

115TH CONGRESS  
2D SESSION

# S. 2948

To improve efforts to identify and reduce Governmentwide improper payments, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

Mrs. MCCASKILL (for herself, Mr. JOHNSON, and Mr. CARPER) 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 improve efforts to identify and reduce Governmentwide improper 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 “Payment Integrity In-  
5 formation Act of 2018”.

6 **SEC. 2. IMPROPER PAYMENTS.**

7 (a) IN GENERAL.—Chapter 33 of title 31, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

1           **“Subchapter IV—Improper Payments**

2   **“§ 3351. Definitions**

3           “In this subchapter:

4                   “(1) ANNUAL FINANCIAL STATEMENT.—The  
5           term ‘annual financial statement’ means the annual  
6           financial statement required under section 3515 of  
7           this title or similar provision of law.

8                   “(2) COMPLIANCE.—The term ‘compliance’  
9           means that an executive agency—

10                   “(A) has—

11                           “(i) published improper payments in-  
12                           formation with the annual financial state-  
13                           ment of the executive agency for the most  
14                           recent fiscal year; and

15                           “(ii) posted on the website of the ex-  
16                           ecutive agency that statement and any ac-  
17                           companying materials required under guid-  
18                           ance of the Office of Management and  
19                           Budget;

20                   “(B) if required, has conducted a program  
21           specific risk assessment for each program or ac-  
22           tivity that conforms with the requirements  
23           under section 3352(a);

24                   “(C) if required, publishes improper pay-  
25           ments estimates for all programs and activities

1 identified under section 3352(a) in the accom-  
2 panying materials to the annual financial state-  
3 ment;

4 “(D) publishes programmatic corrective ac-  
5 tion plans prepared under section 3352(d) that  
6 the executive agency may have in the accom-  
7 panying materials to the annual financial state-  
8 ment;

9 “(E) publishes improper payments reduc-  
10 tion targets established under section 3352(d)  
11 that the executive agency may have in the ac-  
12 companying materials to the annual financial  
13 statement for each program or activity assessed  
14 to be at risk, and has demonstrated improve-  
15 ments and developed a plan to meet the reduc-  
16 tion targets; and

17 “(F) has reported an improper payment  
18 rate of less than 10 percent for each program  
19 and activity for which an estimate was pub-  
20 lished under section 3352(c).

21 “(3) DO NOT PAY INITIATIVE.—The term ‘Do  
22 Not Pay Initiative’ means the initiative described in  
23 section 3354(b).

24 “(4) IMPROPER PAYMENT.—The term ‘im-  
25 proper payment’—

1           “(A) means any payment that should not  
2           have been made or that was made in an incor-  
3           rect amount, including an overpayment or un-  
4           derpayment, under a statutory, contractual, ad-  
5           ministrative, or other legally applicable require-  
6           ment; and

7           “(B) includes—

8                   “(i) any payment to an ineligible re-  
9                   cipient;

10                   “(ii) any payment for an ineligible  
11                   good or service;

12                   “(iii) any duplicate payment;

13                   “(iv) any payment for a good or serv-  
14                   ice not received, except for those payments  
15                   where authorized by law; and

16                   “(v) any payment that does not ac-  
17                   count for credit for applicable discounts.

18           “(5) PAYMENT.—The term ‘payment’ means  
19           any transfer or commitment for future transfer of  
20           Federal funds such as cash, securities, loans, loan  
21           guarantees, and insurance subsidies to any non-Fed-  
22           eral person or entity or a Federal employee, that is  
23           made by a Federal agency, a Federal contractor, a  
24           Federal grantee, or a governmental or other organi-  
25           zation administering a Federal program or activity.

1           “(6) PAYMENT FOR AN INELIGIBLE GOOD OR  
2 SERVICE.—The term ‘payment for an ineligible good  
3 or service’ includes a payment for any good or serv-  
4 ice that is rejected under any provision of any con-  
5 tract, grant, lease, cooperative agreement, or other  
6 funding mechanism.

7           “(7) RECOVERY AUDIT.—The term ‘recovery  
8 audit’ means a recovery audit described in section  
9 3352(i).

10           “(8) STATE.—The term ‘State’ means each  
11 State of the United States, the District of Columbia,  
12 each territory or possession of the United States,  
13 and each Federally recognized Indian tribe.

14 **“§ 3352. Estimates of improper payments and reports**  
15 **on actions to reduce improper payments**

16           “(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS  
17 AND ACTIVITIES.—

18           “(1) IN GENERAL.—The head of each executive  
19 agency shall, in accordance with guidance prescribed  
20 by the Director of the Office of Management and  
21 Budget—

22           “(A) periodically review all programs and  
23 activities that the head of the executive agency  
24 administers; and

1           “(B) identify all programs and activities  
2 with outlays exceeding the statutory threshold  
3 dollar amount described in paragraph (3)(A)(i)  
4 that may be susceptible to significant improper  
5 payments.

6           “(2) FREQUENCY.—A review under paragraph  
7 (1) shall be performed for each program and activity  
8 that the head of an executive agency administers not  
9 less frequently than once every 3 fiscal years.

10          “(3) RISK ASSESSMENTS.—

11           “(A) DEFINITION OF SIGNIFICANT.—In  
12 this paragraph, the term ‘significant’ means  
13 that, in the preceding fiscal year, the sum of a  
14 program or activity’s improper payments and  
15 payments whose propriety cannot be determined  
16 by the executive agency due to lacking or insuf-  
17 ficient documentation may have exceeded—

18           “(i) \$10,000,000 of all reported pro-  
19 gram or activity payments of the executive  
20 agency made during that fiscal year and  
21 1.5 percent of program outlays; or

22           “(ii) \$100,000,000.

23           “(B) SCOPE.—If conducting a review  
24 under paragraph (1), the head of each executive  
25 agency shall take into account those risk factors

1 that are likely to contribute to a susceptibility  
2 to significant improper payments, such as—

3 “(i) whether the program or activity  
4 reviewed is new to the executive agency;

5 “(ii) the complexity of the program or  
6 activity reviewed;

7 “(iii) the volume of payments made  
8 through the program or activity reviewed;

9 “(iv) whether payments or payment  
10 eligibility decisions are made outside of the  
11 executive agency, such as by a State or  
12 local government;

13 “(v) recent major changes in program  
14 funding, authorities, practices, or proce-  
15 dures;

16 “(vi) the level, experience, and quality  
17 of training for personnel responsible for  
18 making program eligibility determinations  
19 or certifying that payments are accurate;

20 “(vii) significant deficiencies in the  
21 audit report of the executive agency or  
22 other relevant management findings that  
23 might hinder accurate payment certifi-  
24 cation;

1           “(viii) similarities to other programs  
2           or activities that have reported improper  
3           payment estimates or been deemed suscep-  
4           tible to significant improper payments;

5           “(ix) the accuracy and reliability of  
6           improper payment estimates previously re-  
7           ported for the program or activity, or other  
8           indicator of potential susceptibility to im-  
9           proper payments identified by the Inspec-  
10          tor General of the executive agency, the  
11          Government Accountability Office, other  
12          audits performed by or on behalf of the  
13          Federal, State, or local government, disclo-  
14          sures by the executive agency, or any other  
15          means;

16          “(x) whether the program or activity  
17          lacks information or data systems to con-  
18          firm eligibility or provide for other pay-  
19          ment integrity needs; and

20          “(xi) the risk of fraud as assessed by  
21          the executive agency under the Standards  
22          for Internal Control in the Federal Govern-  
23          ment published by the Government Ac-  
24          countability Office (commonly known as  
25          the ‘Green Book’).



