

“(3) PRESIDENTIAL AUTHORITY.—The President may waive the limitation under paragraph (2) with respect to a calendar year if the President provides written notice of such waiver to the appropriate committees of the Congress at least 30 days before any payment in excess of such limitation is made pursuant to this section.

“(4) PRIORITY OF PAYMENTS.—In paying any reward under this section, the Secretary shall, to the extent possible, make such reward payment—

“(A) first, from appropriated funds authorized under paragraph (1)(A); and

“(B) second, from appropriated funds authorized under paragraph (1)(B).

“(e) LIMITATIONS.—

“(1) SUBMISSION OF INFORMATION.—No award may be made under this section based on information submitted to the Secretary unless such information is submitted under penalty of perjury.

“(2) MAXIMUM AMOUNT.—No reward paid under this section may exceed \$5 million, unless the Secretary—

“(A) personally authorizes such greater amount in writing;

“(B) determines that offer or payment of a reward of a greater amount is necessary due to the exceptional nature of the case; and

“(C) notifies the appropriate committees of the Congress of such determination.

“(3) APPROVAL.—

“(A) IN GENERAL.—No reward amount may be paid under this section without the written approval of the Secretary, with the concurrence of the Secretary of State and the Attorney General.

“(B) DELEGATION.—The Secretary may not delegate the approval required under subparagraph (A) to anyone other than an Under Secretary of the Department of the Treasury.

“(4) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient’s immediate family must be protected, the Secretary shall, consistent with applicable law, take such measures in connection with the payment of the reward as the Secretary considers necessary to effect such protection.

“(5) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of a monetary payment.

“(f) INELIGIBILITY, REDUCTION IN, OR DENIAL OF REWARD.—

“(1) OFFICER AND EMPLOYEES.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of official duties, furnishes information described under subsection (b) shall not be eligible for a reward under this section.

“(2) PARTICIPATING INDIVIDUALS.—If the claim for a reward is brought by an individual who the Secretary has a reasonable basis to believe knowingly planned, initiated, directly participated in, or facilitated the actions that led to assets of a foreign state or governmental entity being stolen, misappropriated, or illegally diverted or to the payment of bribes or other foreign governmental corruption, the Secretary shall appropriately reduce, and may deny, such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Secretary shall deny or may seek to recover any reward, as the case may be.

“(g) REPORT.—

“(1) IN GENERAL.—Within 180 days of the enactment of this section [Jan. 1, 2021], and annually thereafter for 3 years, the Secretary shall issue a report to the appropriate committees of the Congress—

“(A) detailing to the greatest extent possible the amount, location, and ownership or beneficial ownership of any stolen assets that, on or after the date of the enactment of this section, come within the United States or that come within the possession or control of any United States person;

“(B) discussing efforts being undertaken to identify more such stolen assets and their owners or beneficial owners; and

“(C) including a discussion of the interactions of the Department of the Treasury with the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)]) to identify the amount, location, and ownership, or beneficial ownership, of stolen assets held in financial institutions outside the United States.

“(2) EXCEPTION.—The report issued under paragraph (1) shall not include information related to ongoing investigations or information related to closed investigations that would reveal identities of individuals not charged with a criminal offense, would reveal identities of investigative sources or methods, would reveal identities of witnesses, would compromise subsequent investigations, or the disclosure of which is otherwise prohibited by law, the Federal Rules of Criminal Procedure, regulation, or court order.

“(h) REPORT ON DISPOSITION OF RECOVERED ASSETS.—Within 360 days of the enactment of this Act [Jan. 1, 2021], the Secretary of the Treasury, with the concurrence of the Secretary of State and the Attorney General, shall issue a report to the appropriate committees of Congress describing policy choices and recommendations for disposition of stolen assets recovered pursuant to this section.

“(i) SUNSET OF PILOT PROGRAM.—The authorities under this section, as well as the program established pursuant to this section, shall terminate three years after the date of the enactment of this Act.

“(j) DEFINITIONS.—For purposes of this section:

“(1) APPROPRIATE COMMITTEES OF THE CONGRESS.—The term ‘appropriate committees of the Congress’ means the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

“(2) FINANCIAL ASSET.—The term ‘financial asset’ means any funds, investments, or ownership interests, as defined by the Secretary, that on or after the date of the enactment of this section come within the United States or that come within the possession or control of any United States person.

“(3) FOREIGN GOVERNMENT CORRUPTION.—The term ‘foreign government corruption’ means corruption, as defined by the United Nations Convention Against Corruption.

“(4) FOREIGN PUBLIC OFFICIAL.—The term ‘foreign public official’ includes any person who occupies a public office by virtue of having been elected, appointed, or employed, including any military, civilian, special, honorary, temporary, or uncompensated official.

“(5) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to an individual, has the meaning given the term ‘member of the immediate family’ under section 36(k) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)).

“(6) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1) of this section.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(8) STOLEN ASSETS.—The term ‘stolen assets’ means financial assets within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from foreign government corruption.”

§ 9701. Fees and charges for Government services and things of value

(a) It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to

a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

(b) The head of each agency (except a mixed-ownership Government corporation) may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations prescribed by the heads of executive agencies are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be—

- (1) fair; and
- (2) based on—
 - (A) the costs to the Government;
 - (B) the value of the service or thing to the recipient;
 - (C) public policy or interest served; and
 - (D) other relevant facts.

(c) This section does not affect a law of the United States—

- (1) prohibiting the determination and collection of charges and the disposition of those charges; and
- (2) prescribing bases for determining charges, but a charge may be redetermined under this section consistent with the prescribed bases.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1051.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9701	31:483a.	Aug. 31, 1951, ch. 376, § 501, 65 Stat. 290.

In the section, the words “agency (except a mixed-ownership Government corporation)” are substituted for “Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945 [31 U.S.C. 841 et seq.]” because of section 101 of the revised title and for consistency.

In subsection (a), the words “each service or thing of value provided” are substituted for “any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued” for consistency and to eliminate unnecessary words. The words “(including groups, associations, organizations, partnerships, corporations, or businesses)” are omitted as being included in “person” under 1.1.

In subsection (b), before clause (1), the words “may prescribe regulations establishing the charge for a service or thing of value provided by the agency” are substituted for “is authorized by regulation . . . to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one” for consistency, to eliminate unnecessary words, and because of the restatement. In clause (1), the words “and equitable” are omitted as being included in “fair”. In clause (2)(A), the words “direct and indirect” are omitted as surplus. In clause (2)(B), the words “of the service or thing” are added for clarity. In clause (2)(D), the words “and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts” are omitted as unnecessary because of section 3302(a) of this title.

Subsection (c) is substituted for 31:483a(provisos) for clarity and to eliminate unnecessary words.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-393, title VI, §638(a), Oct. 6, 1992, 106 Stat. 1779, provided that: “This section [enacting section 9703

of this title and amending sections 981 and 982 of Title 18, Crimes and Criminal Procedure, section 1509 of Title 21, Food and Drugs, section 524 of Title 28, Judiciary and Judicial Procedure, and section 2003 of Title 39, Postal Service] may be cited as the ‘Treasury Forfeiture Fund Act of 1992.’”

§ 9702. Investment of trust funds

Except as required by a treaty of the United States, amounts held in trust by the United States Government (including annual interest earned on the amounts)—

- (1) shall be invested in Government obligations; and
- (2) shall earn interest at an annual rate of at least 5 percent.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1052.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9702	31:547a.	R.S. §3659.

The section is substituted for 31:547a for clarity and consistency in the revised title.

§ 9703. Managerial accountability and flexibility

(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29),¹ the Director of the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) may not be included in a performance plan unless it is endorsed by the agency that established the requirement, and the endorsement included in the proposing agency’s performance plan.

¹ See References in Text note below.