

omitted as unnecessary because of the restatement. The words “the General Accounting Office” are omitted as unnecessary because of the restatement and because the authority to act is vested in the Comptroller General.

CHAPTER 97—MISCELLANEOUS

Sec.	
9701.	Fees and charges for Government services and things of value.
9702.	Investment of trust funds.
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9704.	Pilot projects for managerial accountability and flexibility.
9705.	Department of the Treasury Forfeiture Fund.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114–22, title I, § 105(c)(2)(B), May 29, 2015, 129 Stat. 238, amended analysis generally, substituting items 9701 to 9705 for former items 9701 to 9704, which included two items 9703.

1993—Pub. L. 103–62, § 11(b)(2), Aug. 3, 1993, 107 Stat. 295, added item 9703 relating to managerial accountability and flexibility and item 9704.

1992—Pub. L. 102–393, title VI, § 638(b)(2), Oct. 6, 1992, 106 Stat. 1788, added item 9703.

Statutory Notes and Related Subsidiaries

KLEPTOCRACY ASSET RECOVERY REWARDS

Pub. L. 116–283, div. H, title XCVII, subtitle A, Jan. 1, 2021, 134 Stat. 4834, provided that:

“SEC. 9701. SHORT TITLE.

“The subtitle may be cited as the ‘Kleptocracy Asset Recovery Rewards Act’.

“SEC. 9702. SENSE OF CONGRESS.

“It is the sense of Congress that a stolen asset recovery rewards program to help identify and recover stolen assets linked to foreign government corruption and the proceeds of such corruption hidden behind complex financial structures is needed in order to—

“(1) intensify the global fight against corruption; and

“(2) serve United States efforts to identify and recover such stolen assets, forfeit proceeds of such corruption, and, where appropriate and feasible, return the stolen assets or proceeds thereof to the country harmed by the acts of corruption.

“SEC. 9703. DEPARTMENT OF THE TREASURY KLEPTOCRACY ASSET RECOVERY REWARDS PILOT PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Department of the Treasury a program to be known as the ‘Kleptocracy Asset Recovery Rewards Pilot Program’ for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to support U.S. Government programs and investigations aimed at restraining, seizing, forfeiting, or repatriating stolen assets linked to foreign government corruption and the proceeds of such corruption.

“(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of the Treasury, with the concurrence of the Secretary of State and the Attorney General, and in consultation, as appropriate, with the heads of such other departments and agencies as the Secretary may find appropriate.

“(b) REWARDS AUTHORIZED.—The Secretary of the Treasury may, with the concurrence of the Secretary of State and the Attorney General, and in consultation, as appropriate, with the heads of other relevant Federal departments and agencies, pay a reward to any individual, if that individual furnishes information leading to—

“(1) the restraining or seizure of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person;

“(2) the forfeiture of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person; or

“(3) where appropriate, the repatriation of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person.

“(c) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with any other payment authorized by the Department of Justice or other Federal agencies for the obtaining of information or other evidence, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the heads of such other agencies as the Secretary may find appropriate, shall establish procedures for the offering, administration, and payment of rewards under this section, including procedures for—

“(1) identifying actions with respect to which rewards will be offered;

“(2) the receipt and analysis of data; and

“(3) the payment of rewards and approval of such payments.

“(d) PAYMENT OF REWARDS.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of paying rewards pursuant to this section, there is authorized to be appropriated—

“(A) \$450,000 for fiscal year 2021; and

“(B) for each fiscal year, any amount, not to exceed the amount recovered during the fiscal year in stolen assets described under subsection (b), that the Secretary determines is necessary to carry out this program consistent with this section.

“(2) LIMITATION ON ANNUAL PAYMENTS.—Except as provided under paragraph (3), the total amount of rewards paid pursuant to this section may not exceed \$25 million in any calendar year.

“(3) PRESIDENTIAL AUTHORITY.—The President may waive the limitation under paragraph (2) with respect to a calendar year if the President provides written notice of such waiver to the appropriate committees of the Congress at least 30 days before any payment in excess of such limitation is made pursuant to this section.

“(4) PRIORITY OF PAYMENTS.—In paying any reward under this section, the Secretary shall, to the extent possible, make such reward payment—

“(A) first, from appropriated funds authorized under paragraph (1)(A); and

“(B) second, from appropriated funds authorized under paragraph (1)(B).

“(e) LIMITATIONS.—

“(1) SUBMISSION OF INFORMATION.—No award may be made under this section based on information submitted to the Secretary unless such information is submitted under penalty of perjury.

“(2) MAXIMUM AMOUNT.—No reward paid under this section may exceed \$5 million, unless the Secretary—

“(A) personally authorizes such greater amount in writing;

“(B) determines that offer or payment of a reward of a greater amount is necessary due to the exceptional nature of the case; and

“(C) notifies the appropriate committees of the Congress of such determination.

“(3) APPROVAL.—

“(A) IN GENERAL.—No reward amount may be paid under this section without the written approval of the Secretary, with the concurrence of the Secretary of State and the Attorney General.

“(B) DELEGATION.—The Secretary may not delegate the approval required under subparagraph (A)

to anyone other than an Under Secretary of the Department of the Treasury.

“(4) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient’s immediate family must be protected, the Secretary shall, consistent with applicable law, take such measures in connection with the payment of the reward as the Secretary considers necessary to effect such protection.

“(5) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of a monetary payment.

“(f) INELIGIBILITY, REDUCTION IN, OR DENIAL OF REWARD.—

“(1) OFFICER AND EMPLOYEES.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of official duties, furnishes information described under subsection (b) shall not be eligible for a reward under this section.

“(2) PARTICIPATING INDIVIDUALS.—If the claim for a reward is brought by an individual who the Secretary has a reasonable basis to believe knowingly planned, initiated, directly participated in, or facilitated the actions that led to assets of a foreign state or governmental entity being stolen, misappropriated, or illegally diverted or to the payment of bribes or other foreign governmental corruption, the Secretary shall appropriately reduce, and may deny, such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Secretary shall deny or may seek to recover any reward, as the case may be.

“(g) REPORT.—

“(1) IN GENERAL.—Within 180 days of the enactment of this section [Jan. 1, 2021], and annually thereafter for 3 years, the Secretary shall issue a report to the appropriate committees of the Congress—

“(A) detailing to the greatest extent possible the amount, location, and ownership or beneficial ownership of any stolen assets that, on or after the date of the enactment of this section, come within the United States or that come within the possession or control of any United States person;

“(B) discussing efforts being undertaken to identify more such stolen assets and their owners or beneficial owners; and

“(C) including a discussion of the interactions of the Department of the Treasury with the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)]) to identify the amount, location, and ownership, or beneficial ownership, of stolen assets held in financial institutions outside the United States.

“(2) EXCEPTION.—The report issued under paragraph (1) shall not include information related to ongoing investigations or information related to closed investigations that would reveal identities of individuals not charged with a criminal offense, would reveal identities of investigative sources or methods, would reveal identities of witnesses, would compromise subsequent investigations, or the disclosure of which is otherwise prohibited by law, the Federal Rules of Criminal Procedure, regulation, or court order.

“(h) REPORT ON DISPOSITION OF RECOVERED ASSETS.—Within 360 days of the enactment of this Act [Jan. 1, 2021], the Secretary of the Treasury, with the concurrence of the Secretary of State and the Attorney General, shall issue a report to the appropriate committees of Congress describing policy choices and recommendations for disposition of stolen assets recovered pursuant to this section.

“(i) SUNSET OF PILOT PROGRAM.—The authorities under this section, as well as the program established pursuant to this section, shall terminate three years after the date of the enactment of this Act.

“(j) DEFINITIONS.—For purposes of this section:

“(1) APPROPRIATE COMMITTEES OF THE CONGRESS.—The term ‘appropriate committees of the Congress’

means the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

“(2) FINANCIAL ASSET.—The term ‘financial asset’ means any funds, investments, or ownership interests, as defined by the Secretary, that on or after the date of the enactment of this section come within the United States or that come within the possession or control of any United States person.

“(3) FOREIGN GOVERNMENT CORRUPTION.—The term ‘foreign government corruption’ means corruption, as defined by the United Nations Convention Against Corruption.

“(4) FOREIGN PUBLIC OFFICIAL.—The term ‘foreign public official’ includes any person who occupies a public office by virtue of having been elected, appointed, or employed, including any military, civilian, special, honorary, temporary, or uncompensated official.

“(5) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to an individual, has the meaning given the term ‘member of the immediate family’ under section 36(k) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)).

“(6) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1) of this section.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(8) STOLEN ASSETS.—The term ‘stolen assets’ means financial assets within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from foreign government corruption.”

§ 9701. Fees and charges for Government services and things of value

(a) It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

(b) The head of each agency (except a mixed-ownership Government corporation) may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations prescribed by the heads of executive agencies are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be—

- (1) fair; and
- (2) based on—
 - (A) the costs to the Government;
 - (B) the value of the service or thing to the recipient;
 - (C) public policy or interest served; and
 - (D) other relevant facts.

(c) This section does not affect a law of the United States—

(1) prohibiting the determination and collection of charges and the disposition of those charges; and

(2) prescribing bases for determining charges, but a charge may be redetermined under this section consistent with the prescribed bases.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1051.)