

114TH CONGRESS  
2D SESSION

# S. 3199

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

Mr. LEE (for himself, Mr. PAUL, Mr. HATCH, Mr. ROUNDS, Mr. SHELBY, Mr. McCONNELL, Mr. CRUZ, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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) DEFINITION.—In this section, the term “agen-  
8 cy”—

1           (1) has the meaning given the term in section  
2           551 of title 5, United States Code; and

3           (2) does not include the United States Postal  
4           Service or the United States Patent and Trademark  
5           Office.

6           (b) REQUIREMENT.—Notwithstanding any other pro-  
7           vision of law, each agency that receives a fee, fine, penalty,  
8           or proceeds from a settlement shall deposit such amount  
9           in the general fund of the Treasury.

10          (c) USE OF AMOUNTS.—

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

16           (2) OBLIGATION LIMITATION; DEFICIT REDUC-  
17           TION.—Of the amounts deposited pursuant to sub-  
18           section (b) during the fiscal year in which this Act  
19           is enacted, those amounts—

20                   (A) may not be available for obligation  
21                   during the fiscal year; and

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

24           (d) USPTO REPORT TO CONGRESS REQUIRED.—Not  
25           later than March 1 of each year, the Under Secretary of

1 Commerce for Intellectual Property and Director of the  
2 United States Patent and Trademark Office shall submit  
3 to Congress a report that describes any fee, fine, penalty,  
4 or proceeds from a settlement collected by the United  
5 States Patent and Trademark Office for the previous fis-  
6 cal year.

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

9 (a) IN GENERAL.—The Congressional Budget and  
10 Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.)  
11 is amended—

12 (1) in section 3(2)(A)(iv) (2 U.S.C.  
13 622(2)(A)(iv)), by inserting “except as provided in  
14 section 316,” before “offsetting receipts”; and

15 (2) by inserting after section 315 (2 U.S.C.  
16 645a) the following:

17 **“SEC. 316. TREATMENT OF OFFSETTING RECEIPTS AND**  
18 **COLLECTIONS.**

19 “Notwithstanding any other provision of law, offset-  
20 ting receipts and collections shall be treated as revenue  
21 for purposes of carrying out this or any other Act. The  
22 preceding sentence shall not apply to the United States  
23 Postal Service or the United States Patent and Trade-  
24 mark Office.”.

1           (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Congressional Budget and Impound-  
3 ment Control Act of 1974 is amended by inserting after  
4 the item relating to section 315 the following:

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

5           (c) APPLICATION.—The amendments made by this  
6 section shall apply during budget years (as that term is  
7 defined in section 250(c)(12) of the Balanced Budget and  
8 Emergency Deficit Control Act of 1985 (2 U.S.C.  
9 900(c)(12))) beginning in 2018.

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