

118TH CONGRESS  
1ST SESSION

# S. 1258

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 25, 2023

Ms. ERNST (for herself, Ms. HASSAN, Mr. PAUL, Mr. SCOTT of Florida, and Mr. BRAUN) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Billion Dollar Boon-

5 doggle Act of 2023”.

6 **SEC. 2. ANNUAL REPORT.**

7 (a) DEFINITIONS.—In this section—

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

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

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

6 (2) the term “covered project” means a project  
7 funded by a covered agency—

8 (A) that is more than 5 years behind  
9 schedule, as measured against the original ex-  
10 pected date for completion; or

11 (B) for which the amount spent on the  
12 project is not less than \$1,000,000,000 more  
13 than the original cost estimate for the project;  
14 and

15 (3) the term “project” means a major acquisi-  
16 tion, a major defense acquisition program (as de-  
17 fined in section 4201 of title 10, United States  
18 Code), a procurement, a construction project, a re-  
19 mediation or clean-up effort, or any other time-lim-  
20 ited endeavor, that is not funded through direct  
21 spending (as defined in section 250(c) of the Bal-  
22 anced Budget and Emergency Deficit Control Act of  
23 1985 (2 U.S.C. 900(c))).

24 (b) REQUIREMENT.—Not later than 1 year after the  
25 date of enactment of this Act, the Director of the Office

1 of Management and Budget shall issue guidance requiring  
2 covered agencies to include, on an annual basis in a report  
3 described in paragraph (2) of section 3516(a) of title 31,  
4 United States Code, or a consolidated report described in  
5 paragraph (1) of such section, information relating to each  
6 covered project of the covered agency, which shall in-  
7 clude—

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

10 (A) the purpose of the covered project;

11 (B) each location in which the covered  
12 project is carried out;

13 (C) the contract or award number of the  
14 covered project, where applicable;

15 (D) the year in which the covered project  
16 was initiated;

17 (E) the Federal share of the total cost of  
18 the covered project; and

19 (F) each primary contractor, subcon-  
20 tractor, grant recipient, and subgrantee recipi-  
21 ent of the covered project;

22 (2) an explanation of any change to the original  
23 scope of the covered project, including by the addi-  
24 tion or narrowing of the initial requirements of the  
25 covered project;

1           (3) the original expected date for completion of  
2 the covered project;

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

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

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

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

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

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