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115TH CONGRESS
2^D SESSION

H. R. 6258

[Report No. 115-792]

Making appropriations for financial services and general government for the fiscal year ending September 30, 2019, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mr. GRAVES of Georgia, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2019, and for other purposes.

1 amounts shall be available for expenses to support
2 activities of the Financial Action Task Force, and
3 not to exceed \$350,000 shall be available for other
4 official reception and representation expenses;

5 (2) not to exceed \$258,000 is for unforeseen
6 emergencies of a confidential nature to be allocated
7 and expended under the direction of the Secretary of
8 the Treasury and to be accounted for solely on the
9 Secretary's certificate; and

10 (3) not to exceed \$24,000,000 shall remain
11 available until September 30, 2020, for—

12 (A) the Treasury-wide Financial Statement
13 Audit and Internal Control Program;

14 (B) information technology modernization
15 requirements;

16 (C) the audit, oversight, and administra-
17 tion of the Gulf Coast Restoration Trust Fund;

18 (D) the development and implementation
19 of programs within the Office of Critical Infra-
20 structure Protection and Compliance Policy, in-
21 cluding entering into cooperative agreements;

22 (E) operations and maintenance of facili-
23 ties; and

24 (F) international operations.

1 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE
2 SALARIES AND EXPENSES

3 For the necessary expenses of the Office of Terrorism
4 and Financial Intelligence to safeguard the financial sys-
5 tem against illicit use and to combat rogue nations, ter-
6 rorist facilitators, weapons of mass destruction
7 proliferators, money launderers, drug kingpins, and other
8 national security threats, \$161,000,000: *Provided*, That of
9 the amounts appropriated under this heading, up to
10 \$10,000,000 shall remain available until September 30,
11 2020.

12 CYBERSECURITY ENHANCEMENT ACCOUNT

13 For salaries and expenses for enhanced cybersecurity
14 for systems operated by the Department of the Treasury,
15 \$25,208,000, to remain available until September 30,
16 2021: *Provided*, That such funds shall supplement and not
17 supplant any other amounts made available to the Treas-
18 ury offices and bureaus for cybersecurity: *Provided fur-*
19 *ther*, That the Chief Information Officer of the individual
20 offices and bureaus shall submit a spend plan for each
21 investment to the Treasury Chief Information Officer for
22 approval: *Provided further*, That the submitted spend plan
23 shall be reviewed and approved by the Treasury Chief In-
24 formation Officer prior to the obligation of funds under
25 this heading: *Provided further*, That of the total amount

1 made available under this heading \$1,000,000 shall be
2 available for administrative expenses for the Treasury
3 Chief Information Officer to provide oversight of the in-
4 vestments made under this heading: *Provided further,*
5 That such funds shall supplement and not supplant any
6 other amounts made available to the Treasury Chief Infor-
7 mation Officer.

8 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

9 INVESTMENTS PROGRAMS

10 (INCLUDING TRANSFER OF FUNDS)

11 For development and acquisition of automatic data
12 processing equipment, software, and services and for re-
13 pairs and renovations to buildings owned by the Depart-
14 ment of the Treasury, \$8,000,000, to remain available
15 until September 30, 2021: *Provided,* That these funds
16 shall be transferred to accounts and in amounts as nec-
17 essary to satisfy the requirements of the Department's of-
18 fices, bureaus, and other organizations: *Provided further,*
19 That this transfer authority shall be in addition to any
20 other transfer authority provided in this Act: *Provided fur-*
21 *ther,* That none of the funds appropriated under this head-
22 ing shall be used to support or supplement "Internal Rev-
23 enue Service, Operations Support" or "Internal Revenue
24 Service, Business Systems Modernization".

1 FUND FOR AMERICA'S KIDS AND GRANDKIDS

2 There is established in the Treasury a fund to be
3 known as the "Fund for America's Kids and Grandkids"
4 (the "Fund"): *Provided*, That in addition to amounts oth-
5 erwise made available by this Act, there is appropriated
6 to the Fund \$585,000,000 for the sole purpose of govern-
7 ment efficiencies: *Provided further*, That amounts in the
8 Fund may not be obligated until after the date that the
9 Secretary of the Treasury certifies in the annual Financial
10 Report of the United States Government that the Federal
11 budget deficit equals \$0 or that there is a budget surplus:
12 *Provided further*, That no amounts may be transferred
13 from the Fund.

14 OFFICE OF INSPECTOR GENERAL

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$37,044,000, including hire of pas-
19 senger motor vehicles; of which not to exceed \$100,000
20 shall be available for unforeseen emergencies of a con-
21 fidential nature, to be allocated and expended under the
22 direction of the Inspector General of the Treasury; of
23 which up to \$2,800,000 to remain available until Sep-
24 tember 30, 2020, shall be for audits and investigations
25 conducted pursuant to section 1608 of the Resources and

1 Ecosystems Sustainability, Tourist Opportunities, and Re-
2 vived Economies of the Gulf Coast States Act of 2012 (33
3 U.S.C. 1321 note); and of which not to exceed \$1,000
4 shall be available for official reception and representation
5 expenses.

6 TREASURY INSPECTOR GENERAL FOR TAX

7 ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Treasury Inspector
10 General for Tax Administration in carrying out the In-
11 spector General Act of 1978, as amended, including pur-
12 chase and hire of passenger motor vehicles (31 U.S.C.
13 1343(b)); and services authorized by 5 U.S.C. 3109, at
14 such rates as may be determined by the Inspector General
15 for Tax Administration; \$170,834,000, of which
16 \$5,000,000 shall remain available until September 30,
17 2020; of which not to exceed \$6,000,000 shall be available
18 for official travel expenses; of which not to exceed
19 \$500,000 shall be available for unforeseen emergencies of
20 a confidential nature, to be allocated and expended under
21 the direction of the Inspector General for Tax Administra-
22 tion; and of which not to exceed \$1,500 shall be available
23 for official reception and representation expenses.

1 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
2 ASSET RELIEF PROGRAM
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of the Special
5 Inspector General in carrying out the provisions of the
6 Emergency Economic Stabilization Act of 2008 (Public
7 Law 110–343), \$28,800,000.

8 FINANCIAL CRIMES ENFORCEMENT NETWORK
9 SALARIES AND EXPENSES

10 For necessary expenses of the Financial Crimes En-
11 forcement Network, including hire of passenger motor ve-
12 hicles; travel and training expenses of non-Federal and
13 foreign government personnel to attend meetings and
14 training concerned with domestic and foreign financial in-
15 telligence activities, law enforcement, and financial regula-
16 tion; services authorized by 5 U.S.C. 3109; not to exceed
17 \$12,000 for official reception and representation expenses;
18 and for assistance to Federal law enforcement agencies,
19 with or without reimbursement, \$117,800,000, of which
20 not to exceed \$34,335,000 shall remain available until
21 September 30, 2021.

22 BUREAU OF THE FISCAL SERVICE
23 SALARIES AND EXPENSES

24 For necessary expenses of operations of the Bureau
25 of the Fiscal Service, \$338,280,000; of which not to ex-

1 ceed \$4,210,000, to remain available until September 30,
2 2021, is for information systems modernization initiatives;
3 and of which \$5,000 shall be available for official reception
4 and representation expenses.

5 In addition, \$165,000, to be derived from the Oil
6 Spill Liability Trust Fund to reimburse administrative
7 and personnel expenses for financial management of the
8 Fund, as authorized by section 1012 of Public Law 101–
9 380.

10 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

11 SALARIES AND EXPENSES

12 For necessary expenses of carrying out section 1111
13 of the Homeland Security Act of 2002, including hire of
14 passenger motor vehicles, \$123,527,000; of which not to
15 exceed \$6,000 for official reception and representation ex-
16 penses; and of which not to exceed \$50,000 shall be avail-
17 able for cooperative research and development programs
18 for laboratory services; and provision of laboratory assist-
19 ance to State and local agencies with or without reim-
20 bursement: *Provided*, That of the amount appropriated
21 under this heading, \$5,000,000 shall be for the costs of
22 accelerating the processing of formula and label applica-
23 tions: *Provided further*, That of the amount appropriated
24 under this heading, \$5,000,000, to remain available until
25 September 30, 2020, shall be for the costs associated with

1 enforcement of the trade practice provisions of the Federal
2 Alcohol Administration Act (27 U.S.C. 201 et seq.).

3 UNITED STATES MINT

4 UNITED STATES MINT PUBLIC ENTERPRISE FUND

5 Pursuant to section 5136 of title 31, United States
6 Code, the United States Mint is provided funding through
7 the United States Mint Public Enterprise Fund for costs
8 associated with the production of circulating coins, numis-
9 matic coins, and protective services, including both oper-
10 ating expenses and capital investments: *Provided*, That
11 the aggregate amount of new liabilities and obligations in-
12 curred during fiscal year 2019 under such section 5136
13 for circulating coinage and protective service capital in-
14 vestments of the United States Mint shall not exceed
15 \$30,000,000.

16 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

17 FUND PROGRAM ACCOUNT

18 To carry out the Riegle Community Development and
19 Regulatory Improvements Act of 1994 (subtitle A of title
20 I of Public Law 103–325), including services authorized
21 by section 3109 of title 5, United States Code, but at rates
22 for individuals not to exceed the per diem rate equivalent
23 to the rate for EX–3, \$216,000,000. Of the amount ap-
24 propriated under this heading—

1 (1) not less than \$121,000,000, notwith-
2 standing section 108(e) of Public Law 103–325 (12
3 U.S.C. 4707(e)) with regard to Small and/or Emerg-
4 ing Community Development Financial Institutions
5 Assistance awards, is available until September 30,
6 2019, for financial assistance, technical assistance,
7 training, and outreach under subparagraphs (A) and
8 (B) of section 108(a)(1), respectively, of Public Law
9 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of
10 which up to \$2,527,250 may be used for the cost of
11 direct loans, and of which up to \$3,000,000, not-
12 withstanding subsection (d) of section 108 of Public
13 Law 103–325 (12 U.S.C. 4707 (d)), may be avail-
14 able to provide financial assistance, technical assist-
15 ance, training, and outreach to community develop-
16 ment financial institutions to expand investments
17 that benefit individuals with disabilities: *Provided*,
18 That the cost of direct and guaranteed loans, includ-
19 ing the cost of modifying such loans, shall be as de-
20 fined in section 502 of the Congressional Budget Act
21 of 1974: *Provided further*, That these funds are
22 available to subsidize gross obligations for the prin-
23 cipal amount of direct loans not to exceed
24 \$25,000,000; *Provided further*, That with regard to
25 financial assistance awards made pursuant to this

1 paragraph, excluding those made to community de-
2 velopment financial institutions to expand invest-
3 ments that benefit individuals with disabilities, pri-
4 ority shall be placed on providing assistance to com-
5 munity development financial institutions that have
6 provided no less than 15 percent of their total finan-
7 cial products to recipients in persistent poverty
8 counties, as measured by a three year average of
9 their activity;

10 (2) not less than \$13,000,000, notwithstanding
11 section 108(e) of Public Law 103–325 (12 U.S.C.
12 4707(e)), is available until September 30, 2019, for
13 financial assistance, technical assistance, training,
14 and outreach programs designed to benefit Native
15 American, Native Hawaiian, and Alaska Native com-
16 munities and provided primarily through qualified
17 community development lender organizations with
18 experience and expertise in community development
19 banking and lending in Indian country, Native
20 American organizations, tribes and tribal organiza-
21 tions, and other suitable providers;

22 (3) not less than \$19,000,000 is available until
23 September 30, 2020, for the Bank Enterprise Award
24 program;

1 (4) not less than \$15,000,000, notwithstanding
2 subsections (d) and (e) of section 108 of Public Law
3 103–325 (12 U.S.C. 4707(d) and (e)), is available
4 until September 30, 2019, for a Healthy Food Fi-
5 nancing Initiative to provide financial assistance,
6 technical assistance, training, and outreach to com-
7 munity development financial institutions for the
8 purpose of offering affordable financing and tech-
9 nical assistance to expand the availability of healthy
10 food options in distressed communities;

11 (5) up to \$23,000,000 is available until Sep-
12 tember 30, 2019, for administrative expenses, in-
13 cluding administration of CDFI fund programs and
14 the New Markets Tax Credit Program, of which not
15 less than \$1,000,000 is for development of tools to
16 better assess and inform CDFI investment perform-
17 ance, and up to \$300,000 is for administrative ex-
18 penses to carry out the direct loan program; and

19 (6) during fiscal year 2019, none of the funds
20 available under this heading are available for the
21 cost, as defined in section 502 of the Congressional
22 Budget Act of 1974, of commitments to guarantee
23 bonds and notes under section 114A of the Riegle
24 Community Development and Regulatory Improve-
25 ment Act of 1994 (12 U.S.C. 4713a): *Provided,*

1 That commitments to guarantee bonds and notes
2 under such section 114A shall not exceed
3 \$500,000,000: *Provided further*, That such section
4 114A shall remain in effect until December 31,
5 2019: *Provided further*, That of the funds awarded
6 under this heading, not less than 10 percent shall be
7 used for awards that support investments that serve
8 populations living in persistent poverty counties:
9 *Provided further*, That for the purposes of this para-
10 graph and paragraph (1) above, the term “persistent
11 poverty counties” means any county that has had 20
12 percent or more of its population living in poverty
13 over the past 30 years, as measured by the 1990
14 and 2000 decennial censuses and the 2011–2015 5-
15 year data series available from the American Com-
16 munity Survey of the Census Bureau.

17 INTERNAL REVENUE SERVICE

18 TAXPAYER SERVICES

19 For necessary expenses of the Internal Revenue Serv-
20 ice to provide taxpayer services, including pre-filing assist-
21 ance and education, filing and account services, taxpayer
22 advocacy services, and other services as authorized by 5
23 U.S.C. 3109, at such rates as may be determined by the
24 Commissioner, \$2,491,554,000, of which not less than
25 \$8,890,000 shall be for the Tax Counseling for the Elderly

1 Program, of which not less than \$12,000,000 shall be
2 available for low-income taxpayer clinic grants, and of
3 which not less than \$15,000,000, to remain available until
4 September 30, 2020, shall be available for a Community
5 Volunteer Income Tax Assistance matching grants pro-
6 gram for tax return preparation assistance; of which not
7 less than \$207,000,000 shall be available for operating ex-
8 penses of the Taxpayer Advocate Service: *Provided*, That
9 of the amounts made available for the Taxpayer Advocate
10 Service, not less than \$5,000,000 shall be for identity
11 theft and refund fraud casework.

12 ENFORCEMENT

13 For necessary expenses for tax enforcement activities
14 of the Internal Revenue Service to determine and collect
15 owed taxes, to provide legal and litigation support, to con-
16 duct criminal investigations, to enforce criminal statutes
17 related to violations of internal revenue laws and other fi-
18 nancial crimes, to purchase and hire passenger motor vehi-
19 cles (31 U.S.C. 1343(b)), and to provide other services
20 as authorized by 5 U.S.C. 3109, at such rates as may be
21 determined by the Commissioner, \$4,860,000,000, of
22 which not to exceed \$50,000,000 shall remain available
23 until September 30, 2020, and of which not less than
24 \$60,257,000 shall be for the Interagency Crime and Drug
25 Enforcement program.

1 OPERATIONS SUPPORT

2 For necessary expenses of the Internal Revenue Serv-
3 ice to support taxpayer services and enforcement pro-
4 grams, including rent payments; facilities services; print-
5 ing; postage; physical security; headquarters and other
6 IRS-wide administration activities; research and statistics
7 of income; telecommunications; information technology de-
8 velopment, enhancement, operations, maintenance, and se-
9 curity; the hire of passenger motor vehicles (31 U.S.C.
10 1343(b)); the operations of the Internal Revenue Service
11 Oversight Board; and other services as authorized by 5
12 U.S.C. 3109, at such rates as may be determined by the
13 Commissioner; \$3,988,000,000, of which not to exceed
14 \$50,000,000 shall remain available until September 30,
15 2020; of which not to exceed \$10,000,000 shall remain
16 available until expended for acquisition of equipment and
17 construction, repair and renovation of facilities; of which
18 not to exceed \$1,000,000 shall remain available until Sep-
19 tember 30, 2020, for research; of which not to exceed
20 \$20,000 shall be for official reception and representation
21 expenses: *Provided*, That not later than 30 days after the
22 end of each quarter, the Internal Revenue Service shall
23 submit a report to the Committees on Appropriations of
24 the House of Representatives and the Senate and the
25 Comptroller General of the United States detailing the

1 cost and schedule performance for its major information
2 technology investments, including the purpose and life-
3 cycle stages of the investments; the reasons for any cost
4 and schedule variances; the risks of such investments and
5 strategies the Internal Revenue Service is using to miti-
6 gate such risks; and the expected developmental mile-
7 stones to be achieved and costs to be incurred in the next
8 quarter: *Provided further*, That the Internal Revenue Serv-
9 ice shall include, in its budget justification for fiscal year
10 2020, a summary of cost and schedule performance infor-
11 mation for its major information technology systems.

12 BUSINESS SYSTEMS MODERNIZATION

13 For necessary expenses of the Internal Revenue Serv-
14 ice's business systems modernization program,
15 \$200,000,000, to remain available until September 30,
16 2021, for the capital asset acquisition of information tech-
17 nology systems, including management and related con-
18 tractual costs of said acquisitions, including related Inter-
19 nal Revenue Service labor costs, and contractual costs as-
20 sociated with operations authorized by 5 U.S.C. 3109:
21 *Provided*, That not later than 30 days after the end of
22 each quarter, the Internal Revenue Service shall submit
23 a report to the Committees on Appropriations of the
24 House of Representatives and the Senate and the Comp-
25 troller General of the United States detailing the cost and

1 schedule performance for major information technology in-
2 vestments, including the purposes and life-cycle stages of
3 the investments; the reasons for any cost and schedule
4 variances; the risks of such investments and the strategies
5 the Internal Revenue Service is using to mitigate such
6 risks; and the expected developmental milestones to be
7 achieved and costs to be incurred in the next quarter.

8 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

9 SERVICE

10 (INCLUDING TRANSFERS OF FUNDS)

11 SEC. 101. Not to exceed 5 percent of any appropria-
12 tion made available in this Act to the Internal Revenue
13 Service may be transferred to any other Internal Revenue
14 Service appropriation upon the advance approval of the
15 Committees on Appropriations.

16 SEC. 102. The Internal Revenue Service shall main-
17 tain an employee training program, which shall include the
18 following topics: taxpayers' rights, dealing courteously
19 with taxpayers, cross-cultural relations, ethics, and the im-
20 partial application of tax law.

21 SEC. 103. The Internal Revenue Service shall insti-
22 tute and enforce policies and procedures that will safe-
23 guard the confidentiality of taxpayer information and pro-
24 tect taxpayers against identity theft.

1 SEC. 104. Funds made available by this or any other
2 Act to the Internal Revenue Service shall be available for
3 improved facilities and increased staffing to provide suffi-
4 cient and effective 1–800 help line service for taxpayers.
5 The Commissioner shall continue to make improvements
6 to the Internal Revenue Service 1–800 help line service
7 a priority and allocate resources necessary to enhance the
8 response time to taxpayer communications, particularly
9 with regard to victims of tax-related crimes.

10 SEC. 105. The Internal Revenue Service shall issue
11 a notice of confirmation of any address change relating
12 to an employer making employment tax payments, and
13 such notice shall be sent to both the employer’s former
14 and new address and an officer or employee of the Internal
15 Revenue Service shall give special consideration to an
16 offer-in-compromise from a taxpayer who has been the vic-
17 tim of fraud by a third party payroll tax preparer.

18 SEC. 106. None of the funds made available under
19 this Act may be used by the Internal Revenue Service to
20 target citizens of the United States for exercising any
21 right guaranteed under the First Amendment to the Con-
22 stitution of the United States.

23 SEC. 107. None of the funds made available in this
24 Act may be used by the Internal Revenue Service to target

1 groups for regulatory scrutiny based on their ideological
2 beliefs.

3 SEC. 108. None of funds made available by this Act
4 to the Internal Revenue Service shall be obligated or ex-
5 pended on conferences that do not adhere to the proce-
6 dures, verification processes, documentation requirements,
7 and policies issued by the Chief Financial Officer, Human
8 Capital Office, and Agency-Wide Shared Services as a re-
9 sult of the recommendations in the report published on
10 May 31, 2013, by the Treasury Inspector General for Tax
11 Administration entitled “Review of the August 2010 Small
12 Business/Self-Employed Division’s Conference in Ana-
13 heim, California” (Reference Number 2013–10–037).

14 SEC. 109. None of the funds made available in this
15 Act to the Internal Revenue Service may be obligated or
16 expended—

17 (1) to make a payment to any employee under
18 a bonus, award, or recognition program; or

19 (2) under any hiring or personnel selection
20 process with respect to re-hiring a former employee,
21 unless such program or process takes into account
22 the conduct and Federal tax compliance of such em-
23 ployee or former employee.

24 SEC. 110. None of the funds made available by this
25 Act may be used in contravention of section 6103 of the

1 Internal Revenue Code of 1986 (relating to confidentiality
2 and disclosure of returns and return information).

3 SEC. 111. Except to the extent provided in section
4 6014, 6020, or 6201(d) of the Internal Revenue Code of
5 1986, no funds in this or any other Act shall be available
6 to the Secretary of the Treasury to provide to any person
7 a proposed final return or statement for use by such per-
8 son to satisfy a filing or reporting requirement under such
9 Code.

10 SEC. 112. None of the funds made available by this
11 Act may be used by the Internal Revenue Service to deny
12 tax exemption under section 501(a) of the Internal Rev-
13 enue Code of 1986 with respect to a church, an integrated
14 auxiliary of a church, or a convention or association of
15 churches for participating in, or intervening in, any polit-
16 ical campaign on behalf of (or in opposition to) any can-
17 didate for public office unless—

18 (1) the Commissioner of Internal Revenue de-
19 termines that the exemption should be denied;

20 (2) not later than 30 days after such deter-
21 mination, the Commissioner notifies the Committee
22 on Ways and Means of the House of Representatives
23 and the Committee on Finance of the Senate of such
24 determination; and

1 contracts with the Department of State for the furnishing
2 of health and medical services to employees and their de-
3 pendants serving in foreign countries; and services author-
4 ized by 5 U.S.C. 3109.

5 SEC. 115. Not to exceed 2 percent of any appropria-
6 tions in this title made available under the headings “De-
7 partmental Offices—Salaries and Expenses”, “Office of
8 Inspector General”, “Special Inspector General for the
9 Troubled Asset Relief Program”, “Financial Crimes En-
10 forcement Network”, “Bureau of the Fiscal Service”, and
11 “Alcohol and Tobacco Tax and Trade Bureau” may be
12 transferred between such appropriations upon the advance
13 approval of the Committees on Appropriations of the
14 House of Representatives and the Senate: *Provided*, That
15 no transfer under this section may increase or decrease
16 any such appropriation by more than 2 percent.

17 SEC. 116. Not to exceed 2 percent of any appropria-
18 tion made available in this Act to the Internal Revenue
19 Service may be transferred to the Treasury Inspector Gen-
20 eral for Tax Administration’s appropriation upon the ad-
21 vance approval of the Committees on Appropriations of
22 the House of Representatives and the Senate: *Provided*,
23 That no transfer may increase or decrease any such appro-
24 priation by more than 2 percent.

1 SEC. 117. None of the funds appropriated in this Act
2 or otherwise available to the Department of the Treasury
3 or the Bureau of Engraving and Printing may be used
4 to redesign the \$1 Federal Reserve note.

5 SEC. 118. The Secretary of the Treasury may trans-
6 fer funds from the “Bureau of the Fiscal Service-Salaries
7 and Expenses” to the Debt Collection Fund as necessary
8 to cover the costs of debt collection: *Provided*, That such
9 amounts shall be reimbursed to such salaries and expenses
10 account from debt collections received in the Debt Collec-
11 tion Fund.

12 SEC. 119. None of the funds appropriated or other-
13 wise made available by this or any other Act may be used
14 by the United States Mint to construct or operate any mu-
15 seum without the explicit approval of the Committees on
16 Appropriations of the House of Representatives and the
17 Senate, the House Committee on Financial Services, and
18 the Senate Committee on Banking, Housing, and Urban
19 Affairs.

20 SEC. 120. None of the funds appropriated or other-
21 wise made available by this or any other Act or source
22 to the Department of the Treasury, the Bureau of Engrav-
23 ing and Printing, and the United States Mint, individually
24 or collectively, may be used to consolidate any or all func-
25 tions of the Bureau of Engraving and Printing and the

1 United States Mint without the explicit approval of the
2 House Committee on Financial Services; the Senate Com-
3 mittee on Banking, Housing, and Urban Affairs; and the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate.

6 SEC. 121. Funds appropriated by this Act, or made
7 available by the transfer of funds in this Act, for the De-
8 partment of the Treasury's intelligence or intelligence re-
9 lated activities are deemed to be specifically authorized by
10 the Congress for purposes of section 504 of the National
11 Security Act of 1947 (50 U.S.C. 414) during fiscal year
12 2019 until the enactment of the Intelligence Authorization
13 Act for Fiscal Year 2019.

14 SEC. 122. Not to exceed \$5,000 shall be made avail-
15 able from the Bureau of Engraving and Printing's Indus-
16 trial Revolving Fund for necessary official reception and
17 representation expenses.

18 SEC. 123. The Secretary of the Treasury shall submit
19 a Capital Investment Plan to the Committees on Appro-
20 priations of the Senate and the House of Representatives
21 not later than 30 days following the submission of the an-
22 nual budget submitted by the President: *Provided*, That
23 such Capital Investment Plan shall include capital invest-
24 ment spending from all accounts within the Department
25 of the Treasury, including but not limited to the Depart-

1 ment-wide Systems and Capital Investment Programs ac-
2 count, Treasury Franchise Fund account, and the Treas-
3 ury Forfeiture Fund account: *Provided further*, That such
4 Capital Investment Plan shall include expenditures occur-
5 ring in previous fiscal years for each capital investment
6 project that has not been fully completed.

7 SEC. 124. Within 45 days after the date of enactment
8 of this Act, the Secretary of the Treasury shall submit
9 an itemized report to the Committees on Appropriations
10 of the House of Representatives and the Senate on the
11 amount of total funds charged to each office by the Fran-
12 chise Fund including the amount charged for each service
13 provided by the Franchise Fund to each office, a detailed
14 description of the services, a detailed explanation of how
15 each charge for each service is calculated, and a descrip-
16 tion of the role customers have in governing in the Fran-
17 chise Fund.

18 SEC. 125. During fiscal year 2019 —

19 (1) none of the funds made available in this or
20 any other Act may be used by the Department of
21 the Treasury, including the Internal Revenue Serv-
22 ice, to issue, revise, or finalize any regulation, rev-
23 enue ruling, or other guidance not limited to a par-
24 ticular taxpayer relating to the standard which is
25 used to determine whether an organization is oper-

1 ated exclusively for the promotion of social welfare
2 for purposes of section 501(c)(4) of the Internal
3 Revenue Code of 1986 (including the proposed regu-
4 lations published at 78 Fed. Reg. 71535 (November
5 29, 2013)); and

6 (2) the standard and definitions as in effect on
7 January 1, 2010, which are used to make such de-
8 terminations shall apply after the date of the enact-
9 ment of this Act for purposes of determining status
10 under section 501(c)(4) of such Code of organiza-
11 tions created on, before, or after such date.

12 SEC. 126. (a) Not later than 60 days after the end
13 of each quarter, the Office of Financial Stability and the
14 Office of Financial Research shall submit reports on their
15 activities to the Committees on Appropriations of the
16 House of Representatives and the Senate, the Committee
17 on Financial Services of the House of Representatives and
18 the Senate Committee on Banking, Housing, and Urban
19 Affairs.

20 (b) The reports required under subsection (a) shall
21 include—

22 (1) the obligations made during the previous
23 quarter by object class, office, and activity;

24 (2) the estimated obligations for the remainder
25 of the fiscal year by object class, office, and activity;

1 (3) the number of full-time equivalents within
2 each office during the previous quarter;

3 (4) the estimated number of full-time equiva-
4 lents within each office for the remainder of the fis-
5 cal year; and

6 (5) actions taken to achieve the goals, objec-
7 tives, and performance measures of each office.

8 (c) At the request of any such Committees specified
9 in subsection (a), the Office of Financial Stability and the
10 Office of Financial Research shall make officials available
11 to testify on the contents of the reports required under
12 subsection (a).

13 SEC. 127. Amounts made available under the heading
14 “Office of Terrorism and Financial Intelligence” shall be
15 available to reimburse the “Departmental Offices—Sala-
16 ries and Expenses” account for expenses incurred in such
17 account for reception and representation expenses to sup-
18 port activities of the Financial Action Task Force.

19 SEC. 128. (a) None of the funds made available by
20 this Act may be used to approve, license, facilitate, author-
21 ize, or otherwise allow the use, purchase, trafficking, or
22 import of property confiscated by the Cuban Government.

23 (b) In this section, the terms “confiscated”, “Cuban
24 Government”, “property”, and “traffic” have the mean-
25 ings given such terms in paragraphs (4), (5), (12)(A), and

1 (13), respectively, of section 4 of the Cuban Liberty and
2 Democratic Solidarity (LIBERTAD) Act of 1996 (22
3 U.S.C. 6023).

4 SEC. 129. (a) None of the funds made available in
5 this Act may be used to authorize a general license or ap-
6 prove a specific license under section 501.801 or 515.527
7 of title 31, Code of Federal Regulations, with respect to
8 a mark, trade name, or commercial name that is the same
9 as or substantially similar to a mark, trade name, or com-
10 mercial name that was used in connection with a business
11 or assets that were confiscated unless the original owner
12 of the mark, trade name, or commercial name, or the
13 bona-fide successor-in-interest has expressly consented.

14 (b) In this section, the term “confiscated” has a
15 meaning given such term in section 4(4) of the Cuban Lib-
16 erty and Democratic Solidarity (LIBERTAD) Act of 1996
17 (22 U.S.C. 6023(4)).

18 SEC. 130. None of the funds appropriated or other-
19 wise made available in this Act may be obligated or ex-
20 pended to provide for the enforcement of any rule, regula-
21 tion, policy, or guideline implemented pursuant to the De-
22 partment of the Treasury “Guidance for United States
23 Positions on MDBs Engaging with Developing Countries
24 on Coal-Fired Power Generation” dated October 29, 2013,
25 when enforcement of such rule, regulation, policy, or

1 guideline would prohibit or have the effect of prohibiting,
2 the carrying out of any coal-fired or other power genera-
3 tion project the purpose of which is to increase exports
4 of goods and services from the United States or prevent
5 the loss of jobs from the United States.

6 SEC. 131. (a) Not later than 60 days after the end
7 of each quarter, the Office of Financial Stability and the
8 Office of Financial Research shall submit reports on their
9 activities to the Committees on Appropriations of the
10 House of Representatives and the Senate, the Committee
11 on Financial Services of the House of Representatives and
12 the Committee on Banking, Housing, and Urban Affairs
13 of the Senate.

14 (b) The reports required under subsection (a) shall
15 include—

16 (1) the obligations made during the previous
17 quarter by object class, office, and activity;

18 (2) the estimated obligations for the remainder
19 of the fiscal year by object class, office, and activity;

20 (3) the number of full-time equivalents within
21 each office during the previous quarter;

22 (4) the estimated number of full-time equiva-
23 lents within each office for the remainder of the fis-
24 cal year; and

1 (5) actions taken to achieve the goals, objec-
2 tives, and performance measures of each office.

3 (c) At the request of any such Committees specified
4 in subsection (a), the Office of Financial Stability and the
5 Office of Financial Research shall make officials available
6 to testify on the contents of the reports required under
7 subsection (a).

8 SEC. 132. During fiscal year 2019, the Office of Fi-
9 nancial Research shall provide for a public notice period
10 of not less than 90 days before issuing any proposed re-
11 port, rule, or regulation.

12 SEC. 133. (a) Section 155 of Public Law 111–203
13 is amended as follows:

14 (1) In subsection (b)—

15 (A) in paragraph (1)—

16 (i) by striking “immediately”; and

17 (ii) by inserting “as provided for in
18 appropriation Acts” after “to the Office”;

19 (B) by striking paragraph (2); and

20 (C) by redesignating paragraph (3) as
21 paragraph (2).

22 (2) In subsection (d), by striking the heading
23 and inserting “ASSESSMENT SCHEDULE.—”.

24 (b) The amendments made by subsection (a) shall
25 take effect on October 1, 2019.

1 This title may be cited as the “Department of the
2 Treasury Appropriations Act, 2019”.

1 TITLE II
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 THE WHITE HOUSE
5 SALARIES AND EXPENSES

6 For necessary expenses for the White House as au-
7 thorized by law, including not to exceed \$3,850,000 for
8 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
9 subsistence expenses as authorized by 3 U.S.C. 105, which
10 shall be expended and accounted for as provided in that
11 section; hire of passenger motor vehicles, and travel (not
12 to exceed \$100,000 to be expended and accounted for as
13 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
14 official reception and representation expenses, to be avail-
15 able for allocation within the Executive Office of the Presi-
16 dent; and for necessary expenses of the Office of Policy
17 Development, including services as authorized by 5 U.S.C.
18 3109 and 3 U.S.C. 107, \$55,000,000.

19 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
20 OPERATING EXPENSES

21 For necessary expenses of the Executive Residence
22 at the White House, \$13,081,000, to be expended and ac-
23 counted for as provided by 3 U.S.C. 105, 109, 110, and
24 112–114.

1 REIMBURSABLE EXPENSES

2 For the reimbursable expenses of the Executive Resi-
3 dence at the White House, such sums as may be nec-
4 essary: *Provided*, That all reimbursable operating expenses
5 of the Executive Residence shall be made in accordance
6 with the provisions of this paragraph: *Provided further*,
7 That, notwithstanding any other provision of law, such
8 amount for reimbursable operating expenses shall be the
9 exclusive authority of the Executive Residence to incur ob-
10 ligations and to receive offsetting collections, for such ex-
11 penses: *Provided further*, That the Executive Residence
12 shall require each person sponsoring a reimbursable polit-
13 ical event to pay in advance an amount equal to the esti-
14 mated cost of the event, and all such advance payments
15 shall be credited to this account and remain available until
16 expended: *Provided further*, That the Executive Residence
17 shall require the national committee of the political party
18 of the President to maintain on deposit \$25,000, to be
19 separately accounted for and available for expenses relat-
20 ing to reimbursable political events sponsored by such
21 committee during such fiscal year: *Provided further*, That
22 the Executive Residence shall ensure that a written notice
23 of any amount owed for a reimbursable operating expense
24 under this paragraph is submitted to the person owing
25 such amount within 60 days after such expense is in-

1 curred, and that such amount is collected within 30 days
2 after the submission of such notice: *Provided further*, That
3 the Executive Residence shall charge interest and assess
4 penalties and other charges on any such amount that is
5 not reimbursed within such 30 days, in accordance with
6 the interest and penalty provisions applicable to an out-
7 standing debt on a United States Government claim under
8 31 U.S.C. 3717: *Provided further*, That each such amount
9 that is reimbursed, and any accompanying interest and
10 charges, shall be deposited in the Treasury as miscella-
11 neous receipts: *Provided further*, That the Executive Resi-
12 dence shall prepare and submit to the Committees on Ap-
13 propriations, by not later than 90 days after the end of
14 the fiscal year covered by this Act, a report setting forth
15 the reimbursable operating expenses of the Executive Res-
16 idence during the preceding fiscal year, including the total
17 amount of such expenses, the amount of such total that
18 consists of reimbursable official and ceremonial events, the
19 amount of such total that consists of reimbursable political
20 events, and the portion of each such amount that has been
21 reimbursed as of the date of the report: *Provided further*,
22 That the Executive Residence shall maintain a system for
23 the tracking of expenses related to reimbursable events
24 within the Executive Residence that includes a standard
25 for the classification of any such expense as political or

1 nonpolitical: *Provided further*, That no provision of this
2 paragraph may be construed to exempt the Executive Res-
3 idence from any other applicable requirement of sub-
4 chapter I or II of chapter 37 of title 31, United States
5 Code.

6 WHITE HOUSE REPAIR AND RESTORATION

7 For the repair, alteration, and improvement of the
8 Executive Residence at the White House pursuant to 3
9 U.S.C. 105(d), \$750,000, to remain available until ex-
10 pended, for required maintenance, resolution of safety and
11 health issues, and continued preventative maintenance.

12 COUNCIL OF ECONOMIC ADVISERS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Council of Economic
15 Advisers in carrying out its functions under the Employ-
16 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,187,000.

17 NATIONAL SECURITY COUNCIL AND HOMELAND

18 SECURITY COUNCIL

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Security
21 Council and the Homeland Security Council, including
22 services as authorized by 5 U.S.C. 3109, \$13,000,000.

1 OFFICE OF ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Administra-
4 tion, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, and hire of passenger motor vehicles,
6 \$100,000,000, of which not to exceed \$12,800,000 shall
7 remain available until expended for continued moderniza-
8 tion of information resources within the Executive Office
9 of the President.

10 OFFICE OF MANAGEMENT AND BUDGET

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Management
13 and Budget, including hire of passenger motor vehicles
14 and services as authorized by 5 U.S.C. 3109, to carry out
15 the provisions of chapter 35 of title 44, United States
16 Code, and to prepare and submit the budget of the United
17 States Government, in accordance with section 1105(a) of
18 title 31, United States Code, \$103,000,000, of which not
19 to exceed \$3,000 shall be available for official representa-
20 tion expenses: *Provided*, That none of the funds appro-
21 priated in this Act for the Office of Management and
22 Budget may be used for the purpose of reviewing any agri-
23 cultural marketing orders or any activities or regulations
24 under the provisions of the Agricultural Marketing Agree-
25 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,

1 That none of the funds made available for the Office of
2 Management and Budget by this Act may be expended for
3 the altering of the transcript of actual testimony of wit-
4 nesses, except for testimony of officials of the Office of
5 Management and Budget, before the Committees on Ap-
6 propriations or their subcommittees: *Provided further*,
7 That none of the funds made available for the Office of
8 Management and Budget by this Act may be expended for
9 the altering of the annual work plan developed by the
10 Corps of Engineers for submission to the Committees on
11 Appropriations: *Provided further*, That of the funds made
12 available for the Office of Management and Budget by this
13 Act, no less than three full-time equivalent senior staff po-
14 sition shall be dedicated solely to the Office of the Intellec-
15 tual Property Enforcement Coordinator: *Provided further*,
16 That none of the funds provided in this or prior Acts shall
17 be used, directly or indirectly, by the Office of Manage-
18 ment and Budget, for evaluating or determining if water
19 resource project or study reports submitted by the Chief
20 of Engineers acting through the Secretary of the Army
21 are in compliance with all applicable laws, regulations, and
22 requirements relevant to the Civil Works water resource
23 planning process: *Provided further*, That the Office of
24 Management and Budget shall have not more than 60
25 days in which to perform budgetary policy reviews of water

1 resource matters on which the Chief of Engineers has re-
2 ported: *Provided further*, That the Director of the Office
3 of Management and Budget shall notify the appropriate
4 authorizing and appropriating committees when the 60-
5 day review is initiated: *Provided further*, That if water re-
6 source reports have not been transmitted to the appro-
7 priate authorizing and appropriating committees within
8 15 days after the end of the Office of Management and
9 Budget review period based on the notification from the
10 Director, Congress shall assume Office of Management
11 and Budget concurrence with the report and act accord-
12 ingly.

13 OFFICE OF NATIONAL DRUG CONTROL POLICY

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of National
16 Drug Control Policy; for research activities pursuant to
17 the Office of National Drug Control Policy Reauthoriza-
18 tion Act of 2006 (Public Law 109–469); not to exceed
19 \$10,000 for official reception and representation expenses;
20 and for participation in joint projects or in the provision
21 of services on matters of mutual interest with nonprofit,
22 research, or public organizations or agencies, with or with-
23 out reimbursement, \$17,400,000: *Provided*, That the Of-
24 fice is authorized to accept, hold, administer, and utilize
25 gifts, both real and personal, public and private, without

1 fiscal year limitation, for the purpose of aiding or facili-
2 tating the work of the Office.

