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114TH CONGRESS
2^D SESSION

H. R. 5485

[Report No. 114-624]

Making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2016

Mr. CRENSHAW, 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, 2017, and for other purposes.

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

6 (3) not to exceed \$57,000,000 shall remain
7 available until September 30, 2018, for—

8 (A) the Treasury-wide Financial Statement
9 Audit and Internal Control Program;

10 (B) information technology modernization
11 requirements;

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

14 (D) the development and implementation
15 of programs within the Office of Critical Infra-
16 structure Protection and Compliance Policy, in-
17 cluding entering into cooperative agreements;

18 and

19 (E) cybersecurity.

20 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

21 SALARIES AND EXPENSES

22 For the necessary expenses of the Office of Terrorism
23 and Financial Intelligence to safeguard the financial sys-
24 tem against illicit use and to combat rogue nations, ter-
25 rorist facilitators, weapons of mass destruction

1 proliferators, money launderers, drug kingpins, and other
2 national security threats, \$120,000,000: *Provided*, That of
3 the amount appropriated under this heading: (1) not to
4 exceed \$27,500,000 is available for administrative ex-
5 penses; and (2) \$5,000,000, to remain available until Sep-
6 tember 30, 2018.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$37,044,000, including hire of pas-
12 senger motor vehicles; of which not to exceed \$100,000
13 shall be available for unforeseen emergencies of a con-
14 fidential nature, to be allocated and expended under the
15 direction of the Inspector General of the Treasury; of
16 which up to \$2,800,000 to remain available until Sep-
17 tember 30, 2018, shall be for audits and investigations
18 conducted pursuant to section 1608 of the Resources and
19 Ecosystems Sustainability, Tourist Opportunities, and Re-
20 vived Economies of the Gulf Coast States Act of 2012 (33
21 U.S.C. 1321 note); and of which not to exceed \$1,000
22 shall be available for official reception and representation
23 expenses.

1 TREASURY INSPECTOR GENERAL FOR TAX
2 ADMINISTRATION
3 SALARIES AND EXPENSES

4 For necessary expenses of the Treasury Inspector
5 General for Tax Administration in carrying out the In-
6 spector General Act of 1978, as amended, including pur-
7 chase and hire of passenger motor vehicles (31 U.S.C.
8 1343(b)); and services authorized by 5 U.S.C. 3109, at
9 such rates as may be determined by the Inspector General
10 for Tax Administration; \$169,634,000, of which
11 \$5,000,000 shall remain available until September 30,
12 2018; of which not to exceed \$500,000 shall be available
13 for unforeseen emergencies of a confidential nature, to be
14 allocated and expended under the direction of the Inspec-
15 tor General for Tax Administration; and of which not to
16 exceed \$1,500 shall be available for official reception and
17 representation expenses.

18 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED
19 ASSET RELIEF PROGRAM
20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of the Special
22 Inspector General in carrying out the provisions of the
23 Emergency Economic Stabilization Act of 2008 (Public
24 Law 110–343), \$41,160,000.

1 FINANCIAL CRIMES ENFORCEMENT NETWORK
2 SALARIES AND EXPENSES

3 For necessary expenses of the Financial Crimes En-
4 forcement Network, including hire of passenger motor ve-
5 hicles; travel and training expenses of non-Federal and
6 foreign government personnel to attend meetings and
7 training concerned with domestic and foreign financial in-
8 telligence activities, law enforcement, and financial regula-
9 tion; services authorized by 5 U.S.C. 3109; not to exceed
10 \$10,000 for official reception and representation expenses;
11 and for assistance to Federal law enforcement agencies,
12 with or without reimbursement, \$116,000,000, of which
13 not to exceed \$34,335,000 shall remain available until
14 September 30, 2019.

15 TREASURY FORFEITURE FUND
16 (RESCISSION)

17 Of the unobligated balances available under this
18 heading, \$753,610,000 are rescinded.

19 BUREAU OF THE FISCAL SERVICE
20 SALARIES AND EXPENSES

21 For necessary expenses of operations of the Bureau
22 of the Fiscal Service, \$353,057,000; of which not to ex-
23 ceed \$4,210,000, to remain available until September 30,
24 2019, is for information systems modernization initiatives;

1 and of which \$5,000 shall be available for official reception
2 and representation expenses.

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

8 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
9 SALARIES AND EXPENSES

10 For necessary expenses of carrying out section 1111
11 of the Homeland Security Act of 2002, including hire of
12 passenger motor vehicles, \$111,439,000; of which not to
13 exceed \$6,000 for official reception and representation ex-
14 penses; not to exceed \$50,000 for cooperative research and
15 development programs for laboratory services; and provi-
16 sion of laboratory assistance to State and local agencies
17 with or without reimbursement: *Provided*, That of the
18 amount appropriated under this heading, \$5,000,000 shall
19 be for the costs of accelerating the processing of formula
20 and label applications: *Provided further*, That of the
21 amount appropriated under this heading, \$5,000,000 shall
22 be for the costs of programs to enforce trade practice vio-
23 lations of the Federal Alcohol Administration Act (27
24 U.S.C. 201 et seq.).

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to section 5136 of title 31, United States
4 Code, the United States Mint is provided funding through
5 the United States Mint Public Enterprise Fund for costs
6 associated with the production of circulating coins, numis-
7 matic coins, and protective services, including both oper-
8 ating expenses and capital investments: *Provided*, That
9 the aggregate amount of new liabilities and obligations in-
10 curred during fiscal year 2017 under such section 5136
11 for circulating coinage and protective service capital in-
12 vestments of the United States Mint shall not exceed
13 \$30,000,000.

14 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

15 FUND PROGRAM ACCOUNT

16 To carry out the Riegle Community Development and
17 Regulatory Improvement Act of 1994 (subtitle A of title
18 I of Public Law 103–325), including services authorized
19 by 5 U.S.C. 3109, but at rates for individuals not to ex-
20 ceed the per diem rate equivalent to the rate for EX–3,
21 \$250,000,000. Of the amount appropriated under this
22 heading—

23 (1) not less than \$184,000,000, is available
24 until September 30, 2018, for financial assistance
25 and technical assistance under subparagraphs (A)

1 and (B) of section 108(a)(1), respectively, of Public
2 Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)),
3 of which up to \$2,882,500 may be used for the cost
4 of direct loans: *Provided*, That the cost of direct and
5 guaranteed loans, including the cost of modifying
6 such loans, shall be as defined in section 502 of the
7 Congressional Budget Act of 1974: *Provided further*,
8 That these funds are available to subsidize gross ob-
9 ligations for the principal amount of direct loans not
10 to exceed \$25,000,000;

11 (2) not less than \$6,000,000, notwithstanding
12 subsections (d) and (e) of section 108 of Public Law
13 103–325 (12 U.S.C. 4707(d) and (e)), is available
14 until September 30, 2018, to provide financial as-
15 sistance, technical assistance, training, and outreach
16 to community development financial institutions to
17 expand investments that benefit individuals with dis-
18 abilities;

19 (3) not less than \$16,000,000, notwithstanding
20 section 108(e) of Public Law 103–325 (12 U.S.C.
21 4707(e)), is available until September 30, 2018, for
22 financial assistance, technical assistance, training
23 and outreach programs designed to benefit Native
24 American, Native Hawaiian, and Alaskan Native
25 communities and provided primarily through quali-

1 fied community development lender organizations
2 with experience and expertise in community develop-
3 ment banking and lending in Indian country, Native
4 American organizations, tribes and tribal organiza-
5 tions, and other suitable providers;

6 (4) not less than \$19,000,000 is available until
7 September 30, 2018, for the Bank Enterprise Award
8 Program;

9 (5) up to \$25,000,000 is for administrative ex-
10 penses, including administration of CDFI fund pro-
11 grams and the New Markets Tax Credit Program, of
12 which not less than \$2,000,000 is available for ca-
13 pacity building to CDFIs to expand investments that
14 benefit individuals with disabilities, and up to
15 \$300,000 is for administrative expenses to carry out
16 the direct loan program; and

17 (6) during fiscal year 2017, none of the funds
18 available under this heading are available for the
19 cost, as defined in section 502 of the Congressional
20 Budget Act of 1974, of commitments to guarantee
21 bonds and notes under section 114A of the Riegle
22 Community Development and Regulatory Improve-
23 ment Act of 1994 (12 U.S.C. 4713a): *Provided,*
24 That commitments to guarantee bonds and notes
25 under such section 114A shall not exceed

1 \$250,000,000: *Provided further*, That such section
2 114A shall remain in effect until September 30,
3 2017;

4 *Provided*, that of the funds awarded under this heading,
5 not less than 10 percent shall be used for awards that
6 support investments that serve populations living in per-
7 sistent poverty counties: *Provided further*, That for the
8 purposes of the preceding proviso, the term “persistent
9 poverty counties” means any county that has had 20 per-
10 cent or more of its population living in poverty over the
11 past 30 years, as measured by the 1990 and 2000 decen-
12 nial censuses and the most recent Small Area Income and
13 Poverty Estimates.

14 INTERNAL REVENUE SERVICE

15 TAXPAYER SERVICES

16 For necessary expenses of the Internal Revenue Serv-
17 ice to provide taxpayer services, including pre-filing assist-
18 ance and education, filing and account services, taxpayer
19 advocacy services, and other services as authorized by 5
20 U.S.C. 3109, at such rates as may be determined by the
21 Commissioner, \$2,156,554,000, of which not less than
22 \$6,500,000 shall be for the Tax Counseling for the Elderly
23 Program, of which not less than \$12,000,000 shall be
24 available for low-income taxpayer clinic grants, and of
25 which not less than \$15,000,000 to remain available until

1 September 30, 2018, shall be available for a Community
2 Volunteer Income Tax Assistance matching grants pro-
3 gram for tax return preparation assistance, and of which
4 not less than \$206,000,000 shall be available for operating
5 expenses of the Taxpayer Advocate Service: *Provided*,
6 That of the amounts made available for the Taxpayer Ad-
7 vocate Service, not less than \$5,000,000 shall be for iden-
8 tity theft casework.

9 ENFORCEMENT

10 For necessary expenses for tax enforcement activities
11 of the Internal Revenue Service to determine and collect
12 owed taxes, to provide legal and litigation support, to con-
13 duct criminal investigations, to enforce criminal statutes
14 related to violations of internal revenue laws and other fi-
15 nancial crimes, to purchase and hire passenger motor vehi-
16 cles (31 U.S.C. 1343(b)), and to provide other services
17 as authorized by 5 U.S.C. 3109, at such rates as may be
18 determined by the Commissioner, \$4,760,000,000, of
19 which not to exceed \$50,000,000 shall remain available
20 until September 30, 2018, and of which not less than
21 \$60,257,000 shall be for the Interagency Crime and Drug
22 Enforcement program.

23 OPERATIONS SUPPORT

24 For necessary expenses of the Internal Revenue Serv-
25 ices to support taxpayer services and enforcement pro-

1 grams, including rent payments; facilities services; print-
2 ing; postage; physical security; headquarters and other
3 IRS-wide administration activities; research and statistics
4 of income; telecommunications; information technology de-
5 velopment, enhancement, operations, maintenance, and se-
6 curity; the hire of passenger motor vehicles (31 U.S.C.
7 1343(b)); the operations of the Internal Revenue Service
8 Oversight Board; and other services as authorized by 5
9 U.S.C. 3109, at such rates as may be determined by the
10 Commissioner; \$3,502,446,000, of which not to exceed
11 \$50,000,000 shall remain available until September 30,
12 2018; of which not to exceed \$6,000,000 shall remain
13 available until expended for acquisition of equipment and
14 construction, repair and renovation of facilities; of which
15 not to exceed \$1,000,000 shall remain available until Sep-
16 tember 30, 2019, for research; of which not to exceed
17 \$20,000 shall be for official reception and representation
18 expenses: *Provided*, That not later than 30 days after the
19 end of each quarter, the Internal Revenue Service shall
20 submit a report to the Committees on Appropriations of
21 the House of Representatives and the Senate and the
22 Comptroller General of the United States detailing the
23 cost and schedule performance for its major information
24 technology investments, including the purpose and life-
25 cycle stages of the investments; the reasons for any cost

1 and schedule variances; the risks of such investments and
2 strategies the Internal Revenue Service is using to miti-
3 gate such risks; and the expected developmental mile-
4 stones to be achieved and costs to be incurred in the next
5 quarter: *Provided further*, That the Internal Revenue Serv-
6 ice shall include, in its budget justification for fiscal year
7 2018, a summary of cost and schedule performance infor-
8 mation for its major information technology systems.

9 BUSINESS SYSTEMS MODERNIZATION

10 For necessary expenses of the Internal Revenue Serv-
11 ice's business systems modernization program,
12 \$290,000,000, to remain available until September 30,
13 2019, for the capital asset acquisition of information tech-
14 nology systems, including management and related con-
15 tractual costs of said acquisitions, including related Inter-
16 nal Revenue Service labor costs, and contractual costs as-
17 sociated with operations authorized by 5 U.S.C. 3109:
18 *Provided*, That not later than 30 days after the end of
19 each quarter, the Internal Revenue Service shall submit
20 a report to the Committees on Appropriations of the
21 House of Representatives and the Senate and the Comp-
22 troller General of the United States detailing the cost and
23 schedule performance for CADE 2 and Modernized e-File
24 information technology investments, including the pur-
25 poses and life-cycle stages of the investments; the reasons

1 for any cost and schedule variances; the risks of such in-
2 vestments and the strategies the Internal Revenue Service
3 is using to mitigate such risks; and the expected develop-
4 mental milestones to be achieved and costs to be incurred
5 in the next quarter.

6 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

7 SERVICE

8 (INCLUDING TRANSFERS OF FUNDS)

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

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

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

23 SEC. 104. Funds made available by this or any other
24 Act to the Internal Revenue Service shall be available for
25 improved facilities and increased staffing to provide suffi-

1 cient and effective 1–800 help line service for taxpayers.
2 The Commissioner shall continue to make improvements
3 to the Internal Revenue Service 1–800 help line service
4 a priority and allocate resources necessary to enhance the
5 response time to taxpayer communications, particularly
6 with regard to victims of tax-related crimes.

7 SEC. 105. None of the funds made available to the
8 Internal Revenue Service by this or any other Act may
9 be used to make a video unless the Service-Wide Video
10 Editorial Board determines in advance that making the
11 video is appropriate, taking into account the cost, topic,
12 tone, and purpose of the video.

13 SEC. 106. The Internal Revenue Service shall issue
14 a notice of confirmation of any address change relating
15 to an employer making employment tax payments, and
16 such notice shall be sent to both the employer’s former
17 and new address and an officer or employee of the Internal
18 Revenue Service shall give special consideration to an
19 offer-in-compromise from a taxpayer who has been the vic-
20 tim of fraud by a third party payroll tax preparer.

21 SEC. 107. None of the funds made available under
22 this or any other Act may be used by the Internal Revenue
23 Service to target citizens of the United States for exer-
24 cising any right guaranteed under the First Amendment
25 to the Constitution of the United States.

1 SEC. 108. None of the funds made available in this
2 or any other Act may be used by the Internal Revenue
3 Service to target groups for regulatory scrutiny based on
4 their ideological beliefs.

5 SEC. 109. None of funds made available by this or
6 any other Act to the Internal Revenue Service shall be
7 obligated or expended on conferences that do not adhere
8 to the procedures, verification processes, documentation
9 requirements, and policies issued by the Chief Financial
10 Officer, Human Capital Office, and Agency-Wide Shared
11 Services as a result of the recommendations in the report
12 published on May 31, 2013, by the Treasury Inspector
13 General for Tax Administration entitled “Review of the
14 August 2010 Small Business/Self-Employed Division’s
15 Conference in Anaheim, California” (Reference Number
16 2013–10–037).

17 SEC. 110. None of the funds made available by this
18 or any other Act may be used to pay the salaries or ex-
19 penses of any individual to carry out any transfer of funds
20 to the Internal Revenue Service under the Patient Protec-
21 tion and Affordable Care Act (Public Law 111–148) or
22 the Health Care and Education Reconciliation Act of 2010
23 (Public Law 111–152).

24 SEC. 111. None of the funds made available by this
25 or any other Act may be used by the Internal Revenue

1 Service to implement or enforce section 5000A of the In-
2 ternal Revenue Code of 1986, section 6055 of such Code,
3 section 1502(c) of the Patient Protection and Affordable
4 Care Act (Public Law 111–148), or any amendments
5 made by section 1502(b) of such Act.

6 SEC. 112. None of the funds made available in this
7 or any other Act to the Internal Revenue Service may be
8 obligated or expended—

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

11 (2) under any hiring or personnel selection
12 process with respect to re-hiring a former employee,
13 unless such program or process takes into account the
14 conduct and Federal tax compliance of such employee or
15 former employee.

16 SEC. 113. None of the funds made available by this
17 or any other Act may be used in contravention of section
18 6103 of the Internal Revenue Code of 1986 (relating to
19 confidentiality and disclosure of returns and return infor-
20 mation).

21 SEC. 114. Except to the extent provided in section
22 6014, 6020, or 6201(d) of the Internal Revenue Code of
23 1986, none of the funds in this or any other Act shall
24 be available to the Secretary of the Treasury to provide
25 to any person a proposed final return or statement for

1 use by such person to satisfy a filing or reporting require-
2 ment under such Code.

3 SEC. 115. In addition to the amounts otherwise made
4 available in this Act for the Internal Revenue Service,
5 \$290,000,000, to be available until September 30, 2018,
6 shall be transferred by the Commissioner to the “Tax-
7 payer Services”, “Enforcement”, or “Operations Support”
8 accounts of the Internal Revenue Service for an additional
9 amount to be used solely for measurable improvements in
10 the customer service representative level of service rate,
11 to improve the identification and prevention of refund
12 fraud and identity theft, and to enhance cybersecurity to
13 safeguard taxpayer data: *Provided*, That such funds shall
14 supplement, not supplant any other amounts made avail-
15 able by the Internal Revenue Service for such purpose:
16 *Provided further*, That such funds shall not be available
17 until the Commissioner submits to the Committees on Ap-
18 propriations of the House of Representatives and the Sen-
19 ate a spending plan for such funds: *Provided further*, That
20 such funds shall not be used to support any provision of
21 Public Law 111–148, Public Law 111–152, or any amend-
22 ment made by either such Public Law.

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
2 TREASURY
3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 116. Appropriations to the Department of the
5 Treasury in this Act shall be available for uniforms or al-
6 lowances therefor, as authorized by law (5 U.S.C. 5901),
7 including maintenance, repairs, and cleaning; purchase of
8 insurance for official motor vehicles operated in foreign
9 countries; purchase of motor vehicles without regard to the
10 general purchase price limitations for vehicles purchased
11 and used overseas for the current fiscal year; entering into
12 contracts with the Department of State for the furnishing
13 of health and medical services to employees and their de-
14 pendants serving in foreign countries; and services author-
15 ized by 5 U.S.C. 3109.

16 SEC. 117. Not to exceed 2 percent of any appropria-
17 tions in this title made available under the headings “De-
18 partmental Offices—Salaries and Expenses”, “Office of
19 Inspector General”, “Special Inspector General for the
20 Troubled Asset Relief Program”, “Financial Crimes En-
21 forcement Network”, “Bureau of the Fiscal Service”,
22 “Community Development Financial Institutions Fund
23 Program Account”, and “Alcohol and Tobacco Tax and
24 Trade Bureau” may be transferred between such appro-
25 priations upon the advance approval of the Committees

1 on Appropriations of the House of Representatives and the
2 Senate: *Provided*, That no transfer under this section may
3 increase or decrease any such appropriation by more than
4 2 percent.

5 SEC. 118. Not to exceed 2 percent of any appropria-
6 tion made available in this Act to the Internal Revenue
7 Service may be transferred to the Treasury Inspector Gen-
8 eral for Tax Administration's appropriation upon the ad-
9 vance approval of the Committees on Appropriations of
10 the House of Representatives and the Senate: *Provided*,
11 That no transfer may increase or decrease any such appro-
12 priation by more than 2 percent.

13 SEC. 119. None of the funds appropriated in this Act
14 or otherwise available to the Department of the Treasury
15 or the Bureau of Engraving and Printing may be used
16 to redesign the \$1 Federal Reserve note.

17 SEC. 120. The Secretary of the Treasury may trans-
18 fer funds from the "Bureau of the Fiscal Service—Sala-
19 ries and Expenses" to the Debt Collection Fund as nec-
20 essary to cover the costs of debt collection: *Provided*, That
21 such amounts shall be reimbursed to such salaries and ex-
22 penses account from debt collections received in the Debt
23 Collection Fund.

24 SEC. 121. None of the funds appropriated or other-
25 wise made available by this or any other Act may be used

1 by the United States Mint to construct or operate any mu-
2 seum without the explicit approval of the Committees on
3 Appropriations of the House of Representatives and the
4 Senate, the House Committee on Financial Services, and
5 the Senate Committee on Banking, Housing, and Urban
6 Affairs.

7 SEC. 122. None of the funds appropriated or other-
8 wise made available by this or any other Act or source
9 to the Department of the Treasury, the Bureau of Engrav-
10 ing and Printing, and the United States Mint, individually
11 or collectively, may be used to consolidate any or all func-
12 tions of the Bureau of Engraving and Printing and the
13 United States Mint without the explicit approval of the
14 House Committee on Financial Services; the Senate Com-
15 mittee on Banking, Housing, and Urban Affairs; and the
16 Committees on Appropriations of the House of Represent-
17 atives and the Senate.

18 SEC. 123. Funds appropriated by this Act, or made
19 available by the transfer of funds in this Act, for the De-
20 partment of the Treasury's intelligence or intelligence re-
21 lated activities are deemed to be specifically authorized by
22 the Congress for purposes of section 504 of the National
23 Security Act of 1947 (50 U.S.C. 414) during fiscal year
24 2017 until the enactment of the Intelligence Authorization
25 Act for Fiscal Year 2017.

1 SEC. 124. Not to exceed \$5,000 shall be made avail-
2 able from the Bureau of Engraving and Printing's Indus-
3 trial Revolving Fund for necessary official reception and
4 representation expenses.

5 SEC. 125. The Secretary of the Treasury shall submit
6 a Capital Investment Plan to the Committees on Appro-
7 priations of the Senate and the House of Representatives
8 not later than 30 days following the submission of the an-
9 nual budget submitted by the President: *Provided*, That
10 such Capital Investment Plan shall include capital invest-
11 ment spending from all accounts within the Department
12 of the Treasury, including but not limited to the Depart-
13 ment-wide Systems and Capital Investment Programs ac-
14 count, Treasury Franchise Fund account, and the Treas-
15 ury Forfeiture Fund account: *Provided further*, That such
16 Capital Investment Plan shall include expenditures occur-
17 ring in previous fiscal years for each capital investment
18 project that has not been fully completed.

19 SEC. 126. Within 45 days after the date of enactment
20 of this Act, the Secretary of the Treasury shall submit
21 an itemized report to the Committees on Appropriations
22 of the House of Representatives and the Senate on the
23 amount of total funds charged to each office by the Fran-
24 chise Fund including the amount charged for each service
25 provided by the Franchise Fund to each office, a detailed

1 description of the services, a detailed explanation of how
2 each charge for each service is calculated, and a descrip-
3 tion of the role customers have in governing in the Fran-
4 chise Fund.

5 SEC. 127. During fiscal year 2017—

6 (1) none of the funds made available in this or
7 any other Act may be used by the Department of
8 the Treasury, including the Internal Revenue Serv-
9 ice, to issue, revise, or finalize any regulation, rev-
10 enue ruling, or other guidance not limited to a par-
11 ticular taxpayer relating to the standard which is
12 used to determine whether an organization is oper-
13 ated exclusively for the promotion of social welfare
14 for purposes of section 501(c)(4) of the Internal
15 Revenue Code of 1986 (including the proposed regu-
16 lations published at 78 Fed. Reg. 71535 (November
17 29, 2013)); and

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

24 SEC. 128. (a) Not later than 60 days after the end
25 of each quarter, the Office of Financial Stability and the

1 Office of Financial Research shall submit reports on their
2 activities to the Committees on Appropriations of the
3 House of Representatives and the Senate, the Committee
4 on Financial Services of the House of Representatives and
5 the Senate Committee on Banking, Housing, and Urban
6 Affairs.

7 (b) The reports required under subsection (a) shall
8 include—

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

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

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

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

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

20 (c) At the request of any such Committees specified
21 in subsection (a), the Office of Financial Stability and the
22 Office of Financial Research shall make officials available
23 to testify on the contents of the reports required under
24 subsection (a).

1 SEC. 129. During fiscal year 2017, the Office of Fi-
2 nancial Research shall provide for a public notice period
3 of not less than 90 days before issuing any proposed re-
4 port, rule, or regulation.

5 SEC. 130. (a) Section 155 of Public Law 111–203
6 is amended as follows:

7 (1) In subsection (b)—

8 (A) in paragraph (1)—

9 (i) by striking “immediately”; and

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

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

13 (C) by redesignating paragraph (3) as
14 paragraph (2).

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

17 (b) The amendments made by subsection (a) shall
18 take effect on October 1, 2017.

19 SEC. 131. None of the funds appropriated or other-
20 wise made available in this Act may be obligated or ex-
21 pended to provide for the enforcement of any rule, regula-
22 tion, policy, or guideline implemented pursuant to the De-
23 partment of the Treasury Guidance for United States Po-
24 sitions on MDBs Engaging with Developing Countries on
25 Coal-Fired Power Generation dated October 29, 2013,

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

7 SEC. 132. None of the funds made available in this
8 Act may be used to approve, license, facilitate, authorize,
9 or otherwise allow, whether by general or specific license,
10 travel-related or other transactions incident to non-aca-
11 demic educational exchanges described in section
12 515.565(b)(2) of title 31, Code of Federal Regulations.

13 SEC. 133. (a) None of the funds made available by
14 this Act may be used to approve, license, facilitate, author-
15 ize, or otherwise allow the use, purchase, trafficking, or
16 import of property confiscated by the Cuban Government.

17 (b) In this section, the terms “confiscated”, “Cuban
18 Government”, “property”, and “traffic” have the mean-
19 ings given such terms in paragraphs (4), (5), (12)(A), and
20 (13), respectively, of section 4 of the Cuban Liberty and
21 Democratic Solidarity (LIBERTAD) Act of 1996 (22
22 U.S.C. 6023).

23 SEC. 134. (a) None of the funds made available by
24 this Act may be used to approve, license, facilitate, author-
25 ize, or otherwise allow any financial transaction with an

1 entity owned or controlled, in whole or in part, by the
2 Cuban military or intelligence service or with any officer
3 of the Cuban military or intelligence service, or an imme-
4 diate family member thereof.

5 (b) The limitation on the use of funds under this sec-
6 tion does not apply to financial transactions with respect
7 to exports of goods permitted under the Trade Sanctions
8 Reform and Export Enhancement Act of 2000 (22 U.S.C.
9 7201 et seq.) or to payments in furtherance of the lease
10 agreement or other financial transactions necessary for
11 maintenance and improvements of the United States
12 Naval Station, Guantanamo Bay, Cuba, including any ad-
13 jacent areas under the control or possession of the United
14 States.

15 (c) In this section—

16 (1) the term “Cuban military” includes the
17 Ministry of the Revolutionary Armed Forces and the
18 Ministry of the Interior, and their subsidiaries; and

19 (2) the term “immediate family member”
20 means a spouse, sibling, child (adopted or other-
21 wise), parent, grandparent, grandchild, aunt, uncle,
22 niece, or nephew.

23 SEC. 135. (a) None of the funds made available in
24 this Act may be used to authorize a general license or ap-
25 prove a specific license under section 501.801 or 515.527

1 of title 31, Code of Federal Regulations, with respect to
2 a mark, trade name, or commercial name that is the same
3 as or substantially similar to a mark, trade name, or com-
4 mercial name that was used in connection with a business
5 or assets that were confiscated unless the original owner
6 of the mark, trade name, or commercial name, or the
7 bona-fide successor-in-interest has expressly consented.

8 (b) In this section, the term “confiscated” has a
9 meaning given such term in section 4(4) of the Cuban Lib-
10 erty and Democratic Solidarity (LIBERTAD) Act of 1996
11 (22 U.S.C. 6023(4)).

12 SEC. 136. None of the funds made available by this
13 Act may be used by the Internal Revenue Service to make
14 a determination that a church, an integrated auxiliary of
15 a church, or a convention or association of churches is not
16 exempt from taxation for participating in, or intervening
17 in, any political campaign on behalf of (or in opposition
18 to) any candidate for public office unless—

19 (1) the Commissioner of Internal Revenue con-
20 sents to such determination;

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

1 Development, including services as authorized by 5 U.S.C.
2 3109 and 3 U.S.C. 107, \$55,000,000.

3 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

4 OPERATING EXPENSES

5 For necessary expenses of the Executive Residence
6 at the White House, \$12,723,000, to be expended and ac-
7 counted for as provided by 3 U.S.C. 105, 109, 110, and
8 112–114.

9 REIMBURSABLE EXPENSES

10 For the reimbursable expenses of the Executive Resi-
11 dence at the White House, such sums as may be nec-
12 essary: *Provided*, That all reimbursable operating expenses
13 of the Executive Residence shall be made in accordance
14 with the provisions of this paragraph: *Provided further*,
15 That, notwithstanding any other provision of law, such
16 amount for reimbursable operating expenses shall be the
17 exclusive authority of the Executive Residence to incur ob-
18 ligations and to receive offsetting collections, for such ex-
19 penses: *Provided further*, That the Executive Residence
20 shall require each person sponsoring a reimbursable polit-
21 ical event to pay in advance an amount equal to the esti-
22 mated cost of the event, and all such advance payments
23 shall be credited to this account and remain available until
24 expended: *Provided further*, That the Executive Residence
25 shall require the national committee of the political party

1 of the President to maintain on deposit \$25,000, to be
2 separately accounted for and available for expenses relat-
3 ing to reimbursable political events sponsored by such
4 committee during such fiscal year: *Provided further*, That
5 the Executive Residence shall ensure that a written notice
6 of any amount owed for a reimbursable operating expense
7 under this paragraph is submitted to the person owing
8 such amount within 60 days after such expense is in-
9 curred, and that such amount is collected within 30 days
10 after the submission of such notice: *Provided further*, That
11 the Executive Residence shall charge interest and assess
12 penalties and other charges on any such amount that is
13 not reimbursed within such 30 days, in accordance with
14 the interest and penalty provisions applicable to an out-
15 standing debt on a United States Government claim under
16 31 U.S.C. 3717: *Provided further*, That each such amount
17 that is reimbursed, and any accompanying interest and
18 charges, shall be deposited in the Treasury as miscella-
19 neous receipts: *Provided further*, That the Executive Resi-
20 dence shall prepare and submit to the Committees on Ap-
21 propriations, by not later than 90 days after the end of
22 the fiscal year covered by this Act, a report setting forth
23 the reimbursable operating expenses of the Executive Res-
24 idence during the preceding fiscal year, including the total
25 amount of such expenses, the amount of such total that

1 consists of reimbursable official and ceremonial events, the
2 amount of such total that consists of reimbursable political
3 events, and the portion of each such amount that has been
4 reimbursed as of the date of the report: *Provided further*,
5 That the Executive Residence shall maintain a system for
6 the tracking of expenses related to reimbursable events
7 within the Executive Residence that includes a standard
8 for the classification of any such expense as political or
9 nonpolitical: *Provided further*, That no provision of this
10 paragraph may be construed to exempt the Executive Res-
11 idence from any other applicable requirement of sub-
12 chapter I or II of chapter 37 of title 31, United States
13 Code.

14 WHITE HOUSE REPAIR AND RESTORATION

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

20 COUNCIL OF ECONOMIC ADVISERS

21 SALARIES AND EXPENSES

22 For necessary expenses of the Council of Economic
23 Advisers in carrying out its functions under the Employ-
24 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,200,000.

1 NATIONAL SECURITY COUNCIL AND HOMELAND
2 SECURITY COUNCIL
3 SALARIES AND EXPENSES

4 For necessary expenses of the National Security
5 Council and the Homeland Security Council, including
6 services as authorized by 5 U.S.C. 3109, \$10,896,000.

7 OFFICE OF ADMINISTRATION
8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Administra-
10 tion, including services as authorized by 5 U.S.C. 3109
11 and 3 U.S.C. 107, and hire of passenger motor vehicles,
12 \$96,116,000, of which not to exceed \$12,760,000 shall re-
13 main available until expended for continued modernization
14 of information resources within the Executive Office of the
15 President.

16 PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT
17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses of the Office of Administration to carry
19 out the Presidential Transition Act of 1963 and similar
20 expenses, in addition to amounts otherwise appropriated
21 by law, \$7,582,000: *Provided*, That such funds may be
22 transferred to other accounts that provide funding for of-
23 fices within the Executive Office of the President and the
24 Office of the Vice President in this Act or any other Act,
25 to carry out such purposes.

1 OFFICE OF MANAGEMENT AND BUDGET

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Management
4 and Budget, including hire of passenger motor vehicles
5 and services as authorized by 5 U.S.C. 3109, to carry out
6 the provisions of chapter 35 of title 44, United States
7 Code, and to prepare and submit the budget of the United
8 States Government, in accordance with section 1105(a) of
9 title 31, United States Code, \$91,000,000, of which not
10 to exceed \$3,000 shall be available for official representa-
11 tion expenses: *Provided*, That none of the funds appro-
12 priated in this Act for the Office of Management and
13 Budget may be used for the purpose of reviewing any agri-
14 cultural marketing orders or any activities or regulations
15 under the provisions of the Agricultural Marketing Agree-
16 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,
17 That none of the funds made available for the Office of
18 Management and Budget by this Act may be expended for
19 the altering of the transcript of actual testimony of wit-
20 nesses, except for testimony of officials of the Office of
21 Management and Budget, before the Committees on Ap-
22 propriations or their subcommittees: *Provided further*,
23 That of the funds made available for the Office of Man-
24 agement and Budget by this Act, no less than three full-
25 time equivalent senior staff positions shall be dedicated

1 solely to the Office of the Intellectual Property Enforce-
2 ment Coordinator: *Provided further*, That none of the
3 funds provided in this or prior Acts shall be used, directly
4 or indirectly, by the Office of Management and Budget,
5 for evaluating or determining if water resource project or
6 study reports submitted by the Chief of Engineers acting
7 through the Secretary of the Army are in compliance with
8 all applicable laws, regulations, and requirements relevant
9 to the Civil Works water resource planning process: *Pro-*
10 *vided further*, That the Office of Management and Budget
11 shall have not more than 60 days in which to perform
12 budgetary policy reviews of water resource matters on
13 which the Chief of Engineers has reported: *Provided fur-*
14 *ther*, That the Director of the Office of Management and
15 Budget shall notify the appropriate authorizing and ap-
16 propriating committees when the 60-day review is initi-
17 ated: *Provided further*, That if water resource reports have
18 not been transmitted to the appropriate authorizing and
19 appropriating committees within 15 days after the end of
20 the Office of Management and Budget review period based
21 on the notification from the Director, Congress shall as-
22 sume Office of Management and Budget concurrence with
23 the report and act accordingly.

1 OFFICE OF NATIONAL DRUG CONTROL POLICY
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of National
4 Drug Control Policy; for research activities pursuant to
5 the Office of National Drug Control Policy Reauthoriza-
6 tion Act of 2006 (Public Law 109–469); not to exceed
7 \$10,000 for official reception and representation expenses;
8 and for participation in joint projects or in the provision
9 of services on matters of mutual interest with nonprofit,
10 research, or public organizations or agencies, with or with-
11 out reimbursement, \$19,274,000: *Provided*, That the Of-
12 fice is authorized to accept, hold, administer, and utilize
13 gifts, both real and personal, public and private, without
14 fiscal year limitation, for the purpose of aiding or facili-
15 tating the work of the Office.

16 FEDERAL DRUG CONTROL PROGRAMS
17 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Office of National
20 Drug Control Policy’s High Intensity Drug Trafficking
21 Areas Program, \$253,000,000, to remain available until
22 September 30, 2018, for drug control activities consistent
23 with the approved strategy for each of the designated
24 High Intensity Drug Trafficking Areas (“HIDTAs”), of
25 which not less than 51 percent shall be transferred to

1 State and local entities for drug control activities and shall
2 be obligated not later than 120 days after enactment of
3 this Act: *Provided*, That up to 49 percent may be trans-
4 ferred to Federal agencies and departments in amounts
5 determined by the Director of the Office of National Drug
6 Control Policy, of which up to \$2,700,000 may be used
7 for auditing services and associated activities: *Provided*
8 *further*, That, notwithstanding the requirements of Public
9 Law 106–58, any unexpended funds obligated prior to fis-
10 cal year 2015 may be used for any other approved activi-
11 ties of that HIDTA, subject to reprogramming require-
12 ments: *Provided further*, That each HIDTA designated as
13 of September 30, 2016, shall be funded at not less than
14 the fiscal year 2016 base level, unless the Director submits
15 to the Committees on Appropriations of the House of Rep-
16 resentatives and the Senate justification for changes to
17 those levels based on clearly articulated priorities and pub-
18 lished Office of National Drug Control Policy performance
19 measures of effectiveness: *Provided further*, That the Di-
20 rector shall notify the Committees on Appropriations of
21 the initial allocation of fiscal year 2017 funding among
22 HDTAs not later than 45 days after enactment of this
23 Act, and shall notify the Committees of planned uses of
24 discretionary HIDTA funding, as determined in consulta-
25 tion with the HIDTA Directors, not later than 90 days

1 after enactment of this Act: *Provided further*, That upon
2 a determination that all or part of the funds so transferred
3 from this appropriation are not necessary for the purposes
4 provided herein and upon notification to the Committees
5 on Appropriations of the House of Representatives and the
6 Senate, such amounts may be transferred back to this ap-
7 propriation.

8 OTHER FEDERAL DRUG CONTROL PROGRAMS

9 (INCLUDING TRANSFERS OF FUNDS)

10 For other drug control activities authorized by the
11 Office of National Drug Control Policy Reauthorization
12 Act of 2006 (Public Law 109–469), \$111,871,000, to re-
13 main available until expended, which shall be available as
14 follows: \$97,000,000 for the Drug-Free Communities Pro-
15 gram, of which \$2,000,000 shall be made available as di-
16 rected by section 4 of Public Law 107–82, as amended
17 by Public Law 109–469 (21 U.S.C. 1521 note);
18 \$2,000,000 for drug court training and technical assist-
19 ance; \$9,500,000 for anti-doping activities; \$2,121,000 for
20 the United States membership dues to the World Anti-
21 Doping Agency; and \$1,250,000 shall be made available
22 as directed by section 1105 of Public Law 109–469: *Pro-*
23 *vided*, That amounts made available under this heading
24 may be transferred to other Federal departments and
25 agencies to carry out such activities.

1 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for the furtherance of inte-
4 grated, efficient, secure, and effective uses of information
5 technology in the Federal Government, \$25,000,000, to
6 remain available until expended: *Provided*, That the Direc-
7 tor of the Office of Management and Budget may transfer
8 these funds to one or more other agencies to carry out
9 projects to meet these purposes.

10 SPECIAL ASSISTANCE TO THE PRESIDENT
11 SALARIES AND EXPENSES

12 For necessary expenses to enable the Vice President
13 to provide assistance to the President in connection with
14 specially assigned functions; services as authorized by 5
15 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
16 penses as authorized by 3 U.S.C. 106, which shall be ex-
17 pended and accounted for as provided in that section; and
18 hire of passenger motor vehicles, \$4,228,000.

19 OFFICIAL RESIDENCE OF THE VICE PRESIDENT
20 OPERATING EXPENSES
21 (INCLUDING TRANSFER OF FUNDS)

22 For the care, operation, refurnishing, improvement,
23 and to the extent not otherwise provided for, heating and
24 lighting, including electric power and fixtures, of the offi-
25 cial residence of the Vice President; the hire of passenger

1 motor vehicles; and not to exceed \$90,000 pursuant to 3
2 U.S.C. 106(b)(2), \$299,000: *Provided*, That advances, re-
3 payments, or transfers from this appropriation may be
4 made to any department or agency for expenses of car-
5 rying out such activities.

6 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
7 THE PRESIDENT AND FUNDS APPROPRIATED TO
8 THE PRESIDENT
9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 201. From funds made available in this Act
11 under the headings “The White House”, “Executive Resi-
12 dence at the White House”, “White House Repair and
13 Restoration”, “Council of Economic Advisers”, “National
14 Security Council and Homeland Security Council”, “Of-
15 fice of Administration”, “Special Assistance to the Presi-
16 dent”, and “Official Residence of the Vice President”, the
17 Director of the Office of Management and Budget (or
18 such other officer as the President may designate in writ-
19 ing), may, with advance approval of the Committees on
20 Appropriations of the House of Representatives and the
21 Senate, transfer not to exceed 10 percent of any such ap-
22 propriation to any other such appropriation, to be merged
23 with and available for the same time and for the same
24 purposes as the appropriation to which transferred: *Pro-*
25 *vided*, That the amount of an appropriation shall not be

1 increased by more than 50 percent by such transfers: *Pro-*
2 *vided further*, That no amount shall be transferred from
3 “Special Assistance to the President” or “Official Resi-
4 dence of the Vice President” without the approval of the
5 Vice President.

6 SEC. 202. Within 90 days after the date of enactment
7 of this section, the Director of the Office of Management
8 and Budget shall submit a report to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate on the costs of implementing the Dodd-Frank Wall
11 Street Reform and Consumer Protection Act (Public Law
12 111–203). Such report shall include—

13 (1) the estimated mandatory and discretionary
14 obligations of funds through fiscal year 2019, by
15 Federal agency and by fiscal year, including—

16 (A) the estimated obligations by cost in-
17 puts such as rent, information technology, con-
18 tracts, and personnel;

19 (B) the methodology and data sources used
20 to calculate such estimated obligations; and

21 (C) the specific section of such Act that re-
22 quires the obligation of funds; and

23 (2) the estimated receipts through fiscal year
24 2019 from assessments, user fees, and other fees by

1 the Federal agency making the collections, by fiscal
2 year, including—

3 (A) the methodology and data sources used
4 to calculate such estimated collections; and

5 (B) the specific section of such Act that
6 authorizes the collection of funds.

7 SEC. 203. (a) During fiscal year 2017, any Executive
8 order or Presidential memorandum issued or revoked by
9 the President shall be accompanied by a written statement
10 from the Director of the Office of Management and Budg-
11 et on the budgetary impact, including costs, benefits, and
12 revenues, of such order or memorandum.

13 (b) Any such statement shall include—

14 (1) a narrative summary of the budgetary im-
15 pact of such order or memorandum on the Federal
16 Government;

17 (2) the impact on mandatory and discretionary
18 obligations and outlays as the result of such order
19 or memorandum, listed by Federal agency, for each
20 year in the 5-fiscal-year period beginning in fiscal
21 year 2017; and

22 (3) the impact on revenues of the Federal Gov-
23 ernment as the result of such order or memorandum
24 over the 5-fiscal-year period beginning in fiscal year
25 2017.

1 (c) If an Executive order or Presidential memo-
2 randum is issued during fiscal year 2017 due to a national
3 emergency, the Director of the Office of Management and
4 Budget may issue the statement required by subsection
5 (a) not later than 15 days after the date that such order
6 or memorandum is issued.

7 SEC. 204. None of the funds made available in this
8 Act may be used to pay the salaries and expenses of any
9 officer or employee of the Executive Office of the Presi-
10 dent to prepare, sign, or approve statements abrogating
11 legislation passed by the House of Representatives and the
12 Senate and signed by the President.

13 SEC. 205. None of the funds made available by this
14 Act may be used to pay the salaries and expenses of any
15 officer or employee of the Executive Office of the Presi-
16 dent to prepare or implement an Executive order or Presi-
17 dential memorandum that contravenes existing law.

18 This title may be cited as the “Executive Office of
19 the President Appropriations Act, 2017”.

20 TITLE III

21 THE JUDICIARY

22 SUPREME COURT OF THE UNITED STATES

23 SALARIES AND EXPENSES

24 For expenses necessary for the operation of the Su-
25 preme Court, as required by law, excluding care of the

1 building and grounds, including hire of passenger motor
2 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
3 to exceed \$10,000 for official reception and representation
4 expenses; and for miscellaneous expenses, to be expended
5 as the Chief Justice may approve, \$76,668,000, of which
6 \$1,500,000 shall remain available until expended.

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

10 CARE OF THE BUILDING AND GROUNDS

11 For such expenditures as may be necessary to enable
12 the Architect of the Capitol to carry out the duties im-
13 posed upon the Architect by 40 U.S.C. 6111 and 6112,
14 \$14,868,000, to remain available until expended.

15 UNITED STATES COURT OF APPEALS FOR THE FEDERAL

16 CIRCUIT

17 SALARIES AND EXPENSES

18 For salaries of officers and employees, and for nec-
19 essary expenses of the court, as authorized by law,
20 \$30,108,000.

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

1 UNITED STATES COURT OF INTERNATIONAL TRADE
2 SALARIES AND EXPENSES

3 For salaries of officers and employees of the court,
4 services, and necessary expenses of the court, as author-
5 ized by law, \$18,462,000.

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

9 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
10 JUDICIAL SERVICES
11 SALARIES AND EXPENSES

12 For the salaries of judges of the United States Court
13 of Federal Claims, magistrate judges, and all other offi-
14 cers and employees of the Federal Judiciary not otherwise
15 specifically provided for, necessary expenses of the courts,
16 and the purchase, rental, repair, and cleaning of uniforms
17 for Probation and Pretrial Services Office staff, as author-
18 ized by law, \$5,010,000,000 (including the purchase of
19 firearms and ammunition); of which not to exceed
20 \$27,817,000 shall remain available until expended for
21 space alteration projects and for furniture and furnishings
22 related to new space alteration and construction projects.

23 In addition, there are appropriated such sums as may
24 be necessary under current law for the salaries of circuit
25 and district judges (including judges of the territorial

1 courts of the United States), bankruptcy judges, and jus-
2 tices and judges retired from office or from regular active
3 service.

4 In addition, for expenses of the United States Court
5 of Federal Claims associated with processing cases under
6 the National Childhood Vaccine Injury Act of 1986 (Pub-
7 lic Law 99–660), not to exceed \$6,260,000, to be appro-
8 priated from the Vaccine Injury Compensation Trust
9 Fund.

10 DEFENDER SERVICES

11 For the operation of Federal Defender organizations;
12 the compensation and reimbursement of expenses of attor-
13 neys appointed to represent persons under 18 U.S.C.
14 3006A and 3599, and for the compensation and reim-
15 bursement of expenses of persons furnishing investigative,
16 expert, and other services for such representations as au-
17 thorized by law; the compensation (in accordance with the
18 maximums under 18 U.S.C. 3006A) and reimbursement
19 of expenses of attorneys appointed to assist the court in
20 criminal cases where the defendant has waived representa-
21 tion by counsel; the compensation and reimbursement of
22 expenses of attorneys appointed to represent jurors in civil
23 actions for the protection of their employment, as author-
24 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
25 bursement of expenses of attorneys appointed under 18

1 U.S.C. 983(b)(1) in connection with certain judicial civil
2 forfeiture proceedings; the compensation and reimburse-
3 ment of travel expenses of guardians ad litem appointed
4 under 18 U.S.C. 4100(b); and for necessary training and
5 general administrative expenses, \$1,056,326,000, to re-
6 main available until expended.

7 FEES OF JURORS AND COMMISSIONERS

8 For fees and expenses of jurors as authorized by 28
9 U.S.C. 1871 and 1876; compensation of jury commis-
10 sioners as authorized by 28 U.S.C. 1863; and compensa-
11 tion of commissioners appointed in condemnation cases
12 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
13 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$43,723,000,
14 to remain available until expended: *Provided*, That the
15 compensation of land commissioners shall not exceed the
16 daily equivalent of the highest rate payable under 5 U.S.C.
17 5332.

18 COURT SECURITY

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses, not otherwise provided for,
21 incident to the provision of protective guard services for
22 United States courthouses and other facilities housing
23 Federal court operations, and the procurement, installa-
24 tion, and maintenance of security systems and equipment
25 for United States courthouses and other facilities housing

1 Federal court operations, including building ingress-egress
2 control, inspection of mail and packages, directed security
3 patrols, perimeter security, basic security services provided
4 by the Federal Protective Service, and other similar activi-
5 ties as authorized by section 1010 of the Judicial Improve-
6 ment and Access to Justice Act (Public Law 100–702),
7 \$565,388,000, of which not to exceed \$20,000,000 shall
8 remain available until expended, to be expended directly
9 or transferred to the United States Marshals Service,
10 which shall be responsible for administering the Judicial
11 Facility Security Program consistent with standards or
12 guidelines agreed to by the Director of the Administrative
13 Office of the United States Courts and the Attorney Gen-
14 eral.

15 ADMINISTRATIVE OFFICE OF THE UNITED STATES

16 COURTS

17 SALARIES AND EXPENSES

18 For necessary expenses of the Administrative Office
19 of the United States Courts as authorized by law, includ-
20 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
21 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
22 advertising and rent in the District of Columbia and else-
23 where, \$87,500,000, of which not to exceed \$8,500 is au-
24 thorized for official reception and representation expenses.

1 FEDERAL JUDICIAL CENTER
2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Judicial Cen-
4 ter, as authorized by Public Law 90–219, \$28,200,000;
5 of which \$1,800,000 shall remain available through Sep-
6 tember 30, 2018, to provide education and training to
7 Federal court personnel; and of which not to exceed
8 \$1,500 is authorized for official reception and representa-
9 tion expenses.

10 UNITED STATES SENTENCING COMMISSION
11 SALARIES AND EXPENSES

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

16 ADMINISTRATIVE PROVISIONS—THE JUDICIARY
17 (INCLUDING TRANSFER OF FUNDS)

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

21 SEC. 302. Not to exceed 5 percent of any appropria-
22 tion made available for the current fiscal year for the Judi-
23 ciary in this Act may be transferred between such appropria-
24 tions, but no such appropriation, except “Courts of
25 Appeals, District Courts, and Other Judicial Services, De-

1 fender Services” and “Courts of Appeals, District Courts,
2 and Other Judicial Services, Fees of Jurors and Commis-
3 sioners”, shall be increased by more than 10 percent by
4 any such transfers: *Provided*, That any transfer pursuant
5 to this section shall be treated as a reprogramming of
6 funds under sections 604 and 608 of this Act and shall
7 not be available for obligation or expenditure except in
8 compliance with the procedures set forth in section 608.

9 SEC. 303. Notwithstanding any other provision of
10 law, the salaries and expenses appropriation for “Courts
11 of Appeals, District Courts, and Other Judicial Services”
12 shall be available for official reception and representation
13 expenses of the Judicial Conference of the United States:
14 *Provided*, That such available funds shall not exceed
15 \$11,000 and shall be administered by the Director of the
16 Administrative Office of the United States Courts in the
17 capacity as Secretary of the Judicial Conference.

18 SEC. 304. Section 3314(a) of title 40, United States
19 Code, shall be applied by substituting “Federal” for “exec-
20 utive” each place it appears.

21 SEC. 305. In accordance with 28 U.S.C. 561–569,
22 and notwithstanding any other provision of law, the
23 United States Marshals Service shall provide, for such
24 courthouses as its Director may designate in consultation
25 with the Director of the Administrative Office of the

1 United States Courts, for purposes of a pilot program, the
2 security services that 40 U.S.C. 1315 authorizes the De-
3 partment of Homeland Security to provide, except for the
4 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
5 ing-specific security services at these courthouses, the Di-
6 rector of the Administrative Office of the United States
7 Courts shall reimburse the United States Marshals Service
8 rather than the Department of Homeland Security.

9 SEC. 306. (a) Section 203(c) of the Judicial Improve-
10 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
11 note), is amended in the second sentence (relating to the
12 District of Kansas) following paragraph (12), by striking
13 “25 years and 6 months” and inserting “26 years and
14 6 months”.

15 (b) Section 406 of the Transportation, Treasury,
16 Housing and Urban Development, the Judiciary, the Dis-
17 trict of Columbia, and Independent Agencies Appropria-
18 tions Act, 2006 (Public Law 109–115; 119 Stat. 2470;
19 28 U.S.C. 133 note) is amended in the second sentence
20 (relating to the eastern District of Missouri) by striking
21 “23 years and 6 months” and inserting “24 years and
22 6 months”.

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

1 (1) in the first sentence by striking “14 years”
2 and inserting “15 years”;

3 (2) in the second sentence (relating to the cen-
4 tral District of California), by striking “13 years
5 and 6 months” and inserting “14 years and 6
6 months”; and

7 (3) in the third sentence (relating to the west-
8 ern district of North Carolina), by striking “12
9 years” and inserting “13 years”.

10 SEC. 307. (a) Section 1871(b) of title 28, United
11 States Code, is amended in paragraph (1) by striking
12 “\$40” and inserting “\$50”.

13 (b) EFFECTIVE DATE.— The amendment made
14 in subsection (a) shall take effect 45 days after the date
15 of enactment of this Act.

16 SEC. 308. (a) Section 2(a)(2)(A) of the Temporary
17 Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C.
18 152 note; Public Law 112-121) is amended by striking
19 “subparagraphs (B), (C), (D), and (E)” and inserting
20 “subparagraphs (B), (C), (D), (E), (F), (G), and (H)”.

21 (b) Section 2(a)(2) of the Temporary Bankruptcy
22 Judgeships Extension Act of 2012 (28 U.S.C. 152 note;
23 Public Law 112-121) is amended by adding at the end
24 the following:

1 “(F) EASTERN DISTRICT OF MICHIGAN.—
2 The 1st vacancy in the office of a bankruptcy
3 judge for the eastern district of Michigan—

4 “(i) occurring 6 years or more after
5 the date of the enactment of this Act, and

6 “(ii) resulting from the death, retire-
7 ment, resignation, or removal of a bank-
8 ruptcy judge,
9 shall not be filled.

10 “(G) DISTRICT OF PUERTO RICO.—The 1st
11 vacancy in the office of a bankruptcy judge for
12 the district of Puerto Rico—

13 “(i) occurring 6 years or more after
14 the date of the enactment of this Act, and

15 “(ii) resulting from the death, retire-
16 ment, resignation, or removal of a bank-
17 ruptcy judge,
18 shall not be filled.

19 “(H) EASTERN DISTRICT OF VIRGINIA.—
20 The 1st vacancy in the office of a bankruptcy
21 judge for the eastern district of Virginia—

22 “(i) occurring 6 years or more after
23 the date of the enactment of this Act, and

1 “(ii) resulting from the death, retire-
2 ment, resignation, or removal of a bank-
3 ruptcy judge,
4 shall not be filled.”.

5 (c) Section 2(a)(2)(C) of the Temporary Bankruptcy
6 Judgeships Extension Act of 2012 (28 U.S.C. 152 note;
7 Public Law 112-121) is amended—

8 (1) by redesignating clauses (i) and (ii) as
9 clauses (ii) and (iii), respectively;

10 (2) by inserting before clause (ii), as so redesign-
11 ated, the following:

12 “(i) in the case of the 1st and 2d va-
13 cancies, occurring more than 6 years after
14 the date of the enactment of this Act,”;
15 and

16 (3) in clause (ii), as so redesignated, by insert-
17 ing “in the case of the 3d and 4th vacancies,” before
18 “occurring more than 5 years”.

19 (d) Section 2(a)(2)(D)(i) of the Temporary Bank-
20 ruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152
21 note; Public Law 112-121) is amended (with regard to the
22 1st and 2d vacancies in the southern district of Florida)
23 by striking “5 years” and inserting “6 years”.

24 This title may be cited as the “Judiciary Appropria-
25 tions Act, 2017”.

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, \$20,000,000, 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, \$40,000,000, 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, \$274,541,000 to be allocated as follows: for
5 the District of Columbia Court of Appeals, \$14,303,000,
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, \$124,800,000, 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 \$74,783,000, of which not to exceed \$2,500 is for official
12 reception and representation expenses; and \$60,655,000,
13 to remain available until September 30, 2018, 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 notwithstanding
19 any other provision of law, all amounts under this heading
20 shall be apportioned quarterly by the Office of Manage-
21 ment and Budget and obligated and expended in the same
22 manner as funds appropriated for salaries and expenses
23 of other Federal agencies: *Provided further*, That 30 days
24 after providing written notice to the Committees on Ap-
25 propriations of the House of Representatives and the Sen-

1 ate, the District of Columbia Courts may reallocate not
2 more than \$6,000,000 of the funds provided under this
3 heading among the items and entities funded under this
4 heading: *Provided further*, That the Joint Committee on
5 Judicial Administration in the District of Columbia may,
6 by regulation, establish a program substantially similar to
7 the program set forth in subchapter II of chapter 35 of
8 title 5, United States Code, for employees of the District
9 of Columbia Courts.

10 FEDERAL PAYMENT FOR DEFENDER SERVICES IN THE
11 DISTRICT OF COLUMBIA COURTS

12 For payments authorized under section 11–2604 and
13 section 11–2605, D.C. Official Code (relating to represen-
14 tation provided under the District of Columbia Criminal
15 Justice Act), payments for counsel appointed in pro-
16 ceedings in the Family Court of the Superior Court of the
17 District of Columbia under chapter 23 of title 16, D.C.
18 Official Code, or pursuant to contractual agreements to
19 provide guardian ad litem representation, training, tech-
20 nical assistance, and such other services as are necessary
21 to improve the quality of guardian ad litem representation,
22 payments for counsel appointed in adoption proceedings
23 under chapter 3 of title 16, D.C. Official Code, and pay-
24 ments authorized under section 21–2060, D.C. Official
25 Code (relating to services provided under the District of

1 Columbia Guardianship, Protective Proceedings, and Du-
2 rable Power of Attorney Act of 1986), \$49,890,000, to
3 remain available until expended: *Provided*, That funds
4 provided under this heading shall be administered by the
5 Joint Committee on Judicial Administration in the Dis-
6 trict of Columbia: *Provided further*, That, notwithstanding
7 any other provision of law, this appropriation shall be ap-
8 portioned quarterly by the Office of Management and
9 Budget and obligated and expended in the same manner
10 as funds appropriated for expenses of other Federal agen-
11 cies.

12 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
13 FENDER SUPERVISION AGENCY FOR THE DISTRICT
14 OF COLUMBIA

15 For salaries and expenses, including the transfer and
16 hire of motor vehicles, of the Court Services and Offender
17 Supervision Agency for the District of Columbia, as au-
18 thorized by the National Capital Revitalization and Self-
19 Government Improvement Act of 1997, \$246,386,000, of
20 which not to exceed \$2,000 is for official reception and
21 representation expenses related to Community Supervision
22 and Pretrial Services Agency programs, of which not to
23 exceed \$25,000 is for dues and assessments relating to
24 the implementation of the Court Services and Offender
25 Supervision Agency Interstate Supervision Act of 2002;

1 of which \$182,564,000 shall be for necessary expenses of
2 Community Supervision and Sex Offender Registration, to
3 include expenses relating to the supervision of adults sub-
4 ject to protection orders or the provision of services for
5 or related to such persons; and of which \$63,822,000 shall
6 be available to the Pretrial Services Agency: *Provided*,
7 That notwithstanding any other provision of law, all
8 amounts under this heading shall be apportioned quarterly
9 by the Office of Management and Budget and obligated
10 and expended in the same manner as funds appropriated
11 for salaries and expenses of other Federal agencies: *Pro-*
12 *vided further*, That amounts under this heading may be
13 used for programmatic incentives for defendants to suc-
14 cessfully 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, \$41,359,000: *Provided*, That notwithstanding any
22 other provision of law, all amounts under this heading
23 shall be apportioned quarterly by the Office of Manage-
24 ment and Budget and obligated and expended in the same

1 manner as funds appropriated for salaries and expenses
2 of Federal agencies.

3 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

4 COORDINATING COUNCIL

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

10 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

11 For a Federal payment, to remain available until
12 September 30, 2018, to the Commission on Judicial Dis-
13 abilities and Tenure, \$310,000, and for the Judicial Nomi-
14 nation Commission, \$275,000.

15 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

16 For a Federal payment for a school improvement pro-
17 gram in the District of Columbia, \$45,000,000, to remain
18 available until expended, for payments authorized under
19 the Scholarship for Opportunity and Results Act (division
20 C of Public Law 112–10): *Provided*, That, to the extent
21 that funds are available for opportunity scholarships and
22 following the priorities included in section 3006 of such
23 Act, the Secretary of Education shall make scholarships
24 available to students eligible under section 3013(3) of such
25 Act (Public Law 112–10; 125 Stat. 211) including stu-

1 dents who were not offered a scholarship during any pre-
2 vious school year: *Provided further*, That within funds pro-
3 vided for opportunity scholarships \$3,200,000 shall be for
4 the activities specified in sections 3007(b) through
5 3007(d) and 3009 of the Act.

6 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

7 NATIONAL GUARD

8 For a Federal payment to the District of Columbia
9 National Guard, \$450,000, to remain available until ex-
10 pended for the Major General David F. Wherley, Jr. Dis-
11 trict of Columbia National Guard Retention and College
12 Access Program.

13 FEDERAL PAYMENT FOR TESTING AND TREATMENT OF

14 HIV/AIDS

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

20 DISTRICT OF COLUMBIA FUNDS

21 Local funds are appropriated for the District of Co-
22 lumbia for the current fiscal year out of the General Fund
23 of the District of Columbia (“General Fund”) for pro-
24 grams and activities set forth under the heading “Part
25 A--Summary of Expenses” and at the rate set forth under

1 such heading, as included in D.C. Bill 21-668, as amended
2 as of the date of the enactment of this Act: *Provided*, That
3 notwithstanding any other provision of law, except as pro-
4 vided in section 450A of the District of Columbia Home
5 Rule Act (section 1–204.50a, D.C. Official Code), sections
6 816 and 817 of the Financial Services and General Gov-
7 ernment Appropriations Act, 2009 (secs. 47–369.01 and
8 47–369.02, D.C. Official Code), and provisions of this Act,
9 the total amount appropriated in this Act for operating
10 expenses for the District of Columbia for fiscal year 2017
11 under this heading shall not exceed the estimates included
12 in D.C. Bill 21-668, as amended as of the date of the
13 enactment of this Act, or the sum of the total revenues
14 of the District of Columbia for such fiscal year: *Provided*
15 *further*, That the amount appropriated may be increased
16 by proceeds of one-time transactions, which are expended
17 for emergency or unanticipated operating or capital needs:
18 *Provided further*, That such increases shall be approved
19 by enactment of local District law and shall comply with
20 all reserve requirements contained in the District of Co-
21 lumbia Home Rule Act: *Provided further*, That the Chief
22 Financial Officer of the District of Columbia shall take
23 such steps as are necessary to assure that the District of
24 Columbia meets these requirements, including the appor-
25 tioning by the Chief Financial Officer of the appropria-

1 tions and funds made available to the District during fis-
2 cal year 2017, except that the Chief Financial Officer may
3 not reprogram for operating expenses any funds derived
4 from bonds, notes, or other obligations issued for capital
5 projects: *Provided further*, That the Fiscal Year 2017
6 Local Budget Act is repealed.

7 This title may be cited as the “District of Columbia
8 Appropriations Act, 2017”.

9 TITLE V

10 INDEPENDENT AGENCIES

11 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

12 SALARIES AND EXPENSES

13 For necessary expenses of the Administrative Con-
14 ference of the United States, authorized by 5 U.S.C. 591
15 et seq., \$3,100,000, to remain available until September
16 30, 2018, of which not to exceed \$1,000 is for official re-
17 ception and representation expenses.

18 BUREAU OF CONSUMER FINANCIAL PROTECTION

19 ADMINISTRATIVE PROVISIONS

20 SEC. 501. Section 1017(a)(2)(C) of Public Law 111-
21 203 is repealed.

22 SEC. 502. Effective October 1, 2017, notwithstanding
23 section 1017 of Public Law 111-203—

24 (1) the Board of Governors of the Federal Re-
25 serve System shall not transfer amounts specified

1 under such section to the Bureau of Consumer Fi-
2 nancial Protection; and

3 (2) there are authorized to be appropriated to
4 the Bureau of Consumer Financial Protection such
5 sums as may be necessary to carry out the authori-
6 ties of the Bureau under Federal consumer financial
7 law.

8 SEC. 503. (a) During fiscal year 2017, on the date
9 on which a request is made for a transfer of funds in ac-
10 cordance with section 1017 of Public Law 111–203, the
11 Bureau of Consumer Financial Protection shall notify the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate, the Committee on Financial Serv-
14 ices of the House of Representatives, and the Committee
15 on Banking, Housing, and Urban Affairs of the Senate
16 of such request.

17 (b)(1) Any such notification shall include the amount
18 of the funds requested, an explanation of how the funds
19 will be obligated by object class and activity, and why the
20 funds are necessary to protect consumers.

21 (2) Any notification required by this section shall be
22 made available on the Bureau’s public Web site.

23 SEC. 504. (a) Not later than 2 weeks after the end
24 of each quarter of each fiscal year, the Bureau of Con-
25 sumer Financial Protection shall submit a report on its

1 activities to the Committees on Appropriations of the
2 House of Representatives and the Senate, the Committee
3 on Financial Services of the House of Representatives,
4 and the Committee on Banking, Housing, and Urban Af-
5 fairs of the Senate.

6 (b) The reports required under subsection (a) shall
7 include—

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

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

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

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

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

19 (c) At the request of any committee specified in sub-
20 section (a), the Bureau of Consumer Financial Protection
21 shall make Bureau officials available to testify on the con-
22 tents of the reports required under subsection (a).

23 SEC. 505. (a) IN GENERAL.—Section 1011 of the
24 Consumer Financial Protection Act of 2010 (12 U.S.C.
25 5491) is amended—

1 (1) by striking subsections (b), (c), and (d);

2 (2) by redesignating subsection (e) as sub-
3 section (c); and

4 (3) by inserting after subsection (a) the fol-
5 lowing:

6 “(b) MANAGEMENT OF THE BUREAU.—

7 “(1) IN GENERAL.—The management of the
8 Bureau shall be vested in a Board of Directors con-
9 sisting of 5 members, who shall be appointed by the
10 President, by and with the advice and consent of the
11 Senate, from among individuals who—

12 “(A) are citizens of the United States; and

13 “(B) have developed strong competency
14 and understanding of, and have experience
15 working with, financial products and services.

16 “(2) TERMS.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), each member of the Board,
19 including the Chairperson, shall serve for a
20 term of 5 years.

21 “(B) STAGGERED TERMS.—The members
22 of the Board shall serve staggered terms, which
23 shall initially be for terms of 1, 2, 3, 4, and 5
24 years, respectively, and such members shall be
25 appointed such that, after the appointments of

1 the initial 5 members of the Board, members of
2 different political parties are appointed alter-
3 nately.

4 “(C) REMOVAL.—The President may re-
5 move any member of the Board for inefficiency,
6 neglect of duty, or malfeasance in office.

7 “(D) VACANCIES.—Any member of the
8 Board appointed to fill a vacancy occurring be-
9 fore the expiration of the term to which the
10 predecessor of that member was appointed (in-
11 cluding the Chairperson) shall be appointed
12 only for the remainder of the term.

13 “(E) CONTINUATION OF SERVICE.—Each
14 member of the Board may continue to serve
15 after the expiration of the term of office to
16 which that member was appointed until a suc-
17 cessor has been appointed by the President and
18 confirmed by the Senate, except that a member
19 may not continue to serve more than 1 year
20 after the date on which the term of that mem-
21 ber would otherwise expire.

22 “(F) SUCCESSIVE TERMS.—A member of
23 the Board may not be reappointed to a second
24 consecutive term, except that an initial member
25 of the Board appointed for less than a 5-year

1 term may be reappointed to a full 5-year term
2 and a future member appointed to fill an unex-
3 pired term may be reappointed for a full 5-year
4 term.

5 “(3) AFFILIATION.—Not more than 3 members
6 of the Board shall be members of any 1 political
7 party.

8 “(4) CHAIRPERSON OF THE BOARD.—

9 “(A) APPOINTMENT.—The President shall
10 appoint 1 of the 5 members of the Board to
11 serve as Chairperson of the Board.

12 “(B) AUTHORITY.—The Chairperson shall
13 be the principal executive officer of the Bureau,
14 and shall exercise all of the executive and ad-
15 ministrative functions of the Bureau, including
16 with respect to—

17 “(i) the supervision of personnel em-
18 ployed by the Bureau (other than per-
19 sonnel employed regularly and full time in
20 the immediate offices of members of the
21 Board other than the Chairperson);

22 “(ii) the distribution of business
23 among personnel appointed and supervised
24 by the Chairperson and among administra-
25 tive units of the Bureau; and

1 “(iii) the use and expenditure of
2 funds.

3 “(C) LIMITATION.—In carrying out any of
4 the functions of the Chairperson under this
5 paragraph, the Chairperson shall be governed
6 by general policies of the Bureau and by such
7 regulatory decisions, findings, and determina-
8 tions as the Bureau may by law be authorized
9 to make.

10 “(D) REQUESTS OR ESTIMATES RELATED
11 TO APPROPRIATIONS.—Any request or estimate
12 for regular, supplemental, or deficiency appro-
13 priations on behalf of the Bureau, including any
14 request for a transfer of funds under section
15 1017(a), may not be submitted by the Chair-
16 person without the prior approval of the Board.

17 “(E) VACANCY.—The President may des-
18 ignate a member of the Board to serve as Act-
19 ing Chairperson in the event of a vacancy in the
20 office of the Chairperson.

21 “(5) COMPENSATION.—

22 “(A) CHAIRPERSON.—The Chairperson
23 shall receive compensation at the rate pre-
24 scribed for level I of the Executive Schedule

1 under section 5312 of title 5, United States
2 Code.

3 “(B) OTHER MEMBERS OF THE BOARD.—
4 The 4 members of the Board other than the
5 Chairperson shall each receive compensation at
6 the rate prescribed for level II of the Executive
7 Schedule under section 5313 of title 5, United
8 States Code.

9 “(6) OTHER EMPLOYMENT PROHIBITED.—A
10 member of the Board may not engage in any other
11 business, vocation, or employment.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) CONSUMER FINANCIAL PROTECTION ACT OF
14 2010.—The Consumer Financial Protection Act of
15 2010 (12 U.S.C. 5481 et seq.) is amended—

16 (A) in section 1002 (12 U.S.C. 5481)—

17 (i) by striking paragraph (10) and in-
18 sserting:

19 “(10) BOARD.—The term ‘Board’ means the
20 Board of Directors of the Bureau of Consumer Fi-
21 nancial Protection.”; and

22 (ii) by inserting after paragraph (29)
23 the following:

1 “(30) CHAIRPERSON.—The term ‘Chairperson’
2 means the Chairperson of the Board of Directors of
3 the Bureau of Consumer Financial Protection.”;

4 (B) in section 1012 (12 U.S.C. 5492)—

5 (i) in subsection (a)(8), by striking
6 “appointed and supervised by the Direc-
7 tor” and inserting “appointed by the
8 Board and supervised by the Chairperson”;

9 (ii) in subsection (b), by striking “Di-
10 rector” and inserting “Board”; and

11 (iii) in subsection (c)—

12 (I) in paragraph (2)(A), by strik-
13 ing “Director” and inserting
14 “Board”; and

15 (II) in paragraph (4), by striking
16 “the Director” each place that term
17 appears and inserting “any member of
18 the Board”;

19 (C) in section 1013 (12 U.S.C. 5493)—

20 (i) in subsections (a), (b), (d), and
21 (e), by striking “Director” each place that
22 term appears and inserting “Board”;

23 (ii) in subsection (c)—

24 (I) in paragraphs (1) and (2), by
25 striking “Director” each place that

1 term appears and inserting “Board”;
2 and
3 (II) in paragraph (3)—
4 (aa) by striking “Assistant
5 Director” each place that term
6 appears and inserting “Head of
7 Office”; and
8 (bb) by striking “the Direc-
9 tor” each place that term ap-
10 pears and inserting “the Board”;
11 (iii) in subsection (g)—
12 (I) in paragraph (1), by striking
13 “Director” and inserting “Board”;
14 and
15 (II) in paragraph (2)—
16 (aa) in the paragraph head-
17 ing, by striking “ASSISTANT DI-
18 RECTOR” and inserting “HEAD
19 OF THE OFFICE”; and
20 (bb) by striking “an assist-
21 ant director” and inserting “the
22 Head of the Office of Financial
23 Protection for Older Americans”;

1 (D) in section 1014 (12 U.S.C. 5494), by
2 striking “Director” each place that term ap-
3 pears and inserting “Board”;

4 (E) in section 1016(a) (12 U.S.C.
5 5496(a)), by striking “Director of the Bureau”
6 and inserting “Chairperson”;

7 (F) in section 1017—

8 (i) in subsection (a)—

9 (I) in paragraph (1), by striking
10 “Director” and inserting “Board”;

11 (II) in paragraph (4)—

12 (aa) in subparagraph (A)—

13 (AA) by striking “Di-
14 rector shall” and inserting
15 “Board shall”;

16 (BB) by striking “Di-
17 rector,” and inserting
18 “Board,”; and

19 (CC) by striking “Di-
20 rector in” each place that
21 term appears and inserting
22 “Board in”;

23 (bb) in subparagraph (D),
24 by striking “Director” and in-
25 serting “Board”; and

1 (cc) in subparagraph (E), by
2 striking “Director to” and insert-
3 ing “Board to”; and

4 (III) in paragraph (5)(C), by
5 striking “Director of the Bureau” and
6 inserting “Chairperson”;

7 (ii) in subsection (c)(1)—

8 (I) by striking “Director,” and
9 inserting “Board,”; and

10 (II) by striking “Director and”
11 and inserting “the members of the
12 Board and”; and

13 (iii) in subsection (e), by striking “Di-
14 rector” each place that term appears and
15 inserting “Board”;

16 (G) in subtitles B (12 U.S.C. 5511 et
17 seq.), C (12 U.S.C. 5531 et seq.), and G (12
18 U.S.C. 5601 et seq.), by striking “Director”
19 each place that term appears and inserting
20 “Board”;

21 (H) in section 1061(c)(2)(C)(i) (12 U.S.C.
22 5581(c)(2)(C)(i)), by striking “the Board” and
23 inserting “the National Credit Union Adminis-
24 tration Board”; and

1 (I) in section 1066(a) (12 U.S.C. 5586(a)),
2 by inserting “first” before “Director”.

3 (2) FINANCIAL STABILITY ACT OF 2010.—Sec-
4 tion 111(b)(1)(D) of the Financial Stability Act of
5 2010 (12 U.S.C. 5321(b)(1)(D)) is amended by
6 striking “Director of the Bureau” and inserting
7 “Chairperson of the Board of Directors of the Bu-
8 reau”.

9 (3) MORTGAGE REFORM AND ANTI-PREDATORY
10 LENDING ACT.—Section 1447 of the Mortgage Re-
11 form and Anti-Predatory Lending Act (12 U.S.C.
12 1701p-2) is amended by striking “Director” each
13 place the term appears and inserting “Board of Di-
14 rectors”.

15 (4) ELECTRONIC FUND TRANSFER ACT.—Sec-
16 tion 920(a)(4)(C) of the Electronic Fund Transfer
17 Act (15 U.S.C. 1693o-2(a)(4)(C)) is amended by
18 striking “Director of the Bureau” and inserting
19 “Board of Directors of the Bureau”.

20 (5) EXPEDITED FUNDS AVAILABILITY ACT.—
21 The Expedited Funds Availability Act (12 U.S.C.
22 4001 et seq.) is amended by striking “Director of
23 the Bureau” each place that term appears and in-
24 serting “Board of Directors of the Bureau”.

1 (6) FEDERAL DEPOSIT INSURANCE ACT.—Sec-
2 tion 2 of the Federal Deposit Insurance Act (12
3 U.S.C. 1812) is amended—

4 (A) by striking “Director of the Consumer
5 Financial Protection Bureau” each place that
6 term appears and inserting “Chairperson of the
7 Board of Directors of the Bureau of Consumer
8 Financial Protection”; and

9 (B) in subsection (d)(2), by striking
10 “Comptroller or Director” and inserting
11 “Comptroller or Chairperson”.

12 (7) FEDERAL FINANCIAL INSTITUTIONS EXAM-
13 INATION COUNCIL ACT OF 1978.—Section 1004(a)(4)
14 of the Federal Financial Institutions Examination
15 Council Act of 1978 (12 U.S.C. 3303(a)(4)) is
16 amended by striking “Director of the Consumer Fi-
17 nancial Protection Bureau” and inserting “Chair-
18 person of the Board of Directors of the Bureau of
19 Consumer Financial Protection”.

20 (8) FINANCIAL LITERACY AND EDUCATION IM-
21 PROVEMENT ACT.—Section 513 of the Financial Lit-
22 eracy and Education Improvement Act (20 U.S.C.
23 9702) is amended by striking “Director” each place
24 that term appears and inserting “Chairperson of the
25 Board of Directors”.

1 (9) HOME MORTGAGE DISCLOSURE ACT OF
2 1975.—Section 307 of the Home Mortgage Disclo-
3 sure Act of 1975 (12 U.S.C. 2806) is amended by
4 striking “Director of the Bureau of Consumer” each
5 place that term appears and inserting “Board of Di-
6 rectors of the Bureau of Consumer”.

7 (10) INTERSTATE LAND SALES FULL DISCLO-
8 SURE ACT.—The Interstate Land Sales Full Disclo-
9 sure Act (15 U.S.C. 1701 et seq.) is amended—

10 (A) in section 1402(1) (15 U.S.C.
11 1701(1)), by striking “‘Director’ means the Di-
12 rector” and inserting “‘Board’ means the
13 Board of Directors”;

14 (B) by striking “Director” each place that
15 term appears and inserting “Board”;

16 (C) in section 1403(c) (15 U.S.C.
17 1702(c))—

18 (i) by striking “by him” and inserting
19 “by the Board”; and

20 (ii) by striking “he” and inserting
21 “the Board”;

22 (D) in section 1407 (15 U.S.C. 1706)—

23 (i) in subsection (c), by striking “he”
24 and inserting “the Board”; and

- 1 (ii) in subsection (e), by striking
2 “him” and inserting “the Board”;
- 3 (E) in section 1411 (15 U.S.C. 1710)—
- 4 (i) in subsection (a)—
- 5 (I) by striking “his findings” and
6 inserting “its finding”; and
- 7 (II) by striking “his rec-
8 ommendation” and inserting “a rec-
9 ommendation”; and
- 10 (ii) in subsection (b), by striking
11 “Secretary’s order” and inserting “order of
12 the Board”;
- 13 (F) in section 1415 (15 U.S.C. 1714)—
- 14 (i) by striking “him” each place that
15 term appears and inserting “the Board”;
- 16 (ii) in subsection (a), by striking “he
17 may, in his discretion” and inserting “the
18 Board may, at the discretion of the
19 Board”;
- 20 (iii) in subsection (b), by striking
21 “he” each time that term appears and in-
22 serting “the Board”; and
- 23 (iv) by striking “in his discretion”
24 each time that term appears and inserting
25 “at the discretion of the Board”;

1 (G) in section 1416(a) (15 U.S.C.
2 1715(a))—

3 (i) by striking “of the Bureau of Con-
4 sumer Financial Protection” the first time
5 that term appears;

6 (ii) by striking “his functions, duties,
7 and powers” and inserting “the functions,
8 duties, and powers of the Board”;

9 (iii) by striking “his administrative
10 law judges” and inserting “the administra-
11 tive law judges of the Bureau of Consumer
12 Financial Protection”; and

13 (iv) by striking “himself” and insert-
14 ing “the Board”;

15 (H)(i) in section 1418a(b)(4) (15 U.S.C.
16 1717a(b)(4)), by striking “The Secretary’s de-
17 termination or order” and inserting “A deter-
18 mination or order of the Board”; and

19 (ii) in section 1418a(d) (15 U.S.C.
20 1717a(d)), by striking “the Secretary’s deter-
21 mination or order” and inserting “a determina-
22 tion or order of the Board”;

23 (I) in section 1419 (15 U.S.C. 1718)—

24 (i) by striking “him” and inserting
25 “the Board”;

1 (ii) by striking “his rules and regula-
2 tions” and inserting “the rules and regula-
3 tions of the Board”; and

4 (iii) by striking “his jurisdiction” and
5 inserting “the jurisdiction of the Bureau of
6 Consumer Financial Protection”; and

7 (J) in section 1420 (15 U.S.C. 1719)—

8 (i) by inserting “or any member of
9 the Board” before “in any proceeding”;
10 and

11 (ii) by striking “him” and inserting
12 “the Board or any member of the Board”.

13 (11) REAL ESTATE SETTLEMENT PROCEDURES
14 ACT OF 1974.—Section 5 of the Real Estate Settle-
15 ment Procedures Act of 1974 (12 U.S.C. 2604) is
16 amended—

17 (A) by striking “Director of” and inserting
18 “Board of Directors of”; and

19 (B) by striking “Director” each place that
20 term appears and inserting “Board”.

21 (12) S.A.F.E. MORTGAGE LICENSING ACT OF
22 2008.—The S.A.F.E. Mortgage Licensing Act of
23 2008 (12 U.S.C. 5101 et seq.) is amended—

24 (A) in section 1503(10) (12 U.S.C.
25 5102(10))—

1 (i) in the paragraph heading, by strik-
2 ing “DIRECTOR” and inserting “BOARD”;
3 and

4 (ii) by striking “‘Director’ means the
5 Director” and inserting “‘Board’ means
6 the Board of Directors”;

7 (B) by striking “Director” each place that
8 term appears and inserting “Board”;

9 (C) in section 1514(b)(5) (12 U.S.C.
10 5113(b)(5)), by striking “Secretary’s expenses”
11 and inserting “expenses of the Board”;

12 (D) in section 1514(c)(4)(C) (12 U.S.C.
13 5113(c)(4)(C)), by striking “Secretary’s” and
14 inserting “Board’s”;

15 (E) in the headings of section 1514(c)(1),
16 (c)(4)(A), and (c)(5), by striking “DIRECTOR”
17 and inserting “BOARD”; and

18 (F) in the heading of section 1514(d), by
19 striking “DIRECTOR” and inserting “BOARD”.

20 (13) TITLE 44.—Section 3513(c) of title 44,
21 United States Code, is amended by striking “Direc-
22 tor of the Bureau” and inserting “Board of Direc-
23 tors of the Bureau”.

24 (c) REFERENCES.—Any reference in a law, regula-
25 tion, document, paper, or other record of the United

1 States to the Director of the Bureau of Consumer Finan-
2 cial Protection shall be deemed a reference to the Board
3 of Directors of the Bureau of Consumer Financial Protec-
4 tion, unless otherwise specified in this Act.

5 (d) EFFECTIVE DATE.—This section and the amend-
6 ments made by this section shall take effect on the later
7 of—

8 (1) October 1, 2017; or

9 (2) the date on which not less than 3 persons
10 have been confirmed by the Senate to serve as mem-
11 bers of the Board of Directors of the Bureau of
12 Consumer Financial Protection.

13 SEC. 506. None of the funds made available in this
14 Act or transferred to the Bureau of Consumer Financial
15 Protection pursuant to section 1017 of Public law 111-
16 203 may be used to regulate pre-dispute arbitration agree-
17 ments (as described in section 1028 of Public Law 111-
18 203) and any regulation finalized by the Bureau to regu-
19 late pre-dispute arbitration agreements shall have no legal
20 force or effect until the requirements regarding pre-dis-
21 pute arbitration specified in the report accompanying this
22 Act under the heading “Bureau of Consumer Financial
23 Protection,” are fulfilled.

1 CONSUMER PRODUCT SAFETY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Consumer Product
4 Safety Commission, including hire of passenger motor ve-
5 hicles, services as authorized by 5 U.S.C. 3109, but at
6 rates for individuals not to exceed the per diem rate equiv-
7 alent to the maximum rate payable under 5 U.S.C. 5376,
8 purchase of nominal awards to recognize non-Federal offi-
9 cials' contributions to Commission activities, and not to
10 exceed \$4,000 for official reception and representation ex-
11 penses, \$121,300,000, of which \$1,000,000 shall be avail-
12 able for the advisory committees in the report accom-
13 panying this Act under the heading "Consumer Product
14 Safety Commission", and of which \$1,300,000 shall re-
15 main available until expended to carry out the program,
16 including administrative costs, required by section 1405
17 of the Virginia Graeme Baker Pool and Spa Safety Act
18 (Public Law 110–140; 15 U.S.C. 8004).

19 ADMINISTRATIVE PROVISION—CONSUMER PRODUCT

20 SAFETY COMMISSION

21 SEC. 510. During fiscal year 2017, none of the
22 amounts made available by this Act may be used to final-
23 ize or implement the Safety Standard for Recreational
24 Off-Highway Vehicles published by the Consumer Product

1 Safety Commission in the Federal Register on November
2 19, 2014 (79 Fed. Reg. 68964) until after—

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

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

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

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

22 (D) the effect on the utility of ROVs used
23 by the United States military if the proposed
24 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 For necessary expenses to carry out the Help Amer-
14 ica Vote Act of 2002 (Public Law 107–252), \$4,900,000.

15 FEDERAL COMMUNICATIONS COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Federal Communica-
18 tions Commission, as authorized by law, including uni-
19 forms and allowances therefor, as authorized by 5 U.S.C.
20 5901–5902; not to exceed \$4,000 for official reception and
21 representation expenses; purchase and hire of motor vehi-
22 cles; special counsel fees; and services as authorized by
23 5 U.S.C. 3109, \$314,844,000, to remain available until
24 expended: *Provided*, That \$314,844,000 of offsetting col-
25 lections shall be assessed and collected pursuant to section

1 9 of title I of the Communications Act of 1934, shall be
2 retained and used for necessary expenses and shall remain
3 available until expended: *Provided further*, That the sum
4 herein appropriated shall be reduced as such offsetting
5 collections are received during fiscal year 2017 so as to
6 result in a final fiscal year 2017 appropriation estimated
7 at \$0: *Provided further*, That any offsetting collections re-
8 ceived in excess of \$314,844,000 in fiscal year 2017 shall
9 not be available for obligation: *Provided further*, That re-
10 maining offsetting collections from prior years collected in
11 excess of the amount specified for collection in each such
12 year and otherwise becoming available on October 1, 2016,
13 shall not be available for obligation: *Provided further*,
14 That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds
15 from the use of a competitive bidding system that may
16 be retained and made available for obligation shall not ex-
17 ceed \$106,000,000 for fiscal year 2017: *Provided further*,
18 That, of the amount appropriated under this heading, not
19 less than \$11,751,000 shall be for the salaries and ex-
20 penses of the Office of Inspector General.

21 FEDERAL DEPOSIT INSURANCE CORPORATION

22 OFFICE OF THE INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, \$35,958,000, to be derived from the

1 Deposit Insurance Fund or, only when appropriate, the
2 FSLIC Resolution Fund.

3 FEDERAL ELECTION COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out the provisions
6 of the Federal Election Campaign Act of 1971,
7 \$80,540,000, of which \$8,000,000 shall remain available
8 until September 30, 2018, for lease expiration and re-
9 placement lease expenses; and of which not to exceed
10 \$5,000 shall be available for reception and representation
11 expenses.

12 FEDERAL LABOR RELATIONS AUTHORITY

13 SALARIES AND EXPENSES

14 For necessary expenses to carry out functions of the
15 Federal Labor Relations Authority, pursuant to Reorga-
16 nization Plan Numbered 2 of 1978, and the Civil Service
17 Reform Act of 1978, \$26,631,000, including services au-
18 thorized by 5 U.S.C. 3109, and including hire of experts
19 and consultants, hire of passenger motor vehicles and
20 rental of conference rooms in the District of Columbia and
21 elsewhere; and of which not to exceed \$1,500 shall be
22 available for official reception and representation ex-
23 penses: *Provided*, That public members of the Federal
24 Service Impasses Panel may be paid travel expenses and
25 per diem in lieu of subsistence as authorized by law (5

1 U.S.C. 5703) for persons employed intermittently in the
2 Government service, and compensation as authorized by
3 5 U.S.C. 3109: *Provided further*, That, notwithstanding
4 31 U.S.C. 3302, funds received from fees charged to non-
5 Federal participants at labor-management relations con-
6 ferences shall be credited to and merged with this account,
7 to be available without further appropriation for the costs
8 of carrying out these conferences.

9 FEDERAL TRADE COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses of the Federal Trade Com-
12 mission, including uniforms or allowances therefor, as au-
13 thorized by 5 U.S.C. 5901–5902; services as authorized
14 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
15 not to exceed \$2,000 for official reception and representa-
16 tion expenses, \$317,000,000, to remain available until ex-
17 pended: *Provided*, That not to exceed \$300,000 shall be
18 available for use to contract with a person or persons for
19 collection services in accordance with the terms of 31
20 U.S.C. 3718: *Provided further*, That, notwithstanding any
21 other provision of law, not to exceed \$125,000,000 of off-
22 setting collections derived from fees collected for
23 premerger notification filings under the Hart-Scott-Ro-
24 dino Antitrust Improvements Act of 1976 (15 U.S.C.
25 18a), regardless of the year of collection, shall be retained

1 and used for necessary expenses in this appropriation:
 2 *Provided further*, That, notwithstanding any other provi-
 3 sion of law, not to exceed \$15,000,000 in offsetting collec-
 4 tions derived from fees sufficient to implement and enforce
 5 the Telemarketing Sales Rule, promulgated under the
 6 Telemarketing and Consumer Fraud and Abuse Preven-
 7 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
 8 account, and be retained and used for necessary expenses
 9 in this appropriation: *Provided further*, That the sum here-
 10 in appropriated from the general fund shall be reduced
 11 as such offsetting collections are received during fiscal
 12 year 2017, so as to result in a final fiscal year 2017 appro-
 13 priation from the general fund estimated at not more than
 14 \$177,000,000: *Provided further*, That none of the funds
 15 made available to the Federal Trade Commission may be
 16 used to implement subsection (e)(2)(B) of section 43 of
 17 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

18 GENERAL SERVICES ADMINISTRATION

19 REAL PROPERTY ACTIVITIES

20 FEDERAL BUILDINGS FUND

21 LIMITATIONS ON AVAILABILITY OF REVENUE

22 (INCLUDING TRANSFERS OF FUNDS)

23 Amounts in the Fund, including revenues and collec-
 24 tions deposited into the Fund, shall be available for nec-
 25 essary expenses of real property management and related

1 activities not otherwise provided for, including operation,
2 maintenance, and protection of federally owned and leased
3 buildings; rental of buildings in the District of Columbia;
4 restoration of leased premises; moving governmental agen-
5 cies (including space adjustments and telecommunications
6 relocation expenses) in connection with the assignment, al-
7 location, and transfer of space; contractual services inci-
8 dent to cleaning or servicing buildings, and moving; repair
9 and alteration of federally owned buildings, including
10 grounds, approaches, and appurtenances; care and safe-
11 guarding of sites; maintenance, preservation, demolition,
12 and equipment; acquisition of buildings and sites by pur-
13 chase, condemnation, or as otherwise authorized by law;
14 acquisition of options to purchase buildings and sites; con-
15 version and extension of federally owned buildings; pre-
16 liminary planning and design of projects by contract or
17 otherwise; construction of new buildings (including equip-
18 ment for such buildings); and payment of principal, inter-
19 est, and any other obligations for public buildings acquired
20 by installment purchase and purchase contract; in the ag-
21 gregate amount of \$9,244,808,000, of which—

22 (1) \$504,918,000 shall remain available until
23 expended for construction and acquisition (including
24 funds for sites and expenses, and associated design
25 and construction services) as follows:

1 (A) National Capital Region, FBI Head-
2 quarters Consolidation, \$200,000,000;

3 (B) California, Calexico, Calexico West
4 Land Port of Entry, \$248,213,000;

5 (C) District of Columbia, Washington,
6 Southeast Federal Center Remediation,
7 \$7,000,000;

8 (D) Pembina, North Dakota, United
9 States Department of Agriculture (USDA) Ani-
10 mal and Plant Health Inspection Service
11 (APHIS), \$5,749,000;

12 (E) Boyers, Pennsylvania, Federal Office
13 Building, \$31,200,000; and

14 (F) Austin, Texas, Internal Revenue Serv-
15 ice (IRS) Annex Building, \$12,756,000:

16 *Provided*, That each of the foregoing limits of costs
17 on new construction and acquisition projects may be
18 exceeded to the extent that savings are effected in
19 other such projects, but not to exceed 10 percent of
20 the amounts included in a transmitted prospectus, if
21 required, unless advance approval is obtained from
22 the Committees on Appropriations of a greater
23 amount;

1 (2) \$758,790,000 shall remain available until
2 expended for repairs and alterations, including asso-
3 ciated design and construction services, of which—

4 (A) \$300,000,000 is for Major Repairs and
5 Alterations;

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

8 (C) \$146,700,000 is for Special Emphasis
9 Programs, of which—

10 (i) \$20,000,000 is for Fire and Life
11 Safety;

12 (ii) \$26,700,000 is for Judiciary Cap-
13 ital Security;

14 (iii) \$100,000,000 is for Consolidation
15 Activities: *Provided*, That consolidation
16 projects result in reduced annual rent paid
17 by the tenant agency: *Provided further*,
18 That no consolidation project exceed
19 \$10,000,000 in costs: *Provided further*,
20 That consolidation projects are approved
21 by each of the committees specified in sec-
22 tion 3307(a) of title 40, United States
23 Code: *Provided further*, That preference is
24 given to consolidation projects that achieve
25 a utilization rate of 130 usable square feet

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

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

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

17 (3) \$5,645,000,000 for rental of space to re-
18 main available until expended; and

19 (4) \$2,336,100,000 for building operations to
20 remain available until expended, of which
21 \$1,184,790,000 is for building services, and
22 \$1,151,310,000 is for salaries and expenses: *Pro-*
23 *vided*, That not to exceed 5 percent of any appro-
24 priation made available under this paragraph for
25 building operations may be transferred between and

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

1 control as may be appropriate to enable the United
2 States Secret Service to perform its protective func-
3 tions pursuant to 18 U.S.C. 3056, shall be available
4 from such revenues and collections: *Provided further*,
5 That revenues and collections and any other sums
6 accruing to this Fund during fiscal year 2017, ex-
7 cluding reimbursements under 40 U.S.C. 592(b)(2),
8 in excess of the aggregate new obligational authority
9 authorized for Real Property Activities of the Fed-
10 eral Buildings Fund in this Act shall remain in the
11 Fund and shall not be available for expenditure ex-
12 cept as authorized in appropriations Acts.

13 GENERAL ACTIVITIES

14 GOVERNMENT-WIDE POLICY

15 For expenses authorized by law, not otherwise pro-
16 vided for, for Government-wide policy and evaluation ac-
17 tivities associated with the management of real and per-
18 sonal property assets and certain administrative services;
19 Government-wide policy support responsibilities relating to
20 acquisition, travel, motor vehicles, information technology
21 management, and related technology activities; and serv-
22 ices as authorized by 5 U.S.C. 3109; \$58,000,000, of
23 which \$1,000,000 shall remain available until September
24 30, 2018.

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; \$47,966,000, of which \$24,569,000 is
8 for Real and Personal Property Management and Disposal
9 and \$23,397,000 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 activities associated with the Civilian Board
15 of Contract Appeals and services as authorized by 5
16 U.S.C. 3109, \$9,275,000.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General and services authorized by 5 U.S.C. 3109,
20 \$65,000,000, of which \$2,000,000 is available until Sep-
21 tember 30, 2018: *Provided*, That not to exceed \$50,000
22 shall be available for payment for information and detec-
23 tion of fraud against the Government, including payment
24 for recovery of stolen Government property: *Provided fur-*
25 *ther*, That not to exceed \$2,500 shall be available for

1 thorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for
2 necessary expenses in support of interagency projects that
3 enable the Federal Government to enhance its ability to
4 conduct activities electronically, through the development
5 and implementation of innovative uses of information
6 technology; \$55,894,000, to be deposited into the Federal
7 Citizen Services Fund: *Provided*, That the previous
8 amount may be transferred to Federal agencies to carry
9 out the purpose of the Federal Citizen Services Fund: *Pro-*
10 *vided further*, That the appropriations, revenues, reim-
11 bursements, and collections deposited into the Fund shall
12 be available until expended for necessary expenses of Fed-
13 eral Citizen Services and other activities that enable the
14 Federal Government to enhance its ability to conduct ac-
15 tivities electronically in the aggregate amount not to ex-
16 ceed \$150,000,000: *Provided further*, That appropriations,
17 revenues, reimbursements, and collections accruing to this
18 Fund during fiscal year 2017 in excess of such amount
19 shall remain in the Fund and shall not be available for
20 expenditure except as authorized in appropriations Acts:
21 *Provided further*, That any appropriations provided to the
22 Electronic Government Fund that remain unobligated
23 may be transferred to the Federal Citizen Services Fund:
24 *Provided further*, That the transfer authorities provided

1 herein shall be in addition to any other transfer authority
2 provided in this Act.

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 2017 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 2018 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 5-year construction plan; and (3) includes a standardized

1 courtroom utilization study of each facility to be con-
2 structed, 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. Strike subsection (d) of section 3173 of
23 title 40, United States Code.

1 MERIT SYSTEMS PROTECTION BOARD
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out functions of the
5 Merit Systems Protection Board pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978, the Civil Service Reform
7 Act of 1978, and the Whistleblower Protection Act of
8 1989 (5 U.S.C. 5509 note), including services as author-
9 ized by 5 U.S.C. 3109, rental of conference rooms in the
10 District of Columbia and elsewhere, hire of passenger
11 motor vehicles, direct procurement of survey printing, and
12 not to exceed \$2,000 for official reception and representa-
13 tion expenses, \$44,786,000, to remain available until Sep-
14 tember 30, 2018, and in addition not to exceed
15 \$2,345,000, to remain available until September 30, 2018,
16 for administrative expenses to adjudicate retirement ap-
17 peals to be transferred from the Civil Service Retirement
18 and Disability Fund in amounts determined by the Merit
19 Systems Protection Board.

20 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
21 OPERATING EXPENSES

22 For necessary expenses in connection with the admin-
23 istration of the National Archives and Records Adminis-
24 tration and archived Federal records and related activities,
25 as provided by law, and for expenses necessary for the re-

1 view and declassification of documents, the activities of
2 the Public Interest Declassification Board, the operations
3 and maintenance of the electronic records archives, the
4 hire of passenger motor vehicles, and for uniforms or al-
5 lowances therefor, as authorized by law (5 U.S.C. 5901),
6 including maintenance, repairs, and cleaning,
7 \$380,634,000.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Reform Act of 2008, Public Law 110–409, 122
12 Stat. 4302–16 (2008), and the Inspector General Act of
13 1978 (5 U.S.C. App.), and for the hire of passenger motor
14 vehicles, \$4,801,000.

15 REPAIRS AND RESTORATION

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

19 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

20 COMMISSION

21 GRANTS PROGRAM

22 For necessary expenses for allocations and grants for
23 historical publications and records as authorized by 44
24 U.S.C. 2504, \$6,000,000, to remain available until ex-
25 pended.

1 NATIONAL CREDIT UNION ADMINISTRATION

2 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

3 For the Community Development Revolving Loan
4 Fund program as authorized by 42 U.S.C. 9812, 9822
5 and 9910, \$2,000,000 shall be available until September
6 30, 2018, for technical assistance to low-income des-
7 igned credit unions.

8 OFFICE OF GOVERNMENT ETHICS

9 SALARIES AND EXPENSES

10 For necessary expenses to carry out functions of the
11 Office of Government Ethics pursuant to the Ethics in
12 Government Act of 1978, the Ethics Reform Act of 1989,
13 and the Stop Trading on Congressional Knowledge Act of
14 2012, including services as authorized by 5 U.S.C. 3109,
15 rental of conference rooms in the District of Columbia and
16 elsewhere, hire of passenger motor vehicles, and not to ex-
17 ceed \$1,500 for official reception and representation ex-
18 penses, \$16,090,000.

19 OFFICE OF PERSONNEL MANAGEMENT

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF TRUST FUNDS)

22 For necessary expenses to carry out functions of the
23 Office of Personnel Management (OPM) pursuant to Re-
24 organization Plan Numbered 2 of 1978 and the Civil Serv-
25 ice Reform Act of 1978, including services as authorized

1 by 5 U.S.C. 3109; medical examinations performed for
2 veterans by private physicians on a fee basis; rental of con-
3 ference rooms in the District of Columbia and elsewhere;
4 hire of passenger motor vehicles; not to exceed \$2,500 for
5 official reception and representation expenses; advances
6 for reimbursements to applicable funds of OPM and the
7 Federal Bureau of Investigation for expenses incurred
8 under Executive Order No. 10422 of January 9, 1953,
9 as amended; and payment of per diem or subsistence al-
10 lowances to employees where Voting Rights Act activities
11 require an employee to remain overnight at his or her post
12 of duty, \$144,867,000: *Provided*, That of the total amount
13 made available under this heading, not to exceed
14 \$37,000,000 shall remain available until September 30,
15 2018, for the operation and strengthening of the security
16 of OPM legacy and Shell environment IT systems and the
17 modernization, migration, and testing of such systems:
18 *Provided further*, That the amount made available by the
19 previous proviso may not be obligated until the Director
20 of the Office of Personnel Management submits to the
21 Committees on Appropriations of the Senate and the
22 House of Representatives a plan for expenditure of such
23 amount, prepared in consultation with the Director of the
24 Office of Management and Budget, the Administrator of

1 the United States Digital Service, and the Secretary of
2 Homeland Security, that—

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

5 (2) meets the capital planning and investment
6 control review requirements established by the Office
7 of Management and Budget, including Circular A-
8 11, part 7;

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

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

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

20 (6) is reviewed and commented upon by the In-
21 spector General of the Office of Personnel Manage-
22 ment, and such comments are submitted to the Di-
23 rector of the Office of Personnel Management before
24 the date of such submission:

1 *Provided further*, That, not later than 6 months after the
2 date of enactment of this Act, the Comptroller General
3 shall submit to the Committees on Appropriations of the
4 Senate and the House of Representatives a report that—

5 (A) evaluates—

6 (i) the steps taken by the Office of Per-
7 sonnel Management to prevent, mitigate, and
8 respond to data breaches involving sensitive
9 personnel records and information;

10 (ii) the Office’s cybersecurity policies and
11 procedures in place on the date of enactment of
12 this Act, including policies and procedures re-
13 lating to IT best practices such as data
14 encryption, multifactor authentication, and con-
15 tinuous monitoring;

16 (iii) the Office’s oversight of contractors
17 providing IT services; and

18 (iv) the Office’s compliance with govern-
19 ment-wide initiatives to improve cybersecurity;
20 and

21 (B) sets forth improvements that could be made
22 to assist the Office of Personnel Management in ad-
23 dressing cybersecurity challenges:

24 *Provided further*, That of the total amount made available
25 under this heading, \$391,000 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 \$141,611,000 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 2017, 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 \$5,072,000, and in addition, not to exceed \$26,662,000
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; \$25,735,000.

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), \$16,200,000, 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

1 the Intelligence Reform and Terrorism Prevention Act of
2 2004 (42 U.S.C. 2000ee), \$8,297,000.

3 SECURITIES AND EXCHANGE COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Securities and Ex-
6 change Commission, including services as authorized by
7 5 U.S.C. 3109, the rental of space (to include multiple
8 year leases) in the District of Columbia and elsewhere, and
9 not to exceed \$3,500 for official reception and representa-
10 tion expenses, \$1,555,000,000, to remain available until
11 expended; of which not less than \$14,700,000 shall be for
12 the Office of Inspector General; of which not to exceed
13 \$75,000 shall be available for a permanent secretariat for
14 the International Organization of Securities Commissions;
15 of which not to exceed \$100,000 shall be available for ex-
16 penses for consultations and meetings hosted by the Com-
17 mission with foreign governmental and other regulatory
18 officials, members of their delegations and staffs to ex-
19 change views concerning securities matters, such expenses
20 to include necessary logistic and administrative expenses
21 and the expenses of Commission staff and foreign invitees
22 in attendance including: (1) incidental expenses such as
23 meals; (2) travel and transportation; and (3) related lodg-
24 ing or subsistence; of which funding for information tech-
25 nology initiatives shall be increased over the fiscal year

1 2016 level by not less than \$50,000,000; and of which not
2 less than \$72,049,000 shall be for the Division of Eco-
3 nomic and Risk Analysis: *Provided*, That fees and charges
4 authorized by section 31 of the Securities Exchange Act
5 of 1934 (15 U.S.C. 78ee) shall be credited to this account
6 as offsetting collections: *Provided further*, That not to ex-
7 ceed \$1,555,000,000 of such offsetting collections shall be
8 available until expended for necessary expenses of this ac-
9 count: *Provided further*, That the total amount appro-
10 priated under this heading from the general fund for fiscal
11 year 2017 shall be reduced as such offsetting fees are re-
12 ceived so as to result in a final total fiscal year 2017 ap-
13 propriation from the general fund estimated at not more
14 than \$0.

15 SELECTIVE SERVICE SYSTEM

16 SALARIES AND EXPENSES

17 For necessary expenses of the Selective Service Sys-
18 tem, including expenses of attendance at meetings and of
19 training for uniformed personnel assigned to the Selective
20 Service System, as authorized by 5 U.S.C. 4101–4118 for
21 civilian employees; hire of passenger motor vehicles; serv-
22 ices as authorized by 5 U.S.C. 3109; and not to exceed
23 \$750 for official reception and representation expenses;
24 \$22,703,000: *Provided*, That during the current fiscal
25 year, the President may exempt this appropriation from

1 the provisions of 31 U.S.C. 1341, whenever the President
2 deems such action to be necessary in the interest of na-
3 tional defense: *Provided further*, That none of the funds
4 appropriated by this Act may be expended for or in con-
5 nection with the induction of any person into the Armed
6 Forces of the United States.

7 SMALL BUSINESS ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses, not otherwise provided for,
10 of the Small Business Administration, including hire of
11 passenger motor vehicles as authorized by sections 1343
12 and 1344 of title 31, United States Code, and not to ex-
13 ceed \$3,500 for official reception and representation ex-
14 penses, \$268,000,000, of which not less than \$12,000,000
15 shall be available for examinations, reviews, and other
16 lender oversight activities: *Provided*, That the Adminis-
17 trator is authorized to charge fees to cover the cost of pub-
18 lications developed by the Small Business Administration,
19 and certain loan program activities, including fees author-
20 ized by section 5(b) of the Small Business Act: *Provided*
21 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
22 received from all such activities shall be credited to this
23 account, to remain available until expended, for carrying
24 out these purposes without further appropriations: *Pro-*
25 *vided further*, That the Small Business Administration

1 may accept gifts in an amount not to exceed \$4,000,000
2 and may co-sponsor activities, each in accordance with sec-
3 tion 132(a) of division K of Public Law 108–447, during
4 fiscal year 2017: *Provided further*, That \$6,100,000 shall
5 be available for the Loan Modernization and Accounting
6 System, to be available until September 30, 2018.

7 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

8 For necessary expenses of programs supporting en-
9 trepreneurial and small business development,
10 \$243,100,000, to remain available until September 30,
11 2018: *Provided*, That \$125,000,000 shall be available to
12 fund grants for performance in fiscal year 2017 or fiscal
13 year 2018 as authorized by section 21 of the Small Busi-
14 ness Act: *Provided further*, That \$31,000,000 shall be for
15 marketing, management, and technical assistance under
16 section 7(m) of the Small Business Act (15 U.S.C.
17 636(m)(4)) by intermediaries that make microloans under
18 the microloan program: *Provided further*, That
19 \$20,000,000 shall be available for grants to States to
20 carry out export programs that assist small business con-
21 cerns authorized under section 1207 of Public Law 111–
22 240.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$19,900,000.

5 OFFICE OF ADVOCACY

6 For necessary expenses of the Office of Advocacy in
7 carrying out the provisions of title II of Public Law 94–
8 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
9 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,320,000, to
10 remain available until expended.

11 BUSINESS LOANS PROGRAM ACCOUNT

12 (INCLUDING TRANSFER OF FUNDS)

13 For the cost of direct loans, \$4,338,000, to remain
14 available until expended: *Provided*, That such costs, in-
15 cluding the cost of modifying such loans, shall be as de-
16 fined in section 502 of the Congressional Budget Act of
17 1974: *Provided further*, That subject to section 502 of the
18 Congressional Budget Act of 1974, during fiscal year
19 2017 commitments to guarantee loans under section 503
20 of the Small Business Investment Act of 1958 shall not
21 exceed \$7,500,000,000: *Provided further*, That during fis-
22 cal year 2017 commitments for general business loans au-
23 thorized under section 7(a) of the Small Business Act
24 shall not exceed \$28,500,000,000 for a combination of
25 amortizing term loans and the aggregated maximum line

1 of credit provided by revolving loans: *Provided further*,
2 That during fiscal year 2017 commitments for loans au-
3 thorized under subparagraph (C) of section 502(7) of the
4 Small Business Investment Act of 1958 (15 U.S.C.
5 696(7)) shall not exceed \$7,500,000,000: *Provided further*,
6 That during fiscal year 2017 commitments to guarantee
7 loans for debentures under section 303(b) of the Small
8 Business Investment Act of 1958 shall not exceed
9 \$4,000,000,000: *Provided further*, That during fiscal year
10 2017, guarantees of trust certificates authorized by sec-
11 tion 5(g) of the Small Business Act shall not exceed a
12 principal amount of \$12,000,000,000. In addition, for ad-
13 ministrative expenses to carry out the direct and guaran-
14 teed loan programs, \$152,726,000, which may be trans-
15 ferred to and merged with the appropriations for Salaries
16 and Expenses.

17 DISASTER LOANS PROGRAM ACCOUNT
18 (INCLUDING TRANSFERS OF FUNDS)

19 For administrative expenses to carry out the direct
20 loan program authorized by section 7(b) of the Small
21 Business Act, \$185,977,000, to be available until ex-
22 pended, of which \$1,000,000 is for the Office of Inspector
23 General of the Small Business Administration for audits
24 and reviews of disaster loans and the disaster loan pro-
25 grams and shall be transferred to and merged with the

1 appropriations for the Office of Inspector General; of
2 which \$175,977,000 is for direct administrative expenses
3 of loan making and servicing to carry out the direct loan
4 program, which may be transferred to and merged with
5 the appropriations for Salaries and Expenses; and of
6 which \$9,000,000 is for indirect administrative expenses
7 for the direct loan program, which may be transferred to
8 and merged with the appropriations for Salaries and Ex-
9 penses.

10 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

11 ADMINISTRATION

12 (INCLUDING TRANSFER OF FUNDS)

13 (INCLUDING RESCISSION)

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

24 SEC. 531. (a) None of the funds made available under
25 this Act may be used to collect a guarantee fee under sec-

1 tion 7(a)(18) of the Small Business Act (15 U.S.C.
2 636(a)(18)) with respect to a loan guaranteed under sec-
3 tion 7(a)(31) of such Act that is made to a small business
4 concern (as defined under section 3 of such Act (15 U.S.C.
5 632)) that is 51 percent or more owned and controlled
6 by 1 or more individuals who is a veteran (as defined in
7 section 101 of title 38, United States Code) or the spouse
8 of a veteran.

9 (b) Nothing in this section shall be construed to limit
10 the authority of the Administrator of the Small Business
11 Administration to waive such a guarantee fee or any other
12 loan fee with respect to a loan to a small business concern
13 described in subsection (a) or any other borrower.

14 SEC. 532. Of the unobligated balances available for
15 the Certified Development Company Program under sec-
16 tion 503 of the Small Business Investment Act of 1958,
17 as amended, \$55,000,000 are hereby permanently re-
18 scinded: *Provided*, That no amounts may be so rescinded
19 from amounts that were designated by the Congress as
20 an emergency requirement pursuant to the Concurrent
21 Resolution on the Budget or the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

1 UNITED STATES POSTAL SERVICE
2 PAYMENT TO THE POSTAL SERVICE FUND

3 For payment to the Postal Service Fund for revenue
4 forgone on free and reduced rate mail, pursuant to sub-
5 sections (c) and (d) of section 2401 of title 39, United
6 States Code, \$41,151,000: *Provided*, That mail for over-
7 seas voting and mail for the blind shall continue to be free:
8 *Provided further*, That 6-day delivery and rural delivery
9 of mail shall continue at not less than the 1983 level: *Pro-*
10 *vided further*, That none of the funds made available to
11 the Postal Service by this Act shall be used to implement
12 any rule, regulation, or policy of charging any officer or
13 employee of any State or local child support enforcement
14 agency, or any individual participating in a State or local
15 program of child support enforcement, a fee for informa-
16 tion requested or provided concerning an address of a
17 postal customer: *Provided further*, That none of the funds
18 provided in this Act shall be used to consolidate or close
19 small rural and other small post offices: *Provided further*,
20 That the Postal Service shall maintain and comply with
21 service standards for First Class Mail and periodicals ef-
22 fective on July 1, 2012.

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$258,000,000, to be derived by
7 transfer from the Postal Service Fund and expended as
8 authorized by section 603(b)(3) of the Postal Account-
9 ability and Enhancement Act (Public Law 109–435).

10 UNITED STATES TAX COURT
11 SALARIES AND EXPENSES

12 For necessary expenses, including contract reporting
13 and other services as authorized by 5 U.S.C. 3109,
14 \$51,300,000: *Provided*, That travel expenses of the judges
15 shall be paid upon the written certificate of the judge.

16 TITLE VI
17 GENERAL PROVISIONS—THIS ACT
18 (INCLUDING RESCISSION)

19 SEC. 601. None of the funds in this Act shall be used
20 for the planning or execution of any program to pay the
21 expenses of, or otherwise compensate, non-Federal parties
22 intervening in regulatory or adjudicatory proceedings
23 funded in this Act.

24 SEC. 602. None of the funds appropriated in this Act
25 shall remain available for obligation beyond the current

1 fiscal year, nor may any be transferred to other appropria-
2 tions, unless expressly so provided herein.

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

10 SEC. 604. None of the funds made available in this
11 Act may be transferred to any department, agency, or in-
12 strumentality of the United States Government, except
13 pursuant to a transfer made by, or transfer authority pro-
14 vided in, this Act or any other appropriations Act.

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

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

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

5 SEC. 608. Except as otherwise provided in this Act,
6 none of the funds provided in this Act, provided by pre-
7 vious appropriations Acts to the agencies or entities fund-
8 ed in this Act that remain available for obligation or ex-
9 penditure in fiscal year 2017, or provided from any ac-
10 counts in the Treasury derived by the collection of fees
11 and available to the agencies funded by this Act, shall be
12 available for obligation or expenditure through a re-
13 programming of funds that: (1) creates a new program;
14 (2) eliminates a program, project, or activity; (3) increases
15 funds or personnel for any program, project, or activity
16 for which funds have been denied or restricted by the Con-
17 gress; (4) proposes to use funds directed for a specific ac-
18 tivity by the Committee on Appropriations of either the
19 House of Representatives or the Senate for a different
20 purpose; (5) augments existing programs, projects, or ac-
21 tivities in excess of \$5,000,000 or 10 percent, whichever
22 is less; (6) reduces existing programs, projects, or activi-
23 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
24 creates or reorganizes offices, programs, or activities un-
25 less prior approval is received from the Committees on Ap-

1 propriations of the House of Representatives and the Sen-
2 ate: *Provided*, That prior to any significant reorganization
3 or restructuring of offices, programs, or activities, each
4 agency or entity funded in this Act shall consult with the
5 Committees on Appropriations of the House of Represent-
6 atives and the Senate: *Provided further*, That not later
7 than 60 days after the date of enactment of this Act, each
8 agency funded by this Act shall submit a report to the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate to establish the baseline for applica-
11 tion of reprogramming and transfer authorities for the
12 current fiscal year: *Provided further*, That at a minimum
13 the report shall include: (1) a table for each appropriation
14 with a separate column to display the President's budget
15 request, adjustments made by Congress, adjustments due
16 to enacted rescissions, if appropriate, and the fiscal year
17 enacted level; (2) a delineation in the table for each appro-
18 priation both by object class and program, project, and
19 activity as detailed in the budget appendix for the respec-
20 tive appropriation; and (3) an identification of items of
21 special congressional interest: *Provided further*, That the
22 amount appropriated or limited for salaries and expenses
23 for an agency shall be reduced by \$100,000 per day for
24 each day after the required date that the report has not
25 been submitted to the Congress.

1 SEC. 609. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of unobligated balances
3 remaining available at the end of fiscal year 2017 from
4 appropriations made available for salaries and expenses
5 for fiscal year 2017 in this Act, shall remain available
6 through September 30, 2018, for each such account for
7 the purposes authorized: *Provided*, That a request shall
8 be submitted to the Committees on Appropriations of the
9 House of Representatives and the Senate for approval
10 prior to the expenditure of such funds: *Provided further*,
11 That these requests shall be made in compliance with re-
12 programming guidelines.

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

16 (1) any official background investigation report
17 on any individual from the Federal Bureau of Inves-
18 tigation; or

19 (2) a determination with respect to the treat-
20 ment of an organization as described in section
21 501(c) of the Internal Revenue Code of 1986 and
22 exempt from taxation under section 501(a) of such
23 Code from the Department of the Treasury or the
24 Internal Revenue Service.

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

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

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

8 SEC. 611. The cost accounting standards promul-
9 gated under chapter 15 of title 41, United States Code
10 shall not apply with respect to a contract under the Fed-
11 eral Employees Health Benefits Program established
12 under chapter 89 of title 5, United States Code.

13 SEC. 612. For the purpose of resolving litigation and
14 implementing any settlement agreements regarding the
15 nonforeign area cost-of-living allowance program, the Of-
16 fice of Personnel Management may accept and utilize
17 (without regard to any restriction on unanticipated travel
18 expenses imposed in an Appropriations Act) funds made
19 available to the Office of Personnel Management pursuant
20 to court approval.

21 SEC. 613. No funds appropriated by this Act shall
22 be available to pay for an abortion, or the administrative
23 expenses in connection with any health plan under the
24 Federal employees health benefits program which provides
25 any benefits or coverage for abortions.

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

5 SEC. 615. In order to promote Government access to
6 commercial information technology, the restriction on pur-
7 chasing nondomestic articles, materials, and supplies set
8 forth in chapter 83 of title 41, United States Code (popu-
9 larly known as the Buy American Act), shall not apply
10 to the acquisition by the Federal Government of informa-
11 tion technology (as defined in section 11101 of title 40,
12 United States Code), that is a commercial item (as defined
13 in section 103 of title 41, United States Code).

14 SEC. 616. Notwithstanding section 1353 of title 31,
15 United States Code, no officer or employee of any regu-
16 latory agency or commission funded by this Act may ac-
17 cept on behalf of that agency, nor may such agency or
18 commission accept, payment or reimbursement from a
19 non-Federal entity for travel, subsistence, or related ex-
20 penses for the purpose of enabling an officer or employee
21 to attend and participate in any meeting or similar func-
22 tion relating to the official duties of the officer or em-
23 ployee when the entity offering payment or reimbursement
24 is a person or entity subject to regulation by such agency
25 or commission, or represents a person or entity subject

1 to regulation by such agency or commission, unless the
2 person or entity is an organization described in section
3 501(c)(3) of the Internal Revenue Code of 1986 and ex-
4 empt from tax under section 501(a) of such Code.

5 SEC. 617. Notwithstanding section 708 of this Act,
6 funds made available to the Commodity Futures Trading
7 Commission and the Securities and Exchange Commission
8 by this or any other Act may be used for the interagency
9 funding and sponsorship of a joint advisory committee to
10 advise on emerging regulatory issues.

11 SEC. 618. (a)(1) Notwithstanding any other provision
12 of law, an Executive agency covered by this Act otherwise
13 authorized to enter into contracts for either leases or the
14 construction or alteration of real property for office, meet-
15 ing, storage, or other space must consult with the General
16 Services Administration before issuing a solicitation for of-
17 fers of new leases or construction contracts, and in the
18 case of succeeding leases, before entering into negotiations
19 with the current lessor.

20 (2) Any such agency with authority to enter into an
21 emergency lease may do so during any period declared by
22 the President to require emergency leasing authority with
23 respect to such agency.

24 (b) For purposes of this section, the term “Executive
25 agency covered by this Act” means any Executive agency

1 provided funds by this Act, but does not include the Gen-
2 eral Services Administration or the United States Postal
3 Service.

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

6 (1) Compensation of the President (3 U.S.C.
7 102).

8 (2) Payments to—

9 (A) the Judicial Officers' Retirement Fund
10 (28 U.S.C. 377(o));

11 (B) the Judicial Survivors' Annuities Fund
12 (28 U.S.C. 376(c)); and

13 (C) the United States Court of Federal
14 Claims Judges' Retirement Fund (28 U.S.C.
15 178(l)).

16 (3) Payment of Government contributions—

17 (A) with respect to the health benefits of
18 retired employees, as authorized by chapter 89
19 of title 5, United States Code, and the Retired
20 Federal Employees Health Benefits Act (74
21 Stat. 849); and

22 (B) with respect to the life insurance bene-
23 fits for employees retiring after December 31,
24 1989 (5 U.S.C. ch. 87).

1 (4) Payment to finance the unfunded liability of
2 new and increased annuity benefits under the Civil
3 Service Retirement and Disability Fund (5 U.S.C.
4 8348).

