

116TH 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

JANUARY 29, 2019

Mr. PALMER (for himself, Mr. ARRINGTON, Mr. BRADY, Mr. BROOKS of Alabama, Mr. BUCK, Mr. BUDD, Mr. BYRNE, Mr. CLOUD, Mr. DAVIDSON of Ohio, Mr. DUNCAN, Mr. FLEISCHMANN, Ms. FOXX of North Carolina, Mr. GAETZ, Mr. GIBBS, Mr. GOSAR, Mr. HUNTER, Mr. KING of Iowa, Mrs. LESKO, Mr. LOUDERMILK, Mr. MARSHALL, Mr. MEADOWS, Mr. MOOLENAAR, Mr. MOONEY of West Virginia, Mr. NORMAN, Mr. RATCLIFFE, Mr. SCHWEIKERT, Mr. WALKER, Mrs. WALORSKI, Mr. WESTERMAN, Mr. YOHO, Mr. ZELDIN, Mr. CONAWAY, Mr. POSEY, Mr. GRIFFITH, Mr. SMITH of Missouri, Mr. BABIN, Mr. AUSTIN SCOTT of Georgia, Mr. DAVID P. ROE of Tennessee, Mr. LAMBORN, Mr. CARTER of Georgia, Mr. WOMACK, Mr. COLE, Mr. HILL of Arkansas, Mr. MITCHELL, Mr. DESJARLAIS, Mr. HICE of Georgia, Mr. GOHMERT, Mr. HARRIS, Mr. RICE of South Carolina, Mr. THOMPSON of Pennsylvania, Mr. EMMER, Mr. ALLEN, Mr. LAHOOD, Mrs. HARTZLER, Mr. ROUZER, Mr. ROY, Mr. WALBERG, Mr. MCHENRY, Mr. CHABOT, Mr. LUCAS, Mr. WENSTRUP, Mr. JOHN W. ROSE of Tennessee, and Mr. STEUBE) introduced the following bill; which was referred to the Committee on Oversight and 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,*

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-
10 ment shall deposit such amount in the general fund of the
11 Treasury.

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

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

18 (1) Amounts to be paid to an individual entitled
19 to such amounts as a whistleblower, including any
20 amounts received as a percentage of amounts re-
21 ceived by the Government pursuant to a judgment or
22 settlement agreement.

23 (2) A loan guarantee program.

24 (3) An insurance program.

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

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

14 **SEC. 3. OFFSETTING COLLECTIONS AND RECEIPTS AS REV-**
 15 **ENUE.**

16 (a) IN GENERAL.—The Congressional Budget Act of
 17 1974 (2 U.S.C. 621 et seq.) is amended—

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

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

22 “TREATMENT OF OFFSETTING COLLECTIONS AND
 23 RECEIPTS

24 “SEC. 316. Notwithstanding any other provision of
 25 law, offsetting receipts and collections shall be treated as
 26 revenue for purposes of carrying out this or any other Act.

1 The preceding sentence shall not apply to the United
2 States Postal Service or the United States Patent and
3 Trademark Office.”.

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

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

7 (c) APPLICATION.—The amendments made by this
8 section shall apply during budget years (as that term is
9 defined in section 250(c)(12) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985 (2 U.S.C.
11 900(c)(12))) beginning one year after the date of the en-
12 actment of this Act.

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