

Calendar No. 639115TH CONGRESS
2^D SESSION**S. 2374****[Report No. 115-352]**

To amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2018

Mr. CARPER (for himself, Mr. KENNEDY, Mrs. MCCASKILL, Mr. PETERS, Mr. WARNER, Mr. RUBIO, Ms. HEITKAMP, Ms. HASSAN, Mr. TESTER, Mr. LEE, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 13, 2018

Reported by Mr. JOHNSON, with an amendment

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

A BILL

To amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, 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 “Stopping Improper
 5 Payments to Deceased People Act”.

6 **SEC. 2. DISTRIBUTION OF DEATH INFORMATION FUR-**
 7 **NISHED TO OR MAINTAINED BY THE SOCIAL**
 8 **SECURITY ADMINISTRATION.**

9 (a) IN GENERAL.—

10 (1) IN GENERAL.—Section 205(r) of the Social
 11 Security Act (42 U.S.C. 405(r)) is amended—

12 (A) in paragraph (2)—

13 (i) by striking “may” and inserting
 14 “shall”; and

15 (ii) by inserting “, and to ensure the
 16 completeness, timeliness, and accuracy of,”
 17 after “transmitting”;

18 (B) by striking paragraphs (3), (4), and
 19 (5) and inserting the following:

20 “(3)(A) The Commissioner of Social Security shall,
 21 to the extent feasible, provide for the use of information
 22 regarding all deceased individuals furnished to or main-
 23 tained by the Commissioner under this subsection in ac-
 24 cordance with subparagraph (B), subject to such safe-
 25 guards as the Commissioner of Social Security determines

1 are necessary or appropriate to protect the information
2 from unauthorized use or disclosure, by any Federal or
3 State agency providing federally funded benefits or admin-
4 istering a Federal program for such benefits, including the
5 agency operating the Do Not Pay working system for en-
6 suring proper payment of those benefits, through a cooper-
7 ative arrangement with the agency (that includes the
8 agency's Inspector General) or with an agency's Inspector
9 General, if—

10 “(i) under such arrangement the agency (in-
11 cluding, if applicable, the agency's Inspector Gen-
12 eral) provides reimbursement to the Commissioner of
13 Social Security for the reasonable cost of carrying
14 out such arrangement, including the reasonable
15 costs associated with the collection and maintenance
16 of information regarding deceased individuals fur-
17 nished to the Commissioner pursuant to paragraph
18 (1); and

19 “(ii) such arrangement does not conflict with
20 the duties of the Commissioner of Social Security
21 under paragraph (1).

22 “(B) The Commissioner of Social Security shall, to
23 the extent feasible, provide for the use of information re-
24 garding all deceased individuals furnished to or main-
25 tained by the Commissioner under this subsection;

1 through a cooperative arrangement in order for a Federal
2 agency to carry out any of the following purposes, if the
3 requirements of clauses (i) and (ii) of subparagraph (A)
4 are met:

5 “(i) Operating the Do Not Pay working system
6 established by section 5 of the Improper Payments
7 Elimination and Recovery Improvement Act of 2012.
8 Under such arrangement, the agency operating the
9 working system may compare death information dis-
10 closed by the Commissioner with personally identifi-
11 able information reviewed through the working sys-
12 tem, and may redisclose such comparison of infor-
13 mation, as appropriate, to any Federal or State
14 agency authorized to use the working system.

15 “(ii) To ensure proper payments under a Fed-
16 eral program or the proper payment of federally
17 funded benefits, including for purposes of payment
18 certification, payment disbursement, and the preven-
19 tion, identification, or recoupment of improper pay-
20 ments.

21 “(iii) To carry out tax administration or debt
22 collection duties of the agency.

23 “(iv) For use by any policing agency of the
24 Federal Government with the principle function of

1 prevention, detection, or investigation of crime or
2 the apprehension of alleged offenders.

