

115TH CONGRESS
1ST SESSION

H. R. 850

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 HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2017

Mr. PALMER (for himself, Mr. ADERHOLT, Mr. ALLEN, Mr. BABIN, Mrs. BLACKBURN, Mr. BLUM, Mr. BRAT, Mr. BRIDENSTINE, Mr. BROOKS of Alabama, Mr. BUCK, Mr. BYRNE, Mr. CHAFFETZ, Mr. COFFMAN, Mr. DAVIDSON, Mr. DUNCAN of South Carolina, Mr. DUNN, Mr. EMMER, Mr. FARENTHOLD, Mr. FLEISCHMANN, Ms. FOXX, Mr. GOHMERT, Mr. GRIFFITH, Mr. HARRIS, Mr. HENSARLING, Mr. JODY B. HICE of Georgia, Mr. JORDAN, Mr. MCCLINTOCK, Mr. MULLIN, Mr. PALAZZO, Mr. PERRY, Mr. RATCLIFFE, Mr. RENACCI, Mr. ROKITA, Mr. ROUZER, Mr. SANFORD, Mr. SCHWEIKERT, Mr. SMITH of Missouri, Mr. SMITH of Texas, Mr. WALBERG, Mr. WALKER, Mr. WESTERMAN, Mr. YOUNG of Iowa, Mr. ABRAHAM, Mr. CARTER of Georgia, Mrs. HARTZLER, Mr. HUDSON, Mr. MCHENRY, Mr. MOONEY of West Virginia, Mr. RUSSELL, Mr. AUSTIN SCOTT of Georgia, Mr. ARRINGTON, and Mr. BUDD) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, the Budget, and Rules, 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Agency Accountability
3 Act of 2017”.

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

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, and consistent with subsection (c), an agency
7 that receives a fee, fine, penalty, or proceeds from a settle-
8 ment shall deposit such amount in the general fund of the
9 Treasury.

10 (b) USE OF AMOUNTS.—

11 (1) SUBJECT TO APPROPRIATION.—Consistent
12 with paragraph (2), any amounts deposited pursuant
13 to subsection (a) shall only be available to the ex-
14 tent, and in such amounts, as are provided in ad-
15 vance in appropriation Acts.

16 (2) OBLIGATION LIMITATION; DEFICIT REDUC-
17 TION.—Of the amounts so deposited during the fis-
18 cal year in which this section is enacted, such
19 amounts—

20 (A) may not be available for obligation
21 during such fiscal year; and

22 (B) shall be used for purposes of deficit re-
23 duction.

24 (c) EXCEPTION.—This section shall not apply to any
25 amounts to be paid to an individual entitled to such
26 amounts as a whistleblower, including any amounts re-

1 ceived as a percentage of amounts received by the Govern-
2 ment pursuant to a judgment or settlement agreement.

3 (d) USPTO REPORT TO CONGRESS REQUIRED.—Not
4 later than March 1 of each year, the Under Secretary of
5 Commerce for Intellectual Property and Director of the
6 United States Patent and Trademark Office shall submit
7 to Congress a report that describes any fee, fine, penalty,
8 or proceeds from a settlement collected by the United
9 States Patent and Trademark Office for the previous fis-
10 cal year.

11 (e) AGENCY DEFINED.—The term “agency” has the
12 meaning given that term in section 551 of title 5, United
13 States Code, but does not include the United States Postal
14 Service or the United States Patent and Trademark Of-
15 fice.

16 **SEC. 3. OFFSETTING COLLECTIONS AND RECEIPTS AS REV-**
17 **ENUE.**

18 (a) IN GENERAL.—The Congressional Budget Act of
19 1974 (2 U.S.C. 621 et seq.) is amended—

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

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

1 “TREATMENT OF OFFSETTING COLLECTIONS AND
2 RECEIPTS

3 “SEC. 316. Notwithstanding any other provision of
4 law, offsetting receipts and collections shall be treated as
5 revenue for purposes of carrying out this or any other Act.
6 The preceding sentence shall not apply to the United
7 States Postal Service or the United States Patent and
8 Trademark Office.”.

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

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

12 (c) APPLICATION.—The amendments made by this
13 section shall apply during budget years (as that term is
14 defined in section 250(c)(12) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985 (2 U.S.C.
16 900(c)(12))) beginning in 2019.

○