



Memorandum from the Inspector General, ET 4C-K

March 11, 2013

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AUDIT 2012-14886 – TVA FISCAL YEAR 2012 COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002 AS AMENDED BY THE IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010

The Office of the Inspector General (OIG) performed an audit of the Tennessee Valley Authority's (TVA) compliance with the Improper Payment Information Act (IPIA) for fiscal year (FY) 2012. The Act requires each agency's Inspector General (IG) to submit the results of their assessment of the agency's compliance with IPIA to the agency head and to the (1) Senate Homeland Security and Government Affairs Committee, (2) House Committee on Oversight and Governmental Reform, (3) Comptroller General, and (4) Controller of the Office of Management and Budget (OMB). As you know, the "agency head" for TVA is the TVA Board and, thus, the reason each of the Board members is receiving this report. The results of our audit were favorable for TVA in that we found TVA was in compliance with IPIA requirements that were applicable to TVA. There is no action required of you as a result of this report.

BACKGROUND

As required by IPIA (as amended by the Improper Payments Elimination and Recovery Act [IPERA] of 2010), we performed a review of the *Tennessee Valley Authority's Improper Payments Information Act Reporting For Fiscal Year 2012* letter. The OMB guidance requires each agency IG to review agency improper payment reporting in the agency's annual Performance and Accountability Report (PAR) or Annual Financial Report (AFR) and accompanying materials to determine if the agency is in compliance with IPIA. In particular, to determine compliance with IPIA, the agency IG should review the agency's PAR or AFR (and any accompanying information) for the most recent FY. Compliance with IPIA means the agency has:

- Published a PAR or AFR for the most recent FY and posted that report and any accompanying materials required by the OMB on the agency Web site.
- Conducted a program specific risk assessment for each program or activity that conforms to Section 3321 of Title 31 U.S.C. (if required).
- Published improper payment estimates for all programs and activities identified as susceptible to significant improper payments under its risk assessment (if required).
- Published programmatic corrective action plans in the PAR or AFR (if required).

- Published, and has met, annual reduction targets for each program assessed to be at risk and measured for improper payments.
- Reported a gross improper payment rate of less than 10 percent for each program and activity in which an improper payment estimate was obtained and published in the PAR or AFR.
- Reported information on its efforts to recapture improper payments.

For information pertaining to our objective, scope, and methodology, see the Attachment.

FINDINGS AND RECOMMENDATION

Two significant conditions impacted our determination of TVA's compliance with IPIA requirements.

- First, as a government corporation, TVA issues an Annual Management Report rather than a PAR or AFR.
- Second, TVA's improper payments fell below IPIA threshold amounts. IPIA defines significant improper payments as \$10 million of all program activity payments and 2.5 percent of program outlays. TVA's reported improper payments totaled \$14,313,699 and 0.16 percent of program outlays.

As a result of not issuing a PAR or AFR and being under the IPIA improper payments thresholds, TVA was largely exempt from the requirements of IPIA. In our opinion, TVA was only required to comply with Item No. 2 (conduct a program specific risk assessment), noted on the previous page. We reviewed the process used by TVA to identify programs susceptible to improper payments and noted it is in compliance with IPIA guidance. TVA performed a risk assessment for FY 2012, and its primary programs susceptible to improper payments are its supply chain programs. TVA calculated the total amount of payments subject to review equaled \$9,108,084,720.¹

Finally, even though TVA was not required to report information related to recapture efforts, TVA did voluntarily state in their FY 2012 IPIA letter that they had recovered all but \$20,040 of the total \$14,313,699 improper payments identified. However, after reviewing supporting documentation, we determined TVA overstated the amount recovered by \$1,109,769. The overstatement resulted because TVA did not include unrecovered amounts from recovery audits performed by a contractor.

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¹ Consistent with their FY 2011 IPIA report, TVA's FY 2012 letter to OMB did not include \$16,817,843 in questioned costs identified by the TVA's OIG in their improper payment calculation. However, in contrast to TVA's 2011 report, TVA did not disclose the OIG's questioned costs in their 2012 letter. Had TVA chosen to include the OIG's questioned costs in their improper payment calculation, the percent of program outlays would have only increased to 0.34 percent which is still below the threshold amounts.

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Recipients of this report are responsible for safeguarding it to prevent publication or other improper disclosure. We have issued a separate report to TVA concerning suggestions for improving TVA's process for complying with IPIA. If you have any questions, please contact David S. Shields, Senior Auditor, at (865) 633-7364 or Rick C. Underwood, Director, Corporate Governance and Finance Audits, at (423) 785-4824.



Richard W. Moore

William Sansom, TVA Board
Lynn Evans, TVA Board
Barbara Haskew, TVA Board
Richard Howorth, TVA Board
Peter Mahurin, TVA Board
Neil McBride, TVA Board
Michael McWherter, TVA Board
Joe Ritch, TVA Board

The Honorable Thomas R. Carper, Chairman
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Coburn, Ranking Member
Committee on Homeland Security and Governmental Affairs
442 Hart Senate Office Building
Washington, DC 20510

The Honorable Darrell E. Issa, Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Elijah Cummings, Ranking Member
Committee on Oversight and Government Reform
2471 Rayburn House Office Building
Washington, DC 20515

The Honorable Gene Dodaro
Comptroller General of the United States
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Those listed
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Mr. Jeffrey Zients
Deputy Director for Management
Office of Management and Budget
1650 Pennsylvania Avenue
Room 216
Washington, DC 20503

Mr. Daniel I. Werfel
Controller, Office of Federal Financial Management
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Attachment

cc (Attachment):

Mr. Flavio Menasce
Office of Federal Financial Management
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

B. Lee Allen, WT 4A-K
Peyton T. Hairston, Jr., WT 7B-K
Joseph J. Hoagland, WT 7C-K
William D. Johnson, WT 7B-K
Emily J. Reynolds, OCP 1L-NST
John M. Thomas III, MR 6D-C
Diane T. Wear, WT 4B-K
Robert B. Wells, WT 9B-K
Andrea L. Williams, WT 9B-K
OIG File No. 2012-14886

OBJECTIVE, SCOPE, AND METHODOLOGY

As required by Office of Management and Budget (OMB) Circular A-123, we assessed the *Tennessee Valley Authority's (TVA) Improper Payment Information Act Reporting for Fiscal Year 2012* letter to determine whether TVA was in compliance with the Improper Payments Information Act of 2002. Our audit scope was *Tennessee Valley Authority's Improper Payment Information Act Reporting for Fiscal Year 2012* letter and supporting documentation.

In general, to achieve our objective, we:

- Interviewed Financial Services personnel to gain an understanding of the process and methodology used to calculate and report improper payments for fiscal year 2012.
- Obtained and reviewed *Tennessee Valley Authority's Improper Payment Information Act Reporting for Fiscal Year 2012* letter.
- Obtained and reviewed legislative guidance related to improper payments, such as (1) the Improper Payments Information Act (IPIA) of 2002, (2) the Improper Payments Elimination and Recovery Act (IPERA) of 2010, and (3) Appendix C OMB Circular A-123.
- Reviewed prior year legal opinions pertaining to TVA's legal obligations from both TVA's Office of the General Counsel and the Office of Inspector General's Legal Counsel concerning TVA's compliance requirements with regard to IPIA/IPERA and Appendix C of the OMB Circular A-123. We also reviewed prior year guidance obtained from an OMB representative concerning TVA's compliance requirements with regard to IPIA/IPERA and Appendix C of the OMB Circular A-123.
- Compared TVA's IPIA reporting to legislative guidance to determine compliance.
- Reviewed a judgmental sample of improper payments consisting of approximately 78 percent of the total dollar amount of reported improper payments.
- From the sample items noted above, we reviewed supporting documentation for evidence of payment recapture for overpayments and duplicate payments.
- Selected a random sample of 10 items from TVA's sample of 106 payments that TVA sampled as part of the IPIA requirements. We reviewed the support for the 10 items to determine if TVA's assumptions regarding whether or not the payment was paid correctly were reasonable.¹

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹ We judgmentally selected each of the samples to attain additional comfort that the improper payment amounts reported by TVA were reasonable. Our samples were not intended to allow for any type of projections to be made.