

## Union Calendar No.

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3345

**[Report No. 113-]**

To amend title 31, United States Code, to consolidate suspension and debarment offices, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2013

Mr. ISSA (for himself, Mr. CUMMINGS, Mr. MICA, Mr. CHAFFETZ, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

NOVEMBER --, 2013

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

# **A BILL**

To amend title 31, United States Code, to consolidate suspension and debarment offices, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Stop Unworthy Spending Act” or the “SUSPEND Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Consolidation of suspension and debarment offices.
- Sec. 3. Interagency Suspension and Debarment Committee.
- Sec. 4. Single case management system.
- Sec. 5. Single regulation for procurement and nonprocurement programs.
- Sec. 6. Government Accountability Office review.
- Sec. 7. Coordination of remedies for fraud and corruption related to procure-  
ment and grant activities.
- Sec. 8. Transfer, redesignation, and amendment of other provision of law relat-  
ing to debarment and suspension.
- Sec. 9. Definitions.
- Sec. 10. Authorization of appropriations.
- Sec. 11. Effective date.

8 **SEC. 2. CONSOLIDATION OF SUSPENSION AND DEBARMENT**  
9 **OFFICES.**

10 (a) **ESTABLISHMENT OF BOARD OF SUSPENSION AND**  
11 **DEBARMENT.**—

12 (1) **IN GENERAL.**—Subtitle V of title 31,  
13 United States Code, is amended by inserting after  
14 chapter 63 the following new chapter:

15 **“CHAPTER 64—SUSPENSION AND**  
16 **DEBARMENT**

- “Sec.  
“6401. Board of Suspension and Debarment.
- “6402. Interagency Suspension and Debarment Committee.
- “6403. Single regulation for suspension and debarment for procurement and  
nonprocurement programs.

“6404. Uniform suspension, debarment, or exclusion from procurement or non-procurement activity.

1 **“§ 6401. Board of Suspension and Debarment**

2 “(a) ESTABLISHMENT.—There is established in the  
3 General Services Administration a board for suspension  
4 and debarment to be known as the Board of Suspension  
5 and Debarment (in this section referred to as the ‘Board’).

6 “(b) PURPOSES.—The purposes of the Board are to  
7 serve as a centralized body to manage all executive agency  
8 suspension and debarment activities and improve the sus-  
9 pension and debarment system through—

10 “(1) the transparent and efficient handling of  
11 cases;

12 “(2) the effective oversight of the Government-  
13 wide database containing the list of all excluded par-  
14 ties ineligible for Federal programs pursuant to Ex-  
15 ecutive Orders No. 12549 and No. 12689, including  
16 oversight to ensure receipt of information from other  
17 agencies and to ensure timeliness, accuracy, and  
18 completeness of the database;

19 “(3) the consistent and fair treatment of all  
20 persons and entities subject to suspension or debar-  
21 ment proceedings, including small businesses with  
22 limited resources; and

23 “(4) active engagement with remedy coordina-  
24 tion officials (as defined in section 2307(i)(10) of

1 title 10 and section 4506 of title 41) within execu-  
2 tive agencies for efficient referral of contractors,  
3 grantees, or other recipients of Federal financial as-  
4 sistance suspected of committing wrongful actions or  
5 repeatedly performing poorly.

6 “(c) EFFECT OF DETERMINATIONS OF BOARD.—

7 “(1) CONCLUSIVE ON GOVERNMENTWIDE  
8 BASIS.—The determination by the Board on whether  
9 or not to debar or suspend a contractor, grantee, or  
10 other recipient of Federal financial assistance is con-  
11 clusive on a Governmentwide basis. No other agency  
12 may take a contrary *suspension and debarment* ac-  
13 tion on a Governmentwide basis with respect to the  
14 same contractor, grantee, or other recipient based on  
15 the facts and circumstances in the administrative  
16 record considered by the Board.