1           “(C) ANNUAL REPORT.—Each executive  
2 agency shall publish an annual report that in-  
3 cludes—

4                   “(i) a listing of each program or activ-  
5 ity identified under paragraph (1), includ-  
6 ing the date on which the program or ac-  
7 tivity was most recently assessed for risk  
8 under paragraph (1); and

9                   “(ii) a listing of any program or activ-  
10 ity for which the executive agency makes  
11 any substantial changes to the methodolo-  
12 gies of the reviews conducted under para-  
13 graph (1).

14           “(b) IMPROVING THE DETERMINATION OF IMPROPER  
15 PAYMENTS.—

16                   “(1) IN GENERAL.—The Director of the Office  
17 of Management and Budget shall on an annual  
18 basis—

19                   “(A) identify a list of high-priority Federal  
20 programs for greater levels of oversight and re-  
21 view—

22                           “(i) in which the highest dollar value  
23 or highest rate of improper payments  
24 occur; or

1                   “(ii) for which there is a higher risk  
2                   of improper payments; and

3                   “(B) in coordination with the executive  
4                   agency responsible for administering a high-pri-  
5                   ority program identified under subparagraph  
6                   (A), establish annual targets and semi-annual  
7                   or quarterly actions for reducing improper pay-  
8                   ments associated with the high-priority pro-  
9                   gram.

10                  “(2) REPORT ON HIGH-PRIORITY IMPROPER  
11                  PAYMENTS.—

12                   “(A) IN GENERAL.—Subject to Federal  
13                   privacy policies and to the extent permitted by  
14                   law, each executive agency with a program iden-  
15                   tified under paragraph (1)(A) shall on an an-  
16                   nual basis submit to the Inspector General of  
17                   the executive agency and the Office of Manage-  
18                   ment and Budget, and make available to the  
19                   public, including through a website, a report on  
20                   that program.

21                   “(B) CONTENTS.—Each report submitted  
22                   under subparagraph (A)—

23                   “(i) shall describe any action the exec-  
24                   utive agency—

1                   “(I) has taken or plans to take to  
2                   recover improper payments; and

3                   “(II) intends to take to prevent  
4                   future improper payments; and

5                   “(ii) shall not include—

6                   “(I) any referrals the executive  
7                   agency made or anticipates making to  
8                   the Department of Justice; or

9                   “(II) any information provided in  
10                  connection with a referral described in  
11                  subclause (I).

12                  “(C) PUBLIC AVAILABILITY ON CENTRAL  
13                  WEBSITE.—The Office of Management and  
14                  Budget shall make each report submitted under  
15                  subparagraph (A) available on a central  
16                  website.

17                  “(D) AVAILABILITY OF INFORMATION TO  
18                  INSPECTOR GENERAL.—Subparagraph (B)(ii)  
19                  shall not prohibit any referral or information  
20                  being made available to an Inspector General as  
21                  otherwise provided by law.

22                  “(E) ASSESSMENT AND RECOMMENDA-  
23                  TIONS.—The Inspector General of each execu-  
24                  tive agency that submits a report under sub-  
25                  paragraph (A) shall, for each program of the

1 executive agency that is identified under para-  
2 graph (1)(A)—

3 “(i) review—

4 “(I) the assessment of the level  
5 of risk associated with the program  
6 and the quality of the improper pay-  
7 ment estimates and methodology of  
8 the executive agency relating to the  
9 program; and

10 “(II) the oversight or financial  
11 controls to identify and prevent im-  
12 proper payments under the program;  
13 and

14 “(ii) submit to the appropriate au-  
15 thorizing and appropriations committees of  
16 Congress recommendations, which may be  
17 included in another report submitted by  
18 the Inspector General to Congress, for  
19 modifying any plans of the executive agen-  
20 cy relating to the program, including im-  
21 provements for improper payments deter-  
22 mination and estimation methodology.

23 “(F) ANNUAL MEETING.—Not less fre-  
24 quently than once every year, the head of each  
25 executive agency with a program identified

1 under paragraph (1)(A), or a designee of the  
2 head of the executive agency, shall meet with  
3 the Director of the Office of Management and  
4 Budget, or a designee of the Director, to report  
5 on actions taken during the preceding year and  
6 planned actions to prevent improper payments.

7 “(c) ESTIMATION OF IMPROPER PAYMENTS.—

8 “(1) ESTIMATION.—With respect to each pro-  
9 gram and activity identified under subsection (a)(1),  
10 the head of the relevant executive agency shall—

11 “(A) produce a statistically valid estimate,  
12 or an estimate that is otherwise appropriate  
13 using a methodology approved by the Director  
14 of the Office of Management and Budget, of  
15 the improper payments made by the program or  
16 activity; and

17 “(B) include the estimates described in  
18 subparagraph (A) in the accompanying mate-  
19 rials to the annual financial statement of the  
20 executive agency and as required in applicable  
21 guidance of the Office of Management and  
22 Budget.

23 “(2) LACKING OR INSUFFICIENT DOCUMENTA-  
24 TION.—

1           “(A) IN GENERAL.—For the purpose of  
2           producing an estimate under paragraph (1),  
3           when the executive agency cannot determine,  
4           due to lacking or insufficient documentation,  
5           whether a payment is proper or not, the pay-  
6           ment shall be treated as an improper payment.

7           “(B) SEPARATE REPORT.—The head of an  
8           executive agency may report separately on what  
9           portion of the improper payments estimate for  
10          a program or activity of the executive agency  
11          under paragraph (1) is attributable to lacking  
12          or insufficient documentation.

13          “(d) REPORTS ON ACTIONS TO REDUCE IMPROPER  
14          PAYMENTS.—With respect to any program or activity of  
15          an executive agency with estimated improper payments  
16          under subsection (c), the head of the executive agency  
17          shall provide with the estimate required under subsection  
18          (c) a report on what actions the executive agency is taking  
19          to reduce improper payments, including—

20                 “(1) a description of the causes of the improper  
21                 payments, actions planned or taken to correct those  
22                 causes, and the planned or actual completion date of  
23                 the actions taken to address those causes;

24                 “(2) in order to reduce improper payments to  
25                 a level below which further expenditures to reduce

1 improper payments would cost more than the  
2 amount those expenditures would save in prevented  
3 or recovered improper payments, a statement of  
4 whether the executive agency has what is needed  
5 with respect to—

6 “(A) internal controls;

7 “(B) human capital; and

8 “(C) information systems and other infra-  
9 structure;

10 “(3) if the executive agency does not have suffi-  
11 cient resources to establish and maintain effective  
12 internal controls under paragraph (2)(A), a descrip-  
13 tion of the resources the executive agency has re-  
14 quested in the budget submission of the executive  
15 agency to establish and maintain those internal con-  
16 trols;

17 “(4) program-specific and activity-specific im-  
18 proper payments reduction targets that have been  
19 approved by the Director of the Office of Manage-  
20 ment and Budget;

21 “(5) a description of the steps the executive  
22 agency has taken to ensure that executive agency  
23 managers, programs, and, where appropriate, States  
24 and localities are held accountable through annual  
25 performance appraisal criteria for—

1           “(A) meeting applicable improper pay-  
2           ments reduction targets; and

3           “(B) establishing and maintaining suffi-  
4           cient internal controls, including an appropriate  
5           control environment, that effectively—

6                   “(i) prevent improper payments from  
7                   being made; and

8                   “(ii) promptly detect and recover im-  
9                   proper payments that are made; and

10           “(6) a description of how the level of planned  
11           or completed actions by the executive agency to ad-  
12           dress the causes of the improper payments matches  
13           the level of improper payments, including a break-  
14           down by category of improper payment and specific  
15           timelines for completion of those actions.

16           “(e) REPORTS ON ACTIONS TO RECOVER IMPROPER  
17           PAYMENTS.—With respect to improper payments identi-  
18           fied in a recovery audit, the head of the executive agency  
19           shall provide with the estimate required under subsection  
20           (c) a report on all actions the executive agency is taking  
21           to recover the improper payments, including—

22                   “(1) a discussion of the methods used by the  
23                   executive agency to recover overpayments;

24                   “(2) the amounts recovered, outstanding, and  
25                   determined to not be collectable, including the per-



1 cent those amounts represent of the total overpay-  
2 ments of the executive agency;

3 “(3) if a determination has been made that cer-  
4 tain overpayments are not collectable, a justification  
5 of that determination;

6 “(4) an aging schedule of the amounts out-  
7 standing;

8 “(5) a summary of how recovered amounts have  
9 been disposed of;

10 “(6) a discussion of any conditions giving rise  
11 to improper payments and how those conditions are  
12 being resolved; and

13 “(7) if the executive agency has determined  
14 under subsection (i) that performing recovery audits  
15 for any applicable program or activity is not cost-ef-  
16 fective, a justification for that determination.

17 “(f) GOVERNMENTWIDE REPORTING OF IMPROPER  
18 PAYMENTS AND ACTIONS TO RECOVER IMPROPER PAY-  
19 MENTS.—

20 “(1) REPORT.—Each fiscal year, the Director  
21 of the Office of Management and Budget shall sub-  
22 mit a report with respect to the preceding fiscal year  
23 on actions that executive agencies have taken to re-  
24 port information regarding improper payments and  
25 actions to recover overpayments to—

1           “(A) the Committee on Homeland Security  
2 and Governmental Affairs of the Senate;

3           “(B) the Committee on Oversight and Gov-  
4 ernment Reform of the House of Representa-  
5 tives; and

6           “(C) the Comptroller General of the  
7 United States.

8           “(2) CONTENTS.—Each report required under  
9 paragraph (1) shall include—

10           “(A) a summary of the reports of each ex-  
11 ecutive agency on improper payments and re-  
12 covery actions submitted under this section;

13           “(B) an identification of the compliance  
14 status of each executive agency, as determined  
15 by the Inspector General of the executive agen-  
16 cy under section 3353, to which this section ap-  
17 plies;

18           “(C) Governmentwide improper payment  
19 reduction targets;

20           “(D) a Governmentwide estimate of im-  
21 proper payments; and

22           “(E) a discussion of progress made to-  
23 wards meeting Governmentwide improper pay-  
24 ment reduction targets.

1       “(g) GUIDANCE BY THE OFFICE OF MANAGEMENT  
2 AND BUDGET.—

3           “(1) IN GENERAL.—Not later than 1 year after  
4 the date of enactment of this section, the Director  
5 of the Office of Management and Budget shall pre-  
6 scribe guidance for executive agencies to implement  
7 the requirements of this section, which shall not in-  
8 clude any exemptions to those requirements that are  
9 not specifically authorized by this section.

10          “(2) CONTENTS.—The guidance under para-  
11 graph (1) shall prescribe—

12           “(A) the form of the reports on actions to  
13 reduce improper payments, recovery actions,  
14 and Governmentwide reporting; and

15           “(B) strategies for addressing risks and  
16 establishing appropriate prepayment and  
17 postpayment internal controls.

18          “(h) DETERMINATIONS OF AGENCY READINESS FOR  
19 OPINION ON INTERNAL CONTROL.—The criteria required  
20 to be developed under section 2(g) of the Improper Pay-  
21 ments Elimination and Recovery Act of 2010, as in effect  
22 on the day before the date of enactment of this section—

23           “(1) shall continue to be in effect on and after  
24 the date of enactment of this section; and

1           “(2) may be modified as determined appro-  
2           priate by the Director of the Office of Management  
3           and Budget.

4           “(i) RECOVERY AUDITS.—

5                 “(1) IN GENERAL.—

6                     “(A) CONDUCT OF AUDITS.—Except as  
7                     provided under paragraph (3) and if not prohib-  
8                     ited under any other provision of law, the head  
9                     of each executive agency shall conduct recovery  
10                    audits with respect to each program and activ-  
11                    ity of the executive agency that expends  
12                    \$1,000,000 or more annually if conducting the  
13                    audits would be cost effective.

14                   “(B) PROCEDURES.—In conducting a re-  
15                   covery audit under this subsection, the head of  
16                   an executive agency—

17                         “(i) shall give priority to the most re-  
18                         cent payments and to payments made in  
19                         any program identified as susceptible to  
20                         significant improper payments under sub-  
21                         section (a);

22                         “(ii) shall implement this subsection  
23                         in a manner designed to ensure the great-  
24                         est financial benefit to the Federal Govern-  
25                         ment; and

1           “(iii) may conduct the recovery audit  
2 directly, by using other departments and  
3 agencies of the United States, or by pro-  
4 curing performance of recovery audits by  
5 private sector sources by contract, subject  
6 to the availability of appropriations, or by  
7 any combination thereof.

8           “(C) RECOVERY AUDIT CONTRACTS.—With  
9 respect to a recovery audit procured by an exec-  
10 utive agency by contract—

11           “(i) subject to subparagraph (B)(iii),  
12 and except to the extent such actions are  
13 outside the authority of the executive agen-  
14 cy under section 7103 of title 41, the head  
15 of the executive agency may authorize the  
16 contractor to—

17           “(I) notify entities, including in-  
18 dividuals, of potential overpayments  
19 made to those entities;

20           “(II) respond to questions con-  
21 cerning potential overpayments; and

22           “(III) take other administrative  
23 actions with respect to an overpay-  
24 ment claim made or to be made by  
25 the executive agency; and

1           “(ii) the contractor shall not have the  
2 authority to make a final determination re-  
3 lating to whether any overpayment oc-  
4 curred or whether to compromise, settle, or  
5 terminate an overpayment claim.

6           “(D) CONTRACT TERMS AND CONDI-  
7 TIONS.—

8           “(i) IN GENERAL.—The executive  
9 agency shall include in each contract for  
10 procurement of performance of a recovery  
11 audit a requirement that the contractor  
12 shall—

13           “(I) provide to the executive  
14 agency periodic reports on conditions  
15 giving rise to overpayments identified  
16 by the contractor and any rec-  
17 ommendations on how to mitigate  
18 those conditions;

19           “(II) notify the executive agency  
20 of any overpayments identified by the  
21 contractor pertaining to the executive  
22 agency or to any other executive agen-  
23 cy that are beyond the scope of the  
24 contract; and

1                   “(III) report to the executive  
2                   agency credible evidence of fraud or  
3                   vulnerabilities to fraud and conduct  
4                   appropriate training of personnel of  
5                   the contractor on identification of  
6                   fraud.

7                   “(ii) REPORTS ON ACTIONS TAKEN.—  
8                   Each executive agency shall, on an annual  
9                   basis, include in annual financial statement  
10                  of the executive agency a report on actions  
11                  taken by the executive agency during the  
12                  preceding fiscal year to address the rec-  
13                  ommendations described in clause (i)(I).

14                  “(E) AGENCY ACTION FOLLOWING NOTIFI-  
15                  CATION.—Each executive agency shall—

16                         “(i) take prompt and appropriate ac-  
17                         tion in response to a report or notification  
18                         by a contractor under subclause (I) or (II)  
19                         of subparagraph (D)(i) to collect an over-  
20                         payment; and

21                         “(ii) forward to other executive agen-  
22                         cies any information that applies to that  
23                         executive agency.

24                  “(2) DISPOSITION OF AMOUNTS RECOVERED.—

1           “(A) IN GENERAL.—Amounts collected by  
2 executive agencies each fiscal year through re-  
3 covery audits shall be treated in accordance  
4 with this paragraph.

