

Executive Order -- Reducing Improper Payments and Eliminating Waste in Federal Programs

PURPOSE

- To reduce improper payments by intensifying efforts to eliminate payment error, waste, fraud, and abuse in the major programs administered by the Federal Government, while continuing to ensure that Federal programs serve and provide access to their intended beneficiaries.

Sec. 2: Transparency and Public Participation

TASK 1: The Director of the Office of Management and Budget (OMB) shall:

- identify Federal programs in which the highest dollar value or majority of Government-wide improper payments occur (high-priority programs);
- establish, in coordination with the executive department or agency (agency) responsible for administering the high-priority program annual or semi-annual targets (or where such targets already exist, supplemental targets), as appropriate, for reducing improper payments associated with each high-priority program;
- issue Government-wide guidance on the implementation of this order, including procedures for identifying and publicizing the list of entities described in subsection (b)(v) of this section and for administrative appeal of the decision to publish the identity of those entities, prior to publication; and

Due Date: Within 90 days of date of EO – February 20, 2010

Sec. 2: Transparency and Public Participation

TASK 2: The Director of OMB shall establish a working group consisting of Federal, State, and local officials to make recommendations to the Director of OMB designed to improve the Federal Government's measurement of access to Federal programs by the programs' intended beneficiaries .

The working group's recommendations shall be prepared in consultation with the Council of Inspectors General on Integrity and Efficiency (**CIGIE Involvement**).

Due Date: Within 180 days of EO – May 20, 2010

Sec. 2: Transparency and Public Participation

TASK 3: The Secretary of the Treasury, in coordination with the Attorney General and the Director of OMB, shall publish on the Internet information about improper payments under high-priority programs. The information shall include, subject to Federal privacy policies and to the extent permitted by law:

- the names of the accountable officials designated under section 3 of this order;
- current and historical rates and amounts of improper payments, including, where known and appropriate, causes of the improper payments;
- current and historical rates and amounts of recovery of improper payments, where appropriate (or, where improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample);
- targets for reducing as well as recovering improper payments, where appropriate; and
- the entities that have received the greatest amount of outstanding improper payments (or, where improper payments are identified solely on the basis of a sample, the entities that have received the greatest amount of outstanding improper payments in the applicable sample).

Due Date: Within 180 days of EO – May 20, 2010

Sec. 2: Transparency and Public Participation

TASK 4: The Secretary of the Treasury, in coordination with the Attorney General and the Director of OMB and in consultation with the CIGIE, shall establish a central Internet-based method to collect from the public information concerning suspected incidents of waste, fraud, and abuse by an entity receiving Federal funds that have led or may lead to improper payments by the Federal Government (**CIGIE Involvement**).

Due Date: Within 180 days of EO – May 20, 2010

Sec. 2: Transparency and Public Participation

TASK 5: Agencies shall place a prominently displayed link to Internet-based resources for addressing improper payments on their Internet home pages.

Due Date: Within 180 days of EO – May 20, 2010

Sec 3: Agency Accountability and Coordination

TASK 1: The head of each agency responsible for operating a high-priority program shall designate an official who holds an existing Senate-confirmed position to be accountable for meeting the targets established under section 2 of this order without unduly burdening program access and participation by eligible beneficiaries.

In those agencies where the majority of payments are isolated to a single component, the head of the agency shall name a second accountable official for that component whose sole responsibility would be for program integrity activities and, as appropriate, shall consolidate and coordinate all program integrity activities within the component.

Due Date: Within 120 days of EO – March 20, 2010

Sec 3: Agency Accountability and Coordination

TASK 2: Each agency official designated shall provide the agency's Inspector General a report containing **(OIG Involvement)**:

- the agency's methodology for identifying and measuring improper payments by the agency's high-priority programs;
- the agency's plans, together with supporting analysis, for meeting the reduction targets for improper payments in the agency's high-priority programs; and
- the agency's plan, together with supporting analysis, for ensuring that initiatives undertaken pursuant to this order do not unduly burden program access and participation by eligible beneficiaries.

Due Date: Within 180 days of EO – May 20, 2010

Sec 3: Agency Accountability and Coordination

TASK 3: Following the receipt and review of this information, the agency Inspector General shall assess the level of risk associated with the applicable programs, determine the extent of oversight warranted, and provide the agency head with recommendations, if any, for modifying the agency's methodology, improper payment reduction plans, or program access and participation plans **(OIG Involvement)**.

Sec 3: Agency Accountability and Coordination

TASK 4: If an agency fails to meet the targets established under section 2 of this order or implement the plan described in subsection (b)(iii) of this section for 2 consecutive years, that agency's accountable official designated shall submit to the agency head, Inspector General, and Chief Financial Officer a report describing the likely causes of the agency's failure and proposing a remedial plan. The agency head shall review this plan and, in consultation with the Inspector General and Chief Financial Officer, forward the plan with any additional comments and analysis to the Director of OMB (**OIG Involvement**).

Sec 3: Agency Accountability and Coordination

TASK 5: The Chief Financial Officers Council (CFOC) in consultation with the CIGIE, the Department of Justice, and program experts, shall make recommendations to the Director of OMB and the Secretary of the Treasury on actions (including actions related to forensic accounting and audits) agencies should take to more effectively tailor their methodologies for identifying and measuring improper payments to those programs, or components of programs, where improper payments are most likely to occur (**CIGIE Involvement**).