17 “(2) CONSIDERATION OF NEW OR ADDITIONAL  
18 EVIDENCE.—In considering any new or additional  
19 evidence of nonresponsibility of a contractor, grant-  
20 ee, or other recipient of Federal financial assistance  
21 not previously considered by the Board, an agency,  
22 in determining whether to award another grant or  
23 contract or other Federal financial assistance to  
24 such contractor, grantee, or other recipient, may

1 consider the cumulative effect of the facts and cir-  
2 cumstances previously considered by the Board.

3 “(d) MEMBERSHIP.—

4 “(1) APPOINTMENT.—The Board shall consist  
5 of members appointed by the Administrator of Gen-  
6 eral Services (in consultation with the Administrator  
7 for Federal Procurement Policy) from a register of  
8 applicants maintained by the Administrator of Gen-  
9 eral Services, in accordance with rules issued by the  
10 Administrator of General Services (in consultation  
11 with the Administrator for Federal Procurement  
12 Policy) for establishing and maintaining a register of  
13 eligible applicants and selecting members. The Ad-  
14 ministrator of General Services shall appoint a mem-  
15 ber without regard to political affiliation and solely  
16 on the basis of the professional qualifications re-  
17 quired to perform the duties and responsibilities of  
18 a member.

19 “(2) CHAIR.—The Administrator of General  
20 Services shall designate one member of the Board to  
21 serve as Chair of the Board. The position of Chair  
22 of the Board shall be a Senior Executive Service po-  
23 sition (as defined by section 3132(a)(2) of title 5).

24 “(3) REMOVAL.—The Administrator of General  
25 Services, with the consent of the Administrator for

1 Federal Procurement Policy, may remove the Chair  
2 or any other member of the Board.

3 “(e) SHARING OF RESOURCES.—The Administrator  
4 of General Services shall provide to the Board such admin-  
5 istrative resources as are necessary for the Board to carry  
6 out its functions. In carrying out this subsection, the Ad-  
7 ministrator may provide for the sharing of administrative  
8 resources of the Civilian Board of Contract Appeals, such  
9 as the Board’s information technology infrastructure, ~~case~~  
10 ~~management system~~, legal resources, and facilities.

11 “(f) PARTICIPATION BY ADDITIONAL ENTITIES.—  
12 The Board may enter into an agreement with any other  
13 entity that receives Federal funds for the Board to per-  
14 form suspension and debarment activities on behalf of the  
15 entity.

16 “(g) ANNUAL REPORT TO CONGRESS.—

17 “(1) IN GENERAL.—Not later than October 30  
18 of each year, the Chair of the Board shall submit to  
19 the relevant congressional committees a report con-  
20 taining the following:

21 “(A) A summary of the activities and ac-  
22 complishments of the Board in the Government-  
23 wide suspension and debarment system, includ-  
24 ing the total number of referrals, timeliness of

1 case disposition, and breakdown of discretionary  
2 and nondiscretionary cases.

3 “(B) *The number and summary of agency*  
4 *head determinations, if any, that allowed a sus-*  
5 *pending or debarred contractor, grantee, or other*  
6 *recipient of Federal financial assistance to re-*  
7 *ceive new Federal funds.*

8 “~~(B)~~ (C) Recommendations to improve the  
9 suspension and debarment system.

10 “(2) FORM OF REPORT.—The Chair of the  
11 Board may combine the report with the report re-  
12 quired by section 6402(c)(7) of this title.

13 “(h) DEFINITIONS.—In this section:

14 “(1) EXECUTIVE AGENCY.—The term ‘executive  
15 agency’ has the meaning provided in section 133 of  
16 title 41.

17 “(2) RELEVANT CONGRESSIONAL COMMIT-  
18 TEES.—The term ‘relevant congressional commit-  
19 tees’ means each of the following:

20 “(A) The Committee on Oversight and  
21 Government Reform of the House of Represent-  
22 atives.

23 “(B) The Committee on Homeland Secu-  
24 rity and Governmental Affairs of the Senate.

1           “(3) INTERAGENCY SUSPENSION AND DEBAR-  
2           MENT COMMITTEE.—The term ‘Interagency Suspen-  
3           sion and Debarment Committee’ means the com-  
4           mittee established under section 6402 of this title.”.

