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# S. 614 — Federal Improper Payments Coordination Act (Sen. Carper, D-DE)

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## FLOOR SCHEDULE:

Scheduled for consideration on December 7, 2015 suspension of the rules, which requires 2/3 vote for passage.

## TOPLINE SUMMARY:

[S. 614](#) would authorize the judicial and legislative branches, and state agencies that implement federal programs, to access the Treasury Department's Do Not Pay Program, which is used to prevent payments to ineligible recipients. The bill would also require the prompt reporting of overseas deaths by the Department of Defense and Department of State to aim at further reducing improper payments.

## COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting S. 614 would not have a significant effect on the federal budget because the bill addresses only a small portion of federal payments and many of the bills authorities are already available under current law.

## CONSERVATIVE CONCERNS:

There are no substantive conservative concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

S. 614 would amend the Improper Payments Elimination and Recovery Act of 2012 to explicitly include the judicial and legislative branches, as well as state agencies that implement federal programs, as eligible to access the Treasury's Do Not Pay Program, which serves as a clearinghouse for information databases concerning individuals and entities that are ineligible for various federal payments. According to the Department of the Treasury, the judicial and legislative branches may already access this system.

The measure would also require the departments of State and Defense to establish policies within one year of enactment to promptly report overseas deaths to relevant agencies that make payments to such individuals.

Finally, the measure would require the Secretary of the Treasury to report to Congress within 180 days on the data analytics and methods used for the purpose of detecting, preventing, and recovering improper payments.

## COMMITTEE AND SENATE ACTION:

S. 614 was introduced on February 27, 2015 and was referred to the Senate Committee on Homeland Security and Governmental Affairs. The Committee reported the bill on July 21, 2015 ([S. Rept. 114-86](#)), and the Senate passed the bill on July 28, 2015 by unanimous consent.

## ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

**CONSTITUTIONAL AUTHORITY:**

Measures originating in the Senate do not require a constitutional authority statement.

# H.R. 1321 — Microbead-Free Waters Act of 2015 (Rep. Pallone, D-NJ)

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## FLOOR SCHEDULE:

Scheduled for consideration on December 7, 2015 suspension of the rules, which requires 2/3 vote for passage.

## TOPLINE SUMMARY:

[H.R. 1321](#) would prohibit the sale or distribution of rinse-off cosmetics containing plastic microbeads.

## COST:

The Congressional Budget Office (CBO) estimate is not available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

## CONSERVATIVE CONCERNS:

Some conservatives may be concerned over the role of the federal government banning a specific cosmetic product component. Some conservatives may also be concerned that the measure preempts existing state laws and occupies the legal field on the matter, preventing states from making their own determinations as to the impact of microbeads.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Yes. The measure preempts state and local laws concerning the allowance of microbeads in rinse-off consumer products.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

## DETAILED SUMMARY AND ANALYSIS:

Proponents of the bill assert that the measure is necessary to prevent microbeads from passing through wastewater filtration systems and entering waterways and that a federal standard is needed to prevent a patchwork of differing state laws. Testimony received by the committee indicated that microbeads could pose an environmental threat, though other testimony indicated that there has been no peer-reviewed evidence of such a threat.

H.R. 1321 would amend [section 301 of the Federal Food, Drug, and Cosmetic Act](#) (21 U.S.C. 331) by prohibiting the manufacture or the introduction into interstate commerce of a rinse-off cosmetic that contains intentionally-added plastic microbeads. The bill would define the term 'plastic microbead' as any solid plastic particle that is less than five millimeters in size and is intended to be used to exfoliate or cleanse the human body. The bill would prohibit the manufacture of the rinse-off cosmetic containing microbeads by July 1, 2017, and its introduction and delivery by July 1, 2018. The ban would be delayed an additional year for nonprescription drug rinse-off cosmetics. The bill would additionally prohibit any state or political subdivision of any state from establishing under any authority or continuing restrictions on the manufacture or introduction of plastic microbead rinse-off cosmetics into interstate commerce that are not identical to the restrictions in the Federal Food, Drug, and Cosmetic Act.

The corresponding Senate version of the bill (S. 1424) can be found [here](#). The House Energy and Commerce April 28, 2015 hearing memo regarding microbeads in cosmetic products can be found [here](#).

**COMMITTEE ACTION:**

H.R. 1321 was introduced on March 4, 2015 and was referred to the House Committee on Energy and Commerce. On November 18, 2015, the bill was then ordered to be reported and amended by the committee by voice vote.

**ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

**CONSTITUTIONAL AUTHORITY:**

According to the bill’s sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18, the Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.” No specific enumerating clause was included.

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