

117TH CONGRESS  
1ST SESSION

# S. 2799

To eliminate unnecessary spending by Federal agencies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 21), 2021

Ms. ERNST 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 eliminate unnecessary spending by Federal agencies, 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 “Prime Cancel Unneces-  
5 sary Transactions and Spending Act” or the “Prime  
6 CUTS Act”.

7 **SEC. 2. REQUIREMENTS FOR EXECUTIVE AGENCY SPEND-**  
8 **ING AT THE END OF A FISCAL YEAR.**

9 (a) DEFINITIONS.—In this section:

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

4           (2) DISCRETIONARY APPROPRIATIONS.—The  
5           term “discretionary appropriations” has the mean-  
6           ing given the term in section 250(c) of the Balanced  
7           Budget and Emergency Deficit Control Act of 1985  
8           (2 U.S.C. 900(c)).

9           (3) EXECUTIVE AGENCY.—The term “Executive  
10          agency” has the meaning given the term in section  
11          105 of title 5, United States Code.

12          (b) REQUIREMENTS FOR EXECUTIVE AGENCY  
13          SPENDING AT THE END OF A FISCAL YEAR.—

14           (1) IN GENERAL.—Except as provided in para-  
15           graph (3), the amount of discretionary appropria-  
16           tions obligated by an Executive agency during each  
17           month of a covered period may not exceed the aver-  
18           age monthly amount of discretionary appropriations  
19           obligated by the Executive agency during the 10-  
20           month period immediately preceding the covered pe-  
21           riod.

22           (2) REPORT.—Not later than 60 days after the  
23           end of each fiscal year, each Executive agency shall  
24           submit to Congress and post on a publicly available  
25           website an itemized list of discretionary appropria-

1 tions obligated by the Executive agency during the  
2 covered period immediately preceding the date on  
3 which the report is submitted.

4 (3) EXCEPTION.—This section shall not apply  
5 with respect to any discretionary appropriations obli-  
6 gated by an Executive agency for national security-  
7 related activities.

8 **SEC. 3. AUTHORITY OF DEPARTMENT OF DEFENSE TO CON-**  
9 **SOLIDATE INFRASTRUCTURE DISTRIBUTION**  
10 **CENTERS TO IMPROVE EFFECTIVENESS AND**  
11 **EFFICIENCY OF SUPPLY CHAIN AND INVEN-**  
12 **TORY MANAGEMENT.**

13 (a) IN GENERAL.—The Secretary of Defense may  
14 consolidate infrastructure, including warehouses, at the  
15 distribution centers of the Department of Defense to im-  
16 prove the effectiveness and efficiency of the supply chain  
17 and inventory management of the Department to support  
18 the needs of the Armed Forces and reduce costs.

19 (b) PLAN.—

20 (1) IN GENERAL.—Not later than 60 days be-  
21 fore implementing any consolidation under sub-  
22 section (a), the Secretary shall submit to Congress  
23 a plan for such consolidation.

1           (2) ELEMENTS.—Any plan submitted under  
2 paragraph (1) with respect to consolidation under  
3 subsection (a) shall include the following:

4           (A) An estimate of the cost savings of such  
5 consolidation.

6           (B) An itemized description of how such  
7 cost savings are expected to be spent.

8           (C) A list of the specific facilities that will  
9 be subject to closure or disposal under such  
10 consolidation.

11           (D) With respect to each facility subject to  
12 closure or disposal under such consolidation, an  
13 explanation of how the closure or disposal of  
14 the facility will increase the efficiency or en-  
15 hance the functioning of the supply chain of the  
16 Department.

17           (E) A certification that the overall effec-  
18 tiveness of the supply chain of the Department  
19 will not be compromised or hindered by such  
20 consolidation.

21 **SEC. 4. COIN METAL MODERNIZATION AUTHORIZATION**  
22 **AND COST SAVINGS.**

23           (a) SAVING FEDERAL FUNDS BY AUTHORIZING  
24 CHANGES TO THE COMPOSITION OF CIRCULATING

1 COINS.—Section 5112 of title 31, United States Code, is  
2 amended by adding at the end the following:

3 “(x) COMPOSITION OF CIRCULATING COINS.—

4 “(1) IN GENERAL.—Notwithstanding any other  
5 provision of law, and subject to the other provisions  
6 of this subsection, the Director of the United States  
7 Mint (referred to in this subsection as the ‘Direc-  
8 tor’), in consultation with the Secretary, may modify  
9 the metallic composition of circulating coins to a new  
10 metallic composition (including by prescribing rea-  
11 sonable manufacturing tolerances with respect to  
12 those coins) if a study and analysis conducted by the  
13 United States Mint, including solicitation of input,  
14 including input on acceptor tolerances and require-  
15 ments, from industry stakeholders who could be af-  
16 fected by changes in the composition of circulating  
17 coins, indicates that the modification will—

18 “(A) reduce costs incurred by the tax-  
19 payers of the United States;

20 “(B) be seamless, which shall mean the  
21 same diameter and weight as United States  
22 coinage being minted on the date of enactment  
23 of this subsection and that the coins will work  
24 interchangeably in most coin acceptors using  
25 electromagnetic signature technology; and

1           “(C) have as minimal an adverse impact as  
2           possible on the public and stakeholders.

