEFINITIONS.—In this part:

1           “(1) APPROPRIATION LAW.—The term ‘appro-  
2           piation law’ means any general or special appro-  
3           piation Act, and any Act or joint resolution making  
4           supplemental, deficiency, or continuing appropria-  
5           tions.

6           “(2) CALENDAR DAY.—The term ‘calendar day’  
7           means a standard 24-hour period beginning at mid-  
8           night.

9           “(3) DAYS OF SESSION.—The term ‘days of  
10          session’ means only those days on which both  
11          Houses of Congress are in session.

12          “(4) DOLLAR AMOUNT OF DISCRETIONARY  
13          BUDGET AUTHORITY.—The term ‘dollar amount of  
14          discretionary budget authority’ means the dollar  
15          amount of budget authority and obligation limita-  
16          tions—

17                 “(A) specified in an appropriation law, or  
18                 the dollar amount of budget authority required  
19                 to be allocated by a specific proviso in an ap-  
20                 propriation law for which a specific dollar figure  
21                 was not included;

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

1           “(C) required to be allocated for a specific  
2 program, project, or activity in a law (other  
3 than an appropriation law) that mandates obli-  
4 gations from or within accounts, programs,  
5 projects, or activities for which budget authority  
6 or an obligation limitation is provided in an ap-  
7 propriation law;

8           “(D) represented by the product of the es-  
9 timated procurement cost and the total quantity  
10 of items specified in an appropriation law or in-  
11 cluded in the statement of managers or the gov-  
12 erning committee report accompanying such  
13 law; or

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

22           “(5) RESCIND OR RESCISSION.—The term ‘re-  
23 scind’ or ‘rescission’ means—

24           “(A) in the case of a dollar amount of dis-  
25 cretionary budget authority, to reduce or repeal

1 a provision of law to prevent that budget au-  
2 thority or obligation limitation from having  
3 legal force or effect; and

4 “(B) in the case of direct spending or tar-  
5 geted tax benefit, to repeal a provision of law  
6 in order to prevent the specific legal obligation  
7 of the United States from having legal force or  
8 effect.

9 “(6) DIRECT SPENDING.—The term ‘direct  
10 spending’ means budget authority provided by law  
11 (other than an appropriation law), mandatory spend-  
12 ing provided in appropriation Acts, and entitlement  
13 authority.

14 “(7) ITEM OF DIRECT SPENDING.—The term  
15 ‘item of direct spending’ means any specific provi-  
16 sion of law enacted after the effective date of the  
17 Second Look at Wasteful Spending Act of 2009 that  
18 is estimated to result in an increase in budget au-  
19 thority or outlays for direct spending relative to the  
20 most recent levels calculated consistent with the  
21 methodology described in section 257 of the Bal-  
22 anced Budget and Emergency Deficit Control Act of  
23 1985 and included with a budget submission under  
24 section 1105(a) of title 31, United States Code, and,  
25 with respect to estimates made after that budget



1 submission that are not included with it, estimates  
2 consistent with the economic and technical assump-  
3 tions underlying the most recently submitted Presi-  
4 dent’s budget.

5 “(8) SUSPEND THE EXECUTION.—The term  
6 ‘suspend the execution’ means, with respect to an  
7 item of direct spending or a targeted tax benefit, to  
8 stop the carrying into effect of the specific provision  
9 of law that provides such benefit.

10 “(9) TARGETED TAX BENEFIT.—The term ‘tar-  
11 geted tax benefit’ means—

12 “(A) any revenue provision that has the  
13 practical effect of providing more favorable tax  
14 treatment to a particular taxpayer or limited  
15 group of taxpayers when compared with other  
16 similarly situated taxpayers; or

17 “(B) any Federal tax provision which pro-  
18 vides one beneficiary temporary or permanent  
19 transition relief from a change to the Internal  
20 Revenue Code of 1986.”.

21 (b) EXERCISE OF RULEMAKING POWERS.—Section  
22 904 of the Congressional Budget Act of 1974 (2 U.S.C.  
23 621 note) is amended—

24 (1) in subsection (a), by striking “and 1017”  
25 and inserting “1017, and 1021”; and

1           (2) in subsection (d), by striking “section  
2           1017” and inserting “sections 1017 and 1021”.

3           (c) CLERICAL AMENDMENTS.—

4           (1) SHORT TITLE.—Section 1(a) of the Con-  
5           gressional Budget and Impoundment Control Act of  
6           1974 is amended by—

7                   (A) striking “Parts A and B” before “title  
8                   X” and inserting “Parts A, B, and C”; and

9                   (B) striking the last sentence and inserting  
10                  at the end the following new sentence: “Part C  
11                  of title X also may be cited as the ‘Second Look  
12                  at Wasteful Spending Act of 2009’.”.

13           (2) TABLE OF CONTENTS.—The table of con-  
14           tents set forth in section 1(b) of the Congressional  
15           Budget and Impoundment Control Act of 1974 is  
16           amended by deleting the contents for part C of title  
17           X and inserting the following:

                  “PART C—ENHANCED RESCISSION AUTHORITY

                  “Sec. 1021. Expedited consideration of certain proposed rescissions.”.

18           (d) SEVERABILITY.—If any provision of this Act or  
19           the amendments made by it is held to be unconstitutional,  
20           the remainder of this Act and the amendments made by  
21           it shall not be affected by the holding.

22           (e) EFFECTIVE DATE AND EXPIRATION.—

23           (1) EFFECTIVE DATE.—The amendments made  
24           by this Act shall—

1           (A) take effect on the date of enactment of  
2 this Act; and

3           (B) apply to any dollar amount of discre-  
4 tionary budget authority, item of direct spend-  
5 ing, or targeted tax benefit provided in an Act  
6 enacted on or after the date of enactment of  
7 this Act.

8           (2) EXPIRATION.—The amendments made by  
9 this Act shall expire on December 31, 2010.

○