

H.R. 3345, the SUSPEND Act (Stop Unworthy Spending Act)

Section-by-Section Analysis

Sec. 1. Short title; table of contents.

Provides the title and the table of contents.

Sec. 2. Consolidation of suspension and debarment offices.

Consolidates more than 45 executive agency suspension and debarment (S&D) offices into one centralized board named the Board of Suspension and Debarment (the Board). Encourages cost savings by sharing administrative resources with the pre-existing Civilian Board of Contract Appeals, also housed in GSA.

Allows larger agencies (24 agencies under the Chief Financial Officers Act (31 U.S.C. 901(b)), *listed below*) and the military departments (5 U.S.C. 102) to continue to operate their own independent S&D offices if granted a waiver upon demonstration of an effective S&D program within the agency.

The Department of Agriculture, the Department of Commerce, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of the Interior, the Department of Justice, the Department of Labor, the Department of State, the Department of Transportation, the Department of the Treasury, the Department of Veterans Affairs, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Agency for International Development, the General Services Administration, the National Science Foundation, the Nuclear Regulatory Commission, the Office of Personnel Management, the Small Business Administration, the Social Security Administration.

The Department of the Army, the Department of the Navy, the Department of the Air Force.

Allows an outside entity, such as USPS, to enter into an agreement to transfer S&D activities to the Board as needed.

Requires the Board to oversee the government-wide excluded parties database (i.e., the System for Award Management (SAM)) to ensure availability of timely, accurate, and complete data; and to promote consistent and fair treatment of all persons and entities subject to S&D proceedings, including small businesses with limited resources.

Sec. 3. Interagency Suspension and Debarment Committee.

Strengthens the existing Interagency Suspension and Debarment Committee (ISDC) by formalizing and codifying it in statute (it currently operates pursuant to an Executive Order) and designating as Chair the Administrator of OMB's Office of Federal Procurement Policy (OFPP) and as Vice Chairs the Chair of the Board of Suspension and Debarment and a designee of the Secretary of Defense.

Refines the annual ISDC report process (under Sec. 873 of FY2009 NDAA) by requiring it be timely and to include data on the number of referrals, timeliness of case disposition, and breakdown of discretionary and nondiscretionary actions.

Sec. 4. Single case management system.

Establishes a single government-wide web-based S&D case management system for use by the Board and agency S&D officials. Requires the case status and the name of the official handling the case be updated each month.

Prohibits any release of pre-decisional information, including the names of the entities or individuals referred to, unless determined to be necessary to protect the interest of the Government.

Sec. 5. Single regulation for procurement and nonprocurement programs.

Combines the two separate S&D regulations governing contracts and grants into a single, comprehensive regulation that provides--

- the use of show cause letters to ensure accused parties are heard prior to any adverse action being taken against them;
- transparent handling of all cases, including public availability of all final resolutions;
- timely and consistent referrals, including the identification of contractors and grantee that repeatedly fail to perform; and
- standard procedures for an expedited review process to handle contract or grant fraud in a contingency or time-sensitive environment, in both military and non-military settings.

Sec. 6. Government Accountability Office review.

Requires GAO review of the Board, agency S&D offices, and the case management system effectiveness.

Sec. 7. Coordination of remedies for fraud and corruption related to procurement and grant activities.

Requires joint agency head / Inspector General guidance in each agency to institutionalize efficient agency-wide coordination of remedies for fraud and corruption related to procurement and grant activities, including legal, regulatory, administrative, and contractual remedies to maximize timely recovery of funds.

Sec. 8. Transfer, redesignation, and amendment of other provision of law relating to debarment and suspension.

Provides technical or clerical amendments in the U.S. codes.

Sec. 9. Definitions.

Provides the definitions for the purpose of this bill.

Sec. 10. Authorization of appropriations.

Authorizes additional \$2 million for each of FY2015 through FY2021 to carry out the functions of the Board and for implementation of the case management system. This augments the current GSA funding for its S&D operations (approx. six full-time and three part-time employees).

Sec. 11. Effective date.

Provides the effective date.