

[DISCUSSION DRAFT]

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

To amend title 31, United States Code, to authorize pausing and segmenting payments, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. COMER introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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**A BILL**

To amend title 31, United States Code, to authorize pausing  
and segmenting payments, 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 “Stopping Fraudulent  
5 Payments Act”.

6 **SEC. 2. AUTHORITY TO PAUSE AND SEGMENT PAYMENTS.**

7 (a) **TREASURY PAYMENT VOUCHER WAIVER AU-**  
8 **THORITY.—**

1           (1) AMENDMENT.—Subchapter II of chapter 33  
2           of title 31, United States Code, is amended by add-  
3           ing at the end the following:

4    **“§ 3337. Authority to pause and segment payments**

5           “(a) AGENCY OBLIGATION TO PAUSE DISBURSE-  
6    MENT REQUESTS FOR CORRECTIVE ACTION.—The head  
7    of an agency that administers a federally funded financial  
8    assistance or public benefit program shall take a corrective  
9    action to temporarily delay, condition, or segment a dis-  
10   bursement request before the certification of a payment  
11   voucher under section 3325 if, as determined by an official  
12   designated by the head of the agency, the agency—

13           “(1) has sufficient reason to determine that the  
14           payment presents an elevated risk of fraud based on  
15           a fraud-risk indicator or an improper payment re-  
16           sulting in financial loss to the Government as esti-  
17           mated under the requirements of section 3352; or

18           “(2) has been notified of an order from the Sec-  
19           retary of the Treasury described under subsection  
20           (b).

21           “(b) TREASURY OBLIGATION TO RETURN PAYMENT  
22    VOUCHER AND ISSUE CORRECTIVE ACTION ORDER.—Ex-  
23    cept where otherwise required by law, the Secretary of the  
24    Treasury shall notify the relevant certifying official of an  
25    order to return a certified payment voucher submitted to

1 a disbursing official under section 3325 pursuant to the  
2 requirements of this section and issue a corrective action  
3 order to the head of an agency if the Secretary of the  
4 Treasury determines—

5 “(1) a determination has been made that the  
6 payment presents an elevated risk of fraud-based on  
7 a fraud-risk indicator or an improper payment under  
8 subchapter IV; or

9 “(2) a payment payee has been flagged in the  
10 Do Not Pay system, as prescribed in guidance pre-  
11 pared by the Secretary of the Treasury, or another  
12 Treasury administered payment, account, or payee  
13 validation program or service.

14 “(c) AGENCY DOCUMENTATION AND TIME-LIMITED  
15 CORRECTIVE ACTION.—An action taken by an agency  
16 under subsection (a) shall—

17 “(1) be based on objective, documented fraud-  
18 risk indicator;

19 “(2) be narrowly applied to the portion of the  
20 payment presenting the elevated risk; and

21 “(3) be limited in duration to the minimum pe-  
22 riod of time necessary as determined by the agency  
23 to verify eligibility of the payee or accuracy of the  
24 payment per the program requirements or as stipu-  
25 lated under another law.

1           “(d) PAYEE NOTIFICATION AND TIME LIMIT OF  
2 PAUSED DISBURSEMENT REQUESTS.—With respect to a  
3 disbursement request that has been delayed pursuant to  
4 subsection (a) or a payment voucher that is returned pur-  
5 suant subsection (b), the head of the agency shall take  
6 the following actions in accordance with any the regula-  
7 tions issued under subsection (i) along with any clarifying  
8 guidance issued by Treasury Secretary in consultation  
9 with the Director of the Office of Management and Budg-  
10 et:

11           “(1) Provide prompt notice to the payee, as ap-  
12 propriate, including a notification that—

13                   “(A) a disbursement has been temporarily  
14 paused, conditioned, or segmented;

15                   “(B) identifies the nature of the fraud-risk  
16 indicator relied upon by the agency to make the  
17 determination; and

18                   “(C) outline the process for the review pe-  
19 riod.

