

117TH CONGRESS
1ST SESSION

S. 636

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

MARCH 9, 2021

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

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 dogle Act of 2021”.

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; or

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

14 (3) the term “project” means a major acquisi-
15 tion, a major defense acquisition program (as de-
16 fined in section 2430 of title 10, United States
17 Code), a procurement, a construction project, a re-
18 mediation or clean-up effort, or any other time-lim-
19 ited endeavor, that is not funded through direct
20 spending (as defined in section 250(c) of the Bal-
21 anced Budget and Emergency Deficit Control Act of
22 1985 (2 U.S.C. 900(c)).

23 (b) REQUIREMENT.—Not later than 1 year after the
24 date of enactment of this Act, the Director of the Office
25 of Management and Budget shall issue guidance requiring

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

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

9 (A) the purpose of the covered project;

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

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

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

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

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

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