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Opening Statement Elijah E. Cummings, Ranking Member Oversight and Government Reform Committee

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

October 29, 2013

Mr. Chairman, I value any attempt to protect taxpayers from potential waste, fraud, and abuse by strengthening the suspension and debarment process. For that reason, I support the SUSPEND act.

I also commend you on the bipartisan approach to developing this legislation and am happy to be an original cosponsor of this bill.

Our Committee, under former Chairman Henry Waxman, spent a significant amount of time investigating government contractors that continued receiving taxpayer funds despite evidence of criminal activity, fraud, and overcharging.

We also investigated a deficient suspension and debarment process that too often allowed agencies to reward contractors that had not served the taxpayers well.

Although this oversight helped shine a light on these troublesome practices, a report issued by GAO in 2011 found that some agencies have failed for years to suspend or debar a single individual or business.

And a 2012 report by the Interagency Suspension and Debarment Committee confirmed that persistent weaknesses remain throughout various agencies.

The SUSPEND Act is designed to rectify these weaknesses by consolidating approximately 45 agency and government corporations' S&D offices into one centralized board.

The Board would consolidate staffing and administrative resources and ensure consistent standards and procedures for all alleged violators.

The Board would also serve as the central point of authority and accountability while also employing a transparent case management system.

The goal of this bill is not to punish contractors, but to protect taxpayers. Taxpayers deserve to know that federal contracts and grants are not awarded to those who have acted dishonestly, irresponsibly, or incompetently.

Having the powerful tools of suspension and debarment does little good if they are not being used effectively.

The GAO report found that civilian agencies with the highest numbers of suspensions and debarments share certain characteristics. First, they dedicate staff full-time to the suspension and debarment process. Second, they have detailed guidance in place. And finally, they have a robust case referral process.

This legislation requires agencies to satisfy all of these requirements.

This bill also allows agencies that are currently performing suspension and debarment activities effectively to continue those activities by obtaining an OMB waiver. Most cabinet-level agencies are in this category. The waiver is applicable for 5 years and may be renewed indefinitely as long as they demonstrate what GAO considers the key characteristics of effective Suspension and Debarment programs.

One of our most important jobs here in Congress is to guard against unnecessary spending and make sure we are doing everything in our power to protect taxpayer funds. I believe this bill will advance those goals.

Today's markup is an early, but important step towards improving the current system. And I look forward to working with the Administration to improve and refine this legislation as we move forward.

I yield back the balance of my time.

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