5           (2) DEADLINE FOR APPOINTMENT OF BOARD  
6           MEMBERS.—The members of the Board of Suspen-  
7           sion and Debarment under section 6401 of title 31,  
8           United States Code, as added by paragraph (1),  
9           shall be appointed not later than one year after the  
10          date of the enactment of this Act.

11          (3) CLERICAL AMENDMENT.—The table of  
12          chapters at the beginning of subtitle V of title 31,  
13          United States Code, is amended by inserting after  
14          the item relating to chapter 63 the following new  
15          item:

        “64. Suspension and Debarment ..... 6401”.

16          (b) TERMINATION OF EXECUTIVE AGENCY SUSPEN-  
17          SION AND DEBARMENT OFFICES.—

18                 (1) IN GENERAL.—Except as provided in para-  
19                 graphs (2) and (3), effective on October 1, 2016, the  
20                 suspension and debarment office or function in each  
21                 executive agency shall terminate.

22                 (2) WAIVERS.—

23                         (A) REQUIRED WAIVERS.—Notwithstand-  
24                         ing paragraph (1), the Director of the Office of  
25                         Management and Budget shall grant a waiver

1 to any executive agency listed in section 901(b)  
2 of title 31, United States Code, or section 102  
3 of title 5, other than the General Services Ad-  
4 ministration, that has demonstrated the exist-  
5 ence of the following within the agency:

6 (i) A dedicated suspension and debarment  
7 program and staff.

8 (ii) Detailed agency-specific policies  
9 and procedures relating to suspension and  
10 debarment.

11 (iii) Practices that encourage an ac-  
12 tive suspension and debarment referral  
13 process.

14 (iv) In the case of an agency with  
15 multiple bureaus, offices, or subordinate  
16 organizations, a consolidated suspension  
17 and debarment program with only one in-  
18 dividual with the title and designation of  
19 “Suspension and Debarment Officer” for  
20 the entire agency.

21 (v) Average annual disposition of dis-  
22 cretionary suspension and debarment cases  
23 of 50 or more, regardless of the outcome,  
24 during the three preceding fiscal years.

1                   (B) LENGTH OF WAIVER.—A waiver under  
2                   this paragraph shall be for five years and may  
3                   be renewed more than once.

4                   (3) SMALL BUSINESS ADMINISTRATION.—Not-  
5                   withstanding paragraphs (1) and (2), the Small  
6                   Business Administration shall maintain its inde-  
7                   pendent authority and function relating to suspen-  
8                   sion and debarment pursuant to section 16(d) of the  
9                   Small Business Act (15 U.S.C. 645). Any other sus-  
10                  pension and debarment activities unrelated to such  
11                  section 16(d) shall terminate in accordance with  
12                  paragraph (1).

13                  (c) GUIDANCE.—Within 6 months after the date of  
14                  the enactment of this Act, the Director of the Office of  
15                  Management and Budget, in consultation with the Chief  
16                  Acquisition Officers Council, shall issue guidance address-  
17                  ing the scope and operation of the Board of Suspension  
18                  and Debarment. The guidance shall address, at a min-  
19                  imum, the following:

20                   (1) The size, structure, and organization of the  
21                   Board to efficiently manage all executive agency sus-  
22                   pension and debarment actions.

23                   (2) Procedures for appointment of the Chair of  
24                   the Board, including appropriate instructions to ap-  
25                   point without regard to political affiliation and solely

1 on the basis of the professional qualifications re-  
2 quired to perform the duties and responsibilities of  
3 the Chair of the Board.

4 (3) Procedures for handling new and existing  
5 suspension and debarment cases to accomplish time-  
6 ly transfer of all functions to the Board.

