

112TH CONGRESS  
1ST SESSION

# H. R. 3752

To amend title 31, United States Code, to require each agency Chief Financial Officer to submit to the Office of Management and Budget a report on and recommendations concerning the adjustment or reduction of fees imposed by the agency for services and things of value it provides.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2011

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

To amend title 31, United States Code, to require each agency Chief Financial Officer to submit to the Office of Management and Budget a report on and recommendations concerning the adjustment or reduction of fees imposed by the agency for services and things of value it provides.

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 “Cost Recovery and  
5 Fair Value for Services Act of 2011”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The Federal Government has an obligation  
4 to United States citizens to be stewards of their  
5 hard-earned taxpayer dollars by operating in an effi-  
6 cient manner.

7 (2) There are hundreds of Federal agencies in  
8 the executive branch providing an array of services  
9 and programs.

10 (3) It is critical, especially in times when na-  
11 tional debt is high, for these agencies to ensure that  
12 the programs they provide are consistently assessed  
13 regarding their costs and self-financed to the great-  
14 est extent possible.

15 (4) By setting equitable user fee rates for serv-  
16 ices provided, agencies as well as those who use the  
17 services can participate in the shared fiscal responsi-  
18 bility needed to reduce the deficit without overbur-  
19 dening users or constraining demand.

20 **SEC. 3. USER FEE REPORT.**

21 (a) AMENDMENT.—Section 902 of title 31, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing new subsection:

24 “(c) USER FEE REPORT REQUIRED.—

25 “(1) IN GENERAL.—Not later than October 1 of  
26 each odd-numbered year, beginning with October 1,

1 2011, an agency Chief Financial Officer shall pre-  
2 pare and submit a report to the Director of the Of-  
3 fice of Management and Budget on the review and  
4 recommendations under subsection (a)(8) and shall  
5 include with regard to the recommendations con-  
6 cerning the adjustment or reduction of fees imposed  
7 by the agency for services and things of value it pro-  
8 vides for the matters described under paragraphs (2)  
9 and (3).

10 “(2) MATTERS RELATED TO EQUITY.—The re-  
11 port required by paragraph (1) shall include the fol-  
12 lowing:

13 “(A) An evaluation of whether each user is  
14 paying an equitable amount and the ability of  
15 the user to pay the fee.

16 “(B) The extent to which use of such pro-  
17 gram by certain users, or for certain types of  
18 uses, provides a public benefit.

19 “(C) The extent to which the program for  
20 which the fee is funding benefits the public and  
21 identifiable users.

22 “(3) MATTERS RELATED TO EFFICIENCY.—The  
23 report required by paragraph (1) shall include the  
24 following:

1           “(A) The amount of the fee sufficient to  
2 cover the full cost of the service or thing of  
3 value provided by the agency.

4           “(B) Whether the agency has timely and  
5 reliable cost data to determine the amount of  
6 the fee to cover the full cost of the service or  
7 thing of value provided by the agency.

8           “(C) The extent to which the fee will fully  
9 or partially recover costs of the service or thing  
10 of value provided by the agency.

11           “(D) Whether the fee structure should in-  
12 clude exemptions or reduced fees.

13           “(E) Whether the fee should be set as a  
14 percentage or as a fixed dollar amount.

15           “(F) How the fee will be structured to  
16 cover the intended share of the cost of the serv-  
17 ice or thing of value provided by the agency  
18 over time.

19           “(G) Whether fee collections are projected  
20 to change over time in relation to the cost of  
21 the service or thing of value provided by the  
22 agency.

23           “(4) DEFINITIONS.—In this subsection:

24           “(A) EQUITABLE AMOUNT.—The term ‘eq-  
25 uitable amount’ means an amount that is set at

1 a level so that a user with the ability to pay a  
2 higher fee pays more for the service and thing  
3 of value than a user with less ability to pay.

4 “(B) USER.—The term ‘user’ means a per-  
5 son that pays a fee imposed by an agency for  
6 services and things of value provided by the  
7 agency.”.

8 (b) SUBMISSION BY OMB.—Not later than December  
9 1 of each year in which a report is submitted under section  
10 902(c) of title 31, United States Code, as added by sub-  
11 section (a), the Director of the Office of Management and  
12 Budget shall compile and transmit the reports, along with  
13 a summary prepared by the Director, including an identi-  
14 fication of any recommendations in the report the Director  
15 does not agree with and the reasons for such disagree-  
16 ment, to the Committee on Oversight and Government Re-  
17 form of the House of Representatives and the Committee  
18 on Homeland Security and Governmental Affairs of the  
19 Senate.

○