3           “(2) NOTIFICATION TO CONGRESS.—On the  
4           date that is at least 90 legislative days before the  
5           date on which the Director begins making a modi-  
6           fication described in paragraph (1), the Director  
7           shall submit to Congress notice that—

8                   “(A) provides a justification for the modi-  
9                   fication, including the support for that modi-  
10                  fication in the study and analysis required  
11                  under paragraph (1) with respect to the modi-  
12                  fication;

13                   “(B) describes how the modification will  
14                   reduce costs incurred by the taxpayers of the  
15                   United States;

16                   “(C) certifies that the modification will be  
17                   seamless, as described in paragraph (1)(B); and

18                   “(D) certifies that the modification will  
19                   have as minimal an adverse impact as possible  
20                   on the public and stakeholders.

21           “(3) CONGRESSIONAL AUTHORITY.—The Direc-  
22           tor may begin making a modification proposed under  
23           this subsection not earlier than the date that is 90  
24           legislative days after the date on which the Director  
25           submits to Congress the notice required under para-

1 graph (2) with respect to that modification, unless  
2 Congress, during the period of 90 legislative days  
3 beginning on the date on which the Director submits  
4 that notice—

5 “(A) finds that the modification is not jus-  
6 tified in light of the information contained in  
7 that notice; and

8 “(B) enacts a joint resolution of dis-  
9 approval of the proposed modification.

10 “(4) PROCEDURES.—For purpose of paragraph  
11 (3)—

12 “(A) a joint resolution of disapproval is a  
13 joint resolution the matter after the resolving  
14 clause of which is as follows: ‘That Congress  
15 disapproves the modification submitted by the  
16 Director of the United States Mint.’; and

17 “(B) the procedural rules in the House of  
18 Representatives and the Senate for a joint reso-  
19 lution of disapproval described under paragraph  
20 (3) shall be the same as provided for a joint  
21 resolution of disapproval under chapter 8 of  
22 title 5.”.

23 (b) DETERMINATION OF BUDGETARY EFFECTS.—

24 The budgetary effects of this section, for the purpose of  
25 complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement  
 2 titled “Budgetary Effects of PAYGO Legislation” for this  
 3 section, submitted for printing in the Congressional  
 4 Record by the Chairman of the House Budget Committee,  
 5 provided that such statement has been submitted prior to  
 6 the vote on passage.

7 **SEC. 5. TERMINATION OF TAXPAYER FINANCING OF PRESI-**  
 8 **DENTIAL ELECTION CAMPAIGNS.**

9 (a) **TERMINATION OF DESIGNATION OF INCOME TAX**  
 10 **PAYMENTS.**—Section 6096 of the Internal Revenue Code  
 11 of 1986 is amended by adding at the end the following  
 12 new subsection:

13 “(d) **TERMINATION.**—This section shall not apply to  
 14 taxable years beginning after December 31, 2020.”.

15 (b) **TERMINATION OF FUND AND ACCOUNT.**—

16 (1) **TERMINATION OF PRESIDENTIAL ELECTION**  
 17 **CAMPAIGN FUND.**—

18 (A) **IN GENERAL.**—Chapter 95 of subtitle  
 19 H of such Code is amended by adding at the  
 20 end the following new section:

21 **“SEC. 9013. TERMINATION.**

22 “The provisions of this chapter shall not apply with  
 23 respect to any Presidential election (or any Presidential  
 24 nominating convention) after the date of the enactment  
 25 of this section, or to any candidate in such an election.”.



1 (B) TRANSFER OF REMAINING FUNDS.—

2 Section 9006 of such Code is amended by add-  
3 ing at the end the following new subsection:

4 “(d) TRANSFER OF FUNDS REMAINING AFTER TER-  
5 MINATION.—The Secretary shall transfer the amounts in  
6 the fund as of the date of the enactment of this subsection  
7 to the general fund of the Treasury, to be used only for  
8 reducing the deficit.”.

9 (2) TERMINATION OF ACCOUNT.—Chapter 96  
10 of subtitle H of such Code is amended by adding at  
11 the end the following new section:

12 **“SEC. 9043. TERMINATION.**

13 “The provisions of this chapter shall not apply to any  
14 candidate with respect to any Presidential election after  
15 the date of the enactment of this section.”.

16 (c) CLERICAL AMENDMENTS.—

17 (1) The table of sections for chapter 95 of sub-  
18 title H of such Code is amended by adding at the  
19 end the following new item:

“Sec. 9013. Termination.”.

20 (2) The table of sections for chapter 96 of sub-  
21 title H of such Code is amended by adding at the  
22 end the following new item:

“Sec. 9043. Termination.”.

1 **SEC. 6. PROHIBITIONS; PUBLIC RELATIONS AND ADVER-**  
2 **TISING SPENDING.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADVERTISING.—The term “advertising”  
5 means the placement of messages in media that are  
6 intended to inform or persuade an audience, includ-  
7 ing placement in television, radio, a magazine, a  
8 newspaper, digital media, direct mail, a tangible  
9 product, an exhibit, or a billboard.

10 (2) AGENCY.—The term “agency” has the  
11 meaning given the term in section 551 of title 5,  
12 United States Code.

13 (3) MASCOT.—The term “mascot”—

14 (A) means an individual, animal, or object  
15 adopted by an agency as a symbolic figure to  
16 represent the agency or the mission of the  
17 agency; and

18 (B) includes a costumed character.

19 (4) PUBLIC RELATIONS.—The term “public re-  
20 lations” means communications by an agency that  
21 are directed to the public, including activities dedi-  
22 cated to maintaining the image of the governmental  
23 unit or maintaining or promoting understanding and  
24 favorable relations with the community or the public.

25 (5) RETURN ON INVESTMENT.—The term “re-  
26 turn on investment” means, with respect to the pub-

1       lic relations and advertising spending by an agency,  
2       a positive return in achieving agency or program  
3       goals relative to the investment in advertising and  
4       marketing materials.

5           (6) SWAG.—The term “swag”—

6               (A) means a tangible product or merchan-  
7               dise distributed at no cost with the sole purpose  
8               of advertising or promoting an agency, organi-  
9               zation, or program;

10              (B) includes blankets, buttons, candy,  
11              clothing, coloring books, cups, fidget spinners,  
12              hats, holiday ornaments, jar grip openers,  
13              keychains, koozies, magnets, neckties, snuggies,  
14              stickers, stress balls, stuffed animals,  
15              thermoses, tote bags, trading cards, and writing  
16              utensils; and

17              (C) does not include—

18                   (i) an item presented as an honorary  
19                   or informal recognition award related to  
20                   the Armed Forces of the United States,  
21                   such as a challenge coin or medal issued  
22                   for sacrifice or meritorious service;

23                   (ii) a brochure or pamphlet purchased  
24                   or distributed for informational purposes;  
25                   or

1 (iii) an item distributed for diplomatic  
2 purposes, including a gift for a foreign  
3 leader.

4 (b) PROHIBITIONS.—Except as provided in sub-  
5 section (d), and unless otherwise expressly authorized by  
6 law—

7 (1) an agency or other entity of the Federal  
8 Government may not use Federal funds to purchase  
9 or otherwise acquire or distribute swag; and

10 (2) an agency or other entity of the Federal  
11 Government may not use Federal funds to manufac-  
12 ture or use a mascot to promote an agency, organi-  
13 zation, program, or agenda.

14 (c) PUBLIC RELATIONS AND ADVERTISING SPEND-  
15 ING.—Each agency shall, as part of the annual budget jus-  
16 tification submitted to Congress, report on the public rela-  
17 tions and advertising spending of the agency for the pre-  
18 ceding fiscal year, which may include an estimate of the  
19 return on investment for the agency.

20 (d) EXCEPTIONS.—

21 (1) SWAG.—Subsection (b)(1) shall not apply  
22 with respect to—

23 (A) an agency program that supports the  
24 mission and objectives of the agency that is ini-  
25 tiating the public relations or advertising spend-

1 ing, provided that the spending generates a  
2 positive return on investment for the agency;

3 (B) recruitment relating to—

4 (i) enlistment or employment with the  
5 Armed Forces; or

6 (ii) employment with the Federal Gov-  
7 ernment; or

8 (C) an item distributed by the Bureau of  
9 the Census to assist the Bureau in conducting  
10 a census of the population of the United States.

11 (2) MASCOTS.—Subsection (b)(2) shall not  
12 apply with respect to—

13 (A) a mascot that is declared the property  
14 of the United States under a provision of law,  
15 including under section 2 of Public Law 93–318  
16 (16 U.S.C. 580p–1); or

17 (B) a mascot relating to the Armed Forces  
18 of the United States.

19 (e) REGULATIONS.—Not later than 180 days after  
20 the date of enactment of this Act, the Director of the Of-  
21 fice of Management and Budget shall issue regulations to  
22 carry out this section.

1 **SEC. 7. PROHIBITION ON USE OF FEDERAL FUNDS FOR**  
2 **CERTAIN TRANSIT AND RAIL PROJECTS.**

3 Notwithstanding any other provision of law, the Sec-  
4 retary of Transportation shall not provide any new assist-  
5 ance for a transit or rail project if—

6 (1) the overall cost projection to complete the  
7 project exceeds the original cost projection by at  
8 least \$1,000,000,000; and

9 (2) the operational and administrative costs of  
10 the service provided by the project are projected to  
11 exceed the revenues generated from ridership annu-  
12 ally over the next decade.

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