5           “(B) DISTRIBUTION.—The head of an ex-  
6 ecutive agency shall determine the distribution  
7 of collected amounts described in subparagraph  
8 (A), less amounts needed to fulfill the purposes  
9 of section 3562(a) of this title, in accordance  
10 with subparagraphs (C), (D), and (E).

11           “(C) USE FOR FINANCIAL MANAGEMENT  
12 IMPROVEMENT PROGRAM.—Not more than 25  
13 percent of the amounts collected by an execu-  
14 tive agency through recovery audits—

15           “(i) shall be available to the head of  
16 the executive agency to carry out the fi-  
17 nancial management improvement program  
18 of the executive agency under paragraph  
19 (3);

20           “(ii) may be credited, if applicable, for  
21 the purpose described in clause (i) by the  
22 head of an executive agency to any execu-  
23 tive agency appropriations and funds that  
24 are available for obligation at the time of  
25 collection; and



1           “(iii) shall be used to supplement and  
2           not supplant any other amounts available  
3           for the purpose described in clause (i) and  
4           shall remain available until expended.

5           “(D) USE FOR ORIGINAL PURPOSE.—Not  
6           more than 25 percent of the amounts collected  
7           by an executive agency through recovery au-  
8           dits—

9           “(i) shall be credited to the appropria-  
10          tion or fund, if any, available for obligation  
11          at the time of collection for the same gen-  
12          eral purposes as the appropriation or fund  
13          from which the overpayment was made;

14          “(ii) shall remain available for the  
15          same period and purposes as the appro-  
16          priation or fund to which credited; and

17          “(iii) if the appropriation from which  
18          an overpayment was made has expired,  
19          shall be newly available for the same time  
20          period as the funds were originally avail-  
21          able for obligation, except that any  
22          amounts that are recovered more than 5  
23          fiscal years from the last fiscal year in  
24          which the funds were available for obliga-  
25          tion shall be deposited in the Treasury as

1           miscellaneous receipts, except that in the  
2           case of recoveries of overpayments that are  
3           made from trust or special fund accounts,  
4           those amounts shall revert to those ac-  
5           counts.

6           “(E) USE FOR INSPECTOR GENERAL AC-  
7           TIVITIES.—Not more than 5 percent of the  
8           amounts collected by an executive agency  
9           through recovery audits—

10                   “(i) shall be available to the Inspector  
11                   General of that executive agency for—

12                           “(I) the Inspector General to  
13                           carry out this Act; or

14                           “(II) any other activities of the  
15                           Inspector General relating to inves-  
16                           tigating improper payments or audit-  
17                           ing internal controls associated with  
18                           payments; and

19                           “(ii) shall remain available for the  
20                           same period and purposes as the appro-  
21                           priation or fund to which credited.

22           “(F) REMAINDER.—Amounts collected  
23           that are not applied in accordance with sub-  
24           paragraph (B), (C), (D), or (E) shall be depos-  
25           ited in the Treasury as miscellaneous receipts,

1           except that in the case of recoveries of overpay-  
2           ments that are made from trust or special fund  
3           accounts, those amounts shall revert to those  
4           accounts.

5           “(G) DISCRETIONARY AMOUNTS.—This  
6           paragraph shall apply only to recoveries of over-  
7           payments that are made from discretionary ap-  
8           propriations, as defined in section 250(e)(7) of  
9           the Balanced Budget and Emergency Deficit  
10          Control Act of 1985 (2 U.S.C. 900(e)(7)), and  
11          shall not apply to recoveries of overpayments  
12          that are made from discretionary amounts that  
13          were appropriated before the date of enactment  
14          of the Improper Payments Elimination and Re-  
15          covery Act of 2010, as in effect on the day be-  
16          fore the date of enactment of this section.

17          “(H) APPLICATION.—This paragraph shall  
18          not apply to the recovery of an overpayment if  
19          the appropriation from which the overpayment  
20          was made has not expired.

21          “(3) FINANCIAL MANAGEMENT IMPROVEMENT  
22          PROGRAM.—

23                 “(A) REQUIREMENT.—The head of each  
24                 executive agency shall conduct a financial man-  
25                 agement improvement program consistent with

1 rules prescribed by the Director of the Office of  
2 Management and Budget.

3 “(B) PROGRAM FEATURES.—In conducting  
4 a program described in subparagraph (A), the  
5 head of an executive agency—

6 “(i) shall, as the first priority of the  
7 program, address problems that contribute  
8 directly to executive agency improper pay-  
9 ments; and

10 “(ii) may seek to reduce errors and  
11 waste in other executive agency programs  
12 and operations.

13 “(4) PRIVACY PROTECTIONS.—Any nongovern-  
14 mental entity that, in the course of recovery auditing  
15 or recovery activity under this subsection, obtains in-  
16 formation that identifies an individual or with re-  
17 spect to which there is a reasonable basis to believe  
18 that the information can be used to identify an indi-  
19 vidual, may not disclose the information for any pur-  
20 pose other than the recovery auditing or recovery ac-  
21 tivity and governmental oversight of the activity, un-  
22 less disclosure for that other purpose is authorized  
23 by the individual to the executive agency that con-  
24 tracted for the performance of the recovery auditing  
25 or recovery activity.

1           “(5) RULE OF CONSTRUCTION.—Except as pro-  
2           vided under paragraph (4), nothing in this sub-  
3           section shall be construed as terminating or in any  
4           way limiting authorities that are otherwise available  
5           to executive agencies under existing provisions of law  
6           to recover improper payments and use recovered  
7           amounts.

8   **“§ 3353. Compliance**

9           “(a) ANNUAL COMPLIANCE REPORT BY INSPECTORS  
10          GENERAL OF EXECUTIVE AGENCIES.—

11           “(1) IN GENERAL.—Each fiscal year, the In-  
12          specter General of each executive agency shall—

13                   “(A) determine whether the executive  
14                   agency is in compliance; and

15                   “(B) submit a report on the determination  
16                   made under subparagraph (A) to—

17                           “(i) the head of the executive agency;

18                           “(ii) the Committee on Homeland Se-  
19                           curity and Governmental Affairs of the  
20                           Senate;

21                           “(iii) the Committee on Oversight and  
22                           Governmental Reform of the House of  
23                           Representatives; and

24                           “(iv) the Comptroller General of the  
25                           United States.

1           “(2) DEVELOPMENT OR USE OF A CENTRAL  
2 WEBSITE.—The Council of the Inspectors General  
3 on Integrity and Efficiency (in this subsection re-  
4 ferred to as the ‘Council’) shall develop a public cen-  
5 tral website, or make use of a public central website  
6 in existence on the date of enactment of this section,  
7 to contain individual compliance determination re-  
8 ports issued by Inspectors General under paragraph  
9 (1)(B) and such additional information as deter-  
10 mined by the Council.

11           “(3) OMB GUIDANCE.—Not later than 180  
12 days after the date of enactment of this section, the  
13 Director of the Office of Management and Budget,  
14 in consultation with the Council and with consider-  
15 ation given to the available resources and independ-  
16 ence of individual Offices of Inspectors General,  
17 shall develop and promulgate guidance for the com-  
18 pliance determination reports issued by the Inspec-  
19 tors General under paragraph (1)(B), which shall re-  
20 quire that—

21                   “(A) the reporting format used by the In-  
22 spectors General is consistent;

23                   “(B) Inspectors General evaluate and take  
24 into account the adequacy of executive agency  
25 risk assessments, improper payment estimates

1 methodology, and executive agency action plans  
2 to address the causes of improper payments;

3 “(C) Inspectors General take into account  
4 whether the executive agency has correctly iden-  
5 tified the causes of improper payments and  
6 whether the actions of the executive agency to  
7 address those causes are adequate and effective;

8 “(D) Inspectors General evaluate the ade-  
9 quacy of executive agency action plans on how  
10 the executive agency addresses the causes of  
11 improper payments; and

12 “(E) as part of the report, Inspectors Gen-  
13 eral include an evaluation of executive agency  
14 efforts to prevent and reduce improper pay-  
15 ments and any recommendations for actions to  
16 further improve that prevention and reduction.

17 “(4) CIGIE GUIDANCE.—Not later than 180  
18 days after the date of enactment of this section, the  
19 Council shall, with consideration given to the avail-  
20 able resources and independence of individual Of-  
21 fices of Inspectors General, develop and promulgate  
22 guidance that specifies procedures for compliance  
23 determinations made by the Inspectors General  
24 under paragraph (1)(A), which shall describe proce-  
25 dures for Inspectors General—

1           “(A) to make the determinations consistent  
2 regarding compliance; and

3           “(B) to evaluate—

4               “(i) for compliance with the require-  
5 ment described in section 3351(2)(B), the  
6 risk assessment methodology of the execu-  
7 tive agency, including whether the audits,  
8 examinations, and legal actions of the In-  
9 spector General indicate a higher risk of  
10 improper payments or actual improper  
11 payments that were not included in the  
12 risk assessments of the executive agency  
13 conducted under section 3352(a);

14               “(ii) for compliance with the require-  
15 ment described in section 3351(2)(C), the  
16 accuracy of the rate estimates and whether  
17 the sampling and estimation plan used is  
18 appropriate given program characteristics;

19               “(iii) for compliance with the require-  
20 ment described in section 3351(2)(D), the  
21 corrective action plans and whether the  
22 plans are adequate and focused on the true  
23 causes of improper payments, including  
24 whether the corrective action plans are—



1                   “(I) reducing improper pay-  
2                   ments;

3                   “(II) effectively implemented;  
4                   and

5                   “(III) prioritized within the execu-  
6                   utive agency;

7                   “(iv) the adequacy of executive agency  
8                   action plans to address the causes of im-  
9                   proper payments;

10                  “(v) executive agency efforts to pre-  
11                  vent and reduce improper payments, and  
12                  any recommendations for actions to fur-  
13                  ther improve; and

14                  “(vi) whether an executive agency has  
15                  published an annual financial statement in  
16                  accordance with the requirement described  
17                  in section 3351(2)(A).

18                  “(b) REMEDIATION.—

19                         “(1) NONCOMPLIANCE.—

20                                 “(A) IN GENERAL.—If an executive agency  
21                                 is determined by the Inspector General of that  
22                                 executive agency not to be in compliance under  
23                                 subsection (a) in a fiscal year with respect to a  
24                                 program or activity, the head of the executive  
25                                 agency shall submit to the appropriate author-

1           izing and appropriations committees of Con-  
2           gress a plan describing the actions that the ex-  
3           ecutive agency will take to come into compli-  
4           ance.

5           “(B) PLAN.—The plan described in sub-  
6           paragraph (A) shall include—

7                   “(i) measurable milestones to be ac-  
8                   complished in order to achieve compliance  
9                   for each program or activity;

10                   “(ii) the designation of a senior execu-  
11                   tive agency official who shall be account-  
12                   able for the progress of the executive agen-  
13                   cy in coming into compliance for each pro-  
14                   gram or activity; and

15                   “(iii) the establishment of an account-  
16                   ability mechanism, such as a performance  
17                   agreement, with appropriate incentives and  
18                   consequences tied to the success of the of-  
19                   ficial designated under clause (ii) in lead-  
20                   ing the efforts of the executive agency to  
21                   come into compliance for each program or  
22                   activity.

23           “(2) NONCOMPLIANCE FOR 2 FISCAL YEARS.—

24                   “(A) IN GENERAL.—If an executive agency  
25           is determined by the Inspector General of that

1 executive agency not to be in compliance under  
2 subsection (a) for 2 consecutive fiscal years for  
3 the same program or activity, the executive  
4 agency shall propose to the Director of the Of-  
5 fice of Management and Budget additional pro-  
6 gram integrity proposals that would help the  
7 executive agency come into compliance.

8 “(B) ADDITIONAL FUNDING.—

9 “(i) IN GENERAL.—If the Director of  
10 the Office of Management and Budget de-  
11 termines that additional funding would  
12 help the executive agency come into com-  
13 pliance, the head of the executive agency  
14 shall obligate additional funding, in an  
15 amount determined by the Director, to in-  
16 tensified compliance efforts.

17 “(ii) REPROGRAMMING OR TRANSFER  
18 AUTHORITY.—In providing additional fund-  
19 ing under clause (i)—

20 “(I) the head of an executive  
21 agency shall use any reprogramming  
22 or transfer authority available to the  
23 executive agency; and

24 “(II) if after exercising the re-  
25 programming or transfer authority de-

1                   scribed in subclause (I), additional  
2                   funding is necessary to obligate the  
3                   full level of funding determined by the  
4                   Director of the Office of Management  
5                   and Budget under clause (i), the execu-  
6                   tive agency shall submit a request to  
7                   Congress for additional reprogram-  
8                   ming or transfer authority.

9                   “(3) REAUTHORIZATION AND STATUTORY PRO-  
10                  POSALS.—If an executive agency is determined by  
11                  the Inspector General of that executive agency not  
12                  to be in compliance under subsection (a) for 3 con-  
13                  secutive fiscal years for the same program or activ-  
14                  ity, the head of the executive agency shall, not later  
15                  than 30 days after the date of that determination,  
16                  submit to the appropriate authorizing and appro-  
17                  priations committees of Congress and the Comp-  
18                  troller General of the United States—

19                         “(A)(i) reauthorization proposals for each  
20                         program or activity that has not been in compli-  
21                         ance for 3 or more consecutive fiscal years; and

22                         “(ii) proposed statutory changes necessary  
23                         to bring the program or activity into compli-  
24                         ance; or

1           “(B) if the head of the executive agency  
2           determines that clauses (i) and (ii) of subpara-  
3           graph (A) will not bring the program or activity  
4           into compliance, a description of the actions  
5           that the executive agency is undertaking to  
6           bring the program or activity into compliance  
7           and a timeline of when the compliance will be  
8           achieved.

9           “(4) PLAN AND TIMELINE FOR COMPLIANCE.—  
10          If an executive agency is determined by the Inspec-  
11          tor General of that executive agency not to be in  
12          compliance under subsection (a) for 4 or more con-  
13          secutive fiscal years for the same program or activ-  
14          ity, the head of the executive agency shall, not later  
15          than 30 days after such determination, submit to  
16          the appropriate authorizing and appropriations com-  
17          mittees of Congress a report that includes—

18                 “(A) the activities taken to comply with  
19                 the requirements for 1, 2, 3, 4, or more years  
20                 of noncompliance;

21                 “(B) a description of any requirements  
22                 that were fulfilled for 1, 2, or 3 consecutive  
23                 years of noncompliance that are still relevant  
24                 and being pursued as a means to bring the pro-

1           gram or activity into compliance and prevent  
2           and reduce improper payments;

3           “(C) a description of any new corrective  
4           actions; and

5           “(D) a timeline for when the program or  
6           activity will achieve compliance based on the ac-  
7           tions described within the report.

8           “(5) ANNUAL REPORT.—Each executive agency  
9           shall submit to the appropriate authorizing and ap-  
10          propriations committees of Congress and the Comp-  
11          troller General of the United States—

12           “(A) a list of each program or activity that  
13           was determined to not be in compliance under  
14           paragraph (1), (2), (3), or (4); and

15           “(B) actions that are planned to bring the  
16           program or activity into compliance.

17          “(c) COMPLIANCE ENFORCEMENT PILOT PRO-  
18          GRAMS.—The Director of the Office of Management and  
19          Budget may establish 1 or more pilot programs that shall  
20          test potential accountability mechanisms with appropriate  
21          incentives and consequences tied to success in ensuring  
22          compliance with this section and eliminating improper  
23          payments.

24          “(d) IMPROVED ESTIMATES GUIDANCE.—The guid-  
25          ance required to be provided under section 3(b) of the Im-

1 proper Payments Elimination and Recovery Improvement  
2 Act of 2012, as in effect on the day before the date of  
3 enactment of this section—

4 “(1) shall continue to be in effect on and after  
5 the date of enactment of this section; and

6 “(2) may be modified as determined appro-  
7 priate by the Director of the Office of Management  
8 and Budget.

9 **“§ 3354. Do Not Pay Initiative**

10 “(a) PREPAYMENT AND PREAWARD PROCEDURES.—

11 “(1) IN GENERAL.—Each executive agency shall  
12 review prepayment and preaward procedures and en-  
13 sure that a thorough review of available databases  
14 with relevant information on eligibility occurs to de-  
15 termine program or award eligibility and prevent im-  
16 proper payments before the release of any Federal  
17 funds.

18 “(2) DATABASES.—At a minimum and before  
19 issuing any payment and award, each executive  
20 agency shall review as appropriate the following  
21 databases to verify eligibility of the payment and  
22 award:

23 “(A) The death records maintained by the  
24 Commissioner of Social Security.

1           “(B) The System for Award Management  
2 Exclusion Records, formerly known as the Ex-  
3 cluded Parties List System, of the General  
4 Services Administration.

5           “(C) The Debt Check Database of the De-  
6 partment of the Treasury.

7           “(D) The Credit Alert System or Credit  
8 Alert Interactive Voice Response System of the  
9 Department of Housing and Urban Develop-  
10 ment.

11           “(E) The List of Excluded Individuals/En-  
12 tities of the Office of Inspector General of the  
13 Department of Health and Human Services.

14           “(F) Information regarding incarcerated  
15 individuals maintained by the Commissioner of  
16 Social Security under sections 202(x) and  
17 1611(e) of the Social Security Act (42 U.S.C.  
18 402(x), 1382(e)).

19           “(b) DO NOT PAY INITIATIVE.—

20           “(1) IN GENERAL.—There is the Do Not Pay  
21 Initiative, which shall include—

22           “(A) use of the databases described in sub-  
23 section (a)(2); and

24           “(B) use of other databases designated by  
25 the Director of the Office of Management and



1           Budget, or the designee of the Director, in con-  
2           sultation with executive agencies and in accord-  
3           ance with paragraph (2).

4           “(2) OTHER DATABASES.—In making designa-  
5           tions of other databases under paragraph (1)(B), the  
6           Director of the Office of Management and Budget,  
7           or the head of any executive agency designated by  
8           the Director, shall—

9                   “(A) consider any database that substan-  
10                   tially assists in preventing improper payments;  
11                   and

12                   “(B) provide public notice and an oppor-  
13                   tunity for comment before designating a data-  
14                   base under paragraph (1)(B).

15           “(3) ACCESS AND REVIEW.—

16                   “(A) IN GENERAL.—For purposes of iden-  
17                   tifying and preventing improper payments, each  
18                   executive agency shall have access to, and use  
19                   of, the Do Not Pay Initiative to verify payment  
20                   or award eligibility in accordance with sub-  
21                   section (a).

22                   “(B) MATCHING PROGRAMS.—

23                           “(i) IN GENERAL.—The head of the  
24                           agency operating the Working System  
25                           may, in consultation with the Office of

1 Management and Budget, waive the re-  
2 quirements of section 552a(o) of title 5 in  
3 any case or class of cases for computer  
4 matching activities conducted under this  
5 section.

6 “(ii) GUIDANCE.—The Director of the  
7 Office of Management and Budget may  
8 issue guidance that establishes require-  
9 ments governing waivers under clause (i).

10 “(C) OTHER ENTITIES.—Each State and  
11 any contractor, subcontractor, or agent of a  
12 State, including a State auditor or State pro-  
13 gram responsible for reducing improper pay-  
14 ments of a federally funded State-administered  
15 program, and the judicial and legislative  
16 branches of the United States, as defined in  
17 paragraphs (2) and (3), respectively, of section  
18 202(e) of title 18, shall have access to, and use  
19 of, the Do Not Pay Initiative for the purpose of  
20 verifying payment or award eligibility for pay-  
21 ments.

22 “(D) CONSISTENCY WITH PRIVACY ACT OF  
23 1974.—To ensure consistency with the principles  
24 of section 552a of title 5 (commonly known as  
25 the ‘Privacy Act of 1974’), the Director of the

1 Office of Management and Budget may issue  
2 guidance that establishes privacy and other re-  
3 quirements that shall be incorporated into Do  
4 Not Pay Initiative access agreements with  
5 States, including any contractor, subcontractor,  
6 or agent of a State, and the judicial and legisla-  
7 tive branches of the United States, as defined  
8 in paragraphs (2) and (3), respectively, of sec-  
9 tion 202(e) of title 18.

10 “(4) PAYMENT OTHERWISE REQUIRED.—When  
11 using the Do Not Pay Initiative, an executive agency  
12 shall recognize that there may be circumstances  
13 under which the law requires a payment or award to  
14 be made to a recipient, regardless of whether that  
15 recipient is identified as potentially ineligible under  
16 the Do Not Pay Initiative.

17 “(5) ANNUAL REPORT.—The Director of the  
18 Office of Management and Budget shall submit to  
19 Congress an annual report, which may be included  
20 as part of another report submitted to Congress by  
21 the Director, regarding the operation of the Do Not  
22 Pay Initiative, which shall—

23 “(A) include an evaluation of whether the  
24 Do Not Pay Initiative has reduced improper  
25 payments or improper awards; and

1           “(B) provide the frequency of corrections  
2           or identification of incorrect information.

3           “(c) INITIAL WORKING SYSTEM.—The working sys-  
4 tem required to be established under section 5(d) of the  
5 Improper Payments Elimination and Recovery Improve-  
6 ment Act of 2012, as in effect on the day before the date  
7 of enactment of this section—

8           “(1) shall continue to be in effect on and after  
9           the date of enactment of this section; and

10           “(2) shall require each executive agency to re-  
11 view all payments and awards for all programs and  
12 activities of that executive agency through the work-  
13 ing system.

14           “(d) FACILITATING DATA ACCESS BY FEDERAL  
15 AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR  
16 PURPOSES OF PROGRAM INTEGRITY.—

17           “(1) COMPUTER MATCHING BY EXECUTIVE  
18 AGENCIES FOR PURPOSES OF INVESTIGATION AND  
19 PREVENTION OF IMPROPER PAYMENTS AND  
20 FRAUD.—

21           “(A) IN GENERAL.—Except as provided in  
22 this paragraph, in accordance with section 552a  
23 of title 5 (commonly known as the ‘Privacy Act  
24 of 1974’), the head of each executive agency  
25 may enter into computer matching agreements

1 with other heads of executive agencies that  
2 allow ongoing data matching, which shall in-  
3 clude automated data matching, in order to as-  
4 sist in the detection and prevention of improper  
5 payments.

6 “(B) REVIEW.—Not later than 60 days  
7 after the date on which a proposal for an agree-  
8 ment under subparagraph (A) has been pre-  
9 sented to a Data Integrity Board established  
10 under section 552a(u) of title 5 for consider-  
11 ation, the Data Integrity Board shall respond  
12 to the proposal.

13 “(C) TERMINATION DATE.—An agreement  
14 described in subparagraph (A)—

15 “(i) shall have a termination date of  
16 less than 3 years; and

17 “(ii) during the 3-month period end-  
18 ing on the date on which the agreement is  
19 scheduled to terminate, may be renewed by  
20 the executive agencies entering the agree-  
21 ment for not more than 3 years.

22 “(D) MULTIPLE AGENCIES.—For purposes  
23 of this paragraph, section 552a(o)(1) of title 5  
24 shall be applied by substituting ‘between the  
25 source agency and the recipient agency or non-

1 Federal agency or an agreement governing mul-  
2 tiple agencies’ for ‘between the source agency  
3 and the recipient agency or non-Federal agency’  
4 in the matter preceding subparagraph (A).

5 “(E) COST-BENEFIT ANALYSIS.—A jus-  
6 tification under section 552a(o)(1)(B) of title 5  
7 relating to an agreement under subparagraph  
8 (A) is not required to contain a specific esti-  
9 mate of any savings under the computer match-  
10 ing agreement.

11 “(2) GUIDANCE AND PROCEDURES BY THE OF-  
12 FICE OF MANAGEMENT AND BUDGET.—The guid-  
13 ance, rules, and procedures required to be issued,  
14 clarified, and established under paragraphs (3) and  
15 (4) of section 5(e) of the Improper Payments Elimini-  
16 nation and Recovery Improvement Act of 2012, as  
17 in effect on the day before the date of enactment of  
18 this section—

19 “(A) shall continue to be in effect on and  
20 after the date of enactment of this section; and

21 “(B) may be modified as determined ap-  
22 propriate by the Director of the Office of Man-  
23 agement and Budget.

24 “(3) COMPLIANCE.—The head of each executive  
25 agency, in consultation with the Inspector General of

1 the executive agency, shall ensure that any informa-  
2 tion provided to an individual or entity under this  
3 subsection is provided in accordance with protocols  
4 established under this subsection.

5 “(4) RULE OF CONSTRUCTION.—Nothing in  
6 this subsection shall be construed—

7 “(A) to affect the rights of an individual  
8 under section 552a(p) of title 5; or

9 “(B) to impede the exercise of an exemp-  
10 tion provided to Inspectors General or by an ex-  
11 ecutive agency in coordination with an Inspec-  
12 tor General under section 6(j) of the Inspector  
13 General Act of 1978 (5 U.S.C. App.).

14 “(e) PLAN TO CURB FEDERAL IMPROPER PAYMENTS  
15 TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY  
16 AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECU-  
17 RITY ADMINISTRATION DEATH MASTER FILE AND OTHER  
18 DEATH DATA.—

19 “(1) ESTABLISHMENT.—In conjunction with  
20 the Commissioner of Social Security and in consulta-  
21 tion with relevant stakeholders that have an interest  
22 in or responsibility for providing the data, and each  
23 State, the Director of the Office of Management and  
24 Budget shall conduct a study and update the plan  
25 required to be established under section 5(g) of the

1 Improper Payments Elimination and Recovery Im-  
2 provement Act of 2012, as in effect on the day be-  
3 fore the date of enactment of this section, for im-  
4 proving the quality, accuracy, and timeliness of  
5 death data maintained by the Social Security Ad-  
6 ministration, including death information reported to  
7 the Commissioner under section 205(r) of the Social  
8 Security Act (42 U.S.C. 405(r)).

9 “(2) ADDITIONAL ACTIONS UNDER PLAN.—The  
10 plan described in this subsection shall include rec-  
11 ommended actions by executive agencies to—

12 “(A) increase the quality and frequency of  
13 access to the Death Master File and other  
14 death data;

15 “(B) achieve a goal of at least daily access  
16 as appropriate;

17 “(C) provide for all States and other data  
18 providers to use improved and electronic means  
19 for providing data;

20 “(D) identify improved methods by execu-  
21 tive agencies for determining ineligible pay-  
22 ments due to the death of a recipient through  
23 proactive verification means; and



1           “(E) address improper payments made by  
2           executive agencies to deceased individuals as  
3           part of Federal retirement programs.

4           “(3) REPORT.—Not later than 120 days after  
5           the date of enactment of this section, the Director  
6           of the Office of Management and Budget shall sub-  
7           mit a report to Congress on the plan described in  
8           this subsection, including recommended legislation.

9   **“§ 3355. Improving recovery of improper payments**

10          “The Director of the Office of Management and  
11          Budget shall determine—

12               “(1) current and historical rates and amounts  
13               of recovery of improper payments, or, in cases in  
14               which improper payments are identified solely on the  
15               basis of a sample, recovery rates and amounts esti-  
16               mated on the basis of the applicable sample, includ-  
17               ing a list of executive agency recovery audit contract  
18               programs and specific information of amounts and  
19               payments recovered by recovery audit contractors;  
20               and

21               “(2) targets for recovering improper payments,  
22               including specific information on amounts and pay-  
23               ments recovered by recovery audit contractors.

1 **“§ 3356. Improving the use of data by executive agen-**  
2 **cies for curbing improper payments**

3 “(a) PROMPT REPORTING OF DEATH INFORMATION  
4 BY THE DEPARTMENT OF STATE AND THE DEPARTMENT  
5 OF DEFENSE.—The procedure required to be established  
6 under section 7(a) of the Improper Payments Elimination  
7 and Recovery Improvement Act of 2012, as in effect on  
8 the day before the date of enactment of this section—

9 “(1) shall continue to be in effect on and after  
10 the date of enactment of this section; and

11 “(2) may be modified as determined appro-  
12 priate by the Director of the Office of Management  
13 and Budget.

14 “(b) PROMPT REPORTING OF DEATH INFORMATION  
15 BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE  
16 OFFICE OF PERSONNEL MANAGEMENT.—Not later than  
17 1 year after the date of enactment of this section, the Sec-  
18 retary of Veterans Affairs and the Director of the Office  
19 of Personnel Management shall establish a procedure  
20 under which the Secretary and the Director—

21 “(1) shall promptly and on a regular basis sub-  
22 mit information relating to the deaths of individuals,  
23 including stopped payments data as applicable, to  
24 each executive agency for which the Director of the  
25 Office of Management and Budget determines re-

1 ceiving and using such information would be rel-  
 2 evant and necessary; and

3 “(2) to facilitate the centralized access of death  
 4 data for the use of reducing improper payments,  
 5 may identify additional Federal sources of death  
 6 data and direct the data owner to provide that data  
 7 to 1 or more executive agencies for that purpose.

8 “(c) GUIDANCE TO EXECUTIVE AGENCIES REGARD-  
 9 ING DATA ACCESS AND USE FOR IMPROPER PAYMENTS  
 10 PURPOSES.—The guidance required to be issued under  
 11 section 7(b) of the Improper Payments Elimination and  
 12 Recovery Improvement Act of 2012, as in effect on the  
 13 day before the date of enactment of this section—

14 “(1) shall continue to be in effect on and after  
 15 the date of enactment of this section; and

16 “(2) may be modified as determined appro-  
 17 priate by the Director of the Office of Management  
 18 and Budget.

19 **“§ 3357. Financial and administrative controls relat-**  
 20 **ing to fraud and improper payments**

21 “(a) DEFINITION.—In this section, the term ‘agency’  
 22 has the meaning given the term in section 551 of title 5.

23 “(b) GUIDELINES.—The guidelines required to be es-  
 24 tablished under section 3(a) of the Fraud Reduction and

1 Data Analytics Act of 2015, as in effect on the day before  
2 the date of enactment of this section—

3 “(1) shall continue to be in effect on and after  
4 the date of enactment of this section; and

5 “(2) may be periodically modified by the Direc-  
6 tor of the Office of Management and Budget, in con-  
7 sultation with the Comptroller General of the United  
8 States, as the Director and Comptroller General may  
9 determine necessary.

