

113TH CONGRESS
1ST SESSION

H. R. 3644

To rescind funds provided to certain Federal agencies if the improper payment rate for certain agency-administered programs has increased from the previous year, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2013

Mr. KINGSTON introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on the Budget and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To rescind funds provided to certain Federal agencies if the improper payment rate for certain agency-administered programs has increased from the previous year, 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 “Eliminate Preventable
5 Waste Act”.

1 **SEC. 2. REPORTS ON IMPROPER PAYMENTS.**

2 (a) IN GENERAL.—Notwithstanding the require-
3 ments of section 2(a)(2) of the Improper Payments Infor-
4 mation Act of 2002 (31 U.S.C. 3321 note), not later than
5 90 days after the end of fiscal year 2014 and each fiscal
6 year thereafter, the following agency heads shall perform
7 the review required under section 2(a)(1) of such Act for
8 the following programs, respectively:

9 (1) Commissioner of the Social Security Admin-
10 istration—

11 (A) the Supplemental Security Income pro-
12 gram under title XVI of the Social Security Act
13 (42 U.S.C. 1381 et seq.); and

14 (B) the Old Age, Survivors, and Disability
15 Insurance program under title XVI of the So-
16 cial Security Act (42 U.S.C. 1381 et seq.).

17 (2) Secretary of Agriculture—

18 (A) the school lunch program under the
19 Richard B. Russell National School Lunch Act
20 (42 U.S.C. 1751 et seq.); and

21 (B) the school breakfast program under
22 section 4 of the Child Nutrition Act of 1966
23 (42 U.S.C. 1773).

24 (3) Secretary of Labor; State unemployment
25 compensation programs approved by the Secretary

1 of Labor under section 3304 of the Internal Revenue
2 Code of 1986.

3 (4) Secretary of Health and Human Services—

4 (A) Medicare fee-for-service (parts A and
5 B of title XVIII of the Social Security Act (42
6 U.S.C. 1381 et seq.));

7 (B) Medicaid (title XIX of such Act),
8 Medicare Advantage (part C of title XVIII of
9 such Act);

10 (C) Medicare prescription drug benefit
11 (part D of title XVIII of such Act); and

12 (D) the Child Care and Development Fund
13 (section 5082 of subchapter C of Public Law
14 101–508).

15 (5) Secretary of the Treasury; the Earned In-
16 come Tax Credit (section 32 of the Internal Revenue
17 Code of 1986).

18 (6) Secretary of Veterans Affairs—

19 (A) payments under section 607 of the
20 Transportation, Treasury, and Independent
21 Agencies Appropriations Act, 2004 (division F
22 of Public Law 108–199); and

23 (B) payments to non-Department facilities
24 (as defined in section 1701(4) of title 38,
25 United States Code) under the following:

1 (i) section 1703 of such title (relating
2 to hospital care and medical services pro-
3 vided to veterans in non-Department facili-
4 ties);

5 (ii) section 1725 of such title (relating
6 to reimbursement to veterans for certain
7 emergency treatment in non-Department
8 facilities);

9 (iii) section 1728 of such title (relat-
10 ing to reimbursement to veterans for cer-
11 tain treatment in non-Department facili-
12 ties);

13 (iv) section 8111 of such title (relat-
14 ing to the sharing of Department of Vet-
15 erans Affairs and Department of Defense
16 health-care resources); and

17 (v) section 8153 of such title (relating
18 to the sharing of health-care resources).

19 (b) BUDGET SUBMISSION.—Each agency head shall
20 include in the applicable agency annual budget request to
21 the Office of Management and Budget a report on the re-
22 view required under subsection (a).

23 (c) SUNSET.—If a review under subsection (a) shows
24 that the improper payment rate for any listed program

1 is less than or equal to 0.00034 percent, this section shall
2 no longer apply with respect to such program.

3 **SEC. 3. AMENDMENT WITH RESPECT TO PRESIDENT'S**
4 **BUDGET SUBMISSION.**

5 (a) IN GENERAL.—Section 1105(a) of title 31,
6 United States Code, is amended by—

7 (1) redesignating paragraph (37) (relating to
8 the list of outdated or duplicative plans and reports)
9 as paragraph (39); and

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

11 “(40) any report submitted to the Office of
12 Management and Budget pursuant to section 2 of
13 the Eliminate Preventable Waste Act.”.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 2014.

16 **SEC. 4. RESCISSION OF FUNDS.**

17 (a) REDUCTION IN ERROR RATES.—If any report
18 submitted by an agency head required under section 2,
19 as included in President's budget under section 1105(a)
20 of title 31, United States Code (as amended by section
21 2 of this Act), does not show, with respect to the relevant
22 program listed in section 2(a), a decrease in the improper
23 payment rate from the fiscal year immediately preceding
24 the fiscal year covered by the report, a rescission under

1 subsection (b) of certain funds made available to the appli-
2 cable agency shall apply.

3 (b) RESCISSION.—

4 (1) IN GENERAL.—On the day that the Presi-
5 dent submits such a budget, there is rescinded (if
6 necessary) from the following accounts a percentage
7 of such account equal to the percentage of the high-
8 est improper payment rate of the program listed in
9 the report submitted by the relevant agency pursu-
10 ant to section 2 and included in such agency’s budg-
11 et:

12 (A) Department of Agriculture, “Agricul-
13 tural Programs—Production, Process, and
14 Marketing—Office of the Secretary”.

15 (B) Department of Health and Human
16 Services, “Department of Health and Human
17 Services—Office of the Secretary”.

18 (C) Department of Labor, “Department of
19 Labor—Departmental Management—Salaries
20 and Expenses”.

21 (D) Department of the Treasury, “Depart-
22 ment of the Treasury—Departmental Offices—
23 Salaries and Expenses”.

1 (E) Social Security Administration, “Social
2 Security Administration—Limitation on Admin-
3 istrative Expenses”.

4 (F) Department of Veterans Affairs, “De-
5 partment of Veterans Affairs—Departmental
6 Administration—General Administration”.

7 (2) PROPORTIONATE APPLICATION.—Any re-
8 scission made under paragraph (1) shall be applied
9 proportionately within each listed account to each
10 program, project, and activity (with programs,
11 projects, and activities as delineated in the appro-
12 priation Act or accompanying reports for the appli-
13 cable fiscal year covering such account).

14 (c) REPORT TO CONGRESS.—For each fiscal year be-
15 ginning in fiscal year 2015, not later than the date on
16 which President submits a budget under section 1105(a)
17 of title 31, United States Code, each agency head listed
18 in section 2(a) shall submit to Congress any report re-
19 quired by section 2 of this Act.

20 (d) EFFECTIVE DATE.—This section shall take effect
21 on October 1, 2014.

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