

114TH CONGRESS
1ST SESSION

S. 614

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2015

Mr. CARPER (for himself and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

1 **SEC. 2. AVAILABILITY OF THE DO NOT PAY INITIATIVE TO**
2 **THE JUDICIAL AND LEGISLATIVE BRANCHES**
3 **AND STATES.**

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

7 (1) in subsection (b)(3)—

8 (A) in the paragraph heading, by striking
9 “BY AGENCIES”; and

10 (B) by adding at the end the following:
11 “States and any contractor, subcontractor, or
12 agent of a State, and the judicial and legislative
13 branches of the United States (as defined in
14 paragraphs (2) and (3), respectively, of section
15 202(e) of title 18, United States Code), shall
16 have access to, and use of, the Do Not Pay Ini-
17 tiative to verify payment or award eligibility for
18 payments (as defined in section (2)(g)(3) of the
19 Improper Payments Information Act of 2002,
20 31 U.S.C. 3321 note) when, with respect to a
21 State, the Director of the Office of Manage-
22 ment and Budget determines that the Do Not
23 Pay Initiative is appropriately established for
24 that State and any contractor, subcontractor, or
25 agent of the State, and, with respect to the ju-
26 dicial and legislative branches of the United

1 States, when the Director of the Office of Man-
 2 agement and Budget determines that the Do
 3 Not Pay Initiative is appropriately established
 4 for the judicial branch or the legislative branch,
 5 as applicable.”; and

6 (2) in subsection (d)(2)—

7 (A) in subparagraph (B), by striking
 8 “and” after the semicolon;

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

11 (C) by inserting after subparagraph (C)
 12 the following:

13 “(D) may include States and their quasi-
 14 government entities, and the judicial and legis-
 15 lative branches of the United States (as defined
 16 in paragraphs (2) and (3), respectively, of sec-
 17 tion 202(e) of title 18, United States Code) as
 18 users of the system in accordance with sub-
 19 section (b)(3).”.

20 **SEC. 3. IMPROVING THE SHARING AND USE OF DATA BY**
 21 **GOVERNMENT AGENCIES TO CURB IM-**
 22 **PROPER PAYMENTS.**

23 The Improper Payments Elimination and Recovery
 24 Improvement Act of 2012 (31 U.S.C. 3321 note) is
 25 amended—

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

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

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

6 **“SEC. 7. IMPROVING THE USE OF DATA BY GOVERNMENT**
7 **AGENCIES FOR CURBING IMPROPER PAY-**
8 **MENTS.**

9 “(a) PROMPT REPORTING OF DEATH INFORMATION
10 BY THE DEPARTMENT OF STATE AND THE DEPARTMENT
11 OF DEFENSE.—Not later than 1 year after the date of
12 enactment of this section, the Secretary of State and the
13 Secretary of Defense shall establish a procedure under
14 which each Secretary shall, promptly and on a regular
15 basis, submit information relating to the deaths of individ-
16 uals to each agency for which the Director of the Office
17 of Management and Budget determines receiving and
18 using such information would be relevant and necessary.

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

21 “(1) IN GENERAL.—Not later than 6 months
22 after the date of enactment of this section, and in
23 consultation with the Council of Inspectors General
24 on Integrity and Efficiency, the heads of other rel-
25 evant Federal, State, and local agencies, and Indian

1 tribes and tribal organizations, the Director of the
2 Office of Management and Budget shall issue guid-
3 ance regarding implementation of the Do Not Pay
4 Initiative under section 5 to—

5 “(A) the Department of the Treasury; and

6 “(B) each agency or component of an
7 agency—

8 “(i) that operates or maintains a
9 database of information described in sec-
10 tion 5(a)(2); or

11 “(ii) for which the Director deter-
12 mines improved data matching would be
13 relevant, necessary, or beneficial.

14 “(2) REQUIREMENTS.—The guidance issued
15 under paragraph (1) shall—

16 “(A) address the implementation of sub-
17 section (a); and

18 “(B) include the establishment of deadlines
19 for access to and use of the databases described
20 in section 5(a)(2) under the Do Not Pay Initia-
21 tive.”.

22 **SEC. 4. DATA ANALYTICS.**

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

1 “(h) REPORT ON IMPROPER PAYMENTS DATA ANAL-
2 YSIS.—Not later than 180 days after the date of enact-
3 ment of the Federal Improper Payments Coordination Act
4 of 2015, the Secretary of the Treasury shall submit to
5 Congress a report which shall include a description of—

6 “(1) data analytics performed as part of the Do
7 Not Pay Initiative for the purpose of detecting, pre-
8 venting, and recovering improper payments through
9 pre-award, post-award pre-payment, and post-pay-
10 ment analysis, which shall include a description of
11 any analysis or investigations incorporating—

12 “(A) review and data matching of pay-
13 ments and beneficiary enrollment lists of State
14 programs carried out using Federal funds for
15 the purposes of identifying eligibility duplica-
16 tion, residency ineligibility, duplicate payments,
17 or other potential improper payment issues;

18 “(B) review of multiple Federal agencies
19 and programs for which comparison of data
20 could show payment duplication; and

21 “(C) review of other information the Sec-
22 retary of the Treasury determines could prove
23 effective for identifying, preventing, or recov-
24 ering improper payments, which may include in-

1 investigation or review of information from mul-
2 tiple Federal agencies or programs;

3 “(2) the metrics used in determining whether
4 the analytic and investigatory efforts have reduced,
5 or contributed to the reduction of, improper pay-
6 ments or improper awards; and

7 “(3) the target dates for implementing the data
8 analytics operations performed as part of the Do
9 Not Pay Initiative.”.

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