

114TH CONGRESS
2D SESSION

H. R. 5499

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

JUNE 16, 2016

Mr. PALMER (for himself, Mr. BABIN, Mr. BARR, Mr. BENISHEK, Mr. BISHOP of Michigan, Mr. BISHOP of Utah, Mr. BROOKS of Alabama, Mr. BUCK, Mr. BYRNE, Mr. CHABOT, Ms. FOXX, Mr. GOHMERT, Mr. GROTHMAN, Mr. JODY B. HICE of Georgia, Mr. HUDSON, Mr. JORDAN, Mr. LAMALFA, Mr. LOUDERMILK, Mr. MOOLENAAR, Mr. SANFORD, Mr. SCALISE, Mr. AUSTIN SCOTT of Georgia, Mr. SESSIONS, Mr. SMITH of Missouri, Mr. THOMPSON of Pennsylvania, Mr. WEBER of Texas, Mr. WESTERMAN, Mr. WALKER, Mr. MEADOWS, Mrs. ELLMERS of North Carolina, Mr. WILLIAMS, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. HENSARLING, Mr. SENSENBRENNER, Mrs. McMORRIS RODGERS, Mr. DESJARLAIS, Mr. POE of Texas, Mr. COLE, Mrs. LOVE, Mr. FLORES, Mr. CHAFFETZ, Mr. ROSKAM, Mr. BRIDENSTINE, Mr. DUNCAN of South Carolina, Mr. STUTZMAN, Mr. PERRY, Mr. HUELSKAMP, Mr. GRIFFITH, Mr. DESANTIS, Mr. GOSAR, Mr. KELLY of Mississippi, Mr. YOHO, Mr. RATCLIFFE, Mr. ALLEN, Mr. MULVANEY, Mr. GARRETT, Mr. LABRADOR, Mr. SCHWEIKERT, Mr. BLUM, Mr. MOONEY of West Virginia, Mr. McCLINTOCK, Mr. NUNES, Mr. WEBSTER of Florida, Mr. MULLIN, and Mr. MESSER) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agency Accountability
5 Act of 2016”.

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

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, an agency that receives a fee, fine, penalty,
9 or proceeds from a settlement shall deposit such amount
10 in the general fund of the Treasury.

11 (b) USE OF AMOUNTS.—

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

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

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

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

1 (c) 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 (d) 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 in 2018.

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