5 (5) Payment of annuities authorized to be paid
6 from the Civil Service Retirement and Disability
7 Fund by statutory provisions other than subchapter
8 III of chapter 83 or chapter 84 of title 5, United
9 States Code.

10 (b) Nothing in this section may be construed to ex-
11 empt any amount appropriated by this section from any
12 otherwise applicable limitation on the use of funds con-
13 tained in this Act.

14 SEC. 620. None of the funds made available in this
15 Act may be used by the Federal Trade Commission to
16 complete the draft report entitled “Interagency Working
17 Group on Food Marketed to Children: Preliminary Pro-
18 posed Nutrition Principles to Guide Industry Self-Regu-
19 latory Efforts” unless the Interagency Working Group on
20 Food Marketed to Children complies with Executive Order
21 No. 13563.

22 SEC. 621. None of the funds made available by this
23 Act may be used to pay the salaries and expenses for the
24 following positions:

1 (1) Director, White House Office of Health Re-
2 form, or any substantially similar position.

3 (2) Assistant to the President for Energy and
4 Climate Change, or any substantially similar posi-
5 tion.

6 (3) Senior Advisor to the Secretary of the
7 Treasury assigned to the Presidential Task Force on
8 the Auto Industry and Senior Counselor for Manu-
9 facturing Policy, or any substantially similar posi-
10 tion.

11 (4) White House Director of Urban Affairs, or
12 any substantially similar position.

13 SEC. 622. None of the funds made available in this
14 Act may be used in contravention of chapter 29, 31, or
15 33 of title 44, United States Code.

16 SEC. 623. (a) Not later than 180 days after the date
17 of enactment of this section, the agencies specified in sub-
18 section (b) shall each submit a report to the Committees
19 on Appropriations of the House of Representatives and the
20 Senate on—

21 (1) increasing public participation in the rule-
22 making process and reducing uncertainty;

23 (2) improving coordination with other Federal
24 agencies to eliminate redundant, inconsistent, and
25 overlapping regulations; and

1 (3) identifying existing regulations that have
2 been reviewed and determined to be outmoded, ineffecti-
3 fective, or excessively burdensome.

4 (b) The agencies required to submit a report specified
5 in subsection (a) are—

6 (1) the Consumer Product Safety Commission;

7 (2) the Federal Communications Commission;

8 (3) the Federal Trade Commission; and

9 (4) the Securities and Exchange Commission.

10 SEC. 624. The unobligated balance in the Securities
11 and Exchange Commission Reserve Fund established by
12 section 991 of the Dodd-Frank Wall Street Reform and
13 Consumer Protection Act (Public Law 111–203) is perma-
14 nently rescinded.

15 SEC. 625. None of the funds made available by this
16 Act shall be used by the Securities and Exchange Commis-
17 sion to study, develop, propose, finalize, issue, or imple-
18 ment any rule, regulation, or order regarding the disclo-
19 sure of political contributions to tax exempt organizations,
20 or dues paid to trade associations.

21 SEC. 626. None of the funds made available by this
22 or any other Act may be used by the Financial Stability
23 Oversight Council to make a determination, pursuant to
24 subsection (a) or (b) of section 113 of the Financial Sta-

1 bility Act of 2010 (12 U.S.C. 5323), with respect to a
2 nonbank financial company until—

3 (1) the Financial Stability Oversight Council, in
4 the notice described in subsection (e)(1) of such sec-
5 tion, identifies with specificity the risks to the finan-
6 cial stability of the United States presented by the
7 nonbank financial company and explains in sufficient
8 detail why regulatory action by the relevant primary
9 financial regulatory agency would be insufficient to
10 mitigate or prevent such risks; and

11 (2) if the nonbank financial company presents
12 a plan in a hearing conducted pursuant to sub-
13 section (e)(2) of such section to modify its business,
14 structure, or operations in order to mitigate the
15 risks identified in such a notice—

16 (A) the Financial Stability Oversight
17 Council makes a determination as to whether
18 such plan, if implemented, adequately mitigates
19 the identified risks; and

20 (B) if the Financial Stability Oversight
21 Council determines that such plan would ade-
22 quately mitigate the identified risk, the Coun-
23 cil—

24 (i) approves such plan; and

1 (ii) allows the nonbank financial com-
2 pany a reasonable period of time to imple-
3 ment such plan.

4 SEC. 627. None of the funds made available in this
5 Act may be used by a governmental entity to require the
6 disclosure by a provider of electronic communication serv-
7 ice to the public or remote computing service of the con-
8 tents of a wire or electronic communication that is in elec-
9 tronic storage with the provider (as such terms are defined
10 in sections 2510 and 2711 of title 18, United States Code)
11 in a manner that violates the Fourth Amendment to the
12 Constitution of the United States.

13 SEC. 628. (a) In each of fiscal years 2017 through
14 2025, section 628 of division E of the Consolidated Appro-
15 priations Act, 2016 (Public Law 114-113; 129 Stat. 2469)
16 applies to a joint sales agreement regardless of any change
17 in the ownership of the stations involved in such agree-
18 ment.

19 (b) In the case of a joint sales agreement to which
20 such section applies, while such section is in effect, the
21 Federal Communications Commission—

22 (1) may not require the termination or modi-
23 fication of such agreement as a condition of the
24 transfer or assignment of a station license or the
25 transfer of station ownership or control; and

1 (2) upon request of the transferee or assignee
2 of the station license, shall eliminate any such condi-
3 tion that was imposed after March 31, 2014, and
4 permit the licensees of the stations whose adver-
5 tising was jointly sold pursuant to such agreement
6 to enter into a new joint sales agreement on sub-
7 stantially similar terms and conditions as the prior
8 agreement.

9 (c) In this section, the term “joint sales agreement”
10 has the meaning given such term in Note 2(k) to section
11 73.3555 of title 47, Code of Federal Regulations, and
12 where a joint sales agreement is part of a broader con-
13 tract, this section shall be limited to the joint sales agree-
14 ment portion of such contract.

15 SEC. 629. None of the funds appropriated by this Act
16 may be used by the Federal Communications Commission
17 to modify, amend, or change the rules or regulations of
18 the Commission for universal service high-cost support for
19 competitive eligible telecommunications carriers in a way
20 that is inconsistent with paragraph (e)(5) or (e)(6) of sec-
21 tion 54.307 of title 47, Code of Federal Regulations, as
22 in effect on July 15, 2015: *Provided*, That this section
23 shall not prohibit the Commission from considering, devel-
24 oping, or adopting other support mechanisms as an alter-
25 native to Mobility Fund Phase II.

1 SEC. 630. None of the funds made available by this
2 Act may be used to implement, administer, or enforce any
3 rule (as defined in section 551 of title 5, United States
4 Code), or any amendment or repeal of an existing rule,
5 that is adopted by vote of the Federal Communications
6 Commission after the date of the enactment of this Act,
7 unless the Commission publishes the text of such rule,
8 amendment, or repeal on the Internet Web site of the
9 Commission not later than 21 days before the date on
10 which the vote occurs.

11 SEC. 631. None of the funds made available by this
12 Act may be used to regulate, directly or indirectly, the
13 prices, other fees, or data caps and allowances (as such
14 terms are described in paragraph 164 of the Report and
15 Order on Remand, Declaratory Ruling, and Order in the
16 matter of protecting and promoting the open Internet,
17 adopted by the Federal Communications Commission on
18 February 26, 2015 (FCC 15–24)) charged or imposed by
19 providers of broadband Internet access service (as defined
20 in the final rules in Appendix A of such Report and Order
21 on Remand, Declaratory Ruling, and Order) for such serv-
22 ice, regardless of whether such regulation takes the form
23 of requirements for future conduct or enforcement regard-
24 ing past conduct.

1 SEC. 632. None of the funds made available by this
2 Act may be used to implement, administer, or enforce the
3 Report and Order on Remand, Declaratory Ruling, and
4 Order in the matter of protecting and promoting the open
5 Internet, adopted by the Federal Communications Com-
6 mission on February 26, 2015 (FCC 15–24), until the
7 first date on which there has been a final disposition (in-
8 cluding the exhaustion of or expiration of the time for any
9 appeals) of all of the following civil actions:

10 (1) Alamo Broadband Inc. v. Federal Commu-
11 nications Commission, et al., No. 15-60201, pending
12 in the United States Court of Appeals for the Fifth
13 Circuit as of the date of the enactment of this Act.

14 (2) United States Telecom Assoc. v. Federal
15 Communications Commission, et al., No. 15-1063,
16 pending in the United States Court of Appeals for
17 the District of Columbia Circuit as of the date of the
18 enactment of this Act.

19 (3) CenturyLink v. Federal Communications
20 Commission, No. 15-1099, pending in the United
21 States Court of Appeals for the District of Columbia
22 Circuit as of the date of the enactment of this Act.

23 SEC. 633. (a) Section 1105(a)(35) of title 31, United
24 States Code, is amended—

1 (1) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

2 (2) by striking “homeland security” in each instance it appears and inserting “cybersecurity”; and

3 (3) by amending subparagraph (B) (as redesignated by paragraph (1)) to read as follows:

4 “(B) Prior to implementing this paragraph, including determining what Federal activities or accounts constitute cybersecurity for purposes of budgetary classification, the Office of Management and Budget shall consult with the Committees on Appropriations and the Committees on the Budget of the House of Representatives and the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate.”.

5 (b) The amendments made by subsection (a) shall apply to budget submissions under section 1105(a) of title 31, United States Code, for fiscal year 2018 and each subsequent fiscal year.

6 SEC. 634. (a) Effective one year after the date of the enactment of this Act, subtitle B of title IV of Public Law 102—281 is repealed.

7 (b) On the day before the date of the repeal under subsection (a), the Secretary of the Treasury shall trans-

1 fer the amounts in the fund described in section 408(a)
2 of subtitle A of title IV of such Public Law into the gen-
3 eral fund of the Treasury.

4 SEC. 635. (a) None of the funds made available in
5 this Act may be used to maintain or establish a computer
6 network unless such network blocks the viewing,
7 downloading, and exchanging of pornography.

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

14 SEC. 636. (a) None of the funds made available by
15 this Act may be used to finalize, adopt, implement, admin-
16 ister, or enforce any proposed rule under section 629 of
17 the Communications Act of 1934 (47 U.S.C. 549) before
18 the date that is 180 days after the completion of the fol-
19 lowing process:

- 20 (1) There has been completed a study that—
21 (A) evaluates the potential costs and bene-
22 fits of the proposed rule and the potential costs
23 and benefits of other market-based solutions;
24 and

1 (B) meets the requirements of subsection
2 (b).

3 (2) The Federal Communications Commission
4 has—

5 (A) sought public comment on the study
6 described in paragraph (1);

7 (B) provided a period of not less than 90
8 days for the submission of such comments; and

9 (C) addressed the concerns raised in the
10 comment cycle under subparagraph (B) in a re-
11 port adopted by vote of the Commission and
12 made publicly available.

13 (b) A study meets the requirements of this subsection
14 if the study—

15 (1) is a peer-reviewed study conducted by an in-
16 stitution of higher education (as defined in section
17 101(a) of the Higher Education Act of 1965 (20
18 U.S.C. 1001(a))) or an individual in the individual's
19 capacity as a faculty member at such an institution;
20 and

21 (2) at minimum, analyzes the potential impact
22 of the proposed rule on—

23 (A) all parties in the video programming
24 marketplace, including video programming cre-
25 ators, programming networks, multichannel

1 video programming distributors, and sub-
2 scribers of multichannel video programming
3 services;

4 (B) video programming content diversity;

5 (C) intellectual property and content li-
6 censing; and

7 (D) consumer privacy and the legal rem-
8 edies available to consumers for violations of
9 video privacy obligations.

10 SEC. 637. None of the funds made available in this
11 Act or transferred pursuant to section 1017 of Public Law
12 111–203 may be used to take any action on the basis of
13 an individual being a mortgage originator as defined in
14 section 103(cc) of the Truth in Lending Act (15 U.S.C.
15 1602(cc)) against any individual who is a retailer of manu-
16 factured homes or its employees, unless such retailer or
17 its employees receive compensation or gain for engaging
18 in activities described in paragraph (1)(A) of such section
19 103(cc) that is in excess of any compensation or gain re-
20 ceived in a comparable cash transaction.

21 SEC. 638. None of the funds made available in this
22 Act or transferred pursuant to section 1017 of Public Law
23 111–203 may be used to enforce the provisions of section
24 129 of the Truth in Lending Act (15 U.S.C. 1639) for
25 any transaction that is less than \$75,000 and is secured

1 by a dwelling that is personal property or is a transaction
2 that does not include the purchase of real property on
3 which a dwelling is to be placed if—

4 (1) the annual percentage rate at consumma-
5 tion of the transaction, as determined under section
6 103(bb) of the Truth in Lending Act (15 U.S.C.
7 1602(bb)) does not exceed 10 percentage points; and

8 (2) the total points and fees payable in connec-
9 tion with the transaction, as determined under such
10 section 103(bb), do not exceed the greater of 5 per-
11 cent or \$3,000.

12 SEC. 639. None of the funds made available by this
13 Act, any other Act, or transferred to the Bureau of Con-
14 sumer Financial Protection pursuant to section 1017 of
15 the Consumer Financial Protection Act of 2010 may be
16 used to issue or enforce any rule or regulation with respect
17 to payday loans (as described under section 1024(a)(1)(E)
18 of such Act), vehicle title loans, or other similar loans dur-
19 ing fiscal year 2017 and the Bureau may not issue or en-
20 force any such rule or regulation after fiscal year 2017
21 until such time as the Bureau has submitted to Congress
22 a detailed report, after providing for a public comment pe-
23 riod of not less than 90 days, that (1) analyzes the impact
24 of any such rule or regulation on consumer access to cred-
25 it, including an analysis of the rule or regulation's impact

1 on populations that have traditionally had limited access
2 to credit; and (2) identifies existing alternative credit
3 products that are immediately available to existing users
4 of payday loans, vehicle title loans, or other similar loans
5 at the same credit risk profiles and at sufficient levels to
6 fully replace any anticipated potential reduction in current
7 sources of short-term, small-dollar credit as a result of the
8 rule or regulation.

9 SEC. 640. (a) None of the funds made available by
10 this Act shall be used to implement, promulgate, finalize
11 or enforce Executive Order 13673, issued July 31, 2014,
12 or to develop any regulation or guidance related thereto,
13 until—

14 (1) a study is conducted by the Comptroller
15 General analyzing the impacts of such order on af-
16 fected Federal agencies' missions, impacts on the in-
17 dustrial base, and including a cost benefit analysis
18 of implementation of the such order versus potential
19 alternatives; and

20 (2) the Secretary of Labor has reviewed the re-
21 port of the study conducted pursuant to paragraph
22 (1) and certified that the benefits of the order out-
23 weigh any associated costs and will not impede agen-
24 cy missions.

1 (b) The study to be conducted by the Comptroller
2 General shall be publicly available and shall be submitted
3 to the Committees on Appropriations of the House of Rep-
4 resentatives and Senate. The elements of the study shall
5 include an assessment of—

6 (1) the estimated costs to each Federal agency or de-
7 partment to implement the Executive order, including the
8 costs of designating labor compliance advisors and any
9 other associated positions or resources needed to support
10 the functions of the labor compliance advisors;

11 (2) the effects of the Executive order on the indus-
12 trial base (including the defense industrial base) and in-
13 cluding input from both the Federal agencies (including
14 the Department of Defense) and affected members of the
15 industrial base, including how the order would affect the
16 ability of mission critical contractors to continue to pro-
17 vide goods and services to the Federal Government;

18 (3) any private sector capabilities that the agency or
19 department would risk losing access to if the Executive
20 order were implemented as defined in the FAR proposed
21 rule (FAR Case 2014–025; Docket No. 2014–0025) and
22 any related final rule;

23 (4) costs to prime contractors and subcontractors as-
24 sociated with complying with the proposed rule or any re-
25 lated final rule, including the costs of having to create new

1 information systems or processes to obtain and manage
2 the data required by the Executive order;

3 (5) the effect of the Executive order on Federal ac-
4 quisition competition and the ability to encourage non-tra-
5 ditional contractors to compete in the Federal market;

6 (6) the effect of the Executive order on the ability
7 of the Federal Government to meet statutory small busi-
8 ness prime contracting and subcontracting goals, includ-
9 ing such goals for minority-owned, women-owned, and
10 service-disabled veteran-owned small businesses;

11 (7) the total number of violations (as defined in the
12 proposed Department of Labor guidance) and the number
13 of such violations where a challenge was still pending that
14 would trigger disclosure by potential bidders to a Govern-
15 ment solicitation;

16 (8) any delays to the procurement process that will
17 result from the implementation of the Executive order;

18 (9) alternative approaches to effect the goal of the
19 Executive order, including potential improvements to Gov-
20 ernment information systems, that could provide greater
21 transparency into labor law compliance without shifting
22 the reporting burden to industry; and

23 (10) such other matters as the Comptroller General
24 determines relevant.

1 802)) by the officers and employees of such department,
2 agency, or instrumentality.

3 SEC. 702. Unless otherwise specifically provided, the
4 maximum amount allowable during the current fiscal year
5 in accordance with subsection 1343(c) of title 31, United
6 States Code, for the purchase of any passenger motor ve-
7 hicle (exclusive of buses, ambulances, law enforcement ve-
8 hicles, protective vehicles, and undercover surveillance ve-
9 hicles), is hereby fixed at \$19,947 except station wagons
10 for which the maximum shall be \$19,997: *Provided*, That
11 these limits may be exceeded by not to exceed \$7,250 for
12 police-type vehicles: *Provided further*, That the limits set
13 forth in this section may not be exceeded by more than
14 5 percent for electric or hybrid vehicles purchased for
15 demonstration under the provisions of the Electric and
16 Hybrid Vehicle Research, Development, and Demonstra-
17 tion Act of 1976: *Provided further*, That the limits set
18 forth in this section may be exceeded by the incremental
19 cost of clean alternative fuels vehicles acquired pursuant
20 to Public Law 101–549 over the cost of comparable con-
21 ventionally fueled vehicles: *Provided further*, That the lim-
22 its set forth in this section shall not apply to any vehicle
23 that is a commercial item and which operates on alter-
24 native fuel, including but not limited to electric, plug-in
25 hybrid electric, and hydrogen fuel cell vehicles.

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

7 SEC. 704. Unless otherwise specified in law during
8 the current fiscal year, no part of any appropriation con-
9 tained in this or any other Act shall be used to pay the
10 compensation of any officer or employee of the Govern-
11 ment of the United States (including any agency the ma-
12 jority of the stock of which is owned by the Government
13 of the United States) whose post of duty is in the conti-
14 nental United States unless such person: (1) is a citizen
15 of the United States; (2) is a person who is lawfully admit-
16 ted for permanent residence and is seeking citizenship as
17 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
18 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
19 ed asylum under 8 U.S.C. 1158 and has filed a declaration
20 of intention to become a lawful permanent resident and
21 then a citizen when eligible; or (4) is a person who owes
22 allegiance to the United States: *Provided*, That for pur-
23 poses of this section, affidavits signed by any such person
24 shall be considered prima facie evidence that the require-
25 ments of this section with respect to his or her status are

1 being complied with: *Provided further*, That for purposes
2 of subsections (2) and (3) such affidavits shall be sub-
3 mitted prior to employment and updated thereafter as nec-
4 essary: *Provided further*, That any payment made to any
5 officer or employee contrary to the provisions of this sec-
6 tion shall be recoverable in action by the Federal Govern-
7 ment: *Provided further*, That this section shall not apply
8 to any person who is an officer or employee of the Govern-
9 ment of the United States on the date of enactment of
10 this Act, or to international broadcasters employed by the
11 Broadcasting Board of Governors, or to temporary em-
12 ployment of translators, or to temporary employment in
13 the field service (not to exceed 60 days) as a result of
14 emergencies: *Provided further*, That this section does not
15 apply to the employment as wildland firefighters for not
16 more than 120 days of nonresident aliens employed by the
17 Department of the Interior or the USDA Forest Service
18 pursuant to an agreement with another country.

19 SEC. 705. Appropriations available to any depart-
20 ment or agency during the current fiscal year for nec-
21 essary expenses, including maintenance or operating ex-
22 penses, shall also be available for payment to the General
23 Services Administration for charges for space and services
24 and those expenses of renovation and alteration of build-
25 ings and facilities which constitute public improvements

1 performed in accordance with the Public Buildings Act of
2 1959 (73 Stat. 479), the Public Buildings Amendments
3 of 1972 (86 Stat. 216), or other applicable law.

4 SEC. 706. In addition to funds provided in this or
5 any other Act, all Federal agencies are authorized to re-
6 ceive and use funds resulting from the sale of materials,
7 including Federal records disposed of pursuant to a
8 records schedule recovered through recycling or waste pre-
9 vention programs. Such funds shall be available until ex-
10 pended for the following purposes:

11 (1) Acquisition, waste reduction and prevention,
12 and recycling programs as described in Executive
13 Order No. 13693 (March 19, 2015), including any
14 such programs adopted prior to the effective date of
15 the Executive order.

16 (2) Other Federal agency environmental man-
17 agement programs, including, but not limited to, the
18 development and implementation of hazardous waste
19 management and pollution prevention programs.

20 (3) Other employee programs as authorized by
21 law or as deemed appropriate by the head of the
22 Federal agency.

23 SEC. 707. Funds made available by this or any other
24 Act for administrative expenses in the current fiscal year
25 of the corporations and agencies subject to chapter 91 of

1 title 31, United States Code, shall be available, in addition
2 to objects for which such funds are otherwise available,
3 for rent in the District of Columbia; services in accordance
4 with 5 U.S.C. 3109; and the objects specified under this
5 head, all the provisions of which shall be applicable to the
6 expenditure of such funds unless otherwise specified in the
7 Act by which they are made available: *Provided*, That in
8 the event any functions budgeted as administrative ex-
9 penses are subsequently transferred to or paid from other
10 funds, the limitations on administrative expenses shall be
11 correspondingly reduced.

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

20 SEC. 709. None of the funds made available pursuant
21 to the provisions of this or any other Act shall be used
22 to implement, administer, or enforce any regulation which
23 has been disapproved pursuant to a joint resolution duly
24 adopted in accordance with the applicable law of the
25 United States.

1 SEC. 710. During the period in which the head of
2 any department or agency, or any other officer or civilian
3 employee of the Federal Government appointed by the
4 President of the United States, holds office, no funds may
5 be obligated or expended in excess of \$5,000 to furnish
6 or redecorate the office of such department head, agency
7 head, officer, or employee, or to purchase furniture or
8 make improvements for any such office, unless advance
9 notice of such furnishing or redecoration is transmitted
10 to the Committees on Appropriations of the House of Rep-
11 resentatives and the Senate. For the purposes of this sec-
12 tion, the term “office” shall include the entire suite of of-
13 fices assigned to the individual, as well as any other space
14 used primarily by the individual or the use of which is
15 directly controlled by the individual.

16 SEC. 711. Notwithstanding 31 U.S.C. 1346, or sec-
17 tion 708 of this Act, funds made available for the current
18 fiscal year by this or any other Act shall be available for
19 the interagency funding of national security and emer-
20 gency preparedness telecommunications initiatives which
21 benefit multiple Federal departments, agencies, or enti-
22 ties, as provided by Executive Order No. 13618 (July 6,
23 2012).

24 SEC. 712. (a) None of the funds made available by
25 this or any other Act may be obligated or expended by

1 any department, agency, or other instrumentality of the
2 Federal Government to pay the salaries or expenses of any
3 individual appointed to a position of a confidential or pol-
4 icy-determining character that is excepted from the com-
5 petitive service under section 3302 of title 5, United
6 States Code, (pursuant to schedule C of subpart C of part
7 213 of title 5 of the Code of Federal Regulations) unless
8 the head of the applicable department, agency, or other
9 instrumentality employing such schedule C individual cer-
10 tifies to the Director of the Office of Personnel Manage-
11 ment that the schedule C position occupied by the indi-
12 vidual was not created solely or primarily in order to detail
13 the individual to the White House.

14 (b) The provisions of this section shall not apply to
15 Federal employees or members of the Armed Forces de-
16 tailed to or from an element of the intelligence community
17 (as that term is defined under section 3(4) of the National
18 Security Act of 1947 (50 U.S.C. 3003(4))).

19 SEC. 713. No part of any appropriation contained in
20 this or any other Act shall be available for the payment
21 of the salary of any officer or employee of the Federal
22 Government, who—

23 (1) prohibits or prevents, or attempts or threat-
24 ens to prohibit or prevent, any other officer or em-
25 ployee of the Federal Government from having any

1 direct oral or written communication or contact with
2 any Member, committee, or subcommittee of the
3 Congress in connection with any matter pertaining
4 to the employment of such other officer or employee
5 or pertaining to the department or agency of such
6 other officer or employee in any way, irrespective of
7 whether such communication or contact is at the ini-
8 tiative of such other officer or employee or in re-
9 sponse to the request or inquiry of such Member,
10 committee, or subcommittee; or

11 (2) removes, suspends from duty without pay,
12 demotes, reduces in rank, seniority, status, pay, or
13 performance or efficiency rating, denies promotion
14 to, relocates, reassigns, transfers, disciplines, or dis-
15 criminate in regard to any employment right, enti-
16 tlement, or benefit, or any term or condition of em-
17 ployment of, any other officer or employee of the
18 Federal Government, or attempts or threatens to
19 commit any of the foregoing actions with respect to
20 such other officer or employee, by reason of any
21 communication or contact of such other officer or
22 employee with any Member, committee, or sub-
23 committee of the Congress as described in paragraph
24 (1).

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

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

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

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

13 (4) contains any methods or content associated
14 with religious or quasi-religious belief systems or
15 “new age” belief systems as defined in Equal Em-
16 ployment Opportunity Commission Notice N-
17 915.022, dated September 2, 1988; or

18 (5) is offensive to, or designed to change, par-
19 ticipants’ personal values or lifestyle outside the
20 workplace.

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

24 SEC. 715. No part of any funds appropriated in this
25 or any other Act shall be used by an agency of the execu-

1 tive branch, other than for normal and recognized execu-
2 tive-legislative relationships, for publicity or propaganda
3 purposes, and for the preparation, distribution or use of
4 any kit, pamphlet, booklet, publication, radio, television,
5 infographic, social media, or film presentation designed to
6 support or defeat legislation pending before the Congress,
7 except in presentation to the Congress itself.

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

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

21 SEC. 718. No part of any appropriation contained in
22 this or any other Act shall be used directly or indirectly,
23 including by private contractor, for publicity or propa-
24 ganda purposes within the United States not heretofore
25 authorized by Congress.

1 SEC. 719. (a) In this section, the term “agency”—

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

4 (2) includes a military department, as defined
5 under section 102 of such title, the United States
6 Postal Service, and the Postal Regulatory Commis-
7 sion.

8 (b) Unless authorized in accordance with law or regu-
9 lations to use such time for other purposes, an employee
10 of an agency shall use official time in an honest effort
11 to perform official duties. An employee not under a leave
12 system, including a Presidential appointee exempted under
13 5 U.S.C. 6301(2), has an obligation to expend an honest
14 effort and a reasonable proportion of such employee’s time
15 in the performance of official duties.

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

23 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
24 tion 708 of this Act, the head of each Executive depart-
25 ment and agency is hereby authorized to transfer to or

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

1 Government Priority Goals established by 31 U.S.C. 1120,
2 and not to exceed \$17,000,000 for Government-Wide inno-
3 vations, initiatives, and activities: *Provided further*, That
4 the funds transferred to or for reimbursement of “General
5 Services Administration, Government-wide Policy” during
6 fiscal year 2017 shall remain available for obligation
7 through September 30, 2018: *Provided further*, That such
8 transfers or reimbursements may only be made after 15
9 days following notification of the Committees on Appro-
10 priations of the House of Representatives and the Senate
11 by the Director of the Office of Management and Budget.

12 SEC. 722. Notwithstanding any other provision of
13 law, a woman may breastfeed her child at any location
14 in a Federal building or on Federal property, if the woman
15 and her child are otherwise authorized to be present at
16 the location.

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

1 port describing the budget of and resources connected with
2 the National Science and Technology Council to the Com-
3 mittees on Appropriations, the House Committee on
4 Science and Technology, and the Senate Committee on
5 Commerce, Science, and Transportation 90 days after en-
6 actment of this Act.

7 SEC. 724. Any request for proposals, solicitation,
8 grant application, form, notification, press release, or
9 other publications involving the distribution of Federal
10 funds shall comply with any relevant requirements in part
11 200 of title 2, Code of Federal Regulations: *Provided*,
12 That this section shall apply to direct payments, formula
13 funds, and grants received by a State receiving Federal
14 funds.

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

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

24 (2) to enter into any agreement with a third
25 party (including another government agency) to col-

1 lect, review, or obtain any aggregation of data, de-
2 rived from any means, that includes any personally
3 identifiable information relating to an individual's
4 access to or use of any nongovernmental Internet
5 site.

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

8 (1) any record of aggregate data that does not
9 identify particular persons;

10 (2) any voluntary submission of personally iden-
11 tifiable information;

12 (3) any action taken for law enforcement, regu-
13 latory, or supervisory purposes, in accordance with
14 applicable law; or

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

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

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

1 (2) The term “supervisory” means examina-
2 tions of the agency’s supervised institutions, includ-
3 ing assessing safety and soundness, overall financial
4 condition, management practices and policies and
5 compliance with applicable standards as provided in
6 law.

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

12 (b) Nothing in this section shall apply to a contract
13 with—

14 (1) any of the following religious plans:

15 (A) Personal Care’s HMO; and

16 (B) OSF HealthPlans, Inc.; and

17 (2) any existing or future plan, if the carrier
18 for the plan objects to such coverage on the basis of
19 religious beliefs.

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

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

3 SEC. 727. The United States is committed to ensur-
4 ing the health of its Olympic, Pan American, and
5 Paralympic athletes, and supports the strict adherence to
6 anti-doping in sport through testing, adjudication, edu-
7 cation, and research as performed by nationally recognized
8 oversight authorities.

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

16 SEC. 729. Notwithstanding any other provision of
17 law, none of the funds appropriated or made available
18 under this or any other appropriations Act may be used
19 to implement or enforce restrictions or limitations on the
20 Coast Guard Congressional Fellowship Program, or to im-
21 plement the proposed regulations of the Office of Per-
22 sonnel Management to add sections 300.311 through
23 300.316 to part 300 of title 5 of the Code of Federal Reg-
24 ulations, published in the Federal Register, volume 68,

1 number 174, on September 9, 2003 (relating to the detail
2 of executive branch employees to the legislative branch).

3 SEC. 730. Notwithstanding any other provision of
4 law, no executive branch agency shall purchase, construct,
5 or lease any additional facilities, except within or contig-
6 uous to existing locations, to be used for the purpose of
7 conducting Federal law enforcement training without the
8 advance approval of the Committees on Appropriations of
9 the House of Representatives and the Senate, except that
10 the Federal Law Enforcement Training Center is author-
11 ized to obtain the temporary use of additional facilities
12 by lease, contract, or other agreement for training which
13 cannot be accommodated in existing Center facilities.

14 SEC. 731. Unless otherwise authorized by existing
15 law, none of the funds provided in this or any other Act
16 may be used by an executive branch agency to produce
17 any prepackaged news story intended for broadcast or dis-
18 tribution in the United States, unless the story includes
19 a clear notification within the text or audio of the pre-
20 packaged news story that the prepackaged news story was
21 prepared or funded by that executive branch agency.

22 SEC. 732. None of the funds made available in this
23 Act may be used in contravention of section 552a of title
24 5, United States Code (popularly known as the Privacy
25 Act), and regulations implementing that section.

1 SEC. 733. (a) IN GENERAL.—None of the funds ap-
2 propriated or otherwise made available by this or any
3 other Act may be used for any Federal Government con-
4 tract with any foreign incorporated entity which is treated
5 as an inverted domestic corporation under section 835(b)
6 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
7 or any subsidiary of such an entity.

8 (b) WAIVERS.—

9 (1) IN GENERAL.—Any Secretary shall waive
10 subsection (a) with respect to any Federal Govern-
11 ment contract under the authority of such Secretary
12 if the Secretary determines that the waiver is re-
13 quired in the interest of national security.

14 (2) REPORT TO CONGRESS.—Any Secretary
15 issuing a waiver under paragraph (1) shall report
16 such issuance to Congress.

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

21 SEC. 734. During fiscal year 2017, for each employee
22 who—

23 (1) retires under section 8336(d)(2) or
24 8414(b)(1)(B) of title 5, United States Code; or

1 (2) retires under any other provision of sub-
2 chapter III of chapter 83 or chapter 84 of such title
3 5 and receives a payment as an incentive to sepa-
4 rate, the separating agency shall remit to the Civil
5 Service Retirement and Disability Fund an amount
6 equal to the Office of Personnel Management's aver-
7 age unit cost of processing a retirement claim for
8 the preceding fiscal year. Such amounts shall be
9 available until expended to the Office of Personnel
10 Management and shall be deemed to be an adminis-
11 trative expense under section 8348(a)(1)(B) of title
12 5, United States Code.

13 SEC. 735. (a) None of the funds made available in
14 this or any other Act may be used to recommend or re-
15 quire any entity submitting an offer for a Federal contract
16 or otherwise performing or participating in acquisition at
17 any stage of the acquisition process (as defined in section
18 131 of title 41, United States Code) of property or services
19 by the Federal Government to disclose any of the following
20 information as a condition of submitting the offer or oth-
21 erwise performing in or participating in such acquisition:

22 (1) Any payment consisting of a contribution,
23 expenditure, independent expenditure, or disburse-
24 ment for an electioneering communication that is
25 made by the entity, its officers or directors, or any

1 of its affiliates or subsidiaries to a candidate for
2 election for Federal office or to a political com-
3 mittee, or that is otherwise made with respect to any
4 election for Federal office.

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

12 (b) In this section, each of the terms “contribution”,
13 “expenditure”, “independent expenditure”, “election-
14 eering communication”, “candidate”, “election”, and
15 “Federal office” has the meaning given such term in the
16 Federal Election Campaign Act of 1971 (2 U.S.C. 431
17 et seq.).

18 SEC. 736. None of the funds made available in this
19 or any other Act may be used to pay for the painting of
20 a portrait of an officer or employee of the Federal govern-
21 ment, including the President, the Vice President, a mem-
22 ber of Congress (including a Delegate or a Resident Com-
23 missioner to Congress), the head of an executive branch
24 agency (as defined in section 133 of title 41, United States
25 Code), or the head of an office of the legislative branch.

1 SEC. 737. (a)(1) Notwithstanding any other provision
2 of law, and except as otherwise provided in this section,
3 no part of any of the funds appropriated for fiscal year
4 2017, by this or any other Act, may be used to pay any
5 prevailing rate employee described in section
6 5342(a)(2)(A) of title 5, United States Code—

7 (A) during the period from the date of expira-
8 tion of the limitation imposed by the comparable sec-
9 tion for the previous fiscal years until the normal ef-
10 fective date of the applicable wage survey adjust-
11 ment that is to take effect in fiscal year 2017, in an
12 amount that exceeds the rate payable for the appli-
13 cable grade and step of the applicable wage schedule
14 in accordance with such section; and

15 (B) during the period consisting of the remain-
16 der of fiscal year 2017, in an amount that exceeds,
17 as a result of a wage survey adjustment, the rate
18 payable under subparagraph (A) by more than the
19 sum of—

20 (i) the percentage adjustment taking effect
21 in fiscal year 2017 under section 5303 of title
22 5, United States Code, in the rates of pay
23 under the General Schedule; and

24 (ii) the difference between the overall aver-
25 age percentage of the locality-based com-

1 parability payments taking effect in fiscal year
2 2017 under section 5304 of such title (whether
3 by adjustment or otherwise), and the overall av-
4 erage percentage of such payments which was
5 effective in the previous fiscal year under such
6 section.

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

15 (3) For the purposes of this subsection, the rates pay-
16 able to an employee who is covered by this subsection and
17 who is paid from a schedule not in existence on September
18 30, 2016, shall be determined under regulations pre-
19 scribed by the Office of Personnel Management.

20 (4) Notwithstanding any other provision of law, rates
21 of premium pay for employees subject to this subsection
22 may not be changed from the rates in effect on September
23 30, 2016, except to the extent determined by the Office
24 of Personnel Management to be consistent with the pur-
25 pose of this subsection.

1 (5) This subsection shall apply with respect to pay
2 for service performed after September 30, 2016.

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

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

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

20 (b) Notwithstanding subsection (a), the adjustment
21 in rates of basic pay for the statutory pay systems that
22 take place in fiscal year 2017 under sections 5344 and
23 5348 of title 5, United States Code, shall be—

24 (1) not less than the percentage received by em-
25 ployees in the same location whose rates of basic pay

1 are adjusted pursuant to the statutory pay systems
2 under sections 5303 and 5304 of title 5, United
3 States Code: *Provided*, That prevailing rate employ-
4 ees at locations where there are no employees whose
5 pay is increased pursuant to sections 5303 and 5304
6 of title 5, United States Code, and prevailing rate
7 employees described in section 5343(a)(5) of title 5,
8 United States Code, shall be considered to be located
9 in the pay locality designated as “Rest of United
10 States” pursuant to section 5304 of title 5, United
11 States Code, for purposes of this subsection; and

12 (2) effective as of the first day of the first ap-
13 plicable pay period beginning after September 30,
14 2016.

15 SEC. 738. (a) The Vice President may not receive a
16 pay raise in calendar year 2017, notwithstanding the rate
17 adjustment made under section 104 of title 3, United
18 States Code, or any other provision of law.

19 (b) An employee serving in an Executive Schedule po-
20 sition, or in a position for which the rate of pay is fixed
21 by statute at an Executive Schedule rate, may not receive
22 a pay rate increase in calendar year 2017, notwith-
23 standing schedule adjustments made under section 5318
24 of title 5, United States Code, or any other provision of
25 law, except as provided in subsection (g), (h), or (i). This

1 subsection applies only to employees who are holding a po-
2 sition under a political appointment.

3 (c) A chief of mission or ambassador at large may
4 not receive a pay rate increase in calendar year 2017, not-
5 withstanding section 401 of the Foreign Service Act of
6 1980 (Public Law 96–465) or any other provision of law,
7 except as provided in subsection (g), (h), or (i).

8 (d) Notwithstanding sections 5382 and 5383 of title
9 5, United States Code, a pay rate increase may not be
10 received in calendar year 2017 (except as provided in sub-
11 section (g), (h), or (i)) by—

12 (1) a noncareer appointee in the Senior Execu-
13 tive Service paid a rate of basic pay at or above level
14 IV of the Executive Schedule; or

15 (2) a limited term appointee or limited emer-
16 gency appointee in the Senior Executive Service
17 serving under a political appointment and paid a
18 rate of basic pay at or above level IV of the Execu-
19 tive Schedule.

20 (e) Any employee paid a rate of basic pay (including
21 any locality-based payments under section 5304 of title
22 5, United States Code, or similar authority) at or above
23 level IV of the Executive Schedule who serves under a po-
24 litical appointment may not receive a pay rate increase
25 in calendar year 2017, notwithstanding any other provi-

1 sion of law, except as provided in subsection (g), (h), or
2 (i). This subsection does not apply to employees in the
3 General Schedule pay system or the Foreign Service pay
4 system, or to employees appointed under section 3161 of
5 title 5, United States Code, or to employees in another
6 pay system whose position would be classified at GS-15
7 or below if chapter 51 of title 5, United States Code, ap-
8 plied to them.

9 (f) Nothing in subsections (b) through (e) shall pre-
10 vent employees who do not serve under a political appoint-
11 ment from receiving pay increases as otherwise provided
12 under applicable law.

13 (g) A career appointee in the Senior Executive Serv-
14 ice who receives a Presidential appointment and who
15 makes an election to retain Senior Executive Service basic
16 pay entitlements under section 3392 of title 5, United
17 States Code, is not subject to this section.

18 (h) A member of the Senior Foreign Service who re-
19 ceives a Presidential appointment to any position in the
20 executive branch and who makes an election to retain Sen-
21 ior Foreign Service pay entitlements under section 302(b)
22 of the Foreign Service Act of 1980 (Public Law 96-465)
23 is not subject to this section.

24 (i) Notwithstanding subsections (b) through (e), an
25 employee in a covered position may receive a pay rate in-

1 crease upon an authorized movement to a different cov-
2 ered position with higher-level duties and a pre-established
3 higher level or range of pay, except that any such increase
4 must be based on the rates of pay and applicable pay limi-
5 tations in effect on December 31, 2013.

6 (j) Notwithstanding any other provision of law, for
7 an individual who is newly appointed to a covered position
8 during the period of time subject to this section, the initial
9 pay rate shall be based on the rates of pay and applicable
10 pay limitations in effect on December 31, 2013.

11 (k) If an employee affected by subsections (b)
12 through (e) is subject to a biweekly pay period that begins
13 in calendar year 2017 but ends in calendar year 2018,
14 the bar on the employee's receipt of pay rate increases
15 shall apply through the end of that pay period.

16 SEC. 739. (a) The head of any Executive branch de-
17 partment, agency, board, commission, or office funded by
18 this or any other appropriations Act shall submit annual
19 reports to the Inspector General or senior ethics official
20 for any entity without an Inspector General, regarding the
21 costs and contracting procedures related to each con-
22 ference held by any such department, agency, board, com-
23 mission, or office during fiscal year 2017 for which the
24 cost to the United States Government was more than
25 \$100,000.

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

4 (1) a description of its purpose;

5 (2) the number of participants attending;

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

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

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

10 (C) the cost of employee or contractor
11 travel to and from the conference; and

12 (D) a discussion of the methodology used
13 to determine which costs relate to the con-
14 ference; and

15 (4) a description of the contracting procedures
16 used including—

17 (A) whether contracts were awarded on a
18 competitive basis; and

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

23 (c) Within 15 days after the end of a quarter, the
24 head of any such department, agency, board, commission,
25 or office shall notify the Inspector General or senior ethics

1 official for any entity without an Inspector General, of the
2 date, location, and number of employees attending a con-
3 ference held by any Executive branch department, agency,
4 board, commission, or office funded by this or any other
5 appropriations Act during fiscal year 2017 for which the
6 cost to the United States Government was more than
7 \$20,000.

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

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

23 SEC. 740. None of the funds made available in this
24 or any other appropriations Act may be used to increase,
25 eliminate, or reduce funding for a program, project, or ac-

1 tivity as proposed in the President's budget request for
2 a fiscal year until such proposed change is subsequently
3 enacted in an appropriation Act, or unless such change
4 is made pursuant to the reprogramming or transfer provi-
5 sions of this or any other appropriations Act.

6 SEC. 741. (a) None of the funds appropriated or oth-
7 erwise made available by this or any other Act may be
8 available for a contract, grant, or cooperative agreement
9 with an entity that requires employees or contractors of
10 such entity seeking to report fraud, waste, or abuse to sign
11 internal confidentiality agreements or statements prohib-
12 iting or otherwise restricting such employees or contrac-
13 tors from lawfully reporting such waste, fraud, or abuse
14 to a designated investigative or law enforcement represent-
15 ative of a Federal department or agency authorized to re-
16 ceive such information.

17 (b) The limitation in subsection (a) shall not con-
18 travene requirements applicable to Standard Form 312,
19 Form 4414, or any other form issued by a Federal depart-
20 ment or agency governing the nondisclosure of classified
21 information.

22 SEC. 742. (a) No funds appropriated in this or any
23 other Act may be used to implement or enforce the agree-
24 ments in Standard Forms 312 and 4414 of the Govern-
25 ment or any other nondisclosure policy, form, or agree-

1 ment if such policy, form, or agreement does not contain
2 the following provisions: “These provisions are consistent
3 with and do not supersede, conflict with, or otherwise alter
4 the employee obligations, rights, or liabilities created by
5 existing statute or Executive order relating to (1) classi-
6 fied information, (2) communications to Congress, (3) the
7 reporting to an Inspector General of a violation of any
8 law, rule, or regulation, or mismanagement, a gross waste
9 of funds, an abuse of authority, or a substantial and spe-
10 cific danger to public health or safety, or (4) any other
11 whistleblower protection. The definitions, requirements,
12 obligations, rights, sanctions, and liabilities created by
13 controlling Executive orders and statutory provisions are
14 incorporated into this agreement and are controlling.”:
15 *Provided*, That notwithstanding the preceding provision of
16 this section, a nondisclosure policy form or agreement that
17 is to be executed by a person connected with the conduct
18 of an intelligence or intelligence-related activity, other
19 than an employee or officer of the United States Govern-
20 ment, may contain provisions appropriate to the particular
21 activity for which such document is to be used. Such form
22 or agreement shall, at a minimum, require that the person
23 will not disclose any classified information received in the
24 course of such activity unless specifically authorized to do
25 so by the United States Government. Such nondisclosure

1 forms shall also make it clear that they do not bar dislo-
2 sures to Congress, or to an authorized official of an execu-
3 tive agency or the Department of Justice, that are essen-
4 tial to reporting a substantial violation of law.

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

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

14 SEC. 743. None of the funds made available by this
15 or any other Act may be used to enter into a contract,
16 memorandum of understanding, or cooperative agreement
17 with, make a grant to, or provide a loan or loan guarantee
18 to, any corporation that has any unpaid Federal tax liabil-
19 ity that has been assessed, for which all judicial and ad-
20 ministrative remedies have been exhausted or have lapsed,
21 and that is not being paid in a timely manner pursuant
22 to an agreement with the authority responsible for col-
23 lecting the tax liability, where the awarding agency is
24 aware of the unpaid tax liability, unless a Federal agency
25 has considered suspension or debarment of the corporation

1 and has made a determination that this further action is
2 not necessary to protect the interests of the Government.

3 SEC. 744. None of the funds made available by this
4 or any other Act may be used to enter into a contract,
5 memorandum of understanding, or cooperative agreement
6 with, make a grant to, or provide a loan or loan guarantee
7 to, any corporation that was convicted of a felony criminal
8 violation under any Federal law within the preceding 24
9 months, where the awarding agency is aware of the convic-
10 tion, unless a Federal agency has considered suspension
11 or debarment of the corporation and has made a deter-
12 mination that this further action is not necessary to pro-
13 tect the interests of the Government.

14 SEC. 745. None of the funds made available under
15 this or any other Act may be used to—

16 (a) implement, administer, carry out, modify, revise,
17 or enforce Executive Order 13690, entitled “Establishing
18 a Federal Flood Risk Management Standard and a Proc-
19 ess for Further Soliciting and Considering Stakeholder
20 Input” (issued January 30, 2015), until such time as each
21 affected agency—

22 (1) publically releases and submits to the ap-
23 propriate Congressional committees an implementa-
24 tion plan that identifies all specific agency respon-
25 sibilities and program changes, including an assess-

1 ment of the near term and long term costs and ben-
2 efits of the responsibilities and changes identified in
3 such plan and

4 (2) seeks public comment on any regulation,
5 policy, or guidance to implement Executive Order
6 13690 for not less than 180 days and holds at least
7 one public hearing; or

8 (b) implement Executive Order 13690 in a manner
9 that modifies the non-grant components of the National
10 Flood Insurance Program under the National Flood In-
11 surance Act of 1968 (42 U.S.C. 4011 et seq.); or

12 (c) apply Executive Order 13690 or the Federal
13 Flood Risk Management Standard by any component of
14 the Department of Defense, including the Army Corps of
15 Engineers in a way that changes the “floodplain” consid-
16 ered when determining whether or not to issue a permit
17 under section 404 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1344) or section 10 of the Act of March
19 3, 1899 (chapter 425, 30 Stat. 1151; 33 U.S.C. 403).

20 SEC. 746. Except as expressly provided otherwise,
21 any reference to “this Act” contained in any title other
22 than title IV or VIII shall not apply to such title IV or
23 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 2017,
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, 2017.

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 for any program of distributing ster-
5 ile needles or syringes for the hypodermic injection of any
6 illegal drug.

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

14 SEC. 809. (a) None of the Federal funds contained
15 in this Act may be used to enact or carry out any law,
16 rule, or regulation to legalize or otherwise reduce penalties
17 associated with the possession, use, or distribution of any
18 schedule I substance under the Controlled Substances Act
19 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
20 rivative.

21 (b) No funds available for obligation or expenditure
22 by any officer or employee of the District of Columbia gov-
23 ernment may be used to enact any law, rule, or regulation
24 to legalize or otherwise reduce penalties associated with
25 the possession, use, or distribution of any schedule I sub-

1 stance under the Controlled Substances Act (21 U.S.C.
2 801 et seq.) or any tetrahydrocannabinols derivative for
3 recreational purposes.

4 SEC. 810. No funds available for obligation or ex-
5 penditure by any officer or employee of the District of Co-
6 lumbia government shall be expended for any abortion ex-
7 cept where the life of the mother would be endangered if
8 the fetus were carried to term or where the pregnancy is
9 the result of an act of rape or incest.

10 SEC. 811. (a) No later than 30 calendar days after
11 the date of the enactment of this Act, the Chief Financial
12 Officer for the District of Columbia shall submit to the
13 appropriate committees of Congress, the Mayor, and the
14 Council of the District of Columbia, a revised appropriated
15 funds operating budget in the format of the budget that
16 the District of Columbia government submitted pursuant
17 to section 442 of the District of Columbia Home Rule Act
18 (D.C. Official Code, sec. 1-204.42), for all agencies of the
19 District of Columbia government for fiscal year 2017 that
20 is in the total amount of the approved appropriation and
21 that realigns all budgeted data for personal services and
22 other-than-personal services, respectively, with anticipated
23 actual expenditures.

24 (b) This section shall apply only to an agency for
25 which the Chief Financial Officer for the District of Co-

1 lumbia certifies that a reallocation is required to address
2 unanticipated changes in program requirements.

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

15 SEC. 813. (a) Amounts appropriated in this Act as
16 operating funds may be transferred to the District of Co-
17 lumbia's enterprise and capital funds and such amounts,
18 once transferred, shall retain appropriation authority con-
19 sistent with the provisions of this Act.

20 (b) The District of Columbia government is author-
21 ized to reprogram or transfer for operating expenses any
22 local funds transferred or reprogrammed in this or the
23 four prior fiscal years from operating funds to capital
24 funds, and such amounts, once transferred or repro-

1 grammed, shall retain appropriation authority consistent
2 with the provisions of this Act.

3 (c) The District of Columbia government may not
4 transfer or reprogram for operating expenses any funds
5 derived from bonds, notes, or other obligations issued for
6 capital projects.

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

11 SEC. 815. Except as otherwise specifically provided
12 by law or under this Act, not to exceed 50 percent of unob-
13 ligated balances remaining available at the end of fiscal
14 year 2017 from appropriations of Federal funds made
15 available for salaries and expenses for fiscal year 2017 in
16 this Act, shall remain available through September 30,
17 2018, for each such account for the purposes authorized:
18 *Provided*, That a request shall be submitted to the Com-
19 mittees on Appropriations of the House of Representatives
20 and the Senate for approval prior to the expenditure of
21 such funds: *Provided further*, That these requests shall be
22 made in compliance with reprogramming guidelines out-
23 lined in section 803 of this Act.

24 SEC. 816. (a)(1) During fiscal year 2018, during a
25 period in which neither a District of Columbia continuing

1 resolution or a regular District of Columbia appropriation
2 bill is in effect, local funds are appropriated in the amount
3 provided for any project or activity for which local funds
4 are provided in the Act referred to in paragraph (2) (sub-
5 ject to any modifications enacted by the District of Colum-
6 bia as of the beginning of the period during which this
7 subsection is in effect) at the rate set forth by such Act.

8 (2) The Act referred to in this paragraph is the Act
9 of the Council of the District of Columbia pursuant to
10 which a proposed budget is approved for fiscal year 2018
11 which (subject to the requirements of the District of Co-
12 lumbia Home Rule Act) will constitute the local portion
13 of the annual budget for the District of Columbia govern-
14 ment for fiscal year 2018 for purposes of section 446 of
15 the District of Columbia Home Rule Act (sec. 1-204.46,
16 D.C. Official Code).

17 (b) Appropriations made by subsection (a) shall cease
18 to be available—

19 (1) during any period in which a District of Co-
20 lumbia continuing resolution for fiscal year 2018 is
21 in effect; or

22 (2) upon the enactment into law of the regular
23 District of Columbia appropriation bill for fiscal year
24 2018.

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

5 (d) An appropriation made by subsection (a) shall
6 cover all obligations or expenditures incurred for such
7 project or activity during the portion of fiscal year 2018
8 for which this section applies to such project or activity.

9 (e) This section shall not apply to a project or activity
10 during any period of fiscal year 2018 if any other provi-
11 sion of law (other than an authorization of appropria-
12 tions)—

13 (1) makes an appropriation, makes funds avail-
14 able, or grants authority for such project or activity
15 to continue for such period; or

16 (2) specifically provides that no appropriation
17 shall be made, no funds shall be made available, or
18 no authority shall be granted for such project or ac-
19 tivity to continue for such period.

20 (f) Nothing in this section shall be construed to affect
21 obligations of the government of the District of Columbia
22 mandated by other law.

23 SEC. 817. (a) Effective with respect to fiscal year
24 2013 and each succeeding fiscal year, the Local Budget
25 Autonomy Amendment Act of 2012 (D.C. Law 19–321)

1 is hereby repealed, and any provision of law amended or
2 repealed by such Act shall be restored or revived as if such
3 Act had not been enacted into law.

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

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

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

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

1 Public Law 112–10; sec. 38–1853.01 et seq., D.C. Official
2 Code).

3 **SEC. 902. REPEAL.**

4 Section 817 of the Consolidated Appropriations Act,
5 2016 (Public Law 114–113) is repealed, and any provision
6 of law amended or repealed by such section is restored
7 or revived as if such section had not been enacted into
8 law.

9 **SEC. 903. PURPOSES.**

10 Section 3003 (sec. 38–1853.03, D.C. Official Code)
11 is amended by striking “particularly parents” and all that
12 follows through “, with” and inserting “particularly par-
13 ents of students who attend an elementary school or sec-
14 ondary school identified as one of the lowest-performing
15 schools under the District of Columbia’s accountability
16 system, with”.

17 **SEC. 904. PROHIBITING IMPOSITION OF LIMITS ON TYPES**

18 **OF ELIGIBLE STUDENTS PARTICIPATING IN**

19 **THE PROGRAM.**

20 Section 3004(a) (sec. 38–1853.04(a), D.C. Official
21 Code) is amended by adding at the end the following:

22 “(3) PROHIBITING IMPOSITION OF LIMITS ON
23 ELIGIBLE STUDENTS PARTICIPATING IN THE PRO-
24 GRAM.—

1 “(A) IN GENERAL.—In carrying out the
2 program under this division, the Secretary may
3 not limit the number of eligible students receiv-
4 ing scholarships under section 3007(a), and
5 may not prevent otherwise eligible students
6 from participating in the program under this
7 division, based on any of the following:

8 “(i) The type of school the student
9 previously attended.

10 “(ii) Whether or not the student pre-
11 viously received a scholarship or partici-
12 pated in the program, including whether
13 an eligible student was awarded a scholar-
14 ship in any previous year but has not used
15 the scholarship, regardless of the number
16 of years of nonuse.

17 “(iii) Whether or not the student was
18 a member of the control group used by the
19 Institute of Education Sciences to carry
20 out previous evaluations of the program
21 under section 3009.

22 “(B) RULE OF CONSTRUCTION.—Nothing
23 in subparagraph (A) may be construed to waive
24 the requirement under section 3005(b)(1)(B)
25 that the eligible entity carrying out the program

1 under this Act must carry out a random selec-
2 tion process, which gives weight to the priorities
3 described in section 3006, if more eligible stu-
4 dents seek admission in the program than the
5 program can accommodate.”.

6 **SEC. 905. REQUIRING ELIGIBLE ENTITIES TO UTILIZE IN-**
7 **TERNAL FISCAL AND QUALITY CONTROLS.**

8 Section 3005(b)(1) (sec. 38–1853.05(b)(1), D.C. Of-
9 ficial Code) is amended—

10 (1) in subparagraph (I), by striking “, except
11 that a participating school may not be required to
12 submit to more than 1 site visit per school year”;

13 (2) by redesignating subparagraphs (K) and
14 (L) as subparagraphs (L) and (M), respectively;

15 (3) by inserting after subparagraph (J) the fol-
16 lowing:

17 “(K) how the entity will ensure the finan-
18 cial viability of participating schools in which
19 85 percent or more of the total number of stu-
20 dents enrolled at the school are participating el-
21 igible students that receive and use an oppor-
22 tunity scholarship;”;

23 (4) in subparagraph (L), as redesignated by
24 paragraph (2), by striking “and” at the end; and

25 (5) by adding at the end the following:

1 “(N) how the eligible entity will ensure
2 that it—

3 “(i) utilizes internal fiscal and quality
4 controls; and

5 “(ii) complies with applicable financial
6 reporting requirements and the require-
7 ments of this division; and”.

8 **SEC. 906. CLARIFICATION OF PRIORITIES FOR AWARDING**
9 **SCHOLARSHIPS TO ELIGIBLE STUDENTS.**

10 Section 3006(1) (sec. 38–1853.06(1), D.C. Official
11 Code) is amended—

12 (1) in subparagraph (A), by striking “attended”
13 and all that follows through the semicolon and in-
14 serting “attended an elementary school or secondary
15 school identified as one of the lowest-performing
16 schools under the District of Columbia’s account-
17 ability system; and”;

18 (2) by striking subparagraph (B);

19 (3) by redesignating subparagraph (C) as sub-
20 paragraph (B); and

21 (4) in subparagraph (B), as redesignated by
22 paragraph (3), by striking the semicolon at the end
23 and inserting “or whether such students have, in the
24 past, attended a private school;”.

1 **SEC. 907. MODIFICATION OF REQUIREMENTS FOR PARTICI-**
2 **PATING SCHOOLS AND ELIGIBLE ENTITIES.**

3 (a) **CRIMINAL BACKGROUND CHECKS; COMPLIANCE**
4 **WITH REPORTING REQUIREMENTS.**—Section 3007(a)(4)
5 (sec. 38–1853.07(a)(4), D.C. Official Code) is amended—

6 (1) in subparagraph (E), by striking “and” at
7 the end;

8 (2) by striking subparagraph (F) and inserting
9 the following:

10 “(F) ensures that, with respect to core
11 subject matter, participating students are
12 taught by a teacher who has a baccalaureate
13 degree or equivalent degree, whether such de-
14 gree was awarded in or outside of the United
15 States;” and

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

17 “(G) conducts criminal background checks
18 on school employees who have direct and unsu-
19 pervised interaction with students; and

20 “(H) complies with all requests for data
21 and information regarding the reporting re-
22 quirements described in section 3010.”.

23 (b) **ACCREDITATION.**—Section 3007(a) (sec. 38–
24 1853.07(a), D.C. Official Code), as amended by subsection
25 (a), is further amended—

1 (1) in paragraph (1), by striking “paragraphs
2 (2) and (3)” and inserting “paragraphs (2), (3), and
3 (5)”; and

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

5 “(5) ACCREDITATION REQUIREMENTS.—

6 “(A) IN GENERAL.—None of the funds
7 provided under this division for opportunity
8 scholarships may be used by a participating eli-
9 gible student to enroll in a participating private
10 school unless the school—

11 “(i) in the case of a school that is a
12 participating school as of the date of en-
13 actment of the SOAR Reauthorization
14 Act—

15 “(I) is fully accredited by an ac-
16 crediting body described in any of
17 subparagraphs (A) through (G) of
18 section 2202(16) of the District of
19 Columbia School Reform Act of 1995
20 (Public Law 104–134; sec. 38–
21 1802.02(16)(A)–(G), D.C. Official
22 Code); or

23 “(II) if such participating school
24 does not meet the requirements of
25 subclause (I)—

1 “(aa) not later than 1 year
2 after the date of enactment of
3 the Consolidated Appropriations
4 Act, 2016 (Public Law 114–
5 113), the school is pursuing full
6 accreditation by an accrediting
7 body described in subclause (I);
8 and

9 “(bb) is fully accredited by
10 such an accrediting body not
11 later than 5 years after the date
12 on which that school began the
13 process of pursuing full accredi-
14 tation in accordance with item
15 (aa); and

16 “(ii) in the case of a school that is not
17 a participating school as of the date of en-
18 actment of the SOAR Reauthorization Act,
19 is fully accredited by an accrediting body
20 described in clause (i)(I) before becoming a
21 participating school under this division.

22 “(B) REPORTS TO ELIGIBLE ENTITY.—Not
23 later than 5 years after the date of enactment
24 of the SOAR Reauthorization Act, each partici-
25 pating school shall submit to the eligible entity

1 a certification that the school has been fully ac-
2 credited in accordance with subparagraph (A).

3 “(C) ASSISTING STUDENTS IN ENROLLING
4 IN OTHER SCHOOLS.—If a participating school
5 fails to meet the requirements of this para-
6 graph, the eligible entity shall assist the parents
7 of the participating eligible students who attend
8 the school in identifying, applying to, and en-
9 rolling in another participating school under
10 this division.

11 “(6) TREATMENT OF STUDENTS AWARDED A
12 SCHOLARSHIP IN A PREVIOUS YEAR.—An eligible en-
13 tity shall treat a participating eligible student who
14 was awarded an opportunity scholarship in any pre-
15 vious year and who has not used the scholarship as
16 a renewal student and not as a new applicant, with-
17 out regard as to—

18 “(A) whether the eligible student has used
19 the scholarship; and

20 “(B) the year in which the scholarship was
21 previously awarded.”.

22 (c) REQUIRING USE OF FUNDS REMAINING UNOBLI-
23 GATED FROM PREVIOUS FISCAL YEARS.—

1 (1) IN GENERAL.—Section 3007 (sec. 38–
2 1853.07, D.C. Official Code) is amended by adding
3 at the end the following:

4 “(e) REQUIRING USE OF FUNDS REMAINING UNOB-
5 LIGATED FROM PREVIOUS FISCAL YEARS.—

6 “(1) IN GENERAL.—To the extent that any
7 funds appropriated for the opportunity scholarship
8 program under this division for any fiscal year re-
9 main available for subsequent fiscal years under sec-
10 tion 3014(c), the Secretary shall make such funds
11 available to eligible entities receiving grants under
12 section 3004(a) for the uses described in paragraph
13 (2)—

14 “(A) in the case of any remaining funds
15 that were appropriated before the date of enact-
16 ment of the SOAR Reauthorization Act, begin-
17 ning on the date of enactment of such Act; and

18 “(B) in the case of any remaining funds
19 appropriated on or after the date of enactment
20 of such Act, by the first day of the first subse-
21 quent fiscal year.

22 “(2) USE OF FUNDS.—If an eligible entity to
23 which the Secretary provided additional funds under
24 paragraph (1) elects to use such funds during a fis-
25 cal year, the eligible entity shall use—

1 “(A) not less than 95 percent of such addi-
2 tional funds to provide additional scholarships
3 for eligible students under section 3007(a), or
4 to increase the amount of the scholarships, dur-
5 ing such year; and

6 “(B) not more than a total of 5 percent of
7 such additional funds for administrative ex-
8 penses, parental assistance, or tutoring, as de-
9 scribed in subsections (b) and (c), during such
10 year.

11 “(3) SPECIAL RULE.—Any amounts made avail-
12 able for administrative expenses, parental assistance,
13 or tutoring under paragraph (2)(B) shall be in addi-
14 tion to any other amounts made available for such
15 purposes in accordance with subsections (b) and
16 (c).”.

17 (2) EFFECTIVE DATE.—The amendment made
18 by paragraph (1) shall take effect on the date of en-
19 actment of this title.

20 (d) USE OF FUNDS FOR ADMINISTRATIVE EXPENSES
21 AND PARENTAL ASSISTANCE.—Section 3007 (sec. 38–
22 1853.07, D.C. Official Code), as amended by this section,
23 is further amended—

24 (1) by striking subsections (b) and (c) and in-
25 serting the following:

1 “(b) ADMINISTRATIVE EXPENSES AND PARENTAL
2 ASSISTANCE.—The Secretary shall make \$2,000,000 of
3 the amount made available under section 3014(a)(1) for
4 each fiscal year available to eligible entities receiving a
5 grant under section 3004(a) to cover the following ex-
6 penses:

7 “(1) The administrative expenses of carrying
8 out its program under this division during the year,
9 including—

10 “(A) determining the eligibility of students
11 to participate;

12 “(B) selecting the eligible students to re-
13 ceive scholarships;

14 “(C) determining the amount of the schol-
15 arships and issuing the scholarships to eligible
16 students;

17 “(D) compiling and maintaining financial
18 and programmatic records;

19 “(E) conducting site visits as described in
20 section 3005(b)(1)(I); and

21 “(F)(i) conducting a study, including a
22 survey of participating parents, on any barriers
23 for participating eligible students in gaining ad-
24 mission to, or attending, the participating
25 school that is their first choice; and

1 “(ii) not later than the end of the first full
2 fiscal year after the date of enactment of the
3 SOAR Reauthorization Act, submitting a report
4 to Congress that contains the results of such
5 study.

6 “(2) The expenses of educating parents about
7 the eligible entity’s program under this division, and
8 assisting parents through the application process
9 under this division, including—

10 “(A) providing information about the pro-
11 gram and the participating schools to parents
12 of eligible students, including information on
13 supplemental financial aid that may be available
14 at participating schools;

15 “(B) providing funds to assist parents of
16 students in meeting expenses that might other-
17 wise preclude the participation of eligible stu-
18 dents in the program; and

19 “(C) streamlining the application process
20 for parents.”; and

21 (2) by redesignating subsection (d), and sub-
22 section (e) (as added by subsection (c)(1)), as sub-
23 sections (c) and (d), respectively.

24 (e) CLARIFICATION OF USE OF FUNDS FOR STU-
25 DENT ACADEMIC ASSISTANCE.—Section 3007(c) (sec. 38–

1 1853.07(c), D.C. Official Code), as redesignated by sub-
2 section (d)(2), is amended by striking “previously at-
3 tended” and all that follows through the period at the end
4 and inserting “previously attended an elementary school
5 or secondary school identified as one of the lowest-per-
6 forming schools under the District of Columbia’s account-
7 ability system.”.

8 **SEC. 908. PROGRAM EVALUATION.**

9 (a) REVISION OF EVALUATION PROCEDURES AND
10 REQUIREMENTS.—

11 (1) IN GENERAL.—Section 3009(a) (sec. 38–
12 1853.09(a), D.C. Official Code) is amended to read
13 as follows:

14 “(a) IN GENERAL.—

15 “(1) DUTIES OF THE SECRETARY AND THE
16 MAYOR.—The Secretary and the Mayor of the Dis-
17 trict of Columbia shall—

18 “(A) jointly enter into an agreement with
19 the Institute of Education Sciences of the De-
20 partment of Education to evaluate annually the
21 opportunity scholarship program under this di-
22 vision;

23 “(B) jointly enter into an agreement to
24 monitor and evaluate the use of funds author-
25 ized and appropriated for the District of Co-

1 lumbia public schools and the District of Co-
2 lumbia public charter schools under this divi-
3 sion; and

4 “(C) make the evaluations described in
5 subparagraphs (A) and (B) public in accord-
6 ance with subsection (c).

7 “(2) DUTIES OF THE SECRETARY.—The Sec-
8 retary, through a grant, contract, or cooperative
9 agreement, shall—

10 “(A) ensure that the evaluation under
11 paragraph (1)(A)—

12 “(i) is conducted using an acceptable
13 quasi-experimental research design for de-
14 termining the effectiveness of the oppor-
15 tunity scholarship program under this divi-
16 sion that does not use a control study
17 group consisting of students who applied
18 for but did not receive opportunity scholar-
19 ships; and

20 “(ii) addresses the issues described in
21 paragraph (4); and

22 “(B) disseminate information on the im-
23 pact of the program—

24 “(i) in increasing academic achieve-
25 ment and educational attainment of par-

1 participating eligible students who use an op-
2 portunity scholarship; and

3 “(ii) on students and schools in the
4 District of Columbia.

5 “(3) DUTIES OF THE INSTITUTE OF EDU-
6 CATION SCIENCES.—The Institute of Education
7 Sciences of the Department of Education shall—

8 “(A) assess participating eligible students
9 who use an opportunity scholarship in each of
10 grades 3 through 8, as well as one of the grades
11 at the high school level, by supervising the ad-
12 ministration of the same reading and mathe-
13 matics assessment used by the District of Co-
14 lumbia public schools to comply with section
15 1111(b) of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6311(b));

17 “(B) measure the academic achievement of
18 all participating eligible students who use an
19 opportunity scholarship in the grades described
20 in subparagraph (A); and

21 “(C) work with eligible entities receiving a
22 grant under this division to ensure that the par-
23 ents of each student who is a participating eli-
24 gible student that uses an opportunity scholar-
25 ship agrees to permit their child to participate

1 in the evaluations and assessments carried out
2 by the Institute of Education Sciences under
3 this subsection.

4 “(4) ISSUES TO BE EVALUATED.—The issues to
5 be evaluated under paragraph (1)(A) shall include
6 the following:

7 “(A) A comparison of the academic
8 achievement of participating eligible students
9 who use an opportunity scholarship on the
10 measurements described in paragraph (3)(B) to
11 the academic achievement of a comparison
12 group of students with similar backgrounds in
13 the District of Columbia public schools.

14 “(B) The success of the program under
15 this division in expanding choice options for
16 parents of participating eligible students and
17 increasing the satisfaction of such parents and
18 students with their choice.

19 “(C) The reasons parents of participating
20 eligible students choose for their children to
21 participate in the program, including important
22 characteristics for selecting schools.

23 “(D) A comparison of the retention rates,
24 high school graduation rates, college enrollment
25 rates, college persistence rates, and college

1 graduation rates of participating eligible stu-
2 dents who use an opportunity scholarship with
3 the rates of students in the comparison group
4 described in subparagraph (A).

5 “(E) A comparison of the college enroll-
6 ment rates, college persistence rates, and col-
7 lege graduation rates of students who partici-
8 pated in the program in 2004, 2005, 2011,
9 2012, 2013, 2014, and 2015 as the result of
10 winning the Opportunity Scholarship Program
11 lottery with such enrollment, persistence, and
12 graduation rates for students who entered but
13 did not win such lottery in those years and who,
14 as a result, served as the control group for pre-
15 vious evaluations of the program under this di-
16 vision. Nothing in this subparagraph may be
17 construed to waive section 3004(a)(3)(A)(iii)
18 with respect to any such student.

19 “(F) A comparison of the safety of the
20 schools attended by participating eligible stu-
21 dents who use an opportunity scholarship and
22 the schools in the District of Columbia attended
23 by students in the comparison group described
24 in subparagraph (A), based on the perceptions
25 of the students and parents.

1 “(G) An assessment of student academic
2 achievement at participating schools in which
3 85 percent of the total number of students en-
4 rolled at the school are participating eligible
5 students who receive and use an opportunity
6 scholarship.

7 “(H) Such other issues with respect to
8 participating eligible students who use an op-
9 portunity scholarship as the Secretary considers
10 appropriate for inclusion in the evaluation, such
11 as the impact of the program on public elemen-
12 tary schools and secondary schools in the Dis-
13 trict of Columbia.

14 “(5) PROHIBITING DISCLOSURE OF PERSONAL
15 INFORMATION.—

16 “(A) IN GENERAL.—Any disclosure of per-
17 sonally identifiable information obtained under
18 this division shall be in compliance with section
19 444 of the General Education Provisions Act
20 (commonly known as the ‘Family Educational
21 Rights and Privacy Act of 1974’) (20 U.S.C.
22 1232g).

23 “(B) STUDENTS NOT ATTENDING PUBLIC
24 SCHOOLS.—With respect to any student who is
25 not attending a public elementary school or sec-

1 ondary school, personally identifiable informa-
2 tion obtained under this division shall only be
3 disclosed to—

4 “(i) individuals carrying out the eval-
5 uation described in paragraph (1)(A) for
6 such student;

7 “(ii) the group of individuals pro-
8 viding information for carrying out the
9 evaluation of such student; and

10 “(iii) the parents of such student.”.

11 (2) TRANSITION OF EVALUATION.—

12 (A) TERMINATION OF PREVIOUS EVALUA-
13 TIONS.—The Secretary of Education shall—

14 (i) terminate the evaluations con-
15 ducted under section 3009(a) of the Schol-
16 arships for Opportunity and Results Act
17 (sec. 38–1853.09(a), D.C. Official Code),
18 as in effect on the day before the date of
19 enactment of this title, after obtaining
20 data for the 2016–2017 school year; and

21 (ii) submit any reports required for
22 the 2016–2017 school year or preceding
23 years with respect to the evaluations in ac-
24 cordance with section 3009(b) of such Act.

25 (B) NEW EVALUATIONS.—

1 (i) IN GENERAL.—Effective beginning
2 with respect to the 2017–2018 school year,
3 the Secretary shall conduct new evalua-
4 tions in accordance with the provisions of
5 section 3009(a) of the Scholarships for Op-
6 portunity and Results Act (sec. 38–
7 1853.09(a), D.C. Official Code), as amend-
8 ed by this title.

9 (ii) MOST RECENT EVALUATION.—As
10 a component of the new evaluations de-
11 scribed in clause (i), the Secretary shall
12 continue to monitor and evaluate the stu-
13 dents who were evaluated in the most re-
14 cent evaluation under such section prior to
15 the date of enactment of this title, includ-
16 ing by monitoring and evaluating the test
17 scores and other information of such stu-
18 dents.

19 (b) DUTY OF MAYOR TO ENSURE INSTITUTE HAS
20 ALL INFORMATION NECESSARY TO CARRY OUT EVALUA-
21 TIONS.—Section 3011(a)(1) (sec. 38–1853.11(a)(1), D.C.
22 Official Code) is amended to read as follows:

23 “(1) INFORMATION NECESSARY TO CARRY OUT
24 EVALUATIONS.—Ensure that all District of Colum-
25 bia public schools and District of Columbia public

1 charter schools make available to the Institute of
2 Education Sciences of the Department of Education
3 all of the information the Institute requires to carry
4 out the assessments and perform the evaluations re-
5 quired under section 3009(a).”.

6 **SEC. 909. FUNDING FOR DISTRICT OF COLUMBIA PUBLIC**
7 **SCHOOLS AND PUBLIC CHARTER SCHOOLS.**

8 (a) MANDATORY WITHHOLDING OF FUNDS FOR
9 FAILURE TO COMPLY WITH CONDITIONS.—Section
10 3011(b) (sec. 38–1853.11(b), D.C. Official Code) is
11 amended to read as follows:

12 “(b) ENFORCEMENT.—If, after reasonable notice and
13 an opportunity for a hearing, the Secretary determines
14 that the Mayor has failed to comply with any of the re-
15 quirements of subsection (a), the Secretary may withhold
16 from the Mayor, in whole or in part—

17 “(1) the funds otherwise authorized to be ap-
18 propriated under section 3014(a)(2), if the failure to
19 comply relates to the District of Columbia public
20 schools;

21 “(2) the funds otherwise authorized to be ap-
22 propriated under section 3014(a)(3), if the failure to
23 comply relates to the District of Columbia public
24 charter schools; or

1 “(3) the funds otherwise authorized to be ap-
2 propriated under both paragraphs (2) and (3) of
3 section 3014(a), if the failure relates to both the
4 District of Columbia public schools and the District
5 of Columbia public charter schools.”.

6 (b) RULES FOR USE OF FUNDS PROVIDED FOR SUP-
7 PORT OF PUBLIC CHARTER SCHOOLS.—Section 3011
8 (sec. 38–1853.11, D.C. Official Code), as amended by sec-
9 tion 7(b) and section 8(a), is further amended—

10 (1) by redesignating subsection (c) as sub-
11 section (d); and

12 (2) by inserting after subsection (b) the fol-
13 lowing new subsection:

14 “(c) SPECIFIC RULES REGARDING FUNDS PROVIDED
15 FOR SUPPORT OF PUBLIC CHARTER SCHOOLS.—The fol-
16 lowing rules shall apply with respect to the funds provided
17 under this division for the support of District of Columbia
18 public charter schools:

19 “(1) The Secretary may direct the funds pro-
20 vided for any fiscal year, or any portion thereof, to
21 the Office of the State Superintendent of Education
22 of the District of Columbia.

23 “(2) The Office of the State Superintendent of
24 Education of the District of Columbia may transfer
25 the funds to subgrantees that are—

1 “(A) specific District of Columbia public
2 charter schools or networks of such schools; or

3 “(B) District of Columbia-based nonprofit
4 organizations with experience in successfully
5 providing support or assistance to District of
6 Columbia public charter schools or networks of
7 such schools.

8 “(3) The funds provided under this division for
9 the support of District of Columbia public charter
10 schools shall be available to any District of Columbia
11 public charter school in good standing with the Dis-
12 trict of Columbia Charter School Board, and the Of-
13 fice of the State Superintendent of Education of the
14 District of Columbia and the District of Columbia
15 Charter School Board may not restrict the avail-
16 ability of such funds to certain types of schools on
17 the basis of the school’s location, governing body, or
18 the school’s facilities.”.

19 **SEC. 910. REVISION OF CURRENT MEMORANDUM OF UN-**
20 **DERSTANDING.**

21 Not later than the beginning of the 2017–2018 school
22 year, the Secretary of Education and the Mayor of the
23 District of Columbia shall revise the memorandum of un-
24 derstanding which is in effect under section 3012(d) of
25 the Scholarships for Opportunity and Results Act as of

1 the day before the date of the enactment of this title to
2 address the following:

3 (1) The amendments made by this title.

4 (2) The need to ensure that participating
5 schools under the Scholarships for Opportunity and
6 Results Act meet fire code standards and maintain
7 certificates of occupancy.

8 (3) The need to ensure that District of Colum-
9 bia public schools and District of Columbia public
10 charter schools meet the requirements under such
11 Act to comply with all reasonable requests for infor-
12 mation necessary to carry out the evaluations re-
13 quired under section 3009(a) of such Act.

14 **SEC. 911. DEFINITIONS.**

15 Section 3013 (sec. 38–1853.13, D.C. Official Code)
16 is amended—

17 (1) by redesignating paragraphs (1) through
18 (10) as paragraphs (2) through (11), respectively;

19 (2) by inserting before paragraph (2), as redesi-
20 gnated by paragraph (1), the following:

21 “(1) CORE SUBJECT MATTER.—The term ‘core
22 subject matter’ means—

23 “(A) mathematics;

24 “(B) science; and

1 “(C) English, reading, or language arts.”;

2 and

3 (3) in paragraph (4)(B)(ii), as redesignated by
4 paragraph (1), by inserting “household with a” be-
5 fore “student”.

6 **SEC. 912. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
7 **TIONS.**

8 (a) IN GENERAL.—Section 3014 (sec. 38–1853.14,
9 D.C. Official Code) is amended—

10 (1) in subsection (a), by striking “and for each
11 of the 4 succeeding fiscal years” and inserting “and
12 for each fiscal year through fiscal year 2021”; and

13 (2) by adding at the end the following:

14 “(c) AVAILABILITY.—Amounts appropriated under
15 subsection (a)(1), including amounts appropriated and
16 available under such subsection before the date of enact-
17 ment of the SOAR Reauthorization Act, shall remain
18 available until expended.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a)(2) shall take effect on the date of enact-
21 ment of this title.

22 **SEC. 913. EFFECTIVE DATE.**

23 Except as otherwise provided, the amendments made
24 by this title shall apply with respect to school year 2017–
25 2018 and each succeeding school year.

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TITLE X

SEC SMALL BUSINESS ADVOCATE ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the “SEC Small Business Advocate Act of 2016”.

**SEC. 1002. ESTABLISHMENT OF OFFICE OF THE ADVOCATE
FOR SMALL BUSINESS CAPITAL FORMATION
AND SMALL BUSINESS CAPITAL FORMATION
ADVISORY COMMITTEE.**

(a) OFFICE OF THE ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION.—Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

“(j) OFFICE OF THE ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION.—

“(1) OFFICE ESTABLISHED.—There is established within the Commission the Office of the Advocate for Small Business Capital Formation (hereafter in this subsection referred to as the ‘Office’).

“(2) ADVOCATE FOR SMALL BUSINESS CAPITAL FORMATION.—

“(A) IN GENERAL.—The head of the Office shall be the Advocate for Small Business Capital Formation, who shall—

1 “(i) report directly to the Commission;

2 and

3 “(ii) be appointed by the Commission,
4 from among individuals having experience
5 in advocating for the interests of small
6 businesses and encouraging small business
7 capital formation.

8 “(B) COMPENSATION.—The annual rate of
9 pay for the Advocate for Small Business Cap-
10 ital Formation shall be equal to the highest rate
11 of annual pay for other senior executives who
12 report directly to the Commission.

13 “(C) NO CURRENT EMPLOYEE OF THE
14 COMMISSION.—An individual may not be ap-
15 pointed as the Advocate for Small Business
16 Capital Formation if the individual is currently
17 employed by the Commission.

18 “(3) STAFF OF OFFICE.—The Advocate for
19 Small Business Capital Formation, after consulta-
20 tion with the Commission, may retain or employ
21 independent counsel, research staff, and service
22 staff, as the Advocate for Small Business Capital
23 Formation determines to be necessary to carry out
24 the functions of the Office.

1 “(4) FUNCTIONS OF THE ADVOCATE FOR
2 SMALL BUSINESS CAPITAL FORMATION.—The Advo-
3 cate for Small Business Capital Formation shall—

4 “(A) assist small businesses and small
5 business investors in resolving significant prob-
6 lems such businesses and investors may have
7 with the Commission or with self-regulatory or-
8 ganizations;

9 “(B) identify areas in which small busi-
10 nesses and small business investors would ben-
11 efit from changes in the regulations of the
12 Commission or the rules of self-regulatory orga-
13 nizations;

14 “(C) identify problems that small busi-
15 nesses have with securing access to capital, in-
16 cluding any unique challenges to minority-
17 owned and women-owned small businesses;

18 “(D) analyze the potential impact on small
19 businesses and small business investors of—

20 “(i) proposed regulations of the Com-
21 mission that are likely to have a significant
22 economic impact on small businesses and
23 small business capital formation; and

24 “(ii) proposed rules that are likely to
25 have a significant economic impact on

1 small businesses and small business capital
2 formation of self-regulatory organizations
3 registered under this title;

4 “(E) conduct outreach to small businesses
5 and small business investors, including through
6 regional roundtables, in order to solicit views on
7 relevant capital formation issues;

8 “(F) to the extent practicable, propose to
9 the Commission changes in the regulations or
10 orders of the Commission and to Congress any
11 legislative, administrative, or personnel changes
12 that may be appropriate to mitigate problems
13 identified under this paragraph and to promote
14 the interests of small businesses and small busi-
15 ness investors;

16 “(G) consult with the Investor Advocate on
17 proposed recommendations made under sub-
18 paragraph (F); and

19 “(H) advise the Investor Advocate on
20 issues related to small businesses and small
21 business investors.

22 “(5) ACCESS TO DOCUMENTS.—The Commis-
23 sion shall ensure that the Advocate for Small Busi-
24 ness Capital Formation has full access to the docu-
25 ments and information of the Commission and any

1 self-regulatory organization, as necessary to carry
2 out the functions of the Office.

3 “(6) ANNUAL REPORT ON ACTIVITIES.—

4 “(A) IN GENERAL.—Not later than De-
5 cember 31 of each year after 2015, the Advo-
6 cate for Small Business Capital Formation shall
7 submit to the Committee on Banking, Housing,
8 and Urban Affairs of the Senate and the Com-
9 mittee on Financial Services of the House of
10 Representatives a report on the activities of the
11 Advocate for Small Business Capital Formation
12 during the immediately preceding fiscal year.

13 “(B) CONTENTS.—Each report required
14 under subparagraph (A) shall include—

15 “(i) appropriate statistical information
16 and full and substantive analysis;

17 “(ii) information on steps that the
18 Advocate for Small Business Capital For-
19 mation has taken during the reporting pe-
20 riod to improve small business services and
21 the responsiveness of the Commission and
22 self-regulatory organizations to small busi-
23 ness and small business investor concerns;

24 “(iii) a summary of the most serious
25 issues encountered by small businesses and

1 small business investors, including any
2 unique issues encountered by minority-
3 owned and women-owned small businesses
4 and their investors, during the reporting
5 period;

6 “(iv) an inventory of the items sum-
7 marized under clause (iii) (including items
8 summarized under such clause for any
9 prior reporting period on which no action
10 has been taken or that have not been re-
11 solved to the satisfaction of the Advocate
12 for Small Business Capital Formation as
13 of the beginning of the reporting period
14 covered by the report) that includes—

15 “(I) identification of any action
16 taken by the Commission or the self-
17 regulatory organization and the result
18 of such action;

19 “(II) the length of time that each
20 item has remained on such inventory;
21 and

22 “(III) for items on which no ac-
23 tion has been taken, the reasons for
24 inaction, and an identification of any

1 official who is responsible for such ac-
2 tion;

3 “(v) recommendations for such
4 changes to the regulations, guidance and
5 orders of the Commission and such legisla-
6 tive actions as may be appropriate to re-
7 solve problems with the Commission and
8 self-regulatory organizations encountered
9 by small businesses and small business in-
10 vestors and to encourage small business
11 capital formation; and

12 “(vi) any other information, as deter-
13 mined appropriate by the Advocate for
14 Small Business Capital Formation.

15 “(C) CONFIDENTIALITY.—No report re-
16 quired by subparagraph (A) may contain con-
17 fidential information.

18 “(D) INDEPENDENCE.—Each report re-
19 quired under subparagraph (A) shall be pro-
20 vided directly to the committees of Congress
21 listed in such subparagraph without any prior
22 review or comment from the Commission, any
23 commissioner, any other officer or employee of
24 the Commission, or the Office of Management
25 and Budget.

1 “(1) ESTABLISHMENT.—There is established
2 within the Commission the Small Business Capital
3 Formation Advisory Committee (hereafter in this
4 section referred to as the ‘Committee’).

5 “(2) FUNCTIONS.—

6 “(A) IN GENERAL.—The Committee shall
7 provide the Commission with advice on the
8 Commission’s rules, regulations, and policies
9 with regard to the Commission’s mission of pro-
10 tecting investors, maintaining fair, orderly, and
11 efficient markets, and facilitating capital forma-
12 tion, as such rules, regulations, and policies re-
13 late to—

14 “(i) capital raising by emerging, pri-
15 vately held small businesses (‘emerging
16 companies’) and publicly traded companies
17 with less than \$250,000,000 in public mar-
18 ket capitalization (‘smaller public compa-
19 nies’) through securities offerings, includ-
20 ing private and limited offerings and initial
21 and other public offerings;

22 “(ii) trading in the securities of
23 emerging companies and smaller public
24 companies; and

1 “(iii) public reporting and corporate
2 governance requirements of emerging com-
3 panies and smaller public companies.

4 “(B) LIMITATION.—The Committee shall
5 not provide any advice with respect to any poli-
6 cies, practices, actions, or decisions concerning
7 the Commission’s enforcement program.

8 “(b) MEMBERSHIP.—

9 “(1) IN GENERAL.—The members of the Com-
10 mittee shall be—

11 “(A) the Advocate for Small Business Cap-
12 ital Formation;

13 “(B) not fewer than 10, and not more than
14 20, members appointed by the Commission,
15 from among individuals—

16 “(i) who represent—

17 “(I) emerging companies engag-
18 ing in private and limited securities
19 offerings or considering initial public
20 offerings (‘IPO’) (including the com-
21 panies’ officers and directors);

22 “(II) the professional advisors of
23 such companies (including attorneys,
24 accountants, investment bankers, and
25 financial advisors); and

1 “(III) the investors in such com-
2 panies (including angel investors, ven-
3 ture capital funds, and family offices);

4 “(ii) who are officers or directors of
5 minority-owned small businesses or
6 women-owned small businesses;

7 “(iii) who represent—

8 “(I) smaller public companies
9 (including the companies’ officers and
10 directors);

11 “(II) the professional advisors of
12 such companies (including attorneys,
13 auditors, underwriters, and financial
14 advisors); and

15 “(III) the pre-IPO and post-IPO
16 investors in such companies (both in-
17 stitutional, such as venture capital
18 funds, and individual, such as angel
19 investors); and

20 “(iv) who represent participants in the
21 marketplace for the securities of emerging
22 companies and smaller public companies,
23 such as securities exchanges, alternative
24 trading systems, analysts, information
25 processors, and transfer agents; and

1 “(C) three non-voting members—

2 “(i) one of whom shall be appointed
3 by the Investor Advocate;

4 “(ii) one of whom shall be appointed
5 by the North American Securities Adminis-
6 trators Association; and

7 “(iii) one of whom shall be appointed
8 by the Administrator of the Small Busi-
9 ness Administration.

10 “(2) TERM.—Each member of the Committee
11 appointed under subparagraph (B), (C)(ii), or
12 (C)(iii) of paragraph (1) shall serve for a term of 4
13 years.

14 “(3) MEMBERS NOT COMMISSION EMPLOY-
15 EES.—Members appointed under subparagraph (B),
16 (C)(ii), or (C)(iii) of paragraph (1) shall not be
17 treated as employees or agents of the Commission
18 solely because of membership on the Committee.

19 “(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; AS-
20 SISTANT SECRETARY.—

21 “(1) IN GENERAL.—The members of the Com-
22 mittee shall elect, from among the members of the
23 Committee—

24 “(A) a chairman;

25 “(B) a vice chairman;

1 “(C) a secretary; and

2 “(D) an assistant secretary.

3 “(2) TERM.—Each member elected under para-
4 graph (1) shall serve for a term of 3 years in the
5 capacity for which the member was elected under
6 paragraph (1).

7 “(d) MEETINGS.—

8 “(1) FREQUENCY OF MEETINGS.—The Com-
9 mittee shall meet—

10 “(A) not less frequently than four times
11 annually, at the call of the chairman of the
12 Committee; and

13 “(B) from time to time, at the call of the
14 Commission.

15 “(2) NOTICE.—The chairman of the Committee
16 shall give the members of the Committee written no-
17 tice of each meeting, not later than 2 weeks before
18 the date of the meeting.

19 “(e) COMPENSATION AND TRAVEL EXPENSES.—
20 Each member of the Committee who is not a full-time em-
21 ployee of the United States shall—

22 “(1) be entitled to receive compensation at a
23 rate not to exceed the daily equivalent of the annual
24 rate of basic pay in effect for a position at level V
25 of the Executive Schedule under section 5316 of title

1 5, United States Code, for each day during which
2 the member is engaged in the actual performance of
3 the duties of the Committee; and

4 “(2) while away from the home or regular place
5 of business of the member in the performance of
6 services for the Committee, be allowed travel ex-
7 penses, including per diem in lieu of subsistence, in
8 the same manner as persons employed intermittently
9 in the Government service are allowed expenses
10 under section 5703 of title 5, United States Code.

11 “(f) STAFF.—The Commission shall make available
12 to the Committee such staff as the chairman of the Com-
13 mittee determines are necessary to carry out this section.

14 “(g) REVIEW BY COMMISSION.—The Commission
15 shall—

16 “(1) review the findings and recommendations
17 of the Committee; and

18 “(2) each time the Committee submits a finding
19 or recommendation to the Commission, promptly
20 issue a public statement—

21 “(A) assessing the finding or recommenda-
22 tion of the Committee; and

23 “(B) disclosing the action, if any, the Com-
24 mission intends to take with respect to the find-
25 ing or recommendation.

1 specified in paragraph (2) or (3) of section 109(b),
2 that is—

3 “(A) a bank holding company, as defined
4 in section 2(a) of the Bank Holding Company
5 Act of 1956; or

6 “(B) a corporation that exists for the pri-
7 mary purpose of owning, controlling and financ-
8 ing its subsidiaries, that has total consolidated
9 assets of \$50,000,000,000 or greater, and for
10 which, in its most recently completed fiscal
11 year—

12 “(i) annual gross revenues derived by
13 the corporation and all of its subsidiaries
14 from activities that are financial in nature
15 (as defined in section 4(k) of the Bank
16 Holding Company Act of 1956) and, if ap-
17 plicable, from the ownership or control of
18 one or more insured depository institu-
19 tions, represents 85 percent or more of the
20 consolidated annual gross revenues of the
21 corporation; or

22 “(ii) the consolidated assets of the
23 corporation and all of its subsidiaries re-
24 lated to activities that are financial in na-
25 ture (as defined in section 4(k) of the

1 Bank Holding Company Act of 1956) and,
2 if applicable, related to the ownership or
3 control of one or more insured depository
4 institutions, represents 85 percent or more
5 of the consolidated assets of the corpora-
6 tion.”.

7 (b) APPLICABILITY OF CHAPTERS.—Section 103 of
8 title 11, United States Code, is amended by adding at the
9 end the following:

10 “(l) Subchapter V of chapter 11 of this title applies
11 only in a case under chapter 11 concerning a covered fi-
12 nancial corporation.”.

13 (c) WHO MAY BE A DEBTOR.—Section 109 of title
14 11, United States Code, is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (2), by striking “or” at
17 the end;

18 (B) in paragraph (3)(B), by striking the
19 period at the end and inserting “; or”; and

20 (C) by adding at the end the following:

21 “(4) a covered financial corporation.”; and

22 (2) in subsection (d)—

23 (A) by striking “and” before “an unin-
24 sured State member bank”;

1 (B) by striking “or” before “a corpora-
2 tion”; and

3 (C) by inserting “, or a covered financial
4 corporation” after “Federal Deposit Insurance
5 Corporation Improvement Act of 1991”.

6 (d) CONVERSION TO CHAPTER 7.—Section 1112 of
7 title 11, United States Code, is amended by adding at the
8 end the following:

9 “(g) Notwithstanding section 109(b), the court may
10 convert a case under subchapter V to a case under chapter
11 7 if—

12 “(1) a transfer approved under section 1185
13 has been consummated;

14 “(2) the court has ordered the appointment of
15 a special trustee under section 1186; and

16 “(3) the court finds, after notice and a hearing,
17 that conversion is in the best interest of the credi-
18 tors and the estate.”.

19 (e)(1) Section 726(a)(1) of title 11, United States
20 Code, is amended by inserting after “first,” the following:

21 “in payment of any unpaid fees, costs, and expenses of
22 a special trustee appointed under section 1186, and then”.

23 (2) Section 1129(a) of title 11, United States Code,
24 is amended by inserting after paragraph (16) the fol-
25 lowing:

1 “(17) In a case under subchapter V, all payable
2 fees, costs, and expenses of the special trustee have
3 been paid or the plan provides for the payment of
4 all such fees, costs, and expenses on the effective
5 date of the plan.

6 “(18) In a case under subchapter V, confirma-
7 tion of the plan is not likely to cause serious adverse
8 effects on financial stability in the United States.”.

9 (f) Section 322(b)(2) of title 11, United States Code,
10 is amended by striking “The” and inserting “In cases
11 under subchapter V, the United States trustee shall rec-
12 ommend to the court, and in all other cases, the”.

13 **SEC. 1103. LIQUIDATION, REORGANIZATION, OR RECAPI-**
14 **TALIZATION OF A COVERED FINANCIAL COR-**
15 **PORATION.**

16 (a) IN GENERAL.—Chapter 11 of title 11, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “SUBCHAPTER V—LIQUIDATION, REORGANIZA-
20 TION, OR RECAPITALIZATION OF A COV-
21 ERED FINANCIAL CORPORATION

22 **“§ 1181. Inapplicability of other sections**

23 “Sections 303 and 321(c) do not apply in a case
24 under this subchapter concerning a covered financial cor-

1 poration. Section 365 does not apply to a transfer under
2 section 1185, 1187, or 1188.

3 **“§ 1182. Definitions for this subchapter**

4 “In this subchapter, the following definitions shall
5 apply:

6 “(1) The term ‘Board’ means the Board of
7 Governors of the Federal Reserve System.

8 “(2) The term ‘bridge company’ means a newly
9 formed corporation to which property of the estate
10 may be transferred under section 1185(a) and the
11 equity securities of which may be transferred to a
12 special trustee under section 1186(a).

13 “(3) The term ‘capital structure debt’ means all
14 unsecured debt of the debtor for borrowed money for
15 which the debtor is the primary obligor, other than
16 a qualified financial contract and other than debt se-
17 cured by a lien on property of the estate that is to
18 be transferred to a bridge company pursuant to an
19 order of the court under section 1185(a).

20 “(4) The term ‘contractual right’ means a con-
21 tractual right of a kind defined in section 555, 556,
22 559, 560, or 561.

23 “(5) The term ‘qualified financial contract’
24 means any contract of a kind defined in paragraph
25 (25), (38A), (47), or (53B) of section 101, section

1 741(7), or paragraph (4), (5), (11), or (13) of sec-
2 tion 761.

3 “(6) The term ‘special trustee’ means the trust-
4 ee of a trust formed under section 1186(a)(1).

5 **“§ 1183. Commencement of a case concerning a cov-
6 ered financial corporation**

7 “(a) A case under this subchapter concerning a cov-
8 ered financial corporation may be commenced by the filing
9 of a petition with the court by the debtor under section
10 301 only if the debtor states to the best of its knowledge
11 under penalty of perjury in the petition that it is a covered
12 financial corporation.

13 “(b) The commencement of a case under subsection
14 (a) constitutes an order for relief under this subchapter.

15 “(c) The members of the board of directors (or body
16 performing similar functions) of a covered financial com-
17 pany shall have no liability to shareholders, creditors, or
18 other parties in interest for a good faith filing of a petition
19 to commence a case under this subchapter, or for any rea-
20 sonable action taken in good faith in contemplation of or
21 in connection with such a petition or a transfer under sec-
22 tion 1185 or section 1186, whether prior to or after com-
23 mencement of the case.

24 “(d) Counsel to the debtor shall provide, to the great-
25 est extent practicable without disclosing the identity of the

1 potential debtor, sufficient confidential notice to the chief
2 judge of the court of appeals for the circuit embracing the
3 district in which such counsel intends to file a petition to
4 commence a case under this subchapter regarding the po-
5 tential commencement of such case. The chief judge of
6 such court shall randomly assign to preside over such case
7 a bankruptcy judge selected from among the bankruptcy
8 judges designated by the Chief Justice of the United
9 States under section 298 of title 28.

10 **“§ 1184. Regulators**

11 “The Board, the Securities Exchange Commission,
12 the Office of the Comptroller of the Currency of the De-
13 partment of the Treasury, the Commodity Futures Trad-
14 ing Commission, and the Federal Deposit Insurance Cor-
15 poration may raise and may appear and be heard on any
16 issue in any case or proceeding under this subchapter.

17 **“§ 1185. Special transfer of property of the estate**

18 “(a) On request of the trustee, and after notice and
19 a hearing that shall occur not less than 24 hours after
20 the order for relief, the court may order a transfer under
21 this section of property of the estate, and the assignment
22 of executory contracts, unexpired leases, and qualified fi-
23 nancial contracts of the debtor, to a bridge company.
24 Upon the entry of an order approving such transfer, any
25 property transferred, and any executory contracts, unex-

1 pired leases, and qualified financial contracts assigned
2 under such order shall no longer be property of the estate.
3 Except as provided under this section, the provisions of
4 section 363 shall apply to a transfer and assignment under
5 this section.

6 “(b) Unless the court orders otherwise, notice of a
7 request for an order under subsection (a) shall consist of
8 electronic or telephonic notice of not less than 24 hours
9 to—

10 “(1) the debtor;

11 “(2) the holders of the 20 largest secured
12 claims against the debtor;

13 “(3) the holders of the 20 largest unsecured
14 claims against the debtor;

15 “(4) counterparties to any debt, executory con-
16 tract, unexpired lease, and qualified financial con-
17 tract requested to be transferred under this section;

18 “(5) the Board;

19 “(6) the Federal Deposit Insurance Corpora-
20 tion;

21 “(7) the Secretary of the Treasury and the Of-
22 fice of the Comptroller of the Currency of the Treas-
23 ury;

24 “(8) the Commodity Futures Trading Commis-
25 sion;

1 “(9) the Securities and Exchange Commission;

2 “(10) the United States trustee or bankruptcy
3 administrator; and

4 “(11) each primary financial regulatory agency,
5 as defined in section 2(12) of the Dodd-Frank Wall
6 Street Reform and Consumer Protection Act, with
7 respect to any affiliate the equity securities of which
8 are proposed to be transferred under this section.

9 “(c) The court may not order a transfer under this
10 section unless the court determines, based upon a prepon-
11 derance of the evidence, that—

12 “(1) the transfer under this section is necessary
13 to prevent serious adverse effects on financial sta-
14 bility in the United States;

15 “(2) the transfer does not provide for the as-
16 sumption of any capital structure debt by the bridge
17 company;

18 “(3) the transfer does not provide for the trans-
19 fer to the bridge company of any property of the es-
20 tate that is subject to a lien securing a debt, execu-
21 tory contract, unexpired lease or agreement (includ-
22 ing a qualified financial contract) of the debtor un-
23 less—

24 “(A)(i) the bridge company assumes such
25 debt, executory contract, unexpired lease or

1 agreement (including a qualified financial con-
2 tract), including any claims arising in respect
3 thereof that would not be allowed secured
4 claims under section 506(a)(1) and after giving
5 effect to such transfer, such property remains
6 subject to the lien securing such debt, executory
7 contract, unexpired lease or agreement (includ-
8 ing a qualified financial contract); and

9 “(ii) the court has determined that as-
10 sumption of such debt, executory contract, un-
11 expired lease or agreement (including a quali-
12 fied financial contract) by the bridge company
13 is in the best interests of the estate; or

14 “(B) such property is being transferred to
15 the bridge company in accordance with the pro-
16 visions of section 363;

17 “(4) the transfer does not provide for the as-
18 sumption by the bridge company of any debt, execu-
19 tory contract, unexpired lease or agreement (includ-
20 ing a qualified financial contract) of the debtor se-
21 cured by a lien on property of the estate unless the
22 transfer provides for such property to be transferred
23 to the bridge company in accordance with paragraph
24 (3)(A) of this subsection;

1 “(5) the transfer does not provide for the trans-
2 fer of the equity of the debtor;

3 “(6) the trustee has demonstrated that the
4 bridge company is not likely to fail to meet the obli-
5 gations of any debt, executory contract, qualified fi-
6 nancial contract, or unexpired lease assumed and as-
7 signed to the bridge company;

8 “(7) the transfer provides for the transfer to a
9 special trustee all of the equity securities in the
10 bridge company and appointment of a special trustee
11 in accordance with section 1186;

12 “(8) after giving effect to the transfer, ade-
13 quate provision has been made for the fees, costs,
14 and expenses of the estate and special trustee; and

15 “(9) the bridge company will have governing
16 documents, and initial directors and senior officers,
17 that are in the best interest of creditors and the es-
18 tate.

19 “(d) Immediately before a transfer under this section,
20 the bridge company that is the recipient of the transfer
21 shall—

22 “(1) not have any property, executory con-
23 tracts, unexpired leases, qualified financial contracts,
24 or debts, other than any property acquired or execu-
25 tory contracts, unexpired leases, or debts assumed

1 when acting as a transferee of a transfer under this
2 section; and

3 “(2) have equity securities that are property of
4 the estate, which may be sold or distributed in ac-
5 cordance with this title.

6 **“§ 1186. Special trustee**

7 “(a)(1) An order approving a transfer under section
8 1185 shall require the trustee to transfer to a qualified
9 and independent special trustee, who is appointed by the
10 court, all of the equity securities in the bridge company
11 that is the recipient of a transfer under section 1185 to
12 hold in trust for the sole benefit of the estate, subject to
13 satisfaction of the special trustee’s fees, costs, and ex-
14 penses. The trust of which the special trustee is the trust-
15 ee shall be a newly formed trust governed by a trust agree-
16 ment approved by the court as in the best interests of the
17 estate, and shall exist for the sole purpose of holding and
18 administering, and shall be permitted to dispose of, the
19 equity securities of the bridge company in accordance with
20 the trust agreement.

21 “(2) In connection with the hearing to approve a
22 transfer under section 1185, the trustee shall confirm to
23 the court that the Board has been consulted regarding the
24 identity of the proposed special trustee and advise the
25 court of the results of such consultation.

1 “(b) The trust agreement governing the trust shall
2 provide—

3 “(1) for the payment of the fees, costs, ex-
4 penses, and indemnities of the special trustee from
5 the assets of the debtor’s estate;

6 “(2) that the special trustee provide—

7 “(A) quarterly reporting to the estate,
8 which shall be filed with the court; and

9 “(B) information about the bridge com-
10 pany reasonably requested by a party in inter-
11 est to prepare a disclosure statement for a plan
12 providing for distribution of any securities of
13 the bridge company if such information is nec-
14 essary to prepare such disclosure statement;

15 “(3) that for as long as the equity securities of
16 the bridge company are held by the trust, the special
17 trustee shall file a notice with the court in connec-
18 tion with—

19 “(A) any change in a director or senior of-
20 ficer of the bridge company;

21 “(B) any modification to the governing
22 documents of the bridge company; and

23 “(C) any material corporate action of the
24 bridge company, including—

25 “(i) recapitalization;

1 “(ii) a material borrowing;

2 “(iii) termination of an intercompany
3 debt or guarantee;

4 “(iv) a transfer of a substantial por-
5 tion of the assets of the bridge company;

6 or

7 “(v) the issuance or sale of any secu-
8 rities of the bridge company;

9 “(4) that any sale of any equity securities of
10 the bridge company shall not be consummated until
11 the special trustee consults with the Federal Deposit
12 Insurance Corporation and the Board regarding
13 such sale and discloses the results of such consulta-
14 tion with the court;

15 “(5) that, subject to reserves for payments per-
16 mitted under paragraph (1) provided for in the trust
17 agreement, the proceeds of the sale of any equity se-
18 curities of the bridge company by the special trustee
19 be held in trust for the benefit of or transferred to
20 the estate;

21 “(6) the process and guidelines for the replace-
22 ment of the special trustee; and

23 “(7) that the property held in trust by the spe-
24 cial trustee is subject to distribution in accordance
25 with subsection (c).

1 “(A) a default by the debtor under any such
2 debt, contract, lease, or agreement; or

3 “(B) a provision in such debt, contract, lease,
4 or agreement, or in applicable nonbankruptcy law,
5 that is conditioned on—

6 “(i) the insolvency or financial condition of
7 the debtor at any time before the closing of the
8 case;

9 “(ii) the commencement of a case under
10 this title concerning the debtor;

11 “(iii) the appointment of or taking posses-
12 sion by a trustee in a case under this title con-
13 cerning the debtor or by a custodian before the
14 commencement of the case; or

15 “(iv) a credit rating agency rating, or ab-
16 sence or withdrawal of a credit rating agency
17 rating—

18 “(I) of the debtor at any time after
19 the commencement of the case;

20 “(II) of an affiliate during the period
21 from the commencement of the case until
22 48 hours after such order is entered;

23 “(III) of the bridge company while the
24 trustee or the special trustee is a direct or

1 indirect beneficial holder of more than 50
2 percent of the equity securities of—

3 “(aa) the bridge company; or

4 “(bb) the affiliate, if all of the di-
5 rect or indirect interests in the affil-
6 iate that are property of the estate
7 are transferred under section 1185; or

8 “(IV) of an affiliate while the trustee
9 or the special trustee is a direct or indirect
10 beneficial holder of more than 50 percent
11 of the equity securities of—

12 “(aa) the bridge company; or

13 “(bb) the affiliate, if all of the di-
14 rect or indirect interests in the affil-
15 iate that are property of the estate
16 are transferred under section 1185.

17 “(2) A debt, contract, lease, or agreement described
18 in this paragraph is—

19 “(A) any debt (other than capital structure
20 debt), executory contract, or unexpired lease of the
21 debtor (other than a qualified financial contract);

22 “(B) any agreement under which the debtor
23 issued or is obligated for debt (other than capital
24 structure debt);

1 “(C) any debt, executory contract, or unexpired
2 lease of an affiliate (other than a qualified financial
3 contract); or

4 “(D) any agreement under which an affiliate
5 issued or is obligated for debt.

6 “(3) The stay under this subsection terminates—

7 “(A) for the benefit of the debtor, upon the ear-
8 liest of—

9 “(i) 48 hours after the commencement of
10 the case;

11 “(ii) assumption of the debt, contract,
12 lease, or agreement by the bridge company
13 under an order authorizing a transfer under
14 section 1185;

15 “(iii) a final order of the court denying the
16 request for a transfer under section 1185; or

17 “(iv) the time the case is dismissed; and

18 “(B) for the benefit of an affiliate, upon the
19 earliest of—

20 “(i) the entry of an order authorizing a
21 transfer under section 1185 in which the direct
22 or indirect interests in the affiliate that are
23 property of the estate are not transferred under
24 section 1185;

1 “(ii) a final order by the court denying the
2 request for a transfer under section 1185;

3 “(iii) 48 hours after the commencement of
4 the case if the court has not ordered a transfer
5 under section 1185; or

6 “(iv) the time the case is dismissed.

7 “(4) Subsections (d), (e), (f), and (g) of section 362
8 apply to a stay under this subsection.

9 “(b) A debt, executory contract (other than a quali-
10 fied financial contract), or unexpired lease of the debtor,
11 or an agreement under which the debtor has issued or is
12 obligated for any debt, may be assumed by a bridge com-
13 pany in a transfer under section 1185 notwithstanding
14 any provision in an agreement or in applicable nonbank-
15 ruptcy law that—

16 “(1) prohibits, restricts, or conditions the as-
17 signment of the debt, contract, lease, or agreement;
18 or

19 “(2) accelerates, terminates, or modifies, or
20 permits a party other than the debtor to terminate
21 or modify, the debt, contract, lease, or agreement on
22 account of—

23 “(A) the assignment of the debt, contract,
24 lease, or agreement; or

1 “(B) a change in control of any party to
2 the debt, contract, lease, or agreement.

3 “(c)(1) A debt, contract, lease, or agreement of the
4 kind described in subparagraph (A) or (B) of subsection
5 (a)(2) may not be accelerated, terminated, or modified,
6 and any right or obligation under such debt, contract,
7 lease, or agreement may not be accelerated, terminated,
8 or modified, as to the bridge company solely because of
9 a provision in the debt, contract, lease, or agreement or
10 in applicable nonbankruptcy law—

11 “(A) of the kind described in subsection
12 (a)(1)(B) as applied to the debtor;

13 “(B) that prohibits, restricts, or conditions the
14 assignment of the debt, contract, lease, or agree-
15 ment; or

16 “(C) that accelerates, terminates, or modifies,
17 or permits a party other than the debtor to termi-
18 nate or modify, the debt, contract, lease or agree-
19 ment on account of—

20 “(i) the assignment of the debt, contract,
21 lease, or agreement; or

22 “(ii) a change in control of any party to
23 the debt, contract, lease, or agreement.

24 “(2) If there is a default by the debtor under a provi-
25 sion other than the kind described in paragraph (1) in

1 a debt, contract, lease or agreement of the kind described
2 in subparagraph (A) or (B) of subsection (a)(2), the
3 bridge company may assume such debt, contract, lease,
4 or agreement only if the bridge company—

5 “(A) shall cure the default;

6 “(B) compensates, or provides adequate assur-
7 ance in connection with a transfer under section
8 1185 that the bridge company will promptly com-
9 pensate, a party other than the debtor to the debt,
10 contract, lease, or agreement, for any actual pecu-
11 niary loss to the party resulting from the default;
12 and

13 “(C) provides adequate assurance in connection
14 with a transfer under section 1185 of future per-
15 formance under the debt, contract, lease, or agree-
16 ment, as determined by the court under section
17 1185(e)(4).

18 **“§ 1188. Treatment of qualified financial contracts**
19 **and affiliate contracts**

20 “(a) Notwithstanding sections 362(b)(6), 362(b)(7),
21 362(b)(17), 362(b)(27), 362(o), 555, 556, 559, 560, and
22 561, a petition filed under section 1183 operates as a stay,
23 during the period specified in section 1187(a)(3)(A), ap-
24 plicable to all entities, of the exercise of a contractual
25 right—

1 “(1) to cause the modification, liquidation, ter-
2 mination, or acceleration of a qualified financial con-
3 tract of the debtor or an affiliate;

4 “(2) to offset or net out any termination value,
5 payment amount, or other transfer obligation arising
6 under or in connection with a qualified financial con-
7 tract of the debtor or an affiliate; or

8 “(3) under any security agreement or arrange-
9 ment or other credit enhancement forming a part of
10 or related to a qualified financial contract of the
11 debtor or an affiliate.

12 “(b)(1) During the period specified in section
13 1187(a)(3)(A), the trustee or the affiliate shall perform
14 all payment and delivery obligations under such qualified
15 financial contract of the debtor or the affiliate, as the case
16 may be, that become due after the commencement of the
17 case. The stay provided under subsection (a) terminates
18 as to a qualified financial contract of the debtor or an
19 affiliate immediately upon the failure of the trustee or the
20 affiliate, as the case may be, to perform any such obliga-
21 tion during such period.

22 “(2) Any failure by a counterparty to any qualified
23 financial contract of the debtor or any affiliate to perform
24 any payment or delivery obligation under such qualified
25 financial contract, including during the pendency of the

1 stay provided under subsection (a), shall constitute a
2 breach of such qualified financial contract by the
3 counterparty.

4 “(c) Subject to the court’s approval, a qualified finan-
5 cial contract between an entity and the debtor may be as-
6 signed to or assumed by the bridge company in a transfer
7 under, and in accordance with, section 1185 if and only
8 if—

9 “(1) all qualified financial contracts between
10 the entity and the debtor are assigned to and as-
11 sumed by the bridge company in the transfer under
12 section 1185;

13 “(2) all claims of the entity against the debtor
14 in respect of any qualified financial contract between
15 the entity and the debtor (other than any claim that,
16 under the terms of the qualified financial contract,
17 is subordinated to the claims of general unsecured
18 creditors) are assigned to and assumed by the bridge
19 company;

20 “(3) all claims of the debtor against the entity
21 under any qualified financial contract between the
22 entity and the debtor are assigned to and assumed
23 by the bridge company; and

24 “(4) all property securing or any other credit
25 enhancement furnished by the debtor for any quali-

1 fied financial contract described in paragraph (1) or
2 any claim described in paragraph (2) or (3) under
3 any qualified financial contract between the entity
4 and the debtor is assigned to and assumed by the
5 bridge company.

6 “(d) Notwithstanding any provision of a qualified fi-
7 nancial contract or of applicable nonbankruptcy law, a
8 qualified financial contract of the debtor that is assumed
9 or assigned in a transfer under section 1185 may not be
10 accelerated, terminated, or modified, after the entry of the
11 order approving a transfer under section 1185, and any
12 right or obligation under the qualified financial contract
13 may not be accelerated, terminated, or modified, after the
14 entry of the order approving a transfer under section 1185
15 solely because of a condition described in section
16 1187(c)(1), other than a condition of the kind specified
17 in section 1187(b) that occurs after property of the estate
18 no longer includes a direct beneficial interest or an indi-
19 rect beneficial interest through the special trustee, in more
20 than 50 percent of the equity securities of the bridge com-
21 pany.

22 “(e) Notwithstanding any provision of any agreement
23 or in applicable nonbankruptcy law, an agreement of an
24 affiliate (including an executory contract, an unexpired
25 lease, qualified financial contract, or an agreement under

1 which the affiliate issued or is obligated for debt) and any
2 right or obligation under such agreement may not be ac-
3 celerated, terminated, or modified, solely because of a con-
4 dition described in section 1187(c)(1), other than a condi-
5 tion of the kind specified in section 1187(b) that occurs
6 after the bridge company is no longer a direct or indirect
7 beneficial holder of more than 50 percent of the equity
8 securities of the affiliate, at any time after the commence-
9 ment of the case if—

10 “(1) all direct or indirect interests in the affil-
11 iate that are property of the estate are transferred
12 under section 1185 to the bridge company within the
13 period specified in subsection (a);

14 “(2) the bridge company assumes—

15 “(A) any guarantee or other credit en-
16 hancement issued by the debtor relating to the
17 agreement of the affiliate; and

18 “(B) any obligations in respect of rights of
19 setoff, netting arrangement, or debt of the debt-
20 or that directly arises out of or directly relates
21 to the guarantee or credit enhancement; and

22 “(3) any property of the estate that directly
23 serves as collateral for the guarantee or credit en-
24 hancement is transferred to the bridge company.

1 **“§ 1189. Licenses, permits, and registrations**

2 “(a) Notwithstanding any otherwise applicable non-
3 bankruptcy law, if a request is made under section 1185
4 for a transfer of property of the estate, any Federal, State,
5 or local license, permit, or registration that the debtor or
6 an affiliate had immediately before the commencement of
7 the case and that is proposed to be transferred under sec-
8 tion 1185 may not be accelerated, terminated, or modified
9 at any time after the request solely on account of—

10 “(1) the insolvency or financial condition of the
11 debtor at any time before the closing of the case;

12 “(2) the commencement of a case under this
13 title concerning the debtor;

14 “(3) the appointment of or taking possession by
15 a trustee in a case under this title concerning the
16 debtor or by a custodian before the commencement
17 of the case; or

18 “(4) a transfer under section 1185.

19 “(b) Notwithstanding any otherwise applicable non-
20 bankruptcy law, any Federal, State, or local license, per-
21 mit, or registration that the debtor had immediately before
22 the commencement of the case that is included in a trans-
23 fer under section 1185 shall be valid and all rights and
24 obligations thereunder shall vest in the bridge company.

1 **“§ 1190. Exemption from securities laws**

2 “For purposes of section 1145, a security of the
3 bridge company shall be deemed to be a security of a suc-
4 cessor to the debtor under a plan if the court approves
5 the disclosure statement for the plan as providing ade-
6 quate information (as defined in section 1125(a)) about
7 the bridge company and the security.

8 **“§ 1191. Inapplicability of certain avoiding powers**

9 “A transfer made or an obligation incurred by the
10 debtor to an affiliate prior to or after the commencement
11 of the case, including any obligation released by the debtor
12 or the estate to or for the benefit of an affiliate, in con-
13 templation of or in connection with a transfer under sec-
14 tion 1185 is not avoidable under section 544, 547,
15 548(a)(1)(B), or 549, or under any similar nonbankruptcy
16 law.

17 **“§ 1192. Consideration of financial stability**

18 “The court may consider the effect that any decision
19 in connection with this subchapter may have on financial
20 stability in the United States.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for chapter 11 of title 11, United States Code, is amended
23 by adding at the end the following:

“SUBCHAPTER V—LIQUIDATION, REORGANIZATION, OR RECAPITALIZATION OF
A COVERED FINANCIAL CORPORATION

“1181. Inapplicability of other sections.

“1182. Definitions for this subchapter.

“1183. Commencement of a case concerning a covered financial corporation.

- “1184. Regulators.
- “1185. Special transfer of property of the estate.
- “1186. Special trustee.
- “1187. Temporary and supplemental automatic stay; assumed debt.
- “1188. Treatment of qualified financial contracts and affiliate contracts.
- “1189. Licenses, permits, and registrations.
- “1190. Exemption from securities laws.
- “1191. Inapplicability of certain avoiding powers.
- “1192. Consideration of financial stability.”.

1 **SEC. 1104. AMENDMENTS TO TITLE 28, UNITED STATES**

2 **CODE.**

3 (a) AMENDMENT TO CHAPTER 13.—Chapter 13 of
 4 title 28, United States Code, is amended by adding at the
 5 end the following:

6 **“§ 298. Judge for a case under subchapter V of chap-**
 7 **ter 11 of title 11**

8 “(a)(1) Notwithstanding section 295, the Chief Jus-
 9 tice of the United States shall designate not fewer than
 10 10 bankruptcy judges to be available to hear a case under
 11 subchapter V of chapter 11 of title 11. Bankruptcy judges
 12 may request to be considered by the Chief Justice of the
 13 United States for such designation.

14 “(2) Notwithstanding section 155, a case under sub-
 15 chapter V of chapter 11 of title 11 shall be heard under
 16 section 157 by a bankruptcy judge designated under para-
 17 graph (1), who shall be randomly assigned to hear such
 18 case by the chief judge of the court of appeals for the cir-
 19 cuit embracing the district in which the case is pending.
 20 To the greatest extent practicable, the approvals required
 21 under section 155 should be obtained.

1 “(3) If the bankruptcy judge assigned to hear a case
2 under paragraph (2) is not assigned to the district in
3 which the case is pending, the bankruptcy judge shall be
4 temporarily assigned to the district.

5 “(b) A case under subchapter V of chapter 11 of title
6 11, and all proceedings in the case, shall take place in
7 the district in which the case is pending.

8 “(c) In this section, the term ‘covered financial cor-
9 poration’ has the meaning given that term in section
10 101(9A) of title 11.”.

11 (b) AMENDMENT TO SECTION 1334 OF TITLE 28.—
12 Section 1334 of title 28, United States Code, is amended
13 by adding at the end the following:

14 “(f) This section does not grant jurisdiction to the
15 district court after a transfer pursuant to an order under
16 section 1185 of title 11 of any proceeding related to a spe-
17 cial trustee appointed, or to a bridge company formed, in
18 connection with a case under subchapter V of chapter 11
19 of title 11.”.

20 (c) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of sections for chapter 13 of title 28, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

“298. Judge for a case under subchapter V of chapter 11 of title 11.”.

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, 2017”.

Union Calendar No. 484

114TH CONGRESS
2^D SESSION

H. R. 5485

[Report No. 114-624]

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes.

JUNE 15, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed