

hearing entitled, "Streamlining and Strengthening HUD's Rental Housing Assistance Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted to Jenny Carson, an intern in my office, for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Katharine Beamer, a Department of State detailee from my office, be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jasper Craven of my staff be given the privileges of the floor for the rest of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jeanette Quick, a detailee on the Banking Committee staff, as well as Ingianni Acosta and Georgina Cannan, two interns on Senator JOHNSON's staff, be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that Kareem Yakub and Ghazan Jamal, members of my staff, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following interns from my office be granted floor privileges for today's session: Jenessa Albertson, Carly Colligan, Cale Clingenpeel, Courtney Lewis, Travis Logan, Joseph Mueller, Katherine Tomera, Marissa Torgerson, Sierra Udland, Douglas Watts, Mari Freitag, and Parker Haymans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### DESIGNATING THE WARREN LINDLEY POST OFFICE

DESIGNATING THE REVEREND ABE BROWN POST OFFICE BUILDING

DESIGNATING THE SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

DESIGNATING THE SPC NICHOLAS SCOTT HARTGE POST OFFICE

DESIGNATING THE FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

Mr. REID. I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal-naming bills en bloc, and the Senate proceed to their consideration en bloc: H.R. 1369 through H.R. 3276, H.R. 3412, H.R. 3501 and H.R. 3772.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1369) to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office" was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3276) to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building," was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3412) to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building," was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3501) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office," was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3772) to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 480, H.R. 1560.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, there be no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1560) was ordered to a third reading, was read the third time, and passed.

#### IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 449, S. 1409.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1409) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Improper Payments Elimination and Recovery Improvement Act of 2012".*

##### SEC. 2. DEFINITION.

*In this Act, the term "agency" means an executive agency as that term is defined under section 102 of title 31, United States Code.*

##### SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

*(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—*

*(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;*

*(2) by inserting after subsection (a) the following:*

*"(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—*

*"(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—*

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest frequency of improper payments occur; or

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

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

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

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

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

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall—

“(i) review—

“(I) the assessment of the level of risk associated with the applicable program, and the quality of the improper payment estimates and methodology of the agency; and

“(II) the oversight or financial controls to identify and prevent improper payments; and

“(ii) provide recommendations, for modifying any plans of the agency, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, re-

gardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c).”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”.

**SEC. 4. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

**SEC. 5. DO NOT PAY INITIATIVE.**

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

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

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration’s Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall consist of—

(A) the databases described under subsection (a)(2); and

(B) any other database designated by the Director of the Office of Management and Budget in consultation with agencies.

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall consider any database that assists in preventing improper payments.

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to determine payment or award eligibility when the Director

of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is on the Do Not Pay Initiative.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than January 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) MULTILATERAL DATA USE AGREEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop a plan to establish a multilateral data use agreement authority to carry out this section, including access to databases such as the New Hire Database under section 453(j) of the Social Security Act (42 U.S.C. 653(j)).

(2) PRIVACY ACT MATCHING AGREEMENTS.—Section 552a(o)(1) of title 5, United States Code, is amended in the matter preceding subparagraph (A), by inserting “or an agreement governing multiple agencies” before “specifying”.

(3) GENERAL PROTOCOLS AND SECURITY.—

(A) IN GENERAL.—In developing the multilateral data use agreements, the Director of the Office of Management and Budget shall establish implementing regulations and guidelines that include streamlined interagency processes to ensure agency access to data, and provide for appropriate transfer and storage of any transferred data, in a manner consistent with relevant privacy, security and disclosure laws.

(B) CONSULTATION.—The Director of the Office of Management and Budget shall consult with—

(i) the Council of Inspectors General on Integrity and Efficiency before implementing this paragraph; and

(ii) the Secretary of Health and Human Services, the Social Security Administrator, and the head of any other agency, as appropriate.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) **PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.**—

(1) **ESTABLISHMENT.**—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) **ADDITIONAL ACTIONS UNDER PLAN.**—The plan established under this subsection shall include recommended actions by agencies to—

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

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

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

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### **SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.**

(a) **DEFINITION.**—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) **IN GENERAL.**—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 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.

(c) **RECOVERY AUDIT CONTRACTOR PROGRAMS.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a plan for no less than 10 Recovery Audit Contracting programs for the purpose of identifying and recovering overpayments and underpayments in 10 agencies.

(2) **RANGE OF RECOVERY AUDIT CONTRACTING TYPES.**—Programs established under paragraph (1) shall be representative of different types of—

(A) programs, including programs that differ in size, payment types, and recipient types (such as beneficiaries and vendors or contractors) across the Federal Government; and

(B) recover audit contracting (including individual payments review and demographic analysis).

(3) **INITIAL OPERATION OF PROGRAMS.**—Not later than 1 year after the plan under paragraph (1) is established, each applicable agency shall establish the programs included in that plan which shall be conducted for not more than a 3-year period.

(4) **REPORTS.**—

(A) **IN GENERAL.**—Not later than 2 years after establishing a program under the plan estab-

lished under paragraph (1), the head of the agency conducting the program shall submit a report on the program to Congress.

(B) **CONTENTS.**—Each report under this paragraph shall include—

(i) a description of the impact of the program on savings and recoveries; and

(ii) such recommendations as the head of the agency considers appropriate on extending or expanding the program.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered, the Carper amendment, which is at the desk, be agreed to, the committee-reported amendment, as amended, be agreed to, and the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2770) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

#### **SEC. 2. DEFINITIONS.**

In this Act—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

#### **SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

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

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

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

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

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

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

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

“(A) **IN GENERAL.**—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) **CONTENTS.**—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) **PUBLIC AVAILABILITY ON CENTRAL WEBSITE.**—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

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

“(E) **ASSESSMENT AND RECOMMENDATIONS.**—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) **IMPROVED ESTIMATES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) **GUIDANCE.**—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs

identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(C) **TECHNICAL AND CONFORMING AMENDMENTS.**—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c).”; and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”

#### SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

#### SEC. 5. DO NOT PAY INITIATIVE.

(A) **PREPAYMENT AND PREAWARD PROCEDURES.**—

(1) **IN GENERAL.**—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) **DATABASES.**—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(B) **DO NOT PAY INITIATIVE.**—

(1) **ESTABLISHMENT.**—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) **OTHER DATABASES.**—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) **ACCESS AND REVIEW BY AGENCIES.**—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative

to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

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

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

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

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

(C) **DATABASE INTEGRATION PLAN.**—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(D) **INITIAL WORKING SYSTEM.**—

(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) **WORKING SYSTEM.**—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) **APPLICATION TO ALL AGENCIES.**—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(E) **FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.**—

(1) **DEFINITION.**—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) **COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.**—

(A) **IN GENERAL.**—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) **REVIEW.**—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for con-

sideration, the Data Integrity Board shall respond to the proposal.

(C) **TERMINATION DATE.**—An agreement under subparagraph (A)—

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

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) **MULTIPLE AGENCIES.**—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) **COST-BENEFIT ANALYSIS.**—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) **CORRECTIONS.**—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) **COMPLIANCE.**—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to affect the

rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

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

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

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

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—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 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.

The committee-reported substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### PROVIDING FOR THE APPOINTMENT OF BARBARA BARRETT AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S.J. Res. 49.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 49) providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 49) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

#### S.J. RES. 49

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

#### NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 519, and that the Senate proceed to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 519) designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 519

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas those dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009; Senate Resolution 653, 111th Congress, agreed to September 28, 2010; and Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 30, 2012, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

#### RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 536, S. Res. 537, S. Res. 538, S. Res. 539, and S. Res. 540.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements related to these matters be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows: