

95-452, which was set out in the Appendix to Title 5, Government Organization and Employees, and was repealed and restated as section 406(j) of Title 5 by Pub. L. 117-286, §§ 3(b), 7, Dec. 27, 2022, 136 Stat. 4224, 4361.

§ 3355. Improving recovery of improper payments

The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments, or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample, including a list of executive agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

(Added Pub. L. 116-117, § 2(a), Mar. 2, 2020, 134 Stat. 130.)

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

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

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

(2) may be periodically modified as determined appropriate by the Director of the Office of Management and Budget.

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

(1) shall promptly and on a regular basis submit information relating to the deaths of individuals, including stopped payments data as applicable, to each executive agency for which the Director of the Office of Management and Budget determines receiving and using such information would be relevant and necessary; and

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

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

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

(2) may be modified as determined appropriate by the Director of the Office of Management and Budget.

(Added Pub. L. 116-117, § 2(a), Mar. 2, 2020, 134 Stat. 130.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 116-117, which was approved Mar. 2, 2020.

Section 7 of the Improper Payments Elimination and Recovery Improvement Act of 2012, referred to in subsecs. (a) and (c), is section 7 of Pub. L. 112-248, which was formerly set out in a note under section 3321 of this title, prior to repeal by Pub. L. 116-117, § 3(a)(3), Mar. 2, 2020, 134 Stat. 133.

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

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

(b) GUIDELINES.—The guidelines required to be established under section 3(a) of the Fraud Reduction and Data Analytics Act of 2015, as in effect on the day before the date of enactment of this section—

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

(2) may be periodically modified by the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, as the Director and Comptroller General may determine necessary.

(c) REQUIREMENTS FOR CONTROLS.—The guidelines described in subsection (b) shall include—

(1) conducting an evaluation of fraud risks and using a risk-based approach to design and implement financial and administrative control activities to mitigate identified fraud risks;

(2) collecting and analyzing data from reporting mechanisms on detected fraud to monitor fraud trends and using that data and information to continuously improve fraud prevention controls; and

(3) using the results of monitoring, evaluation, audits, and investigations to improve fraud prevention, detection, and response.

(d) REPORT.—For each of fiscal years 2019 and 2020, each agency shall submit to Congress, as part of the annual financial report of the agency, a report of the agency on—

(1) implementing—

(A) the financial and administrative controls described in subsection (b);

(B) the fraud risk principle in the Standards for Internal Control in the Federal Government published by the Government Accountability Office (commonly known as the “Green Book”); and

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

(2) identifying risks and vulnerabilities to fraud, including with respect to payroll, bene-

ficiary payments, grants, large contracts, and purchase and travel cards; and

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

(Added Pub. L. 116–117, §2(a), Mar. 2, 2020, 134 Stat. 131.)

Editorial Notes

REFERENCES IN TEXT

Section 3(a) of the Fraud Reduction and Data Analytics Act of 2015, referred to in subsec. (b), is section 3(a) of Pub. L. 114–186, June 30, 2016, 130 Stat. 546, which was formerly set out in a note under section 3321 of this title, prior to repeal by Pub. L. 116–117, §3(a)(4), Mar. 2, 2020, 134 Stat. 133.

The date of enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 116–117, which was approved Mar. 2, 2020.

§ 3358. Interagency working group for Governmentwide payment integrity improvement

(a) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, there is established an interagency working group on payment integrity—

(A) to improve—

(i) State-administered Federal programs to determine eligibility processes and data sharing practices;

(ii) the guidelines described in section 3357(b) and other best practices and techniques for detecting, preventing, and responding to improper payments, including improper payments that are the result of fraud; and

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

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

(2) COMPOSITION.—The interagency working group established under paragraph (1) shall be composed of—

(A) the Director of the Office of Management and Budget;

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

(C) any other representatives of other executive agencies determined appropriate by the Director of the Office of Management and Budget, which may include the Chief Information Officer, the Chief Procurement Officer, the Chief Risk Officer, or the Chief Operating Officer of an executive agency.

(b) CONSULTATION.—The working group established under subsection (a)(1) may consult with Offices of Inspectors General and Federal and non-Federal experts on fraud risk assessments, administrative controls over payment integrity, financial controls, and other relevant matters.

(c) MEETINGS.—The working group established under subsection (a)(1) shall hold not fewer than 4 meetings per year.

(d) REPORT.—Not later than 240 days after the date of enactment of this section, the working

group established under subsection (a)(1) shall submit to Congress a report that includes—

(1) a plan containing tangible solutions to prevent and reduce improper payments; and

(2) a plan for State agencies to work with Federal agencies to regularly review lists of beneficiaries of State-managed Federal programs for duplicate enrollment between States, including how the Do Not Pay Business Center and the data analytics initiative of the Department of the Treasury could aid in the detection of duplicate enrollment.

(Added Pub. L. 116–117, §2(a), Mar. 2, 2020, 134 Stat. 132.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a)(1) and (d), is the date of enactment of Pub. L. 116–117, which was approved Mar. 2, 2020.

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