3 ~~“(C) With respect to the reimbursement to the Com-~~
4 ~~missioner of Social Security for the reasonable cost of ear-~~
5 ~~rying out a cooperative arrangement described in subpara-~~
6 ~~graph (A) between the Commissioner of Social Security~~
7 ~~and an agency, the Commissioner shall—~~

8 ~~“(i) establish a defined calculation method for~~
9 ~~purposes of calculating the reasonable cost of ear-~~
10 ~~rying out the arrangement that does not take into~~
11 ~~account any services, information, or unrelated pay-~~
12 ~~ments provided by the agency to the Commissioner;~~
13 ~~and~~

14 ~~“(ii) reimbursement payments shall be ac-~~
15 ~~counted for and recorded separately from other~~
16 ~~transactions.~~

17 ~~“(4) The Commissioner of Social Security may enter~~
18 ~~into similar arrangements with States to provide informa-~~
19 ~~tion regarding all deceased individuals furnished to or~~
20 ~~maintained by the Commissioner under this subsection;~~
21 ~~for any of the purposes specified in paragraph (3)(B), for~~
22 ~~use by States in programs wholly funded by the States;~~
23 ~~or for use in the administration of a benefit pension plan~~
24 ~~or retirement system for employees of a State or a political~~
25 ~~subdivision thereof, if the requirements of clauses (i) and~~

1 (ii) of paragraph (3)(A) are met. For purposes of this
 2 paragraph, the terms ‘retirement system’ and ‘political
 3 subdivision’ have the meanings given such terms in section
 4 218(b).

5 “(5) The Commissioner of Social Security may use
 6 or provide for the use of information regarding all de-
 7 ceased individuals furnished to or maintained by the Com-
 8 missioner under this subsection, subject to such safe-
 9 guards as the Commissioner of Social Security determines
 10 are necessary or appropriate to protect the information
 11 from unauthorized use or disclosure, for statistical pur-
 12 poses and research activities by Federal and State agen-
 13 cies if the requirements of clauses (i) and (ii) of paragraph
 14 (3)(A) are met. For purposes of this paragraph, the term
 15 ‘statistical purposes’ has the meaning given that term in
 16 section 502 of the Confidential Information Protection
 17 and Statistical Efficiency Act of 2002.”; and

18 (C) in paragraph (8)(A)(i), by striking
 19 “subparagraphs (A) and (B) of paragraph (3)”
 20 and inserting “clauses (i) and (ii) of paragraph
 21 (3)(A)”.

22 (2) REPEAL.—Effective on the date that is 5
 23 years after the date of enactment of this Act, the
 24 amendments made by this subsection to paragraphs
 25 (3), (4), (5), and (8) of section 205(r) of the Social

1 Security Act (42 U.S.C. 405(r)) are repealed, and
2 the provisions of section 205(r) of the Social Secu-
3 rity Act (42 U.S.C. 605(r)) so amended are restored
4 and revived as if such amendments had not been en-
5 acted.

6 (b) AMENDMENT TO INTERNAL REVENUE CODE.—

7 Section 6103(d)(4) of the Internal Revenue Code of 1986
8 is amended—

9 (1) in subparagraphs (A) and (B), by striking
10 “Secretary of Health and Human Services” each
11 place it appears and inserting “Commissioner of So-
12 cial Security”; and

13 (2) in subparagraph (B)(ii), by striking “such
14 Secretary” and all that follows through “deceased
15 individuals.” and inserting “such Commissioner pur-
16 suant to such contract, except that such contract
17 may provide that such information is only to be used
18 by the Social Security Administration (or any other
19 Federal agency) for purposes authorized in the So-
20 cial Security Act or this title.”.

21 (c) REPORT TO CONGRESS ON ALTERNATIVE
22 SOURCES OF DEATH DATA.—

23 (1) REQUIREMENTS.—The Director of the Of-
24 fice of Management and Budget shall conduct a re-
25 view of potential alternative sources of death data

1 maintained by the non-Federal sources, including
2 sources maintained by State agencies or associations
3 of State agencies, for use by Federal agencies and
4 programs. The review shall include analyses of—

5 (A) the accuracy and completeness of such
6 data;

7 (B) interoperability of such data;

8 (C) the extent to which there is efficient
9 accessibility of such data by Federal agencies;

10 (D) the cost to Federal agencies of access-
11 ing and maintaining such data;

12 (E) the security of such data;

13 (F) the reliability of such data; and

14 (G) a comparison of the potential alternate
15 sources of death data to the death data distrib-
16 uted by the Commissioner of Social Security.

17 (2) REPORT.—Not later than 4 years after the
18 date of enactment of this Act, the Director of the
19 Office of Management and Budget shall submit a re-
20 port to Congress on the results of the review and
21 analyses required under paragraph (1). The report
22 shall include a recommendation by the Director of
23 the Office of Management and Budget regarding
24 whether to extend the agency access to death data
25 distributed by the Commissioner of Social Security

1 provided under the amendments made by subsection
 2 (a)(1) beyond the date on which such amendments
 3 are to be repealed under subsection (a)(2).

4 **SEC. 3. IMPROVING THE USE OF DATA BY GOVERNMENT**
 5 **AGENCIES TO CURB IMPROPER PAYMENTS.**

6 The Improper Payments Elimination and Recovery
 7 Improvement Act of 2012 (31 U.S.C. 3321 note) is
 8 amended by adding at the end the following:

9 **“SEC. 8. IMPROVING THE USE OF DEATH DATA BY GOVERN-**
 10 **MENT AGENCIES.**

11 **“(a) GUIDANCE BY THE OFFICE OF MANAGEMENT**
 12 **AND BUDGET.—**

13 **“(1) GUIDANCE TO AGENCIES.—**Not later than
 14 6 months after the date of enactment of this section,
 15 and in consultation with the Council of Inspectors
 16 General on Integrity and Efficiency and the heads of
 17 other relevant Federal, State, and local agencies,
 18 and Indian tribes and tribal organizations, the Di-
 19 rector of the Office of Management and Budget
 20 shall issue guidance for each agency or component
 21 of an agency that operates or maintains a database
 22 of information relating to beneficiaries, annuity re-
 23 cipients, or any purpose described in section
 24 205(r)(3)(B) of the Social Security Act (42 U.S.C.
 25 405(r)(3)(B)) for which improved data matching

1 with databases relating to the death of an individual
2 (in this section referred to as ‘death databases’)
3 would be relevant and necessary regarding imple-
4 mentation of this section to provide such agencies or
5 components access to the death databases no later
6 than 6 months after such date of enactment.

7 “(2) PLAN TO ASSIST STATES AND LOCAL
8 AGENCIES AND INDIAN TRIBES AND TRIBAL ORGANI-
9 ZATIONS.—Not later than 1 year after the date of
10 enactment of this section, the Director of the Office
11 of Management and Budget shall develop a plan to
12 assist States and local agencies, and Indian tribes
13 and tribal organizations, in providing electronically
14 to the Federal Government records relating to the
15 death of individuals, which may include rec-
16 ommendations to Congress for any statutory
17 changes or financial assistance to States and local
18 agencies and Indian tribes and tribal organizations
19 that are necessary to ensure States and local agen-
20 cies and Indian tribes and tribal organizations can
21 provide such records electronically. The plan may in-
22 clude recommendations for the authorization of ap-
23 propriations or other funding to carry out the plan.
24 “(b) REPORTS.—

1 “(1) REPORT TO CONGRESS ON IMPROVING
2 DATA MATCHING REGARDING PAYMENTS TO DE-
3 CEASED INDIVIDUALS.—Not later than 270 days
4 after the date of enactment of this section, the Di-
5 rector of the Office of Management and Budget, in
6 consultation with the heads of other relevant Federal
7 agencies, and in consultation with States and local
8 agencies, Indian tribes and tribal organizations, shall
9 submit to Congress a plan to improve how States
10 and local agencies and Indian tribes and tribal orga-
11 nizations that provide benefits under a federally
12 funded program will improve data matching with the
13 Federal Government with respect to the death of in-
14 dividuals who are recipients of such benefits.

15 “(2) ANNUAL REPORT.—Not later than 1 year
16 after the date of enactment of this section, and for
17 each of the 4 succeeding years, the Director of the
18 Office of Management and Budget shall submit to
19 Congress a report regarding the implementation of
20 this section. The first report submitted under this
21 paragraph shall include the recommendations of the
22 Director required under subsection (a)(2).

23 “(c) DEFINITIONS.—In this section, the terms ‘In-
24 dian tribe’ and ‘tribal organization’ have the meanings
25 given those terms in section 4 of the Indian Self-Deter-

1 mination and Education Assistance Act (25 U.S.C.
2 450b).”.

3 **SEC. 4. PLAN FOR ENSURING THE ACCURACY AND COM-**
4 **PLETENESS OF DEATH DATA MAINTAINED**
5 **AND DISTRIBUTED BY THE SOCIAL SECURITY**
6 **ADMINISTRATION.**

7 (a) **IN GENERAL.**—Not later than 1 year after the
8 date of enactment of this Act, the Commissioner of Social
9 Security shall submit to Congress a plan, which shall in-
10 clude an estimate of the cost of implementing the policies
11 and procedures described in such plan, to improve the ac-
12 curacy and completeness of the death data (including,
13 where feasible and cost-effective, data regarding individ-
14 uals who are not eligible for or receiving benefits under
15 titles II or XVI of the Social Security Act) maintained
16 and distributed by the Social Security Administration.

17 (b) **CONTENT OF PLAN.**—In developing the plan re-
18 quired under subsection (a), the Commissioner of Social
19 Security shall consider whether to include the following
20 elements:

21 (1) Procedures for—

22 (A) identifying individuals who are ex-
23 tremely elderly, as determined by the Commis-
24 sioner, but for whom no record of death exists

1 in the records of the Social Security Adminis-
2 tration;

3 ~~(B) verifying the information contained in~~
4 ~~the records of the Social Security Administra-~~
5 ~~tion with respect to individuals described in~~
6 ~~subparagraph (A) and correcting any inaccura-~~
7 ~~cies; and~~

8 ~~(C) where appropriate, disclosing correc-~~
9 ~~tions made to the records of the Social Security~~
10 ~~Administration.~~

11 ~~(2) Improved policies and procedures for identi-~~
12 ~~fying and correcting erroneous death records, includ-~~
13 ~~ing policies and procedures for—~~

14 ~~(A) identifying individuals listed as dead~~
15 ~~who are actually alive;~~

16 ~~(B) identifying individuals listed as alive~~
17 ~~who are actually dead; and~~

18 ~~(C) allowing individuals or survivors of de-~~
19 ~~ceased individuals to notify the Social Security~~
20 ~~Administration of potential errors.~~

21 ~~(3) Improved policies and procedures to identify~~
22 ~~and correct discrepancies in the records of the Social~~
23 ~~Security Administration, including social security~~
24 ~~number records.~~

1 (4) A process for employing statistical analysis
2 of the death data maintained and distributed by the
3 Social Security Administration to determine an esti-
4 mate of the number of erroneous records.

5 (5) Recommendations for legislation, as nec-
6 essary.

7 **SEC. 5. REPORT ON INFORMATION SECURITY.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Commissioner of Social Security
10 shall submit a report to the Committees on Ways and
11 Means, Oversight and Government Reform, and Home-
12 land Security of the House of Representatives, and the
13 Committees on Finance and Homeland Security and Gov-
14 ernmental Affairs of the Senate that—

15 (1) identifies all information systems of the So-
16 cial Security Administration containing sensitive in-
17 formation; and

18 (2) describes the measures the Commissioner is
19 taking to secure and protect such information sys-
20 tems.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Stopping Improper Pay-*
23 *ments to Deceased People Act”.*

1 **SEC. 2. DISTRIBUTION OF DEATH INFORMATION FUR-**
2 **NISHED TO OR MAINTAINED BY THE SOCIAL**
3 **SECURITY ADMINISTRATION.**

4 *(a) IN GENERAL.—*

5 *(1) IN GENERAL.—Section 205(r) of the Social*
6 *Security Act (42 U.S.C. 405(r)) is amended—*

7 *(A) in paragraph (2)—*

8 *(i) by striking “may” and inserting*
9 *“shall”; and*

10 *(ii) by inserting “, and to ensure the*
11 *completeness, timeliness, and accuracy of,”*
12 *after “transmitting”;*

13 *(B) by striking paragraphs (3), (4), and (5)*
14 *and inserting the following:*

15 *“(3)(A) In the case of individuals with respect to*
16 *whom federally funded benefits are provided by (or through)*
17 *a Federal or State agency, the Commissioner of Social Se-*
18 *curity shall to the extent feasible provide such information*
19 *through a cooperative arrangement with such agency for en-*
20 *suring proper payment of those benefits with respect to such*
21 *individuals if—*

22 *“(i) under such arrangement the agency agrees*
23 *to such safeguards as the Commissioner determines*
24 *are necessary or appropriate to protect the informa-*
25 *tion from unauthorized use or disclosure;*

1 “(ii) under such arrangement the agency pro-
2 vides reimbursement to the Commissioner of Social
3 Security for the reasonable cost of carrying out such
4 arrangement, including the reasonable costs associated
5 with the collection and maintenance of information
6 regarding deceased individuals furnished to the Com-
7 missioner pursuant to paragraph (1); and

8 “(iii) such arrangement does not conflict with
9 the duties of the Commissioner of Social Security
10 under paragraph (1).

11 “(B) The Commissioner of Social Security shall, to the
12 extent feasible, provide for the use of information regarding
13 all deceased individuals furnished to or maintained by the
14 Commissioner under this subsection, through a cooperative
15 arrangement in order for a Federal agency to carry out
16 any of the following purposes, if the requirements of clauses
17 (i), (ii), and (iii) of subparagraph (A) are met:

18 “(i) Operating the Do Not Pay working system
19 established by section 5 of the Improper Payments
20 Elimination and Recovery Improvement Act of 2012.
21 Under such arrangement, the agency operating the
22 working system may compare death information dis-
23 closed by the Commissioner with personally identifi-
24 able information reviewed through the working sys-
25 tem, and may redisclose such comparison of informa-

1 *tion, as appropriate, to any Federal or State agency*
2 *authorized to use the working system.*

3 *“(i) The tax administration duties of the agen-*
4 *cy.*

5 *“(iii) Oversight activities of the Inspector Gen-*
6 *eral of an agency that is provided information re-*
7 *garding all deceased individuals pursuant to this sub-*
8 *section.*

9 *“(iv) Civil or criminal enforcement activities*
10 *that are authorized by law.*

11 *“(C) With respect to the reimbursement to the Commis-*
12 *sioner of Social Security for the reasonable cost of carrying*
13 *out a cooperative arrangement described in subparagraph*
14 *(A) between the Commissioner of Social Security and an*
15 *agency, the Commissioner shall—*

16 *“(i) establish a defined calculation method for*
17 *purposes of calculating the reasonable cost of carrying*
18 *out the arrangement that does not take into account*
19 *any services, information, or unrelated payments pro-*
20 *vided by the agency to the Commissioner; and*

21 *“(ii) reimbursement payments shall be accounted*
22 *for and recorded separately from other transactions.*

23 *“(4) The Commissioner of Social Security may enter*
24 *into similar arrangements with States to provide informa-*
25 *tion regarding all deceased individuals furnished to or*

1 *maintained by the Commissioner under this subsection for*
 2 *use by States in programs wholly funded by the States, or*
 3 *for use in the administration of a benefit pension plan or*
 4 *retirement system for employees of a State or a political*
 5 *subdivision thereof, if the requirements of clauses (i), (ii),*
 6 *and (iii) of paragraph (3)(A) are met. For purposes of this*
 7 *paragraph, the terms ‘retirement system’ and ‘political sub-*
 8 *division’ have the meanings given such terms in section*
 9 *218(b).*

10 *“(5) The Commissioner of Social Security may use or*
 11 *provide for the use of information regarding all deceased*
 12 *individuals furnished to or maintained by the Commis-*
 13 *sioner under this subsection for statistical purposes and re-*
 14 *search activities by Federal and State agencies (including*
 15 *research activities conducted under a contract or a coopera-*
 16 *tive arrangement (as such terms are defined for purposes*
 17 *of sections 6303 and 6305, respectively, of title 31, United*
 18 *States Code) with such an agency) if the requirements of*
 19 *clauses (i) and (ii) of paragraph (3)(A) are met.”; and*

20 *(C) in paragraph (8)(A)(i), by striking*
 21 *“subparagraphs (A) and (B) of paragraph (3)”*
 22 *and inserting “clauses (i), (ii), and (iii) of para-*
 23 *graph (3)(A)”.*

24 *(2) REPEAL.—Effective on the date that is 5*
 25 *years after the date of enactment of this Act, the*

1 *amendments made by this subsection to paragraphs*
2 *(3), (4), (5), and (8) of section 205(r) of the Social*
3 *Security Act (42 U.S.C. 405(r)) are repealed, and the*
4 *provisions of section 205(r) of the Social Security Act*
5 *(42 U.S.C. 405(r)) so amended are restored and re-*
6 *vived as if such amendments had not been enacted.*

7 *(b) AMENDMENTS TO INTERNAL REVENUE CODE.—*

8 *(1) IN GENERAL.—Section 6103(d)(4) of the In-*
9 *ternal Revenue Code of 1986 is amended—*

10 *(A) in subparagraphs (A) and (B), by strik-*
11 *ing “Secretary of Health and Human Services”*
12 *each place it appears and inserting “Commis-*
13 *sioner of Social Security”; and*

14 *(B) in subparagraph (B)(ii), by striking*
15 *“such Secretary” and all that follows through*
16 *“deceased individuals.” and inserting “such*
17 *Commissioner pursuant to such contract, except*
18 *that such contract may provide that such infor-*
19 *mation is only to be used by the Social Security*
20 *Administration (or any other Federal agency)*
21 *for purposes authorized in the Social Security*
22 *Act or this title.”.*

23 *(2) EFFECTIVE DATE.—The amendments made*
24 *by this subsection take effect 180 days after the date*
25 *of enactment of this Act.*

1 (c) *REPORT TO CONGRESS ON ALTERNATIVE SOURCES*
2 *OF DEATH DATA.*—

3 (1) *REQUIREMENTS.*—*The Commissioner of So-*
4 *cial Security, in coordination with the Secretary of*
5 *the Treasury, shall conduct a review of potential al-*
6 *ternative sources of death data maintained by the*
7 *non-Federal sources, including sources maintained by*
8 *State agencies or associations of State agencies, for*
9 *use by Federal agencies and programs. The review*
10 *shall include analyses of—*

11 (A) *the accuracy and completeness of such*
12 *data;*

13 (B) *interoperability of such data;*

14 (C) *the extent to which there is efficient ac-*
15 *cessibility of such data by Federal agencies;*

16 (D) *the cost to Federal agencies of accessing*
17 *and maintaining such data;*

18 (E) *the security of such data;*

19 (F) *the reliability of such data; and*

20 (G) *a comparison of the potential alternate*
21 *sources of death data to the death data distrib-*
22 *uted by the Commissioner of Social Security.*

23 (2) *REPORT.*—*Not later than 4 years after the*
24 *date of enactment of this Act, the Director of the Of-*
25 *fice of Management and Budget shall submit a report*

1 to Congress on the results of the review and analyses
2 required under paragraph (1). The report shall in-
3 clude a recommendation by the Director of the Office
4 of Management and Budget regarding whether to ex-
5 tend the agency access to death data distributed by
6 the Commissioner of Social Security provided under
7 the amendments made by subsection (a)(1) beyond the
8 date on which such amendments are to be repealed
9 under subsection (a)(2).

10 **SEC. 3. IMPROVING THE USE OF DATA BY GOVERNMENT**
11 **AGENCIES TO CURB IMPROPER PAYMENTS.**

12 *The Improper Payments Elimination and Recovery*
13 *Improvement Act of 2012 (31 U.S.C. 3321 note) is amended*
14 *by adding at the end the following:*

15 **“SEC. 8. IMPROVING THE USE OF DEATH DATA BY GOVERN-**
16 **MENT AGENCIES.**

17 “(a) *GUIDANCE BY THE OFFICE OF MANAGEMENT AND*
18 *BUDGET.—*

19 “(1) *GUIDANCE TO AGENCIES.—Not later than 1*
20 *year after the date of enactment of this section, and*
21 *in consultation with the Council of Inspectors General*
22 *on Integrity and Efficiency and the heads of other*
23 *relevant Federal, State, and local agencies, and In-*
24 *Indian tribes and tribal organizations, the Director of*
25 *the Office of Management and Budget shall issue*

1 *guidance for each agency or component of an agency*
2 *that operates or maintains a database of information*
3 *relating to beneficiaries, annuity recipients, or any*
4 *purpose described in section 205(r)(3)(B) of the So-*
5 *cial Security Act (42 U.S.C. 405(r)(3)(B)) for which*
6 *improved data matching with databases relating to*
7 *the death of an individual (in this section referred to*
8 *as ‘death databases’) would be relevant and necessary*
9 *regarding implementation of this section to provide*
10 *such agencies or components access to the death data-*
11 *bases no later than 1 year after such date of enact-*
12 *ment.*

13 *“(2) PLAN TO ASSIST STATES AND LOCAL AGEN-*
14 *CIES AND INDIAN TRIBES AND TRIBAL ORGANIZA-*
15 *TIONS.—Not later than 1 year after the date of enact-*
16 *ment of this section, the Secretary of Health and*
17 *Human Services and the Secretary of the Treasury*
18 *shall jointly develop a plan to assist States and local*
19 *agencies, and Indian tribes and tribal organizations,*
20 *in providing electronically to the Federal Government*
21 *records relating to the death of individuals, which*
22 *may include recommendations to Congress for any*
23 *statutory changes or financial assistance to States*
24 *and local agencies and Indian tribes and tribal orga-*
25 *nizations that are necessary to ensure States and*

1 *local agencies and Indian tribes and tribal organiza-*
2 *tions can provide such records electronically. The*
3 *plan may include recommendations for the authoriza-*
4 *tion of appropriations or other funding to carry out*
5 *the plan.*

6 “(b) *REPORTS.*—

7 “(1) *REPORT TO CONGRESS ON IMPROVING DATA*
8 *MATCHING REGARDING PAYMENTS TO DECEASED INDI-*
9 *VIDUALS.*—*Not later than 1 year after the date of en-*
10 *actment of this section, the Secretary of the Treasury,*
11 *in consultation with the heads of other relevant Fed-*
12 *eral agencies, and in consultation with States and*
13 *local agencies, Indian tribes and tribal organizations,*
14 *shall submit to Congress a plan to improve how*
15 *States and local agencies and Indian tribes and tribal*
16 *organizations that provide benefits under a federally*
17 *funded program will improve data matching with the*
18 *Federal Government with respect to the death of indi-*
19 *viduals who are recipients of such benefits.*

20 “(2) *ANNUAL REPORT.*—*Not later than 1 year*
21 *after the date of enactment of this section, and for*
22 *each of the 4 succeeding years, the Secretary of the*
23 *Treasury shall submit to Congress a report regarding*
24 *the implementation of this section. The first report*
25 *submitted under this paragraph shall include the rec-*

1 *ommendations of the Secretary required under sub-*
 2 *section (a)(2).*

3 “(c) *DEFINITIONS.*—*In this section, the terms ‘Indian*
 4 *tribe’ and ‘tribal organization’ have the meanings given*
 5 *those terms in section 4 of the Indian Self-Determination*
 6 *and Education Assistance Act (25 U.S.C. 450b).”.*

7 **SEC. 4. PLAN FOR ENSURING THE ACCURACY AND COM-**
 8 **PLETENESS OF DEATH DATA MAINTAINED**
 9 **AND DISTRIBUTED BY THE SOCIAL SECURITY**
 10 **ADMINISTRATION.**

11 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 12 *of enactment of this Act, the Commissioner of Social Secu-*
 13 *urity shall submit to Congress a plan, which shall include*
 14 *an estimate of the cost of implementing the policies and*
 15 *procedures described in such plan, to improve the accuracy*
 16 *and completeness of the death data (including, where fea-*
 17 *sible and cost-effective, data regarding individuals who are*
 18 *not eligible for or receiving benefits under titles II or XVI*
 19 *of the Social Security Act) maintained and distributed by*
 20 *the Social Security Administration.*

21 (b) *CONTENT OF PLAN.*—*In developing the plan re-*
 22 *quired under subsection (a), the Commissioner of Social Se-*
 23 *curity shall consider whether to include the following ele-*
 24 *ments:*

25 (1) *Procedures for—*

1 (A) identifying individuals who are ex-
2 tremely elderly, as determined by the Commis-
3 sioner, but for whom no record of death exists in
4 the records of the Social Security Administra-
5 tion;

6 (B) verifying the information contained in
7 the records of the Social Security Administration
8 with respect to individuals described in subpara-
9 graph (A) and correcting any inaccuracies; and

10 (C) where appropriate, disclosing correc-
11 tions made to the records of the Social Security
12 Administration.

13 (2) Improved policies and procedures for identi-
14 fying and correcting erroneous death records, includ-
15 ing policies and procedures for—

16 (A) identifying individuals listed as dead
17 who are actually alive;

18 (B) identifying individuals listed as alive
19 who are actually dead; and

20 (C) allowing individuals or survivors of de-
21 ceased individuals to notify the Social Security
22 Administration of potential errors.

23 (3) Improved policies and procedures to identify
24 and correct discrepancies in the records of the Social

1 *Security Administration, including social security*
2 *number records.*

3 (4) *A process for employing statistical analysis*
4 *of the death data maintained and distributed by the*
5 *Social Security Administration to determine an esti-*
6 *mate of the number of erroneous records.*

7 (5) *Recommendations for legislation, as nec-*
8 *essary.*

9 **SEC. 5. REPORT ON INFORMATION SECURITY.**

10 *Not later than 90 days after the date of the enactment*
11 *of this Act, the Commissioner of Social Security shall sub-*
12 *mit a report to the Committees on Ways and Means, Over-*
13 *sight and Government Reform, and Homeland Security of*
14 *the House of Representatives, and the Committees on Fi-*
15 *nance and Homeland Security and Governmental Affairs*
16 *of the Senate that—*

17 (1) *identifies all information systems of the So-*
18 *cial Security Administration containing sensitive in-*
19 *formation; and*

20 (2) *describes the measures the Commissioner is*
21 *taking to secure and protect such information sys-*
22 *tems.*

Calendar No. 639

115TH CONGRESS
2^D SESSION

S. 2374

[Report No. 115-352]

A BILL

To amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

NOVEMBER 13, 2018

Reported with an amendment