

116TH CONGRESS
1ST SESSION

S. 1456

To require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2019

Mr. LEE (for himself, Mr. RISCH, Mr. PERDUE, Mr. CRUZ, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, 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 “Agency Accountability
5 Act of 2019”.

6 **SEC. 2. APPROPRIATION OF FUNDS REQUIRED.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, and consistent with subsection (c), an agency
9 that receives a fee, fine, penalty, or proceeds from a settle-

1 ment shall deposit such amount in the general fund of the
2 Treasury.

3 (b) USE OF AMOUNTS SUBJECT TO APPROPRIA-
4 TION.—Any amounts deposited pursuant to subsection (a)
5 shall only be available to the extent, and in such amounts,
6 as are provided in advance in appropriation Acts.

7 (c) EXCEPTIONS.—This section shall not apply to any
8 of the following:

9 (1) Amounts to be paid to an individual entitled
10 to such amounts as a whistleblower, including any
11 amounts received as a percentage of amounts re-
12 ceived by the Government pursuant to a judgment or
13 settlement agreement.

14 (2) A loan guarantee program.

15 (3) An insurance program.

16 (d) USPTO REPORT TO CONGRESS REQUIRED.—Not
17 later than March 1 of each year, the Under Secretary of
18 Commerce for Intellectual Property and Director of the
19 United States Patent and Trademark Office shall submit
20 to Congress a report that describes any fee, fine, penalty,
21 or proceeds from a settlement collected by the United
22 States Patent and Trademark Office for the previous fis-
23 cal year.

24 (e) DEFINITIONS.—In this section—

25 (1) the term “agency”—

1 (A) has the meaning given that term in
2 section 551 of title 5, United States Code; and

3 (B) does not include the United States
4 Postal Service or the United States Patent and
5 Trademark Office; and

6 (2) the term “loan guarantee” has the meaning
7 given the term in section 502 of the Federal Credit
8 Reform Act of 1990 (2 U.S.C. 661a).

9 **SEC. 3. OFFSETTING COLLECTIONS AND RECEIPTS AS REV-**
10 **ENUE.**

11 (a) IN GENERAL.—The Congressional Budget Act of
12 1974 (2 U.S.C. 621 et seq.) is amended—

13 (1) in section 3(2)(A)(iv), by inserting “except
14 as provided in section 316,” before “offsetting re-
15 ceipts”; and

16 (2) by adding after section 315 the following:

17 “TREATMENT OF OFFSETTING COLLECTIONS AND
18 RECEIPTS

19 “SEC. 316. Notwithstanding any other provision of
20 law, offsetting receipts and collections shall be treated as
21 revenue for purposes of carrying out this or any other Act.
22 The preceding sentence shall not apply to the United
23 States Postal Service or the United States Patent and
24 Trademark Office.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by inserting after the item relating
3 to section 315 the following:

“316. Treatment of offsetting collections and receipts.”.

4 (c) APPLICATION.—The amendments made by this
5 section shall apply during budget years (as that term is
6 defined in section 250(c)(12) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 (2 U.S.C.
8 900(c)(12))) beginning one year after the date of the en-
9 actment of this Act.

○