20           “(2) Establish a process tailored to the specific  
21 requirements and design of the agency program for  
22 a payee to contest any factual inaccuracy or provide  
23 clarifying information during the corrective action  
24 review period.

1           “(3) Issue such payment not later than 45 days  
2           after the determination was made or the agency was  
3           notified, but not later than 7 days after the date on  
4           which the payee contests the corrective action under  
5           the process established pursuant to paragraph (2).

6           “(e) SEGMENTATION OF LOW-RISK PAYMENTS.—To  
7           the maximum extent practicable, the head of each agency  
8           shall allow a routine, historically consistent payment  
9           amount to proceed while temporarily holding an anoma-  
10          lous, unusually large, or high-risk portion of a payment,  
11          or class of payments, pending review and resolution of a  
12          corrective action.

13          “(f) EXEMPTIONS FOR LAW ENFORCEMENT ACTIVI-  
14          TIES.—The head of an agency, in consultation with the  
15          Secretary of the Treasury and the Attorney General, may  
16          waive any provision in this section on a case-by-case basis  
17          if notified of or instructed by a Federal law enforcement  
18          authority, including an agency Inspector General, that the  
19          action will jeopardize an active criminal investigation or  
20          legal proceeding related to an effort to defraud the Fed-  
21          eral Government or violate the False Claims Act (31  
22          U.S.C. 3729 et seq.).

23          “(g) LIMITATION OF LIABILITY.—No officer or em-  
24          ployee of the Federal Government shall be personally liable  
25          for an action taken in good faith under this section. An

1 action taken under this section may not constitute a final  
2 determination of eligibility, liability, or wrongdoing on the  
3 part of a payee.

4 “(h) RULE OF CONSTRUCTION FOR PROGRAM AU-  
5 THORIZING STATUTE.—Nothing in this section may be  
6 construed to supersede any other provision of law with re-  
7 spect to the statute that authorizes the payment or pro-  
8 gram the payment is made under.

9 “(i) REGULATIONS.—Not later than 180 days after  
10 the date of the enactment of this section, and annually  
11 thereafter, the Secretary of the Treasury, in consultation  
12 with the Director of the Office of Management and Budg-  
13 et, shall issue regulations and establish procedures to ad-  
14 minister the requirements of this section that shall be pub-  
15 lished in the Federal Register.

16 “(j) ROUTINE, HISTORICALLY CONSISTENT PAY-  
17 MENT AMOUNT DEFINED.—In this section, the term ‘rou-  
18 tine, historically consistent payment amount’ means a pay-  
19 ment amount that is consistent with previous payment his-  
20 tory of the payee, established program use patterns, or  
21 other objective benchmarks determined by the certifying  
22 agency.

23 “(k) FRAUD-RISK INDICATOR DEFINED.—In this sec-  
24 tion, the term ‘fraud-risk indicator’ means an objective  
25 data point or analytic signal that indicates an anomalous

1 payment pattern or increase in the volume of a payment  
2 amount, a verified data mismatch, network or behavioral  
3 anomaly, or match identified by the Do Not Pay system  
4 under section 3354 and any other payment, account, and  
5 payee validation program or service provided by the De-  
6 partment of the Treasury that would result in financial  
7 loss to the government.”.

8 (2) TECHNICAL AND CONFORMING AMEND-  
9 MENT.—The table of sections for chapter 33 of title  
10 31, United States Codes, is amended by inserting  
11 after the item for section 3336 the following:

“3337. Authority to pause and segment payments.”.

12 (b) RELIEF OF ACCOUNTABLE OFFICERS.—Section  
13 3527 of title 31, United States Code, is amended—

14 (1) in subsection (a)(2), by inserting after “the  
15 loss or deficiency was not the result of an illegal or  
16 incorrect payment” the following: “, or was made as  
17 a result of a good faith effort to comply with the re-  
18 quirements of section 3337”; and

19 (2) in subsection (b)(1)(A)(ii), by inserting  
20 after “the loss or deficiency was not the result of an  
21 illegal or incorrect payment” the following: “, or was  
22 made as a result of a good faith effort to comply  
23 with the requirements of section 3337”.