Recommendations shall address the manner in which the recommended actions would affect program access and participation by eligible beneficiaries.

Due Date: Within 180 days of EO – May 20, 2010

Sec 3: Agency Accountability and Coordination

TASK 6: The Secretary of the Treasury and the Director of OMB, in consultation with the CIGIE, the Department of Justice, and program experts, shall recommend to the President actions designed to reduce improper payments by improving information sharing among agencies and programs, and where applicable, State and local governments and other stakeholders **(CIGIE Involvement)**.

The recommendations shall address the ways in which information sharing may improve eligibility verification and pre-payment scrutiny, shall identify legal or regulatory impediments to effective information sharing, and shall address the manner in which the recommended actions would affect program access and participation by eligible beneficiaries.

Due Date: Within 180 days of EO – May 20, 2010

Sec 3: Agency Accountability and Coordination

TASK 7: The head of each agency shall submit to the agency's Inspector General and the CIGIE, and make available to the public, a report on any high-dollar improper payments identified by the agency, subject to Federal privacy policies and to the extent permitted by law. The report shall describe any actions the agency has taken or plans to take to recover improper payments, as well as any actions the agency intends to take to prevent improper payments from occurring in the future **(OIG and CIGIE Involvement)**.

Following the review of each report, the agency Inspector General and the CIGIE shall assess the level of risk associated with the applicable program, determine the extent of oversight warranted, and provide the agency head with recommendations, if any, for modifying the agency's plans **(OIG and CIGIE Involvement)**.

Due Date: Within 180 days of EO – May 20, 2010 and at least once every quarter thereafter.

Sec. 4: Enhanced Focus on Contractors and Working With State and Local Stakeholders

TASK 1: The Federal Acquisition Regulatory Council, in coordination with the Director of OMB, and in consultation with the National Procurement Fraud Task Force (or its successor group), the CIGIE, and appropriate agency officials, shall recommend to the President actions designed to enhance contractor accountability for improper payments **(CIGIE Involvement)**.

The recommendations may include, but are not limited to, subjecting contractors to debarment, suspension, financial penalties, and identification through a public Internet website, subject to Federal privacy policies and to the extent permitted by law and where the identification would not interfere with or compromise an ongoing criminal or civil investigation, for knowingly failing timely to disclose credible evidence of significant overpayments received on Government contracts.

Due Date: Within 180 days of EO – May 20, 2010

Sec. 4: Enhanced Focus on Contractors and Working With State and Local Stakeholders

TASK 2: The Director of OMB shall establish a working group consisting of Federal and elected State and local officials to make recommendations to the Director of OMB designed to improve the effectiveness of single audits of State and local governments and non-profit organizations that are expending Federal funds.

Due Date: Within 30 days of the EO - December 20, 2009

The working group's recommendations shall be prepared in consultation with the CIGIE. The recommendations shall address, among other things, the effectiveness of single audits in identifying improper payments and opportunities to streamline or eliminate single audit requirements where value is minimal.

Due Date: Within 180 days of EO – May 20, 2010

Sec. 4: Enhanced Focus on Contractors and Working With State and Local Stakeholders

TASK 3: The Director of OMB shall establish a working group consisting of Federal and elected State and local officials to make recommendations to the Director of OMB for administrative actions designed to improve the incentives and accountability of State and local governments, as well as other entities receiving Federal funds, for reducing improper payments (**CIGIE Involvement**).

Due Date: Within 30 days of the EO - December 20, 2009

The Director of OMB may designate an appropriate official to serve as Chair of the working group to convene its meetings and direct its work. The working group's recommendations shall be prepared in consultation with the CIGIE.

Due Date: Within 180 days of EO – May 20, 2010

Sec 5: Policy Proposals

The Director of OMB, in consultation with the appropriate agencies and the CIGIE, shall develop policy recommendations, including potential legislative proposals, designed to reduce improper payments, including those caused by error, waste, fraud, and abuse, across Federal programs without compromising program access, to be included, as appropriate, in the Budget of the United States Government for Fiscal Year 2011 and future years, or other Administration proposals **(CIGIE Involvement)**.

Sec 6: General Provisions

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, the head thereof, or any agency Inspector General; or

(ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) Nothing in this order shall be construed to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interests of national security.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

OIG Monitoring of Improper Payments

- Since 2003 when CMS began publishing the Medicare fee-for-service error rate, the OIG has been monitoring and overseeing CMS's error rate process.
- The OIG began monitoring the Medicaid and Children's Health Insurance Program error rates in 2006, when CMS began measuring improper payments in these programs.

OIG Monitoring of Improper Payments

- From 2003-2006, OIG's monitoring involved determining whether CMS followed IPIA guidance in its error rate measurement process and whether its quality assurance program ensured the reliability of the claims review process.
- More recently, OIG's monitoring has been more specialized, focusing on medical review criteria, medical review determinations, and necessary documentation to support a claim.
- In FY 2009, OIG expended about 600 staff days of direct audit time monitoring the Department's improper payment measurement activities