10 “(c) REQUIREMENTS FOR CONTROLS.—The guide-  
11 lines described in subsection (b) shall include—

12 “(1) conducting an evaluation of fraud risks  
13 and using a risk-based approach to design and im-  
14 plement financial and administrative control activi-  
15 ties to mitigate identified fraud risks;

16 “(2) collecting and analyzing data from report-  
17 ing mechanisms on detected fraud to monitor fraud  
18 trends and using that data and information to con-  
19 tinuously improve fraud prevention controls; and

20 “(3) using the results of monitoring, evaluation,  
21 audits, and investigations to improve fraud preven-  
22 tion, detection, and response.

23 “(d) REPORT.—For each of fiscal years 2018 and  
24 2019, each agency shall submit to Congress, as part of

1 the annual financial report of the agency, a report of the  
2 agency on—

3 “(1) implementing—

4 “(A) the financial and administrative con-  
5 trols required to be described in subsection (b);

6 “(B) the fraud risk principle in the Stand-  
7 ards for Internal Control in the Federal Gov-  
8 ernment published by the Government Account-  
9 ability Office (commonly known as the ‘Green  
10 Book’); and

11 “(C) Office of Management and Budget  
12 Circular A-123, or any successor thereto, with  
13 respect to the leading practices for managing  
14 fraud risk;

15 “(2) identifying risks and vulnerabilities to  
16 fraud, including with respect to payroll, beneficiary  
17 payments, grants, large contracts, and purchase and  
18 travel cards; and

19 “(3) establishing strategies, procedures, and  
20 other steps to curb fraud.

21 **“§ 3358. Interagency working group for Government-**  
22 **wide payment integrity improvement**

23 “(a) WORKING GROUP.—

24 “(1) ESTABLISHMENT.—Not later than 90 days  
25 after the date of enactment of this section, there is

1 established an interagency working group on pay-  
2 ment integrity—

3 “(A) to improve—

4 “(i) State-administered Federal pro-  
5 grams to determine eligibility processes  
6 and data sharing practices;

7 “(ii) the guidelines described in sec-  
8 tion 3357(b) and other best practices and  
9 techniques for detecting, preventing, and  
10 responding to improper payments, includ-  
11 ing improper payments that are the result  
12 of fraud; and

13 “(iii) the sharing and development of  
14 data analytics techniques to help prevent  
15 and identify potential improper payments,  
16 including those that are the result of  
17 fraud; and

18 “(B) to identify any additional activities  
19 that will improve payment integrity of Federal  
20 programs.

21 “(2) COMPOSITION.—The interagency working  
22 group established under paragraph (1) shall be com-  
23 posed of—

24 “(A) the Director of the Office of Manage-  
25 ment and Budget;

1           “(B) 1 representative from each of the  
2 agencies described in paragraphs (1) and (2) of  
3 section 901(b) of this title; and

4           “(C) any other representatives of other ex-  
5 ecutive agencies determined appropriate by the  
6 Director of the Office of Management and  
7 Budget, which may include the Chief Informa-  
8 tion Officer, the Chief Procurement Officer, the  
9 Chief Risk Officer, or the Chief Operating Offi-  
10 cer of an executive agency.

11       “(b) CONSULTATION.—The working group estab-  
12 lished under subsection (a)(1) may consult with Offices  
13 of Inspectors General and Federal and non-Federal ex-  
14 perts on fraud risk assessments, administrative controls  
15 over payment integrity, financial controls, and other rel-  
16 evant matters.

17       “(c) MEETINGS.—The working group established  
18 under subsection (a)(1) shall hold not fewer than 4 meet-  
19 ings per year.

20       “(d) REPORT.—Not later than 240 days after the  
21 date of enactment of this section, the working group estab-  
22 lished under subsection (a)(1) shall submit to Congress  
23 a report that includes—

24           “(1) a plan containing tangible solutions to pre-  
25 vent and reduce improper payments; and

1           “(2) a plan for State agencies to work with  
 2           Federal agencies to regularly review lists of bene-  
 3           ficiaries of State-managed Federal programs for du-  
 4           plicate enrollment between States, including how the  
 5           Do Not Pay Business Center and the data analytics  
 6           initiative of the Department of the Treasury could  
 7           aid in the detection of duplicate enrollment.”.

8           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 9           The table of sections for chapter 33 of title 31, United  
 10          States Code, is amended by adding at the end the fol-  
 11          lowing:

“SUBCHAPTER IV—IMPROPER PAYMENTS

“3351. Definitions.

“3352. Estimates of improper payments and reports on actions to reduce im-  
 proper payments.

“3353. Compliance.

“3354. Do Not Pay Initiative.

“3355. Improving recovery of improper payments.

“3356. Improving the use of data by executive agencies for curbing improper  
 payments.

“3357. Financial and administrative controls relating to fraud and improper  
 payments.

“3358. Interagency working group for Governmentwide payment integrity im-  
 provement.”.

12 **SEC. 3. REPEALS.**

13           (a) IN GENERAL.—

14           (1) IMPROPER PAYMENTS INFORMATION ACT OF  
 15           2002.—The Improper Payments Information Act of  
 16           2002 (31 U.S.C. 3321 note) is repealed.

17           (2) IMPROPER PAYMENTS ELIMINATION AND  
 18           RECOVERY ACT OF 2010.—The Improper Payments



1 Elimination and Recovery Act of 2010 (Public Law  
2 114–204; 124 Stat. 2224) is repealed.

3 (3) IMPROPER PAYMENTS ELIMINATION AND  
4 RECOVERY IMPROVEMENT ACT OF 2012.—The Im-  
5 proper Payments Elimination and Recovery Im-  
6 provement Act of 2012 (31 U.S.C. 3321 note) is re-  
7 pealed.

8 (4) FRAUD REDUCTION AND DATA ANALYTICS  
9 ACT OF 2015.—The Fraud Reduction and Data Ana-  
10 lytics Act of 2015 (31 U.S.C. 3321 note) is repealed.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) GOVERNMENT CHARGE CARD ABUSE PRE-  
13 VENTION ACT OF 2012.—Section 6(a) of the Govern-  
14 ment Charge Card Abuse Prevention Act of 2012 (5  
15 U.S.C. 5701 note) is amended by striking “section  
16 3512 of title 31, United States Code, or in the Im-  
17 proper Payments Information Act of 2002 (31  
18 U.S.C. 3321 note)” and inserting “section 3512 or  
19 subchapter IV of chapter 33 of title 31, United  
20 States Code”.

21 (2) HOMELAND SECURITY ACT OF 2002.—Sec-  
22 tion 2022(a) of the Homeland Security Act of 2002  
23 (6 U.S.C. 612(a)) is amended—

24 (A) in paragraph (1)(C), by striking “Con-  
25 sistent with the Improper Payments Informa-

1           tion Act of 2002 (31 U.S.C. 3321 note)” and  
2           inserting “Consistent with subchapter IV of  
3           chapter 33 of title 31, United States Code”;  
4           and

5                   (B) in paragraph (5), by striking “section  
6           2(h) of the Improper Payments Elimination  
7           and Recovery Act of 2010 (31 U.S.C. 3321  
8           note)” and inserting “section 3352(i) of title  
9           31, United States Code,”.

10           (3) SOCIAL SECURITY ACT.—Section 2105 of  
11           the Social Security Act (42 U.S.C. 1397ee(e)) is  
12           amended by striking “Improper Payments Informa-  
13           tion Act of 2002” each place that term appears and  
14           inserting “subchapter IV of chapter 33 of title 31,  
15           United States Code”.

16           (4) TITLE 31.—Section 3562(a) of title 31,  
17           United States Code, is amended, in the matter pre-  
18           ceding paragraph (1)—

19                   (A) by striking “section 3561” and insert-  
20           ing “section 3352(i)”; and

21                   (B) by striking “agency for the following  
22           purposes:” and all that follows through “To re-  
23           imburse” and inserting “agency to reimburse”.

○