

Union Calendar No. 228

114TH CONGRESS
1ST SESSION

H. R. 2320

[Report No. 114-299]

To provide access to and use of information by Federal agencies in order to reduce improper payments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2015

Mr. MULVANEY (for himself, Mrs. BUSTOS, Mr. CARTER of Georgia, Mr. CONNOLLY, and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

OCTOBER 20, 2015

Additional sponsors: Mr. COOPER, Ms. DUCKWORTH, Mr. TOM PRICE of Georgia, Mr. WOODALL, Mr. JODY B. HICE of Georgia, and Mr. CARTWRIGHT

OCTOBER 20, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 14, 2015]

A BILL

To provide access to and use of information by Federal agencies in order to reduce 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 “Federal Improper Pay-*
5 *ments Coordination Act of 2015”.*

6 **SEC. 2. AVAILABILITY OF THE DO NOT PAY INITIATIVE TO**
7 **THE JUDICIAL AND LEGISLATIVE BRANCHES**
8 **AND STATES.**

9 *Section 5 of the Improper Payments Elimination and*
10 *Recovery Improvement Act of 2012 (31 U.S.C. 3321 note)*
11 *is amended—*

12 *(1) in subsection (b)(3)—*

13 *(A) in the paragraph heading, by striking*
14 *“BY AGENCIES”; and*

15 *(B) by adding at the end the following:*

16 *“States and any contractor, subcontractor, or*
17 *agent of a State, and the judicial and legislative*
18 *branches of the United States (as defined in*
19 *paragraphs (2) and (3), respectively, of section*
20 *202(e) of title 18, United States Code), shall have*
21 *access to, and use of, the Do Not Pay Initiative*
22 *for the purpose of verifying payment or award*
23 *eligibility for payments (as defined in section*
24 *2(g)(3) of the Improper Payments Information*
25 *Act of 2002 (31 U.S.C. 3321 note)) when, with*

1 *respect to a State, the Director of the Office of*
2 *Management and Budget determines that the Do*
3 *Not Pay Initiative is appropriately established*
4 *for that State and any contractor, subcontractor,*
5 *or agent of the State, and, with respect to the ju-*
6 *dicial and legislative branches of the United*
7 *States, when the Director of the Office of Man-*
8 *agement and Budget determines that the Do Not*
9 *Pay Initiative is appropriately established for*
10 *the judicial branch or the legislative branch, as*
11 *applicable. To ensure consistency with the prin-*
12 *ciples of section 552a of title 5, United States*
13 *Code (commonly known as the Privacy Act of*
14 *1974) the Director of the Office of Management*
15 *and Budget may issue guidance that establishes*
16 *privacy and other requirements that shall be in-*
17 *corporated into Do Not Pay Initiative access*
18 *agreements with States, including any con-*
19 *tractor, subcontractor, or agent of a State, and*
20 *the judicial and legislative branches of the*
21 *United States.”; and*
22 *(2) in subsection (d)(2)—*
23 *(A) in subparagraph (B), by striking “and”*
24 *after the semicolon;*

1 (B) in subparagraph (C), by striking the
2 period at the end and inserting “; and”; and

3 (C) by inserting after subparagraph (C) the
4 following:

5 “(D) may include States and their quasi-
6 government entities, and the judicial and legisla-
7 tive branches of the United States (as defined in
8 paragraphs (2) and (3), respectively, of section
9 202(e) of title 18, United States Code) as users
10 of the system in accordance with subsection
11 (b)(3).”.

12 **SEC. 3. IMPROVING THE SHARING AND USE OF DATA BY**
13 **GOVERNMENT AGENCIES TO CURB IMPROPER**
14 **PAYMENTS.**

15 *The Improper Payments Elimination and Recovery*
16 *Improvement Act of 2012 (31 U.S.C. 3321 note) is amend-*
17 *ed—*

18 (1) in section 5(a)(2), by striking subparagraph
19 (A) and inserting the following:

20 “(A) The death records maintained by the
21 Commissioner of Social Security.”; and

22 (2) by adding at the end the following:

1 **“SEC. 7. IMPROVING THE USE OF DATA BY GOVERNMENT**
2 **AGENCIES FOR CURBING IMPROPER PAY-**
3 **MENTS.**

4 *“(a) PROMPT REPORTING OF DEATH INFORMATION BY*
5 *THE DEPARTMENT OF STATE AND THE DEPARTMENT OF*
6 *DEFENSE.—Not later than 1 year after the date of enact-*
7 *ment of this section, the Secretary of State and the Sec-*
8 *retary of Defense shall establish a procedure under which*
9 *each Secretary shall, promptly and on a regular basis, sub-*
10 *mit information relating to the deaths of individuals to*
11 *each agency for which the Director of the Office of Manage-*
12 *ment and Budget determines receiving and using such in-*
13 *formation would be relevant and necessary.*

14 *“(b) GUIDANCE TO AGENCIES REGARDING DATA AC-*
15 *CESS AND USE FOR IMPROPER PAYMENTS PURPOSES.—*

16 *“(1) IN GENERAL.—Not later than 12 months*
17 *after the date of enactment of this section, the Direc-*
18 *tor of the Office of Management and Budget, in con-*
19 *sultation with the Council of the Inspectors General*
20 *on Integrity and Efficiency, the heads of other rel-*
21 *evant Federal, State, and local agencies, and Indian*
22 *tribes and tribal organizations, as appropriate, shall*
23 *issue guidance regarding implementation of the Do*
24 *Not Pay Initiative under section 5 to—*

25 *“(A) the Department of the Treasury; and*

1 “(B) each agency or component of an agen-
2 cy—

3 “(i) that operates or maintains a data-
4 base of information described in section
5 5(a)(2); or

6 “(ii) for which the Director determines
7 improved data matching would be relevant,
8 necessary, or beneficial.

9 “(2) *REQUIREMENTS.*—The guidance issued
10 under paragraph (1) shall—

11 “(A) address the implementation of sub-
12 section (a); and

13 “(B) include the establishment of deadlines
14 for access to and use of the databases described
15 in section 5(a)(2) under the Do Not Pay Initia-
16 tive.”.

17 **SEC. 4. DATA ANALYTICS.**

18 Section 5 of the *Improper Payments Elimination and*
19 *Recovery Improvement Act of 2012* (31 U.S.C. 3321 note),
20 is amended by adding at the end the following:

21 “(h) *REPORT ON IMPROPER PAYMENTS DATA ANAL-*
22 *YSIS.*—Not later than 180 days after the date of enactment
23 of the *Federal Improper Payments Coordination Act of*
24 *2015*, the Secretary of the Treasury shall submit to Congress
25 a report which shall include a description of—

1 “(1) data analytics performed as part of the Do
2 Not Pay Business Center operated by the Department
3 of the Treasury for the purpose of detecting, pre-
4 venting, and recovering improper payments through
5 preaward, postaward prepayment, and postpayment
6 analysis, which shall include a description of any
7 analysis or investigations incorporating—

8 “(A) review and data matching of payments
9 and beneficiary enrollment lists of State pro-
10 grams carried out using Federal funds for the
11 purposes of identifying eligibility duplication,
12 residency ineligibility, duplicate payments, or
13 other potential improper payment issues;

14 “(B) review of multiple Federal agencies
15 and programs for which comparison of data
16 could show payment duplication; and

17 “(C) review of other information the Sec-
18 retary of the Treasury determines could prove ef-
19 fective for identifying, preventing, or recovering
20 improper payments, which may include inves-
21 tigation or review of information from multiple
22 Federal agencies or programs;

23 “(2) the metrics used in determining whether the
24 analytic and investigatory efforts have reduced, or

1 *contributed to the reduction of, improper payments or*
2 *improper awards; and*

3 *“(3) the target dates for implementing the data*
4 *analytics operations performed as part of the Do Not*
5 *Pay Business Center.”.*

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