7 **SEC. 3. INTERAGENCY SUSPENSION AND DEBARMENT COM-**  
8 **MITTEE.**

9 (a) ESTABLISHMENT.—Chapter 64 of title 31,  
10 United States Code, as inserted by section 2(a) of this  
11 Act, is further amended by adding at the end the following  
12 new section:

13 **“§ 6402. Interagency Suspension and Debarment**  
14 **Committee**

15 “(a) ESTABLISHMENT.—There is established the  
16 Interagency Suspension and Debarment Committee (in  
17 this section referred to as the ‘Interagency Committee’  
18 which shall replace the committee constituted under sec-  
19 tions 4 and 5 of Executive Order No. 12549.

20 “(b) CHAIR AND VICE CHAIRS.—

21 “(1) CHAIR.—The Administrator for Federal  
22 Procurement Policy shall serve as Chair of the Inter-  
23 agency Committee.

24 “(2) VICE CHAIRS.—There are at least 2 Vice  
25 Chairs of the Interagency Committee. The Chair of

1 the Board of Suspension and Debarment shall serve  
2 as a Vice Chair. The Secretary of Defense shall des-  
3 ignate one official from the Department of Defense  
4 to serve as a Vice Chair.

5 “(c) DUTIES.—The Interagency Committee shall—

6 “(1) resolve issues regarding which of several  
7 Federal agencies is the lead agency having responsi-  
8 bility to initiate suspension or debarment pro-  
9 ceedings, including with respect to contracts in con-  
10 nection with contingency operations;

11 “(2) coordinate actions among interested agen-  
12 cies with respect to such action;

13 “(3) encourage and assist Federal agencies in  
14 entering into cooperative efforts to pool resources  
15 and achieve operational efficiencies in the Govern-  
16 mentwide suspension and debarment system;

17 “(4) recommend to the Office of Management  
18 and Budget changes to the Government suspension  
19 and debarment system and its rules, if such rec-  
20 ommendations are approved by a majority of the  
21 Interagency Committee;

22 “(5) authorize the Office of Management and  
23 Budget to issue guidelines that implement those rec-  
24 ommendations;

1           “(6) authorize the Chair of the Interagency  
2 Committee to establish subcommittees as appro-  
3 priate to best enable the Interagency Committee to  
4 carry out its functions; and

5           “(7) not later than October 30 of each year,  
6 submit to Congress an annual report on—

7           “(A) the progress and efforts to improve  
8 the suspension and debarment system;

9           “(B) member agencies’ active participation  
10 in the Interagency Committee’s work; ~~and~~

11           “(C) a summary of each agency’s activities  
12 and accomplishments in the Governmentwide  
13 suspension and debarment system, including  
14 the total number of referrals, timeliness of case  
15 disposition, and breakdown of discretionary and  
16 nondiscretionary cases; *and*

17           “(D) *The number and summary of agency*  
18 *head determinations, if any, that allowed a sus-*  
19 *pending or debarred contractor, grantee, or other*  
20 *recipient of Federal financial assistance to re-*  
21 *ceive new Federal funds.*

22           “(d) DEFINITION.—In this section, the term ‘contin-  
23 gency operation’ has the meaning given that term in sec-  
24 tion 101(a)(13) of title 10.”.

1 (b) CONFORMING REPEAL OF SUPERSEDED PROVI-  
2 SION.—Section 873 of Public Law 110–417 (31 U.S.C.  
3 6101 note) is hereby repealed. The table of contents con-  
4 tained in section 2 of Public Law 110–417, and at the  
5 beginning of title VIII of such public law, is amended by  
6 striking the item relating to section 873.

7 **SEC. 4. SINGLE CASE MANAGEMENT SYSTEM.**

8 (a) REQUIREMENT TO ESTABLISH SYSTEM.—Not  
9 later than one year after the date of the enactment of this  
10 Act, the Administrator for General Services (in consulta-  
11 tion with the Administrator for Federal Procurement Pol-  
12 icy) shall establish and maintain a Web-based suspension  
13 and debarment case management system for use by the  
14 Board of Suspension and Debarment and appropriate ex-  
15 ecutive agency officials having authority over suspension  
16 and debarment.

17 (b) REQUIREMENT FOR USE OF SYSTEM.—The head  
18 of each executive agency shall ensure that all cases re-  
19 ferred to either the Board or the agency’s suspension and  
20 debarment office (in the case of an agency granted a waiv-  
21 er under section 2(b)(2)) are logged into the case manage-  
22 ment system and that the case status and the name of  
23 the employee handling the case are updated at least once  
24 each month.

1 (c) AVAILABILITY OF INFORMATION.—Any pre-  
2 decisional information related to a suspension or debar-  
3 ment case, including the names of the entities or individ-  
4 uals referred to, shall not be made public unless the Chair  
5 of the Board or the suspension and debarment official of  
6 an executive agency granted a waiver under section  
7 2(b)(2) determines that the release of such information  
8 is necessary to protect the interest of the Government.

9 (d) EXECUTIVE AGENCY DEFINED.—In this section,  
10 the term “executive agency” has the meaning provided in  
11 section 133 of title 41, United States Code.

12 **SEC. 5. SINGLE REGULATION FOR PROCUREMENT AND**  
13 **NONPROCUREMENT PROGRAMS.**

14 (a) SINGLE REGULATION REQUIRED.—Chapter 64 of  
15 title 31, United States Code, as inserted by section 2(a)  
16 of this Act, is further amended by adding at the end the  
17 following new section:

18 **“§ 6403. Single regulation for suspension and debar-**  
19 **ment for procurement and nonprocure-**  
20 **ment programs**

21 “(a) SINGLE REGULATION.—The Director of the Of-  
22 fice of Management and Budget shall maintain one gen-  
23 erally applicable regulation on suspension and debarment  
24 for procurement and nonprocurement programs.

25 “(b) REQUIREMENTS.—

1           “(1) IN GENERAL.—The regulation maintained  
2           pursuant to subsection (a) shall provide, at a min-  
3           imum, for the procedures and other requirements set  
4           forth in paragraphs (2) through (8).

5           “(2) ADVANCE NOTICE OF ADVERSE ACTION.—  
6           The regulation shall provide procedures for the  
7           Board to provide advance notice of adverse action  
8           before any adverse action may be taken against a  
9           private entity or individual, unless the Chair of the  
10          Board of Suspension and Debarment or the suspen-  
11          sion and debarment officer of an executive agency  
12          granted a waiver under section 2(b)(2) of the SUS-  
13          PEND Act determines that an expedient action is  
14          necessary to protect the interest of the Government.

15          “(3) TRANSPARENT HANDLING OF CASES.—The  
16          regulation shall provide procedures for transparent  
17          handling of all cases, including public availability  
18          of—

19                 “(A) the outcome of all referred cases, in-  
20                 cluding the rationale for the decision to take or  
21                 not take an adverse action; and

22                 “(B) the administrative agreements en-  
23                 tered into by the Government in order to re-  
24                 solve a suspension or debarment proceeding.

1           “(4) **TIMELY REFERRALS.**—The regulation  
2 shall provide procedures to strengthen timely refer-  
3 ral of cases, including the role of the agency remedy  
4 coordination official (as required in section 7 of the  
5 **SUSPEND Act**).

6           “(4) *TIMELY REFERRALS AND PROCESSING OF*  
7 *CASES.*—

8           “(A) *The regulation shall provide proce-*  
9 *dures to strengthen timely referrals of cases, in-*  
10 *cluding—*

11           “(i) *the role of the agency remedy co-*  
12 *ordination official to act upon cases brought*  
13 *to such official’s attention in a timely man-*  
14 *ner (as required in section 7 of the SUS-*  
15 *PEND Act); and*

16           “(ii) *requirements for the Board or the*  
17 *agency suspension and debarment office to*  
18 *review the sufficiency of the information in*  
19 *the referred cases and to notify the agency*  
20 *remedy coordination official and cognizant*  
21 *Inspector General (if the case is originated*  
22 *from the Office of Inspector General) within*  
23 *30 days after the initial referral date for*  
24 *any additional information if needed.*

1           “(B) *The regulation shall require all cases*  
2           *to be disposed of within 6 months after the ini-*  
3           *tial referral date, unless the Chair of the Board*  
4           *or the agency suspension and debarment officer*  
5           *provides a written explanation and estimated*  
6           *timeline to the agency remedy coordination offi-*  
7           *cial and cognizant Inspector General (if the case*  
8           *is originated from the Office of Inspector Gen-*  
9           *eral). Such written explanation shall be updated*  
10          *every 3 months until the final resolution of the*  
11          *case.*

12          “(5) CONSISTENT STANDARDS AND PROCE-  
13          DURES.—The regulation shall provide procedures to  
14          ensure consistent standards and procedures that  
15          treat all alleged violators fairly and expeditiously, in-  
16          cluding small businesses with limited legal resources.

17          “(6) REPEATED FAILURE TO PERFORM.—The  
18          regulation shall provide procedures to strengthen the  
19          identification and referral (for suspension or debar-  
20          ment consideration) of contractors and grantees that  
21          repeatedly fail to perform.

22          “(7) CONTINGENCY PROCEDURES.—The regula-  
23          tion shall provide procedures for an expedited review  
24          process to handle contract or grant fraud in a non-

1 traditional or time-sensitive environment, either in a  
2 military or non-military setting.”.

3 (b) REQUIREMENT AND DEADLINE TO COMBINE  
4 REGULATIONS.—Not later than 1 year after the date of  
5 the enactment of this Act, the Director of the Office of  
6 Management and Budget shall combine the separate sus-  
7 pension and debarment regulations for procurement and  
8 nonprocurement programs into one generally applicable  
9 regulation.

10 **SEC. 6. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**

11 (a) REVIEW.—The Comptroller General of the United  
12 States shall review and assess the effectiveness in meeting  
13 the requirements of this Act and the amendments made  
14 by this Act of—

- 15 (1) the Board of Suspension and Debarment;  
16 (2) the suspension and debarment office of each  
17 executive agency granted a waiver under section  
18 2(b)(2) *and the merits of any such waiver*; and  
19 (3) the case management system established  
20 under section 4.

21 (b) REPORT.—Not later than 2 years after the estab-  
22 lishment of the Board of Suspension and Debarment, the  
23 Comptroller General shall submit to the relevant congres-  
24 sional committees a report containing—

1 (1) the findings of the review and assessment  
2 required by subsection (a); and

3 (2) recommendations to improve the Govern-  
4 mentwide suspension and debarment system, includ-  
5 ing identification and assessment of the efficiency of  
6 agency-specific requirements that are unnecessary or  
7 inconsistent with the Governmentwide system.

8 **SEC. 7. COORDINATION OF REMEDIES FOR FRAUD AND**  
9 **CORRUPTION RELATED TO PROCUREMENT**  
10 **AND GRANT ACTIVITIES.**

11 (a) **GUIDANCE REQUIRED.**—Within 6 months after  
12 the date of the enactment of this Act, the head of each  
13 executive agency and the Inspector General of the agency  
14 shall jointly issue guidance that establishes policies, proce-  
15 dures, and responsibilities for the agencywide coordination  
16 of criminal, civil, contractual, and administrative remedies  
17 stemming from investigations of fraud or corruption re-  
18 lated to procurement and grant activities.

19 (b) **MATTERS COVERED.**—

20 (1) **COORDINATION.**—For each significant in-  
21 vestigation of fraud or corruption related to procure-  
22 ment or grant activities affecting an executive agen-  
23 cy, the guidance under subsection (a) shall require  
24 that the remedy coordination official of the agency

1 be promptly informed and appropriately empowered  
2 to carry out the requirements of this section.

3 (2) ROLE OF REMEDY COORDINATION OFFI-  
4 CIAL.—The remedy coordination official of the agen-  
5 cy shall—

6 (A) ensure that all appropriate contracting  
7 and grant officials, officials of the Office of In-  
8 spector General of the agency, and officials of  
9 the Department of Justice are kept informed  
10 about all possible criminal, civil, contractual,  
11 and administrative remedies, and that appro-  
12 priate remedies (including parallel criminal,  
13 civil, regulatory, contractual, and administrative  
14 proceedings) are pursued expeditiously;

15 (B) ensure timely preparation and submis-  
16 sion of suspension and debarment case files by  
17 *the Office of Inspector General of the agency or*  
18 appropriate agency officials; and

19 (C) serve as a primary point of contact on  
20 behalf of the executive agency for the Board of  
21 Suspension and Debarment or the agency sus-  
22 pension and debarment office, as applicable,  
23 throughout the review of the referred cases.

24 (3) CONTRACTUAL OR ADMINISTRATIVE REM-  
25 EDIES.—The guidance under subsection (a) shall re-

1       quire that, in appropriate cases of fraud or corrup-  
2       tion related to procurement or grant activities affect-  
3       ing the agency, and with advance notice to all nec-  
4       essary officials, contractual or administrative rem-  
5       edies be taken before final resolution of any criminal  
6       or civil case.

7       **SEC. 8. TRANSFER, REDESIGNATION, AND AMENDMENT OF**  
8                                   **OTHER PROVISION OF LAW RELATING TO DE-**  
9                                   **BARMENT AND SUSPENSION.**

10       (a) TRANSFER, REDESIGNATION, AND AMENDMENT  
11       OF SECTION 2455 OF PUBLIC LAW 103–355.—Section  
12       2455 of Public Law 103–355 (31 U.S.C. 6101 note) is  
13       hereby—

14               (1) transferred to the end of chapter 64 of title  
15       31, United States Code, as inserted by section 2(a)  
16       of this Act and amended by preceding provisions of  
17       this Act;

18               (2) redesignated as section 6404; and

19               (3) amended—

20                       (A) in subsection (c)(1), by striking “sec-  
21       tion 35(c) of the Office of Federal Procurement  
22       Policy Act (41 U.S.C. 431(c))” and inserting  
23       “section 104 of title 41”; and

24                       (B) in subsection (c)(3), by striking “title  
25       5, United States Code” and inserting “title 5”.

1 (b) CLERICAL AMENDMENTS.—

2 (1) The heading of section 6404 of title 31,  
3 United States Code, as transferred by subsection  
4 (a), is amended to read as follows:

5 **“§ 6404. Uniform suspension, debarment, or exclusion**  
6 **from procurement or nonprocurement ac-**  
7 **tivity”.**

8 (2) The table of contents contained in section  
9 2 of Public Law 103–355 is amended by striking the  
10 item relating to section 2455.

11 (c) CONFORMING AMENDMENT.—Section  
12 8902a(b)(5) of title 5, United States Code, is amended  
13 by striking “section 2455 of the Federal Acquisition  
14 Streamlining Act of 1994” and inserting “section 6404  
15 of title 31”.

16 **SEC. 9. DEFINITIONS.**

17 In this Act:

18 (1) EXECUTIVE AGENCY.—The term “executive  
19 agency” has the meaning provided in section 133 of  
20 title 41, United States Code.

21 (2) RELEVANT CONGRESSIONAL COMMIT-  
22 TEES.—The term “relevant congressional commit-  
23 tees” means each of the following:

1 (A) The Committee on Oversight and Gov-  
2 ernment Reform of the House of Representa-  
3 tives.

4 (B) The Committee on Homeland Security  
5 and Governmental Affairs of the Senate.

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated \$2,000,000  
8 for each of fiscal years 2015 through 2021—

9 (1) to carry out the functions of the Board of  
10 Suspension and Debarment established under sec-  
11 tion 6401 of title 31, United States Code (as added  
12 by section 2), that are in addition to functions al-  
13 ready carried out by personnel of the General Serv-  
14 ices Administration as of October 1, 2013; and

15 (2) for implementation of the case management  
16 system required under section 4.

17 **SEC. 11. EFFECTIVE DATE.**

18 This Act, and the amendments made by this Act,  
19 shall take effect on October 1, 2014.