

116TH CONGRESS
2D SESSION

S. 3267

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

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

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.

TITLE I—BILLION DOLLAR BOONDOGGLES

SEC. 101. ANNUAL REPORT.

(a) DEFINITIONS.—In this section—

(1) the term “covered agency” means—

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

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

(2) the term “covered project” means a project 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-

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

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

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

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

TITLE II—COST OPENNESS AND SPENDING TRANSPARENCY

SEC. 201. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF FEDERAL FUNDS.

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

“§ 1356. Disclosure requirements for recipients of Federal funds

“(a) IN GENERAL.—An individual or entity (includ-
ing a State or local government and a recipient of a Fed-
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).”.

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

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

TITLE III—END-OF-YEAR FISCAL RESPONSIBILITY

SEC. 301. DEFINITIONS.

In this title:

(1) COVERED PERIOD.—The term “covered period” means the 2-month period immediately preceding the end of a fiscal year.

(2) DISCRETIONARY APPROPRIATIONS.—The term “discretionary appropriations” has the meaning given the term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

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

SEC. 302. REQUIREMENTS FOR EXECUTIVE AGENCY SPENDING AT THE END OF A FISCAL YEAR.

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

cretionary appropriations obligated by the Executive agency during the 10-month period immediately preceding the covered period.

(b) REPORT.—Not later than 60 days after the end of each fiscal year, each Executive agency shall submit to Congress and post on a publicly available website an itemized list of discretionary appropriations obligated by the Executive agency during the covered period immediately preceding the date on which the report is submitted.

(c) EXCEPTION.—This section shall not apply with respect to any discretionary appropriations obligated by an Executive agency for national security-related activities.

TITLE IV—NO BUDGET, NO PAY

SEC. 401. DEFINITION.

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

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

(2) does not include the Vice President.

SEC. 402. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under sec-

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

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

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 404.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the 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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