

Calendar No. 435116TH CONGRESS
2D SESSION**S. 565****[Report No. 116–220]**

To require the Director of the Office of Management and Budget to submit to Congress an annual report on projects that are over budget and behind schedule, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2019

Ms. ERNST (for herself, Mr. BRAUN, Mr. PAUL, Mr. LANKFORD, Mr. PETERS, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MARCH 2, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To require the Director of the Office of Management and Budget to submit to Congress an annual report on projects that are over budget and behind schedule, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Billion Dollar Boon-
3 doggle Act of 2019”.

4 **SEC. 2. ANNUAL REPORT.**

5 (a) **DEFINITION OF COVERED AGENCY.**—In this sec-
6 tion, the term “covered agency” means—

7 (1) an Executive agency, as defined in section
8 105 of title 5, United States Code; and

9 (2) an independent regulatory agency, as de-
10 fined in section 3502 of title 44, United States
11 Code.

12 (b) **REQUIREMENT.**—Not later than 1 year after the
13 date of enactment of this Act, and every year thereafter,
14 the Director of the Office of Management and Budget
15 shall submit to Congress and post on the website of the
16 Office of Management and Budget a report on each
17 project funded by a covered agency—

18 (1) that is more than 5 years behind schedule;

19 or

20 (2) for which the amount spent on the project
21 is not less than \$1,000,000,000 more than the origi-
22 nal cost estimate for the project.

23 (c) **CONTENTS.**—Each report submitted and posted
24 under subsection (b) shall include, for each project in-
25 cluded in the report—

1 (1) a brief description of the project, includ-
2 ing—

3 (A) the purpose of the project;

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

6 (C) the year in which the project was initi-
7 ated;

8 (D) the Federal share of the total cost of
9 the project; and

10 (E) each primary contractor, subcon-
11 tractor, grant recipient, and subgrantee recipi-
12 ent of the project;

13 (2) an explanation of any change to the original
14 scope of the project, including by the addition or
15 narrowing of the initial requirements of the project;

16 (3) the original expected date for completion of
17 the project;

18 (4) the current expected date for completion of
19 the project;

20 (5) the original cost estimate for the project, as
21 adjusted to reflect increases in the Consumer Price
22 Index for All Urban Consumers, as published by the
23 Bureau of Labor Statistics;

24 (6) the current cost estimate for the project, as
25 adjusted to reflect increases in the Consumer Price

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

3 (7) an explanation for a delay in completion or
4 increase in the original cost estimate for the project;
5 and

6 (8) the amount of and rationale for any award,
7 incentive fee, or other type of bonus, if any, awarded
8 for the project.

9 (d) **SUBMISSION WITH BUDGET.**—Section 1105(a) of
10 title 31, United States Code, is amended by adding at the
11 end the following:

12 “(40) the report required under section 2(b) of
13 the Billion Dollar Boondoggle Act of 2019 for the
14 calendar year in which the fiscal year covered by the
15 budget begins.”.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Billion Dollar Boon-*
18 *doggle Act of 2019”.*

19 **SEC. 2. ANNUAL REPORT.**

20 (a) **DEFINITIONS.**—*In this section—*

21 (1) *the term “covered agency” means—*

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

1 (B) an independent regulatory agency, as
2 defined in section 3502 of title 44, United States
3 Code;

4 (2) the term “covered project” means a project
5 funded by a covered agency—

6 (A) that is more than 5 years behind sched-
7 ule; or

8 (B) for which the amount spent on the
9 project is not less than \$1,000,000,000 more than
10 the original cost estimate for the project; and

11 (3) the term “project” means a major acquisi-
12 tion, a major defense acquisition program (as defined
13 in section 2430 of title 10, United States Code), a
14 procurement, a construction project, a remediation or
15 clean-up effort, or any other time-limited endeavor,
16 that is not funded through direct spending (as defined
17 in section 250(c) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

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

1 *paragraph (1) of such section, information relating to each*
2 *covered project of the covered agency, which shall include—*

3 *(1) a brief description of the covered project, in-*
4 *cluding—*

5 *(A) the purpose of the covered project;*

6 *(B) each location in which the covered*
7 *project is carried out;*

8 *(C) the contract or award number of the*
9 *covered project, where applicable;*

10 *(D) the year in which the covered project*
11 *was initiated;*

12 *(E) the Federal share of the total cost of the*
13 *covered project; and*

14 *(F) each primary contractor, subcontractor,*
15 *grant recipient, and subgrantee recipient of the*
16 *covered project;*

17 *(2) an explanation of any change to the original*
18 *scope of the covered project, including by the addition*
19 *or narrowing of the initial requirements of the cov-*
20 *ered project;*

21 *(3) the original expected date for completion of*
22 *the covered project;*

23 *(4) the current expected date for completion of*
24 *the covered project;*

1 (5) *the original cost estimate for the covered*
2 *project, as adjusted to reflect increases in the Con-*
3 *sumer Price Index for All Urban Consumers, as pub-*
4 *lished by the Bureau of Labor Statistics;*

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

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

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

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