

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2320**  
**OFFERED BY MR. MULVANEY OF SOUTH**  
**CAROLINA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Federal Improper Pay-  
3 ments Coordination Act of 2015”.

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

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

10           (1) in subsection (b)(3)—

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

13               (B) by adding at the end the following:  
14           “States and any contractor, subcontractor, or  
15           agent of a State, and the judicial and legislative  
16           branches of the United States (as defined in  
17           paragraphs (2) and (3), respectively, of section

1           202(e) of title 18, United States Code), shall  
2           have access to, and use of, the Do Not Pay Ini-  
3           tiative for the purpose of verifying payment or  
4           award eligibility for payments (as defined in  
5           section 2(g)(3) of the Improper Payments In-  
6           formation Act of 2002 (31 U.S.C. 3321 note))  
7           when, with respect to a State, the Director of  
8           the Office of Management and Budget deter-  
9           mines that the Do Not Pay Initiative is appro-  
10          priately established for that State and any con-  
11          tractor, subcontractor, or agent of the State,  
12          and, with respect to the judicial and legislative  
13          branches of the United States, when the Direc-  
14          tor of the Office of Management and Budget  
15          determines that the Do Not Pay Initiative is  
16          appropriately established for the judicial branch  
17          or the legislative branch, as applicable. To en-  
18          sure consistency with the principles of section  
19          552a of title 5, United States Code (commonly  
20          known as the Privacy Act of 1974) the Director  
21          of the Office of Management and Budget may  
22          issue guidance that establishes privacy and  
23          other requirements that shall be incorporated  
24          into Do Not Pay Initiative access agreements  
25          with States, including any contractor, subcon-

1 tractor, or agent of a State, and the judicial  
2 and legislative branches of the United States”;  
3 and

4 (2) in subsection (d)(2)—

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

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

9 (C) by inserting after subparagraph (C)  
10 the following:

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

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

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

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

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

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

4   **“§ 7. Improving the use of data by government agen-**  
5                   **cies for curbing improper payments**

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

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

18                   “(1) IN GENERAL.—Not later than 12 months  
19 after the date of enactment of this section, the Di-  
20 rector of the Office of Management and Budget, in  
21 consultation with the Council of the Inspectors Gen-  
22 eral on Integrity and Efficiency, the heads of other  
23 relevant Federal, State, and local agencies, and In-  
24 dian tribes and tribal organizations, as appropriate,

1       shall issue guidance regarding implementation of the  
2       Do Not Pay Initiative under section 5 to—

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

4               “(B) each agency or component of an  
5       agency—

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

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

12       “(2) REQUIREMENTS.—The guidance issued  
13       under paragraph (1) shall—

14               “(A) address the implementation of sub-  
15       section (a); and

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

20   **SEC. 4. DATA ANALYTICS.**

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

24       “(h) REPORT ON IMPROPER PAYMENTS DATA ANAL-  
25       YSIS.—Not later than 180 days after the date of enact-

1 ment of the Federal Improper Payments Coordination Act  
2 of 2015, the Secretary of the Treasury shall submit to  
3 Congress a report which shall include a description of—

4 “(1) data analytics performed as part of the Do  
5 Not Pay Business Center operated by the Depart-  
6 ment of the Treasury for the purpose of detecting,  
7 preventing, and recovering improper payments  
8 through preaward, postaward prepayment, and  
9 postpayment analysis, which shall include a descrip-  
10 tion of any analysis or investigations incorporating—

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

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

20 “(C) review of other information the Sec-  
21 retary of the Treasury determines could prove  
22 effective for identifying, preventing, or recov-  
23 ering improper payments, which may include in-  
24 vestigation or review of information from mul-  
25 tiple Federal agencies or programs;

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

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

