



May 16, 2019

Support the Agency Accountability Act, S. 1456

On behalf of FreedomWorks' activist community, I urge you to contact your senators and ask them to cosponsor the Agency Accountability Act, S. 1456. Introduced by Sen. Mike Lee (R-Utah), the Agency Accountability Act would require federal agencies to deposit revenues collected through fines, fees, or proceeds from legal settlements into the general fund of the Treasury.

Article I of the Constitution delegates to Congress the authority to "lay and collect" taxes and decide how federal revenues are spent. Federal agencies often go around Congress to spend money collected through fines, fees, or proceeds from legal settlements on activities or programs not explicitly appropriated.

Between 2010 and 2015, according to a report by the House Committee on Oversight and Government Reform, federal agencies collected more than \$83 billion. Only twelve of 34 agencies deposited these revenues to the general fund of the Treasury. This has effectively allowed federal agencies to create slush funds, free from congressional oversight.

The Consumer Financial Protection Bureau (CFPB) doesn't receive funding from Congress. It receives its funding from the Board of Governors of the Federal Reserve System. But the CFPB, the structure of which was recently found unconstitutional by U.S. Court of Appeals for the DC Circuit, collected more than \$159 million in fines and penalties through the end of FY 2014. These are dollars the CFPB can spend without congressional oversight.

Between January 2010 and December 2014, the Environmental Protection Agency (EPA) collected more than \$607 million. While a few EPA-controlled funds are subject to the appropriations process, one of which hasn't received an appropriation since FY 1993, the controversial agency has more than 1,300 accounts from which it can spend billions of dollars without congressional approval.

By requiring federal agencies to deposit revenues collected from fines, fees, or proceeds from

legal settlements, Congress would take yet another step in restoring its Article I authority. The bill does, however, exclude the U.S. Postal Service and the U.S. Patent and Trademark Office from the requirement. It also exempts funds owed by a federal agency to whistleblowers, loan guarantees programs, and insurance programs.

The restoration of Article I of the Constitution has received a substantial amount of attention over the past several years. Ensuring that monies collected by agencies fall under the discretion of Congress, rather than bureaucrats, should be part of this effort. For these reasons, I urge you to contact your senators and ask them to cosponsor the Agency Accountability Act, S. 1456.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks