

116TH CONGRESS  
2D SESSION

# S. 3267

To provide adequate information about excessive Federal spending, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2020

Ms. ERNST (for herself and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide adequate information about excessive Federal spending, and for other purposes.

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 “Making Americans  
5 Know about Excessive spending through Commonsense  
6 Efforts to Notice and Target Shenanigans Act” or the  
7 “MAKE CENTS Act”.

8 **SEC. 2. TABLE OF CONTENTS.**

9 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—BILLION DOLLAR BOONDOGGLES

Sec. 101. Annual report.

TITLE II—COST OPENNESS AND SPENDING TRANSPARENCY

Sec. 201. Disclosure requirements for recipients of Federal funds.

TITLE III—END-OF-YEAR FISCAL RESPONSIBILITY

Sec. 301. Definitions.

Sec. 302. Requirements for Executive agency spending at the end of a fiscal year.

TITLE IV—NO BUDGET, NO PAY

Sec. 401. Definition.

Sec. 402. Timely approval of concurrent resolution on the budget and the appropriations bills.

Sec. 403. No pay without concurrent resolution on the budget and the appropriations bills.

Sec. 404. Determinations.

Sec. 405. Effective date.

TITLE V—NO BUDGET, NO RECESS

Sec. 501. No budget, no recess.

Sec. 502. Completion of House action on regular appropriations bills.

1           **TITLE I—BILLION DOLLAR**  
2                           **BOONDOGGLES**

3   **SEC. 101. ANNUAL REPORT.**

4           (a) DEFINITIONS.—In this section—

5                   (1) the term “covered agency” means—

6                           (A) an Executive agency, as defined in sec-  
7                           tion 105 of title 5, United States Code; and

8                           (B) an independent regulatory agency, as  
9                           defined in section 3502 of title 44, United  
10                           States Code;

11                   (2) the term “covered project” means a project  
12                   funded by a covered agency—

1 (A) that is more than 5 years behind  
2 schedule; or

3 (B) for which the amount spent on the  
4 project is not less than \$1,000,000,000 more  
5 than the original cost estimate for the project;  
6 and

7 (3) the term “project” means a major acquisi-  
8 tion, a major defense acquisition program (as de-  
9 fined in section 2430 of title 10, United States  
10 Code), a procurement, a construction project, a re-  
11 mediation or clean-up effort, or any other time-lim-  
12 ited endeavor, that is not funded through direct  
13 spending (as defined in section 250(c) of the Bal-  
14 anced Budget and Emergency Deficit Control Act of  
15 1985 (2 U.S.C. 900(c)).

16 (b) REQUIREMENT.—Not later than 1 year after the  
17 date of enactment of this Act, the Director of the Office  
18 of Management and Budget shall issue guidance requiring  
19 covered agencies to include, on an annual basis in a report  
20 described in paragraph (2) of section 3516(a) of title 31,  
21 United States Code, or a consolidated report described in  
22 paragraph (1) of such section, information relating to each  
23 covered project of the covered agency, which shall in-  
24 clude—

1           (1) a brief description of the covered project,  
2 including—

3                   (A) the purpose of the covered project;

4                   (B) each location in which the covered  
5 project is carried out;

6                   (C) the contract or award number of the  
7 covered project, where applicable;

8                   (D) the year in which the covered project  
9 was initiated;

10                  (E) the Federal share of the total cost of  
11 the covered project; and

12                  (F) each primary contractor, subcon-  
13 tractor, grant recipient, and subgrantee recipi-  
14 ent of the covered project;

15           (2) an explanation of any change to the original  
16 scope of the covered project, including by the addi-  
17 tion or narrowing of the initial requirements of the  
18 covered project;

19           (3) the original expected date for completion of  
20 the covered project;

21           (4) the current expected date for completion of  
22 the covered project;

23           (5) the original cost estimate for the covered  
24 project, as adjusted to reflect increases in the Con-

1 consumer Price Index for All Urban Consumers, as  
 2 published by the Bureau of Labor Statistics;

3 (6) the current cost estimate for the covered  
 4 project, as adjusted to reflect increases in the Con-  
 5 sumer Price Index for All Urban Consumers, as  
 6 published by the Bureau of Labor Statistics;

7 (7) an explanation for a delay in completion or  
 8 an increase in the original cost estimate for the cov-  
 9 ered project, including, where applicable, any impact  
 10 of insufficient or delayed appropriations; and

11 (8) the amount of and rationale for any award,  
 12 incentive fee, or other type of bonus, if any, awarded  
 13 for the covered project.

14 **TITLE II—COST OPENNESS AND**  
 15 **SPENDING TRANSPARENCY**

16 **SEC. 201. DISCLOSURE REQUIREMENTS FOR RECIPIENTS**  
 17 **OF FEDERAL FUNDS.**

18 (a) IN GENERAL.—Subchapter III of chapter 13 of  
 19 title 31, United States Code, is amended by adding at the  
 20 end the following:

21 **“§ 1356. Disclosure requirements for recipients of**  
 22 **Federal funds**

23 “(a) IN GENERAL.—An individual or entity (includ-  
 24 ing a State or local government and a recipient of a Fed-  
 25 eral research grant) carrying out a program, project, or

1 activity that is, in whole or in part, carried out using Fed-  
2 eral funds shall clearly state in any statement, press re-  
3 lease, requests for proposal, bid solicitation, or other docu-  
4 ment describing the program, project, or activity, other  
5 than a communication containing not more than 280 char-  
6 acters—

7           “(1) the percentage of the total costs of the  
8           program, project, or activity which will be financed  
9           with Federal funds;

10           “(2) the dollar amount of the Federal funds  
11           made available for the program, project, or activity;  
12           and

13           “(3) the percentage of the total costs of, and  
14           dollar amount for, the program, project, or activity  
15           that will be financed by nongovernmental sources.

16           “(b) NONCOMPLIANCE.—If the Director of the Office  
17 of Management and Budget determines that an individual  
18 or entity is failing to comply with subsection (a), the Di-  
19 rector may direct the head of each agency providing Fed-  
20 eral funds to the individual or entity to withhold not more  
21 than 25 percent of the amount of Federal funds that  
22 would otherwise be provided to the individual or entity,  
23 until the date on which the individual or entity complies  
24 with subsection (a).”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 2 The table of sections for subchapter III of chapter 13 of  
 3 title 31, United States Code, is amended by adding at the  
 4 end the following:

“1356. Disclosure requirements for recipients of Federal funds.”.

5 **TITLE III—END-OF-YEAR FISCAL**  
 6 **RESPONSIBILITY**

7 **SEC. 301. DEFINITIONS.**

8 In this title:

9 (1) COVERED PERIOD.—The term “covered pe-  
 10 riod” means the 2-month period immediately pre-  
 11 ceding the end of a fiscal year.

12 (2) DISCRETIONARY APPROPRIATIONS.—The  
 13 term “discretionary appropriations” has the mean-  
 14 ing given the term in section 250(c) of the Balanced  
 15 Budget and Emergency Deficit Control Act of 1985  
 16 (2 U.S.C. 900(c)).

17 (3) EXECUTIVE AGENCY.—The term “Executive  
 18 agency” has the meaning given the term in section  
 19 105 of title 5, United States Code.

20 **SEC. 302. REQUIREMENTS FOR EXECUTIVE AGENCY SPEND-**  
 21 **ING AT THE END OF A FISCAL YEAR.**

22 (a) IN GENERAL.—Except as provided in subsection  
 23 (c), the amount of discretionary appropriations obligated  
 24 by an Executive agency during each month of a covered  
 25 period may not exceed the average monthly amount of dis-

1 cretionary appropriations obligated by the Executive agen-  
2 cy during the 10-month period immediately preceding the  
3 covered period.

4 (b) REPORT.—Not later than 60 days after the end  
5 of each fiscal year, each Executive agency shall submit to  
6 Congress and post on a publicly available website an  
7 itemized list of discretionary appropriations obligated by  
8 the Executive agency during the covered period imme-  
9 diately preceding the date on which the report is sub-  
10 mitted.

11 (c) EXCEPTION.—This section shall not apply with  
12 respect to any discretionary appropriations obligated by  
13 an Executive agency for national security-related activi-  
14 ties.

## 15 **TITLE IV—NO BUDGET, NO PAY**

### 16 **SEC. 401. DEFINITION.**

17 In this title, the term “Member of Congress”—

18 (1) has the meaning given under section 2106  
19 of title 5, United States Code; and

20 (2) does not include the Vice President.

### 21 **SEC. 402. TIMELY APPROVAL OF CONCURRENT RESOLU-** 22 **TION ON THE BUDGET AND THE APPROPRIA-** 23 **TIONS BILLS.**

24 If both Houses of Congress have not approved a con-  
25 current resolution on the budget as described under sec-



1 tion 301 of the Congressional Budget and Impoundment  
2 Control Act of 1974 (2 U.S.C. 632) for a fiscal year before  
3 October 1 of that fiscal year and have not passed all the  
4 regular appropriations bills for the next fiscal year before  
5 October 1 of that fiscal year, the pay of each Member of  
6 Congress may not be paid for each day following that Oc-  
7 tober 1 until the date on which both Houses of Congress  
8 approve a concurrent resolution on the budget for that fis-  
9 cal year and all the regular appropriations bills.

10 **SEC. 403. NO PAY WITHOUT CONCURRENT RESOLUTION ON**  
11 **THE BUDGET AND THE APPROPRIATIONS**  
12 **BILLS.**

13 (a) IN GENERAL.—Notwithstanding any other provi-  
14 sion of law, no funds may be appropriated or otherwise  
15 be made available from the United States Treasury for  
16 the pay of any Member of Congress during any period de-  
17 termined by the Chairpersons of the Committee on the  
18 Budget and the Committee on Appropriations of the Sen-  
19 ate or the Chairpersons of the Committee on the Budget  
20 and the Committee on Appropriations of the House of  
21 Representatives under section 404.

22 (b) NO RETROACTIVE PAY.—A Member of Congress  
23 may not receive pay for any period determined by the  
24 Chairpersons of the Committee on the Budget and the  
25 Committee on Appropriations of the Senate or the Chair-

1 persons of the Committee on the Budget and the Com-  
2 mittee on Appropriations of the House of Representatives  
3 under section 404, at any time after the end of that pe-  
4 riod.

5 **SEC. 404. DETERMINATIONS.**

6 (a) SENATE.—

7 (1) REQUEST FOR CERTIFICATIONS.—On Octo-  
8 ber 1 of each year, the Secretary of the Senate shall  
9 submit a request to the Chairpersons of the Com-  
10 mittee on the Budget and the Committee on Appro-  
11 priations of the Senate for certification of deter-  
12 minations made under subparagraphs (A) and (B)  
13 of paragraph (2).

14 (2) DETERMINATIONS.—The Chairpersons of  
15 the Committee on the Budget and the Committee on  
16 Appropriations of the Senate shall—

17 (A) on October 1 of each year, make a de-  
18 termination of whether Congress is in compli-  
19 ance with section 402 and whether Senators  
20 may not be paid under that section;

21 (B) determine the period of days following  
22 each October 1 that Senators may not be paid  
23 under section 402; and

1           (C) provide timely certification of the de-  
2           terminations under subparagraphs (A) and (B)  
3           upon the request of the Secretary of the Senate.

4           (b) HOUSE OF REPRESENTATIVES.—

5           (1) REQUEST FOR CERTIFICATIONS.—On Octo-  
6           ber 1 of each year, the Chief Administrative Officer  
7           of the House of Representatives shall submit a re-  
8           quest to the Chairpersons of the Committee on the  
9           Budget and the Committee on Appropriations of the  
10          House of Representatives for certification of deter-  
11          minations made under subparagraphs (A) and (B)  
12          of paragraph (2).

13          (2) DETERMINATIONS.—The Chairpersons of  
14          the Committee on the Budget and the Committee on  
15          Appropriations of the House of Representatives  
16          shall—

17                 (A) on October 1 of each year, make a de-  
18                 termination of whether Congress is in compli-  
19                 ance with section 402 and whether Members of  
20                 the House of Representatives may not be paid  
21                 under that section;

22                 (B) determine the period of days following  
23                 each October 1 that Members of the House of  
24                 Representatives may not be paid under section  
25                 402; and

1 (C) provide timely certification of the de-  
 2 terminations under subparagraphs (A) and (B)  
 3 upon the request of the Chief Administrative  
 4 Officer of the House of Representatives.

5 **SEC. 405. EFFECTIVE DATE.**

6 This title shall take effect on February 1, 2021.

7 **TITLE V—NO BUDGET, NO**  
 8 **RECESS**

9 **SEC. 501. NO BUDGET, NO RECESS.**

10 Section 300 of the Congressional Budget Act of 1974  
 11 (2 U.S.C. 631) is amended—

12 (1) by striking “The timetable” and inserting  
 13 the following:

14 “(a) IN GENERAL.—The timetable”; and

15 (2) by adding at the end the following:

16 “(b) NO BUDGET, NO RECESS.—

17 “(1) LIMITS IN THE SENATE AND HOUSE OF  
 18 REPRESENTATIVES.—The procedures specified in  
 19 paragraphs (2), (3), and (4) shall apply in the Sen-  
 20 ate and the procedures specified in paragraphs (2),  
 21 (3), and (5) shall apply in the House of Representa-  
 22 tives—

23 “(A) on and after April 15 of each year,  
 24 if the Senate and House of Representatives

1 have not adopted a concurrent resolution on the  
2 budget for the next fiscal year; and

3 “(B) on and after August 1 of each year,  
4 if the Senate and House of Representatives  
5 have not passed, individually or collectively, all  
6 the regular appropriations bills for the next fis-  
7 cal year.

8 “(2) NO RECESS OR ADJOURNMENT.—During a  
9 period described in paragraph (1), it shall not be in  
10 order in the Senate or the House of Representatives  
11 to move to recess or to adjourn for more than 8  
12 hours.

13 “(3) NO OFFICIAL TRAVEL.—

14 “(A) IN GENERAL.—Except as provided in  
15 subparagraph (B), during a period described in  
16 paragraph (1), no amounts may be obligated or  
17 expended for official travel by a Member of  
18 Congress.

19 “(B) RETURN TO DC.—If a Member of  
20 Congress is away from the seat of Government  
21 when a period described in paragraph (1) be-  
22 gins, funds may be obligated and expended for  
23 official travel by the Member of Congress to re-  
24 turn to the seat of Government.

25 “(4) ADDITIONAL LIMITS IN THE SENATE.—

1           “(A) DETERMINATION OF PRESENCE OF A  
2 QUORUM.—Notwithstanding any provision of  
3 the Standing Rules of the Senate, in the Sen-  
4 ate, during each day during a period described  
5 in paragraph (1), the Presiding Officer shall di-  
6 rect the Clerk to call the roll to ascertain the  
7 presence of a quorum—

8                   “(i) at noon; and

9                   “(ii) at 6:00 p.m.

10           “(B) LACK OF QUORUM.—

11                   “(i) IN GENERAL.—If, upon a calling  
12 of the roll under subparagraph (A), it shall  
13 be ascertained that a quorum is not  
14 present—

15                           “(I) the Presiding Officer shall  
16 direct the Clerk to call the names of  
17 any absent Senators; and

18                           “(II) following the calling of the  
19 names under subclause (I), the Pre-  
20 siding Officer shall, without inter-  
21 vening motion or debate, submit to  
22 the Senate by a yea-and-nay vote the  
23 question: ‘Shall the Sergeant-at-Arms  
24 be directed to request the attendance  
25 of absent Senators?’.

1           “(ii) DIRECTION TO COMPEL ATTEND-  
2 ANCE.—If a quorum is not present 30  
3 minutes after the time at which the vote  
4 on a question submitted under clause  
5 (i)(II) starts, the Presiding Officer shall,  
6 without intervening motion or debate, sub-  
7 mit to the Senate by a yea-and-nay vote  
8 the question: ‘Shall the Sergeant-at-Arms  
9 be directed to compel the attendance of ab-  
10 sent Senators?’.

11           “(iii) ARREST OF ABSENT SEN-  
12 ATORS.—Effective 30 minutes after the  
13 Sergeant-at-Arms is directed to compel the  
14 attendance of absent Senators under clause  
15 (ii), if any Senator not excused under rule  
16 XII of the Standing Rules of the Senate is  
17 not in attendance, the Senate shall be  
18 deemed to have agreed an order that reads  
19 as follows: ‘Ordered, That the Sergeant-at-  
20 Arms be directed to arrest absent Sen-  
21 ators, that warrants for the arrests of all  
22 Senators not sick nor excused be issued  
23 under the signature of the Presiding Offi-  
24 cer and attested by the Secretary, and that  
25 such warrants be executed without delay.’.

1           “(iv) REPORTS.—Not less frequently  
2           than once per hour during proceedings to  
3           compel the attendance of absent Senators,  
4           the Sergeant-at-Arms shall submit to the  
5           Senate a report on absent Senators, which  
6           shall—

7                           “(I) be laid before the Senate;

8                           “(II) identify each Senator whose  
9                           absence is excused;

10                          “(III) identify each Senator who  
11                          is absent without excuse; and

12                          “(IV) for each Senator identified  
13                          under subclause (III), provide infor-  
14                          mation on the current location of the  
15                          Senator.

16           “(C) REGAINING THE FLOOR.—If a Sen-  
17           ator had been recognized to speak at the time  
18           a call of the roll to ascertain the presence of a  
19           quorum was initiated under subparagraph (A),  
20           and if the presence of a quorum is established,  
21           that Senator shall be entitled to be recognized  
22           to speak.

23           “(D) NO SUSPENSION OF REQUIRE-  
24           MENTS.—The Presiding Officer may not enter-



1           tain a request to suspend the operation of this  
2           paragraph by unanimous consent or motion.

3           “(E) CONSISTENCY WITH SENATE EMER-  
4           GENCY PROCEDURES AND PRACTICES.—Nothing  
5           in this paragraph shall be construed in a man-  
6           ner that is inconsistent with S. Res. 296 (108th  
7           Congress) or any other emergency procedures  
8           or practices of the Senate.

9           “(5) ADDITIONAL LIMITS IN THE HOUSE OF  
10          REPRESENTATIVES.—Notwithstanding any provision  
11          of the Rules of the House of Representatives, in the  
12          House of Representatives, during each day during a  
13          period described in paragraph (1), each Member of  
14          the House of Representatives shall record his or her  
15          presence for purposes of establishing a quorum at  
16          noon and 6:00 p.m.

17          “(6) NO WAIVER.—Notwithstanding section  
18          904(b), paragraphs (2), (3), (4), and (5) of this sub-  
19          section may not be waived or suspended in the Sen-  
20          ate or the House of Representatives.

21          “(7) PERMANENT LAW.—Notwithstanding sec-  
22          tion 904(a), paragraph (3) of this subsection is not  
23          enacted as an exercise of the rulemaking power of  
24          the Senate or the House of Representatives.”.

1 **SEC. 502. COMPLETION OF HOUSE ACTION ON REGULAR**  
2 **APPROPRIATIONS BILLS.**

3 Section 309 of the Congressional Budget Act of 1974  
4 (2 U.S.C. 640) is amended by inserting “or August” after  
5 “July”.

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