3 FEDERAL DRUG CONTROL PROGRAMS
4 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses of the Office of National
7 Drug Control Policy's High Intensity Drug Trafficking
8 Areas Program, \$280,000,000, to remain available until
9 September 30, 2020, for drug control activities consistent
10 with the approved strategy for each of the designated
11 High Intensity Drug Trafficking Areas ("HIDTAs"), of
12 which not less than 51 percent shall be transferred to
13 State and local entities for drug control activities and shall
14 be obligated not later than 120 days after enactment of
15 this Act: *Provided*, That up to 49 percent may be trans-
16 ferred to Federal agencies and departments in amounts
17 determined by the Director of the Office of National Drug
18 Control Policy, of which up to \$2,700,000 may be used
19 for auditing services and associated activities: *Provided*
20 *further*, That, notwithstanding the requirements of Public
21 Law 106-58, any unexpended funds obligated prior to fis-
22 cal year 2017 may be used for any other approved activi-
23 ties of that HIDTA, subject to reprogramming require-
24 ments: *Provided further*, That each HIDTA designated as
25 of September 30, 2018, shall be funded at not less than

1 the fiscal year 2018 base level, unless the Director submits
2 to the Committees on Appropriations of the House of Rep-
3 resentatives and the Senate justification for changes to
4 those levels based on clearly articulated priorities and pub-
5 lished Office of National Drug Control Policy performance
6 measures of effectiveness: *Provided further*, That the Di-
7 rector shall notify the Committees on Appropriations of
8 the initial allocation of fiscal year 2019 funding among
9 HIDTAs not later than 45 days after enactment of this
10 Act, and shall notify the Committees of planned uses of
11 discretionary HIDTA funding, as determined in consulta-
12 tion with the HIDTA Directors, not later than 90 days
13 after enactment of this Act: *Provided further*, That upon
14 a determination that all or part of the funds so transferred
15 from this appropriation are not necessary for the purposes
16 provided herein and upon notification to the Committees
17 on Appropriations of the House of Representatives and the
18 Senate, such amounts may be transferred back to this ap-
19 propriation.

20 OTHER FEDERAL DRUG CONTROL PROGRAMS

21 (INCLUDING TRANSFERS OF FUNDS)

22 For other drug control activities authorized by the
23 Office of National Drug Control Policy Reauthorization
24 Act of 2006 (Public Law 109–469), \$118,327,000, to re-
25 main available until expended, which shall be available as

1 follows: \$100,000,000 for the Drug-Free Communities
2 Program, of which \$2,000,000 shall be made available as
3 directed by section 4 of Public Law 107–82, as amended
4 by Public Law 109–469 (21 U.S.C. 1521 note);
5 \$2,000,000 for drug court training and technical assist-
6 ance; \$9,500,000 for anti-doping activities; \$2,577,000 for
7 the United States membership dues to the World Anti-
8 Doping Agency; and \$1,250,000 shall be made available
9 as directed by section 1105 of Public Law 109–469; and
10 \$3,000,000, to remain available until expended, shall be
11 for activities authorized by section 103 of Public Law
12 114–198: *Provided*, That amounts made available under
13 this heading may be transferred to other Federal depart-
14 ments and agencies to carry out such activities.

15 UNANTICIPATED NEEDS

16 For expenses necessary to enable the President to
17 meet unanticipated needs, in furtherance of the national
18 interest, security, or defense which may arise at home or
19 abroad during the current fiscal year, as authorized by
20 3 U.S.C. 108, \$1,000,000, to remain available until Sep-
21 tember 30, 2019.

22 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM 23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses for the furtherance of inte-
25 grated, efficient, secure, and effective uses of information

1 technology in the Federal Government, \$15,000,000, to
2 remain available until expended: *Provided*, That the Direc-
3 tor of the Office of Management and Budget may transfer
4 these funds to one or more other agencies to carry out
5 projects to meet these purposes.

6 SPECIAL ASSISTANCE TO THE PRESIDENT

7 SALARIES AND EXPENSES

8 For necessary expenses to enable the Vice President
9 to provide assistance to the President in connection with
10 specially assigned functions; services as authorized by 5
11 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
12 penses as authorized by 3 U.S.C. 106, which shall be ex-
13 pended and accounted for as provided in that section; and
14 hire of passenger motor vehicles, \$4,288,000.

15 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

16 OPERATING EXPENSES

17 (INCLUDING TRANSFER OF FUNDS)

18 For the care, operation, refurnishing, improvement,
19 and to the extent not otherwise provided for, heating and
20 lighting, including electric power and fixtures, of the offi-
21 cial residence of the Vice President; the hire of passenger
22 motor vehicles; and not to exceed \$90,000 pursuant to 3
23 U.S.C. 106(b)(2), \$302,000: *Provided*, That advances, re-
24 payments, or transfers from this appropriation may be

1 made to any department or agency for expenses of car-
2 rying out such activities.

3 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
4 THE PRESIDENT AND FUNDS APPROPRIATED TO
5 THE PRESIDENT

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 201. From funds made available in this Act
8 under the headings “The White House”, “Executive Resi-
9 dence at the White House”, “White House Repair and
10 Restoration”, “Council of Economic Advisers”, “National
11 Security Council and Homeland Security Council”, “Of-
12 fice of Administration”, “Special Assistance to the Presi-
13 dent”, and “Official Residence of the Vice President”, the
14 Director of the Office of Management and Budget (or
15 such other officer as the President may designate in writ-
16 ing), may, with advance approval of the Committees on
17 Appropriations of the House of Representatives and the
18 Senate, transfer not to exceed 10 percent of any such ap-
19 propriation to any other such appropriation, to be merged
20 with and available for the same time and for the same
21 purposes as the appropriation to which transferred: *Pro-*
22 *vided*, That the amount of an appropriation shall not be
23 increased by more than 50 percent by such transfers: *Pro-*
24 *vided further*, That no amount shall be transferred from
25 “Special Assistance to the President” or “Official Resi-

1 dence of the Vice President” without the approval of the
2 Vice President.

3 SEC. 202. (a) During fiscal year 2019, any Executive
4 order or Presidential memorandum issued or revoked by
5 the President shall be accompanied by a written statement
6 from the Director of the Office of Management and Budg-
7 et on the budgetary impact, including costs, benefits, and
8 revenues, of such order or memorandum.

9 (b) Any such statement shall include—

10 (1) a narrative summary of the budgetary im-
11 pact of such order or memorandum on the Federal
12 Government;

13 (2) the impact on mandatory and discretionary
14 obligations and outlays as the result of such order
15 or memorandum, listed by Federal agency, for each
16 year in the 5-fiscal year period beginning in fiscal
17 year 2019; and

18 (3) the impact on revenues of the Federal Gov-
19 ernment as the result of such order or memorandum
20 over the 5-fiscal-year period beginning in fiscal year
21 2019.

22 (c) If an Executive order or Presidential memo-
23 randum is issued during fiscal year 2019 due to a national
24 emergency, the Director of the Office of Management and
25 Budget may issue the statement required by subsection

1 (a) not later than 15 days after the date that such order
2 or memorandum is issued.

3 (d) The requirement for cost estimates for Presi-
4 dential memoranda shall only apply for Presidential
5 memoranda estimated to have a regulatory cost in excess
6 of \$100,000,000.

7 This title may be cited as the “Executive Office of
8 the President Appropriations Act, 2019”.

1 TITLE III
2 THE JUDICIARY
3 SUPREME COURT OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For expenses necessary for the operation of the Su-
6 preme Court, as required by law, excluding care of the
7 building and grounds, including hire of passenger motor
8 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
9 to exceed \$10,000 for official reception and representation
10 expenses; and for miscellaneous expenses, to be expended
11 as the Chief Justice may approve, \$84,703,000, of which
12 \$1,500,000 shall remain available until expended.

13 In addition, there are appropriated such sums as may
14 be necessary under current law for the salaries of the chief
15 justice and associate justices of the court.

16 CARE OF THE BUILDING AND GROUNDS

17 For such expenditures as may be necessary to enable
18 the Architect of the Capitol to carry out the duties im-
19 posed upon the Architect by 40 U.S.C. 6111 and 6112,
20 \$15,999,000, to remain available until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT

3 SALARIES AND EXPENSES

4 For salaries of officers and employees, and for nec-
5 essary expenses of the court, as authorized by law,
6 \$32,016,000.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of the chief
9 judge and judges of the court.

10 UNITED STATES COURT OF INTERNATIONAL TRADE

11 SALARIES AND EXPENSES

12 For salaries of officers and employees of the court,
13 services, and necessary expenses of the court, as author-
14 ized by law, \$19,450,000.

15 In addition, there are appropriated such sums as may
16 be necessary under current law for the salaries of the chief
17 judge and judges of the court.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For the salaries of judges of the United States Court
22 of Federal Claims, magistrate judges, and all other offi-
23 cers and employees of the Federal Judiciary not otherwise
24 specifically provided for, necessary expenses of the courts,
25 and the purchase, rental, repair, and cleaning of uniforms

1 for Probation and Pretrial Services Office staff, as author-
2 ized by law, \$5,167,961,000 (including the purchase of
3 firearms and ammunition); of which not to exceed
4 \$27,817,000 shall remain available until expended for
5 space alteration projects and for furniture and furnishings
6 related to new space alteration and construction projects.

7 In addition, there are appropriated such sums as may
8 be necessary under current law for the salaries of circuit
9 and district judges (including judges of the territorial
10 courts of the United States), bankruptcy judges, and jus-
11 tices and judges retired from office or from regular active
12 service.

13 In addition, for expenses of the United States Court
14 of Federal Claims associated with processing cases under
15 the National Childhood Vaccine Injury Act of 1986 (Pub-
16 lic Law 99-660), not to exceed \$8,475,000, to be appro-
17 priated from the Vaccine Injury Compensation Trust
18 Fund.

19 DEFENDER SERVICES

20 For the operation of Federal Defender organizations;
21 the compensation and reimbursement of expenses of attor-
22 neys appointed to represent persons under 18 U.S.C.
23 3006A and 3599, and for the compensation and reim-
24 bursement of expenses of persons furnishing investigative,
25 expert, and other services for such representations as au-

1 thORIZED by law; the compensation (in accordance with the
2 maximums under 18 U.S.C. 3006A) and reimbursement
3 of expenses of attorneys appointed to assist the court in
4 criminal cases where the defendant has waived representa-
5 tion by counsel; the compensation and reimbursement of
6 expenses of attorneys appointed to represent jurors in civil
7 actions for the protection of their employment, as author-
8 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
9 bursement of expenses of attorneys appointed under 18
10 U.S.C. 983(b)(1) in connection with certain judicial civil
11 forfeiture proceedings; the compensation and reimburse-
12 ment of travel expenses of guardians ad litem appointed
13 under 18 U.S.C. 4100(b); and for necessary training and
14 general administrative expenses, \$1,142,427,000 to re-
15 main available until expended.

16 FEES OF JURORS AND COMMISSIONERS

17 For fees and expenses of jurors as authorized by 28
18 U.S.C. 1871 and 1876; compensation of jury commis-
19 sioners as authorized by 28 U.S.C. 1863; and compensa-
20 tion of commissioners appointed in condemnation cases
21 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
22 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$49,750,000,
23 to remain available until expended: *Provided*, That the
24 compensation of land commissioners shall not exceed the

1 daily equivalent of the highest rate payable under 5 U.S.C.
2 5332.

3 COURT SECURITY

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses, not otherwise provided for,
6 incident to the provision of protective guard services for
7 United States courthouses and other facilities housing
8 Federal court operations, and the procurement, installa-
9 tion, and maintenance of security systems and equipment
10 for United States courthouses and other facilities housing
11 Federal court operations, including building ingress-egress
12 control, inspection of mail and packages, directed security
13 patrols, perimeter security, basic security services provided
14 by the Federal Protective Service, and other similar activi-
15 ties as authorized by section 1010 of the Judicial Improve-
16 ment and Access to Justice Act (Public Law 100-702),
17 \$604,460,000, of which not to exceed \$20,000,000 shall
18 remain available until expended, to be expended directly
19 or transferred to the United States Marshals Service,
20 which shall be responsible for administering the Judicial
21 Facility Security Program consistent with standards or
22 guidelines agreed to by the Director of the Administrative
23 Office of the United States Courts and the Attorney Gen-
24 eral.

1 ADMINISTRATIVE OFFICE OF THE UNITED STATES

2 COURTS

3 SALARIES AND EXPENSES

4 For necessary expenses of the Administrative Office
5 of the United States Courts as authorized by law, includ-
6 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
7 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
8 advertising and rent in the District of Columbia and else-
9 where, \$92,413,000, of which not to exceed \$8,500 is au-
10 thorized for official reception and representation expenses.

11 FEDERAL JUDICIAL CENTER

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Judicial Cen-
14 ter, as authorized by Public Law 90–219, \$29,819,000;
15 of which \$1,800,000 shall remain available through Sep-
16 tember 30, 2020, to provide education and training to
17 Federal court personnel; and of which not to exceed
18 \$1,500 is authorized for official reception and representa-
19 tion expenses.

20 UNITED STATES SENTENCING COMMISSION

21 SALARIES AND EXPENSES

22 For the salaries and expenses necessary to carry out
23 the provisions of chapter 58 of title 28, United States
24 Code, \$18,548,000, of which not to exceed \$1,000 is au-
25 thorized for official reception and representation expenses.

1 ADMINISTRATIVE PROVISIONS—THE JUDICIARY
2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 301. Appropriations and authorizations made in
4 this title which are available for salaries and expenses shall
5 be available for services as authorized by 5 U.S.C. 3109.

6 SEC. 302. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the Judi-
8 ciary in this Act may be transferred between such appro-
9 priations, but no such appropriation, except “Courts of
10 Appeals, District Courts, and Other Judicial Services, De-
11 fender Services” and “Courts of Appeals, District Courts,
12 and Other Judicial Services, Fees of Jurors and Commis-
13 sioners”, shall be increased by more than 10 percent by
14 any such transfers: *Provided*, That any transfer pursuant
15 to this section shall be treated as a reprogramming of
16 funds under sections 604 and 608 of this Act and shall
17 not be available for obligation or expenditure except in
18 compliance with the procedures set forth in section 608.

19 SEC. 303. Notwithstanding any other provision of
20 law, the salaries and expenses appropriation for “Courts
21 of Appeals, District Courts, and Other Judicial Services”
22 shall be available for official reception and representation
23 expenses of the Judicial Conference of the United States:
24 *Provided*, That such available funds shall not exceed
25 \$11,000 and shall be administered by the Director of the

1 Administrative Office of the United States Courts in the
2 capacity as Secretary of the Judicial Conference.

3 SEC. 304. Section 3315(a) of title 40, United States
4 Code, shall be applied by substituting “Federal” for “exec-
5 utive” each place it appears.

6 SEC. 305. In accordance with 28 U.S.C. 561–569,
7 and notwithstanding any other provision of law, the
8 United States Marshals Service shall provide, for such
9 courthouses as its Director may designate in consultation
10 with the Director of the Administrative Office of the
11 United States Courts, for purposes of a pilot program, the
12 security services that 40 U.S.C. 1315 authorizes the De-
13 partment of Homeland Security to provide, except for the
14 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
15 ing-specific security services at these courthouses, the Di-
16 rector of the Administrative Office of the United States
17 Courts shall reimburse the United States Marshals Service
18 rather than the Department of Homeland Security.

19 SEC. 306. (a) Section 203(c) of the Judicial Improve-
20 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
21 note), is amended in the second sentence (relating to the
22 District of Kansas) following paragraph (12), by striking
23 “27 years and 6 months” and inserting “28 years and
24 6 months”.

1 (b) Section 406 of the Transportation, Treasury,
2 Housing and Urban Development, the Judiciary, the Dis-
3 trict of Columbia, and Independent Agencies Appropria-
4 tions Act, 2006 (Public Law 109–115; 119 Stat. 2470;
5 28 U.S.C. 133 note) is amended in the second sentence
6 (relating to the Eastern District of Missouri) by striking
7 “25 years and 6 months” and inserting “26 years and
8 6 months”.

9 (c) Section 312(c)(2) of the 21st Century Depart-
10 ment of Justice Appropriations Authorization Act (Public
11 Law 107–273; 28 U.S.C. 133 note), is amended—

12 (1) in the first sentence by inserting after “ex-
13 cept in the case of” the following: “the northern dis-
14 trict of Alabama,”;

15 (2) in the first sentence by inserting after “the
16 central district of California” the following: “,”;

17 (3) in the first sentence by striking “16 years”
18 and inserting “17 years”;

19 (4) by adding at the end of the first sentence
20 the following: “The first vacancy in the office of dis-
21 trict judge in the northern district of Alabama oc-
22 ccurring 16 years or more after the confirmation date
23 of the judge named to fill the temporary district
24 judgeship created in that district by this subsection,
25 shall not be filled.”;

1 (5) in the third sentence (relating to the central
2 District of California), by striking “15 years and 6
3 months” and inserting “16 years and 6 months”;
4 and

5 (6) in the fourth sentence (relating to the west-
6 ern district of North Carolina), by striking “14
7 years” and inserting “15 years”.

8 This title may be cited as the “Judiciary Appropria-
9 tions Act, 2019”.

1 TITLE IV
2 DISTRICT OF COLUMBIA
3 FEDERAL FUNDS
4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT
5 For a Federal payment to the District of Columbia,
6 to be deposited into a dedicated account, for a nationwide
7 program to be administered by the Mayor, for District of
8 Columbia resident tuition support, \$30,000,000, to remain
9 available until expended: *Provided*, That such funds, in-
10 cluding any interest accrued thereon, may be used on be-
11 half of eligible District of Columbia residents to pay an
12 amount based upon the difference between in-State and
13 out-of-State tuition at public institutions of higher edu-
14 cation, or to pay up to \$2,500 each year at eligible private
15 institutions of higher education: *Provided further*, That the
16 awarding of such funds may be prioritized on the basis
17 of a resident's academic merit, the income and need of
18 eligible students and such other factors as may be author-
19 ized: *Provided further*, That the District of Columbia gov-
20 ernment shall maintain a dedicated account for the Resi-
21 dent Tuition Support Program that shall consist of the
22 Federal funds appropriated to the Program in this Act
23 and any subsequent appropriations, any unobligated bal-
24 ances from prior fiscal years, and any interest earned in
25 this or any fiscal year: *Provided further*, That the account

1 shall be under the control of the District of Columbia
2 Chief Financial Officer, who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and the Senate for these funds show-
8 ing, by object class, the expenditures made and the pur-
9 pose therefor.

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

12 For a Federal payment of necessary expenses, as de-
13 termined by the Mayor of the District of Columbia in writ-
14 ten consultation with the elected county or city officials
15 of surrounding jurisdictions, \$13,000,000, to remain
16 available until expended, for the costs of providing public
17 safety at events related to the presence of the National
18 Capital in the District of Columbia, including support re-
19 quested by the Director of the United States Secret Serv-
20 ice in carrying out protective duties under the direction
21 of the Secretary of Homeland Security, and for the costs
22 of providing support to respond to immediate and specific
23 terrorist threats or attacks in the District of Columbia or
24 surrounding jurisdictions.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
2 COURTS

3 For salaries and expenses for the District of Colum-
4 bia Courts, \$288,280,000 to be allocated as follows: for
5 the District of Columbia Court of Appeals, \$14,670,000,
6 of which not to exceed \$2,500 is for official reception and
7 representation expenses; for the Superior Court of the
8 District of Columbia, \$122,770,000, of which not to ex-
9 ceed \$2,500 is for official reception and representation ex-
10 penses; for the District of Columbia Court System,
11 \$77,016,000, of which not to exceed \$2,500 is for official
12 reception and representation expenses; and \$73,824,000,
13 to remain available until September 30, 2020, for capital
14 improvements for District of Columbia courthouse facili-
15 ties: *Provided*, That funds made available for capital im-
16 provements shall be expended consistent with the District
17 of Columbia Courts master plan study and facilities condi-
18 tion assessment: *Provided further*, That, in addition to the
19 amounts appropriated herein, fees received by the District
20 of Columbia Courts for administering bar examinations
21 and processing District of Columbia bar admissions may
22 be retained and credited to this appropriation, to remain
23 available until expended, for salaries and expenses associ-
24 ated with such activities, notwithstanding section 450 of
25 the District of Columbia Home Rule Act (D.C. Official

1 Code, sec. 1–204.50): *Provided further*, That notwith-
2 standing any other provision of law, all amounts under
3 this heading shall be apportioned quarterly by the Office
4 of Management and Budget and obligated and expended
5 in the same manner as funds appropriated for salaries and
6 expenses of other Federal agencies: *Provided further*, That
7 30 days after providing written notice to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate, the District of Columbia Courts may reallocate
10 not more than \$9,000,000 of the funds provided under
11 this heading among the items and entities funded under
12 this heading: *Provided further*, That the Joint Committee
13 on Judicial Administration in the District of Columbia
14 may, by regulation, establish a program substantially simi-
15 lar to the program set forth in subchapter II of chapter
16 35 of title 5, United States Code, for employees of the
17 District of Columbia Courts.

18 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
19 DISTRICT OF COLUMBIA COURTS
20 (INCLUDING TRANSFER OF FUNDS)

21 For payments authorized under section 11–2604 and
22 section 11–2605, D.C. Official Code (relating to represen-
23 tation provided under the District of Columbia Criminal
24 Justice Act), payments for counsel appointed in pro-
25 ceedings in the Family Court of the Superior Court of the

1 District of Columbia under chapter 23 of title 16, D.C.
2 Official Code, or pursuant to contractual agreements to
3 provide guardian ad litem representation, training, tech-
4 nical assistance, and such other services as are necessary
5 to improve the quality of guardian ad litem representation,
6 payments for counsel appointed in adoption proceedings
7 under chapter 3 of title 16, D.C. Official Code, and pay-
8 ments authorized under section 21–2060, D.C. Official
9 Code (relating to services provided under the District of
10 Columbia Guardianship, Protective Proceedings, and Du-
11 rable Power of Attorney Act of 1986), \$49,890,000, to
12 remain available until expended: *Provided*, That not more
13 than \$20,000,000 in unobligated funds provided in this
14 account may be transferred to and merged with funds
15 made available under the heading “Federal Payment to
16 the District of Columbia Courts,” to be available for the
17 same period and purposes as funds made available under
18 that heading for capital improvements to District of Co-
19 lumbia courthouse facilities: *Provided further*, That funds
20 provided under this heading shall be administered by the
21 Joint Committee on Judicial Administration in the Dis-
22 trict of Columbia: *Provided further*, That, notwithstanding
23 any other provision of law, this appropriation shall be ap-
24 portioned quarterly by the Office of Management and
25 Budget and obligated and expended in the same manner

1 as funds appropriated for expenses of other Federal agen-
2 cies.

3 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
4 FENDER SUPERVISION AGENCY FOR THE DISTRICT
5 OF COLUMBIA

6 For salaries and expenses, including the transfer and
7 hire of motor vehicles, of the Court Services and Offender
8 Supervision Agency for the District of Columbia, as au-
9 thorized by the National Capital Revitalization and Self-
10 Government Improvement Act of 1997, \$256,724,000, of
11 which not to exceed \$2,000 is for official reception and
12 representation expenses related to Community Supervision
13 and Pretrial Services Agency programs, and of which not
14 to exceed \$25,000 is for dues and assessments relating
15 to the implementation of the Court Services and Offender
16 Supervision Agency Interstate Supervision Act of 2002:
17 *Provided*, That, of the funds appropriated under this head-
18 ing, \$183,166,000 shall be for necessary expenses of Com-
19 munity Supervision and Sex Offender Registration, to in-
20 clude expenses relating to the supervision of adults subject
21 to protection orders or the provision of services for or re-
22 lated to such persons, of which \$5,919,000 shall remain
23 available until September 30, 2021 for costs associated
24 with relocation under a replacement lease for headquarters
25 offices, field offices, and related facilities: *Provided further*,

1 That, of the funds appropriated under this heading,
2 \$73,558,000 shall be available to the Pretrial Services
3 Agency, of which \$7,304,000 shall remain available until
4 September 30, 2021 for costs associated with relocation
5 under a replacement lease for headquarters offices, field
6 offices, and related facilities: *Provided further*, That not-
7 withstanding any other provision of law, all amounts
8 under this heading shall be apportioned quarterly by the
9 Office of Management and Budget and obligated and ex-
10 pended in the same manner as funds appropriated for sal-
11 aries and expenses of other Federal agencies: *Provided fur-*
12 *ther*, That amounts under this heading may be used for
13 programmatic incentives for defendants to successfully
14 complete their terms of supervision.

15 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

16 PUBLIC DEFENDER SERVICE

17 For salaries and expenses, including the transfer and
18 hire of motor vehicles, of the District of Columbia Public
19 Defender Service, as authorized by the National Capital
20 Revitalization and Self-Government Improvement Act of
21 1997, \$45,858,000, of which \$4,471,000 shall remain
22 available until September 30, 2021 for costs associated
23 with relocation under a replacement lease for headquarters
24 offices, field offices, and related facilities: *Provided*, That
25 notwithstanding any other provision of law, all amounts

1 under this heading shall be apportioned quarterly by the
2 Office of Management and Budget and obligated and ex-
3 pended in the same manner as funds appropriated for sal-
4 aries and expenses of Federal agencies.

5 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

6 COORDINATING COUNCIL

7 For a Federal payment to the Criminal Justice Co-
8 ordinating Council, \$2,000,000, to remain available until
9 expended, to support initiatives related to the coordination
10 of Federal and local criminal justice resources in the Dis-
11 trict of Columbia.

12 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

13 For a Federal payment, to remain available until
14 September 30, 2020, to the Commission on Judicial Dis-
15 abilities and Tenure, \$295,000, and for the Judicial Nomi-
16 nation Commission, \$270,000.

17 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

18 For a Federal payment for a school improvement pro-
19 gram in the District of Columbia, \$45,000,000, to remain
20 available until expended, for payments authorized under
21 the Scholarship for Opportunity and Results Act (division
22 C of Public Law 112–10): *Provided*, That, to the extent
23 that funds are available for opportunity scholarships and
24 following the priorities included in section 3006 of such
25 Act, the Secretary of Education shall make scholarships

1 available to students eligible under section 3013(3) of such
2 Act (Public Law 112–10; 125 Stat. 211) including stu-
3 dents who were not offered a scholarship during any pre-
4 vious school year: *Provided further*, That within funds pro-
5 vided for opportunity scholarships up to \$3,200,000 shall
6 be for the activities specified in sections 3007(b) through
7 3007(d) and 3009 of such Act.

8 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA
9 NATIONAL GUARD

10 For a Federal payment to the District of Columbia
11 National Guard, \$435,000, to remain available until ex-
12 pended for the Major General David F. Wherley, Jr. Dis-
13 trict of Columbia National Guard Retention and College
14 Access Program.

15 FEDERAL PAYMENT FOR TESTING AND TREATMENT OF
16 HIV/AIDS

17 For a Federal payment to the District of Columbia
18 for the testing of individuals for, and the treatment of in-
19 dividuals with, human immunodeficiency virus and ac-
20 quired immunodeficiency syndrome in the District of Co-
21 lumbia, \$5,000,000.

22 DISTRICT OF COLUMBIA FUNDS

23 Local funds are appropriated for the District of Co-
24 lumbia for the current fiscal year out of the General Fund
25 of the District of Columbia (“General Fund”) for pro-

1 grams and activities set forth under the heading “PART
2 A—SUMMARY OF EXPENSES” and at the rate set forth
3 under such heading, as included in the Fiscal Year 2019
4 Budget Request Act of 2018 submitted to Congress by
5 the District of Columbia, as amended as of the date of
6 enactment of this Act: *Provided*, That notwithstanding
7 any other provision of law, except as provided in section
8 450A of the District of Columbia Home Rule Act (section
9 1–204.50a, D.C. Official Code), sections 816 and 817 of
10 the Financial Services and General Government Appro-
11 priations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C.
12 Official Code), and provisions of this Act, the total amount
13 appropriated in this Act for operating expenses for the
14 District of Columbia for fiscal year 2019 under this head-
15 ing shall not exceed the estimates included in the Fiscal
16 Year 2019 Budget Request Act of 2018 submitted to Con-
17 gress by the District of Columbia, as amended as of the
18 date of enactment of this Act or the sum of the total reve-
19 nues of the District of Columbia for such fiscal year: *Pro-*
20 *vided further*, That the amount appropriated may be in-
21 creased by proceeds of one-time transactions, which are
22 expended for emergency or unanticipated operating or
23 capital needs: *Provided further*, That such increases shall
24 be approved by enactment of local District law and shall
25 comply with all reserve requirements contained in the Dis-

1 triet of Columbia Home Rule Act: *Provided further*, That
2 the Chief Financial Officer of the District of Columbia
3 shall take such steps as are necessary to assure that the
4 District of Columbia meets these requirements, including
5 the apportioning by the Chief Financial Officer of the ap-
6 propriations and funds made available to the District dur-
7 ing fiscal year 2019, except that the Chief Financial Offi-
8 cer may not reprogram for operating expenses any funds
9 derived from bonds, notes, or other obligations issued for
10 capital projects.

11 This title may be cited as the “District of Columbia
12 Appropriations Act, 2019”.

1 TITLE V
2 INDEPENDENT AGENCIES
3 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
4 SALARIES AND EXPENSES

5 For necessary expenses of the Administrative Con-
6 ference of the United States, authorized by 5 U.S.C. 591
7 et seq., \$3,100,000, to remain available until September
8 30, 2019, of which not to exceed \$1,000 is for official re-
9 ception and representation expenses.

10 CONSUMER PRODUCT SAFETY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Consumer Product
13 Safety Commission, including hire of passenger motor ve-
14 hicles, services as authorized by 5 U.S.C. 3109, but at
15 rates for individuals not to exceed the per diem rate equiv-
16 alent to the maximum rate payable under 5 U.S.C. 5376,
17 purchase of nominal awards to recognize non-Federal offi-
18 cials' contributions to Commission activities, and not to
19 exceed \$8,000 for official reception and representation ex-
20 penses, \$127,000,000.

21 ADMINISTRATIVE PROVISION—CONSUMER PRODUCT
22 SAFETY COMMISSION

23 SEC. 501. During fiscal year 2019, none of the
24 amounts made available by this Act may be used to final-
25 ize or implement the Safety Standard for Recreational

1 Off-Highway Vehicles published by the Consumer Product
2 Safety Commission in the Federal Register on November
3 19, 2014 (79 Fed. Reg. 68964) until after—

4 (1) the National Academy of Sciences, in con-
5 sultation with the National Highway Traffic Safety
6 Administration and the Department of Defense,
7 completes a study to determine—

8 (A) the technical validity of the lateral sta-
9 bility and vehicle handling requirements pro-
10 posed by such standard for purposes of reduc-
11 ing the risk of Recreational Off-Highway Vehi-
12 cle (referred to in this section as “ROV”) roll-
13 overs in the off-road environment, including the
14 repeatability and reproducibility of testing for
15 compliance with such requirements;

16 (B) the number of ROV rollovers that
17 would be prevented if the proposed require-
18 ments were adopted;

19 (C) whether there is a technical basis for
20 the proposal to provide information on a point-
21 of-sale hangtag about a ROV’s rollover resist-
22 ance on a progressive scale; and

23 (D) the effect on the utility of ROVs used
24 by the United States military if the proposed
25 requirements were adopted; and

1 (2) a report containing the results of the study
2 completed under paragraph (1) is delivered to—

3 (A) the Committee on Commerce, Science,
4 and Transportation of the Senate;

5 (B) the Committee on Energy and Com-
6 merce of the House of Representatives;

7 (C) the Committee on Appropriations of
8 the Senate; and

9 (D) the Committee on Appropriations of
10 the House of Representatives.

11 ELECTION ASSISTANCE COMMISSION

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses to carry out the Help Amer-
15 ica Vote Act of 2002 (Public Law 107–252), \$10,100,000,
16 of which \$1,500,000 shall be transferred to the National
17 Institute of Standards and Technology for election reform
18 activities authorized under the Help America Vote Act of
19 2002.

20 FEDERAL COMMUNICATIONS COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Communica-
23 tions Commission, as authorized by law, including uni-
24 forms and allowances therefor, as authorized by 5 U.S.C.
25 5901–5902; not to exceed \$4,000 for official reception and

1 representation expenses; purchase and hire of motor vehi-
2 cles; special counsel fees; and services as authorized by
3 5 U.S.C. 3109, \$335,118,000, to remain available until
4 expended: *Provided*, That \$335,118,000 of offsetting col-
5 lections shall be assessed and collected pursuant to section
6 9 of title I of the Communications Act of 1934, shall be
7 retained and used for necessary expenses and shall remain
8 available until expended: *Provided further*, That the sum
9 herein appropriated shall be reduced as such offsetting
10 collections are received during fiscal year 2019 so as to
11 result in a final fiscal year 2019 appropriation estimated
12 at \$0: *Provided further*, That any offsetting collections re-
13 ceived in excess of \$335,118,000 in fiscal year 2019 shall
14 not be available for obligation: *Provided further*, That re-
15 maining offsetting collections from prior years collected in
16 excess of the amount specified for collection in each such
17 year and otherwise becoming available on October 1, 2018,
18 shall not be available for obligation: *Provided further*,
19 That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds
20 from the use of a competitive bidding system that may
21 be retained and made available for obligation shall not ex-
22 ceed \$130,284,000 for fiscal year 2019: *Provided further*,
23 That, of the amount appropriated under this heading, not
24 less than \$11,064,000 shall be for the salaries and ex-
25 penses of the Office of Inspector General.

1 ADMINISTRATIVE PROVISION—FEDERAL
2 COMMUNICATIONS COMMISSION

3 SEC. 510. None of the funds appropriated by this Act
4 may be used by the Federal Communications Commission
5 to modify, amend, or change its rules or regulations for
6 universal service support payments to implement the Feb-
7 ruary 27, 2004 recommendations of the Federal-State
8 Joint Board on Universal Service regarding single connec-
9 tion or primary line restrictions on universal service sup-
10 port payments.

11 FEDERAL DEPOSIT INSURANCE CORPORATION
12 OFFICE OF THE INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, \$42,982,000, to be derived from the
16 Deposit Insurance Fund or, only when appropriate, the
17 FSLIC Resolution Fund.

18 FEDERAL ELECTION COMMISSION
19 SALARIES AND EXPENSES

20 For necessary expenses to carry out the provisions
21 of the Federal Election Campaign Act of 1971,
22 \$71,250,000, of which not to exceed \$5,000 shall be avail-
23 able for reception and representation expenses.

1 FEDERAL LABOR RELATIONS AUTHORITY
2 SALARIES AND EXPENSES

3 For necessary expenses to carry out functions of the
4 Federal Labor Relations Authority, pursuant to Reorga-
5 nization Plan Numbered 2 of 1978, and the Civil Service
6 Reform Act of 1978, including services authorized by 5
7 U.S.C. 3109, and including hire of experts and consult-
8 ants, hire of passenger motor vehicles, and including offi-
9 cial reception and representation expenses (not to exceed
10 \$1,500) and rental of conference rooms in the District of
11 Columbia and elsewhere, \$26,200,000: *Provided*, That
12 public members of the Federal Service Impasses Panel
13 may be paid travel expenses and per diem in lieu of sub-
14 sistence as authorized by law (5 U.S.C. 5703) for persons
15 employed intermittently in the Government service, and
16 compensation as authorized by 5 U.S.C. 3109: *Provided*
17 *further*, That, notwithstanding 31 U.S.C. 3302, funds re-
18 ceived from fees charged to non-Federal participants at
19 labor-management relations conferences shall be credited
20 to and merged with this account, to be available without
21 further appropriation for the costs of carrying out these
22 conferences.

1 FEDERAL TRADE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Trade Com-
4 mission, including uniforms or allowances therefor, as au-
5 thorized by 5 U.S.C. 5901–5902; services as authorized
6 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
7 not to exceed \$2,000 for official reception and representa-
8 tion expenses, \$311,700,000, to remain available until ex-
9 pended: *Provided*, That not to exceed \$300,000 shall be
10 available for use to contract with a person or persons for
11 collection services in accordance with the terms of 31
12 U.S.C. 3718: *Provided further*, That, notwithstanding any
13 other provision of law, not to exceed \$136,000,000 of off-
14 setting collections derived from fees collected for
15 premerger notification filings under the Hart-Scott-Ro-
16 dino Antitrust Improvements Act of 1976 (15 U.S.C.
17 18a), regardless of the year of collection, shall be retained
18 and used for necessary expenses in this appropriation:
19 *Provided further*, That, notwithstanding any other provi-
20 sion of law, not to exceed \$17,000,000 in offsetting collec-
21 tions derived from fees sufficient to implement and enforce
22 the Telemarketing Sales Rule, promulgated under the
23 Telemarketing and Consumer Fraud and Abuse Preven-
24 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
25 account, and be retained and used for necessary expenses

1 in this appropriation: *Provided further*, That the sum here-
2 in appropriated from the general fund shall be reduced
3 as such offsetting collections are received during fiscal
4 year 2019, so as to result in a final fiscal year 2019 appro-
5 priation from the general fund estimated at not more than
6 \$158,700,000: *Provided further*, That none of the funds
7 made available to the Federal Trade Commission may be
8 used to implement subsection (e)(2)(B) of section 43 of
9 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

10 GENERAL SERVICES ADMINISTRATION

11 REAL PROPERTY ACTIVITIES

12 FEDERAL BUILDINGS FUND

13 LIMITATIONS ON AVAILABILITY OF REVENUE

14 (INCLUDING TRANSFERS OF FUNDS)

15 Amounts in the Fund, including revenues and collec-
16 tions deposited into the Fund, shall be available for nec-
17 essary expenses of real property management and related
18 activities not otherwise provided for, including operation,
19 maintenance, and protection of federally owned and leased
20 buildings; rental of buildings in the District of Columbia;
21 restoration of leased premises; moving governmental agen-
22 cies (including space adjustments and telecommunications
23 relocation expenses) in connection with the assignment, al-
24 location, and transfer of space; contractual services inci-
25 dent to cleaning or servicing buildings, and moving; repair

1 and alteration of federally owned buildings, including
2 grounds, approaches, and appurtenances; care and safe-
3 guarding of sites; maintenance, preservation, demolition,
4 and equipment; acquisition of buildings and sites by pur-
5 chase, condemnation, or as otherwise authorized by law;
6 acquisition of options to purchase buildings and sites; con-
7 version and extension of federally owned buildings; pre-
8 liminary planning and design of projects by contract or
9 otherwise; construction of new buildings (including equip-
10 ment for such buildings); and payment of principal, inter-
11 est, and any other obligations for public buildings acquired
12 by installment purchase and purchase contract; in the ag-
13 gregate amount of \$8,634,574,000, of which—

14 (1) \$275,900,000 shall remain available until
15 expended for construction and acquisition (including
16 funds for sites and expenses, and associated design
17 and construction services) as follows:

18 (A) \$275,900,000 shall be for the Calexico,
19 California, Calexico West Land Port of Entry;
20 *Provided*, That each of the foregoing limits of costs
21 on new construction and acquisition projects may be
22 exceeded to the extent that savings are effected in
23 other such projects, but not to exceed 10 percent of
24 the amounts included in a transmitted prospectus, if
25 required, unless advance approval is obtained from

1 the Committees on Appropriations of a greater
2 amount;

3 (2) \$679,934,000 shall remain available until
4 expended for repairs and alterations, including asso-
5 ciated design and construction services, of which—

6 (A) \$286,344,000 is for Major Repairs and
7 Alterations;

8 (B) \$312,090,000 is for Basic Repairs and
9 Alterations; and

10 (C) \$81,500,000 is for Special Emphasis
11 Programs, of which—

12 (i) \$30,000,000 is for Fire and Life
13 Safety;

14 (ii) \$11,500,000 is for Judiciary Cap-
15 ital Security; and

16 (iii) \$40,000,000 is for Consolidation
17 Activities: *Provided*, That consolidation
18 projects result in reduced annual rent paid
19 by the tenant agency: *Provided further*,
20 That no consolidation project exceed
21 \$10,000,000 in costs: *Provided further*,
22 That consolidation projects are approved
23 by each of the committees specified in sec-
24 tion 3307(a) of title 40, United States
25 Code: *Provided further*, That preference is

1 given to consolidation projects that achieve
2 a utilization rate of 130 usable square feet
3 or less per person for office space: *Pro-*
4 *vided further,* That the obligation of funds
5 under this paragraph for consolidation ac-
6 tivities may not be made until 10 days
7 after a proposed spending plan and expla-
8 nation for each project to be undertaken,
9 including estimated savings, has been sub-
10 mitted to the Committees on Appropria-
11 tions of the House of Representatives and
12 the Senate:

13 *Provided,* That funds made available in this or any
14 previous Act in the Federal Buildings Fund for Re-
15 pairs and Alterations shall, for prospectus projects,
16 be limited to the amount identified for each project,
17 except each project in this or any previous Act may
18 be increased by an amount not to exceed 10 percent
19 unless advance approval is obtained from the Com-
20 mittees on Appropriations of a greater amount: *Pro-*
21 *vided further,* That additional projects for which
22 prospectuses have been fully approved may be fund-
23 ed under this category only if advance approval is
24 obtained from the Committees on Appropriations:
25 *Provided further,* That the amounts provided in this

1 or any prior Act for “Repairs and Alterations” may
2 be used to fund costs associated with implementing
3 security improvements to buildings necessary to
4 meet the minimum standards for security in accord-
5 ance with current law and in compliance with the re-
6 programming guidelines of the appropriate Commit-
7 tees of the House and Senate: *Provided further*, That
8 the difference between the funds appropriated and
9 expended on any projects in this or any prior Act,
10 under the heading “Repairs and Alterations”, may
11 be transferred to Basic Repairs and Alterations or
12 used to fund authorized increases in prospectus
13 projects: *Provided further*, That the amount provided
14 in this or any prior Act for Basic Repairs and Alter-
15 ations may be used to pay claims against the Gov-
16 ernment arising from any projects under the heading
17 “Repairs and Alterations” or used to fund author-
18 ized increases in prospectus projects;

19 (3) \$5,430,345,000 for rental of space to re-
20 main available until expended; and

21 (4) \$2,248,395,000 for building operations to
22 remain available until expended, of which
23 \$1,126,014,000 is for building services, and
24 \$1,122,381,000 is for salaries and expenses: *Pro-*
25 *vided*, That not to exceed 5 percent of any appro-

1 priation made available under this paragraph for
2 building operations may be transferred between and
3 merged with such appropriations upon notification
4 to the Committees on Appropriations of the House
5 of Representatives and the Senate, but no such ap-
6 propriation shall be increased by more than 5 per-
7 cent by any such transfers: *Provided further*, That
8 section 521 of this title shall not apply with respect
9 to funds made available under this heading for
10 building operations: *Provided further*, That the total
11 amount of funds made available from this Fund to
12 the General Services Administration shall not be
13 available for expenses of any construction, repair, al-
14 teration and acquisition project for which a pro-
15 spectus, if required by 40 U.S.C. 3307(a), has not
16 been approved, except that necessary funds may be
17 expended for each project for required expenses for
18 the development of a proposed prospectus: *Provided*
19 *further*, That funds available in the Federal Build-
20 ings Fund may be expended for emergency repairs
21 when advance approval is obtained from the Com-
22 mittees on Appropriations: *Provided further*, That
23 amounts necessary to provide reimbursable special
24 services to other agencies under 40 U.S.C. 592(b)(2)
25 and amounts to provide such reimbursable fencing,

1 lighting, guard booths, and other facilities on private
2 or other property not in Government ownership or
3 control as may be appropriate to enable the United
4 States Secret Service to perform its protective func-
5 tions pursuant to 18 U.S.C. 3056, shall be available
6 from such revenues and collections: *Provided further*,
7 That revenues and collections and any other sums
8 accruing to this Fund during fiscal year 2019, ex-
9 cluding reimbursements under 40 U.S.C. 592(b)(2),
10 in excess of the aggregate new obligational authority
11 authorized for Real Property Activities of the Fed-
12 eral Buildings Fund in this Act shall remain in the
13 Fund and shall not be available for expenditure ex-
14 cept as authorized in appropriations Acts.

15 GENERAL ACTIVITIES

16 GOVERNMENT-WIDE POLICY

17 For expenses authorized by law, not otherwise pro-
18 vided for, for Government-wide policy and evaluation ac-
19 tivities associated with the management of real and per-
20 sonal property assets and certain administrative services;
21 Government-wide policy support responsibilities relating to
22 acquisition, travel, motor vehicles, information technology
23 management, and related technology activities; and serv-
24 ices as authorized by 5 U.S.C. 3109; \$60,000,000.

1 OPERATING EXPENSES

2 For expenses authorized by law, not otherwise pro-
3 vided for, for Government-wide activities associated with
4 utilization and donation of surplus personal property; dis-
5 posal of real property; agency-wide policy direction, man-
6 agement, and communications; and services as authorized
7 by 5 U.S.C. 3109; \$49,440,000, of which \$26,890,000 is
8 for Real and Personal Property Management and Dis-
9 posal; \$22,550,000 is for the Office of the Administrator,
10 of which not to exceed \$7,500 is for official reception and
11 representation expenses.

12 CIVILIAN BOARD OF CONTRACT APPEALS

13 For expenses authorized by law, not otherwise pro-
14 vided for, for the activities associated with the Civilian
15 Board of Contract Appeals, \$9,301,000.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General and service authorized by 5 U.S.C. 3109,
19 \$67,000,000: *Provided*, That not to exceed \$50,000 shall
20 be available for payment for information and detection of
21 fraud against the Government, including payment for re-
22 covery of stolen Government property: *Provided further*,
23 That not to exceed \$2,500 shall be available for awards
24 to employees of other Federal agencies and private citizens

1 in recognition of efforts and initiatives resulting in en-
2 hanced Office of Inspector General effectiveness.

3 ALLOWANCES AND OFFICE STAFF FOR FORMER

4 PRESIDENTS

5 For carrying out the provisions of the Act of August
6 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
7 \$4,796,000.

8 FEDERAL CITIZEN SERVICES FUND

9 (INCLUDING TRANSFERS OF FUNDS)

10 For necessary expenses of the Office of Products and
11 Programs, including services authorized by 40 U.S.C. 323
12 and 44 U.S.C. 3604; and for necessary expenses in sup-
13 port of interagency projects that enable the Federal Gov-
14 ernment to enhance its ability to conduct activities elec-
15 tronically, through the development and implementation of
16 innovative uses of information technology; \$55,000,000, to
17 be deposited into the Federal Citizen Services Fund: *Pro-*
18 *vided*, That the previous amount may be transferred to
19 Federal agencies to carry out the purpose of the Federal
20 Citizen Services Fund: *Provided further*, That the appro-
21 priations, revenues, reimbursements, and collections de-
22 posited into the Fund shall be available until expended for
23 necessary expenses of Federal Citizen Services and other
24 activities that enable the Federal Government to enhance
25 its ability to conduct activities electronically in the aggre-

1 gate amount not to exceed \$100,000,000: *Provided fur-*
2 *ther*, That appropriations, revenues, reimbursements, and
3 collections accruing to this Fund during fiscal year 2019
4 in excess of such amount shall remain in the Fund and
5 shall not be available for expenditure except as authorized
6 in appropriations Acts: *Provided further*, That any appro-
7 priations provided to the Electronic Government Fund
8 that remain unobligated may be transferred to the Federal
9 Citizen Services Fund: *Provided further*, That the transfer
10 authorities provided herein shall be in addition to any
11 other transfer authority provided in this Act.

12 TECHNOLOGY MODERNIZATION FUND

13 For the Technology Modernization Fund,
14 \$150,000,000, to remain available until expended, for
15 technology-related modernization activities.

16 ASSET PROCEEDS AND SPACE MANAGEMENT FUND

17 For carrying out the purposes of the Federal Assets
18 Sale and Transfer Act of 2016 (Public Law 114–287),
19 \$31,000,000, to be deposited into the Asset Proceeds and
20 Space Management Fund, to remain available until ex-
21 pended.

22 ENVIRONMENTAL REVIEW IMPROVEMENT FUND

23 For necessary expenses of the Environmental Review
24 Improvement Fund established pursuant to 42 U.S.C.

1 4370m-8(d), \$6,070,000, to remain available until ex-
2 pended.

3 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

4 ADMINISTRATION

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 520. Funds available to the General Services
7 Administration shall be available for the hire of passenger
8 motor vehicles.

9 SEC. 521. Funds in the Federal Buildings Fund
10 made available for fiscal year 2019 for Federal Buildings
11 Fund activities may be transferred between such activities
12 only to the extent necessary to meet program require-
13 ments: *Provided*, That any proposed transfers shall be ap-
14 proved in advance by the Committees on Appropriations
15 of the House of Representatives and the Senate.

16 SEC. 522. Except as otherwise provided in this title,
17 funds made available by this Act shall be used to transmit
18 a fiscal year 2019 request for United States Courthouse
19 construction only if the request: (1) meets the design guide
20 standards for construction as established and approved by
21 the General Services Administration, the Judicial Con-
22 ference of the United States, and the Office of Manage-
23 ment and Budget; (2) reflects the priorities of the Judicial
24 Conference of the United States as set out in its approved
25 Courthouse Project Priorities plan; and (3) includes a

1 standardized courtroom utilization study of each facility
2 to be constructed, replaced, or expanded.

3 SEC. 523. None of the funds provided in this Act may
4 be used to increase the amount of occupiable square feet,
5 provide cleaning services, security enhancements, or any
6 other service usually provided through the Federal Build-
7 ings Fund, to any agency that does not pay the rate per
8 square foot assessment for space and services as deter-
9 mined by the General Services Administration in consider-
10 ation of the Public Buildings Amendments Act of 1972
11 (Public Law 92–313).

12 SEC. 524. From funds made available under the
13 heading “Federal Buildings Fund, Limitations on Avail-
14 ability of Revenue”, claims against the Government of less
15 than \$250,000 arising from direct construction projects
16 and acquisition of buildings may be liquidated from sav-
17 ings effected in other construction projects with prior noti-
18 fication to the Committees on Appropriations of the House
19 of Representatives and the Senate.

20 SEC. 525. In any case in which the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Environment and Pub-
23 lic Works of the Senate adopt a resolution granting lease
24 authority pursuant to a prospectus transmitted to Con-
25 gress by the Administrator of the General Services Admin-

1 istration under 40 U.S.C. 3307, the Administrator shall
2 ensure that the delineated area of procurement is identical
3 to the delineated area included in the prospectus for all
4 lease agreements, except that, if the Administrator deter-
5 mines that the delineated area of the procurement should
6 not be identical to the delineated area included in the pro-
7 spectus, the Administrator shall provide an explanatory
8 statement to each of such committees and the Committees
9 on Appropriations of the House of Representatives and the
10 Senate prior to exercising any lease authority provided in
11 the resolution.

12 SEC. 526. With respect to each project funded under
13 the heading “Major Repairs and Alterations” or “Judici-
14 ary Capital Security Program”, and with respect to E-
15 Government projects funded under the heading “Federal
16 Citizen Services Fund”, the Administrator of General
17 Services shall submit a spending plan and explanation for
18 each project to be undertaken to the Committees on Ap-
19 propriations of the House of Representatives and the Sen-
20 ate not later than 60 days after the date of enactment
21 of this Act.

22 SEC. 527. The Administrator of General Services
23 shall submit a report to the Committees on Appropriations
24 of the Senate and House of Representatives not later than
25 30 days following implementation of the initiative estab-

1 lished under (c)(2) of Section 846 of the National Defense
2 Authorization Act for Fiscal Year 2018 (Public Law 115–
3 91; 41 U.S.C. 1901 note) containing a market analysis
4 and an implementation strategy related to the require-
5 ments under subparagraph (h) of Section 846. The report
6 shall address strategies and processes for proper govern-
7 ment safeguards to data management and privacy for in-
8 corporation into the implementation of Section 846 to en-
9 sure a competitive environment.

10 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

11 SALARIES AND EXPENSES

12 For payment to the Harry S Truman Scholarship
13 Foundation Trust Fund, established by section 10 of Pub-
14 lic Law 93–642, \$1,000,000, to remain available until ex-
15 pended.

16 MERIT SYSTEMS PROTECTION BOARD

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to carry out functions of the
20 Merit Systems Protection Board pursuant to Reorganiza-
21 tion Plan Numbered 2 of 1978, the Civil Service Reform
22 Act of 1978, and the Whistleblower Protection Act of
23 1989 (5 U.S.C. 5509 note), including services as author-
24 ized by 5 U.S.C. 3109, rental of conference rooms in the
25 District of Columbia and elsewhere, hire of passenger

1 motor vehicles, direct procurement of survey printing, and
2 not to exceed \$2,000 for official reception and representa-
3 tion expenses, \$44,490,000, to remain available until Sep-
4 tember 30, 2020, and in addition not to exceed
5 \$2,345,000, to remain available until September 30, 2020,
6 for administrative expenses to adjudicate retirement ap-
7 peals to be transferred from the Civil Service Retirement
8 and Disability Fund in amounts determined by the Merit
9 Systems Protection Board.

10 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

11 OPERATING EXPENSES

12 For necessary expenses in connection with the admin-
13 istration of the National Archives and Records Adminis-
14 tration and archived Federal records and related activities,
15 as provided by law, and for expenses necessary for the re-
16 view and declassification of documents, the activities of
17 the Public Interest Declassification Board, the operations
18 and maintenance of the electronic records archives, the
19 hire of passenger motor vehicles, and for uniforms or al-
20 lowances therefor, as authorized by law (5 U.S.C. 5901),
21 including maintenance, repairs, and cleaning,
22 \$372,400,000.

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General in carrying out the provisions of the Inspector

1 General Reform Act of 2008, Public Law 110–409, 122
2 Stat. 4302–16 (2008), and the Inspector General Act of
3 1978 (5 U.S.C. App.), and for the hire of passenger motor
4 vehicles, \$4,823,000.

5 REPAIRS AND RESTORATION

6 For the repair, alteration, and improvement of ar-
7 chives facilities, and to provide adequate storage for hold-
8 ings, \$7,500,000, to remain available until expended.

9 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

10 COMMISSION

11 GRANTS PROGRAM

12 For necessary expenses for allocations and grants for
13 historical publications and records as authorized by 44
14 U.S.C. 2504, \$6,000,000, to remain available until ex-
15 pended.

16 NATIONAL CREDIT UNION ADMINISTRATION

17 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

18 For the Community Development Revolving Loan
19 Fund program as authorized by 42 U.S.C. 9812, 9822
20 and 9910, \$2,000,000 shall be available until September
21 30, 2020, for technical assistance to low-income des-
22 ignated credit unions.

1 OFFICE OF GOVERNMENT ETHICS
2 SALARIES AND EXPENSES

3 For necessary expenses to carry out functions of the
4 Office of Government Ethics pursuant to the Ethics in
5 Government Act of 1978, the Ethics Reform Act of 1989,
6 and the Stop Trading on Congressional Knowledge Act of
7 2012, including services as authorized by 5 U.S.C. 3109,
8 rental of conference rooms in the District of Columbia and
9 elsewhere, hire of passenger motor vehicles, and not to ex-
10 ceed \$1,500 for official reception and representation ex-
11 penses, \$17,019,000.

12 OFFICE OF PERSONNEL MANAGEMENT
13 SALARIES AND EXPENSES
14 (INCLUDING TRANSFER OF TRUST FUNDS)

15 For necessary expenses to carry out functions of the
16 Office of Personnel Management (OPM) pursuant to Re-
17 organization Plan Numbered 2 of 1978 and the Civil Serv-
18 ice Reform Act of 1978, including services as authorized
19 by 5 U.S.C. 3109; medical examinations performed for
20 veterans by private physicians on a fee basis; rental of con-
21 ference rooms in the District of Columbia and elsewhere;
22 hire of passenger motor vehicles; not to exceed \$2,500 for
23 official reception and representation expenses; advances
24 for reimbursements to applicable funds of OPM and the
25 Federal Bureau of Investigation for expenses incurred

1 under Executive Order No. 10422 of January 9, 1953,
2 as amended; and payment of per diem and/or subsistence
3 allowances to employees where Voting Rights Act activities
4 require an employee to remain overnight at his or her post
5 of duty, \$132,172,000: *Provided*, That of the total amount
6 made available under this heading, not to exceed
7 \$14,000,000 shall remain available until September 30,
8 2020, for information technology infrastructure mod-
9 ernization and Trust Fund Federal Financial System mi-
10 gration or modernization, and shall be in addition to funds
11 otherwise made available for such purposes upon submit-
12 ting to the Committees on Appropriations of the Senate
13 and House of Representatives the plan of expenditure as
14 required by the “Consolidated Appropriations Act, 2017”:
15 *Provided further*, That the amount made available by the
16 previous proviso may not be obligated until the Director
17 of the Office of Personnel Management submits to the
18 Committees on Appropriations of the Senate and the
19 House of Representatives within 90 days of enactment a
20 plan for expenditure of such amount, prepared in con-
21 sultation with the Director of the Office of Management
22 and Budget, the Administrator of the United States Dig-
23 ital Service, and the Secretary of Homeland Security,
24 that—

1 (1) identifies the full scope and cost of the IT
2 systems remediation and stabilization project;

3 (2) meets the capital planning and investment
4 control review requirements established by the Office
5 of Management and Budget, including Circular A-
6 11, part 7;

7 (3) includes a Major IT Business Case under
8 the requirements established by the Office of Man-
9 agement and Budget Exhibit 300;

10 (4) complies with the acquisition rules, require-
11 ments, guidelines, and systems acquisition manage-
12 ment practices of the Government;

13 (5) complies with all Office of Management and
14 Budget, Department of Homeland Security and Na-
15 tional Institute of Standards and Technology re-
16 quirements related to securing the agency's informa-
17 tion system as described in 44 U.S.C. 3554; and

18 (6) is reviewed and commented upon within 60
19 days of plan development by the Inspector General
20 of the Office of Personnel Management, and such
21 comments are submitted to the Director of the Of-
22 fice of Personnel Management before the date of
23 such submission:

24 *Provided further*, That of the total amount made available
25 under this heading, \$639,018 may be made available for

1 strengthening the capacity and capabilities of the acquisi-
2 tion workforce (as defined by the Office of Federal Pro-
3 curement Policy Act, as amended (41 U.S.C. 4001 et
4 seq.)), including the recruitment, hiring, training, and re-
5 tention of such workforce and information technology in
6 support of acquisition workforce effectiveness or for man-
7 agement solutions to improve acquisition management;
8 and in addition \$133,483,000 for administrative expenses,
9 to be transferred from the appropriate trust funds of OPM
10 without regard to other statutes, including direct procure-
11 ment of printed materials, for the retirement and insur-
12 ance programs: *Provided further*, That the provisions of
13 this appropriation shall not affect the authority to use ap-
14 plicable trust funds as provided by sections 8348(a)(1)(B),
15 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title
16 5, United States Code: *Provided further*, That no part of
17 this appropriation shall be available for salaries and ex-
18 penses of the Legal Examining Unit of OPM established
19 pursuant to Executive Order No. 9358 of July 1, 1943,
20 or any successor unit of like purpose: *Provided further*,
21 That the President's Commission on White House Fel-
22 lows, established by Executive Order No. 11183 of Octo-
23 ber 3, 1964, may, during fiscal year 2019, accept dona-
24 tions of money, property, and personal services: *Provided*
25 *further*, That such donations, including those from prior

1 years, may be used for the development of publicity mate-
2 rials to provide information about the White House Fel-
3 lows, except that no such donations shall be accepted for
4 travel or reimbursement of travel expenses, or for the sala-
5 ries of employees of such Commission.

6 OFFICE OF INSPECTOR GENERAL
7 SALARIES AND EXPENSES
8 (INCLUDING TRANSFER OF TRUST FUNDS)

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, including services as authorized by
12 5 U.S.C. 3109, hire of passenger motor vehicles,
13 \$5,000,000, and in addition, not to exceed \$25,265,000
14 for administrative expenses to audit, investigate, and pro-
15 vide other oversight of the Office of Personnel Manage-
16 ment's retirement and insurance programs, to be trans-
17 ferred from the appropriate trust funds of the Office of
18 Personnel Management, as determined by the Inspector
19 General: *Provided*, That the Inspector General is author-
20 ized to rent conference rooms in the District of Columbia
21 and elsewhere.

22 OFFICE OF SPECIAL COUNSEL
23 SALARIES AND EXPENSES

24 For necessary expenses to carry out functions of the
25 Office of Special Counsel pursuant to Reorganization Plan

1 Numbered 2 of 1978, the Civil Service Reform Act of
2 1978 (Public Law 95–454), the Whistleblower Protection
3 Act of 1989 (Public Law 101–12) as amended by Public
4 Law 107–304, the Whistleblower Protection Enhancement
5 Act of 2012 (Public Law 112–199), and the Uniformed
6 Services Employment and Reemployment Rights Act of
7 1994 (Public Law 103–353), including services as author-
8 ized by 5 U.S.C. 3109, payment of fees and expenses for
9 witnesses, rental of conference rooms in the District of Co-
10 lumbia and elsewhere, and hire of passenger motor vehi-
11 cles; \$26,252,000.

12 POSTAL REGULATORY COMMISSION

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the Postal Regulatory
16 Commission in carrying out the provisions of the Postal
17 Accountability and Enhancement Act (Public Law 109–
18 435), \$15,200,000, to be derived by transfer from the
19 Postal Service Fund and expended as authorized by sec-
20 tion 603(a) of such Act.

21 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

22 SALARIES AND EXPENSES

23 For necessary expenses of the Privacy and Civil Lib-
24 erties Oversight Board, as authorized by section 1061 of
25 the Intelligence Reform and Terrorism Prevention Act of

1 2004 (42 U.S.C. 2000ee), \$5,000,000, to remain available
2 until September 30, 2020.

3 PUBLIC BUILDINGS REFORM BOARD

4 SALARIES AND EXPENSES

5 For salaries and expenses of the Public Buildings Re-
6 form Board in carrying out the Federal Assets Sale and
7 Transfer Act of 2016 (Public Law 114–287), \$2,000,000,
8 to remain available until expended.

9 SECURITIES AND EXCHANGE COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses for the Securities and Ex-
12 change Commission, including services as authorized by
13 5 U.S.C. 3109, the rental of space (to include multiple
14 year leases) in the District of Columbia and elsewhere, and
15 not to exceed \$3,500 for official reception and representa-
16 tion expenses, \$1,658,302,000, to remain available until
17 expended; of which not less than \$15,206,000 shall be for
18 the Office of Inspector General; of which not to exceed
19 \$75,000 shall be available for a permanent secretariat for
20 the International Organization of Securities Commissions;
21 and of which not to exceed \$100,000 shall be available
22 for expenses for consultations and meetings hosted by the
23 Commission with foreign governmental and other regu-
24 latory officials, members of their delegations and staffs to
25 exchange views concerning securities matters, such ex-

1 penses to include necessary logistic and administrative ex-
2 penses and the expenses of Commission staff and foreign
3 invitees in attendance including: (1) incidental expenses
4 such as meals; (2) travel and transportation; and (3) re-
5 lated lodging or subsistence.

6 In addition to the foregoing appropriation, for costs
7 associated with relocation under a replacement lease for
8 the Commission's New York regional office facilities, not
9 to exceed \$37,189,000, to remain available until expended:
10 *Provided*, That for purposes of calculating the fee rate
11 under section 31(j) of the Securities Exchange Act of
12 1934 (15 U.S.C. 78ee(j)) for fiscal year 2019, all amounts
13 appropriated under this heading shall be deemed to be the
14 regular appropriation to the Commission for fiscal year
15 2019: *Provided further*, That fees and charges authorized
16 by section 31 of the Securities Exchange Act of 1934 (15
17 U.S.C. 78ee) shall be credited to this account as offsetting
18 collections: *Provided further*, That not to exceed
19 \$1,658,302,000 of such offsetting collections shall be
20 available until expended for necessary expenses of this ac-
21 count and not to exceed \$37,189,000 of such offsetting
22 collections shall be available until expended for costs under
23 this heading associated with relocation under a replace-
24 ment lease for the Commission's New York regional office
25 facilities: *Provided further*, That the total amount appro-

1 priated under this heading from the general fund for fiscal
2 year 2019 shall be reduced as such offsetting fees are re-
3 ceived so as to result in a final total fiscal year 2019 ap-
4 propriation from the general fund estimated at not more
5 than \$0: *Provided further*, That if any amount of the ap-
6 propriation for costs associated with relocation under a re-
7 placement lease for the Commission's New York regional
8 office facilities is subsequently de-obligated by the Com-
9 mission, such amount that was derived from the general
10 fund shall be returned to the general fund, and such
11 amounts that were derived from fees or assessments col-
12 lected for such purpose shall be paid to each national secu-
13 rities exchange and national securities association, respec-
14 tively, in proportion to any fees or assessments paid by
15 such national securities exchange or national securities as-
16 sociation under section 31 of the Securities Exchange Act
17 of 1934 (15 U.S.C. 78ee) in fiscal year 2019.

18 SELECTIVE SERVICE SYSTEM

19 SALARIES AND EXPENSES

20 For necessary expenses of the Selective Service Sys-
21 tem, including expenses of attendance at meetings and of
22 training for uniformed personnel assigned to the Selective
23 Service System, as authorized by 5 U.S.C. 4101–4118 for
24 civilian employees; hire of passenger motor vehicles; serv-
25 ices as authorized by 5 U.S.C. 3109; and not to exceed

1 \$750 for official reception and representation expenses;
2 \$26,000,000: *Provided*, That during the current fiscal
3 year, the President may exempt this appropriation from
4 the provisions of 31 U.S.C. 1341, whenever the President
5 deems such action to be necessary in the interest of na-
6 tional defense: *Provided further*, That none of the funds
7 appropriated by this Act may be expended for or in con-
8 nection with the induction of any person into the Armed
9 Forces of the United States.

10 SMALL BUSINESS ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses, not otherwise provided for,
13 of the Small Business Administration, including hire of
14 passenger motor vehicles as authorized by sections 1343
15 and 1344 of title 31, United States Code, and not to ex-
16 ceed \$3,500 for official reception and representation ex-
17 penses, \$268,500,000, of which not less than \$12,000,000
18 shall be available for examinations, reviews, and other
19 lender oversight activities: *Provided*, That the Adminis-
20 trator is authorized to charge fees to cover the cost of pub-
21 lications developed by the Small Business Administration,
22 and certain loan program activities, including fees author-
23 ized by section 5(b) of the Small Business Act: *Provided*
24 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
25 received from all such activities shall be credited to this

1 account, to remain available until expended, for carrying
2 out these purposes without further appropriations: *Pro-*
3 *vided further*, That the Small Business Administration
4 may accept gifts in an amount not to exceed \$4,000,000
5 and may co-sponsor activities, each in accordance with sec-
6 tion 132(a) of division K of Public Law 108–447, during
7 fiscal year 2019: *Provided further*, That \$6,100,000 shall
8 be available for the Loan Modernization and Accounting
9 System, to be available until September 30, 2020: *Pro-*
10 *vided further*, That \$3,000,000 shall be for the Federal
11 and State Technology Partnership Program under section
12 34 of the Small Business Act (15 U.S.C. 657d).

13 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

14 For necessary expenses of programs supporting en-
15 trepreneurial and small business development,
16 \$251,900,000, to remain available until September 30,
17 2020: *Provided*, That \$132,600,000 shall be available to
18 fund grants for performance in fiscal year 2019 or fiscal
19 year 2020 as authorized by section 21 of the Small Busi-
20 ness Act: *Provided further*, That \$31,600,000 shall be for
21 marketing, management, and technical assistance under
22 section 7(m) of the Small Business Act (15 U.S.C.
23 636(m)(4)) by intermediaries that make microloans under
24 the microloan program: *Provided further*, That
25 \$18,000,000 shall be available for grants to States to

1 carry out export programs that assist small business con-
2 cerns authorized under section 22(l) of the Small Business
3 Act (15 U.S.C. 649(l)).

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, \$21,900,000.

8 OFFICE OF ADVOCACY

9 For necessary expenses of the Office of Advocacy in
10 carrying out the provisions of title II of Public Law 94-
11 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
12 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to
13 remain available until expended.

14 BUSINESS LOANS PROGRAM ACCOUNT

15 (INCLUDING TRANSFER OF FUNDS)

16 For the cost of direct loans, \$4,000,000, to remain
17 available until expended: *Provided*, That such costs, in-
18 cluding the cost of modifying such loans, shall be as de-
19 fined in section 502 of the Congressional Budget Act of
20 1974: *Provided further*, That subject to section 502 of the
21 Congressional Budget Act of 1974, during fiscal year
22 2019 commitments to guarantee loans under section 503
23 of the Small Business Investment Act of 1958 shall not
24 exceed \$7,500,000,000: *Provided further*, That during fis-
25 cal year 2019 commitments for general business loans au-

1 thorized under section 7(a) of the Small Business Act
2 shall not exceed \$30,000,000,000 for a combination of
3 amortizing term loans and the aggregated maximum line
4 of credit provided by revolving loans: *Provided further,*
5 That during fiscal year 2019 commitments for loans au-
6 thorized under subparagraph (C) of section 502(7) of The
7 Small Business Investment Act of 1958 (15 U.S.C.
8 696(7)) shall not exceed \$7,500,000,000: *Provided further,*
9 That during fiscal year 2019 commitments to guarantee
10 loans for debentures under section 303(b) of the Small
11 Business Investment Act of 1958 shall not exceed
12 \$4,000,000,000: *Provided further,* That during fiscal year
13 2019, guarantees of trust certificates authorized by sec-
14 tion 5(g) of the Small Business Act shall not exceed a
15 principal amount of \$12,000,000,000. In addition, for ad-
16 ministrative expenses to carry out the direct and guaran-
17 teed loan programs, \$155,150,000, which may be trans-
18 ferred to and merged with the appropriations for Salaries
19 and Expenses.

20 DISASTER LOANS PROGRAM ACCOUNT

21 (INCLUDING TRANSFERS OF FUNDS)

22 For administrative expenses to carry out the direct
23 loan program authorized by section 7(b) of the Small
24 Business Act, \$31,308,000, to be available until expended,
25 of which \$1,000,000 is for the Office of Inspector General

1 of the Small Business Administration for audits and re-
2 views of disaster loans and the disaster loan programs and
3 shall be transferred to and merged with the appropriations
4 for the Office of Inspector General; of which \$22,308,000
5 is for direct administrative expenses of loan making and
6 servicing to carry out the direct loan program, which may
7 be transferred to and merged with the appropriations for
8 Salaries and Expenses; and of which \$9,000,000 is for in-
9 direct administrative expenses for the direct loan program,
10 which may be transferred to and merged with the appro-
11 priations for Salaries and Expenses.

12 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

13 ADMINISTRATION

14 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

15 SEC. 530. Not to exceed 5 percent of any appropria-
16 tion made available for the current fiscal year for the
17 Small Business Administration in this Act may be trans-
18 ferred between such appropriations, but no such appro-
19 priation shall be increased by more than 10 percent by
20 any such transfers: *Provided*, That any transfer pursuant
21 to this paragraph shall be treated as a reprogramming of
22 funds under section 608 of this Act and shall not be avail-
23 able for obligation or expenditure except in compliance
24 with the procedures set forth in that section.

1 SEC. 531. Of the unobligated balances from prior
2 year appropriations available under the “Business Loans
3 Program Account” heading for the Certified Development
4 Company Program, \$50,000,000 are hereby permanently
5 rescinded: *Provided*, That no amounts may be rescinded
6 under this section from amounts that were designated by
7 the Congress as an emergency requirement pursuant to
8 a concurrent resolution on the budget or the Balanced
9 Budget and Emergency Deficit Control Act of 1985.

10 SEC. 532. Section 12085 of Public Law 110–246 is
11 repealed.

12 UNITED STATES POSTAL SERVICE

13 PAYMENT TO THE POSTAL SERVICE FUND

14 For payment to the Postal Service Fund for revenue
15 forgone on free and reduced rate mail, pursuant to sub-
16 sections (c) and (d) of section 2401 of title 39, United
17 States Code, \$58,118,000: *Provided*, That mail for over-
18 seas voting and mail for the blind shall continue to be free:
19 *Provided further*, That 6-day delivery and rural delivery
20 of mail shall continue at not less than the 1983 level: *Pro-*
21 *vided further*, That none of the funds made available to
22 the Postal Service by this Act shall be used to implement
23 any rule, regulation, or policy of charging any officer or
24 employee of any State or local child support enforcement
25 agency, or any individual participating in a State or local

1 program of child support enforcement, a fee for informa-
2 tion requested or provided concerning an address of a
3 postal customer: *Provided further*, That none of the funds
4 provided in this Act shall be used to consolidate or close
5 small rural and other small post offices: *Provided further*,
6 That the Postal Service shall maintain and comply with
7 service standards for First Class Mail and periodicals ef-
8 fective on July 1, 2012.

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, \$250,000,000, to be derived by
15 transfer from the Postal Service Fund and expended as
16 authorized by section 603(b)(3) of the Postal Account-
17 ability and Enhancement Act (Public Law 109–435).

18 UNITED STATES TAX COURT

19 SALARIES AND EXPENSES

20 For necessary expenses, including contract reporting
21 and other services as authorized by 5 U.S.C. 3109,
22 \$51,515,000, of which \$500,000 shall remain available
23 until expended: *Provided*, That travel expenses of the
24 judges shall be paid upon the written certificate of the
25 judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

1
2
3 SEC. 601. None of the funds in this Act shall be used
4 for the planning or execution of any program to pay the
5 expenses of, or otherwise compensate, non-Federal parties
6 intervening in regulatory or adjudicatory proceedings
7 funded in this Act.

8 SEC. 602. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 603. The expenditure of any appropriation
13 under this Act for any consulting service through procure-
14 ment contract pursuant to 5 U.S.C. 3109, shall be limited
15 to those contracts where such expenditures are a matter
16 of public record and available for public inspection, except
17 where otherwise provided under existing law, or under ex-
18 isting Executive order issued pursuant to existing law.

19 SEC. 604. None of the funds made available in this
20 Act may be transferred to any department, agency, or in-
21 strumentality of the United States Government, except
22 pursuant to a transfer made by, or transfer authority pro-
23 vided in, this Act or any other appropriations Act.

1 SEC. 605. None of the funds made available by this
2 Act shall be available for any activity or for paying the
3 salary of any Government employee where funding an ac-
4 tivity or paying a salary to a Government employee would
5 result in a decision, determination, rule, regulation, or pol-
6 icy that would prohibit the enforcement of section 307 of
7 the Tariff Act of 1930 (19 U.S.C. 1307).

8 SEC. 606. No funds appropriated pursuant to this
9 Act may be expended by an entity unless the entity agrees
10 that in expending the assistance the entity will comply
11 with chapter 83 of title 41, United States Code.

12 SEC. 607. No funds appropriated or otherwise made
13 available under this Act shall be made available to any
14 person or entity that has been convicted of violating chap-
15 ter 83 of title 41, United States Code.

16 SEC. 608. Except as otherwise provided in this Act,
17 none of the funds provided in this Act, provided by pre-
18 vious appropriations Acts to the agencies or entities fund-
19 ed in this Act that remain available for obligation or ex-
20 penditure in fiscal year 2019, or provided from any ac-
21 counts in the Treasury derived by the collection of fees
22 and available to the agencies funded by this Act, shall be
23 available for obligation or expenditure through a re-
24 programming of funds that: (1) creates a new program;
25 (2) eliminates a program, project, or activity; (3) increases

1 funds or personnel for any program, project, or activity
2 for which funds have been denied or restricted by the Con-
3 gress; (4) proposes to use funds directed for a specific ac-
4 tivity by the Committee on Appropriations of either the
5 House of Representatives or the Senate for a different
6 purpose; (5) augments existing programs, projects, or ac-
7 tivities in excess of \$5,000,000 or 10 percent, whichever
8 is less; (6) reduces existing programs, projects, or activi-
9 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
10 creates or reorganizes offices, programs, or activities un-
11 less prior approval is received from the Committees on Ap-
12 propriations of the House of Representatives and the Sen-
13 ate: *Provided*, That prior to any significant reorganization
14 or restructuring of offices, programs, or activities, each
15 agency or entity funded in this Act shall consult with the
16 Committees on Appropriations of the House of Represent-
17 atives and the Senate: *Provided further*, That not later
18 than 60 days after the date of enactment of this Act, each
19 agency funded by this Act shall submit a report to the
20 Committees on Appropriations of the House of Represent-
21 atives and the Senate to establish the baseline for applica-
22 tion of reprogramming and transfer authorities for the
23 current fiscal year: *Provided further*, That at a minimum
24 the report shall include: (1) a table for each appropriation
25 with a separate column to display the President's budget

1 request, adjustments made by Congress, adjustments due
2 to enacted rescissions, if appropriate, and the fiscal year
3 enacted level; (2) a delineation in the table for each appro-
4 priation both by object class and program, project, and
5 activity as detailed in the budget appendix for the respec-
6 tive appropriation; and (3) an identification of items of
7 special congressional interest: *Provided further*, That the
8 amount appropriated or limited for salaries and expenses
9 for an agency shall be reduced by \$100,000 per day for
10 each day after the required date that the report has not
11 been submitted to the Congress.

12 SEC. 609. Except as otherwise specifically provided
13 by law, not to exceed 50 percent of unobligated balances
14 remaining available at the end of fiscal year 2019 from
15 appropriations made available for salaries and expenses
16 for fiscal year 2019 in this Act, shall remain available
17 through September 30, 2020, for each such account for
18 the purposes authorized: *Provided*, That a request shall
19 be submitted to the Committees on Appropriations of the
20 House of Representatives and the Senate for approval
21 prior to the expenditure of such funds: *Provided further*,
22 That these requests shall be made in compliance with re-
23 programming guidelines.

1 SEC. 610. (a) None of the funds made available in
2 this Act may be used by the Executive Office of the Presi-
3 dent to request—

4 (1) any official background investigation report
5 on any individual from the Federal Bureau of Inves-
6 tigation; or

7 (2) a determination with respect to the treat-
8 ment of an organization as described in section
9 501(c) of the Internal Revenue Code of 1986 and
10 exempt from taxation under section 501(a) of such
11 Code from the Department of the Treasury or the
12 Internal Revenue Service.

13 (b) Subsection (a) shall not apply—

14 (1) in the case of an official background inves-
15 tigation report, if such individual has given express
16 written consent for such request not more than 6
17 months prior to the date of such request and during
18 the same presidential administration; or

19 (2) if such request is required due to extraor-
20 dinary circumstances involving national security.

21 SEC. 611. The cost accounting standards promul-
22 gated under chapter 15 of title 41, United States Code
23 shall not apply with respect to a contract under the Fed-
24 eral Employees Health Benefits Program established
25 under chapter 89 of title 5, United States Code.

1 SEC. 612. For the purpose of resolving litigation and
2 implementing any settlement agreements regarding the
3 nonforeign area cost-of-living allowance program, the Of-
4 fice of Personnel Management may accept and utilize
5 (without regard to any restriction on unanticipated travel
6 expenses imposed in an Appropriations Act) funds made
7 available to the Office of Personnel Management pursuant
8 to court approval.

9 SEC. 613. No funds appropriated by this Act shall
10 be available to pay for an abortion, or the administrative
11 expenses in connection with any health plan under the
12 Federal employees health benefits program which provides
13 any benefits or coverage for abortions.

14 SEC. 614. The provision of section 613 shall not
15 apply where the life of the mother would be endangered
16 if the fetus were carried to term, or the pregnancy is the
17 result of an act of rape or incest.

18 SEC. 615. In order to promote Government access to
19 commercial information technology, the restriction on pur-
20 chasing nondomestic articles, materials, and supplies set
21 forth in chapter 83 of title 41, United States Code (popu-
22 larly known as the Buy American Act), shall not apply
23 to the acquisition by the Federal Government of informa-
24 tion technology (as defined in section 11101 of title 40,

1 United States Code), that is a commercial item (as defined
2 in section 103 of title 41, United States Code).

3 SEC. 616. Notwithstanding section 1353 of title 31,
4 United States Code, no officer or employee of any regu-
5 latory agency or commission funded by this Act may ac-
6 cept on behalf of that agency, nor may such agency or
7 commission accept, payment or reimbursement from a
8 non-Federal entity for travel, subsistence, or related ex-
9 penses for the purpose of enabling an officer or employee
10 to attend and participate in any meeting or similar func-
11 tion relating to the official duties of the officer or em-
12 ployee when the entity offering payment or reimbursement
13 is a person or entity subject to regulation by such agency
14 or commission, or represents a person or entity subject
15 to regulation by such agency or commission, unless the
16 person or entity is an organization described in section
17 501(c)(3) of the Internal Revenue Code of 1986 and ex-
18 empt from tax under section 501(a) of such Code.

19 SEC. 617. Notwithstanding section 708 of this Act,
20 funds made available to the Commodity Futures Trading
21 Commission and the Securities and Exchange Commission
22 by this or any other Act may be used for the interagency
23 funding and sponsorship of a joint advisory committee to
24 advise on emerging regulatory issues.

1 SEC. 618. (a)(1) Notwithstanding any other provision
2 of law, an Executive agency covered by this Act otherwise
3 authorized to enter into contracts for either leases or the
4 construction or alteration of real property for office, meet-
5 ing, storage, or other space must consult with the General
6 Services Administration before issuing a solicitation for of-
7 fers of new leases or construction contracts, and in the
8 case of succeeding leases, before entering into negotiations
9 with the current lessor.

10 (2) Any such agency with authority to enter into an
11 emergency lease may do so during any period declared by
12 the President to require emergency leasing authority with
13 respect to such agency.

14 (b) For purposes of this section, the term “Executive
15 agency covered by this Act” means any Executive agency
16 provided funds by this Act, but does not include the Gen-
17 eral Services Administration or the United States Postal
18 Service.

19 SEC. 619. (a) There are appropriated for the fol-
20 lowing activities the amounts required under current law:

21 (1) Compensation of the President (3 U.S.C.
22 102).

