

118TH CONGRESS
1ST SESSION

H. R. 2368

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

MARCH 29, 2023

Mr. PALMER introduced the following bill; which was referred to the Committee on Oversight and Accountability, 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 2023”.

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

1 that receives a fee, fine, penalty, or proceeds from a settle-
2 ment shall deposit such amount in the general fund of the
3 Treasury.

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

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

10 (1) Amounts to be paid to an individual entitled
11 to such amounts as a whistleblower, including any
12 amounts received as a percentage of amounts re-
13 ceived by the Government pursuant to a judgment or
14 settlement agreement.

15 (2) A loan guarantee program.

16 (3) An insurance program.

17 (d) USPTO REPORT TO CONGRESS REQUIRED.—Not
18 later than March 1 of each year, the Under Secretary of
19 Commerce for Intellectual Property and Director of the
20 United States Patent and Trademark Office shall submit
21 to Congress a report that describes any fee, fine, penalty,
22 or proceeds from a settlement collected by the United
23 States Patent and Trademark Office for the previous fis-
24 cal year.

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

6 **SEC. 3. OFFSETTING COLLECTIONS AND RECEIPTS AS REV-**
7 **ENUE.**

8 (a) IN GENERAL.—The Congressional Budget Act of
9 1974 (2 U.S.C. 621 et seq.) is amended—

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

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

14 “TREATMENT OF OFFSETTING COLLECTIONS AND
15 RECEIPTS

16 “SEC. 316. Notwithstanding any other provision of
17 law, offsetting receipts and collections shall be treated as
18 revenue for purposes of carrying out this or any other Act.
19 The preceding sentence shall not apply to the United
20 States Postal Service or the United States Patent and
21 Trademark Office.”.

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

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

1 (c) APPLICATION.—The amendments made by this
2 section shall apply during budget years (as that term is
3 defined in section 250(c)(12) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985 (2 U.S.C.
5 900(c)(12))) beginning one year after the date of the en-
6 actment of this Act.

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