

115TH CONGRESS  
1ST SESSION

# S. 299

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 SENATE OF THE UNITED STATES

FEBRUARY 3, 2017

Mr. LEE (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

---

## 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 2017”.

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-

1 ment shall deposit such amount in the general fund of the  
2 Treasury.

3 (b) USE OF AMOUNTS.—

4 (1) SUBJECT TO APPROPRIATION.—Consistent  
5 with paragraph (2), any amounts deposited pursuant  
6 to subsection (a) shall only be available to the ex-  
7 tent, and in such amounts, as are provided in ad-  
8 vance in appropriation Acts.

9 (2) OBLIGATION LIMITATION; DEFICIT REDUC-  
10 TION.—Of the amounts so deposited during the fis-  
11 cal year in which this section is enacted, such  
12 amounts—

13 (A) may not be available for obligation  
14 during such fiscal year; and

15 (B) shall be used for purposes of deficit re-  
16 duction.

17 (c) EXCEPTION.—This section shall not apply to any  
18 amounts to be paid to an individual entitled to such  
19 amounts as a whistleblower, including any amounts re-  
20 ceived as a percentage of amounts received by the Govern-  
21 ment pursuant to a judgment or settlement agreement.

22 (d) USPTO REPORT TO CONGRESS REQUIRED.—Not  
23 later than March 1 of each year, the Under Secretary of  
24 Commerce for Intellectual Property and Director of the  
25 United States Patent and Trademark Office shall submit

1 to Congress a report that describes any fee, fine, penalty,  
2 or proceeds from a settlement collected by the United  
3 States Patent and Trademark Office for the previous fis-  
4 cal year.

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

10 **SEC. 3. OFFSETTING COLLECTIONS AND RECEIPTS AS REV-**  
11 **ENUE.**

12 (a) IN GENERAL.—The Congressional Budget Act of  
13 1974 (2 U.S.C. 621 et seq.) is amended—

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

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

18 “TREATMENT OF OFFSETTING COLLECTIONS AND  
19 RECEIPTS

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

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

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

4           (c) APPLICATION.—The amendments made by this  
5 section shall apply during budget years (as that term is  
6 defined in section 250(c)(12) of the Balanced Budget and  
7 Emergency Deficit Control Act of 1985 (2 U.S.C.  
8 900(c)(12))) beginning in 2019.

○