23 (2) Payments to—

24 (A) the Judicial Officers’ Retirement Fund

25 (28 U.S.C. 377(o));

1 (B) the Judicial Survivors' Annuities Fund
2 (28 U.S.C. 376(c)); and

3 (C) the United States Court of Federal
4 Claims Judges' Retirement Fund (28 U.S.C.
5 178(l)).

6 (3) Payment of Government contributions—

7 (A) with respect to the health benefits of
8 retired employees, as authorized by chapter 89
9 of title 5, United States Code, and the Retired
10 Federal Employees Health Benefits Act (74
11 Stat. 849); and

12 (B) with respect to the life insurance bene-
13 fits for employees retiring after December 31,
14 1989 (5 U.S.C. ch. 87).

15 (4) Payment to finance the unfunded liability of
16 new and increased annuity benefits under the Civil
17 Service Retirement and Disability Fund (5 U.S.C.
18 8348).

19 (5) Payment of annuities authorized to be paid
20 from the Civil Service Retirement and Disability
21 Fund by statutory provisions other than subchapter
22 III of chapter 83 or chapter 84 of title 5, United
23 States Code.

24 (b) Nothing in this section may be construed to ex-
25 empt any amount appropriated by this section from any

1 otherwise applicable limitation on the use of funds con-
2 tained in this Act.

3 SEC. 620. None of the funds made available in this
4 Act may be used by the Federal Trade Commission to
5 complete the draft report entitled “Interagency Working
6 Group on Food Marketed to Children: Preliminary Pro-
7 posed Nutrition Principles to Guide Industry Self-Regu-
8 latory Efforts” unless the Interagency Working Group on
9 Food Marketed to Children complies with Executive Order
10 No. 13563.

11 SEC. 621. None of the funds in this Act may be used
12 for the Director of the Office of Personnel Management
13 to award a contract, enter an extension of, or exercise an
14 option on a contract to a contractor conducting the final
15 quality review processes for background investigation
16 fieldwork services or background investigation support
17 services that, as of the date of the award of the contract,
18 are being conducted by that contractor.

19 SEC. 622. (a) The head of each executive branch
20 agency funded by this Act shall ensure that the Chief In-
21 formation Officer of the agency has the authority to par-
22 ticipate in decisions regarding the budget planning process
23 related to information technology.

24 (b) Amounts appropriated for any executive branch
25 agency funded by this Act that are available for informa-

1 tion technology shall be allocated within the agency, con-
2 sistent with the provisions of appropriations Acts and
3 budget guidelines and recommendations from the Director
4 of the Office of Management and Budget, in such manner
5 as specified by, or approved by, the Chief Information Of-
6 ficer of the agency in consultation with the Chief Financial
7 Officer of the agency and budget officials.

8 SEC. 623. None of the funds made available in this
9 Act may be used in contravention of chapter 29, 31, or
10 33 of title 44, United States Code.

11 SEC. 624. None of the funds made available in this
12 Act may be used by a governmental entity to require the
13 disclosure by a provider of electronic communication serv-
14 ice to the public or remote computing service of the con-
15 tents of a wire or electronic communication that is in elec-
16 tronic storage with the provider (as such terms are defined
17 in sections 2510 and 2711 of title 18, United States Code)
18 in a manner that violates the Fourth Amendment to the
19 Constitution of the United States.

20 SEC. 625. None of the funds appropriated by this Act
21 may be used by the Federal Communications Commission
22 to modify, amend, or change the rules or regulations of
23 the Commission for universal service high-cost support for
24 competitive eligible telecommunications carriers in a way
25 that is inconsistent with paragraph (e)(5) or (e)(6) of sec-

1 tion 54.307 of title 47, Code of Federal Regulations, as
2 in effect on July 15, 2015: *Provided*, That this section
3 shall not prohibit the Commission from considering, devel-
4 oping, or adopting other support mechanisms as an alter-
5 native to Mobility Fund Phase II.

6 SEC. 626. No funds provided in this Act shall be used
7 to deny an Inspector General funded under this Act timely
8 access to any records, documents, or other materials avail-
9 able to the department or agency over which that Inspec-
10 tor General has responsibilities under the Inspector Gen-
11 eral Act of 1978, or to prevent or impede that Inspector
12 General's access to such records, documents, or other ma-
13 terials, under any provision of law, except a provision of
14 law that expressly refers to the Inspector General and ex-
15 pressly limits the Inspector General's right of access. A
16 department or agency covered by this section shall provide
17 its Inspector General with access to all such records, docu-
18 ments, and other materials in a timely manner. Each In-
19 spector General shall ensure compliance with statutory
20 limitations on disclosure relevant to the information pro-
21 vided by the establishment over which that Inspector Gen-
22 eral has responsibilities under the Inspector General Act
23 of 1978. Each Inspector General covered by this section
24 shall report to the Committees on Appropriations of the

1 House of Representatives and the Senate within 5 cal-
2endar days any failures to comply with this requirement.

3 SEC. 627. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

7 (b) Nothing in subsection (a) shall limit the use of
8 funds necessary for any Federal, State, tribal, or local law
9 enforcement agency or any other entity carrying out crimi-
10 nal investigations, prosecution, adjudication activities, or
11 other law enforcement- or victim assistance-related activ-
12 ity.

13 SEC. 628. None of the funds made available by this
14 Act shall be used by the Securities and Exchange Commis-
15 sion to finalize, issue, or implement any rule, regulation,
16 or order regarding the disclosure of political contributions,
17 contributions to tax exempt organizations, or dues paid
18 to trade associations.

19 SEC. 629. Title 44, United States Code, is amended
20 as follows:

21 (1) In subsection (a)(2) of section 2107, by
22 striking “the head of such agency has certified in
23 writing to the Archivist” and inserting “the Archi-
24 vist determines, after consulting with the head of
25 such agency,”.

1 (2) In subsection (d) of section 2904, by strik-
2 ing the first instance of “digital or electronic”.

3 (3) In subsection (e) of section 3303a, by strik-
4 ing “the written consent of” and inserting “advance
5 notice to”.

6 (4) In section 3308, by striking “empower” and
7 inserting “direct”.

8 SEC. 630. None of the funds made available by this
9 Act may be used to enforce the requirements in section
10 316(b)(4)(D) of the Federal Election Campaign Act of
11 1971 (52 U.S.C. 30118(b)(4)(D)) that the solicitation of
12 contributions from member corporations stockholders and
13 executive or administrative personnel, and the families of
14 such stockholders or personnel, by trade associations must
15 be separately and specifically approved by the member cor-
16 poration involved prior to such solicitation, and that such
17 member corporation does not approve any such solicitation
18 by more than one such trade association in any calendar
19 year.

20 SEC. 631. (1) None of the funds appropriated by this
21 Act shall be available to pay for an abortion or the admin-
22 istrative expenses in connection with a multi-State quali-
23 fied health plan offered under a contract under section
24 1334 of the Patient Protection and Affordable Care Act

1 (42 U.S.C. 18054) which provides any benefits or coverage
2 for abortions.

3 (2) The provision of paragraph (1) shall not apply
4 where the life of the mother would be endangered if the
5 fetus were carried to term, or the pregnancy is the result
6 of an act of rape or incest.

7 SEC. 632. None of the funds made available by this
8 Act may be used by the Securities and Exchange Commis-
9 sion to propose, issue, implement, administer, or enforce
10 any requirement that a solicitation of a proxy, consent,
11 or authorization to vote a security of an issuer in an elec-
12 tion of members of the board of directors of the issuer
13 be made using a single ballot or card that lists both indi-
14 viduals nominated by (or on behalf of) the issuer and indi-
15 viduals nominated by (or on behalf of) other proponents
16 and permits the person granting the proxy, consent, or
17 authorization to select from individuals in both groups.

18

19

1 TITLE VII
2 GENERAL PROVISIONS—GOVERNMENT-WIDE
3 DEPARTMENTS, AGENCIES, AND CORPORATIONS
4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 701. No department, agency, or instrumentality
6 of the United States receiving appropriated funds under
7 this or any other Act for fiscal year 2019 shall obligate
8 or expend any such funds, unless such department, agen-
9 cy, or instrumentality has in place, and will continue to
10 administer in good faith, a written policy designed to en-
11 sure that all of its workplaces are free from the illegal
12 use, possession, or distribution of controlled substances
13 (as defined in the Controlled Substances Act (21 U.S.C.
14 802)) by the officers and employees of such department,
15 agency, or instrumentality.

16 SEC. 702. Unless otherwise specifically provided, the
17 maximum amount allowable during the current fiscal year
18 in accordance with subsection 1343(c) of title 31, United
19 States Code, for the purchase of any passenger motor ve-
20 hicle (exclusive of buses, ambulances, law enforcement ve-
21 hicles, protective vehicles, and undercover surveillance ve-
22 hicles), is hereby fixed at \$19,947 except station wagons
23 for which the maximum shall be \$19,997: *Provided*, That
24 these limits may be exceeded by not to exceed \$7,250 for
25 police-type vehicles: *Provided further*, That the limits set

1 forth in this section may not be exceeded by more than
2 5 percent for electric or hybrid vehicles purchased for
3 demonstration under the provisions of the Electric and
4 Hybrid Vehicle Research, Development, and Demonstra-
5 tion Act of 1976: *Provided further*, That the limits set
6 forth in this section may be exceeded by the incremental
7 cost of clean alternative fuels vehicles acquired pursuant
8 to Public Law 101–549 over the cost of comparable con-
9 ventionally fueled vehicles: *Provided further*, That the lim-
10 its set forth in this section shall not apply to any vehicle
11 that is a commercial item and which operates on alter-
12 native fuel, including but not limited to electric, plug-in
13 hybrid electric, and hydrogen fuel cell vehicles.

14 SEC. 703. Appropriations of the executive depart-
15 ments and independent establishments for the current fis-
16 cal year available for expenses of travel, or for the ex-
17 penses of the activity concerned, are hereby made available
18 for quarters allowances and cost-of-living allowances, in
19 accordance with 5 U.S.C. 5922–5924.

20 SEC. 704. Unless otherwise specified in law during
21 the current fiscal year, no part of any appropriation con-
22 tained in this or any other Act shall be used to pay the
23 compensation of any officer or employee of the Govern-
24 ment of the United States (including any agency the ma-
25 jority of the stock of which is owned by the Government

1 of the United States) whose post of duty is in the conti-
2 nental United States unless such person: (1) is a citizen
3 of the United States; (2) is a person who is lawfully admit-
4 ted for permanent residence and is seeking citizenship as
5 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
6 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
7 ed asylum under 8 U.S.C. 1158 and has filed a declaration
8 of intention to become a lawful permanent resident and
9 then a citizen when eligible; or (4) is a person who owes
10 allegiance to the United States: *Provided*, That for pur-
11 poses of this section, affidavits signed by any such person
12 shall be considered prima facie evidence that the require-
13 ments of this section with respect to his or her status are
14 being complied with: *Provided further*, That for purposes
15 of subsections (2) and (3) such affidavits shall be sub-
16 mitted prior to employment and updated thereafter as nec-
17 essary: *Provided further*, That any person making a false
18 affidavit shall be guilty of a felony, and upon conviction,
19 shall be fined no more than \$4,000 or imprisoned for not
20 more than 1 year, or both: *Provided further*, That the
21 above penal clause shall be in addition to, and not in sub-
22 stitution for, any other provisions of existing law: *Provided*
23 *further*, That any payment made to any officer or em-
24 ployee contrary to the provisions of this section shall be
25 recoverable in action by the Federal Government: *Provided*

1 *further*, That this section shall not apply to any person
2 who is an officer or employee of the Government of the
3 United States on the date of enactment of this Act, or
4 to international broadcasters employed by the Broad-
5 casting Board of Governors, or to temporary employment
6 of translators, or to temporary employment in the field
7 service (not to exceed 60 days) as a result of emergencies:
8 *Provided further*, That this section does not apply to the
9 employment as Wildland firefighters for not more than
10 120 days of nonresident aliens employed by the Depart-
11 ment of the Interior or the USDA Forest Service pursuant
12 to an agreement with another country.

13 SEC. 705. Appropriations available to any depart-
14 ment or agency during the current fiscal year for nec-
15 essary expenses, including maintenance or operating ex-
16 penses, shall also be available for payment to the General
17 Services Administration for charges for space and services
18 and those expenses of renovation and alteration of build-
19 ings and facilities which constitute public improvements
20 performed in accordance with the Public Buildings Act of
21 1959 (73 Stat. 479), the Public Buildings Amendments
22 of 1972 (86 Stat. 216), or other applicable law.

23 SEC. 706. In addition to funds provided in this or
24 any other Act, all Federal agencies are authorized to re-
25 ceive and use funds resulting from the sale of materials,

1 including Federal records disposed of pursuant to a
2 records schedule recovered through recycling or waste pre-
3 vention programs. Such funds shall be available until ex-
4 pended for the following purposes:

5 (1) Acquisition, waste reduction and prevention,
6 and recycling programs as described in Executive
7 Order No. 13693 (March 19, 2015), including any
8 such programs adopted prior to the effective date of
9 the Executive order.

10 (2) Other Federal agency environmental man-
11 agement programs, including, but not limited to, the
12 development and implementation of hazardous waste
13 management and pollution prevention programs.

14 (3) Other employee programs as authorized by
15 law or as deemed appropriate by the head of the
16 Federal agency.

17 SEC. 707. Funds made available by this or any other
18 Act for administrative expenses in the current fiscal year
19 of the corporations and agencies subject to chapter 91 of
20 title 31, United States Code, shall be available, in addition
21 to objects for which such funds are otherwise available,
22 for rent in the District of Columbia; services in accordance
23 with 5 U.S.C. 3109; and the objects specified under this
24 head, all the provisions of which shall be applicable to the
25 expenditure of such funds unless otherwise specified in the

1 Act by which they are made available: *Provided*, That in
2 the event any functions budgeted as administrative ex-
3 penses are subsequently transferred to or paid from other
4 funds, the limitations on administrative expenses shall be
5 correspondingly reduced.

6 SEC. 708. No part of any appropriation contained in
7 this or any other Act shall be available for interagency
8 financing of boards (except Federal Executive Boards),
9 commissions, councils, committees, or similar groups
10 (whether or not they are interagency entities) which do
11 not have a prior and specific statutory approval to receive
12 financial support from more than one agency or instru-
13 mentality.

14 SEC. 709. None of the funds made available pursuant
15 to the provisions of this or any other Act shall be used
16 to implement, administer, or enforce any regulation which
17 has been disapproved pursuant to a joint resolution duly
18 adopted in accordance with the applicable law of the
19 United States.

20 SEC. 710. During the period in which the head of
21 any department or agency, or any other officer or civilian
22 employee of the Federal Government appointed by the
23 President of the United States, holds office, no funds may
24 be obligated or expended in excess of \$5,000 to furnish
25 or redecorate the office of such department head, agency

1 head, officer, or employee, or to purchase furniture or
2 make improvements for any such office, unless advance
3 notice of such furnishing or redecoration is transmitted
4 to the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate. For the purposes of this sec-
6 tion, the term “office” shall include the entire suite of of-
7 fices assigned to the individual, as well as any other space
8 used primarily by the individual or the use of which is
9 directly controlled by the individual.

10 SEC. 711. Notwithstanding 31 U.S.C. 1346, or sec-
11 tion 708 of this Act, funds made available for the current
12 fiscal year by this or any other Act shall be available for
13 the interagency funding of national security and emer-
14 gency preparedness telecommunications initiatives which
15 benefit multiple Federal departments, agencies, or enti-
16 ties, as provided by Executive Order No. 13618 (July 6,
17 2012).

18 SEC. 712. (a) None of the funds made available by
19 this or any other Act may be obligated or expended by
20 any department, agency, or other instrumentality of the
21 Federal Government to pay the salaries or expenses of any
22 individual appointed to a position of a confidential or pol-
23 icy-determining character that is excepted from the com-
24 petitive service under section 3302 of title 5, United
25 States Code, (pursuant to schedule C of subpart C of part

1 213 of title 5 of the Code of Federal Regulations) unless
2 the head of the applicable department, agency, or other
3 instrumentality employing such schedule C individual cer-
4 tifies to the Director of the Office of Personnel Manage-
5 ment that the schedule C position occupied by the indi-
6 vidual was not created solely or primarily in order to detail
7 the individual to the White House.

8 (b) The provisions of this section shall not apply to
9 Federal employees or members of the armed forces de-
10 tailed to or from an element of the intelligence community
11 (as that term is defined under section 3(4) of the National
12 Security Act of 1947 (50 U.S.C. 3003(4))).

13 SEC. 713. No part of any appropriation contained in
14 this or any other Act shall be available for the payment
15 of the salary of any officer or employee of the Federal
16 Government, who—

17 (1) prohibits or prevents, or attempts or threat-
18 ens to prohibit or prevent, any other officer or em-
19 ployee of the Federal Government from having any
20 direct oral or written communication or contact with
21 any Member, committee, or subcommittee of the
22 Congress in connection with any matter pertaining
23 to the employment of such other officer or employee
24 or pertaining to the department or agency of such
25 other officer or employee in any way, irrespective of

1 whether such communication or contact is at the ini-
2 tiative of such other officer or employee or in re-
3 sponse to the request or inquiry of such Member,
4 committee, or subcommittee; or

5 (2) removes, suspends from duty without pay,
6 demotes, reduces in rank, seniority, status, pay, or
7 performance or efficiency rating, denies promotion
8 to, relocates, reassigns, transfers, disciplines, or dis-
9 criminate in regard to any employment right, enti-
10 tlement, or benefit, or any term or condition of em-
11 ployment of, any other officer or employee of the
12 Federal Government, or attempts or threatens to
13 commit any of the foregoing actions with respect to
14 such other officer or employee, by reason of any
15 communication or contact of such other officer or
16 employee with any Member, committee, or sub-
17 committee of the Congress as described in paragraph
18 (1).

19 SEC. 714. (a) None of the funds made available in
20 this or any other Act may be obligated or expended for
21 any employee training that—

22 (1) does not meet identified needs for knowl-
23 edge, skills, and abilities bearing directly upon the
24 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing and written end of course evaluation;

7 (4) contains any methods or content associated
8 with religious or quasi-religious belief systems or
9 “new age” belief systems as defined in Equal Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

15 (b) Nothing in this section shall prohibit, restrict, or
16 otherwise preclude an agency from conducting training
17 bearing directly upon the performance of official duties.

18 SEC. 715. No part of any funds appropriated in this
19 or any other Act shall be used by an agency of the execu-
20 tive branch, other than for normal and recognized execu-
21 tive-legislative relationships, for publicity or propaganda
22 purposes, and for the preparation, distribution or use of
23 any kit, pamphlet, booklet, publication, radio, television,
24 or film presentation designed to support or defeat legisla-

1 tion pending before the Congress, except in presentation
2 to the Congress itself.

3 SEC. 716. None of the funds appropriated by this or
4 any other Act may be used by an agency to provide a Fed-
5 eral employee's home address to any labor organization
6 except when the employee has authorized such disclosure
7 or when such disclosure has been ordered by a court of
8 competent jurisdiction.

9 SEC. 717. None of the funds made available in this
10 or any other Act may be used to provide any non-public
11 information such as mailing, telephone or electronic mail-
12 ing lists to any person or any organization outside of the
13 Federal Government without the approval of the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate.

16 SEC. 718. No part of any appropriation contained in
17 this or any other Act shall be used directly or indirectly,
18 including by private contractor, for publicity or propa-
19 ganda purposes within the United States not heretofore
20 authorized by Congress.

21 SEC. 719. (a) In this section, the term "agency"—

22 (1) means an Executive agency, as defined
23 under 5 U.S.C. 105; and

24 (2) includes a military department, as defined
25 under section 102 of such title, the United States

1 Postal Service, and the Postal Regulatory Commis-
2 sion.

3 (b) Unless authorized in accordance with law or regu-
4 lations to use such time for other purposes, an employee
5 of an agency shall use official time in an honest effort
6 to perform official duties. An employee not under a leave
7 system, including a Presidential appointee exempted under
8 5 U.S.C. 6301(2), has an obligation to expend an honest
9 effort and a reasonable proportion of such employee's time
10 in the performance of official duties.

11 SEC. 720. Notwithstanding 31 U.S.C. 1346 and sec-
12 tion 708 of this Act, funds made available for the current
13 fiscal year by this or any other Act to any department
14 or agency, which is a member of the Federal Accounting
15 Standards Advisory Board (FASAB), shall be available to
16 finance an appropriate share of FASAB administrative
17 costs.

18 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
19 tion 708 of this Act, the head of each Executive depart-
20 ment and agency is hereby authorized to transfer to or
21 reimburse "General Services Administration, Government-
22 wide Policy" with the approval of the Director of the Of-
23 fice of Management and Budget, funds made available for
24 the current fiscal year by this or any other Act, including
25 rebates from charge card and other contracts: *Provided,*

1 That these funds shall be administered by the Adminis-
2 trator of General Services to support Government-wide
3 and other multi-agency financial, information technology,
4 procurement, and other management innovations, initia-
5 tives, and activities, including improving coordination and
6 reducing duplication, as approved by the Director of the
7 Office of Management and Budget, in consultation with
8 the appropriate interagency and multi-agency groups des-
9 ignated by the Director (including the President’s Man-
10 agement Council for overall management improvement ini-
11 tiatives, the Chief Financial Officers Council for financial
12 management initiatives, the Chief Information Officers
13 Council for information technology initiatives, the Chief
14 Human Capital Officers Council for human capital initia-
15 tives, the Chief Acquisition Officers Council for procure-
16 ment initiatives, and the Performance Improvement Coun-
17 cil for performance improvement initiatives): *Provided fur-*
18 *ther*, That the total funds transferred or reimbursed shall
19 not exceed \$15,000,000 to improve coordination, reduce
20 duplication, and for other activities related to Federal
21 Government Priority Goals established by 31 U.S.C. 1120,
22 and not to exceed \$17,000,000 for Government-Wide inno-
23 vations, initiatives, and activities: *Provided further*, That
24 the funds transferred to or for reimbursement of “General
25 Services Administration, Government-wide Policy” during

1 fiscal year 2019 shall remain available for obligation
2 through September 30, 2020: *Provided further*, That such
3 transfers or reimbursements may only be made after 15
4 days following notification of the Committees on Appro-
5 priations of the House of Representatives and the Senate
6 by the Director of the Office of Management and Budget.

7 SEC. 722. Notwithstanding any other provision of
8 law, a woman may breastfeed her child at any location
9 in a Federal building or on Federal property, if the woman
10 and her child are otherwise authorized to be present at
11 the location.

12 SEC. 723. Notwithstanding 31 U.S.C. 1346, or sec-
13 tion 708 of this Act, funds made available for the current
14 fiscal year by this or any other Act shall be available for
15 the interagency funding of specific projects, workshops,
16 studies, and similar efforts to carry out the purposes of
17 the National Science and Technology Council (authorized
18 by Executive Order No. 12881), which benefit multiple
19 Federal departments, agencies, or entities: *Provided*, That
20 the Office of Management and Budget shall provide a re-
21 port describing the budget of and resources connected with
22 the National Science and Technology Council to the Com-
23 mittees on Appropriations, the House Committee on
24 Science and Technology, and the Senate Committee on

1 Commerce, Science, and Transportation 90 days after en-
2 actment of this Act.

3 SEC. 724. Any request for proposals, solicitation,
4 grant application, form, notification, press release, or
5 other publications involving the distribution of Federal
6 funds shall comply with any relevant requirements in part
7 200 of title 2, Code of Federal Regulations: *Provided*,
8 That this section shall apply to direct payments, formula
9 funds, and grants received by a State receiving Federal
10 funds.

11 SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY
12 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
13 the funds made available in this or any other Act may
14 be used by any Federal agency—

15 (1) to collect, review, or create any aggregation
16 of data, derived from any means, that includes any
17 personally identifiable information relating to an in-
18 dividual's access to or use of any Federal Govern-
19 ment Internet site of the agency; or

20 (2) to enter into any agreement with a third
21 party (including another government agency) to col-
22 lect, review, or obtain any aggregation of data, de-
23 rived from any means, that includes any personally
24 identifiable information relating to an individual's

1 access to or use of any nongovernmental Internet
2 site.

3 (b) EXCEPTIONS.—The limitations established in
4 subsection (a) shall not apply to—

5 (1) any record of aggregate data that does not
6 identify particular persons;

7 (2) any voluntary submission of personally iden-
8 tifiable information;

9 (3) any action taken for law enforcement, regu-
10 latory, or supervisory purposes, in accordance with
11 applicable law; or

12 (4) any action described in subsection (a)(1)
13 that is a system security action taken by the oper-
14 ator of an Internet site and is necessarily incident
15 to providing the Internet site services or to pro-
16 tecting the rights or property of the provider of the
17 Internet site.

18 (c) DEFINITIONS.—For the purposes of this section:

19 (1) The term “regulatory” means agency ac-
20 tions to implement, interpret or enforce authorities
21 provided in law.

22 (2) The term “supervisory” means examina-
23 tions of the agency’s supervised institutions, includ-
24 ing assessing safety and soundness, overall financial
25 condition, management practices and policies and

1 compliance with applicable standards as provided in
2 law.

3 SEC. 726. (a) None of the funds appropriated by this
4 Act may be used to enter into or renew a contract which
5 includes a provision providing prescription drug coverage,
6 except where the contract also includes a provision for con-
7 traceptive coverage.

8 (b) Nothing in this section shall apply to a contract
9 with—

10 (1) any of the following religious plans:

11 (A) Personal Care's HMO; and

12 (B) OSF HealthPlans, Inc.; and

13 (2) any existing or future plan, if the carrier
14 for the plan objects to such coverage on the basis of
15 religious beliefs.

16 (c) In implementing this section, any plan that enters
17 into or renews a contract under this section may not sub-
18 ject any individual to discrimination on the basis that the
19 individual refuses to prescribe or otherwise provide for
20 contraceptives because such activities would be contrary
21 to the individual's religious beliefs or moral convictions.

22 (d) Nothing in this section shall be construed to re-
23 quire coverage of abortion or abortion-related services.

24 SEC. 727. The United States is committed to ensur-
25 ing the health of its Olympic, Pan American, and

1 Paralympic athletes, and supports the strict adherence to
2 anti-doping in sport through testing, adjudication, edu-
3 cation, and research as performed by nationally recognized
4 oversight authorities.

5 SEC. 728. Notwithstanding any other provision of
6 law, funds appropriated for official travel to Federal de-
7 partments and agencies may be used by such departments
8 and agencies, if consistent with Office of Management and
9 Budget Circular A-126 regarding official travel for Gov-
10 ernment personnel, to participate in the fractional aircraft
11 ownership pilot program.

12 SEC. 729. Notwithstanding any other provision of
13 law, no executive branch agency shall purchase, construct,
14 or lease any additional facilities, except within or contig-
15 uous to existing locations, to be used for the purpose of
16 conducting Federal law enforcement training without the
17 advance approval of the Committees on Appropriations of
18 the House of Representatives and the Senate, except that
19 the Federal Law Enforcement Training Center is author-
20 ized to obtain the temporary use of additional facilities
21 by lease, contract, or other agreement for training which
22 cannot be accommodated in existing Center facilities.

23 SEC. 730. Unless otherwise authorized by existing
24 law, none of the funds provided in this or any other Act
25 may be used by an executive branch agency to produce

1 any prepackaged news story intended for broadcast or dis-
2 tribution in the United States, unless the story includes
3 a clear notification within the text or audio of the pre-
4 packaged news story that the prepackaged news story was
5 prepared or funded by that executive branch agency.

6 SEC. 731. None of the funds made available in this
7 Act may be used in contravention of section 552a of title
8 5, United States Code (popularly known as the Privacy
9 Act), and regulations implementing that section.

10 SEC. 732. (a) IN GENERAL.—None of the funds ap-
11 propriated or otherwise made available by this or any
12 other Act may be used for any Federal Government con-
13 tract with any foreign incorporated entity which is treated
14 as an inverted domestic corporation under section 835(b)
15 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
16 or any subsidiary of such an entity.

17 (b) WAIVERS.—

18 (1) IN GENERAL.—Any Secretary shall waive
19 subsection (a) with respect to any Federal Govern-
20 ment contract under the authority of such Secretary
21 if the Secretary determines that the waiver is re-
22 quired in the interest of national security.

23 (2) REPORT TO CONGRESS.—Any Secretary
24 issuing a waiver under paragraph (1) shall report
25 such issuance to Congress.

1 (c) EXCEPTION.—This section shall not apply to any
2 Federal Government contract entered into before the date
3 of the enactment of this Act, or to any task order issued
4 pursuant to such contract.

5 SEC. 733. During fiscal year 2019, for each employee
6 who—

7 (1) retires under section 8336(d)(2) or
8 8414(b)(1)(B) of title 5, United States Code; or

9 (2) retires under any other provision of sub-
10 chapter III of chapter 83 or chapter 84 of such title
11 5 and receives a payment as an incentive to sepa-
12 rate, the separating agency shall remit to the Civil
13 Service Retirement and Disability Fund an amount
14 equal to the Office of Personnel Management’s aver-
15 age unit cost of processing a retirement claim for
16 the preceding fiscal year. Such amounts shall be
17 available until expended to the Office of Personnel
18 Management and shall be deemed to be an adminis-
19 trative expense under section 8348(a)(1)(B) of title
20 5, United States Code.

21 SEC. 734. (a) None of the funds made available in
22 this or any other Act may be used to recommend or re-
23 quire any entity submitting an offer for a Federal contract
24 to disclose any of the following information as a condition
25 of submitting the offer:

1 (1) Any payment consisting of a contribution,
2 expenditure, independent expenditure, or disburse-
3 ment for an electioneering communication that is
4 made by the entity, its officers or directors, or any
5 of its affiliates or subsidiaries to a candidate for
6 election for Federal office or to a political com-
7 mittee, or that is otherwise made with respect to any
8 election for Federal office.

9 (2) Any disbursement of funds (other than a
10 payment described in paragraph (1)) made by the
11 entity, its officers or directors, or any of its affiliates
12 or subsidiaries to any person with the intent or the
13 reasonable expectation that the person will use the
14 funds to make a payment described in paragraph
15 (1).

16 (b) In this section, each of the terms “contribution”,
17 “expenditure”, “independent expenditure”, “election-
18 eering communication”, “candidate”, “election”, and
19 “Federal office” has the meaning given such term in the
20 Federal Election Campaign Act of 1971 (52 U.S.C. 30101
21 et seq.).

22 SEC. 735. None of the funds made available in this
23 or any other Act may be used to pay for the painting of
24 a portrait of an officer or employee of the Federal govern-
25 ment, including the President, the Vice President, a mem-

1 ber of Congress (including a Delegate or a Resident Com-
2 missioner to Congress), the head of an executive branch
3 agency (as defined in section 133 of title 41, United States
4 Code), or the head of an office of the legislative branch.

5 SEC. 736. (a)(1) Notwithstanding any other provision
6 of law, and except as otherwise provided in this section,
7 no part of any of the funds appropriated for fiscal year
8 2019, by this or any other Act, may be used to pay any
9 prevailing rate employee described in section
10 5342(a)(2)(A) of title 5, United States Code—

11 (A) during the period from the date of expira-
12 tion of the limitation imposed by the comparable sec-
13 tion for the previous fiscal years until the normal ef-
14 fective date of the applicable wage survey adjust-
15 ment that is to take effect in fiscal year 2019, in an
16 amount that exceeds the rate payable for the appli-
17 cable grade and step of the applicable wage schedule
18 in accordance with such section; and

19 (B) during the period consisting of the remain-
20 der of fiscal year 2019, in an amount that exceeds,
21 as a result of a wage survey adjustment, the rate
22 payable under subparagraph (A) by more than the
23 sum of—

24 (i) the percentage adjustment taking effect
25 in fiscal year 2019 under section 5303 of title

1 5, United States Code, in the rates of pay
2 under the General Schedule; and

3 (ii) the difference between the overall aver-
4 age percentage of the locality-based com-
5 parability payments taking effect in fiscal year
6 2019 under section 5304 of such title (whether
7 by adjustment or otherwise), and the overall av-
8 erage percentage of such payments which was
9 effective in the previous fiscal year under such
10 section.

11 (2) Notwithstanding any other provision of law, no
12 prevailing rate employee described in subparagraph (B) or
13 (C) of section 5342(a)(2) of title 5, United States Code,
14 and no employee covered by section 5348 of such title,
15 may be paid during the periods for which paragraph (1)
16 is in effect at a rate that exceeds the rates that would
17 be payable under paragraph (1) were paragraph (1) appli-
18 cable to such employee.

19 (3) For the purposes of this subsection, the rates pay-
20 able to an employee who is covered by this subsection and
21 who is paid from a schedule not in existence on September
22 30, 2018, shall be determined under regulations pre-
23 scribed by the Office of Personnel Management.

24 (4) Notwithstanding any other provision of law, rates
25 of premium pay for employees subject to this subsection

1 may not be changed from the rates in effect on September
2 30, 2018, except to the extent determined by the Office
3 of Personnel Management to be consistent with the pur-
4 pose of this subsection.

5 (5) This subsection shall apply with respect to pay
6 for service performed after September 30, 2017.

7 (6) For the purpose of administering any provision
8 of law (including any rule or regulation that provides pre-
9 mium pay, retirement, life insurance, or any other em-
10 ployee benefit) that requires any deduction or contribu-
11 tion, or that imposes any requirement or limitation on the
12 basis of a rate of salary or basic pay, the rate of salary
13 or basic pay payable after the application of this sub-
14 section shall be treated as the rate of salary or basic pay.

15 (7) Nothing in this subsection shall be considered to
16 permit or require the payment to any employee covered
17 by this subsection at a rate in excess of the rate that would
18 be payable were this subsection not in effect.

19 (8) The Office of Personnel Management may provide
20 for exceptions to the limitations imposed by this sub-
21 section if the Office determines that such exceptions are
22 necessary to ensure the recruitment or retention of quali-
23 fied employees.

24 (b) Notwithstanding subsection (a), the adjustment
25 in rates of basic pay for the statutory pay systems that

1 take place in fiscal year 2019 under sections 5344 and
2 5348 of title 5, United States Code, shall be—

3 (1) not less than the percentage received by em-
4 ployees in the same location whose rates of basic pay
5 are adjusted pursuant to the statutory pay systems
6 under sections 5303 and 5304 of title 5, United
7 States Code: *Provided*, That prevailing rate employ-
8 ees at locations where there are no employees whose
9 pay is increased pursuant to sections 5303 and 5304
10 of title 5, United States Code, and prevailing rate
11 employees described in section 5343(a)(5) of title 5,
12 United States Code, shall be considered to be located
13 in the pay locality designated as “Rest of United
14 States” pursuant to section 5304 of title 5, United
15 States Code, for purposes of this subsection; and

16 (2) effective as of the first day of the first ap-
17 plicable pay period beginning after September 30,
18 2018.

19 SEC. 737. (a) The head of any Executive branch de-
20 partment, agency, board, commission, or office funded by
21 this or any other appropriations Act shall submit annual
22 reports to the Inspector General or senior ethics official
23 for any entity without an Inspector General, regarding the
24 costs and contracting procedures related to each con-
25 ference held by any such department, agency, board, com-

1 mission, or office during fiscal year 2019 for which the
2 cost to the United States Government was more than
3 \$100,000.

4 (b) Each report submitted shall include, for each con-
5 ference described in subsection (a) held during the applica-
6 ble period—

7 (1) a description of its purpose;

8 (2) the number of participants attending;

9 (3) a detailed statement of the costs to the
10 United States Government, including—

11 (A) the cost of any food or beverages;

12 (B) the cost of any audio-visual services;

13 (C) the cost of employee or contractor
14 travel to and from the conference; and

15 (D) a discussion of the methodology used
16 to determine which costs relate to the con-
17 ference; and

18 (4) a description of the contracting procedures
19 used including—

20 (A) whether contracts were awarded on a
21 competitive basis; and

22 (B) a discussion of any cost comparison
23 conducted by the departmental component or
24 office in evaluating potential contractors for the
25 conference.

1 (c) Within 15 days after the end of a quarter, the
2 head of any such department, agency, board, commission,
3 or office shall notify the Inspector General or senior ethics
4 official for any entity without an Inspector General, of the
5 date, location, and number of employees attending a con-
6 ference held by any Executive branch department, agency,
7 board, commission, or office funded by this or any other
8 appropriations Act during fiscal year 2019 for which the
9 cost to the United States Government was more than
10 \$20,000.

11 (d) A grant or contract funded by amounts appro-
12 priated by this or any other appropriations Act may not
13 be used for the purpose of defraying the costs of a con-
14 ference described in subsection (c) that is not directly and
15 programmatically related to the purpose for which the
16 grant or contract was awarded, such as a conference held
17 in connection with planning, training, assessment, review,
18 or other routine purposes related to a project funded by
19 the grant or contract.

20 (e) None of the funds made available in this or any
21 other appropriations Act may be used for travel and con-
22 ference activities that are not in compliance with Office
23 of Management and Budget Memorandum M-12-12
24 dated May 11, 2012 or any subsequent revisions to that
25 memorandum.

1 SEC. 738. None of the funds made available in this
2 or any other appropriations Act may be used to increase,
3 eliminate, or reduce funding for a program, project, or ac-
4 tivity as proposed in the President’s budget request for
5 a fiscal year until such proposed change is subsequently
6 enacted in an appropriation Act, or unless such change
7 is made pursuant to the reprogramming or transfer provi-
8 sions of this or any other appropriations Act.

9 SEC. 739. None of the funds made available by this
10 or any other Act may be used to implement, administer,
11 enforce, or apply the rule entitled “Competitive Area”
12 published by the Office of Personnel Management in the
13 Federal Register on April 15, 2008 (73 Fed. Reg. 2019
14 0 et seq.).

15 SEC. 740. (a) None of the funds appropriated or oth-
16 erwise made available by this or any other Act may be
17 available for a contract, grant, or cooperative agreement
18 with an entity that requires employees or contractors of
19 such entity seeking to report fraud, waste, or abuse to sign
20 internal confidentiality agreements or statements prohib-
21 iting or otherwise restricting such employees or contrac-
22 tors from lawfully reporting such waste, fraud, or abuse
23 to a designated investigative or law enforcement represent-
24 ative of a Federal department or agency authorized to re-
25 ceive such information.

1 (b) The limitation in subsection (a) shall not con-
2 travene requirements applicable to Standard Form 312,
3 Form 4414, or any other form issued by a Federal depart-
4 ment or agency governing the nondisclosure of classified
5 information.

6 SEC. 741. (a) No funds appropriated in this or any
7 other Act may be used to implement or enforce the agree-
8 ments in Standard Forms 312 and 4414 of the Govern-
9 ment or any other nondisclosure policy, form, or agree-
10 ment if such policy, form, or agreement does not contain
11 the following provisions: “These provisions are consistent
12 with and do not supersede, conflict with, or otherwise alter
13 the employee obligations, rights, or liabilities created by
14 existing statute or Executive order relating to (1) classi-
15 fied information, (2) communications to Congress, (3) the
16 reporting to an Inspector General of a violation of any
17 law, rule, or regulation, or mismanagement, a gross waste
18 of funds, an abuse of authority, or a substantial and spe-
19 cific danger to public health or safety, or (4) any other
20 whistleblower protection. The definitions, requirements,
21 obligations, rights, sanctions, and liabilities created by
22 controlling Executive orders and statutory provisions are
23 incorporated into this agreement and are controlling.”:
24 *Provided*, That notwithstanding the preceding provision of
25 this section, a nondisclosure policy form or agreement that

1 is to be executed by a person connected with the conduct
2 of an intelligence or intelligence-related activity, other
3 than an employee or officer of the United States Govern-
4 ment, may contain provisions appropriate to the particular
5 activity for which such document is to be used. Such form
6 or agreement shall, at a minimum, require that the person
7 will not disclose any classified information received in the
8 course of such activity unless specifically authorized to do
9 so by the United States Government. Such nondisclosure
10 forms shall also make it clear that they do not bar disclo-
11 sures to Congress, or to an authorized official of an execu-
12 tive agency or the Department of Justice, that are essen-
13 tial to reporting a substantial violation of law.

14 (b) A nondisclosure agreement may continue to be
15 implemented and enforced notwithstanding subsection (a)
16 if it complies with the requirements for such agreement
17 that were in effect when the agreement was entered into.

18 (c) No funds appropriated in this or any other Act
19 may be used to implement or enforce any agreement en-
20 tered into during fiscal year 2014 which does not contain
21 substantially similar language to that required in sub-
22 section (a).

23 SEC. 742. None of the funds made available by this
24 or any other Act may be used to enter into a contract,
25 memorandum of understanding, or cooperative agreement

1 with, make a grant to, or provide a loan or loan guarantee
2 to, any corporation that has any unpaid Federal tax liabil-
3 ity that has been assessed, for which all judicial and ad-
4 ministrative remedies have been exhausted or have lapsed,
5 and that is not being paid in a timely manner pursuant
6 to an agreement with the authority responsible for col-
7 lecting the tax liability, where the awarding agency is
8 aware of the unpaid tax liability, unless a Federal agency
9 has considered suspension or debarment of the corporation
10 and has made a determination that this further action is
11 not necessary to protect the interests of the Government.

12 SEC. 743. None of the funds made available by this
13 or any other Act may be used to enter into a contract,
14 memorandum of understanding, or cooperative agreement
15 with, make a grant to, or provide a loan or loan guarantee
16 to, any corporation that was convicted of a felony criminal
17 violation under any Federal law within the preceding 24
18 months, where the awarding agency is aware of the convic-
19 tion, unless a Federal agency has considered suspension
20 or debarment of the corporation and has made a deter-
21 mination that this further action is not necessary to pro-
22 tect the interests of the Government.

23 SEC. 744. (a) During fiscal year 2019, on the date
24 on which a request is made for a transfer of funds in ac-
25 cordance with section 1017 of Public Law 111–203, the

1 Bureau of Consumer Financial Protection shall notify the
2 Committees on Appropriations of the House of Represent-
3 atives and the Senate, the Committee on Financial Serv-
4 ices of the House of Representatives, and the Committee
5 on Banking, Housing, and Urban Affairs of the Senate
6 of such request.

7 (b) Any notification required by this section shall be
8 made available on the Bureau's public Web site.

9 SEC. 745. If, for fiscal year 2019, new budget author-
10 ity provided in appropriations Acts exceeds the discre-
11 tionary spending limit for any category set forth in section
12 251(e) of the Balanced Budget and Emergency Deficit
13 Control Act of 1985 due to estimating differences with the
14 Congressional Budget Office, an adjustment to the discre-
15 tionary spending limit in such category for fiscal year
16 2019 shall be made by the Director of the Office of Man-
17 agement and Budget in the amount of the excess but the
18 total of all such adjustments shall not exceed 0.2 percent
19 of the sum of the adjusted discretionary spending limits
20 for all categories for that fiscal year.

21 SEC. 746. None of the funds made available under
22 this or any other Act may be used to implement or enforce
23 Executive Order No. 13690, Establishing a Federal Flood
24 Risk Management Standard and a Process for Further

1 Soliciting and Considering Stakeholder Input, including
2 any related rules, interim final rules, or guidance.

3 SEC. 747. None of the funds made available by this
4 Act may be used to implement, administer, or enforce a
5 rule issued pursuant to section 13(p) of the Securities Ex-
6 change Act of 1934.

7 SEC. 748. None of the funds made available by this
8 Act may be used to plan for, begin, continue, complete,
9 process, or approve a public-private competition under the
10 Office of Management and Budget Circular A-76.

11 SEC. 749. Except as expressly provided otherwise,
12 any reference to “this Act” contained in any title other
13 than title IV or VIII shall not apply to such title IV or
14 VIII.

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA

4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 801. There are appropriated from the applicable
6 funds of the District of Columbia such sums as may be
7 necessary for making refunds and for the payment of legal
8 settlements or judgments that have been entered against
9 the District of Columbia government.

10 SEC. 802. None of the Federal funds provided in this
11 Act shall be used for publicity or propaganda purposes or
12 implementation of any policy including boycott designed
13 to support or defeat legislation pending before Congress
14 or any State legislature.

15 SEC. 803. (a) None of the Federal funds provided
16 under this Act to the agencies funded by this Act, both
17 Federal and District government agencies, that remain
18 available for obligation or expenditure in fiscal year 2019,
19 or provided from any accounts in the Treasury of the
20 United States derived by the collection of fees available
21 to the agencies funded by this Act, shall be available for
22 obligation or expenditures for an agency through a re-
23 programming of funds which—

24 (1) creates new programs;

1 (2) eliminates a program, project, or responsi-
2 bility center;

3 (3) establishes or changes allocations specifi-
4 cally denied, limited or increased under this Act;

5 (4) increases funds or personnel by any means
6 for any program, project, or responsibility center for
7 which funds have been denied or restricted;

8 (5) re-establishes any program or project pre-
9 viously deferred through reprogramming;

10 (6) augments any existing program, project, or
11 responsibility center through a reprogramming of
12 funds in excess of \$3,000,000 or 10 percent, which-
13 ever is less; or

14 (7) increases by 20 percent or more personnel
15 assigned to a specific program, project or responsi-
16 bility center,

17 unless prior approval is received from the Committees on
18 Appropriations of the House of Representatives and the
19 Senate.

20 (b) The District of Columbia government is author-
21 ized to approve and execute reprogramming and transfer
22 requests of local funds under this title through November
23 7, 2019.

24 SEC. 804. None of the Federal funds provided in this
25 Act may be used by the District of Columbia to provide

1 for salaries, expenses, or other costs associated with the
2 offices of United States Senator or United States Rep-
3 resentative under section 4(d) of the District of Columbia
4 Statehood Constitutional Convention Initiatives of 1979
5 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

6 SEC. 805. Except as otherwise provided in this sec-
7 tion, none of the funds made available by this Act or by
8 any other Act may be used to provide any officer or em-
9 ployee of the District of Columbia with an official vehicle
10 unless the officer or employee uses the vehicle only in the
11 performance of the officer’s or employee’s official duties.
12 For purposes of this section, the term “official duties”
13 does not include travel between the officer’s or employee’s
14 residence and workplace, except in the case of—

15 (1) an officer or employee of the Metropolitan
16 Police Department who resides in the District of Co-
17 lumbia or is otherwise designated by the Chief of the
18 Department;

19 (2) at the discretion of the Fire Chief, an offi-
20 cer or employee of the District of Columbia Fire and
21 Emergency Medical Services Department who re-
22 sides in the District of Columbia and is on call 24
23 hours a day;

24 (3) at the discretion of the Director of the De-
25 partment of Corrections, an officer or employee of

1 the District of Columbia Department of Corrections
2 who resides in the District of Columbia and is on
3 call 24 hours a day;

4 (4) at the discretion of the Chief Medical Ex-
5 aminer, an officer or employee of the Office of the
6 Chief Medical Examiner who resides in the District
7 of Columbia and is on call 24 hours a day;

8 (5) at the discretion of the Director of the
9 Homeland Security and Emergency Management
10 Agency, an officer or employee of the Homeland Se-
11 curity and Emergency Management Agency who re-
12 sides in the District of Columbia and is on call 24
13 hours a day;

14 (6) the Mayor of the District of Columbia; and

15 (7) the Chairman of the Council of the District
16 of Columbia.

17 SEC. 806. (a) None of the Federal funds contained
18 in this Act may be used by the District of Columbia Attor-
19 ney General or any other officer or entity of the District
20 government to provide assistance for any petition drive or
21 civil action which seeks to require Congress to provide for
22 voting representation in Congress for the District of Co-
23 lumbia.

24 (b) Nothing in this section bars the District of Co-
25 lumbia Attorney General from reviewing or commenting

1 on briefs in private lawsuits, or from consulting with offi-
2 cials of the District government regarding such lawsuits.

3 SEC. 807. None of the Federal funds contained in
4 this Act may be used to distribute any needle or syringe
5 for the purpose of preventing the spread of blood borne
6 pathogens in any location that has been determined by the
7 local public health or local law enforcement authorities to
8 be inappropriate for such distribution, or used for the op-
9 eration of a supervised drug consumption facility that per-
10 mits the consumption of any substance listed in Schedule
11 I of section 202 of the Controlled Substances Act (21
12 U.S.C. 812) onsite.

13 SEC. 808. Nothing in this Act may be construed to
14 prevent the Council or Mayor of the District of Columbia
15 from addressing the issue of the provision of contraceptive
16 coverage by health insurance plans, but it is the intent
17 of Congress that any legislation enacted on such issue
18 should include a “conscience clause” which provides excep-
19 tions for religious beliefs and moral convictions.

20 SEC. 809. (a) None of the Federal funds contained
21 in this Act may be used to enact or carry out any law,
22 rule, or regulation to legalize or otherwise reduce penalties
23 associated with the possession, use, or distribution of any
24 schedule I substance under the Controlled Substances Act

1 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
2 rivative.

3 (b) No funds available for obligation or expenditure
4 by the District of Columbia government under any author-
5 ity may be used to enact any law, rule, or regulation to
6 legalize or otherwise reduce penalties associated with the
7 possession, use, or distribution of any schedule I substance
8 under the Controlled Substances Act (21 U.S.C. 801 et
9 seq.) or any tetrahydrocannabinols derivative for rec-
10 reational purposes.

11 SEC. 810. No funds available for obligation or ex-
12 penditure by the District of Columbia government under
13 any authority shall be expended for any abortion except
14 where the life of the mother would be endangered if the
15 fetus were carried to term or where the pregnancy is the
16 result of an act of rape or incest.

17 SEC. 811. (a) No later than 30 calendar days after
18 the date of the enactment of this Act, the Chief Financial
19 Officer for the District of Columbia shall submit to the
20 appropriate committees of Congress, the Mayor, and the
21 Council of the District of Columbia, a revised appropriated
22 funds operating budget in the format of the budget that
23 the District of Columbia government submitted pursuant
24 to section 442 of the District of Columbia Home Rule Act
25 (D.C. Official Code, sec. 1-204.42), for all agencies of the

1 District of Columbia government for fiscal year 2019 that
2 is in the total amount of the approved appropriation and
3 that realigns all budgeted data for personal services and
4 other-than-personal services, respectively, with anticipated
5 actual expenditures.

6 (b) This section shall apply only to an agency for
7 which the Chief Financial Officer for the District of Co-
8 lumbia certifies that a reallocation is required to address
9 unanticipated changes in program requirements.

10 SEC. 812. No later than 30 calendar days after the
11 date of the enactment of this Act, the Chief Financial Offi-
12 cer for the District of Columbia shall submit to the appro-
13 priate committees of Congress, the Mayor, and the Council
14 for the District of Columbia, a revised appropriated funds
15 operating budget for the District of Columbia Public
16 Schools that aligns schools budgets to actual enrollment.
17 The revised appropriated funds budget shall be in the for-
18 mat of the budget that the District of Columbia govern-
19 ment submitted pursuant to section 442 of the District
20 of Columbia Home Rule Act (D.C. Official Code, sec. 1-
21 204.42).

22 SEC. 813. (a) Amounts appropriated in this Act as
23 operating funds may be transferred to the District of Co-
24 lumbia's enterprise and capital funds and such amounts,

1 once transferred, shall retain appropriation authority con-
2 sistent with the provisions of this Act.

3 (b) The District of Columbia government is author-
4 ized to reprogram or transfer for operating expenses any
5 local funds transferred or reprogrammed in this or the
6 four prior fiscal years from operating funds to capital
7 funds, and such amounts, once transferred or repro-
8 grammed, shall retain appropriation authority consistent
9 with the provisions of this Act.

10 (c) The District of Columbia government may not
11 transfer or reprogram for operating expenses any funds
12 derived from bonds, notes, or other obligations issued for
13 capital projects.

14 SEC. 814. None of the Federal funds appropriated
15 in this Act shall remain available for obligation beyond
16 the current fiscal year, nor may any be transferred to
17 other appropriations, unless expressly so provided herein.

18 SEC. 815. Except as otherwise specifically provided
19 by law or under this Act, not to exceed 50 percent of unob-
20 ligated balances remaining available at the end of fiscal
21 year 2019 from appropriations of Federal funds made
22 available for salaries and expenses for fiscal year 2019 in
23 this Act, shall remain available through September 30,
24 2020, for each such account for the purposes authorized:
25 *Provided*, That a request shall be submitted to the Com-

1 mittees on Appropriations of the House of Representatives
2 and the Senate for approval prior to the expenditure of
3 such funds: *Provided further*, That these requests shall be
4 made in compliance with reprogramming guidelines out-
5 lined in section 803 of this Act.

6 SEC. 816. (a)(1) During fiscal year 2020, during a
7 period in which neither a District of Columbia continuing
8 resolution or a regular District of Columbia appropriation
9 bill is in effect, local funds are appropriated in the amount
10 provided for any project or activity for which local funds
11 are provided in the Act referred to in paragraph (2) (sub-
12 ject to any modifications enacted by the District of Colum-
13 bia as of the beginning of the period during which this
14 subsection is in effect) at the rate set forth by such Act.

15 (2) The Act referred to in this paragraph is the Act
16 of the Council of the District of Columbia pursuant to
17 which a proposed budget is approved for fiscal year 2020
18 which (subject to the requirements of the District of Co-
19 lumbia Home Rule Act) will constitute the local portion
20 of the annual budget for the District of Columbia govern-
21 ment for fiscal year 2020 for purposes of section 446 of
22 the District of Columbia Home Rule Act (sec. 1-204.46,
23 D.C. Official Code).

24 (b) Appropriations made by subsection (a) shall cease
25 to be available—

1 (1) during any period in which a District of Co-
2 lumbia continuing resolution for fiscal year 2020 is
3 in effect; or

4 (2) upon the enactment into law of the regular
5 District of Columbia appropriation bill for fiscal year
6 2020.

7 (c) An appropriation made by subsection (a) is pro-
8 vided under the authority and conditions as provided
9 under this Act and shall be available to the extent and
10 in the manner that would be provided by this Act.

11 (d) An appropriation made by subsection (a) shall
12 cover all obligations or expenditures incurred for such
13 project or activity during the portion of fiscal year 2020
14 for which this section applies to such project or activity.

15 (e) This section shall not apply to a project or activity
16 during any period of fiscal year 2020 if any other provi-
17 sion of law (other than an authorization of appropria-
18 tions)—

19 (1) makes an appropriation, makes funds avail-
20 able, or grants authority for such project or activity
21 to continue for such period; or

22 (2) specifically provides that no appropriation
23 shall be made, no funds shall be made available, or
24 no authority shall be granted for such project or ac-
25 tivity to continue for such period.

1 (f) Nothing in this section shall be construed to affect
2 obligations of the government of the District of Columbia
3 mandated by other law.

4 SEC. 817. (a) No funds available for obligation or ex-
5 penditure by the District of Columbia government under
6 any authority may be used to enact any act, resolution,
7 rule, regulation, guidance, or other law to permit any per-
8 son to carry out any activity, or to reduce the penalties
9 imposed with respect to any activity, to which subsection
10 (a) of section 3 of the Assisted Suicide Funding Restric-
11 tion Act of 1997 (42 U.S.C. 14402) applies (taking into
12 consideration subsection (b) of such section).

13 (b) Effective February 18, 2017, the Death With
14 Dignity Act of 2016 (D.C. Law 21–182) is hereby re-
15 pealed.

16 SEC. 818. None of the funds made available by this
17 Act may be used to carry out the Reproductive Health
18 Non-Discrimination Amendment Act of 2014 (D.C. Law
19 20–261) or to implement any rule or regulation promul-
20 gated to carry out such Act.

21 SEC. 819. (a) Effective with respect to fiscal year
22 2013 and each succeeding fiscal year, the Local Budget
23 Autonomy Amendment Act of 2012 (D.C. Law 19–321)
24 is hereby repealed, and any provision of law amended or

1 repealed by such Act shall be restored or revived as if such
2 Act had not been enacted into law.

3 (b)(1) Section 450 of the District of Columbia Home
4 Rule Act (sec. 1–204.50, D.C. Official Code) is amend-
5 ed—

6 (A) in the first sentence, by striking “The
7 General Fund” and inserting “(a) IN GEN-
8 ERAL.—The General Fund”; and

9 (B) by adding at the end the following new
10 subsection:

11 “(b) APPLICATION OF FEDERAL APPROPRIATIONS
12 PROCESS.—Nothing in this Act shall be construed as cre-
13 ating a continuing appropriation of the General Fund de-
14 scribed in subsection (a). All funds provided for the Dis-
15 trict of Columbia shall be appropriated on an annual fiscal
16 year basis through the Federal appropriations process.
17 For each fiscal year, the District shall be subject to all
18 applicable requirements of subchapter III of chapter 13
19 and subchapter II of chapter 15 of title 31, United States
20 Code (commonly known as the ‘Anti-Deficiency Act’), the
21 Budget and Accounting Act of 1921, and all other require-
22 ments and restrictions applicable to appropriations for
23 such fiscal year.”.

24 (2) Section 603(a) of such Act (sec. 1–206.03(a),
25 D.C. Official Code) is amended—

1 (A) by striking “existing”; and

2 (B) by striking the period at the end and in-
3 sserting the following: “, or as authorizing the Dis-
4 trict of Columbia to make any such change.”.

5 (3) The amendments made by this subsection shall
6 take effect as if included in the enactment of the District
7 of Columbia Home Rule Act.

8 SEC. 820. Except as expressly provided otherwise,
9 any reference to “this Act” contained in this title or in
10 title IV shall be treated as referring only to the provisions
11 of this title or of title IV.

TITLE IX

FINANCIAL REFORM

Subtitle A—Helping Angels Lead Our Startups Act

- Sec. 901. Definition of angel investor group.
Sec. 902. Clarification of general solicitation.

Subtitle B—Credit Access and Inclusion Act

- Sec. 903. Positive credit reporting permitted.

Subtitle C—Small Business Mergers, Acquisitions, Sales and Brokerage Simplification Act

- Sec. 904. Registration exemption for merger and acquisition brokers.
Sec. 905. Effective date.

Subtitle D—Mortgage Choice Act

- Sec. 906. Definition of points and fees.
Sec. 907. Rulemaking.

Subtitle E—Fair Investment Opportunities for Professional Experts Act

- Sec. 908. Definition of accredited investor.

Subtitle F—Fostering Innovation Act

- Sec. 909. Temporary exemption for low-revenue issuers.

Subtitle G—End Banking for Human Traffickers Act

- Sec. 910. Increasing the role of the financial industry in combating human trafficking.
Sec. 911. Coordination of human trafficking issues by the Office of Terrorism and Financial Intelligence.
Sec. 912. Additional reporting requirement under the Trafficking Victims Protection Act of 2000.
Sec. 913. Minimum standards for the elimination of trafficking.

Subtitle H—Investing in Main Street Act

- Sec. 914. Investment in small business investment companies.

Subtitle I—Privacy Notification Technical Clarification Act

- Sec. 915. Exception to annual notice requirement.

Subtitle J—Financial Institution Customer Protection Act

- Sec. 916. Requirements for deposit account termination requests and orders.

Subtitle K—Encouraging Public Offerings Act

- Sec. 917. Expanding testing the waters and confidential submissions.

Subtitle L—Risk-Based Credit Examination Act

Sec. 918. Risk-Based Examinations of Nationally Recognized Statistical Rating Organizations.

Subtitle M—Protection of Source Code Act

Sec. 919. Procedure for obtaining certain intellectual property.

Subtitle N—Family Office Technical Correction Act

Sec. 920. Accredited investor clarification.

Subtitle O—Market Data Protection Act

Sec. 921. Internal risk controls.

Subtitle P—Financial Stability Oversight Council Improvement Act

Sec. 922. SIFI designation process.

Sec. 923. Rule of construction.

Subtitle Q—[Expanding Access to Capital for Rural Job Creators Act

Sec. 925. Access to capital for rural-area small businesses.

Subtitle R—Volcker Rule Regulatory Harmonization Act

Sec. 926. Rulemaking authority under the Volcker rule.

Sec. 927. Enforcement; anti-evasion.

Sec. 928. Exclusion of community banks from Volcker rule.

Subtitle S—Financial Institution Living Will Improvement Act

Sec. 929. Living will reforms.

Subtitle T—Financial Institutions Examination Fairness and Reform Act

Sec. 930. Amendment to definition of financial institution.

Sec. 931. Timeliness of examination reports.

Sec. 932. Independent Examination Review Director.

Sec. 933. Right to independent review of material supervisory determinations.

Sec. 934. Additional amendments.

Subtitle U—TRID Improvement Act

Sec. 936. Amendments to mortgage disclosure requirements.

Subtitle V—Common Sense Credit Union Capital Relief Act

Sec. 938. Delay in effective date.

Subtitle W—Bureau of Consumer Financial Protection—Inspector General Reform Act

Sec. 939. Appointment of Inspector General.

Sec. 940. Requirements for the Inspector General for the Bureau of Consumer Financial Protection.

Sec. 941. Effective date.

Sec. 942. Transition period.

Subtitle X—BCFP on Appropriations

Sec. 943. Bureau appropriations.

Subtitle Y—Stress Test Relief for Nonbanks

Sec. 944. Stress test relief for nonbanks.

Subtitle Z—Interaffiliate Language

Sec. 945. Interaffiliate treatment with respect to initial margin requirements.

Subtitle AA—Tailored Application of Prudential Standards

Sec. 946. Tailored application of prudential standards.

Subtitle AB—Authority to Remove Bureau Director

Sec. 947. Authority to remove Bureau Director.

Subtitle AC—Congressional Review of Bureau Rulemaking

Sec. 948. Congressional review of Bureau rulemaking.

Sec. 949. Budgetary effects of rules subject to section 802 of title 5, United States Code.

Sec. 950. Government Accountability Office study of rules.

Sec. 951. Effective date.

1 Subtitle A—Helping Angels Lead Our Startups Act

2 DEFINITION OF ANGEL INVESTOR GROUP

3 SEC. 901. As used in this subtitle, the term “angel
4 investor group” means any group that—

5 (1) is composed of accredited investors inter-
6 ested in investing personal capital in early-stage
7 companies;

8 (2) holds regular meetings and has defined
9 processes and procedures for making investment de-
10 cisions, either individually or among the membership
11 of the group as a whole; and

12 (3) is neither associated nor affiliated with bro-
13 kers, dealers, or investment advisers.

1 CLARIFICATION OF GENERAL SOLICITATION

2 SEC. 902. (a) IN GENERAL.—Not later than 6
3 months after the date of enactment of this Act, the Securi-
4 ties and Exchange Commission shall revise Regulation D
5 of its rules (17 C.F.R. 230.500 et seq.) to require that
6 in carrying out the prohibition against general solicitation
7 or general advertising contained in section 230.502(c) of
8 title 17, Code of Federal Regulations, the prohibition shall
9 not apply to a presentation or other communication made
10 by or on behalf of an issuer which is made at an event—

11 (1) sponsored by—

12 (A) the United States or any territory
13 thereof, by the District of Columbia, by any
14 State, by a political subdivision of any State or
15 territory, or by any agency or public instrumen-
16 tality of any of the foregoing;

17 (B) a college, university, or other institu-
18 tion of higher education;

19 (C) a nonprofit organization;

20 (D) an angel investor group;

21 (E) a venture forum, venture capital asso-
22 ciation, or trade association; or

23 (F) any other group, person or entity as
24 the Securities and Exchange Commission may
25 determine by rule;

1 (2) where any advertising for the event does not
2 reference any specific offering of securities by the
3 issuer;

4 (3) the sponsor of which—

5 (A) does not make investment rec-
6 ommendations or provide investment advice to
7 event attendees;

8 (B) does not engage in an active role in
9 any investment negotiations between the issuer
10 and investors attending the event;

11 (C) does not charge event attendees any
12 fees other than administrative fees; and

13 (D) does not receive any compensation
14 with respect to such event that would require
15 registration of the sponsor as a broker or a
16 dealer under the Securities Exchange Act of
17 1934, or as an investment advisor under the In-
18 vestment Advisers Act of 1940; and

19 (4) where no specific information regarding an
20 offering of securities by the issuer is communicated
21 or distributed by or on behalf of the issuer, other
22 than—

23 (A) that the issuer is in the process of of-
24 fering securities or planning to offer securities;

1 (B) the type and amount of securities
2 being offered;

3 (C) the amount of securities being offered
4 that have already been subscribed for; and

5 (D) the intended use of proceeds of the of-
6 fering.

7 (b) RULE OF CONSTRUCTION.—Subsection (a) may
8 only be construed as requiring the Securities and Ex-
9 change Commission to amend the requirements of Regula-
10 tion D with respect to presentations and communications,
11 and not with respect to purchases or sales.

12 Subtitle B—Credit Access and Inclusion Act

13 POSITIVE CREDIT REPORTING PERMITTED

14 SEC. 903. (a) IN GENERAL.—Section 623 of the Fair
15 Credit Reporting Act (15 U.S.C. 1681s–2) is amended by
16 adding at the end the following new subsection:

17 “(f) FULL-FILE CREDIT REPORTING.—

18 “(1) IN GENERAL.—Subject to the limitation in
19 paragraph (2) and notwithstanding any other provi-
20 sion of law, a person or the Secretary of Housing
21 and Urban Development may furnish to a consumer
22 reporting agency information relating to the per-
23 formance of a consumer in making payments—

24 “(A) under a lease agreement with respect
25 to a dwelling, including such a lease in which

1 the Department of Housing and Urban Devel-
2 opment provides subsidized payments for occu-
3 pancy in a dwelling; or

4 “(B) pursuant to a contract for a utility or
5 telecommunications service.

6 “(2) LIMITATION.—Information about a con-
7 sumer’s usage of any utility services provided by a
8 utility or telecommunication firm may be furnished
9 to a consumer reporting agency only to the extent
10 that such information relates to payment by the con-
11 sumer for the services of such utility or tele-
12 communication service or other terms of the provi-
13 sion of the services to the consumer, including any
14 deposit, discount, or conditions for interruption or
15 termination of the services.

16 “(3) PAYMENT PLAN.—An energy utility firm
17 may not report payment information to a consumer
18 reporting agency with respect to an outstanding bal-
19 ance of a consumer as late if—

20 “(A) the energy utility firm and the con-
21 sumer have entered into a payment plan (in-
22 cluding a deferred payment agreement, an ar-
23 rearage management program, or a debt for-
24 giveness program) with respect to such out-
25 standing balance; and

1 “(B) the consumer is meeting the obliga-
2 tions of the payment plan, as determined by the
3 energy utility firm.

4 “(4) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions shall apply:

6 “(A) ENERGY UTILITY FIRM.—The term
7 ‘energy utility firm’ means an entity that pro-
8 vides gas or electric utility services to the pub-
9 lic.

10 “(B) UTILITY OR TELECOMMUNICATION
11 FIRM.—The term ‘utility or telecommunication
12 firm’ means an entity that provides utility serv-
13 ices to the public through pipe, wire, landline,
14 wireless, cable, or other connected facilities, or
15 radio, electronic, or similar transmission (in-
16 cluding the extension of such facilities).”.

17 (b) LIMITATION ON LIABILITY.—Section 623(c) of
18 the Consumer Credit Protection Act (15 U.S.C. 1681s-
19 2(c)) is amended—

20 (1) in paragraph (2), by striking “or” at the
21 end;

22 (2) by redesignating paragraph (3) as para-
23 graph (4); and

24 (3) by inserting after paragraph (2) the fol-
25 lowing new paragraph:

1 “(i) Directly or indirectly, in connec-
2 tion with the transfer of ownership of an
3 eligible privately held company, receives,
4 holds, transmits, or has custody of the
5 funds or securities to be exchanged by the
6 parties to the transaction.

7 “(ii) Engages on behalf of an issuer in
8 a public offering of any class of securities
9 that is registered, or is required to be reg-
10 istered, with the Commission under section
11 12 or with respect to which the issuer files,
12 or is required to file, periodic information,
13 documents, and reports under subsection
14 (d).

15 “(iii) Engages on behalf of any party
16 in a transaction involving a shell company,
17 other than a business combination related
18 shell company.

19 “(iv) Directly, or indirectly through
20 any of its affiliates, provides financing re-
21 lated to the transfer of ownership of an eli-
22 gible privately held company.

23 “(v) Assists any party to obtain fi-
24 nancing from an unaffiliated third party
25 without—

1 “(I) complying with all other ap-
2 plicable laws in connection with such
3 assistance, including, if applicable,
4 Regulation T (12 C.F.R. 220 et seq.);
5 and

6 “(II) disclosing any compensation
7 in writing to the party.

8 “(vi) Represents both the buyer and
9 the seller in the same transaction without
10 providing clear written disclosure as to the
11 parties the broker represents and obtaining
12 written consent from both parties to the
13 joint representation.

14 “(vii) Facilitates a transaction with a
15 group of buyers formed with the assistance
16 of the M&A broker to acquire the eligible
17 privately held company.

18 “(viii) Engages in a transaction in-
19 volving the transfer of ownership of an eli-
20 gible privately held company to a passive
21 buyer or group of passive buyers. For pur-
22 poses of the preceding sentence, a buyer
23 that is actively involved in managing the
24 acquired company is not a passive buyer,

1 regardless of whether such buyer is itself
2 owned by passive beneficial owners.

3 “(ix) Binds a party to a transfer of
4 ownership of an eligible privately held com-
5 pany.

6 “(C) DISQUALIFICATIONS.—An M&A
7 broker is not exempt from registration under
8 this paragraph if such broker is subject to—

9 “(i) suspension or revocation of reg-
10 istration under paragraph (4);

11 “(ii) a statutory disqualification de-
12 scribed in section 3(a)(39);

13 “(iii) a disqualification under the
14 rules adopted by the Commission under
15 section 926 of the Investor Protection and
16 Securities Reform Act of 2010 (15 U.S.C.
17 77d note); or

18 “(iv) a final order described in para-
19 graph (4)(H).

20 “(D) RULE OF CONSTRUCTION.—Nothing
21 in this paragraph shall be construed to limit
22 any other authority of the Commission to ex-
23 empt any person, or any class of persons, from
24 any provision of this title, or from any provision
25 of any rule or regulation thereunder.

1 “(E) DEFINITIONS.—In this paragraph:

2 “(i) BUSINESS COMBINATION RE-
3 LATED SHELL COMPANY.—The term ‘busi-
4 ness combination related shell company’
5 means a shell company that is formed by
6 an entity that is not a shell company—

7 “(I) solely for the purpose of
8 changing the corporate domicile of
9 that entity solely within the United
10 States; or

11 “(II) solely for the purpose of
12 completing a business combination
13 transaction (as defined under section
14 230.165(f) of title 17, Code of Fed-
15 eral Regulations) among one or more
16 entities other than the company itself,
17 none of which is a shell company.

18 “(ii) CONTROL.—The term ‘control’
19 means the power, directly or indirectly, to
20 direct the management or policies of a
21 company, whether through ownership of
22 securities, by contract, or otherwise. There
23 is a presumption of control for any person
24 who—

1 “(I) is a director, general part-
2 ner, member or manager of a limited
3 liability company, or corporate officer
4 of a corporation or limited liability
5 company, and exercises executive re-
6 sponsibility (or has similar status or
7 functions);

8 “(II) has the right to vote 25
9 percent or more of a class of voting
10 securities or the power to sell or direct
11 the sale of 25 percent or more of a
12 class of voting securities; or

13 “(III) in the case of a partner-
14 ship or limited liability company, has
15 the right to receive upon dissolution,
16 or has contributed, 25 percent or
17 more of the capital.

18 “(iii) ELIGIBLE PRIVATELY HELD
19 COMPANY.—The term ‘eligible privately
20 held company’ means a privately held com-
21 pany that meets both of the following con-
22 ditions:

23 “(I) The company does not have
24 any class of securities registered, or
25 required to be registered, with the

1 Commission under section 12 or with
2 respect to which the company files, or
3 is required to file, periodic informa-
4 tion, documents, and reports under
5 subsection (d).

6 “(II) In the fiscal year ending
7 immediately before the fiscal year in
8 which the services of the M&A broker
9 are initially engaged with respect to
10 the securities transaction, the com-
11 pany meets either or both of the fol-
12 lowing conditions (determined in ac-
13 cordance with the historical financial
14 accounting records of the company):

15 “(aa) The earnings of the
16 company before interest, taxes,
17 depreciation, and amortization
18 are less than \$25,000,000.

19 “(bb) The gross revenues of
20 the company are less than
21 \$250,000,000.

22 For purposes of this subclause, the
23 Commission may by rule modify the
24 dollar figures if the Commission deter-
25 mines that such a modification is nec-

1 essary or appropriate in the public in-
2 terest or for the protection of inves-
3 tors.

4 “(iv) M&A BROKER.—The term ‘M&A
5 broker’ means a broker, and any person
6 associated with a broker, engaged in the
7 business of effecting securities transactions
8 solely in connection with the transfer of
9 ownership of an eligible privately held com-
10 pany, regardless of whether the broker acts
11 on behalf of a seller or buyer, through the
12 purchase, sale, exchange, issuance, repur-
13 chase, or redemption of, or a business com-
14 bination involving, securities or assets of
15 the eligible privately held company, if the
16 broker reasonably believes that—

17 “(I) upon consummation of the
18 transaction, any person acquiring se-
19 curities or assets of the eligible pri-
20 vately held company, acting alone or
21 in concert, will control and, directly or
22 indirectly, will be active in the man-
23 agement of the eligible privately held
24 company or the business conducted

1 with the assets of the eligible privately
2 held company; and

3 “(II) if any person is offered se-
4 curities in exchange for securities or
5 assets of the eligible privately held
6 company, such person will, prior to
7 becoming legally bound to consum-
8 mate the transaction, receive or have
9 reasonable access to the most recent
10 fiscal year-end financial statements of
11 the issuer of the securities as custom-
12 arily prepared by the management of
13 the issuer in the normal course of op-
14 erations and, if the financial state-
15 ments of the issuer are audited, re-
16 viewed, or compiled, any related state-
17 ment by the independent accountant,
18 a balance sheet dated not more than
19 120 days before the date of the offer,
20 and information pertaining to the
21 management, business, results of op-
22 erations for the period covered by the
23 foregoing financial statements, and
24 material loss contingencies of the
25 issuer.

1 “(v) SHELL COMPANY.—The term
2 ‘shell company’ means a company that at
3 the time of a transaction with an eligible
4 privately held company—

5 “(I) has no or nominal oper-
6 ations; and

7 “(II) has—

8 “(aa) no or nominal assets;

9 “(bb) assets consisting solely
10 of cash and cash equivalents; or

11 “(cc) assets consisting of
12 any amount of cash and cash
13 equivalents and nominal other as-
14 sets.

15 “(F) INFLATION ADJUSTMENT.—

16 “(i) IN GENERAL.—On the date that
17 is 5 years after the date of the enactment
18 of the Small Business Mergers, Acquisi-
19 tions, Sales, and Brokerage Simplification
20 Act of 2018, and every 5 years thereafter,
21 each dollar amount in subparagraph
22 (E)(ii)(II) shall be adjusted by—

23 “(I) dividing the annual value of
24 the Employment Cost Index For
25 Wages and Salaries, Private Industry

1 Workers (or any successor index), as
 2 published by the Bureau of Labor
 3 Statistics, for the calendar year pre-
 4 ceding the calendar year in which the
 5 adjustment is being made by the an-
 6 nual value of such index (or suc-
 7 cessor) for the calendar year ending
 8 December 31, 2012; and

9 “(II) multiplying such dollar
 10 amount by the quotient obtained
 11 under subclause (I).

12 “(ii) ROUNDING.—Each dollar
 13 amount determined under clause (i) shall
 14 be rounded to the nearest multiple of
 15 \$100,000.”.

16 EFFECTIVE DATE

17 SEC. 905. This subtitle and any amendment made by
 18 this subtitle shall take effect on the date that is 90 days
 19 after the date of the enactment of this Act.

20 Subtitle D—Mortgage Choice Act

21 DEFINITION OF POINTS AND FEES

22 SEC. 906. (a) AMENDMENT TO SECTION 103 OF
 23 TILA.—Section 103(bb)(4) of the Truth in Lending Act
 24 (15 U.S.C. 1602(bb)(4)) is amended—

25 (1) by striking “paragraph (1)(B)” and insert-
 26 ing “paragraph (1)(A) and section 129C”;

1 (2) in subparagraph (C)—

2 (A) by inserting “and insurance” after
3 “taxes”;

4 (B) in clause (ii), by inserting “, except as
5 retained by a creditor or its affiliate as a result
6 of their participation in an affiliated business
7 arrangement (as defined in section 2(7) of the
8 Real Estate Settlement Procedures Act of 1974
9 (12 U.S.C. 2602(7))” after “compensation”;
10 and

11 (C) by striking clause (iii) and inserting
12 the following:

13 “(iii) the charge is—

14 “(I) a bona fide third-party charge
15 not retained by the mortgage originator,
16 creditor, or an affiliate of the creditor or
17 mortgage originator; or

18 “(II) a charge set forth in section
19 106(e)(1);” and

20 (3) in subparagraph (D)—

21 (A) by striking “accident,”; and

22 (B) by striking “or any payments” and in-
23 serting “and any payments”.

1 (b) AMENDMENT TO SECTION 129C OF TILA.—Sec-
2 tion 129C of the Truth in Lending Act (15 U.S.C. 1639c)
3 is amended—

4 (1) in subsection (a)(5)(C), by striking “103”
5 and all that follows through “or mortgage origi-
6 nator” and inserting “103(bb)(4)”; and

7 (2) in subsection (b)(2)(C)(i), by striking “103”
8 and all that follows through “or mortgage origi-
9 nator)” and inserting “103(bb)(4)”.

10 RULEMAKING

11 SEC. 907. Not later than the end of the 90-day period
12 beginning on the date of the enactment of this Act, the
13 Bureau of Consumer Financial Protection shall issue final
14 regulations to carry out the amendments made by this
15 subtitle, and such regulations shall be effective upon
16 issuance.

17 Subtitle E—Fair Investment Opportunities for
18 Professional Experts Act

19 DEFINITION OF ACCREDITED INVESTOR

20 SEC. 908. (a) IN GENERAL.—Section 2(a)(15) of the
21 Securities Act of 1933 (15 U.S.C. 77b(a)(15) is amend-
22 ed—

23 (1) by redesignating clauses (i) and (ii) as sub-
24 paragraphs (A) and (F), respectively; and

1 (2) in subparagraph (A) (as so redesignated),
2 by striking “; or” and inserting a semicolon, and in-
3 serting after such subparagraph the following:

4 “(B) any natural person whose individual
5 net worth, or joint net worth with that person’s
6 spouse, exceeds \$1,000,000 (which amount,
7 along with the amounts set forth in subpara-
8 graph (C), shall be adjusted for inflation by the
9 Commission every 5 years to the nearest
10 \$10,000 to reflect the change in the Consumer
11 Price Index for All Urban Consumers published
12 by the Bureau of Labor Statistics) where, for
13 purposes of calculating net worth under this
14 subparagraph—

15 “(i) the person’s primary residence
16 shall not be included as an asset;

17 “(ii) indebtedness that is secured by
18 the person’s primary residence, up to the
19 estimated fair market value of the primary
20 residence at the time of the sale of securi-
21 ties, shall not be included as a liability (ex-
22 cept that if the amount of such indebted-
23 ness outstanding at the time of sale of se-
24 curities exceeds the amount outstanding 60
25 days before such time, other than as a re-

1 sult of the acquisition of the primary resi-
2 dence, the amount of such excess shall be
3 included as a liability); and

4 “(iii) indebtedness that is secured by
5 the person’s primary residence in excess of
6 the estimated fair market value of the pri-
7 mary residence at the time of the sale of
8 securities shall be included as a liability;

9 “(C) any natural person who had an indi-
10 vidual income in excess of \$200,000 in each of
11 the 2 most recent years or joint income with
12 that person’s spouse in excess of \$300,000 in
13 each of those years and has a reasonable expect-
14 tation of reaching the same income level in the
15 current year;

16 “(D) any natural person who is currently
17 licensed or registered as a broker or investment
18 adviser by the Commission, the Financial In-
19 dustry Regulatory Authority, or an equivalent
20 self-regulatory organization (as defined in sec-
21 tion 3(a)(26) of the Securities Exchange Act of
22 1934), or the securities division of a State or
23 the equivalent State division responsible for li-
24 censing or registration of individuals in connec-
25 tion with securities activities;

1 “(E) any natural person the Commission
2 determines, by regulation, to have demonstrable
3 education or job experience to qualify such per-
4 son as having professional knowledge of a sub-
5 ject related to a particular investment, and
6 whose education or job experience is verified by
7 the Financial Industry Regulatory Authority or
8 an equivalent self-regulatory organization (as
9 defined in section 3(a)(26) of the Securities Ex-
10 change Act of 1934); or”.

11 (b) RULEMAKING.—The Commission shall revise the
12 definition of accredited investor under Regulation D (17
13 C.F.R. 230.501 et seq.) to conform with the amendments
14 made by subsection (a).

15 Subtitle F—Fostering Innovation Act

16 TEMPORARY EXEMPTION FOR LOW-REVENUE ISSUERS

17 SEC. 909. Section 404 of the Sarbanes-Oxley Act of
18 2002 (15 U.S.C. 7262) is amended by adding at the end
19 the following:

20 “(d) TEMPORARY EXEMPTION FOR LOW-REVENUE
21 ISSUERS.—

22 “(1) LOW-REVENUE EXEMPTION.—Subsection
23 (b) shall not apply with respect to an audit report
24 prepared for an issuer that—

1 “(A) ceased to be an emerging growth
2 company on the last day of the fiscal year of
3 the issuer following the fifth anniversary of the
4 date of the first sale of common equity securi-
5 ties of the issuer pursuant to an effective reg-
6 istration statement under the Securities Act of
7 1933;

8 “(B) had average annual gross revenues of
9 less than \$50,000,000 as of its most recently
10 completed fiscal year; and

11 “(C) is not a large accelerated filer.

