



## SOCIAL SECURITY

### MEMORANDUM

Date: September 28, 2011

Refer To:

To: The Commissioner

From: Inspector General

Subject: Quick Response Evaluation: The Social Security Administration's Plan to Reduce Improper Payments Under Executive Order 13520, as Reported in March 2011 (A-15-11-01126)

The attached final quick response evaluation presents the results of our review. Our objectives were to review the Accountable Official's Annual Report to the Office of the Inspector General, as required by Executive Order 13520, *Reducing Improper Payments*, and determine whether the (1) figures presented were accurate and (2) Agency complied with all requirements of the Executive Order.

If you wish to discuss the final report, please call me or have your staff contact Steven L. Schaeffer, Assistant Inspector General for Audit, at (410) 965-9700.

Patrick P. O'Carroll, Jr.

Attachment

# ***QUICK RESPONSE EVALUATION***

*The Social Security Administration's  
Plan to Reduce Improper Payments Under  
Executive Order 13520, as Reported  
in March 2011*

**A-15-11-01126**



September 2011

## Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

## Authority

The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.
- Promote economy, effectiveness, and efficiency within the agency.
- Prevent and detect fraud, waste, and abuse in agency programs and operations.
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.

To ensure objectivity, the IG Act empowers the IG with:

- Independence to determine what reviews to perform.
- Access to all information necessary for the reviews.
- Authority to publish findings and recommendations based on the reviews.

## Vision

We strive for continual improvement in SSA's programs, operations and management by proactively seeking new ways to prevent and deter fraud, waste and abuse. We commit to integrity and excellence by supporting an environment that provides a valuable public service while encouraging employee development and retention and fostering diversity and innovation.

## OBJECTIVES

Our objectives were to review the Accountable Official's Annual Report to the Office of the Inspector General (OIG), as required by Executive Order 13520, *Reducing Improper Payments*, and determine whether the (1) figures presented were accurate and (2) Agency complied with all requirements of the Executive Order.

## BACKGROUND

On November 20, 2009, the President issued Executive Order 13520.<sup>1</sup> The Executive Order provides that when the Government makes payments to individuals and businesses, such as program beneficiaries, grantees, or contractors, or on behalf of program beneficiaries, it must make every effort to confirm the right recipient is receiving the correct payment.<sup>2</sup> The purpose of the Executive Order is to reduce improper payments by intensifying efforts to eliminate payment error, waste, fraud, and abuse in the major programs administered by the Government, while continuing to ensure Federal programs serve and provide access to their intended beneficiaries.<sup>3</sup>

As part of the requirements of the Executive Order,<sup>4</sup> each agency with a high-priority program identified by the Office of Management and Budget (OMB) shall, within 180 days of the Order, provide the agency's OIG a report containing the

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

Within 180 days of the Order, and at least once every quarter thereafter, each agency head is also required to submit to the agency's OIG and the Council of Inspectors General on Integrity and Efficiency (CIGIE), and make available to the public, a report on high-dollar improper payments identified by the agency, subject to Federal privacy

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<sup>1</sup> Reducing Improper Payments and Eliminating Waste in Federal Programs, 74 Fed. Reg. 62201 (Nov. 25, 2009).

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> 74 Fed. Reg., supra at 62202.

policies and to the extent permitted by law.<sup>5</sup> Agencies are also required to place a prominently displayed link on their Internet homepages to Internet-based resources for addressing improper payments.<sup>6</sup> Such resources include information about improper payments under high-priority programs and a central method of collecting 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 Government.<sup>7</sup> These resources are required to be published by the Secretary of the Treasury, in coordination with the Attorney General and Director of OMB.<sup>8</sup>

## HIGH-PRIORITY PROGRAMS

OMB guidance specifies how it will determine the high-priority programs, as required under Section 2(a)(i) of the Executive Order 13520.<sup>9</sup> The Director of OMB will determine high-priority programs annually based on improper payment reporting in agencies' annual Performance and Accountability Reports (PAR) or Agency Financial Reports (AFR).<sup>10</sup> The Director of OMB will classify a program as high-priority if the program meets the following criteria.<sup>11</sup>

1. It is susceptible to significant improper payments, as defined by legislation and OMB implementing guidance and
  - measured and reported errors above the threshold determined by OMB, and contributed to the majority of improper payments in the most recent reporting year; or
  - has not reported an improper payment dollar amount in the most recent reporting year, but has in the past reported errors above the threshold determined by OMB and not received relief from OMB from measuring and reporting; or
  - has not yet reported an overall program improper payment dollar amount, but the aggregate of the measured program's component errors are above the threshold.

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<sup>5</sup> 74 Fed. Reg., *supra* at 62203.

<sup>6</sup> 74 Fed. Reg., *supra* at 62202.

<sup>7</sup> *Id.*

<sup>8</sup> 74 Fed. Reg., *supra* at 62201 to 62202.

<sup>9</sup> OMB Circular A-123, *Management's Responsibility for Internal Control*, Appendix C, Part III, *Requirements for Implementing Executive Order 13520: Reducing Improper Payments*, Section (A)(1)(e).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

2. For those programs with error amounts close to the threshold, but with error rates below 2 percent of program outlays, agencies may work with OMB to determine whether the program can be exempt from fulfilling certain requirements of the Executive Order.

The Fiscal Year (FY) 2010 threshold was \$750 million in improper payments, as reported in each agency's PAR or AFR.<sup>12</sup>

## IMPROPER PAYMENTS

Each year, the Social Security Administration (SSA) reports payment accuracy rates for both the Retirement, Survivors and Disability Insurance (RSDI) and Supplemental Security Income (SSI) programs based on its stewardship reviews. The Agency used the reviews as the basic measure to report on the accuracy of benefit payments. Each year, SSA reports over- and underpayments from its stewardship reviews of nonmedical aspects of the Retirement and Survivors Insurance (RSI), Disability Insurance (DI), and SSI programs. In accordance with OMB's guidelines<sup>13</sup> implementing the provisions of the *Improper Payments Information Act of 2002* (IPIA),<sup>14</sup> SSA reports payments that should not have been made or payments that were made in an incorrect amount as improper. Stewardship review findings provide the basis for reports to Congress and other monitoring authorities. The Agency also used data from these reviews in corrective action planning and in monitoring performance, as required by the *Government Performance and Results Act of 1993*.<sup>15</sup>

Payment accuracy rates developed in SSA's stewardship reviews reflect the accuracy of payments issued to RSDI beneficiaries and SSI recipients who received or were issued a payment for the sample month. The Agency selects a statistically valid national sample monthly from the payment rolls, which consist of RSDI and SSI beneficiaries in current pay status. For each sample selected, the recipient or representative payee is interviewed; collateral contacts are made, as needed; and all nonmedical eligibility factors are redeveloped as of the current sample month. The Agency inputs the findings into a national database for analysis and report preparation. Separate rates are determined for accuracy of payments in terms of over- and underpayment dollars.

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<sup>12</sup> Id.

<sup>13</sup> OMB, M-03-13, Implementation Guidance for the Improper Payments Information Act of 2002, Pub. L. No. 107-300, Page 1 (May 21, 2003).

<sup>14</sup> Pub. L. No. 107-300, 116 Stat. 2350 (2002).

<sup>15</sup> Pub. L. No. 103-62, 107 Stat. 285, Pages 2 - 6 (1993).

# Results of Review

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Our review determined that, except for three instances, the Agency accurately presented the required information in the Accountable Official's Annual Report to the OIG<sup>16</sup> under Executive Order 13520.

## REQUIREMENTS OF EXECUTIVE ORDER

In March 2010, OMB issued guidance<sup>17</sup> for implementing the requirements of the Executive Order. We reviewed the Accountable Official's March 14, 2011 Annual Report to ensure the Agency addressed all requirements of the Executive Order.

### Methodology for Identifying and Measuring Improper Payments

The first requirement issued by OMB states that the Annual Report must describe the agency's methodology for identifying and measuring improper payments in the agency's high-priority programs.<sup>18</sup> This information should include the IPIA program error measurement methodology, sample size, and related calculations; results of annual measurements; and applicable other measurement-related information.<sup>19</sup>

In its Annual Report, SSA described the stewardship reviews it used to measure the accuracy of payments to beneficiaries in current payment status. Each FY, the Office of Quality Performance (OQP) conducts stewardship reviews of both the RSDI and SSI payments issued in that FY. OQP based the stewardship reviews on a monthly sample selection from the RSDI and SSI recipients in current pay status. In FY 2009, OQP reviewed about 1,500 RSDI cases and 4,310 SSI cases to determine the payment accuracy rates. If OQP detected an error, it determined whether the payment error met the definition of improper (Appendix D). If a program payment was not considered unavoidable,<sup>20</sup> it was included in the projection of improper payment dollars.

The Annual Report presented the payment accuracy results from the stewardship reviews through tables titled, *Improper Payments Experience FY 2007 – FY 2009*. This information, along with the description of the Agency's methodology for identifying and measuring improper payments for high-priority programs, adequately satisfied OMB's first requirement.

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<sup>16</sup> The Annual Report to the OIG can be found on the Agency's Improper Payments Website, <http://www.ssa.gov/improperpayments/>.

<sup>17</sup> OMB Circular A-123, *supra*, Appendix C, Part III.

<sup>18</sup> 74 Fed. Reg., *supra* at 62202.

<sup>19</sup> OMB Circular A-123, *supra*, Appendix C, Part III, Page 17.

<sup>20</sup> Unavoidable payments are payments that result from legal or policy requirements. These payments are not considered "erroneous" by SSA.

## Plan for Meeting the Reduction Targets for Improper Payments

The second OMB requirement states that the Annual Report must contain the agency's plan and supporting analysis for meeting the reduction targets for improper payments.<sup>21</sup> This requirement includes

1. root causes of program errors;
2. corrective actions that are being implemented and their full implementation dates;
3. the types of errors the corrective actions will address and their expected impact;
4. the anticipated costs of the corrective actions and their likely return on investment; and
5. an explanation of the program's performance in meeting its reduction targets.

The Agency met this requirement by reporting all applicable information for the RSDI and SSI programs.

### ***RSDI***

On April 22, 2010, OMB confirmed that SSA was not required to establish supplemental measures and targets for RSDI because the payment error rate was below OMB's threshold of 2 percent of program outlays. However, SSA still fulfilled other transparency-related reporting by describing root causes of over- and underpayments.

SSA's Annual Report states the root causes of RSDI overpayments were substantial gainful activity (SGA), Government Pension Offset (GPO), wages, and self-employment income (SEI). The root causes of RSDI underpayments were computations, wages, SEI, and workers' compensation. To mitigate these improper payments, SSA identified various areas to analyze for potential reduction in payment errors, including

1. prioritizing the systems enforcement alerts used to identify unreported earnings and then working cases with the highest earnings first;
2. targeting work continuing disability review (CDR) cases that are over 365 days old;
3. extending the SSI Automated Telephone Wage Reporting System (SSITWR) to DI beneficiaries; and
4. establishing a Website for DI beneficiaries to report their wages easily and promptly.

### ***SSI***

The Annual Report also described the root causes of SSI over- and underpayments. The major causes of SSI overpayments were excess financial accounts, wages, and in-kind support and maintenance (ISM). The main causes of SSI underpayments were

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<sup>21</sup> OMB Circular A-123, *supra*, Appendix C, Part III, Page 17.



wages, living arrangement “A,”<sup>22</sup> and ISM. The Agency developed supplemental measures and targets to help mitigate improper payments in the two consistently high error categories: excess financial accounts and wages. These supplemental measures included (1) access to financial institutions (AFI) and (2) SSITWR.

**AFI** is an electronic process that verifies bank account balances with financial institutions to determine SSI eligibility. AFI also detects undisclosed accounts by using a geographic search to generate requests to other financial institutions nearest the individual’s address. As of March 2011, the Agency had implemented AFI in 25 States. The national rollout of AFI to the 50 States, District of Columbia, and Northern Mariana Islands was completed in June 2011. The Agency projects that beginning in FY 2013, the AFI program will save \$900 million in lifetime program savings for each year it fully implements the process.

**SSITWR** is a dedicated telephone number that allows individuals to report their wages via a voice-recognition system. Stewardship data indicated that wage-related overpayment dollars resulted from fluctuating income and failure to timely report an increase in wages. To simplify the reporting process, SSA created the SSITWR. In October 2009, SSA required that field offices recruit all recipients, deemors,<sup>23</sup> and representative payees to report their wages via SSITWR. As of March 2011, SSA’s goal was to increase the number of monthly reporters participating in the SSITWR initiative to 28,000 by the end of FY 2011. As of January 31, 2011, SSA was reporting 27,474 unique wage-reporting participants. SSA planned to continue promoting the use of SSITWR for wage reporting through public information materials.

### **Plan for Ensuring the Initiatives Do Not Unduly Burden Program Access**

OMB’s final requirement is that the Annual Report must contain the agency’s plan, together with supporting analysis, for ensuring that initiatives undertaken to implement the order do not unduly burden program access and participation by eligible beneficiaries.<sup>24</sup> OMB will provide further guidance for this requirement; therefore, this requirement was not included in the Annual Report. Once available, we will review the applicable guidance and ensure future Agency reports contain the required information.

### **Quarterly High-Dollar Report to the OIG and CIGIE**

Along with the Annual Report to the OIG, the Executive Order also requires that each agency with programs susceptible to significant improper payments under IPIA submit a report to the OIG and CIGIE on any high-dollar overpayments identified by the

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<sup>22</sup> Living Arrangement “A” is used primarily when a person is considered to be living in his/her own household. This occurs when SSA paid a person as if he or she were living with someone else when, in fact, the recipient qualifies for a higher payment level, such as for those who live alone.

<sup>23</sup> A deemor is a person whose income and resources are required to be considered when determining eligibility and computing the SSI payment amount for an eligible individual.

<sup>24</sup> OMB Circular A-123, *supra*, Appendix C, Part III, §. C (2)(c) 3.

agency.<sup>25</sup> According to the OMB Guidance,<sup>26</sup> a high-dollar overpayment is any overpayment that exceeds 50 percent of the correct amount of the intended payment where

1. the total payment to an individual exceeds \$5,000 as a single payment or in cumulative payments for the quarter or
2. the payment to an entity<sup>27</sup> exceeds \$25,000 as a single payment or in cumulative payments for the quarter.

SSA submitted quarterly high-dollar reports to the OIG for the reporting period June 2010 and all subsequent quarters thereafter. The OIG issued a report in December 2010<sup>28</sup> covering the high-dollar reporting periods June and September 2010. We will issue a report on our review of the Agency's high-dollar reports for FY 2011 under a separate cover.

### Website Submission

According to the Executive Order,<sup>29</sup> agencies are required to submit certain information, subject to Federal privacy policies and to the extent permitted by law, to the improper payments Website.<sup>30</sup> This information should include

1. names of the accountable officials;
2. current and historical rates and amounts of improper payments, including, where known and appropriate, causes of the improper payments;
3. 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 sample);
4. targets for reducing as well as recovering improper payments, where appropriate; and

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<sup>25</sup> 74 Fed. Reg., supra at 62203, § 3(f). The reported information is also required to be made available to the public. However, the required reporting is only to the extent permitted by law and is subject to Federal privacy policies.

<sup>26</sup> OMB Circular A-123, supra, Appendix C, Part III, § C (3)(e).

<sup>27</sup> As stated in OMB Circular A-123, supra, Appendix C, Part III, § C (5)(n), an entity is a non-individual that owes an outstanding improper payment. The term entity excludes an individual acting in either a personal or commercial capacity (that is, a sole proprietor) and Federal, State, and local government agencies.

<sup>28</sup> SSA OIG, *The Social Security Administration's Reporting of High-Dollar Overpayments Under Executive Order 13520* (A-15-10-21142), December 2010.

<sup>29</sup> 74 Fed. Reg., supra at 62202, § 2(b). Also see, OMB Circular A-123, supra, at Appendix C, Part III, § (C)(6)(s), which contains the same requirements.

<sup>30</sup> <http://www.paymentaccuracy.gov>.

5. the entities that have received the greatest amount of outstanding improper payments (or, where improper payments are identified solely based on a sample, the entities that have received the greatest amount of outstanding improper payments in the applicable sample).

Along with providing the above information to the improper payments Website established by OMB, SSA created a Website that provides additional details on improper payments.<sup>31</sup> Our review of the Website confirmed its information accurately reflected the data in SSA's Annual Report.

### **Risk and Oversight Assessed by the OIG**

To assess the level of risk of the SSI and RSDI programs, we reviewed the Government Accountability Office's (GAO) <sup>32</sup> High-Risk Series reports to Congress. In 1997, <sup>33</sup> GAO identified the SSI program as high-risk, and after legislation <sup>34</sup> was issued to improve overpayment recovery and deterrence tools, it was removed from the list in 2003. <sup>35</sup> However, as of 2003, <sup>36</sup> GAO had identified all Federal disability programs, including the disability portion of SSI and the DI programs, as high-risk areas. GAO stated that current demographics have affected SSA's ability to manage workloads and provide timely and accurate disability decisions. Therefore, the disability portion of the SSI program remains a high-risk area. In contrast, GAO had not identified the RSI program as a high-risk program. As of February 2011, <sup>37</sup> Federal disability programs remained a high-risk area.

We continue to have oversight of the SSI and RSDI programs through various audits and evaluations. For the period April 1, 2010 through March 31, 2011, we issued 125 reports that identified over \$214 million in questioned costs and \$1 billion in Federal funds that could be put to better use. We will continue monitoring SSA's programs by conducting and supervising comprehensive financial and performance audits, and making recommendations to maximize the effective operations of its programs most vulnerable to fraud and abuse.

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<sup>31</sup> <http://www.ssa.gov/improperpayments>.

<sup>32</sup> Effective July 7, 2004, GAO's legal name was changed from the General Accounting Office to the Government Accountability Office.

<sup>33</sup> GAO *High-Risk Series, An Overview* (GAO/HR-97-1), February 1997.

<sup>34</sup> *Foster Care Independence Act of 1999*, Pub. L. No. 106-169, 113 Stat.1822 (1999).

<sup>35</sup> GAO *High-Risk Series, An Update* (03-119), January 2003.

<sup>36</sup> *Id.*

<sup>37</sup> GAO *High-Risk Series, An Update* (11-278), February 2011.

## ACCURACY OF REPORTED INFORMATION

We requested supporting documentation for all figures in the Annual Report. SSA was able to provide supporting documentation for all figures in the Report; however, we noted one error for non-monetary figures and two errors for monetary figures, for which the supporting documentation did not accurately reflect the Report's data. The discrepancies, however, were not substantive to the overall report content. A listing of these errors is in Appendix E. We informed SSA of these errors during our review, and it has corrected the amounts in the Annual Report posted on its improper payments Website.

## *Matters for Consideration*

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SSA accurately presented all required information from Executive Order 13520 in its Annual Report except for one non-monetary figure and two monetary figures. The Agency should have detected the errors through its quality review process.

To ensure the prevention, collection, and detection of improper payments continues improving, SSA should continue efforts to address improper payments. Specifically, SSA should evaluate legislative proposals to determine those that would have a positive effect on prevention, collection, and detection of improper payments. Additionally, SSA should continue seeking funding to cover the full cost of program integrity workloads, such as CDRs and SSI redeterminations.

At the conclusion of our review, SSA provided the following comment to our report.

We are implementing an enhanced internal quality review process to ensure prevention, collection, and detection of improper payments. We continue to seek funding in our annual budget submission to cover the cost of program integrity workloads. In addition, we formed a workgroup to consider legislative proposals to improve program integrity.

# Appendices

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APPENDIX A – Acronyms

APPENDIX B – Scope and Methodology

APPENDIX C – Executive Order 13520, *Reducing Improper Payments*

APPENDIX D – Defining Erroneous Payments

APPENDIX E – Discrepancies in Annual Report

APPENDIX F – OIG Contacts and Staff Acknowledgments

## Acronyms

AFI	Access to Financial Institutions
AFR	Agency Financial Report
APP	Annual Performance Plan
CDR	Continuing Disability Review
CIGIE	Council of Inspectors General on Integrity and Efficiency
DI	Disability Insurance
FR	Federal Register
FY	Fiscal Year
GAO	Government Accountability Office
GPO	Government Pension Offset
IPIA	<i>Improper Payments Information Act of 2002</i>
ISM	In-kind Support and Maintenance
MEF	Master Earnings File
OASI	Old-Age and Survivors Insurance
OIG	Office of the Inspector General
OMB	Office of Management and Budget
OQP	Office of Quality Performance
PAR	Performance and Accountability Report
Pub. L. No.	Public Law Number
RSDI	Retirement, Survivors and Disability Insurance
RSI	Retirement and Survivors Insurance
SEI	Self-Employment Income
SGA	Substantial Gainful Activity
SSA	Social Security Administration
SSI	Supplemental Security Income
SSITWR	Supplemental Security Income Automated Telephone Wage Reporting System
U.S.C.	United States Code

### Scope and Methodology

Our objectives were to review the Accountable Official's Annual Report to the Office of the Inspector General (OIG), as required by Executive Order 13520, *Reducing Improper Payments*, and determine whether the (1) figures presented were accurate and (2) Agency complied with all requirements of the Executive Order. To accomplish our objectives, we:

- Reviewed the Accountable Official's Second Annual Report under Executive Order 13520, *Reducing Improper Payments*, dated March 14, 2011.
- Reviewed applicable Federal laws.
- Reviewed applicable Office of Management and Budget guidance.
- Reviewed the Fiscal Year (FY) 2008 Stewardship Review Reports for the Old-Age, Survivors and Disability Insurance and Supplemental Security Income programs.
- Reviewed the FY 2009 Stewardship Review Report for the Old-Age, Survivors and Disability Insurance and Supplemental Security Income programs.
- Reviewed the *Improper Payments Information Act of 2002* section of the FY 2010 Performance and Accountability Report.
- Requested data from the Offices of Financial Policy and Operations, Quality Performance, Payment Recovery and Policy, and the Chief Actuary to support the figures in the Annual Report.
- Analyzed the source data to ensure the accuracy of all figures.
- Analyzed the narrative of the report to ensure compliance with all requirements of the Executive Order.

We performed our review in May through July 2011 in Baltimore, Maryland. We conducted our review in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspections*.



Executive Order 13520, *Reducing Improper Payments*

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## Presidential Documents

Executive Order 13520 of November 20, 2009

### Reducing Improper Payments

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in the interest of reducing payment errors and eliminating waste, fraud, and abuse in Federal programs, it is hereby ordered as follows:

**Section 1. Purpose.** When the Federal Government makes payments to individuals and businesses as program beneficiaries, grantees, or contractors, or on behalf of program beneficiaries, it must make every effort to confirm that the right recipient is receiving the right payment for the right reason at the right time. The purpose of this order is 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. No single step will fully achieve these goals. Therefore, this order adopts a comprehensive set of policies, including transparency and public scrutiny of significant payment errors throughout the Federal Government; a focus on identifying and eliminating the highest improper payments; accountability for reducing improper payments among executive branch agencies and officials; and coordinated Federal, State, and local government action in identifying and eliminating improper payments. Because this order targets error, waste, fraud, and abuse—not legitimate use of Government services—efforts to reduce improper payments under this order must protect access to Federal programs by their intended beneficiaries.

**Sec. 2. Transparency and Public Participation.**

(a) Within 90 days of the date of this order, the Director of the Office of Management and Budget (OMB) shall:

- (i) identify Federal programs in which the highest dollar value or majority of Government-wide improper payments occur (high-priority programs);
- (ii) 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;
- (iii) 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
- (iv) 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) and submitted within 180 days of the date of this order, and the recommended measurements may be incorporated by the Secretary of the Treasury in the information published pursuant to subsection (b) of this section.

(b) Within 180 days of the date of this order, 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:

- (i) the names of the accountable officials designated under section 3 of this order;
- (ii) current and historical rates and amounts of improper payments, including, where known and appropriate, causes of the improper payments;
- (iii) 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);
- (iv) targets for reducing as well as recovering improper payments, where appropriate; and
- (v) 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).

Information on entities that have received the greatest amount of outstanding improper payments shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

(c) Within 180 days of the date of this order, 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.

(d) Agencies shall place a prominently displayed link to Internet-based resources for addressing improper payments, including the resources established under subsections (b) and (c) of this section, on their Internet home pages.

**Sec. 3. Agency Accountability and Coordination.**

(a) Within 120 days of the date of this order, 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.

(b) Within 180 days of the date of this order, each agency official designated under subsection (a) of this section, or otherwise designated by the Director of OMB, shall provide the agency's Inspector General a report containing:

- (i) the agency's methodology for identifying and measuring improper payments by the agency's high-priority programs;
- (ii) the agency's plans, together with supporting analysis, for meeting the reduction targets for improper payments in the agency's high-priority programs; and
- (iii) 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.

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.

(c) 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 under subsection (a) of this section 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.

(d) Within 180 days of the date of this order, 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. Recommendations shall address the manner in which the recommended actions would affect program access and participation by eligible beneficiaries.

(e) Within 180 days of the date of this order, 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. The recommendations shall address the ways in which information sharing may improve eligibility verification and prepayment 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.

(f) Within 180 days of the date of this order, and at least once every quarter thereafter, 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. The report shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals. 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.

**Sec. 4. *Enhanced Focus on Contractors and Working with State and Local Stakeholders.***

(a) Within 180 days of the date of this order, 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. 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.



(b) Within 30 days of the date of this order, 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. 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 and submitted within 180 days of the date of this order. 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 their value is minimal.

(c) Within 30 days of the date of this order, the Director of OMB shall establish a working group (which may be separate from the group established under subsection (b) of this section) 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. 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 and submitted within 180 days of the date of this order.

**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.

**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.

A handwritten signature in black ink, appearing to be "Barack Obama", with a stylized circular flourish and a horizontal line extending to the right.

THE WHITE HOUSE,  
*November 20, 2009.*

[FR Doc. E9-28493  
Filed 11-24-09; 11:15 am]  
Billing code 3195-W0-P

## Defining Erroneous Payments<sup>1</sup>

The following table identifies the types of Social Security Administration (SSA) payments, programs affected, current reporting status, reasons for the payments, and their classification. There are two classifications.

- Unavoidable - Payments resulting from legal or policy requirements. These payments are not considered “erroneous” and may still be subject to recovery.
- Avoidable - Payments that should be reflected in the erroneous payment estimate because they could be reduced through changes in administrative actions.

Types of Payments	Program	Current Status	Reason for Overpayment/Underpayment	Classification
Payments following a cessation of eligibility due to a continuing disability review	DI <sup>2</sup> and SSI <sup>3</sup>	Not currently reflected as an error	When SSA is required by law to make payments during the appeals process, these payments are not erroneous.	Unavoidable
Payments made under the Goldberg-Kelly due-process Supreme Court decision	SSI	Reported as an unavoidable erroneous payment in the APP <sup>4</sup>	When due process requires that SSI payments continue, although the Agency has determined that a payment reduction or termination is in order, such payments are not erroneous.	Unavoidable
Payments made incorrectly because of program design	SSI	Reported as an unavoidable erroneous payment in the APP	The law requires that SSI payments be made on the first of the month based on projected income for that particular month. Changes in the recipient’s status can occur during the month, which causes the recipient’s eligibility to change. Because SSA cannot prevent the overpayment, this situation should not be reflected in the Agency’s erroneous payment rate.	Unavoidable

<sup>1</sup> Table provided by SSA’s Office of Financial Policy and Operations in July 2010.

<sup>2</sup> Disability Insurance (DI).

<sup>3</sup> Supplemental Security Income (SSI).

<sup>4</sup> Annual Performance Plan (APP).

<b>Types of Payments</b>	<b>Program</b>	<b>Current Status</b>	<b>Reason for Overpayment/Underpayment</b>	<b>Classification</b>
Payments issued after death	OASI, <sup>5</sup> DI, and SSI	Not currently reflected as an error <sup>6</sup>	Dollars released after death (either electronically or in the form of a paper check) that are reclaimed by the Department of the Treasury or returned unendorsed should not be reflected in the Agency's erroneous payment rate. Conversely, payments made after death that are improperly cashed or withdrawn, and are subject to overpayment recovery, should be reported.	Unavoidable except for fraud or misuse
Non-receipt of payment	OASI, DI, and SSI	Not currently reflected as an error	Duplicate payments issued in accordance with the Robinson-Reyf Court decision are unavoidable and should not be reflected in the Agency's reports on erroneous payments. The only exception is duplicates incorrectly sent to abusers.	Unavoidable except for fraud or misuse
Payments based on medical eligibility	DI and SSI	Not currently reflected as an error	Payments are not erroneous if they are the result of a medical improvement review standard or a situation where the beneficiary would have been ineligible had the law permitted retroactive ineligibility.	Should not be included in the erroneous payment estimate
Payments made for Title II beneficiaries based on earnings estimates	DI and OASI	Not currently reflected as an error	When program design requires that the Agency make payments based on estimated earnings, these payments should not be considered erroneous.	Unavoidable
Undetected error	OASI, DI, and SSI	Not currently reported as an error	The Agency should not reflect undetected error in its erroneous payment rate unless it has evidence that a specific type of erroneous payment was made.	Should not be included in the erroneous payment estimate
Duplicate payments to attorneys, vendors, and employees	Administrative Expense	Not currently reported as an error	Agency systems do not capture when the overpayment occurs; however, this type of error does not meet the reporting threshold.	Avoidable

<sup>5</sup> Old-Age and Survivors Insurance (OASI).

<sup>6</sup> Per Office of Quality Performance (OQP), these payments can be recorded as erroneous if not returned timely per the stewardship review protocol.



## Discrepancies in Annual Report<sup>1</sup>

Location in Annual Report	Discrepancy Explanation
Page 16 – Graph: Continuing Disability Reviews	The Social Security Administration (SSA) reported the Fiscal Year (FY) 2010 number of Full Medical Continuing Disability Reviews as 324,567. Supporting documentation showed 322,415 reviews conducted in FY 2010.
Page 18 – Continuing Disability Investigations Savings	SSA reported Cooperative Disability Investigations efforts resulted in savings of over \$240 million to the Agency's disability programs and over \$150 million to non-SSA programs in FY 2010. Supporting documentation showed these amounts were actually the totals for the last two quarters of FY 2010.

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<sup>1</sup> We informed SSA of these errors during our review, and it has corrected the amounts in the Annual Report posted on its improper payments website.

## OIG Contacts and Staff Acknowledgments

### ***OIG Contacts***

Victoria Vetter, Director, Financial Audit Division

### ***Acknowledgments***

In addition to those named above:

Kelly Stankus, Auditor

Lori Lee, Auditor

For additional copies of this report, please visit our Website at [www.socialsecurity.gov/oig](http://www.socialsecurity.gov/oig) or contact the Office of the Inspector General's Public Affairs Staff Assistant at (410) 965-4518. Refer to Common Identification Number A-15-11-01126.

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Social Security Advisory Board

## **Overview of the Office of the Inspector General**

The Office of the Inspector General (OIG) is comprised of an Office of Audit (OA), Office of Investigations (OI), Office of the Counsel to the Inspector General (OCIG), Office of External Relations (OER), and Office of Technology and Resource Management (OTRM). To ensure compliance with policies and procedures, internal controls, and professional standards, the OIG also has a comprehensive Professional Responsibility and Quality Assurance program.

### **Office of Audit**

OA conducts financial and performance audits of the Social Security Administration's (SSA) programs and operations and makes recommendations to ensure program objectives are achieved effectively and efficiently. Financial audits assess whether SSA's financial statements fairly present SSA's financial position, results of operations, and cash flow. Performance audits review the economy, efficiency, and effectiveness of SSA's programs and operations. OA also conducts short-term management reviews and program evaluations on issues of concern to SSA, Congress, and the general public.

### **Office of Investigations**

OI conducts investigations related to fraud, waste, abuse, and mismanagement in SSA programs and operations. This includes wrongdoing by applicants, beneficiaries, contractors, third parties, or SSA employees performing their official duties. This office serves as liaison to the Department of Justice on all matters relating to the investigation of SSA programs and personnel. OI also conducts joint investigations with other Federal, State, and local law enforcement agencies.

### **Office of the Counsel to the Inspector General**

OCIG provides independent legal advice and counsel to the IG on various matters, including statutes, regulations, legislation, and policy directives. OCIG also advises the IG on investigative procedures and techniques, as well as on legal implications and conclusions to be drawn from audit and investigative material. Also, OCIG administers the Civil Monetary Penalty program.

### **Office of External Relations**

OER manages OIG's external and public affairs programs, and serves as the principal advisor on news releases and in providing information to the various news reporting services. OER develops OIG's media and public information policies, directs OIG's external and public affairs programs, and serves as the primary contact for those seeking information about OIG. OER prepares OIG publications, speeches, and presentations to internal and external organizations, and responds to Congressional correspondence.

### **Office of Technology and Resource Management**

OTRM supports OIG by providing information management and systems security. OTRM also coordinates OIG's budget, procurement, telecommunications, facilities, and human resources. In addition, OTRM is the focal point for OIG's strategic planning function, and the development and monitoring of performance measures. In addition, OTRM receives and assigns for action allegations of criminal and administrative violations of Social Security laws, identifies fugitives receiving benefit payments from SSA, and provides technological assistance to investigations.