12 “(2) EXPIRATION OF TEMPORARY EXEMP-
13 TION.—An issuer ceases to be eligible for the exemp-
14 tion described under paragraph (1) at the earliest
15 of—

16 “(A) the last day of the fiscal year of the
17 issuer following the tenth anniversary of the
18 date of the first sale of common equity securi-
19 ties of the issuer pursuant to an effective reg-
20 istration statement under the Securities Act of
21 1933;

22 “(B) the last day of the fiscal year of the
23 issuer during which the average annual gross
24 revenues of the issuer exceed \$50,000,000; or

1 “(C) the date on which the issuer becomes
2 a large accelerated filer.

3 “(3) DEFINITIONS.—For purposes of this sub-
4 section:

5 “(A) AVERAGE ANNUAL GROSS REVE-
6 NUES.—The term ‘average annual gross reve-
7 nues’ means the total gross revenues of an
8 issuer over its most recently completed three
9 fiscal years divided by three.

10 “(B) EMERGING GROWTH COMPANY.—The
11 term ‘emerging growth company’ has the mean-
12 ing given such term under section 3 of the Se-
13 curities Exchange Act of 1934 (15 U.S.C. 78c).

14 “(C) LARGE ACCELERATED FILER.—The
15 term ‘large accelerated filer’ has the meaning
16 given that term under section 240.12b–2 of title
17 17, Code of Federal Regulations, or any suc-
18 cessor thereto.”.

19 Subtitle G—End Banking for Human Traffickers Act
20 INCREASING THE ROLE OF THE FINANCIAL INDUSTRY IN
21 COMBATING HUMAN TRAFFICKING
22 SEC. 910. (a) TREASURY AS A MEMBER OF THE
23 PRESIDENT’S INTERAGENCY TASK FORCE TO MONITOR
24 AND COMBAT TRAFFICKING.—Section 105(b) of the Vic-
25 tims of Trafficking and Violence Protection Act of 2000

1 (22 U.S.C. 7103(b)) is amended by inserting “the Sec-
2 retary of the Treasury,” after “the Secretary of Edu-
3 cation,”.

4 (b) REQUIRED REVIEW OF PROCEDURES.—Not later
5 than 180 days after the date of the enactment of this Act,
6 the Financial Institutions Examination Council, in con-
7 sultation with the Secretary of the Treasury, the private
8 sector, and appropriate law enforcement agencies, shall—

9 (1) review and enhance training and examina-
10 tions procedures to improve the capabilities of anti-
11 money laundering and countering the financing of
12 terrorism programs to detect financial transactions
13 relating to severe forms of trafficking in persons;

14 (2) review and enhance procedures for referring
15 potential cases relating to severe forms of trafficking
16 in persons to the appropriate law enforcement agen-
17 cy; and

18 (3) determine, as appropriate, whether require-
19 ments for financial institutions are sufficient to de-
20 tect and deter money laundering relating to severe
21 forms of trafficking in persons.

22 (c) INTERAGENCY TASK FORCE RECOMMENDATIONS
23 TARGETING MONEY LAUNDERING RELATED TO HUMAN
24 TRAFFICKING.—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date of the enactment of this Act, the
3 Interagency Task Force to Monitor and Combat
4 Trafficking shall submit to the Committee on Finan-
5 cial Services and the Committee on the Judiciary of
6 the House of Representatives, the Committee on
7 Banking, Housing, and Urban Affairs and the Com-
8 mittee on the Judiciary of the Senate, and the head
9 of each appropriate Federal banking agency—

10 (A) an analysis of anti-money laundering
11 efforts of the United States Government and
12 United States financial institutions relating to
13 severe forms of trafficking in persons; and

14 (B) appropriate legislative, administrative,
15 and other recommendations to strengthen ef-
16 forts against money laundering relating to se-
17 vere forms of trafficking in persons.

18 (2) REQUIRED RECOMMENDATIONS.—The rec-
19 ommendations under paragraph (1) shall include—

20 (A) feedback from financial institutions on
21 best practices of successful programs to combat
22 severe forms of trafficking in persons currently
23 in place that may be suitable for broader adop-
24 tion by similarly situated financial institutions;

1 (B) feedback from stakeholders, including
2 victims of severe forms of trafficking in persons
3 and financial institutions, on policy proposals
4 derived from the analysis conducted by the task
5 force referred to in paragraph (1) that would
6 enhance the efforts and programs of financial
7 institutions to detect and deter money laun-
8 dering relating to severe forms of trafficking in
9 persons, including any recommended changes to
10 internal policies, procedures, and controls relat-
11 ing to severe forms of trafficking in persons;

12 (C) any recommended changes to training
13 programs at financial institutions to better
14 equip employees to deter and detect money
15 laundering relating to severe forms of traf-
16 ficking in persons;

17 (D) any recommended changes to expand
18 information sharing relating to severe forms of
19 trafficking in persons among financial institu-
20 tions and between such financial institutions,
21 appropriate law enforcement agencies, and ap-
22 propriate Federal agencies; and

23 (E) recommended changes, if necessary, to
24 existing statutory law to more effectively detect
25 and deter money laundering relating to severe

1 forms of trafficking in persons, where such
2 money laundering involves the use of emerging
3 technologies and virtual currencies.

4 (d) LIMITATION.—Nothing in this subtitle shall be
5 construed to grant rulemaking authority to the Inter-
6 agency Task Force to Monitor and Combat Trafficking.

7 (e) DEFINITIONS.—As used in this section—

8 (1) the term “appropriate Federal banking
9 agency” has the meaning given the term in section
10 3(q) of the Federal Deposit Insurance Act (12
11 U.S.C. 1813(q));

12 (2) the term “severe forms of trafficking in per-
13 sons” has the meaning given such term in section
14 103 of the Trafficking Victims Protection Act of
15 2000 (22 U.S.C. 7102);

16 (3) the term “Interagency Task Force to Mon-
17 itor and Combat Trafficking” means the Interagency
18 Task Force to Monitor and Combat Trafficking es-
19 tablished by the President pursuant to section 105
20 of the Victims of Trafficking and Violence Protec-
21 tion Act of 2000 (22 U.S.C. 7103); and

22 (4) the term “law enforcement agency” means
23 an agency of the United States, a State, or a polit-
24 ical subdivision of a State, authorized by law or by
25 a government agency to engage in or supervise the

1 prevention, detection, investigation, or prosecution of
2 any violation of criminal or civil law.

3 COORDINATION OF HUMAN TRAFFICKING ISSUES BY THE
4 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

5 SEC. 911. (a) FUNCTIONS.—Section 312(a)(4) of
6 title 31, United States Code, is amended—

7 (1) by redesignating subparagraphs (E), (F),
8 and (G) as subparagraphs (F), (G), and (H), respec-
9 tively; and

10 (2) by inserting after subparagraph (D) the fol-
11 lowing:

12 “(E) combating illicit financing relating to
13 severe forms of trafficking in persons;”.

14 (b) INTERAGENCY COORDINATION.—Section 312(a)
15 of title 31, United States Code, is amended by adding at
16 the end the following:

17 “(8) INTERAGENCY COORDINATION.—The Sec-
18 retary of the Treasury, after consultation with the
19 Undersecretary for Terrorism and Financial Crimes,
20 shall designate an office within the OTFI that shall
21 coordinate efforts to combat the illicit financing of
22 severe forms of trafficking in persons with—

23 “(A) other offices of the Department of the
24 Treasury;

25 “(B) other Federal agencies, including—

1 “(i) the Office to Monitor and Combat
2 Trafficking in Persons of the Department
3 of State; and

4 “(ii) the Interagency Task Force to
5 Monitor and Combat Trafficking;

6 “(C) State and local law enforcement agen-
7 cies; and

8 “(D) foreign governments.”.

9 (c) DEFINITION.—Section 312(a) of title 31, United
10 States Code, as amended by this section, is further amend-
11 ed by adding at the end the following:

12 “(9) DEFINITION.—In this subsection, the term
13 ‘severe forms of trafficking in persons’ has the
14 meaning given such term in section 103 of the Traf-
15 ficking Victims Protection Act of 2000 (22 U.S.C.
16 7102).”.

17 ADDITIONAL REPORTING REQUIREMENT UNDER THE
18 TRAFFICKING VICTIMS PROTECTION ACT OF 2000
19 SEC. 912. Section 105(d)(7) of the Trafficking Vic-
20 tims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is
21 amended—

22 (1) in the matter preceding subparagraph (A)—
23 (A) by inserting “the Committee on Finan-
24 cial Services,” after “the Committee on Foreign
25 Affairs,”; and

1 (B) by inserting “the Committee on Bank-
2 ing, Housing, and Urban Affairs,” after “the
3 Committee on Foreign Relations,”;

4 (2) in subparagraph (Q)(vii), by striking “;
5 and” and inserting a semicolon;

6 (3) in subparagraph (R), by striking the period
7 at the end and inserting “; and”; and

8 (4) by adding at the end the following:

9 “(S) the efforts of the United States to
10 eliminate money laundering relating to severe
11 forms of trafficking in persons and the number
12 of investigations, arrests, indictments, and con-
13 victions in money laundering cases with a nexus
14 to severe forms of trafficking in persons.”.

15 MINIMUM STANDARDS FOR THE ELIMINATION OF
16 TRAFFICKING

17 SEC. 913. Section 108(b) of the Trafficking Victims
18 Protection Act of 2000 (22 U.S.C. 7106(b)) is amended
19 by adding at the end the following new paragraph:

20 “(13) Whether the government of the country,
21 consistent with the capacity of the country, has in
22 effect a framework to prevent financial transactions
23 involving the proceeds of severe forms of trafficking
24 in persons, and is taking steps to implement such a
25 framework, including by investigating, prosecuting,

1 convicting, and sentencing individuals who attempt
2 or conduct such transactions.”.

3 Subtitle H—Investing in Main Street Act

4 INVESTMENT IN SMALL BUSINESS INVESTMENT

5 COMPANIES

6 SEC. 914. Section 302(b) of the Small Business In-
7 vestment Act of 1958 (15 U.S.C. 682(b)) is amended—

8 (1) in paragraph (1), by inserting before the pe-
9 riod the following: “or, subject to the approval of the
10 appropriate Federal banking agency, 15 percent of
11 such capital and surplus”;

12 (2) in paragraph (2), by inserting before the pe-
13 riod the following: “or, subject to the approval of the
14 appropriate Federal banking agency, 15 percent of
15 such capital and surplus”; and

16 (3) by adding at the end the following:

17 “(3) APPROPRIATE FEDERAL BANKING AGENCY
18 DEFINED.—For purposes of this subsection, the
19 term ‘appropriate Federal banking agency’ has the
20 meaning given that term under section 3 of the Fed-
21 eral Deposit Insurance Act.”.

1 Subtitle I—Privacy Notification Technical Clarification

2 Act

3 EXCEPTION TO ANNUAL NOTICE REQUIREMENT

4 SEC. 915. Section 503 of the Gramm-Leach-Bliley
5 Act (15 U.S.C. 6803) is amended by adding at the end
6 the following:

7 “(g) ADDITIONAL EXCEPTION TO ANNUAL NOTICE
8 REQUIREMENT.—

9 “(1) IN GENERAL.—A vehicle financial com-
10 pany that has not changed its policies and practices
11 with regard to disclosing nonpublic personal infor-
12 mation from the policies and practices that were dis-
13 closed in the most recent disclosure sent to con-
14 sumers in accordance with this section shall not be
15 required to provide an annual disclosure under this
16 section if—

17 “(A) the vehicle financial company makes
18 its current policy available to consumers on its
19 website and via mail upon written request sent
20 to a designated address identified for the pur-
21 pose of requesting the policy or upon telephone
22 request made using a toll free consumer service
23 telephone number;

1 “(B) the vehicle financial company con-
2 conspicuously notifies consumers of the availability
3 of the current policy, including—

4 “(i) with respect to consumers who
5 are entitled to a periodic billing statement,
6 a message on the front page of each peri-
7 odic billing statement; and

8 “(ii) with respect to consumers who
9 are not entitled to a periodic billing state-
10 ment, through other reasonable means
11 such as through a link on the landing page
12 of the company’s website or with other
13 written communication, including elec-
14 tronic communication, sent to the con-
15 sumer; and

16 “(C) the vehicle financial company—

17 “(i) provides consumers with the abil-
18 ity to opt out, subject to any exemption or
19 exception provided under subsection (b)(2)
20 or (e) of section 502 or under regulations
21 prescribed under section 504(b), of having
22 the consumer’s nonpublic personal infor-
23 mation disclosed to a nonaffiliated third
24 party; and

1 “(ii) includes a description about
2 where to locate the procedures for a con-
3 sumer to select such opt out in each peri-
4 odic billing statement sent to the con-
5 sumer.

6 “(2) TREATMENT OF MULTIPLE POLICIES.—If
7 a vehicle financial company maintains more than one
8 set of policies described under paragraph (1) that
9 vary depending on the consumer’s account status or
10 State of residence, the vehicle financial company
11 may comply with the website posting requirement in
12 paragraph (1)(A) by posting all of such policies to
13 the public section of the vehicle financial company’s
14 website, with instructions for choosing the applicable
15 policy.

16 “(3) VEHICLE FINANCIAL COMPANY DE-
17 FINED.—For purposes of this subsection, the term
18 ‘vehicle financial company’ means—

19 “(A) a financial institution that—

20 “(i) is regularly engaged in the busi-
21 ness of extending credit for the purchase of
22 vehicles;

23 “(ii) is affiliated with a vehicle manu-
24 facturer; and

1 “(iii) only shares nonpublic personal
2 information of consumers with non-
3 affiliated third parties that are vehicle
4 dealers; or

5 “(B) a financial institution that—

6 “(i) regularly engages in the business
7 of extending credit for the purchase or
8 lease of vehicles from vehicle dealers; or

9 “(ii) purchases vehicle installment
10 sales contracts or leases from vehicle deal-
11 ers.”.

12 Subtitle II—Financial Institution Customer Protection

13 Act

14 REQUIREMENTS FOR DEPOSIT ACCOUNT TERMINATION

15 REQUESTS AND ORDERS

16 SEC. 916. (a) TERMINATION REQUESTS OR ORDERS

17 MUST BE VALID.—

18 (1) IN GENERAL.—An appropriate Federal
19 banking agency may not formally or informally re-
20 quest or order a depository institution to terminate
21 a specific customer account or group of customer ac-
22 counts or to otherwise restrict or discourage a de-
23 pository institution from entering into or maintain-
24 ing a banking relationship with a specific customer
25 or group of customers unless—

1 (A) the agency has a valid reason for such
2 request or order; and

3 (B) such reason is not based solely on rep-
4 utation risk.

5 (2) TREATMENT OF NATIONAL SECURITY
6 THREATS.—If an appropriate Federal banking agen-
7 cy believes a specific customer or group of customers
8 is, or is acting as a conduit for, an entity which—

9 (A) poses a threat to national security;

10 (B) is involved in terrorist financing;

11 (C) is an agency of the Government of
12 Iran, North Korea, Syria, or any country listed
13 from time to time on the State Sponsors of
14 Terrorism list;

15 (D) is located in, or is subject to the juris-
16 diction of, any country specified in subpara-
17 graph (C); or

18 (E) does business with any entity described
19 in subparagraph (C) or (D), unless the appro-
20 priate Federal banking agency determines that
21 the customer or group of customers has used
22 due diligence to avoid doing business with any
23 entity described in subparagraph (C) or (D),

24 such belief shall satisfy the requirement under para-
25 graph (1).

1 (b) NOTICE REQUIREMENT.—

2 (1) IN GENERAL.—If an appropriate Federal
3 banking agency formally or informally requests or
4 orders a depository institution to terminate a spe-
5 cific customer account or a group of customer ac-
6 counts, the agency shall—

7 (A) provide such request or order to the
8 institution in writing; and

9 (B) accompany such request or order with
10 a written justification for why such termination
11 is needed, including any specific laws or regula-
12 tions the agency believes are being violated by
13 the customer or group of customers, if any.

14 (2) JUSTIFICATION REQUIREMENT.—A jus-
15 tification described under paragraph (1)(B) may not
16 be based solely on the reputation risk to the deposi-
17 tory institution.

18 (c) CUSTOMER NOTICE.—

19 (1) NOTICE REQUIRED.—Except as provided
20 under paragraph (2) or as otherwise prohibited from
21 being disclosed by law, if an appropriate Federal
22 banking agency orders a depository institution to
23 terminate a specific customer account or a group of
24 customer accounts, the depository institution shall
25 inform the specific customer or group of customers

1 of the justification for the customer's account termi-
2 nation described under subsection (b).

3 (2) NOTICE PROHIBITED.—

4 (A) NOTICE PROHIBITED IN CASES OF NA-
5 TIONAL SECURITY.—If an appropriate Federal
6 banking agency requests or orders a depository
7 institution to terminate a specific customer ac-
8 count or a group of customer accounts based on
9 a belief that the customer or customers pose a
10 threat to national security, or are otherwise de-
11 scribed under subsection (a)(2), neither the de-
12 pository institution nor the appropriate Federal
13 banking agency may inform the customer or
14 customers of the justification for the customer's
15 account termination.

16 (B) NOTICE PROHIBITED IN OTHER
17 CASES.—If an appropriate Federal banking
18 agency determines that the notice required
19 under paragraph (1) may interfere with an au-
20 thorized criminal investigation, neither the de-
21 pository institution nor the appropriate Federal
22 banking agency may inform the specific cus-
23 tomer or group of customers of the justification
24 for the customer's account termination.

1 (d) REPORTING REQUIREMENT.—Each appropriate
2 Federal banking agency shall issue an annual report to
3 the Congress stating—

4 (1) the aggregate number of specific customer
5 accounts that the agency requested or ordered a de-
6 pository institution to terminate during the previous
7 year; and

8 (2) the legal authority on which the agency re-
9 lied in making such requests and orders and the fre-
10 quency on which the agency relied on each such au-
11 thority.

12 (e) DEFINITIONS.—For purposes of this section:

13 (1) APPROPRIATE FEDERAL BANKING AGEN-
14 CY.—The term “appropriate Federal banking agen-
15 cy” means—

16 (A) the appropriate Federal banking agen-
17 cy, as defined under section 3 of the Federal
18 Deposit Insurance Act (12 U.S.C. 1813); and

19 (B) the National Credit Union Administra-
20 tion, in the case of an insured credit union.

21 (2) DEPOSITORY INSTITUTION.—The term “de-
22 pository institution” means—

23 (A) a depository institution, as defined
24 under section 3 of the Federal Deposit Insur-
25 ance Act (12 U.S.C. 1813); and

1 (B) an insured credit union.

2 Subtitle III—Encouraging Public Offerings Act

3 EXPANDING TESTING THE WATERS AND CONFIDENTIAL

4 SUBMISSIONS

5 SEC. 917. The Securities Act of 1933 (15 U.S.C. 77a

6 et seq.) is amended—

7 (1) in section 5(d)—

8 (A) by striking “Notwithstanding” and in-
9 serting the following:

10 “(1) IN GENERAL.—Notwithstanding”;

11 (B) by striking “an emerging growth com-
12 pany or any person authorized to act on behalf
13 of an emerging growth company” and inserting
14 “an issuer or any person authorized to act on
15 behalf of an issuer”; and

16 (C) by adding at the end the following:

17 “(2) ADDITIONAL REQUIREMENTS.—

18 “(A) IN GENERAL.—The Commission may
19 issue regulations, subject to public notice and
20 comment, to impose such other terms, condi-
21 tions, or requirements on the engaging in oral
22 or written communications described under
23 paragraph (1) by an issuer other than an
24 emerging growth company as the Commission
25 determines appropriate.

1 “(B) REPORT TO CONGRESS.—Prior to any
2 rulemaking described under subparagraph (A),
3 the Commission shall issue a report to the Con-
4 gress containing a list of the findings sup-
5 porting the basis of such rulemaking.”; and

6 (2) in section 6(e)—

7 (A) in the heading, by striking “EMERG-
8 ING GROWTH COMPANIES” and inserting
9 “DRAFT REGISTRATION STATEMENTS”;

10 (B) by redesignating paragraph (2) as
11 paragraph (4); and

12 (C) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) PRIOR TO INITIAL PUBLIC OFFERING.—
15 Any issuer, prior to its initial public offering date,
16 may confidentially submit to the Commission a draft
17 registration statement, for confidential nonpublic re-
18 view by the staff of the Commission prior to public
19 filing, provided that the initial confidential submis-
20 sion and all amendments thereto shall be publicly
21 filed with the Commission not later than 15 days be-
22 fore the date on which the issuer conducts a road
23 show (as defined under section 230.433(h)(4) of title
24 17, Code of Federal Regulations) or, in the absence

1 of a road show, at least 15 days prior to the re-
2 requested effective date of the registration statement.

3 “(2) WITHIN 1 YEAR AFTER INITIAL PUBLIC
4 OFFERING OR EXCHANGE REGISTRATION.—Any
5 issuer, within the 1-year period following its initial
6 public offering or its registration of a security under
7 section 12(b) of the Securities Exchange Act of
8 1934, may confidentially submit to the Commission
9 a draft registration statement, for confidential non-
10 public review by the staff of the Commission prior
11 to public filing, provided that the initial confidential
12 submission and all amendments thereto shall be pub-
13 licly filed with the Commission not later than 15
14 days before the date on which the issuer conducts a
15 road show (as defined under section 230.433(h)(4)
16 of title 17, Code of Federal Regulations) or, in the
17 absence of a road show, at least 15 days prior to the
18 requested effective date of the registration state-
19 ment.

20 “(3) ADDITIONAL REQUIREMENTS.—

21 “(A) IN GENERAL.—The Commission may
22 issue regulations, subject to public notice and
23 comment, to impose such other terms, condi-
24 tions, or requirements on the submission of
25 draft registration statements described under

1 this subsection by an issuer other than an
2 emerging growth company as the Commission
3 determines appropriate.

4 “(B) REPORT TO CONGRESS.—Prior to any
5 rulemaking described under subparagraph (A),
6 the Commission shall issue a report to the Con-
7 gress containing a list of the findings sup-
8 porting the basis of such rulemaking.”.

9 Subtitle IV—Risk-Based Credit Examination Act

10 RISK-BASED EXAMINATIONS OF NATIONALLY
11 RECOGNIZED STATISTICAL RATING ORGANIZATIONS

12 SEC. 918.

13 Section 15E(p)(3)(B) of the Securities Exchange Act
14 of 1934 (15 U.S.C. 78o–7(p)(3)(B)) is amended in the
15 matter preceding clause (i), by inserting “, as appro-
16 priate,” after “Each examination under subparagraph (A)
17 shall include”.

18 Subtitle V—Protection of Source Code Act

19 PROCEDURE FOR OBTAINING CERTAIN INTELLECTUAL
20 PROPERTY

21 SEC. 919. (a) PERSONS UNDER SECURITIES ACT OF
22 1933.—Section 8 of the Securities Act of 1933 (15 U.S.C.
23 77h) is amended by adding at the end the following:

24 “(g) PROCEDURE FOR OBTAINING CERTAIN INTEL-
25 LECTUAL PROPERTY.—The Commission is not authorized

1 to compel under this title a person to produce or furnish
2 source code, including algorithmic trading source code or
3 similar intellectual property that forms the basis for de-
4 sign of the source code, to the Commission unless the
5 Commission first issues a subpoena.”.

6 (b) PERSONS UNDER THE SECURITIES EXCHANGE
7 ACT OF 1934.—Section 23 of the Securities Exchange Act
8 of 1934 (15 U.S.C. 78w) is amended by adding at the
9 end the following:

10 “(e) PROCEDURE FOR OBTAINING CERTAIN INTEL-
11 LECTUAL PROPERTY.—The Commission is not authorized
12 to compel under this title a person to produce or furnish
13 source code, including algorithmic trading source code or
14 similar intellectual property that forms the basis for de-
15 sign of the source code, to the Commission unless the
16 Commission first issues a subpoena.”.

17 (c) INVESTMENT COMPANIES.—Section 31 of the In-
18 vestment Company Act of 1940 (15 U.S.C. 80a–30) is
19 amended by adding at the end the following:

20 “(e) PROCEDURE FOR OBTAINING CERTAIN INTEL-
21 LECTUAL PROPERTY.—The Commission is not authorized
22 to compel under this title an investment company to
23 produce or furnish source code, including algorithmic trad-
24 ing source code or similar intellectual property that forms

1 the basis for design of the source code, to the Commission
2 unless the Commission first issues a subpoena.”.

3 (d) INVESTMENT ADVISERS.—Section 204 of the In-
4 vestment Advisers Act of 1940 (15 U.S.C. 80b–4) is
5 amended—

6 (1) by adding at the end the following:

7 “(f) PROCEDURE FOR OBTAINING CERTAIN INTEL-
8 LECTUAL PROPERTY.—The Commission is not authorized
9 to compel under this title an investment adviser to produce
10 or furnish source code, including algorithmic trading
11 source code or similar intellectual property that forms the
12 basis for design of the source code, to the Commission un-
13 less the Commission first issues a subpoena.”; and

14 (2) in the second subsection (d), by striking
15 “(d)” and inserting “(e)”.

16 Subtitle VI—Family Office Technical Correction Act

17 ACCREDITED INVESTOR CLARIFICATION

18 SEC. 920. (a) IN GENERAL.—Subject to subsection
19 (b), any family office or a family client of a family office,
20 as defined in section 275.202(a)(11)(G)–1 of title 17,
21 Code of Federal Regulations, shall be deemed to be an
22 accredited investor, as defined in Regulation D of the Se-
23 curities and Exchange Commission (or any successor
24 thereto) under the Securities Act of 1933.

1 (b) LIMITATION.—Subsection (a) only applies to a
2 family office with assets under management in excess of
3 \$5,000,000, and a family office or a family client not
4 formed for the specific purpose of acquiring the securities
5 offered, and whose purchase is directed by a person who
6 has such knowledge and experience in financial and busi-
7 ness matters that such person is capable of evaluating the
8 merits and risks of the prospective investment.

9 Subtitle VII—Market Data Protection Act

10 INTERNAL RISK CONTROLS

11 SEC. 921. The Securities Exchange Act of 1934 (15
12 U.S.C. 78a et seq.) is amended—

13 (1) by inserting after section 4E the following:

14 **“SEC. 4F. INTERNAL RISK CONTROLS.**

15 “(a) IN GENERAL.—Each of the following entities, in
16 consultation with the Chief Economist, shall develop com-
17 prehensive internal risk control mechanisms to safeguard
18 and govern the storage of all market data by such entity,
19 all market data sharing agreements of such entity, and
20 all academic research performed at such entity using mar-
21 ket data:

22 “(1) The Commission.

23 “(2) Each national securities association reg-
24 istered pursuant to section 15A.

1 “(3) The operator of the consolidated audit
2 trail created by a national market system plan ap-
3 proved pursuant to section 242.613 of title 17, Code
4 of Federal Regulations (or any successor regulation).

5 “(b) CONSOLIDATED AUDIT TRAIL PROHIBITED
6 FROM ACCEPTING MARKET DATA UNTIL MECHANISMS
7 DEVELOPED.—The operator described in paragraph (3) of
8 subsection (a) may not accept market data (or shall cease
9 accepting market data) until the operator has developed
10 the mechanisms required by such subsection. Any require-
11 ment for a person to provide market data to the operator
12 shall not apply during any time when the operator is pro-
13 hibited by this subsection from accepting such data.

14 “(c) TREATMENT OF PREVIOUSLY DEVELOPED
15 MECHANISMS.—The development of comprehensive inter-
16 nal risk control mechanisms required by subsection (a)
17 may occur, in whole or in part, before the date of the en-
18 actment of this section, if such development and such
19 mechanisms meet the requirements of such subsection (in-
20 cluding consultation with the Chief Economist).”;

21 (2) in section 3(a)—

22 (A) by redesignating the second paragraph
23 (80) (relating to funding portals) as paragraph
24 (81); and

25 (B) by adding at the end the following:

1 (B) by redesignating subparagraph (K) as
2 subparagraph (L);

3 (C) by inserting after subparagraph (J)
4 the following:

5 “(K) the appropriateness of the imposition
6 of prudential standards as opposed to other
7 forms of regulation to mitigate the identified
8 risks; and”;

9 (3) by amending subsection (d) to read as fol-
10 lows:

11 “(d) REEVALUATION AND RESCISSION.—

12 “(1) ANNUAL REEVALUATION.—Not less fre-
13 quently than annually, the Council shall reevaluate
14 each determination made under subsections (a) and
15 (b) with respect to a nonbank financial company su-
16 pervised by the Board of Governors and shall—

17 “(A) provide written notice to the nonbank
18 financial company being reevaluated and afford
19 such company an opportunity to submit written
20 materials, within such time as the Council de-
21 termines to be appropriate (but which shall be
22 not less than 30 days after the date of receipt
23 by the company of such notice), to contest the
24 determination, including materials concerning
25 whether, in the company’s view, material finan-

1 cial distress at the company, or the nature,
2 scope, size, scale, concentration, interconnected-
3 ness, or mix of the activities of the company
4 could pose a threat to the financial stability of
5 the United States;

6 “(B) provide an opportunity for the
7 nonbank financial company to meet with the
8 Council to present the information described in
9 subparagraph (A); and

10 “(C) if the Council does not rescind the de-
11 termination, provide notice to the nonbank fi-
12 nancial company, its primary financial regu-
13 latory agency and the primary financial regu-
14 latory agency of any of the company’s signifi-
15 cant subsidiaries of the reasons for the Coun-
16 cil’s decision, which notice shall address with
17 specificity how the Council assessed the mate-
18 rial factors presented by the company under
19 subparagraphs (A) and (B).

20 “(2) PERIODIC REEVALUATION.—

21 “(A) REVIEW.—Every 5 years after the
22 date of a final determination with respect to a
23 nonbank financial company under subsection
24 (a) or (b), as applicable, the nonbank financial
25 company may submit a written request to the

1 Council for a reevaluation of such determina-
2 tion. Upon receipt of such a request, the Coun-
3 cil shall conduct a reevaluation of such deter-
4 mination and hold a vote on whether to rescind
5 such determination.

6 “(B) PROCEDURES.—Upon receipt of a
7 written request under paragraph (A), the Coun-
8 cil shall fix a time (not earlier than 30 days
9 after the date of receipt of the request) and
10 place at which such company may appear, per-
11 sonally or through counsel, to—

12 “(i) submit written materials (which
13 may include a plan to modify the com-
14 pany’s business, structure, or operations,
15 which shall specify the length of the imple-
16 mentation period); and

17 “(ii) provide oral testimony and oral
18 argument before the members of the Coun-
19 cil.

20 “(C) TREATMENT OF PLAN.—If the com-
21 pany submits a plan in accordance with sub-
22 paragraph (B)(i), the Council shall consider
23 whether the plan, if implemented, would cause
24 the company to no longer meet the standards
25 for a final determination under subsection (a)

1 or (b), as applicable. The Council shall provide
2 the nonbank financial company an opportunity
3 to revise the plan after consultation with the
4 Council.

5 “(D) EXPLANATION FOR CERTAIN COMPA-
6 NIES.—With respect to a reevaluation under
7 this paragraph where the determination being
8 reevaluated was made before the date of enact-
9 ment of this paragraph, the nonbank financial
10 company may require the Council, as part of
11 such reevaluation, to explain with specificity the
12 basis for such determination.

13 “(3) RESCISSION OF DETERMINATION.—

14 “(A) IN GENERAL.—If the Council, by a
15 vote of not fewer than $\frac{2}{3}$ of the voting members
16 then serving, including an affirmative vote by
17 the Chairperson, determines under this sub-
18 section that a nonbank financial company no
19 longer meets the standards for a final deter-
20 mination under subsection (a) or (b), as appli-
21 cable, the Council shall rescind such determina-
22 tion.

23 “(B) APPROVAL OF COMPANY PLAN.—Ap-
24 proval by the Council of a plan submitted or re-
25 vised in accordance with paragraph (2) shall re-

1 quire a vote of not fewer than $\frac{2}{3}$ of the voting
2 members then serving, including an affirmative
3 vote by the Chairperson. If such plan is ap-
4 proved by the Council, the company shall imple-
5 ment the plan during the period identified in
6 the plan, except that the Council, in its sole dis-
7 cretion and upon request from the company,
8 may grant one or more extensions of the imple-
9 mentation period. After the end of the imple-
10 mentation period, including any extensions
11 granted by the Council, the Council shall pro-
12 ceed to a vote as described under subparagraph
13 (A).”;

14 (4) by amending subsection (e) to read as fol-
15 lows:

16 “(e) REQUIREMENTS FOR PROPOSED DETERMINA-
17 TION, NOTICE AND OPPORTUNITY FOR HEARING, AND
18 FINAL DETERMINATION.—

19 “(1) NOTICE OF IDENTIFICATION FOR INITIAL
20 EVALUATION AND OPPORTUNITY FOR VOLUNTARY
21 SUBMISSION.—Upon identifying a nonbank financial
22 company for comprehensive analysis of the potential
23 for the nonbank company to pose a threat to the fi-
24 nancial stability of the United States, the Council
25 shall provide the nonbank financial company with—

1 “(A) written notice that explains with
2 specificity the basis for so identifying the com-
3 pany, a copy of which shall be provided to the
4 company’s primary financial regulatory agency;

5 “(B) an opportunity to submit written ma-
6 terials for consideration by the Council as part
7 of the Council’s initial evaluation of the risk
8 profile and characteristics of the company;

9 “(C) an opportunity to meet with the
10 Council to discuss the Council’s analysis; and

11 “(D) a list of the public sources of infor-
12 mation being considered by the Council as part
13 of such analysis.

14 “(2) REQUIREMENTS BEFORE MAKING A PRO-
15 POSED DETERMINATION.—Before making a pro-
16 posed determination with respect to a nonbank fi-
17 nancial company under paragraph (3), the Council
18 shall—

19 “(A) by a vote of not fewer than $\frac{2}{3}$ of the
20 voting members then serving, including an af-
21 firmative vote by the Chairperson, approve a
22 resolution that identifies with specificity any
23 risks to the financial stability of the United
24 States the Council has identified relating to the
25 nonbank financial company;

1 “(B) with respect to nonbank financial
2 company with a primary financial regulatory
3 agency, provide a copy of the resolution de-
4 scribed under subparagraph (A) to the primary
5 financial regulatory agency and provide such
6 agency with at least 180 days from the receipt
7 of the resolution to—

8 “(i) consider the risks identified in the
9 resolution; and

10 “(ii) provide a written response to the
11 Council that includes its assessment of the
12 risks identified and the degree to which
13 they are or could be addressed by existing
14 regulation and, as appropriate, issue pro-
15 posed regulations or undertake other regu-
16 latory action to mitigate the identified
17 risks;

18 “(C) provide the nonbank financial com-
19 pany with written notice that the Council—

20 “(i) is considering whether to make a
21 proposed determination with respect to the
22 nonbank financial company under sub-
23 section (a) or (b), as applicable, which no-
24 tice explains with specificity the basis for
25 the Council’s consideration, including any

1 aspects of the company’s operations or ac-
2 tivities that are a primary focus for the
3 Council; or

4 “(ii) has determined not to subject the
5 company to further review, which action
6 shall not preclude the Council from issuing
7 a notice to the company under subpara-
8 graph (1)(A) at a future time; and

9 “(D) in the case of a notice to the nonbank
10 financial company under subparagraph (C)(i),
11 provide the company with—

12 “(i) an opportunity to meet with the
13 Council to discuss the Council’s analysis;

14 “(ii) an opportunity to submit written
15 materials, within such time as the Council
16 deems appropriate (but not less than 30
17 days after the date of receipt by the com-
18 pany of the notice described under clause
19 (i)), to the Council to inform the Council’s
20 consideration of the nonbank financial
21 company for a proposed determination, in-
22 cluding materials concerning the com-
23 pany’s views as to whether it satisfies the
24 standard for determination set forth in
25 subsection (a) or (b), as applicable;

1 “(iii) an explanation of how any re-
2 quest by the Council for information from
3 the nonbank financial company relates to
4 potential risks to the financial stability of
5 the United States and the Council’s anal-
6 ysis of the company;

7 “(iv) written notice when the Council
8 deems its evidentiary record regarding
9 such nonbank financial company to be
10 complete; and

11 “(v) an opportunity to meet with the
12 members of the Council.

13 “(3) PROPOSED DETERMINATION.—

14 “(A) VOTING.—The Council may, by a
15 vote of not fewer than $\frac{2}{3}$ of the voting members
16 then serving, including an affirmative vote by
17 the Chairperson, propose to make a determina-
18 tion in accordance with the provisions of sub-
19 section (a) or (b), as applicable, with respect to
20 a nonbank financial company.

21 “(B) DEADLINE FOR MAKING A PROPOSED
22 DETERMINATION.—With respect to a nonbank
23 financial company provided with a written no-
24 tice under paragraph (2)(C)(i), if the Council
25 does not provide the company with the written

1 notice of a proposed determination described
2 under paragraph (4) within the 180-day period
3 following the date on which the Council notifies
4 the company under paragraph (2)(C) that the
5 evidentiary record is complete, the Council may
6 not make such a proposed determination with
7 respect to such company unless the Council re-
8 peats the procedures described under paragraph
9 (2).

10 “(C) REVIEW OF ACTIONS OF PRIMARY FI-
11 NANCIAL REGULATORY AGENCY.—With respect
12 to a nonbank financial company with a primary
13 financial regulatory agency, the Council may
14 not vote under subparagraph (A) to make a
15 proposed determination unless—

16 “(i) the Council first determines that
17 any proposed regulations or other regu-
18 latory actions taken by the primary finan-
19 cial regulatory agency after receipt of the
20 resolution described under paragraph
21 (2)(A) are insufficient to mitigate the risks
22 identified in the resolution;

23 “(ii) the primary financial regulatory
24 agency has notified the Council that the
25 agency has no proposed regulations or

1 other regulatory actions to mitigate the
2 risks identified in the resolution; or

3 “(iii) the period allowed by the Coun-
4 cil under paragraph (2)(B) has elapsed
5 and the primary financial regulatory agen-
6 cy has taken no action in response to the
7 resolution.

8 “(4) NOTICE OF PROPOSED DETERMINATION.—
9 The Council shall—

10 “(A) provide to a nonbank financial com-
11 pany written notice of a proposed determination
12 of the Council, including an explanation of the
13 basis of the proposed determination of the
14 Council, that a nonbank financial company shall
15 be supervised by the Board of Governors and
16 shall be subject to prudential standards in ac-
17 cordance with this title, an explanation of the
18 specific risks to the financial stability of the
19 United States presented by the nonbank finan-
20 cial company, and a detailed explanation of why
21 existing regulations or other regulatory action
22 by the company’s primary financial regulatory
23 agency, if any, is insufficient to mitigate such
24 risk; and

1 “(B) provide the primary financial regu-
2 latory agency of the nonbank financial company
3 a copy of the nonpublic written explanation of
4 the Council’s proposed determination.

5 “(5) HEARING.—

6 “(A) IN GENERAL.—Not later than 30
7 days after the date of receipt of any notice of
8 a proposed determination under paragraph (4),
9 the nonbank financial company may request, in
10 writing, an opportunity for a written or oral
11 hearing before the Council to contest the pro-
12 posed determination, including the opportunity
13 to present a plan to modify the company’s busi-
14 ness, structure, or operations in order to miti-
15 gate the risks identified in the notice, and
16 which plan shall also include any steps the com-
17 pany expects to take during the implementation
18 period to mitigate such risks.

19 “(B) GRANT OF HEARING.—Upon receipt
20 of a timely request, the Council shall fix a time
21 (not earlier than 30 days after the date of re-
22 ceipt of the request) and place at which such
23 company may appear, personally or through
24 counsel, to—

1 “(i) submit written materials (which
2 may include a plan to modify the com-
3 pany’s business, structure, or operations);
4 or

5 “(ii) provide oral testimony and oral
6 argument to the members of the Council.

7 “(6) COUNCIL CONSIDERATION OF COMPANY
8 PLAN.—

9 “(A) IN GENERAL.—If a nonbank financial
10 company submits a plan in accordance with
11 paragraph (5), the Council shall, prior to mak-
12 ing a final determination—

13 “(i) consider whether the plan, if im-
14 plemented, would mitigate the risks identi-
15 fied in the notice under paragraph (4); and

16 “(ii) provide the nonbank financial
17 company an opportunity to revise the plan
18 after consultation with the Council.

19 “(B) VOTING.—Approval by the Council of
20 a plan submitted under paragraph (5) or re-
21 vised under subparagraph (A)(ii) shall require a
22 vote of not fewer than $\frac{2}{3}$ of the voting members
23 then serving, including an affirmative vote by
24 the Chairperson.

1 “(C) IMPLEMENTATION OF APPROVED
2 PLAN.—With respect to a nonbank financial
3 company’s plan approved by the Council under
4 subparagraph (B), the company shall have one
5 year to implement the plan, except that the
6 Council, in its sole discretion and upon request
7 from the nonbank financial company, may
8 grant one or more extensions of the implemen-
9 tation period.

10 “(D) OVERSIGHT OF IMPLEMENTATION.—

11 “(i) PERIODIC REPORTS.—The Coun-
12 cil, acting through the Office of Financial
13 Research, may require the submission of
14 periodic reports from a nonbank financial
15 company for the purpose of evaluating the
16 company’s progress in implementing a plan
17 approved by the Council under subpara-
18 graph (B).

19 “(ii) INSPECTIONS.—The Council may
20 direct the primary financial regulatory
21 agency of a nonbank financial company or
22 its subsidiaries (or, if none, the Board of
23 Governors) to inspect the company or its
24 subsidiaries for the purpose of evaluating
25 the implementation of the company’s plan.

1 “(E) AUTHORITY TO RESCIND AP-
2 PROVAL.—

3 “(i) IN GENERAL.—During the imple-
4 mentation period described under subpara-
5 graph (C), including any extensions grant-
6 ed by the Council, the Council shall retain
7 the authority to rescind its approval of the
8 plan if the Council finds, by a vote of not
9 fewer than $\frac{2}{3}$ of the voting members then
10 serving, including an affirmative vote by
11 the Chairperson, that the company’s imple-
12 mentation of the plan is no longer suffi-
13 cient to mitigate or prevent the risks iden-
14 tified in the resolution described under
15 paragraph (2)(A).

16 “(ii) FINAL DETERMINATION VOTE.—
17 The Council may proceed to a vote on final
18 determination under subsection (a) or (b),
19 as applicable, not earlier than 10 days
20 after providing the nonbank financial com-
21 pany with written notice that the Council
22 has rescinded the approval of the com-
23 pany’s plan pursuant to clause (i).

24 “(F) ACTIONS AFTER IMPLEMENTATION.—

1 “(i) EVALUATION OF IMPLEMENTA-
2 TION.—After the end of the implementa-
3 tion period described under subparagraph
4 (C), including any extensions granted by
5 the Council, the Council shall consider
6 whether the plan, as implemented by the
7 nonbank financial company, adequately
8 mitigates or prevents the risks identified in
9 the resolution described under paragraph
10 (2)(A).

11 “(ii) VOTING.—If, after performing
12 an evaluation under clause (i), not fewer
13 than $\frac{2}{3}$ of the voting members of the
14 Council then serving, including an affirma-
15 tive vote by the Chairperson, determine
16 that the plan, as implemented, adequately
17 mitigates or prevents the identified risks,
18 the Council shall not make a final deter-
19 mination under subsection (a) or (b), as
20 applicable, with respect to the nonbank fi-
21 nancial company and shall notify the com-
22 pany of the Council’s decision to take no
23 further action.

24 “(7) FINAL COUNCIL DECISIONS.—

1 “(A) IN GENERAL.—Not later than 90
2 days after the date of a hearing under para-
3 graph (5), the Council shall notify the nonbank
4 financial company of—

5 “(i) a final determination under sub-
6 section (a) or (b), as applicable;

7 “(ii) the Council’s approval of a plan
8 submitted by the nonbank financial com-
9 pany under paragraph (5) or revised under
10 paragraph (6); or

11 “(iii) the Council’s decision to take no
12 further action with respect to the nonbank
13 financial company.

14 “(B) EXPLANATORY STATEMENT.—A final
15 determination of the Council, under subsection
16 (a) or (b), shall contain a statement of the basis
17 for the decision of the Council, including the
18 reasons why the Council rejected any plan by
19 the nonbank financial company submitted under
20 paragraph (5) or revised under paragraph (6).

21 “(C) NOTICE TO PRIMARY FINANCIAL REG-
22 ULATORY AGENCY.—In the case of a final de-
23 termination under subsection (a) or (b), the
24 Council shall provide the primary financial reg-
25 ulatory agency of the nonbank financial com-

1 pany a copy of the nonpublic written expla-
2 nation of the Council’s final determination.”;

3 (5) in subsection (g), strike “before the Council
4 makes any final determination” and insert “from
5 the outset of the Council’s consideration of the com-
6 pany, including before the Council makes any pro-
7 posed or final determination”; and

8 (6) by adding at the end the following:

9 “(j) PUBLIC DISCLOSURE REQUIREMENT.—The
10 Council shall—

11 “(1) in each case where a nonbank financial
12 company has been notified that it is subject to the
13 Council’s review and the company has publicly dis-
14 closed such fact, confirm that the nonbank financial
15 company is subject to the Council’s review, in re-
16 sponse to a request from a third party;

17 “(2) upon making a final determination, pub-
18 licly provide a written explanation of the basis for its
19 decision with sufficient detail to provide the public
20 with an understanding of the specific bases of the
21 Council’s determination, including any assumptions
22 related thereof, subject to the requirements of sec-
23 tion 112(d)(5);

24 “(3) include, in the annual report required by
25 section 112, the number of nonbank financial com-

1 panies from the previous year subject to preliminary
2 analysis, further review, and subject to a proposed
3 or final determination; and

4 “(4) within 90 days after the enactment of this
5 subsection, publish information regarding its meth-
6 odology for calculating any quantitative thresholds
7 or other metrics used to identify nonbank financial
8 companies for analysis by the Council.

9 “(k) PERIODIC ASSESSMENT OF THE IMPACT OF
10 DESIGNATIONS.—

11 “(1) ASSESSMENT.—Every five years after the
12 date of enactment of this section, the Council
13 shall—

14 “(A) conduct a study of the Council’s de-
15 terminations that nonbank financial companies
16 shall be supervised by the Board of Governors
17 and shall be subject to prudential standards;
18 and

19 “(B) comprehensively assess the impact of
20 such determinations on the companies for which
21 such determinations were made and the wider
22 economy, including whether such determina-
23 tions are having the intended result of improv-
24 ing the financial stability of the United States.

1 “(2) REPORT.—Not later than 90 days after
2 completing a study required under paragraph (1),
3 the Council shall issue a report to the Congress
4 that—

5 “(A) describes all findings and conclusions
6 made by the Council in carrying out such study;
7 and

8 “(B) identifies whether any of the Coun-
9 cil’s determinations should be rescinded or
10 whether related regulations or regulatory guid-
11 ance should be modified, streamlined, expanded,
12 or repealed.”.

13 RULE OF CONSTRUCTION

14 SEC. 923. None of the amendments made by this sub-
15 title may be construed as limiting the Financial Stability
16 Oversight Council’s emergency powers under section
17 113(f) of the Financial Stability Act of 2010 (12 U.S.C.
18 5323(f)).

19 Subtitle IX—Expanding Access to Capital for Rural Job
20 Creators Act

21 ACCESS TO CAPITAL FOR RURAL-AREA SMALL
22 BUSINESSES

23 SEC. 925.

24 Section 4(j) of the Securities Exchange Act of 1934
25 (15 U.S.C. 78d(j)) is amended—

1 (1) in paragraph(4)(C), by inserting “rural-area
2 small businesses,” after “women-owned small busi-
3 nesses,”; and

4 (2) in paragraph (6)(B)(iii), by inserting
5 “rural-area small businesses,” after “women-owned
6 small businesses,”.

7 Subtitle X—Volcker Rule Regulatory Harmonization Act

8 RULEMAKING AUTHORITY UNDER THE VOLCKER RULE

9 SEC. 926.

10 (a) IN GENERAL.—Paragraph (2) of section 13(b) of
11 the Bank Holding Company Act of 1956 (12 U.S.C.
12 1851(b)(2)) is amended to read as follows:

13 “(2) RULEMAKING.—

14 “(A) IN GENERAL.—The Board may, as
15 appropriate, consult with the Comptroller of the
16 Currency, the Federal Deposit Insurance Cor-
17 poration, the Securities and Exchange Commis-
18 sion, or the Commodity Futures Trading Com-
19 mission to adopt rules or guidance to carry out
20 this section, as provided in subparagraph (B).

21 “(B) RULEMAKING REQUIREMENTS.—In
22 adopting a rule or guidance under subpara-
23 graph (A), the Board—

1 “(i) shall consider the findings of the
2 report required in paragraph (1) and, as
3 appropriate, subsequent reports;

4 “(ii) shall assure, to the extent pos-
5 sible, that such rule or guidance provide
6 for consistent application and implementa-
7 tion of the applicable provisions of this sec-
8 tion to avoid providing advantages or im-
9 posing disadvantages to the companies af-
10 fected by this subsection and to protect the
11 safety and soundness of banking entities
12 and nonbank financial companies super-
13 vised by the Board; and

14 “(iii) shall include requirements to en-
15 sure compliance with this section, such as
16 requirements regarding internal controls
17 and recordkeeping.

18 “(C) AUTHORITY.—The Board shall have
19 sole authority to issue and amend rules under
20 this section after the date of the enactment of
21 this paragraph.

22 “(D) CONFORMING AUTHORITY.—

23 “(i) CONTINUITY OF REGULATIONS.—
24 Any rules or guidance issued under this
25 section prior to the date of enactment of

1 this paragraph shall continue in effect
2 until the Board issues a successor rule or
3 guidance, or amends such rule or guidance,
4 pursuant to subparagraph (C).

5 “(ii) APPLICABLE GUIDANCE.—In per-
6 forming examinations or other supervisory
7 duties, the appropriate Federal banking
8 agencies, the Securities and Exchange
9 Commission, and the Commodity Futures
10 Trading Commission, as appropriate, shall
11 update any applicable policies and proce-
12 dures to ensure that such policies and pro-
13 cedures are consistent (to the extent prac-
14 ticable) with any rules or guidance issued
15 pursuant to subparagraph (C).”.

16 (b) CONFORMING AMENDMENTS.—Section 13 of the
17 Bank Holding Company Act of 1956 (12 U.S.C. 1851)
18 is amended—

19 (1) by striking “the appropriate Federal bank-
20 ing agencies, the Securities and Exchange Commis-
21 sion, and the Commodity Futures Trading Commis-
22 sion,” each place it appears and inserting “the
23 Board”;

24 (2) by striking “appropriate Federal banking
25 agencies, the Securities and Exchange Commission,

1 and the Commodity Futures Trading Commission”
2 each place it appears and inserting “Board”;

3 (3) in subsection (c)(5), by striking “Notwith-
4 standing paragraph (2)” and all that follows
5 through “provided in subsection (b)(2),” and insert-
6 ing “The Board shall have the authority”; and

7 (4) in subsection (d)(1)—

8 (A) in subparagraph (F)(ii)—

9 (i) by striking “the appropriate Fed-
10 eral banking agencies” and inserting “the
11 Board”; and

12 (ii) by striking “have not jointly” and
13 inserting “has not”; and

14 (B) in subparagraph (G)(viii), by striking
15 “appropriate Federal banking agencies, the Se-
16 curities and Exchange Commission, or the Com-
17 modity Futures Trading Commission,” and in-
18 serting “Board,”.

19 ENFORCEMENT; ANTI-EVASION

20 SEC. 927. (a) IN GENERAL.—Subsection (e) of sec-
21 tion 13 of the Bank Holding Company Act of 1956 (12
22 U.S.C. 1851(e)) is amended to read as follows:

23 “(e) ENFORCEMENT; ANTI-EVASION.—

24 “(1) APPROPRIATE FEDERAL BANKING AGEN-
25 CY.—Notwithstanding any other provision of law ex-
26 cept for any rules or guidance issued under sub-

1 section (b)(2), whenever the appropriate Federal
2 banking agency has reasonable cause to believe that
3 a banking entity or nonbank financial company su-
4 pervised by the Board has made an investment or
5 engaged in an activity in a manner that either vio-
6 lates the restrictions under this section, or that
7 functions as an evasion of the requirements of this
8 section (including through an abuse of any permitted
9 activity), such appropriate Federal banking agency
10 shall order, after due notice and opportunity for
11 hearing, the banking entity or nonbank financial
12 company supervised by the Board to terminate the
13 activity and, as relevant, dispose of the investment.

14 “(2) SECURITIES AND EXCHANGE COMMISSION
15 AND COMMODITY FUTURES TRADING COMMISSION.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of law except for any rules or
18 guidance issued under subsection (b)(2), when-
19 ever the Securities and Exchange Commission
20 or the Commodity Futures Trading Commis-
21 sion, as appropriate, has reasonable cause to
22 believe that a covered nonbank financial com-
23 pany for which the respective agency is the pri-
24 mary Federal regulator has made an investment
25 or engaged in an activity in a manner that ei-

1 ther violates the restrictions under this section,
2 or that functions as an evasion of the require-
3 ments of this section (including through an
4 abuse of any permitted activity), the Securities
5 and Exchange Commission or the Commodity
6 Futures Trading Commission, as appropriate,
7 shall order, after due notice and opportunity for
8 hearing, the covered nonbank financial company
9 to terminate the activity and, as relevant, dis-
10 pose of the investment.

11 “(B) COVERED NONBANK FINANCIAL COM-
12 PANY DEFINED.—In this paragraph, the term
13 ‘covered nonbank financial company’ means a
14 nonbank financial company (as defined in sec-
15 tion 102 of the Financial Stability Act of 2010)
16 supervised by the Securities and Exchange
17 Commission or the Commodity Futures Trading
18 Commission, as appropriate.”.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to abrogate, reduce, or eliminate
21 the backup authority of the Federal Deposit Insurance
22 Corporation authority under the Dodd-Frank Wall Street
23 Reform and Consumer Protection Act (12 U.S.C. 5301
24 et seq.), the Federal Deposit Insurance Act (12 U.S.C.

1 1811), or Federal Deposit Insurance Corporation Im-
2 provement Act of 1991.

3 EXCLUSION OF COMMUNITY BANKS FROM VOLCKER RULE

4 SEC. 928. Section 13(h)(1) of the Bank Holding
5 Company Act of 1956 (12 U.S.C. 1851(h)(1)) is amend-
6 ed—

7 (1) in subparagraph (D), by redesignating
8 clauses (i) and (ii) as subclauses (I) and (II), respec-
9 tively, and adjusting the margins accordingly;

10 (2) by redesignating subparagraphs (A), (B),
11 (C), and (D) as clauses (i), (ii), (iii), and (iv), re-
12 spectively, and adjusting the margins accordingly;

13 (3) in the matter preceding clause (i), as so re-
14 designated, in the second sentence, by striking “in-
15 stitution that functions solely in a trust or fiduciary
16 capacity, if—” and inserting the following: “institu-
17 tion—

18 “(A) that functions solely in a trust or fi-
19 duciary capacity, if—”;

20 (4) in clause (iv)(II), as so redesignated, by
21 striking the period at the end and inserting “; or”;
22 and

23 (5) by adding at the end the following:

24 “(B) that does not have and is not con-
25 trolled by a company that has—

1 “(i) more than \$10,000,000,000 in
2 total consolidated assets; and

3 “(ii) total trading assets and trading
4 liabilities, as reported on the most recent
5 applicable regulatory filing filed by the in-
6 stitution, that are more than 5 percent of
7 total consolidated assets.”.

8 Subtitle XI—Financial Institution Living Will
9 Improvement Act

10 LIVING WILL REFORMS

11 SEC. 929. (a) IN GENERAL.—Section 165(d) of the
12 Dodd-Frank Wall Street Reform and Consumer Protec-
13 tion Act (12 U.S.C. 5365(d)) is amended—

14 (1) in paragraph (1), by striking “periodically”
15 and inserting “every 2 years”; and

16 (2) in paragraph (3)—

17 (A) by striking “The Board” and inserting
18 the following:

19 “(A) IN GENERAL.—The Board”;

20 (B) by striking “shall review” and insert-
21 ing the following: “shall—

22 “(i) review”;

23 (C) by striking the period and inserting “;
24 and”; and

25 (D) by adding at the end the following:

1 “(ii) not later than the end of the 6-
2 month period beginning on the date the
3 company submits the resolution plan, pro-
4 vide feedback to the company on such
5 plan.

6 “(B) DISCLOSURE OF ASSESSMENT
7 FRAMEWORK.—The Board of Governors and
8 the Corporation shall publicly disclose the as-
9 sessment framework that is used to review in-
10 formation under this paragraph.”.

11 (b) TREATMENT OF OTHER RESOLUTION PLAN RE-
12 QUIREMENTS.—

13 (1) IN GENERAL.—With respect to an appro-
14 priate Federal banking agency that requires a bank-
15 ing organization to submit to the agency a resolution
16 plan not described under section 165(d) of the
17 Dodd-Frank Wall Street Reform and Consumer Pro-
18 tection Act—

19 (A) the respective agency shall ensure that
20 the review of such resolution plan is consistent
21 with the requirements contained in the amend-
22 ments made by this subtitle;

23 (B) the agency may not require the sub-
24 mission of such a resolution plan more often
25 than every 2 years; and

1 (C) paragraphs (6) and (7) of such section
2 165(d) shall apply to such a resolution plan.

3 (2) DEFINITIONS.—For purposes of this sub-
4 section:

5 (A) APPROPRIATE FEDERAL BANKING
6 AGENCY.—The term “appropriate Federal
7 banking agency”—

8 (i) has the meaning given such term
9 under section 3 of the Federal Deposit In-
10 surance Act; and

11 (ii) means the National Credit Union
12 Administration, in the case of an insured
13 credit union.

14 (B) BANKING ORGANIZATION.—The term
15 “banking organization” means—

16 (i) an insured depository institution;

17 (ii) an insured credit union;

18 (iii) a depository institution holding
19 company;

20 (iv) a company that is treated as a
21 bank holding company for purposes of sec-
22 tion 8 of the International Banking Act;
23 and

24 (v) a U.S. intermediate holding com-
25 pany established by a foreign banking or-

1 ganization pursuant to section 252.153 of
2 title 12, Code of Federal Regulations.

3 (C) INSURED CREDIT UNION.—The term
4 “insured credit union” has the meaning given
5 that term under section 101 of the Federal
6 Credit Union Act.

7 (D) OTHER BANKING TERMS.—The terms
8 “depository institution holding company” and
9 “insured depository institution” have the mean-
10 ing given those terms, respectively, under sec-
11 tion 3 of the Federal Deposit Insurance Act.

12 (e) RULE OF CONSTRUCTION.—Nothing in this sub-
13 title, or any amendment made by this subtitle, shall be
14 construed as limiting the authority of an appropriate Fed-
15 eral banking agency (as defined under subsection (b)(2))
16 to obtain information from an institution in connection
17 with such agency’s authority to examine or require reports
18 from the institution.

19 Subtitle XII—Financial Institutions Examination
20 Fairness and Reform Act

21 AMENDMENT TO DEFINITION OF FINANCIAL INSTITUTION

22 SEC. 930. Section 1003(3) of the Federal Financial
23 Institutions Examination Council Act of 1978 (12 U.S.C.
24 3302(3)) is amended to read as follows:

25 “(3) the term ‘financial institution’—

1 “(A) means a commercial bank, a savings
2 bank, a trust company, a savings association, a
3 building and loan association, a homestead as-
4 sociation, a cooperative bank, or a credit union;
5 and

6 “(B) for purposes of sections 1012, 1013,
7 and 1014, includes a nondepository covered per-
8 son subject to supervision by the Bureau of
9 Consumer Financial Protection under section
10 1024 of the Consumer Financial Protection Act
11 of 2010 (12 U.S.C. 5514).”.

12 TIMELINESS OF EXAMINATION REPORTS

13 SEC. 931. The Federal Financial Institutions Exam-
14 ination Council Act of 1978 (12 U.S.C. 3301 et seq.) is
15 amended by adding at the end the following:

16 **“SEC. 1012. TIMELINESS OF EXAMINATION REPORTS.**

17 “(a) IN GENERAL.—

18 “(1) FINAL EXAMINATION REPORT.—A Federal
19 financial institutions regulatory agency shall provide
20 a final examination report to a financial institution
21 not later than 60 days after the later of—

22 “(A) the exit interview for an examination
23 of the institution; or

24 “(B) the provision of additional informa-
25 tion by the institution relating to the examina-
26 tion.

1 “(2) EXIT INTERVIEW.—If a financial institu-
2 tion is not subject to a resident examiner program,
3 the exit interview shall occur not later than the end
4 of the 9-month period beginning on the commence-
5 ment of the examination, except that such period
6 may be extended by the Federal financial institu-
7 tions regulatory agency by providing written notice
8 to the institution and the Independent Examination
9 Review Director describing with particularity the
10 reasons that a longer period is needed to complete
11 the examination.

12 “(b) EXAMINATION MATERIALS.—Upon the request
13 of a financial institution, the Federal financial institutions
14 regulatory agency shall include with the final report an
15 appendix listing all examination or other factual informa-
16 tion relied upon by the agency in support of a material
17 supervisory determination.”.

18 INDEPENDENT EXAMINATION REVIEW DIRECTOR

19 SEC. 932. The Federal Financial Institutions Exam-
20 ination Council Act of 1978 (12 U.S.C. 3301 et seq.), as
21 amended by section 931, is further amended by adding
22 at the end the following:

1 **“SEC. 1013. OFFICE OF INDEPENDENT EXAMINATION RE-**
2 **VIEW.**

3 “(a) ESTABLISHMENT.—There is established in the
4 Council an Office of Independent Examination Review
5 (the ‘Office’).

6 “(b) HEAD OF OFFICE.—There is established the po-
7 sition of the Independent Examination Review Director
8 (the ‘Director’), as the head of the Office. The Director
9 shall be appointed by the Council and shall be independent
10 from any member agency of the Council.

11 “(c) TERM.—The Director shall serve for a term of
12 5 years, and may be appointed to serve a subsequent 5-
13 year term.

14 “(d) STAFFING.—The Director is authorized to hire
15 staff to support the activities of the Office.

16 “(e) DUTIES.—The Director shall—

17 “(1) receive and, at the Director’s discretion,
18 investigate complaints from financial institutions,
19 their representatives, or another entity acting on be-
20 half of such institutions, concerning examinations,
21 examination practices, or examination reports;

22 “(2) hold meetings, at least once every three
23 months and in locations designed to encourage par-
24 ticipation from all sections of the United States,
25 with financial institutions, their representatives, or
26 another entity acting on behalf of such institutions,

1 to discuss examination procedures, examination
2 practices, or examination policies;

3 “(3) in accordance with subsection (f), review
4 examination procedures of the Federal financial in-
5 stitutions regulatory agencies to ensure that the
6 written examination policies of those agencies are
7 being followed in practice and adhere to the stand-
8 ards for consistency established by the Council;

9 “(4) conduct a continuing and regular review of
10 examination quality assurance for all examination
11 types conducted by the Federal financial institutions
12 regulatory agencies;

13 “(5) adjudicate any supervisory appeal initiated
14 under section 1014; and

15 “(6) report annually to the Committee on Fi-
16 nancial Services of the House of Representatives, the
17 Committee on Banking, Housing, and Urban Affairs
18 of the Senate, and the Council, on the reviews car-
19 ried out pursuant to paragraphs (3) and (4), includ-
20 ing compliance with the requirements set forth in
21 section 1012 regarding timeliness of examination re-
22 ports, and the Council’s recommendations for im-
23 provements in examination procedures, practices,
24 and policies.

1 “(f) STANDARD FOR REVIEWING EXAMINATION PRO-
 2 CEDURES.—In conducting reviews pursuant to subsection
 3 (e)(4), the Director shall prioritize factors relating to the
 4 safety and soundness of the financial system of the United
 5 States.

6 “(g) REMOVAL.—If the Director is removed from of-
 7 fice, the Council shall communicate in writing the reasons
 8 for any such removal to the Committee on Financial Serv-
 9 ices of the House of Representatives and the Committee
 10 on Banking, Housing, and Urban Affairs of the Senate
 11 not later than 30 days before the removal.

12 “(h) CONFIDENTIALITY.—The Director shall keep
 13 confidential all meetings with, discussions with, and infor-
 14 mation provided by financial institutions.”.

15 RIGHT TO INDEPENDENT REVIEW OF MATERIAL

16 SUPERVISORY DETERMINATIONS

17 SEC. 933. The Federal Financial Institutions Exam-
 18 ination Council Act of 1978 (12 U.S.C. 3301 et seq.), as
 19 amended by section 932, is further amended by adding
 20 at the end the following:

21 **“SEC. 1014. RIGHT TO INDEPENDENT REVIEW OF MATERIAL**

22 **SUPERVISORY DETERMINATIONS.**

23 “(a) IN GENERAL.—A financial institution shall have
 24 the right to obtain an independent review of a material
 25 supervisory determination contained in a final report of
 26 examination.

1 “(b) NOTICE.—

2 “(1) TIMING.—A financial institution seeking
3 review of a material supervisory determination under
4 this section shall file a written notice with the Inde-
5 pendent Examination Review Director (the ‘Direc-
6 tor’) within 60 days after receiving the final report
7 of examination that is the subject of such review.

8 “(2) IDENTIFICATION OF DETERMINATION.—

9 The written notice shall identify the material super-
10 visory determination that is the subject of the inde-
11 pendent examination review, and a statement of the
12 reasons why the institution believes that the deter-
13 mination is incorrect or should otherwise be modi-
14 fied.

15 “(3) INFORMATION TO BE PROVIDED TO INSTI-
16 TUTION.—Any information relied upon by the agen-
17 cy in the final report that is not in the possession
18 of the financial institution may be requested by the
19 financial institution and shall be delivered promptly
20 by the agency to the financial institution.

21 “(c) RIGHT TO HEARING.—

22 “(1) IN GENERAL.—The Director shall deter-
23 mine the merits of the appeal on the record or, at
24 the financial institution’s election, shall refer the ap-
25 peal to an Administrative Law Judge to conduct a

1 confidential hearing pursuant to the procedures set
2 forth under sections 556 and 557 of title 5, United
3 States Code, which hearing shall take place not later
4 than 60 days after the petition for review was re-
5 ceived by the Director, and to issue a proposed deci-
6 sion to the Director based upon the record estab-
7 lished at such hearing.

8 “(2) STANDARD OF REVIEW.—In rendering a
9 determination or recommendation under this sub-
10 section, neither the Administrative Law Judge nor
11 the Director shall defer to the opinions of the exam-
12 iner or agency, but shall conduct a de novo review
13 to independently determine the appropriateness of
14 the agency’s decision based upon the relevant stat-
15 utes, regulations, and other appropriate guidance, as
16 well as evidence adduced at any hearing.

17 “(d) FINAL DECISION.—A decision by the Director
18 on an independent review under this section shall—

19 “(1) be made not later than 60 days after the
20 record has been closed; and

21 “(2) subject to subsection (e), be deemed a final
22 agency action and shall bind the agency whose su-
23 pervisory determination was the subject of the re-
24 view and the financial institution requesting the re-
25 view.

1 “(e) LIMITED REVIEW BY FFIEC.—

2 “(1) IN GENERAL.—If the agency whose super-
3 visory determination was the subject of the review
4 believes that the Director’s decision under subsection
5 (d) would pose an imminent threat to the safety and
6 soundness of the financial institution, such agency
7 may file a written notice seeking review of the Direc-
8 tor’s decision with the Council within 10 days of re-
9 ceiving the Director’s decision.

10 “(2) STANDARD OF REVIEW.—In making a de-
11 termination under this subsection, the Council shall
12 conduct a review to determine whether there is sub-
13 stantial evidence that the Director’s decision would
14 pose an imminent threat to the safety and soundness
15 of the financial institution.

16 “(3) FINAL DETERMINATION.—A determination
17 by the Council shall—

18 “(A) be made not later than 30 days after
19 the filing of the notice pursuant to paragraph
20 (1); and

21 “(B) be deemed a final agency action and
22 shall bind the agency whose supervisory deter-
23 mination was the subject of the review and the
24 financial institution requesting the review.

1 “(f) RIGHT TO JUDICIAL REVIEW.—A financial insti-
2 tution shall have the right to petition for review of final
3 agency action under this section by filing a Petition for
4 Review within 60 days of the Director’s decision or the
5 Council’s decision in the United States Court of Appeals
6 for the District of Columbia Circuit or the Circuit in which
7 the financial institution is located.

8 “(g) REPORT.—The Director shall report annually to
9 the Committee on Financial Services of the House of Rep-
10 resentatives and the Committee on Banking, Housing, and
11 Urban Affairs of the Senate on actions taken under this
12 section, including the types of issues that the Director has
13 reviewed and the results of those reviews. In no case shall
14 such a report contain information about individual finan-
15 cial institutions or any confidential or privileged informa-
16 tion shared by financial institutions.

17 “(h) RETALIATION PROHIBITED.—A Federal finan-
18 cial institutions regulatory agency may not—

19 “(1) retaliate against a financial institution, in-
20 cluding service providers, or any institution-affiliated
21 party (as defined under section 3 of the Federal De-
22 posit Insurance Act), for exercising appellate rights
23 under this section; or

24 “(2) delay or deny any agency action that
25 would benefit a financial institution or any institu-

1 tion-affiliated party on the basis that an appeal
2 under this section is pending under this section.

3 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed—

5 “(1) to affect the right of a Federal financial
6 institutions regulatory agency to take enforcement
7 or other supervisory actions related to a material su-
8 pervisory determination under review under this sec-
9 tion; or

10 “(2) to prohibit the review under this section of
11 a material supervisory determination with respect to
12 which there is an ongoing enforcement or other su-
13 pervisory action.”.

14 ADDITIONAL AMENDMENTS

15 SEC. 934. (a) RIEGLE COMMUNITY DEVELOPMENT
16 AND REGULATORY IMPROVEMENT ACT OF 1994.—Section
17 309 of the Riegle Community Development and Regu-
18 latory Improvement Act of 1994 (12 U.S.C. 4806) is
19 amended—

20 (1) in subsection (a), by inserting after “appro-
21 priate Federal banking agency” the following: “, the
22 Bureau of Consumer Financial Protection,”;

23 (2) in subsection (b)—

24 (A) in paragraph (2), by striking “the ap-
25 pellant from retaliation by agency examiners”
26 and inserting “the insured depository institu-

1 tion or insured credit union from retaliation by
2 the agencies referred to in subsection (a)”; and

3 (B) by adding at the end the following
4 flush-left text:

5 “For purposes of this subsection and subsection (e), retal-
6 iation includes delaying consideration of, or withholding
7 approval of, any request, notice, or application that other-
8 wise would have been approved, but for the exercise of the
9 institution’s or credit union’s rights under this section.”;

10 (3) in subsection (e)(2)—

11 (A) in subparagraph (B), by striking
12 “and” at the end;

13 (B) in subparagraph (C), by striking the
14 period and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(D) ensure that appropriate safeguards
17 exist for protecting the insured depository insti-
18 tution or insured credit union from retaliation
19 by any agency referred to in subsection (a) for
20 exercising its rights under this subsection.”;
21 and

22 (4) in subsection (f)(1)(A)—

23 (A) in clause (ii), by striking “and” at the
24 end;

1 (B) in clause (iii), by striking “and” at the
2 end; and

3 (C) by adding at the end the following:

4 “(iv) any issue specifically listed in an
5 exam report as a matter requiring atten-
6 tion by the institution’s management or
7 board of directors; and

8 “(v) any suspension or removal of an
9 institution’s status as eligible for expedited
10 processing of applications, requests, no-
11 tices, or filings on the grounds of a super-
12 visory or compliance concern, regardless of
13 whether that concern has been cited as a
14 basis for another material supervisory de-
15 termination or matter requiring attention
16 in an examination report, provided that the
17 conduct at issue did not involve violation of
18 any criminal law; and”.

19 (b) FEDERAL CREDIT UNION ACT.—Section 205(j)
20 of the Federal Credit Union Act (12 U.S.C. 1785(j)) is
21 amended by inserting “the Bureau of Consumer Financial
22 Protection,” before “the Administration” each place such
23 term appears.

24 (c) FEDERAL FINANCIAL INSTITUTIONS EXAMINA-
25 TION COUNCIL ACT OF 1978.—The Federal Financial In-

stitutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended—

(1) in section 1003, by amending paragraph (1) to read as follows:

“(1) the term ‘Federal financial institutions regulatory agencies’—

“(A) means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration; and

“(B) for purposes of sections 1012, 1013, and 1014, includes the Bureau of Consumer Financial Protection;” and

(2) in section 1005, by striking “One-fifth” and inserting “One-fourth”.

Subtitle XIII—TRID Improvement Act

AMENDMENTS TO MORTGAGE DISCLOSURE

REQUIREMENTS

SEC. 936. Section 4(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603(a)) is amended—

(1) by striking “itemize all charges” and inserting “itemize all actual charges”;

1 (2) by striking “and all charges imposed upon
2 the seller in connection with the settlement and” and
3 inserting “and the seller in connection with the set-
4 tlement. Such forms”; and

5 (3) by inserting after “or both.” the following
6 new sentence: “Charges for any title insurance pre-
7 mium disclosed on such forms shall be equal to the
8 amount charged for each individual title insurance
9 policy, subject to any discounts as required by State
10 regulation or the title company rate filings.”.

11 Subtitle XIV—Common Sense Credit Union Capital

12 Relief Act

13 DELAY IN EFFECTIVE DATE

14 SEC. 938. Notwithstanding any effective date set
15 forth in the rule issued by the National Credit Union Ad-
16 ministration titled “Risk-Based Capital” (published at 80
17 Fed. Reg. 66626 (October 29, 2015)), such final rule shall
18 take effect on January 1, 2021.

19 Subtitle XV—Bureau of Consumer Financial Protection—

20 Inspector General Reform Act

21 APPOINTMENT OF INSPECTOR GENERAL

22 SEC. 939. The Inspector General Act of 1978 (5
23 U.S.C. App.) is amended—

24 (1) in section 8G—

1 (A) in subsection (a)(2), by striking “and
2 the Bureau of Consumer Financial Protection”;

3 (B) in subsection (c), by striking “For
4 purposes of implementing this section” and all
5 that follows through the end of the subsection;
6 and

7 (C) in subsection (g)(3), by striking “and
8 the Bureau of Consumer Financial Protection”;
9 and

10 (2) in section 12—

11 (A) in paragraph (1), by inserting “the Di-
12 rector of the Bureau of Consumer Financial
13 Protection;” after “the President of the Export-
14 Import Bank;” and

15 (B) in paragraph (2), by inserting “the
16 Bureau of Consumer Financial Protection,”
17 after “the Export-Import Bank,”.

18 REQUIREMENTS FOR THE INSPECTOR GENERAL FOR THE

19 BUREAU OF CONSUMER FINANCIAL PROTECTION

20 SEC. 940. (a) ESTABLISHMENT.—Section 1011 of
21 the Dodd-Frank Wall Street Reform and Consumer Pro-
22 tection Act (12 U.S.C. 5491) is amended—

23 (1) in subsection (b)—

24 (A) in the subsection heading, by striking
25 “AND DEPUTY DIRECTOR” and inserting “,

1 DEPUTY DIRECTOR, AND INSPECTOR GEN-
2 ERAL”; and

3 (B) by inserting after paragraph (5) the
4 following:

5 “(6) INSPECTOR GENERAL.—There is estab-
6 lished the position of the Inspector General.”; and

7 (2) in subsection (d), by striking “or Deputy
8 Director” each place it appears and inserting “,
9 Deputy Director, or Inspector General”.

10 (b) HEARINGS.—Section 1016 of such Act is amend-
11 ed by inserting after subsection (c) the following:

12 “(d) ADDITIONAL REQUIREMENT FOR INSPECTOR
13 GENERAL.—On a separate occasion from that described
14 in subsection (a), the Inspector General of the Bureau
15 shall appear, upon invitation, before the Committee on
16 Banking, Housing, and Urban Affairs of the Senate and
17 the Committee on Financial Services of the House of Rep-
18 resentatives at hearings no less frequently than twice an-
19 nually, at a date determined by the chairman of the re-
20 spective committee, regarding the reports required under
21 subsection (b) and the reports required under section 5
22 of the Inspector General Act of 1978 (5 U.S.C. App.).”.

23 (c) FUNDING FOR OFFICE OF INSPECTOR GEN-
24 ERAL.—Section 1017(a)(2) of such Act is amended—

1 (1) by redesignating subparagraph (C) as sub-
2 paragraph (D); and

3 (2) by inserting after subparagraph (B) the fol-
4 lowing:

5 “(C) FUNDING FOR OFFICE OF INSPECTOR
6 GENERAL.—Each fiscal year, the Bureau shall
7 dedicate 2 percent of the funds transferred pur-
8 suant to paragraph (1) to the Office of the In-
9 spector General.”.

10 (d) PARTICIPATION IN THE COUNCIL OF INSPECTORS
11 GENERAL ON FINANCIAL OVERSIGHT.—Section
12 989E(a)(1) of such Act is amended by adding at the end
13 the following:

14 “(J) The Bureau of Consumer Financial
15 Protection.”.

16 EFFECTIVE DATE

17 SEC. 941. The amendments made by this subtitle
18 shall take effect 60 days after the date of the enactment
19 of this Act.

20 TRANSITION PERIOD

21 SEC. 942. The Inspector General of the Board of
22 Governors of the Federal Reserve System and the Bureau
23 of Consumer Financial Protection shall serve in that posi-
24 tion until the confirmation of an Inspector General for the
25 Bureau of Consumer Financial Protection. At that time,
26 the Inspector General of the Board of Governors of the

1 Federal Reserve System and the Bureau of Consumer Fi-
2 nancial Protection shall become the Inspector General of
3 the Board of Governors of the Federal Reserve System.

4 Subtitle XVI—BCFP on Appropriations

5 BUREAU APPROPRIATIONS

6 SEC. 943.

7 (a) FISCAL YEAR 2019.—The Director of the Bureau
8 of Consumer Financial Protection may not request, under
9 section 1017 of the Consumer Financial Protection Act
10 of 2010, during fiscal year 2019 an amount that would
11 result in the total amount requested by the Director dur-
12 ing that fiscal year to exceed \$485,000,000.

13 (b) FISCAL YEAR 2020 AND THEREAFTER.—Effec-
14 tive as of the first day of fiscal year 2020, section 1017
15 of the Consumer Financial Protection Act of 2010 (12
16 U.S.C. 5497) is amended—

17 (1) in subsection (a)—

18 (A) by amending the heading of such sub-
19 section to read as follows: “BUDGET, FINAN-
20 CIAL MANAGEMENT, AND AUDIT.—”;

21 (B) by striking paragraphs (1), (2), and
22 (3);

23 (C) by redesignating paragraphs (4) and
24 (5) as paragraphs (1) and (2), respectively; and

1 (D) by striking subparagraphs (E) and (F)
2 of paragraph (1), as so redesignated;
3 (2) by striking subsections (b) and (c);
4 (3) by redesignating subsections (d) and (e) as
5 subsections (b) and (c), respectively; and
6 (4) in subsection (c), as so redesignated—

7 (A) by striking paragraphs (1), (2), and
8 (3) and inserting the following:

9 “(1) AUTHORIZATION OF APPROPRIATION.—
10 There authorized to be appropriated for fiscal year
11 2020 to the Bureau from the combined earnings of
12 the Federal Reserve System \$485,000,000.”; and

13 (B) by redesignating paragraph (4) as
14 paragraph (2).

15 Subtitle XVII—Stress Test Relief for Nonbanks

16 STRESS TEST RELIEF FOR NONBANKS

17 SEC. 944. Section 165(i)(2) of the Dodd-Frank Wall
18 Street Reform and Consumer Protection Act (12 U.S.C.
19 5365(i)(2)) is amended—

20 (1) in subparagraph (A), by striking “are regu-
21 lated by a primary Federal financial regulatory
22 agency” and inserting: “whose primary financial reg-
23 ulatory agency is a Federal banking agency or the
24 Federal Housing Finance Agency”;

1 “(B) INITIAL MARGIN REQUIREMENT.—

2 The initial margin requirements imposed by
3 rules adopted pursuant to paragraphs (2)(A)(ii)
4 and (2)(B)(ii) shall not apply to any security-
5 based swap in which—

6 “(i) one counterparty is a person in
7 which the other counterparty, directly or
8 indirectly, holds a majority ownership in-
9 terest; or

10 “(ii) a third party, directly or indi-
11 rectly, holds a majority ownership interest
12 in both counterparties.”.

13 Subtitle XIX—Tailored Application of Prudential
14 Standards

15 TAILORED APPLICATION OF PRUDENTIAL STANDARDS

16 SEC. 946.

17 Section 165(a)(2)(A) of the Financial Stability Act
18 of 2010 (12 U.S.C. 5365(a)(2)(A)) is amended by insert-
19 ing before the period the following: “to ensure that compa-
20 nies with comparable risk profiles and business models are
21 operating under a similar set of requirements”.

22 Subtitle XX—Authority to Remove Bureau Director

23 AUTHORITY TO REMOVE BUREAU DIRECTOR

24 SEC. 947.

1 Section 1011(c) of the Consumer Financial Protec-
2 tion Act of 2010 (12 U.S.C. 5491(c)) is amended by strik-
3 ing paragraph (3).

4 Subtitle XXI—Congressional Review of Bureau
5 Rulemaking

6 CONGRESSIONAL REVIEW OF BUREAU RULEMAKING

7 SEC. 948.

8 Chapter 8 of title 5, United States Code, is amended
9 to read as follows:

10 **“CHAPTER 8—CONGRESSIONAL REVIEW**
11 **OF BUREAU RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

“808. Regulatory cut-go requirement.

“809. Review of rules currently in effect.

12 **“§ 801. Congressional review**

13 “(a)(1)(A) Before a rule may take effect, the Bureau
14 shall satisfy the requirements of section 808 and shall
15 publish in the Federal Register a list of information on
16 which the rule is based, including data, scientific and eco-
17 nomic studies, and cost-benefit analyses, and identify how
18 the public can access such information online, and shall
19 submit to each House of the Congress and to the Comp-
20 troller General a report containing—

1 “(i) a copy of the rule;

2 “(ii) a concise general statement relating to the
3 rule;

4 “(iii) a classification of the rule as a major or
5 nonmajor rule, including an explanation of the clas-
6 sification specifically addressing each criteria for a
7 major rule contained within sections 804(2)(A),
8 804(2)(B), and 804(2)(C);

9 “(iv) a list of any other related regulatory ac-
10 tions intended to implement the same statutory pro-
11 vision or regulatory objective as well as the indi-
12 vidual and aggregate economic effects of those ac-
13 tions; and

14 “(v) the proposed effective date of the rule.

15 “(B) On the date of the submission of the report
16 under subparagraph (A), the Bureau shall submit to the
17 Comptroller General and make available to each House of
18 Congress—

19 “(i) a complete copy of the cost-benefit analysis
20 of the rule, if any, including an analysis of any jobs
21 added or lost, differentiating between public and pri-
22 vate sector jobs;

23 “(ii) the Bureau’s actions pursuant to sections
24 603, 604, 605, 607, and 609 of this title;

1 “(iii) the Bureau’s actions pursuant to sections
2 202, 203, 204, and 205 of the Unfunded Mandates
3 Reform Act of 1995; and

4 “(iv) any other relevant information or require-
5 ments under any other Act and any relevant Execu-
6 tive orders.

7 “(C) Upon receipt of a report submitted under sub-
8 paragraph (A), each House shall provide copies of the re-
9 port to the chairman and ranking member of each stand-
10 ing committee with jurisdiction under the rules of the
11 House of Representatives or the Senate to report a bill
12 to amend the provision of law under which the rule is
13 issued.

14 “(2)(A) The Comptroller General shall provide a re-
15 port on each major rule to the committees of jurisdiction
16 by the end of 15 calendar days after the submission or
17 publication date. The report of the Comptroller General
18 shall include an assessment of the Bureau’s compliance
19 with procedural steps required by paragraph (1)(B) and
20 an assessment of whether the major rule imposes any new
21 limits or mandates on private-sector activity.

22 “(B) Federal agencies shall cooperate with the Comp-
23 troller General by providing information relevant to the
24 Comptroller General’s report under subparagraph (A).

1 “(3) A major rule relating to a report submitted
2 under paragraph (1) shall take effect upon enactment of
3 a joint resolution of approval described in section 802 or
4 as provided for in the rule following enactment of a joint
5 resolution of approval described in section 802, whichever
6 is later.

7 “(4) A nonmajor rule shall take effect as provided
8 by section 803 after submission to Congress under para-
9 graph (1).

10 “(5) If a joint resolution of approval relating to a
11 major rule is not enacted within the period provided in
12 subsection (b)(2), then a joint resolution of approval relat-
13 ing to the same rule may not be considered under this
14 chapter in the same Congress by either the House of Rep-
15 resentatives or the Senate.

16 “(b)(1) A major rule shall not take effect unless the
17 Congress enacts a joint resolution of approval described
18 under section 802.

19 “(2) If a joint resolution described in subsection (a)
20 is not enacted into law by the end of 70 session days or
21 legislative days, as applicable, beginning on the date on
22 which the report referred to in section 801(a)(1)(A) is re-
23 ceived by Congress (excluding days either House of Con-
24 gress is adjourned for more than 3 days during a session
25 of Congress), then the rule described in that resolution

1 shall be deemed not to be approved and such rule shall
2 not take effect.

3 “(c)(1) Notwithstanding any other provision of this
4 section (except subject to paragraph (3)), a major rule
5 may take effect for one 90-calendar-day period if the
6 President makes a determination under paragraph (2) and
7 submits written notice of such determination to the Con-
8 gress.

9 “(2) Paragraph (1) applies to a determination made
10 by the President by Executive order that the major rule
11 should take effect because such rule is—

12 “(A) necessary because of an imminent threat
13 to health or safety or other emergency;

14 “(B) necessary for the enforcement of criminal
15 laws;

16 “(C) necessary for national security; or

17 “(D) issued pursuant to any statute imple-
18 menting an international trade agreement.

19 “(3) An exercise by the President of the authority
20 under this subsection shall have no effect on the proce-
21 dures under section 802.

22 “(d)(1) In addition to the opportunity for review oth-
23 erwise provided under this chapter, in the case of any rule
24 for which a report was submitted in accordance with sub-

1 section (a)(1)(A) during the period beginning on the date
2 occurring—

3 “(A) in the case of the Senate, 60 session days;

4 or

5 “(B) in the case of the House of Representa-
6 tives, 60 legislative days,

7 before the date the Congress is scheduled to adjourn a
8 session of Congress through the date on which the same
9 or succeeding Congress first convenes its next session, sec-
10 tions 802 and 803 shall apply to such rule in the suc-
11 ceeding session of Congress.

12 “(2)(A) In applying sections 802 and 803 for pur-
13 poses of such additional review, a rule described under
14 paragraph (1) shall be treated as though—

15 “(i) such rule were published in the Federal
16 Register on—

17 “(I) in the case of the Senate, the 15th
18 session day; or

19 “(II) in the case of the House of Rep-
20 resentatives, the 15th legislative day,

21 after the succeeding session of Congress first con-
22 venes; and

23 “(ii) a report on such rule were submitted to
24 Congress under subsection (a)(1) on such date.

1 “(B) Nothing in this paragraph shall be construed
2 to affect the requirement under subsection (a)(1) that a
3 report shall be submitted to Congress before a rule can
4 take effect.

5 “(3) A rule described under paragraph (1) shall take
6 effect as otherwise provided by law (including other sub-
7 sections of this section).

8 **“§ 802. Congressional approval procedure for major**
9 **rules**

10 “(a)(1) For purposes of this section, the term ‘joint
11 resolution’ means only a joint resolution addressing a re-
12 port classifying a rule as major pursuant to section
13 801(a)(1)(A)(iii) that—

14 “(A) bears no preamble;

15 “(B) bears the following title (with blanks filled
16 as appropriate): ‘Approving the rule submitted by
17 _____ relating to _____.’;

18 “(C) includes after its resolving clause only the
19 following (with blanks filled as appropriate): ‘That
20 Congress approves the rule submitted by _____ re-
21 lating to _____.’; and

22 “(D) is introduced pursuant to paragraph (2).

23 “(2) After a House of Congress receives a report
24 classifying a rule as major pursuant to section
25 801(a)(1)(A)(iii), the majority leader of that House (or

1 his or her respective designee) shall introduce (by request,
2 if appropriate) a joint resolution described in paragraph
3 (1)—

4 “(A) in the case of the House of Representa-
5 tives, within 3 legislative days; and

6 “(B) in the case of the Senate, within 3 session
7 days.

8 “(3) A joint resolution described in paragraph (1)
9 shall not be subject to amendment at any stage of pro-
10 ceeding.

11 “(b) A joint resolution described in subsection (a)
12 shall be referred in each House of Congress to the commit-
13 tees having jurisdiction over the provision of law under
14 which the rule is issued.

15 “(c) In the Senate, if the committee or committees
16 to which a joint resolution described in subsection (a) has
17 been referred have not reported it at the end of 15 session
18 days after its introduction, such committee or committees
19 shall be automatically discharged from further consider-
20 ation of the resolution and it shall be placed on the cal-
21 endar. A vote on final passage of the resolution shall be
22 taken on or before the close of the 15th session day after
23 the resolution is reported by the committee or committees
24 to which it was referred, or after such committee or com-

1 mittees have been discharged from further consideration
2 of the resolution.

3 “(d)(1) In the Senate, when the committee or com-
4 mittees to which a joint resolution is referred have re-
5 ported, or when a committee or committees are discharged
6 (under subsection (c)) from further consideration of a
7 joint resolution described in subsection (a), it is at any
8 time thereafter in order (even though a previous motion
9 to the same effect has been disagreed to) for a motion
10 to proceed to the consideration of the joint resolution, and
11 all points of order against the joint resolution (and against
12 consideration of the joint resolution) are waived. The mo-
13 tion is not subject to amendment, or to a motion to post-
14 pone, or to a motion to proceed to the consideration of
15 other business. A motion to reconsider the vote by which
16 the motion is agreed to or disagreed to shall not be in
17 order. If a motion to proceed to the consideration of the
18 joint resolution is agreed to, the joint resolution shall re-
19 main the unfinished business of the Senate until disposed
20 of.

21 “(2) In the Senate, debate on the joint resolution,
22 and on all debatable motions and appeals in connection
23 therewith, shall be limited to not more than 2 hours, which
24 shall be divided equally between those favoring and those
25 opposing the joint resolution. A motion to further limit

1 debate is in order and not debatable. An amendment to,
2 or a motion to postpone, or a motion to proceed to the
3 consideration of other business, or a motion to recommit
4 the joint resolution is not in order.

5 “(3) In the Senate, immediately following the conclu-
6 sion of the debate on a joint resolution described in sub-
7 section (a), and a single quorum call at the conclusion of
8 the debate if requested in accordance with the rules of the
9 Senate, the vote on final passage of the joint resolution
10 shall occur.

11 “(4) Appeals from the decisions of the Chair relating
12 to the application of the rules of the Senate to the proce-
13 dure relating to a joint resolution described in subsection
14 (a) shall be decided without debate.

15 “(e) In the House of Representatives, if any com-
16 mittee to which a joint resolution described in subsection
17 (a) has been referred has not reported it to the House
18 at the end of 15 legislative days after its introduction,
19 such committee shall be discharged from further consider-
20 ation of the joint resolution, and it shall be placed on the
21 appropriate calendar. On the second and fourth Thursdays
22 of each month it shall be in order at any time for the
23 Speaker to recognize a Member who favors passage of a
24 joint resolution that has appeared on the calendar for at
25 least 5 legislative days to call up that joint resolution for

1 immediate consideration in the House without intervention
2 of any point of order. When so called up a joint resolution
3 shall be considered as read and shall be debatable for 1
4 hour equally divided and controlled by the proponent and
5 an opponent, and the previous question shall be considered
6 as ordered to its passage without intervening motion. It
7 shall not be in order to reconsider the vote on passage.
8 If a vote on final passage of the joint resolution has not
9 been taken by the third Thursday on which the Speaker
10 may recognize a Member under this subsection, such vote
11 shall be taken on that day.

12 “(f)(1) If, before passing a joint resolution described
13 in subsection (a), one House receives from the other a
14 joint resolution having the same text, then—

15 “(A) the joint resolution of the other House
16 shall not be referred to a committee; and

17 “(B) the procedure in the receiving House shall
18 be the same as if no joint resolution had been re-
19 ceived from the other House until the vote on pas-
20 sage, when the joint resolution received from the
21 other House shall supplant the joint resolution of
22 the receiving House.

23 “(2) This subsection shall not apply to the House of
24 Representatives if the joint resolution received from the
25 Senate is a revenue measure.

1 “(g) If either House has not taken a vote on final
2 passage of the joint resolution by the last day of the period
3 described in section 801(b)(2), then such vote shall be
4 taken on that day.

5 “(h) This section and section 803 are enacted by
6 Congress—

7 “(1) as an exercise of the rulemaking power of
8 the Senate and House of Representatives, respec-
9 tively, and as such is deemed to be part of the rules
10 of each House, respectively, but applicable only with
11 respect to the procedure to be followed in that
12 House in the case of a joint resolution described in
13 subsection (a) and superseding other rules only
14 where explicitly so; and

15 “(2) with full recognition of the Constitutional
16 right of either House to change the rules (so far as
17 they relate to the procedure of that House) at any
18 time, in the same manner and to the same extent as
19 in the case of any other rule of that House.

20 **“§ 803. Congressional disapproval procedure for**
21 **nonmajor rules**

22 “(a) For purposes of this section, the term ‘joint res-
23 olution’ means only a joint resolution introduced in the
24 period beginning on the date on which the report referred
25 to in section 801(a)(1)(A) is received by Congress and

1 ending 60 days thereafter (excluding days either House
2 of Congress is adjourned for more than 3 days during a
3 session of Congress), the matter after the resolving clause
4 of which is as follows: ‘That Congress disapproves the
5 nonmajor rule submitted by the _____ relating to
6 _____, and such rule shall have no force or effect.’ (The
7 blank spaces being appropriately filled in).

8 “(b) A joint resolution described in subsection (a)
9 shall be referred to the committees in each House of Con-
10 gress with jurisdiction.

11 “(c) In the Senate, if the committee to which is re-
12 ferred a joint resolution described in subsection (a) has
13 not reported such joint resolution (or an identical joint
14 resolution) at the end of 15 session days after the date
15 of introduction of the joint resolution, such committee may
16 be discharged from further consideration of such joint res-
17 olution upon a petition supported in writing by 30 Mem-
18 bers of the Senate, and such joint resolution shall be
19 placed on the calendar.

20 “(d)(1) In the Senate, when the committee to which
21 a joint resolution is referred has reported, or when a com-
22 mittee is discharged (under subsection (c)) from further
23 consideration of a joint resolution described in subsection
24 (a), it is at any time thereafter in order (even though a
25 previous motion to the same effect has been disagreed to)

1 for a motion to proceed to the consideration of the joint
2 resolution, and all points of order against the joint resolu-
3 tion (and against consideration of the joint resolution) are
4 waived. The motion is not subject to amendment, or to
5 a motion to postpone, or to a motion to proceed to the
6 consideration of other business. A motion to reconsider the
7 vote by which the motion is agreed to or disagreed to shall
8 not be in order. If a motion to proceed to the consideration
9 of the joint resolution is agreed to, the joint resolution
10 shall remain the unfinished business of the Senate until
11 disposed of.

12 “(2) In the Senate, debate on the joint resolution,
13 and on all debatable motions and appeals in connection
14 therewith, shall be limited to not more than 10 hours,
15 which shall be divided equally between those favoring and
16 those opposing the joint resolution. A motion to further
17 limit debate is in order and not debatable. An amendment
18 to, or a motion to postpone, or a motion to proceed to
19 the consideration of other business, or a motion to recom-
20 mit the joint resolution is not in order.

21 “(3) In the Senate, immediately following the conclu-
22 sion of the debate on a joint resolution described in sub-
23 section (a), and a single quorum call at the conclusion of
24 the debate if requested in accordance with the rules of the

1 Senate, the vote on final passage of the joint resolution
2 shall occur.

3 “(4) Appeals from the decisions of the Chair relating
4 to the application of the rules of the Senate to the proce-
5 dure relating to a joint resolution described in subsection
6 (a) shall be decided without debate.

7 “(e) In the Senate, the procedure specified in sub-
8 section (e) or (d) shall not apply to the consideration of
9 a joint resolution respecting a nonmajor rule—

10 “(1) after the expiration of the 60 session days
11 beginning with the applicable submission or publica-
12 tion date; or

13 “(2) if the report under section 801(a)(1)(A)
14 was submitted during the period referred to in sec-
15 tion 801(d)(1), after the expiration of the 60 session
16 days beginning on the 15th session day after the
17 succeeding session of Congress first convenes.

18 “(f) If, before the passage by one House of a joint
19 resolution of that House described in subsection (a), that
20 House receives from the other House a joint resolution
21 described in subsection (a), then the following procedures
22 shall apply:

23 “(1) The joint resolution of the other House
24 shall not be referred to a committee.

1 “(2) With respect to a joint resolution described
2 in subsection (a) of the House receiving the joint
3 resolution—

4 “(A) the procedure in that House shall be
5 the same as if no joint resolution had been re-
6 ceived from the other House; but

7 “(B) the vote on final passage shall be on
8 the joint resolution of the other House.

9 **“§ 804. Definitions**

10 “For purposes of this chapter:

11 “(1) The term ‘Bureau’ means the Bureau of
12 Consumer Financial Protection.

13 “(2) The term ‘major rule’ means any rule, in-
14 cluding an interim final rule, that the Administrator
15 of the Office of Information and Regulatory Affairs
16 of the Office of Management and Budget finds has
17 resulted in or is likely to result in—

18 “(A) an annual cost on the economy of
19 \$100,000,000 or more, adjusted annually for
20 inflation;

21 “(B) a major increase in costs or prices for
22 consumers, individual industries, Federal,
23 State, or local government agencies, or geo-
24 graphic regions; or

1 “(C) significant adverse effects on competi-
2 tion, employment, investment, productivity, in-
3 novation, or on the ability of United States-
4 based enterprises to compete with foreign-based
5 enterprises in domestic and export markets.

6 “(3) The term ‘nonmajor rule’ means any rule
7 that is not a major rule.

8 “(4) The term ‘rule’ has the meaning given
9 such term in section 551, except that such term does
10 not include—

11 “(A) any rule of particular applicability,
12 including a rule that approves or prescribes for
13 the future rates, wages, prices, services, or al-
14 lowances therefore, corporate or financial struc-
15 tures, reorganizations, mergers, or acquisitions
16 thereof, or accounting practices or disclosures
17 bearing on any of the foregoing;

18 “(B) any rule relating to Bureau manage-
19 ment or personnel; or

20 “(C) any rule of Bureau organization, pro-
21 cedure, or practice that does not substantially
22 affect the rights or obligations of non-Bureau
23 parties.

1 “(5) The term ‘submission date or publication
2 date’, except as otherwise provided in this chapter,
3 means—

4 “(A) in the case of a major rule, the date
5 on which the Congress receives the report sub-
6 mitted under section 801(a)(1); and

7 “(B) in the case of a nonmajor rule, the
8 later of—

9 “(i) the date on which the Congress
10 receives the report submitted under section
11 801(a)(1); and

12 “(ii) the date on which the nonmajor
13 rule is published in the Federal Register, if
14 so published.

15 **“§ 805. Judicial review**

16 “(a) No determination, finding, action, or omission
17 under this chapter shall be subject to judicial review.

18 “(b) Notwithstanding subsection (a), a court may de-
19 termine whether the Bureau has completed the necessary
20 requirements under this chapter for a rule to take effect.

21 “(c) The enactment of a joint resolution of approval
22 under section 802 shall not be interpreted to serve as a
23 grant or modification of statutory authority by Congress
24 for the promulgation of a rule, shall not extinguish or af-
25 fect any claim, whether substantive or procedural, against

1 any alleged defect in a rule, and shall not form part of
2 the record before the court in any judicial proceeding con-
3 cerning a rule except for purposes of determining whether
4 or not the rule is in effect.

5 **“§ 806. Exemption for monetary policy**

6 “Nothing in this chapter shall apply to rules that con-
7 cern monetary policy proposed or implemented by the
8 Board of Governors of the Federal Reserve System or the
9 Federal Open Market Committee.

10 **“§ 807. Effective date of certain rules**

11 “Notwithstanding section 801—

12 “(1) any rule that establishes, modifies, opens,
13 closes, or conducts a regulatory program for a com-
14 mercial, recreational, or subsistence activity related
15 to hunting, fishing, or camping; or

16 “(2) any rule other than a major rule which the
17 Bureau for good cause finds (and incorporates the
18 finding and a brief statement of reasons therefore in
19 the rule issued) that notice and public procedure
20 thereon are impracticable, unnecessary, or contrary
21 to the public interest,

22 shall take effect at such time as the Bureau determines.

23 **“§ 808. Regulatory cut-go requirement**

24 “In making any new rule, the Bureau shall identify
25 a rule or rules that may be amended or repealed to com-

1 pletely offset any annual costs of the new rule to the
2 United States economy. Before the new rule may take ef-
3 fect, the Bureau shall make each such repeal or amend-
4 ment. In making such an amendment or repeal, the Bu-
5 reau shall comply with the requirements of subchapter II
6 of chapter 5, but the Bureau may consolidate proceedings
7 under subchapter with proceedings on the new rule.

8 **“§ 809. Review of rules currently in effect**

9 “(a) ANNUAL REVIEW.—Beginning on the date that
10 is 6 months after the date of enactment of this section
11 and annually thereafter for the 9 years following, the Bu-
12 reau shall designate not less than 10 percent of eligible
13 rules made by the Bureau for review, and shall submit
14 a report including each such eligible rule in the same man-
15 ner as a report under section 801(a)(1). Section 801, sec-
16 tion 802, and section 803 shall apply to each such rule,
17 subject to subsection (c) of this section. No eligible rule
18 previously designated may be designated again.

19 “(b) SUNSET FOR ELIGIBLE RULES NOT EX-
20 TENDED.—Beginning after the date that is 10 years after
21 the date of enactment of this section, if Congress has not
22 enacted a joint resolution of approval for that eligible rule,
23 that eligible rule shall not continue in effect.

1 “(c) CONSOLIDATION; SEVERABILITY.—In applying
2 sections 801, 802, and 803 to eligible rules under this sec-
3 tion, the following shall apply:

4 “(1) The words ‘take effect’ shall be read as
5 ‘continue in effect’.

6 “(2) Except as provided in paragraph (3), a
7 single joint resolution of approval shall apply to all
8 eligible rules in a report designated for a year, and
9 the matter after the resolving clause of that joint
10 resolution is as follows: ‘That Congress approves the
11 rules submitted by the ____ for the year ____.’ (The
12 blank spaces being appropriately filled in).

13 “(3) It shall be in order to consider any amend-
14 ment that provides for specific conditions on which
15 the approval of a particular eligible rule included in
16 the joint resolution is contingent.

17 “(4) A member of either House may move that
18 a separate joint resolution be required for a specified
19 rule.

20 “(d) DEFINITION.—In this section, the term ‘eligible
21 rule’ means a rule that is in effect as of the date of enact-
22 ment of this section.”.

23 BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION
24 802 OF TITLE 5, UNITED STATES CODE
25 SEC. 949.

1 Section 257(b)(2) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985 is amended by adding
3 at the end the following new subparagraph:

4 “(E) BUDGETARY EFFECTS OF RULES
5 SUBJECT TO SECTION 802 OF TITLE 5, UNITED
6 STATES CODE.—Any rules subject to the con-
7 gressional approval procedure set forth in sec-
8 tion 802 of chapter 8 of title 5, United States
9 Code, affecting budget authority, outlays, or re-
10 cepts shall be assumed to be effective unless it
11 is not approved in accordance with such sec-
12 tion.”.

13 GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES
14 SEC. 950.

15 (a) IN GENERAL.—The Comptroller General of the
16 United States shall conduct a study to determine, as of
17 the date of the enactment of this Act—

18 (1) how many rules (as such term is defined in
19 section 804 of title 5, United States Code) of the
20 Bureau were in effect;

21 (2) how many major rules (as such term is de-
22 fined in section 804 of title 5, United States Code)
23 of the Bureau were in effect; and

24 (3) the total estimated economic cost imposed
25 by all such rules.

TITLE X

EMAIL PRIVACY ACT

VOLUNTARY DISCLOSURE CORRECTIONS

1
2
3
4 SEC. 1001. (a) IN GENERAL.—Section 2702 of title
5 18, United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by striking “divulge” and inserting
9 “disclose”; and

10 (ii) by striking “while in electronic
11 storage by that service” and inserting
12 “that is in electronic storage with or other-
13 wise stored, held, or maintained by that
14 service”;

15 (B) in paragraph (2)—

16 (i) by striking “to the public”;

17 (ii) by striking “divulge” and insert-
18 ing “disclose”; and

19 (iii) by striking “which is carried or
20 maintained on that service” and inserting
21 “that is stored, held, or maintained by that
22 service”; and

23 (C) in paragraph (3)—

24 (i) by striking “divulge” and inserting
25 “disclose”; and

1 (ii) by striking “a provider of” and in-
2 serting “a person or entity providing”;

3 (2) in subsection (b)—

4 (A) in the matter preceding paragraph (1),
5 by inserting “wire or electronic” before “com-
6 munication”;

7 (B) by amending paragraph (1) to read as
8 follows:

9 “(1) to an originator, addressee, or intended re-
10 cipient of such communication, to the subscriber or
11 customer on whose behalf the provider stores, holds,
12 or maintains such communication, or to an agent of
13 such addressee, intended recipient, subscriber, or
14 customer;”; and

15 (C) by amending paragraph (3) to read as
16 follows:

17 “(3) with the lawful consent of the originator,
18 addressee, or intended recipient of such communica-
19 tion, or of the subscriber or customer on whose be-
20 half the provider stores, holds, or maintains such
21 communication;”;

22 (3) in subsection (c) by inserting “wire or elec-
23 tronic” before “communications”;

24 (4) in each of subsections (b) and (c), by strik-
25 ing “divulge” and inserting “disclose”; and

1 (5) in subsection (c), by amending paragraph
2 (2) to read as follows:

3 “(2) with the lawful consent of the subscriber
4 or customer;”.

5 AMENDMENTS TO REQUIRED DISCLOSURE SECTION

6 SEC. 1002. Section 2703 of title 18, United States
7 Code, is amended—

8 (1) by striking subsections (a) through (c) and
9 inserting the following:

10 “(a) CONTENTS OF WIRE OR ELECTRONIC COMMU-
11 NICATIONS IN ELECTRONIC STORAGE.—Except as pro-
12 vided in subsections (i) and (j), a governmental entity may
13 require the disclosure by a provider of electronic commu-
14 nication service of the contents of a wire or electronic com-
15 munication that is in electronic storage with or otherwise
16 stored, held, or maintained by that service only if the gov-
17 ernmental entity obtains a warrant issued using the proce-
18 dures described in the Federal Rules of Criminal Proce-
19 dure (or, in the case of a State court, issued using State
20 warrant procedures) that—

21 “(1) is issued by a court of competent jurisdic-
22 tion; and

23 “(2) may indicate the date by which the pro-
24 vider must make the disclosure to the governmental
25 entity.

1 In the absence of a date on the warrant indicating the
2 date by which the provider must make disclosure to the
3 governmental entity, the provider shall promptly respond
4 to the warrant.

5 “(b) CONTENTS OF WIRE OR ELECTRONIC COMMU-
6 NICATIONS IN A REMOTE COMPUTING SERVICE.—

7 “(1) IN GENERAL.—Except as provided in sub-
8 sections (i) and (j), a governmental entity may re-
9 quire the disclosure by a provider of remote com-
10 puting service of the contents of a wire or electronic
11 communication that is stored, held, or maintained by
12 that service only if the governmental entity obtains
13 a warrant issued using the procedures described in
14 the Federal Rules of Criminal Procedure (or, in the
15 case of a State court, issued using State warrant
16 procedures) that—

17 “(A) is issued by a court of competent ju-
18 risdiction; and

19 “(B) may indicate the date by which the
20 provider must make the disclosure to the gov-
21 ernmental entity.

22 In the absence of a date on the warrant indicating
23 the date by which the provider must make disclosure
24 to the governmental entity, the provider shall
25 promptly respond to the warrant.

1 “(2) APPLICABILITY.—Paragraph (1) is appli-
2 cable with respect to any wire or electronic commu-
3 nication that is stored, held, or maintained by the
4 provider—

5 “(A) on behalf of, and received by means
6 of electronic transmission from (or created by
7 means of computer processing of communica-
8 tion received by means of electronic trans-
9 mission from), a subscriber or customer of such
10 remote computing service; and

11 “(B) solely for the purpose of providing
12 storage or computer processing services to such
13 subscriber or customer, if the provider is not
14 authorized to access the contents of any such
15 communications for purposes of providing any
16 services other than storage or computer proc-
17 essing.

18 “(c) RECORDS CONCERNING ELECTRONIC COMMU-
19 NICATION SERVICE OR REMOTE COMPUTING SERVICE.—

20 “(1) IN GENERAL.—Except as provided in sub-
21 sections (i) and (j), a governmental entity may re-
22 quire the disclosure by a provider of electronic com-
23 munication service or remote computing service of a
24 record or other information pertaining to a sub-
25 scriber to or customer of such service (not including

1 the contents of wire or electronic communications),
2 only—

3 “(A) if a governmental entity obtains a
4 warrant issued using the procedures described
5 in the Federal Rules of Criminal Procedure (or,
6 in the case of a State court, issued using State
7 warrant procedures) that—

8 “(i) is issued by a court of competent
9 jurisdiction directing the disclosure; and

10 “(ii) may indicate the date by which
11 the provider must make the disclosure to
12 the governmental entity;

13 “(B) if a governmental entity obtains a
14 court order directing the disclosure under sub-
15 section (d);

16 “(C) with the lawful consent of the sub-
17 scriber or customer; or

18 “(D) as otherwise authorized in paragraph
19 (2).

20 “(2) SUBSCRIBER OR CUSTOMER INFORMA-
21 TION.—A provider of electronic communication serv-
22 ice or remote computing service shall, in response to
23 an administrative subpoena authorized by Federal or
24 State statute, a grand jury, trial, or civil discovery

1 subpoena, or any means available under paragraph
2 (1), disclose to a governmental entity the—

3 “(A) name;

4 “(B) address;

5 “(C) local and long distance telephone con-
6 nection records, or records of session times and
7 durations;

8 “(D) length of service (including start
9 date) and types of service used;

10 “(E) telephone or instrument number or
11 other subscriber or customer number or iden-
12 tity, including any temporarily assigned net-
13 work address; and

14 “(F) means and source of payment for
15 such service (including any credit card or bank
16 account number),

17 of a subscriber or customer of such service.

18 “(3) NOTICE NOT REQUIRED.—A governmental
19 entity that receives records or information under
20 this subsection is not required to provide notice to
21 a subscriber or customer.”;

22 (2) in subsection (d)—

23 (A) by striking “(b) or”;

24 (B) by striking “the contents of a wire or
25 electronic communication, or”;

1 (C) by striking “sought,” and inserting
2 “sought”; and

3 (D) by striking “section” and inserting
4 “subsection”; and

5 (3) by adding at the end the following:

6 “(h) NOTICE.—Except as provided in section 2705,
7 a provider of electronic communication service or remote
8 computing service may notify a subscriber or customer of
9 a receipt of a warrant, court order, subpoena, or request
10 under subsection (a), (b), (c), or (d) of this section.

11 “(i) RULE OF CONSTRUCTION RELATED TO LEGAL
12 PROCESS.—Nothing in this section or in section 2702
13 shall limit the authority of a governmental entity to use
14 an administrative subpoena authorized by Federal or
15 State statute, a grand jury, trial, or civil discovery sub-
16 poena, or a warrant issued using the procedures described
17 in the Federal Rules of Criminal Procedure (or, in the
18 case of a State court, issued using State warrant proce-
19 dures) by a court of competent jurisdiction to—

20 “(1) require an originator, addressee, or in-
21 tended recipient of a wire or electronic communica-
22 tion to disclose a wire or electronic communication
23 (including the contents of that communication) to
24 the governmental entity;

1 “(2) require a person or entity that provides an
2 electronic communication service to the officers, di-
3 rectors, employees, or agents of the person or entity
4 (for the purpose of carrying out their duties) to dis-
5 close a wire or electronic communication (including
6 the contents of that communication) to or from the
7 person or entity itself or to or from an officer, direc-
8 tor, employee, or agent of the entity to a govern-
9 mental entity, if the wire or electronic communica-
10 tion is stored, held, or maintained on an electronic
11 communications system owned, operated, or con-
12 trolled by the person or entity; or

13 “(3) require a person or entity that provides a
14 remote computing service or electronic communica-
15 tion service to disclose a wire or electronic commu-
16 nication (including the contents of that communica-
17 tion) that advertises or promotes a product or serv-
18 ice and that has been made readily accessible to the
19 general public.

20 “(j) RULE OF CONSTRUCTION RELATED TO CON-
21 GRESSIONAL SUBPOENAS.—Nothing in this section or in
22 section 2702 shall limit the power of inquiry vested in the
23 Congress by article I of the Constitution of the United
24 States, including the authority to compel the production
25 of a wire or electronic communication (including the con-

1 tents of a wire or electronic communication) that is stored,
2 held, or maintained by a person or entity that provides
3 remote computing service or electronic communication
4 service.”.

5 DELAYED NOTICE

6 SEC. 1003. Section 2705 of title 18, United States
7 Code, is amended to read as follows:

8 **“§ 2705. Delayed notice**

9 “(a) IN GENERAL.—A governmental entity acting
10 under section 2703 may apply to a court for an order di-
11 recting a provider of electronic communication service or
12 remote computing service to which a warrant, order, sub-
13 poena, or other directive under section 2703 is directed
14 not to notify any other person of the existence of the war-
15 rant, order, subpoena, or other directive.

16 “(b) DETERMINATION.—A court shall grant a re-
17 quest for an order made under subsection (a) for delayed
18 notification of up to 180 days if the court determines that
19 there is reason to believe that notification of the existence
20 of the warrant, order, subpoena, or other directive will
21 likely result in—

22 “(1) endangering the life or physical safety of
23 an individual;

24 “(2) flight from prosecution;

25 “(3) destruction of or tampering with evidence;

26 “(4) intimidation of potential witnesses; or

1 “(5) otherwise seriously jeopardizing an inves-
2 tigation or unduly delaying a trial.

3 “(c) EXTENSION.—Upon request by a governmental
4 entity, a court may grant one or more extensions, for peri-
5 ods of up to 180 days each, of an order granted in accord-
6 ance with subsection (b).”.

7 RULE OF CONSTRUCTION

8 SEC. 1004. Nothing in this Act or an amendment
9 made by this Act shall be construed to preclude the acqui-
10 sition by the United States Government of—

11 (1) the contents of a wire or electronic commu-
12 nication pursuant to other lawful authorities, includ-
13 ing the authorities under chapter 119 of title 18
14 (commonly known as the “Wiretap Act”), the For-
15 eign Intelligence Surveillance Act of 1978 (50
16 U.S.C. 1801 et seq.), or any other provision of Fed-
17 eral law not specifically amended by this Act; or

18 (2) records or other information relating to a
19 subscriber or customer of any electronic communica-
20 tion service or remote computing service (not includ-
21 ing the content of such communications) pursuant to
22 the Foreign Intelligence Surveillance Act of 1978
23 (50 U.S.C. 1801 et seq.), chapter 119 of title 18
24 (commonly known as the “Wiretap Act”), or any
25 other provision of Federal law not specifically
26 amended by this Act.

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TITLE XI

AMATEUR RADIO PARITY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the “Amateur Radio Parity Act of 2018”.

SEC. 1102. FINDINGS.

Congress finds the following:

(1) More than 730,000 radio amateurs in the United States are licensed by the Federal Communications Commission in the amateur radio services.

(2) Amateur radio, at no cost to taxpayers, provides a fertile ground for technical self-training in modern telecommunications, electronics technology, and emergency communications techniques and protocols.

(3) There is a strong Federal interest in the effective performance of amateur stations established at the residences of licensees. Such stations have been shown to be frequently and increasingly precluded by unreasonable private land use restrictions, including restrictive covenants.

(4) Federal Communications Commission regulations have for three decades prohibited the application to stations in the amateur service of State and local regulations that preclude or fail to reasonably

1 accommodate amateur service communications, or
2 that do not constitute the minimum practicable reg-
3 ulation to accomplish a legitimate State or local pur-
4 pose. Commission policy has been and is to require
5 States and localities to permit erection of a station
6 antenna structure at heights and dimensions suffi-
7 cient to accommodate amateur service communica-
8 tions.

9 (5) The Commission has sought guidance and
10 direction from Congress with respect to the applica-
11 tion of the Commission's limited preemption policy
12 regarding amateur service communications to private
13 land use restrictions, including restrictive covenants.

14 (6) There are aesthetic and common property
15 considerations that are uniquely applicable to private
16 land use regulations and the community associations
17 obligated to enforce covenants, conditions, and re-
18 strictions in deed-restricted communities. These con-
19 siderations are dissimilar to those applicable to State
20 law and local ordinances regulating the same resi-
21 dential amateur radio facilities.

22 (7) In recognition of these considerations, a
23 separate Federal policy than exists at section
24 97.15(b) of title 47, Code of Federal Regulations, is

1 warranted concerning amateur service communica-
2 tions in deed-restricted communities.

3 (8) Community associations should fairly ad-
4 minister private land use regulations in the interest
5 of their communities, while nevertheless permitting
6 the installation and maintenance of effective outdoor
7 amateur radio antennas. There exist antenna de-
8 signs and installations that can be consistent with
9 the aesthetics and physical characteristics of land
10 and structures in community associations while ac-
11 commodating communications in the amateur radio
12 services.

13 **SEC. 1103. APPLICATION OF PRIVATE LAND USE RESTRIC-**
14 **TIONS TO AMATEUR STATIONS.**

15 (a) AMENDMENT OF FCC RULES.—Not later than
16 120 days after the date of the enactment of this Act, the
17 Federal Communications Commission shall amend section
18 97.15 of title 47, Code of Federal Regulations, by adding
19 a new paragraph that prohibits the application to amateur
20 stations of any private land use restriction, including a
21 restrictive covenant, that—

22 (1) on its face or as applied, precludes commu-
23 nications in an amateur radio service;

24 (2) fails to permit a licensee in an amateur
25 radio service to install and maintain an effective out-

1 door antenna on property under the exclusive use or
2 control of the licensee; or

3 (3) does not constitute the minimum practicable
4 restriction on such communications to accomplish
5 the lawful purposes of a community association seek-
6 ing to enforce such restriction.

7 (b) ADDITIONAL REQUIREMENTS.—In amending its
8 rules as required by subsection (a), the Commission
9 shall—

10 (1) require any licensee in an amateur radio
11 service to notify and obtain prior approval from a
12 community association concerning installation of an
13 outdoor antenna;

14 (2) permit a community association to prohibit
15 installation of any antenna or antenna support
16 structure by a licensee in an amateur radio service
17 on common property not under the exclusive use or
18 control of the licensee; and

19 (3) subject to the standards specified in para-
20 graphs (1) and (2) of subsection (a), permit a com-
21 munity association to establish reasonable written
22 rules concerning height, location, size, and aesthetic
23 impact of, and installation requirements for, outdoor
24 antennas and support structures for the purpose of

1 conducting communications in the amateur radio
2 services.

3 **SEC. 1104. AFFIRMATION OF LIMITED PREEMPTION OF**
4 **STATE AND LOCAL LAND USE REGULATION.**

5 The Federal Communications Commission may not
6 change section 97.15(b) of title 47, Code of Federal Regu-
7 lations, which shall remain applicable to State and local
8 land use regulation of amateur service communications.

9 **SEC. 1105. DEFINITIONS.**

10 In this title:

11 (1) **COMMUNITY ASSOCIATION.**—The term
12 “community association” means any non-profit man-
13 datory membership organization composed of owners
14 of real estate described in a declaration of covenants
15 or created pursuant to a covenant or other applica-
16 ble law with respect to which a person, by virtue of
17 the person’s ownership of or interest in a unit or
18 parcel, is obligated to pay for a share of real estate
19 taxes, insurance premiums, maintenance, improve-
20 ment, services, or other expenses related to common
21 elements, other units, or any other real estate other
22 than the unit or parcel described in the declaration.

23 (2) **TERMS DEFINED IN REGULATIONS.**—The
24 terms “amateur radio services”, “amateur service”,
25 and “amateur station” have the meanings given

1 such terms in section 97.3 of title 47, Code of Fed-
2 eral Regulations.

1 TITLE XII
2 ADDITIONAL GENERAL PROVISIONS
3 SPENDING REDUCTION ACCOUNT
4 SEC. 1201. The amount by which the applicable allo-
5 cation of new budget authority made by the Committee
6 on Appropriations of the House of Representatives under
7 section 302(b) of the Congressional Budget Act of 1974
8 exceeds the amount of proposed new budget authority is
9 \$0.
10 This Act may be cited as the “Financial Services and
11 General Government Appropriations Act, 2019”.

Union Calendar No. 612

115TH CONGRESS
2^D SESSION

H. R. 6258

[Report No. 115-792]

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2019, and for other purposes.

JUNE 28, 2018

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed