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115TH CONGRESS
1ST SESSION

H. R. 3280

[Report No. 115-234]

Making appropriations for financial services and general government for the fiscal year ending September 30, 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2017

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

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2018, 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 \$24,000,000 shall remain
7 available until September 30, 2019, 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 (E) operations and maintenance of facili-
19 ties; and

20 (F) international operations.

21 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

22 SALARIES AND EXPENSES

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

1 rorist facilitators, weapons of mass destruction
2 proliferators, money launderers, drug kingpins, and other
3 national security threats, \$123,000,000: *Provided*, That of
4 the amount appropriated under this heading: (1) up to
5 \$28,000,000 may be transferred to the Departmental Of-
6 fices Salaries and Expenses appropriation and shall be
7 available for administrative support to the Office of Ter-
8 rorism and Financial Intelligence; and (2) up to
9 \$5,000,000 shall remain available until September 30,
10 2019.

11 CYBERSECURITY ENHANCEMENT ACCOUNT

12 For salaries and expenses for enhanced cybersecurity
13 for systems operated by the Department of the Treasury,
14 \$27,264,000, to remain available until September 30,
15 2020: *Provided*, That such funds shall supplement and not
16 supplant any other amounts made available to the Treas-
17 ury offices and bureaus for cybersecurity: *Provided fur-*
18 *ther*, That the Chief Information Officer of the individual
19 offices and bureaus shall submit a spend plan for each
20 investment to the Treasury Chief Information Officer for
21 approval: *Provided further*, That the submitted spend plan
22 shall be reviewed and approved by the Treasury Chief In-
23 formation Officer prior to the obligation of funds under
24 this heading: *Provided further*, That of the total amount
25 made available under this heading \$1,000,000 shall be

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

7 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

8 INVESTMENTS PROGRAMS

9 (INCLUDING TRANSFER OF FUNDS)

10 For development and acquisition of automatic data
11 processing equipment, software, and services and for re-
12 pairs and renovations to buildings owned by the Depart-
13 ment of the Treasury, \$3,077,000, to remain available
14 until September 30, 2020: *Provided*, That these funds
15 shall be transferred to accounts and in amounts as nec-
16 essary to satisfy the requirements of the Department's of-
17 fices, bureaus, and other organizations: *Provided further*,
18 That this transfer authority shall be in addition to any
19 other transfer authority provided in this Act: *Provided fur-*
20 *ther*, That none of the funds appropriated under this head-
21 ing shall be used to support or supplement "Internal Rev-
22 enue Service, Operations Support" or "Internal Revenue
23 Service, Business Systems Modernization".

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, \$34,112,000, including hire of pas-
6 senger motor vehicles; of which not to exceed \$100,000
7 shall be available for unforeseen emergencies of a con-
8 fidential nature, to be allocated and expended under the
9 direction of the Inspector General of the Treasury; of
10 which up to \$2,800,000 to remain available until Sep-
11 tember 30, 2019, shall be for audits and investigations
12 conducted pursuant to section 1608 of the Resources and
13 Ecosystems Sustainability, Tourist Opportunities, and Re-
14 vived Economies of the Gulf Coast States Act of 2012 (33
15 U.S.C. 1321 note); and of which not to exceed \$1,000
16 shall be available for official reception and representation
17 expenses.

18 TREASURY INSPECTOR GENERAL FOR TAX

19 ADMINISTRATION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Treasury Inspector
22 General for Tax Administration in carrying out the In-
23 spector General Act of 1978, as amended, including pur-
24 chase and hire of passenger motor vehicles (31 U.S.C.
25 1343(b)); and services authorized by 5 U.S.C. 3109, at

1 such rates as may be determined by the Inspector General
2 for Tax Administration; \$165,113,000, of which
3 \$5,000,000 shall remain available until September 30,
4 2019; of which not to exceed \$6,000,000 shall be available
5 for official travel expenses; of which not to exceed
6 \$500,000 shall be available for unforeseen emergencies of
7 a confidential nature, to be allocated and expended under
8 the direction of the Inspector General for Tax Administra-
9 tion; and of which not to exceed \$1,500 shall be available
10 for official reception and representation expenses.

11 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED

12 ASSET RELIEF PROGRAM

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of the Special
15 Inspector General in carrying out the provisions of the
16 Emergency Economic Stabilization Act of 2008 (Public
17 Law 110–343), \$37,044,000.

18 FINANCIAL CRIMES ENFORCEMENT NETWORK

19 SALARIES AND EXPENSES

20 For necessary expenses of the Financial Crimes En-
21 forcement Network, including hire of passenger motor ve-
22 hicles; travel and training expenses of non-Federal and
23 foreign government personnel to attend meetings and
24 training concerned with domestic and foreign financial in-
25 telligence activities, law enforcement, and financial regula-

1 tion; services authorized by 5 U.S.C. 3109; not to exceed
2 \$10,000 for official reception and representation expenses;
3 and for assistance to Federal law enforcement agencies,
4 with or without reimbursement, \$115,003,000, of which
5 not to exceed \$34,335,000 shall remain available until
6 September 30, 2020.

7 TREASURY FORFEITURE FUND

8 (RESCISSION)

9 Of the unobligated balances available under this
10 heading, \$876,000,000 are hereby permanently rescinded
11 not later than September 30, 2018.

12 (INCLUDING RETURN OF FUNDS)

13 In addition, of amounts in the Treasury Forfeiture
14 Fund, \$38,800,000 from funds paid to the United States
15 Government by BNP Paribas S.A. as part of, or related
16 to, a plea agreement dated June 27, 2014, entered into
17 between the Department of Justice and BNP Paribas
18 S.A., and subject to a consent order entered by the United
19 States District Court for the Southern District of New
20 York on May 1, 2015, in United States v. BNPP, No.
21 14 Cr. 460 (S.D.N.Y.), are hereby returned to the general
22 fund of the Treasury.

1 BUREAU OF THE FISCAL SERVICE

2 SALARIES AND EXPENSES

3 For necessary expenses of operations of the Bureau
4 of the Fiscal Service, \$330,837,000; of which not to ex-
5 ceed \$4,210,000, to remain available until September 30,
6 2020, is for information systems modernization initiatives;
7 and of which \$5,000 shall be available for official reception
8 and representation expenses.

9 In addition, \$165,000, to be derived from the Oil
10 Spill Liability Trust Fund to reimburse administrative
11 and personnel expenses for financial management of the
12 Fund, as authorized by section 1012 of Public Law 101-
13 380.

14 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

15 SALARIES AND EXPENSES

16 For necessary expenses of carrying out section 1111
17 of the Homeland Security Act of 2002, including hire of
18 passenger motor vehicles, \$111,439,000; of which not to
19 exceed \$6,000 for official reception and representation ex-
20 penses; not to exceed \$50,000 for cooperative research and
21 development programs for laboratory services; and provi-
22 sion of laboratory assistance to State and local agencies
23 with or without reimbursement: *Provided*, That of the
24 amount appropriated under this heading, \$5,000,000 shall
25 be for the costs of accelerating the processing of formula

1 and label applications: *Provided further*, That of the
2 amount appropriated under this heading, \$5,000,000, to
3 remain available until September 30, 2019, shall be for
4 the costs associated with enforcement of the trade practice
5 provisions of the Federal Alcohol Administration Act (27
6 U.S.C. 201 et seq.).

7 UNITED STATES MINT

8 UNITED STATES MINT PUBLIC ENTERPRISE FUND

9 Pursuant to section 5136 of title 31, United States
10 Code, the United States Mint is provided funding through
11 the United States Mint Public Enterprise Fund for costs
12 associated with the production of circulating coins, numis-
13 matic coins, and protective services, including both oper-
14 ating expenses and capital investments: *Provided*, That
15 the aggregate amount of new liabilities and obligations in-
16 curred during fiscal year 2018 under such section 5136
17 for circulating coinage and protective service capital in-
18 vestments of the United States Mint shall not exceed
19 \$30,000,000.

20 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

21 FUND PROGRAM ACCOUNT

22 To carry out the Riegle Community Development and
23 Regulatory Improvement Act of 1994 (subtitle A of title
24 I of Public Law 103–325), including services authorized
25 by section 3109 of title 5, United States Code, but at rates

1 for individuals not to exceed the per diem rate equivalent
2 to the rate for EX-3, \$190,000,000. Of the amount ap-
3 propriated under this heading—

4 (1) not less than \$137,000,000, notwith-
5 standing section 108(e) of Public Law 103-325 (12
6 U.S.C. 4707(e)) with regard to Small and/or Emerg-
7 ing Community Development Financial Institutions
8 Assistance awards, and section 108(d) of Public Law
9 103-325 (12 U.S.C. 4707(d)) shall not apply with
10 respect to financial assistance in the form of direct
11 loans, is available until September 30, 2019, for fi-
12 nancial assistance and technical assistance under
13 subparagraphs (A) and (B) of section 108(a)(1), re-
14 spectively, of Public Law 103-325 (12 U.S.C.
15 4707(a)(1)(A) and (B)), of which up to \$5,896,000
16 may be used for the cost of direct loans, and of
17 which up to \$3,000,000, subsection (d) of section
18 108 of Public Law 103-325 (12 U.S.C. 4707 (d))
19 shall not apply to the use of such funds, may be
20 available to provide financial assistance, technical as-
21 sistance, training and outreach to community devel-
22 opment financial institutions to expand investments
23 that benefit individuals with disabilities: *Provided*,
24 That the cost of direct and guaranteed loans, includ-
25 ing the cost of modifying such loans, shall be as de-

1 fined in section 502 of the Congressional Budget Act
2 of 1974: *Provided further*, That these funds are
3 available to subsidize gross obligations for the prin-
4 cipal amount of direct loans not to exceed
5 \$50,000,000;

6 (2) not less than \$15,000,000, notwithstanding
7 section 108(e) of Public Law 103–325 (12 U.S.C.
8 4707(e)), is available until September 30, 2019, for
9 financial assistance, technical assistance, training
10 and outreach programs designed to benefit Native
11 American, Native Hawaiian, and Native Alaskan
12 communities and provided primarily through quali-
13 fied community development lender organizations
14 with experience and expertise in community develop-
15 ment banking and lending in Indian country, Native
16 American organizations, tribes and tribal organiza-
17 tions, and other suitable providers;

18 (3) not less than \$15,000,000 is available until
19 September 30, 2019, for the Bank Enterprise Award
20 program;

21 (4) up to \$23,000,000 is available until Sep-
22 tember 30, 2018, for administrative expenses, in-
23 cluding administration of CDFI fund programs and
24 the New Markets Tax Credit Program, of which not
25 less than \$1,000,000 is for development of tools to

1 better assess and inform CDFI investment perform-
2 ance, and up to \$300,000 is for administrative ex-
3 penses to carry out the direct loan program; and

4 (5) during fiscal year 2018, none of the funds
5 available under this heading are available for the
6 cost, as defined in section 502 of the Congressional
7 Budget Act of 1974, of commitments to guarantee
8 bonds and notes under section 114A of the Riegle
9 Community Development and Regulatory Improve-
10 ment Act of 1994 (12 U.S.C. 4713a): *Provided*,
11 That commitments to guarantee bonds and notes
12 under such section 114A shall not exceed
13 \$500,000,000: *Provided further*, That such section
14 114A shall remain in effect until September 30,
15 2018: *Provided further*, That of the funds awarded
16 under this heading, not less than 10 percent shall be
17 used for awards that support investments that serve
18 populations living in persistent poverty counties:
19 *Provided further*, That for purposes of this section,
20 the term “persistent poverty counties” means any
21 county that has had 20 percent or more of its popu-
22 lation living in poverty over the past 30 years, as
23 measured by the 1990 and 2000 decennial censuses
24 and the most recent series of 5-year data available

1 from the American Community Survey from the
2 Census Bureau.

3 INTERNAL REVENUE SERVICE

4 TAXPAYER SERVICES

5 For necessary expenses of the Internal Revenue Serv-
6 ice to provide taxpayer services, including pre-filing assist-
7 ance and education, filing and account services, taxpayer
8 advocacy services, and other services as authorized by 5
9 U.S.C. 3109, at such rates as may be determined by the
10 Commissioner, \$2,315,754,000, of which \$8,890,000 shall
11 be for the Tax Counseling for the Elderly Program; of
12 which \$12,000,000 shall be available for low-income tax-
13 payer clinic grants; of which \$15,000,000, to remain avail-
14 able until September 30, 2019, shall be available for a
15 Community Volunteer Income Tax Assistance matching
16 grants program for tax return preparation assistance, of
17 which not less than \$206,000,000 shall be available for
18 operating expenses of the Taxpayer Advocate Service: *Pro-*
19 *vided*, That of the amounts made available for the Tax-
20 payer Advocate Service, not less than \$5,000,000 shall be
21 for identity theft casework.

22 ENFORCEMENT

23 For necessary expenses for tax enforcement activities
24 of the Internal Revenue Service to determine and collect
25 owed taxes, to provide legal and litigation support, to con-

1 available until expended for acquisition of equipment and
2 construction, repair and renovation of facilities; of which
3 not to exceed \$1,000,000 shall remain available until Sep-
4 tember 30, 2020, for research; of which not to exceed
5 \$20,000 shall be for official reception and representation
6 expenses: *Provided*, That not later than 30 days after the
7 end of each quarter, the Internal Revenue Service shall
8 submit a report to the Committees on Appropriations of
9 the House of Representatives and the Senate and the
10 Comptroller General of the United States detailing the
11 cost and schedule performance for its major information
12 technology investments, including the purpose and life-
13 cycle stages of the investments; the reasons for any cost
14 and schedule variances; the risks of such investments and
15 strategies the Internal Revenue Service is using to miti-
16 gate such risks; and the expected developmental mile-
17 stones to be achieved and costs to be incurred in the next
18 quarter: *Provided further*, That the Internal Revenue Serv-
19 ice shall include, in its budget justification for fiscal year
20 2019, a summary of cost and schedule performance infor-
21 mation for its major information technology systems.

22 BUSINESS SYSTEMS MODERNIZATION

23 For necessary expenses of the Internal Revenue Serv-
24 ice's business systems modernization program,
25 \$110,000,000, to remain available until September 30,

1 2020, for the capital asset acquisition of information tech-
2 nology systems, including management and related con-
3 tractual costs of said acquisitions, including related Inter-
4 nal Revenue Service labor costs, and contractual costs as-
5 sociated with operations authorized by 5 U.S.C. 3109:
6 *Provided*, That not later than 30 days after the end of
7 each quarter, the Internal Revenue Service shall submit
8 a report to the Committees on Appropriations of the
9 House of Representatives and the Senate and the Comp-
10 troller General of the United States detailing the cost and
11 schedule performance for CADE 2 and Return Renew
12 Program information technology investments, including
13 the purposes and life-cycle stages of the investments; the
14 reasons for any cost and schedule variances; the risks of
15 such investments and the strategies the Internal Revenue
16 Service is using to mitigate such risks; and the expected
17 developmental milestones to be achieved and costs to be
18 incurred in the next quarter.

19 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

20 SERVICE

21 (INCLUDING TRANSFERS OF FUNDS)

22 SEC. 101. Not to exceed 5 percent of any appropria-
23 tion made available in this Act to the Internal Revenue
24 Service may be transferred to any other Internal Revenue

1 Service appropriation upon the advance approval of the
2 Committees on Appropriations.

3 SEC. 102. The Internal Revenue Service shall main-
4 tain an employee training program, which shall include the
5 following topics: taxpayers' rights, dealing courteously
6 with taxpayers, cross-cultural relations, ethics, and the im-
7 partial application of tax law.

8 SEC. 103. The Internal Revenue Service shall insti-
9 tute and enforce policies and procedures that will safe-
10 guard the confidentiality of taxpayer information and pro-
11 tect taxpayers against identity theft.

12 SEC. 104. Funds made available by this or any other
13 Act to the Internal Revenue Service shall be available for
14 improved facilities and increased staffing to provide suffi-
15 cient and effective 1-800 help line service for taxpayers.
16 The Commissioner shall continue to make improvements
17 to the Internal Revenue Service 1-800 help line service
18 a priority and allocate resources necessary to enhance the
19 response time to taxpayer communications, particularly
20 with regard to victims of tax-related crimes.

21 SEC. 105. None of the funds made available to the
22 Internal Revenue Service by this Act may be used to make
23 a video unless the Service-Wide Video Editorial Board de-
24 termines in advance that making the video is appropriate,

1 taking into account the cost, topic, tone, and purpose of
2 the video.

3 SEC. 106. The Internal Revenue Service shall issue
4 a notice of confirmation of any address change relating
5 to an employer making employment tax payments, and
6 such notice shall be sent to both the employer's former
7 and new address and an officer or employee of the Internal
8 Revenue Service shall give special consideration to an
9 offer-in-compromise from a taxpayer who has been the vic-
10 tim of fraud by a third party payroll tax preparer.

11 SEC. 107. None of the funds made available under
12 this Act may be used by the Internal Revenue Service to
13 target citizens of the United States for exercising any
14 right guaranteed under the First Amendment to the Con-
15 stitution of the United States.

16 SEC. 108. None of the funds made available in this
17 Act may be used by the Internal Revenue Service to target
18 groups for regulatory scrutiny based on their ideological
19 beliefs.

20 SEC. 109. None of funds made available by this Act
21 to the Internal Revenue Service shall be obligated or ex-
22 pended on conferences that do not adhere to the proce-
23 dures, verification processes, documentation requirements,
24 and policies issued by the Chief Financial Officer, Human
25 Capital Office, and Agency-Wide Shared Services as a re-

1 sult of the recommendations in the report published on
2 May 31, 2013, by the Treasury Inspector General for Tax
3 Administration entitled “Review of the August 2010 Small
4 Business/Self-Employed Division’s Conference in Ana-
5 heim, California” (Reference Number 2013–10–037).

6 SEC. 110. None of the funds made available in this
7 Act to the Internal Revenue Service may be obligated or
8 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
14 the conduct and Federal tax compliance of such em-
15 ployee or former employee.

16 SEC. 111. None of the funds made available by this
17 Act may be used in contravention of section 6103 of the
18 Internal Revenue Code of 1986 (relating to confidentiality
19 and disclosure of returns and return information).

20 SEC. 112. None of the funds made available by this
21 Act may be used by the Internal Revenue Service to imple-
22 ment or enforce section 5000A of the Internal Revenue
23 Code of 1986, section 6055 of such Code, section 1502(c)
24 of the Patient Protection and Affordable Care Act (Public

1 Law 111–148), or any amendments made by section
2 1502(b) of such Act.

3 SEC. 113. Except to the extent provided in section
4 6014, 6020, or 6201(d) of the Internal Revenue Code of
5 1986, no funds in this or any other Act shall be available
6 to the Secretary of the Treasury to provide to any person
7 a proposed final return or statement for use by such per-
8 son to satisfy a filing or reporting requirement under such
9 Code.

10 SEC. 114. None of the funds made available by this
11 Act may be used by the Internal Revenue Service to imple-
12 ment or enforce Internal Revenue Service Notice 2017-
13 10 with respect to transactions entered into before Janu-
14 ary 23, 2017.

15 SEC. 115. None of the funds made available by this
16 Act may be used to finalize, implement, or enforce amend-
17 ments to Treasury Regulations proposed in the Notice of
18 Proposed Rulemaking in the Federal Register on August
19 4, 2016 (81 Fed. Reg. 51413) (relating to restrictions on
20 liquidation of an interest with respect to estate, gift, and
21 generation-skipping transfer taxes under section 2704 of
22 the Internal Revenue Code of 1986), or any substantially
23 similar amendments to such regulations.

24 SEC. 116. None of the funds made available by this
25 Act may be used by the Internal Revenue Service to make

1 a determination that a church, an integrated auxiliary of
2 a church, or a convention or association of churches is not
3 exempt from taxation for participating in, or intervening
4 in, any political campaign on behalf of (or in opposition
5 to) any candidate for public office unless—

6 (1) the Commissioner of Internal Revenue con-
7 sents to such determination;

8 (2) not later than 30 days after such deter-
9 mination, the Commissioner notifies the Committee
10 on Ways and Means of the House of Representatives
11 and the Committee on Finance of the Senate of such
12 determination; and

13 (3) such determination is effective with respect
14 to the church, integrated auxiliary of a church, or
15 convention or association of churches not earlier
16 than 90 days after the date of the notification under
17 paragraph (2).

18 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE

19 TREASURY

20 (INCLUDING TRANSFERS OF FUNDS)

21 SEC. 117. Appropriations to the Department of the
22 Treasury in this Act shall be available for uniforms or al-
23 lowances therefor, as authorized by law (5 U.S.C. 5901),
24 including maintenance, repairs, and cleaning; purchase of
25 insurance for official motor vehicles operated in foreign

1 countries; purchase of motor vehicles without regard to the
2 general purchase price limitations for vehicles purchased
3 and used overseas for the current fiscal year; entering into
4 contracts with the Department of State for the furnishing
5 of health and medical services to employees and their de-
6 pendants serving in foreign countries; and services author-
7 ized by 5 U.S.C. 3109.

8 SEC. 118. Not to exceed 2 percent of any appropria-
9 tions in this title made available under the headings “De-
10 partmental Offices—Salaries and Expenses”, “Office of
11 Inspector General”, “Special Inspector General for the
12 Troubled Asset Relief Program”, “Financial Crimes En-
13 forcement Network”, “Bureau of the Fiscal Service”, and
14 “Alcohol and Tobacco Tax and Trade Bureau” may be
15 transferred between such appropriations upon the advance
16 approval of the Committees on Appropriations of the
17 House of Representatives and the Senate: *Provided*, That
18 no transfer under this section may increase or decrease
19 any such appropriation by more than 2 percent.

20 SEC. 119. Not to exceed 2 percent of any appropria-
21 tion made available in this Act to the Internal Revenue
22 Service may be transferred to the Treasury Inspector Gen-
23 eral for Tax Administration’s appropriation upon the ad-
24 vance approval of the Committees on Appropriations of
25 the House of Representatives and the Senate: *Provided*,

1 That no transfer may increase or decrease any such appro-
2 priation by more than 2 percent.

3 SEC. 120. None of the funds appropriated in this Act
4 or otherwise available to the Department of the Treasury
5 or the Bureau of Engraving and Printing may be used
6 to redesign the \$1 Federal Reserve note.

7 SEC. 121. The Secretary of the Treasury may trans-
8 fer funds from the “Bureau of the Fiscal Service-Salaries
9 and Expenses” to the Debt Collection Fund as necessary
10 to cover the costs of debt collection: *Provided*, That such
11 amounts shall be reimbursed to such salaries and expenses
12 account from debt collections received in the Debt Collec-
13 tion Fund.

14 SEC. 122. None of the funds appropriated or other-
15 wise made available by this or any other Act may be used
16 by the United States Mint to construct or operate any mu-
17 seum without the explicit approval of the Committees on
18 Appropriations of the House of Representatives and the
19 Senate, the House Committee on Financial Services, and
20 the Senate Committee on Banking, Housing, and Urban
21 Affairs.

22 SEC. 123. None of the funds appropriated or other-
23 wise made available by this or any other Act or source
24 to the Department of the Treasury, the Bureau of Engrav-
25 ing and Printing, and the United States Mint, individually

1 or collectively, may be used to consolidate any or all func-
2 tions of the Bureau of Engraving and Printing and the
3 United States Mint without the explicit approval of the
4 House Committee on Financial Services; the Senate Com-
5 mittee on Banking, Housing, and Urban Affairs; and the
6 Committees on Appropriations of the House of Represent-
7 atives and the Senate.

8 SEC. 124. Funds appropriated by this Act, or made
9 available by the transfer of funds in this Act, for the De-
10 partment of the Treasury's intelligence or intelligence re-
11 lated activities are deemed to be specifically authorized by
12 the Congress for purposes of section 504 of the National
13 Security Act of 1947 (50 U.S.C. 414) during fiscal year
14 2018 until the enactment of the Intelligence Authorization
15 Act for Fiscal Year 2018.

16 SEC. 125. Not to exceed \$5,000 shall be made avail-
17 able from the Bureau of Engraving and Printing's Indus-
18 trial Revolving Fund for necessary official reception and
19 representation expenses.

20 SEC. 126. The Secretary of the Treasury shall submit
21 a Capital Investment Plan to the Committees on Appro-
22 priations of the Senate and the House of Representatives
23 not later than 30 days following the submission of the an-
24 nual budget submitted by the President: *Provided*, That
25 such Capital Investment Plan shall include capital invest-

1 ment spending from all accounts within the Department
2 of the Treasury, including but not limited to the Depart-
3 ment-wide Systems and Capital Investment Programs ac-
4 count, Treasury Franchise Fund account, and the Treas-
5 ury Forfeiture Fund account: *Provided further*, That such
6 Capital Investment Plan shall include expenditures occur-
7 ring in previous fiscal years for each capital investment
8 project that has not been fully completed.

9 SEC. 127. (a) Not later than 60 days after the end
10 of each quarter, the Office of Financial Stability and the
11 Office of Financial Research shall submit reports on their
12 activities to the Committees on Appropriations of the
13 House of Representatives and the Senate, the Committee
14 on Financial Services of the House of Representatives and
15 the Senate Committee on Banking, Housing, and Urban
16 Affairs.

17 (b) The reports required under subsection (a) shall
18 include—

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

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

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

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

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

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

11 SEC. 128. Within 45 days after the date of enactment
12 of this Act, the Secretary of the Treasury shall submit
13 an itemized report to the Committees on Appropriations
14 of the House of Representatives and the Senate on the
15 amount of total funds charged to each office by the Fran-
16 chise Fund including the amount charged for each service
17 provided by the Franchise Fund to each office, a detailed
18 description of the services, a detailed explanation of how
19 each charge for each service is calculated, and a descrip-
20 tion of the role customers have in governing in the Fran-
21 chise Fund.

22 SEC. 129. During fiscal year 2018—

23 (1) none of the funds made available in this or
24 any other Act may be used by the Department of
25 the Treasury, including the Internal Revenue Serv-

1 ice, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

10 (2) the standard and definitions as in effect on
11 January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

16 SEC. 130. (a) None of the funds made available by
17 this Act may be used to approve, license, facilitate, authorize, or otherwise allow the use, purchase, trafficking, or
18 import of property confiscated by the Cuban Government.

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

1 SEC. 131. (a) None of the funds made available in
2 this Act may be used to authorize a general license or ap-
3 prove a specific license under section 501.801 or 515.527
4 of title 31, Code of Federal Regulations, with respect to
5 a mark, trade name, or commercial name that is the same
6 as or substantially similar to a mark, trade name, or com-
7 mercial name that was used in connection with a business
8 or assets that were confiscated unless the original owner
9 of the mark, trade name, or commercial name, or the
10 bona-fide successor-in-interest has expressly consented.

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

15 SEC. 132. Notwithstanding paragraph (2) of section
16 402(c) of the Helping Families Save their Homes Act of
17 2009, in utilizing funds made available by paragraph (1)
18 of section 402(c) of such Act, the Special Inspector Gen-
19 eral for the Troubled Asset Relief Program shall prioritize
20 the performance of audits or investigations of any pro-
21 gram that is funded in whole or in part by funds appro-
22 priated under the Emergency Economic Stabilization Act
23 of 2008, to the extent that such priority is consistent with
24 other aspects of the mission of the Special Inspector Gen-
25 eral.

1 SEC. 133. None of the funds appropriated or other-
2 wise made available in this Act may be obligated or ex-
3 pended to provide for the enforcement of any rule, regula-
4 tion, policy, or guideline implemented pursuant to the De-
5 partment of the Treasury “Guidance for United States
6 Positions on MDBs Engaging with Developing Countries
7 on Coal-Fired Power Generation” dated October 29, 2013,
8 when enforcement of such rule, regulation, policy, or
9 guideline would prohibit or have the effect of prohibiting,
10 the carrying out of any coal-fired or other power genera-
11 tion project the purpose of which is to increase exports
12 of goods and services from the United States or prevent
13 the loss of jobs from the United States.

14 This title may be cited as the “Department of the
15 Treasury Appropriations Act, 2018”.

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

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

19 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
20 OPERATING EXPENSES

21 For necessary expenses of the Executive Residence
22 at the White House, \$12,917,000, to be expended and ac-
23 counted for as provided by 3 U.S.C. 105, 109, 110, and
24 112–114.

1 REIMBURSABLE EXPENSES

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

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

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

6 WHITE HOUSE REPAIR AND RESTORATION

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

12 COUNCIL OF ECONOMIC ADVISERS

13 SALARIES AND EXPENSES

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

17 NATIONAL SECURITY COUNCIL AND HOMELAND

18 SECURITY COUNCIL

19 SALARIES AND EXPENSES

20 For necessary expenses of the National Security
21 Council and the Homeland Security Council, including
22 services as authorized by 5 U.S.C. 3109, \$11,800,000.

1 OFFICE OF ADMINISTRATION

2 SALARIES AND EXPENSES

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

10 OFFICE OF MANAGEMENT AND BUDGET

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Management
13 and Budget, including hire of passenger motor vehicles
14 and services as authorized by 5 U.S.C. 3109, to carry out
15 the provisions of chapter 35 of title 44, United States
16 Code, and to prepare and submit the budget of the United
17 States Government, in accordance with section 1105(a) of
18 title 31, United States Code, \$100,000,000, of which not
19 to exceed \$3,000 shall be available for official representa-
20 tion expenses: *Provided*, That none of the funds appro-
21 priated in this Act for the Office of Management and
22 Budget may be used for the purpose of reviewing any agri-
23 cultural marketing orders or any activities or regulations
24 under the provisions of the Agricultural Marketing Agree-
25 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,

1 That none of the funds made available for the Office of
2 Management and Budget by this Act may be expended for
3 the altering of the transcript of actual testimony of wit-
4 nesses, except for testimony of officials of the Office of
5 Management and Budget, before the Committees on Ap-
6 propriations or their subcommittees: *Provided further,*
7 That of the funds made available for the Office of Man-
8 agement and Budget by this Act, no less than three full-
9 time equivalent senior staff position shall be dedicated
10 solely to the Office of the Intellectual Property Enforce-
11 ment Coordinator: *Provided further,* That none of the
12 funds provided in this or prior Acts shall be used, directly
13 or indirectly, by the Office of Management and Budget,
14 for evaluating or determining if water resource project or
15 study reports submitted by the Chief of Engineers acting
16 through the Secretary of the Army are in compliance with
17 all applicable laws, regulations, and requirements relevant
18 to the Civil Works water resource planning process: *Pro-*
19 *vided further,* That the Office of Management and Budget
20 shall have not more than 60 days in which to perform
21 budgetary policy reviews of water resource matters on
22 which the Chief of Engineers has reported: *Provided fur-*
23 *ther,* That the Director of the Office of Management and
24 Budget shall notify the appropriate authorizing and ap-
25 propriating committees when the 60-day review is initi-

1 ated: *Provided further*, That if water resource reports have
2 not been transmitted to the appropriate authorizing and
3 appropriating committees within 15 days after the end of
4 the Office of Management and Budget review period based
5 on the notification from the Director, Congress shall as-
6 sume Office of Management and Budget concurrence with
7 the report and act accordingly.

8 OFFICE OF NATIONAL DRUG CONTROL POLICY
9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of National
11 Drug Control Policy; for research activities pursuant to
12 the Office of National Drug Control Policy Reauthoriza-
13 tion Act of 2006 (Public Law 109–469); not to exceed
14 \$10,000 for official reception and representation expenses;
15 and for participation in joint projects or in the provision
16 of services on matters of mutual interest with nonprofit,
17 research, or public organizations or agencies, with or with-
18 out reimbursement, \$18,400,000: *Provided*, That the Of-
19 fice is authorized to accept, hold, administer, and utilize
20 gifts, both real and personal, public and private, without
21 fiscal year limitation, for the purpose of aiding or facili-
22 tating the work of the Office.

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

4 For necessary expenses of the Office of National
5 Drug Control Policy's High Intensity Drug Trafficking
6 Areas Program, \$254,000,000, to remain available until
7 September 30, 2019, for drug control activities consistent
8 with the approved strategy for each of the designated
9 High Intensity Drug Trafficking Areas ("HIDTAs"), of
10 which not less than 51 percent shall be transferred to
11 State and local entities for drug control activities and shall
12 be obligated not later than 120 days after enactment of
13 this Act: *Provided*, That up to 49 percent may be trans-
14 ferred to Federal agencies and departments in amounts
15 determined by the Director of the Office of National Drug
16 Control Policy, of which up to \$2,700,000 may be used
17 for auditing services and associated activities: *Provided*
18 *further*, That, notwithstanding the requirements of Public
19 Law 106-58, any unexpended funds obligated prior to fis-
20 cal year 2016 may be used for any other approved activi-
21 ties of that HIDTA, subject to reprogramming require-
22 ments: *Provided further*, That each HIDTA designated as
23 of September 30, 2017, shall be funded at not less than
24 the fiscal year 2017 base level, unless the Director submits
25 to the Committees on Appropriations of the House of Rep-

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

18 OTHER FEDERAL DRUG CONTROL PROGRAMS

19 (INCLUDING TRANSFERS OF FUNDS)

20 For other drug control activities authorized by the
21 Office of National Drug Control Policy Reauthorization
22 Act of 2006 (Public Law 109–469), \$108,843,000, to re-
23 main available until expended, which shall be available as
24 follows: \$91,000,000 for the Drug-Free Communities Pro-
25 gram, of which \$2,000,000 shall be made available as di-

1 rected by section 4 of Public Law 107–82, as amended
2 by Public Law 109–469 (21 U.S.C. 1521 note);
3 \$2,000,000 for drug court training and technical assist-
4 ance; \$9,500,000 for anti-doping activities; \$2,343,000 for
5 the United States membership dues to the World Anti-
6 Doping Agency; \$1,000,000 shall be made available as di-
7 rected by section 1105 of Public Law 109–469; and
8 \$3,000,000, to remain available until expended, shall be
9 for activities authorized by section 103 of Public Law
10 114–198: *Provided*, That amounts made available under
11 this heading may be transferred to other Federal depart-
12 ments and agencies to carry out such activities.

13 UNANTICIPATED NEEDS

14 For expenses necessary to enable the President to
15 meet unanticipated needs, in furtherance of the national
16 interest, security, or defense which may arise at home or
17 abroad during the current fiscal year, as authorized by
18 3 U.S.C. 108, \$798,000, to remain available until Sep-
19 tember 30, 2019.

20 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for the furtherance of inte-
23 grated, efficient, secure, and effective uses of information
24 technology in the Federal Government, \$20,000,000, to
25 remain available until expended: *Provided*, That the Direc-

1 tor of the Office of Management and Budget may transfer
2 these funds to one or more other agencies to carry out
3 projects to meet these purposes.

4 SPECIAL ASSISTANCE TO THE PRESIDENT

5 SALARIES AND EXPENSES

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

13 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

14 OPERATING EXPENSES

15 (INCLUDING TRANSFER OF FUNDS)

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

1 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
2 THE PRESIDENT AND FUNDS APPROPRIATED TO
3 THE PRESIDENT

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 201. From funds made available in this Act
6 under the headings “The White House”, “Executive Resi-
7 dence at the White House”, “White House Repair and
8 Restoration”, “Council of Economic Advisers”, “National
9 Security Council and Homeland Security Council”, “Of-
10 fice of Administration”, “Special Assistance to the Presi-
11 dent”, and “Official Residence of the Vice President”, the
12 Director of the Office of Management and Budget (or
13 such other officer as the President may designate in writ-
14 ing), may, with advance approval of the Committees on
15 Appropriations of the House of Representatives and the
16 Senate, transfer not to exceed 10 percent of any such ap-
17 propriation to any other such appropriation, to be merged
18 with and available for the same time and for the same
19 purposes as the appropriation to which transferred: *Pro-*
20 *vided*, That the amount of an appropriation shall not be
21 increased by more than 50 percent by such transfers: *Pro-*
22 *vided further*, That no amount shall be transferred from
23 “Special Assistance to the President” or “Official Resi-
24 dence of the Vice President” without the approval of the
25 Vice President.

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

8 (1) the estimated mandatory and discretionary
9 obligations of funds through fiscal year 2019, by
10 Federal agency and by fiscal year, including—

11 (A) the estimated obligations by cost in-
12 puts such as rent, information technology, con-
13 tracts, and personnel;

14 (B) the methodology and data sources used
15 to calculate such estimated obligations; and

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

18 (2) the estimated receipts through fiscal year
19 2019 from assessments, user fees, and other fees by
20 the Federal agency making the collections, by fiscal
21 year, including—

22 (A) the methodology and data sources used
23 to calculate such estimated collections; and

24 (B) the specific section of such Act that
25 authorizes the collection of funds.

1 SEC. 203. (a) During fiscal year 2018, any Executive
2 order or Presidential memorandum issued or revoked by
3 the President shall be accompanied by a written statement
4 from the Director of the Office of Management and Budg-
5 et on the budgetary impact, including costs, benefits, and
6 revenues, of such order or memorandum.

7 (b) Any such statement shall include—

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

11 (2) the impact on mandatory and discretionary
12 obligations and outlays as the result of such order
13 or memorandum, listed by Federal agency, for each
14 year in the 5-fiscal-year period beginning in fiscal
15 year 2018; and

16 (3) the impact on revenues of the Federal Gov-
17 ernment as the result of such order or memorandum
18 over the 5-fiscal-year period beginning in fiscal year
19 2018.

20 (c) If an Executive order or Presidential memo-
21 randum is issued during fiscal year 2018 due to a national
22 emergency, the Director of the Office of Management and
23 Budget may issue the statement required by subsection
24 (a) not later than 15 days after the date that such order
25 or memorandum is issued.

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

5 This title may be cited as the “Executive Office of
6 the President Appropriations Act, 2018”.

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

5 For expenses necessary for the operation of the Su-
6 preme Court, as required by law, excluding care of the
7 building and grounds, including hire of passenger motor
8 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
9 to exceed \$10,000 for official reception and representation
10 expenses; and for miscellaneous expenses, to be expended
11 as the Chief Justice may approve, \$78,538,000, of which
12 \$1,500,000 shall remain available until expended.

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

16 CARE OF THE BUILDING AND GROUNDS

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

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT

3 SALARIES AND EXPENSES

4 For salaries of officers and employees, and for nec-
5 essary expenses of the court, as authorized by law,
6 \$30,592,000.

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

10 UNITED STATES COURT OF INTERNATIONAL TRADE

11 SALARIES AND EXPENSES

12 For salaries of officers and employees of the court,
13 services, and necessary expenses of the court, as author-
14 ized by law, \$18,556,000.

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

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

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

1 for Probation and Pretrial Services Office staff, as author-
2 ized by law, \$5,082,710,000 (including the purchase of
3 firearms and ammunition); of which not to exceed
4 \$27,817,000 shall remain available until expended for
5 space alteration projects and for furniture and furnishings
6 related to new space alteration and construction projects.

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

13 In addition, for expenses of the United States Court
14 of Federal Claims associated with processing cases under
15 the National Childhood Vaccine Injury Act of 1986 (Pub-
16 lic Law 99-660), not to exceed \$7,366,000, to be appro-
17 priated from the Vaccine Injury Compensation Trust
18 Fund.

19 DEFENDER SERVICES

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

1 thORIZED by law; the compensation (in accordance with the
2 maximums under 18 U.S.C. 3006A) and reimbursement
3 of expenses of attorneys appointed to assist the court in
4 criminal cases where the defendant has waived representa-
5 tion by counsel; the compensation and reimbursement of
6 expenses of attorneys appointed to represent jurors in civil
7 actions for the protection of their employment, as author-
8 ized by 28 U.S.C. 1875(d)(1); the compensation and reim-
9 bursement of expenses of attorneys appointed under 18
10 U.S.C. 983(b)(1) in connection with certain judicial civil
11 forfeiture proceedings; the compensation and reimburse-
12 ment of travel expenses of guardians ad litem appointed
13 under 18 U.S.C. 4100(b); and for necessary training and
14 general administrative expenses, \$1,110,375,000 to re-
15 main available until expended.

16 FEES OF JURORS AND COMMISSIONERS

17 For fees and expenses of jurors as authorized by 28
18 U.S.C. 1871 and 1876; compensation of jury commis-
19 sioners as authorized by 28 U.S.C. 1863; and compensa-
20 tion of commissioners appointed in condemnation cases
21 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
22 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$39,929,000,
23 to remain available until expended: *Provided*, That the
24 compensation of land commissioners shall not exceed the

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

3 COURT SECURITY

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses, not otherwise provided for,
6 incident to the provision of protective guard services for
7 United States courthouses and other facilities housing
8 Federal court operations, and the procurement, installa-
9 tion, and maintenance of security systems and equipment
10 for United States courthouses and other facilities housing
11 Federal court operations, including building ingress-egress
12 control, inspection of mail and packages, directed security
13 patrols, perimeter security, basic security services provided
14 by the Federal Protective Service, and other similar activi-
15 ties as authorized by section 1010 of the Judicial Improve-
16 ment and Access to Justice Act (Public Law 100-702),
17 \$574,593,000, of which not to exceed \$20,000,000 shall
18 remain available until expended, to be expended directly
19 or transferred to the United States Marshals Service,
20 which shall be responsible for administering the Judicial
21 Facility Security Program consistent with standards or
22 guidelines agreed to by the Director of the Administrative
23 Office of the United States Courts and the Attorney Gen-
24 eral.

1 ADMINISTRATIVE OFFICE OF THE UNITED STATES

2 COURTS

3 SALARIES AND EXPENSES

4 For necessary expenses of the Administrative Office
5 of the United States Courts as authorized by law, includ-
6 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
7 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
8 advertising and rent in the District of Columbia and else-
9 where, \$87,920,000, of which not to exceed \$8,500 is au-
10 thorized for official reception and representation expenses.

11 FEDERAL JUDICIAL CENTER

12 SALARIES AND EXPENSES

13 For necessary expenses of the Federal Judicial Cen-
14 ter, as authorized by Public Law 90–219, \$28,708,000;
15 of which \$1,800,000 shall remain available through Sep-
16 tember 30, 2019, to provide education and training to
17 Federal court personnel; and of which not to exceed
18 \$1,500 is authorized for official reception and representa-
19 tion expenses.

20 UNITED STATES SENTENCING COMMISSION

21 SALARIES AND EXPENSES

22 For the salaries and expenses necessary to carry out
23 the provisions of chapter 58 of title 28, United States
24 Code, \$18,338,000, of which not to exceed \$1,000 is au-
25 thorized for official reception and representation expenses.

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

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

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

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

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

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

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

19 SEC. 306. (a) Section 203(c) of the Judicial Improve-
20 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
21 note), is amended in the second sentence (relating to the
22 District of Kansas) following paragraph (12), by striking
23 “26 years and 6 months” and inserting “27 years and
24 6 months”.

1 (b) Section 406 of the Transportation, Treasury,
2 Housing and Urban Development, the Judiciary, the Dis-
3 trict of Columbia, and Independent Agencies Appropria-
4 tions Act, 2006 (Public Law 109–115; 119 Stat. 2470;
5 28 U.S.C. 133 note) is amended in the second sentence
6 (relating to the eastern District of Missouri) by striking
7 “24 years and 6 months” and inserting “25 years and
8 6 months”.

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

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

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

17 (3) in the first sentence by striking “15 years”
18 and inserting “16 years”;

19 (4) by adding at the end of the first sentence
20 the following: “The first vacancy in the office of dis-
21 trict judge in the district of Alabama occurring 15
22 years or more after the confirmation date of the
23 judge named to fill the temporary district judgeship
24 created in that district by this subsection, shall not
25 be filled.”;

1 (5) in the third sentence (relating to the central
2 District of California), by striking “14 years and 6
3 months” and inserting “15 years and 6 months”;
4 and

5 (6) in the fourth sentence (relating to the west-
6 ern district of North Carolina), by striking “13
7 years” and inserting “14 years”.

8 SEC. 307. (a) Section 2(a)(2)(C)(i) of the Temporary
9 Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C.
10 152 note; Public Law 112–121 as amended) is amended
11 by striking “6 years” and inserting “7 years”.

12 (b) Section 2(a)(2)(D)(i) of the Temporary Bank-
13 ruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152
14 note; Public Law 112–121 as amended) is amended by
15 striking “6 years” and inserting “7 years”.

16 (c) Section 2(a)(2)(F)(i) of the Temporary Bank-
17 ruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152
18 note; Public Law 112–121 as amended) is amended by
19 striking “6 years” and inserting “7 years”.

20 (d) Section 2(a)(2)(G)(i) of the Temporary Bank-
21 ruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152
22 note; Public Law 112–121 as amended) is amended by
23 striking “6 years” and inserting “7 years”.

24 (e) Section 2(a)(2)(H)(i) of the Temporary Bank-
25 ruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152

1 note; Public Law 112–121 as amended) is amended by
2 striking “6 years” and inserting “7 years”.

3 This title may be cited as the “Judiciary Appropria-
4 tions Act, 2018”.

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

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

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

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

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
2 COURTS

3 For salaries and expenses for the District of Colum-
4 bia Courts, \$265,400,000 to be allocated as follows: for
5 the District of Columbia Court of Appeals, \$14,000,000,
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, \$121,000,000, 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 \$71,500,000, of which not to exceed \$2,500 is for official
12 reception and representation expenses; and \$58,900,000,
13 to remain available until September 30, 2019, 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
11 DISTRICT OF COLUMBIA COURTS
12 (INCLUDING TRANSFER OF FUNDS)

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

1 Code (relating to services provided under the District of
2 Columbia Guardianship, Protective Proceedings, and Du-
3 rable Power of Attorney Act of 1986), \$49,890,000, to
4 remain available until expended: *Provided*, That not more
5 than \$20,000,000 in unobligated funds provided in this
6 account may be transferred to and merged with funds
7 made available under the heading "Federal Payment to
8 the District of Columbia Courts," to be available for the
9 same period and purposes as funds made available under
10 that heading for capital improvements to District of Co-
11 lumbia courthouse facilities: *Provided*, That funds pro-
12 vided under this heading shall be administered by the
13 Joint Committee on Judicial Administration in the Dis-
14 trict of Columbia: *Provided further*, That, notwithstanding
15 any other provision of law, this appropriation shall be ap-
16 portioned quarterly by the Office of Management and
17 Budget and obligated and expended in the same manner
18 as funds appropriated for expenses of other Federal agen-
19 cies.

20 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
21 FENDER SUPERVISION AGENCY FOR THE DISTRICT
22 OF COLUMBIA

23 For salaries and expenses, including the transfer and
24 hire of motor vehicles, of the Court Services and Offender
25 Supervision Agency for the District of Columbia, as au-

1 thORIZED by the National Capital Revitalization and Self-
2 Government Improvement Act of 1997, \$244,298,000, of
3 which not to exceed \$2,000 is for official reception and
4 representation expenses related to Community Supervision
5 and Pretrial Services Agency programs, of which not to
6 exceed \$25,000 is for dues and assessments relating to
7 the implementation of the Court Services and Offender
8 Supervision Agency Interstate Supervision Act of 2002;
9 of which \$180,840,000 shall be for necessary expenses of
10 Community Supervision and Sex Offender Registration, to
11 include expenses relating to the supervision of adults sub-
12 ject to protection orders or the provision of services for
13 or related to such persons; and of which \$63,458,000 shall
14 be available to the Pretrial Services Agency: *Provided*,
15 That notwithstanding any other provision of law, all
16 amounts under this heading shall be apportioned quarterly
17 by the Office of Management and Budget and obligated
18 and expended in the same manner as funds appropriated
19 for salaries and expenses of other Federal agencies: *Pro-*
20 *vided further*, That amounts under this heading may be
21 used for programmatic incentives for defendants to suc-
22 cessfully complete their terms of supervision.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 PUBLIC DEFENDER SERVICE

3 For salaries and expenses, including the transfer and
4 hire of motor vehicles, of the District of Columbia Public
5 Defender Service, as authorized by the National Capital
6 Revitalization and Self-Government Improvement Act of
7 1997, \$40,082,000: *Provided*, That notwithstanding any
8 other provision of law, all amounts under this heading
9 shall be apportioned quarterly by the Office of Manage-
10 ment and Budget and obligated and expended in the same
11 manner as funds appropriated for salaries and expenses
12 of Federal agencies.

13 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

14 COORDINATING COUNCIL

15 For a Federal payment to the Criminal Justice Co-
16 ordinating Council, \$1,900,000, to remain available until
17 expended, to support initiatives related to the coordination
18 of Federal and local criminal justice resources in the Dis-
19 trict of Columbia.

20 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

21 For a Federal payment, to remain available until
22 September 30, 2019, to the Commission on Judicial Dis-
23 abilities and Tenure, \$295,000, and for the Judicial Nomi-
24 nation Commission, \$270,000.

1 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

2 For a Federal payment for a school improvement pro-
3 gram in the District of Columbia, \$45,000,000, to remain
4 available until expended, for payments authorized under
5 the Scholarship for Opportunity and Results Act (division
6 C of Public Law 112–10): *Provided*, That, to the extent
7 that funds are available for opportunity scholarships and
8 following the priorities included in section 3006 of such
9 Act, the Secretary of Education shall make scholarships
10 available to students eligible under section 3013(3) of such
11 Act (Public Law 112–10; 125 Stat. 211) including stu-
12 dents who were not offered a scholarship during any pre-
13 vious school year: *Provided further*, That within funds pro-
14 vided for opportunity scholarships \$3,200,000 shall be for
15 the activities specified in sections 3007(b) through
16 3007(d) and 3009 of the Act.

17 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

18 NATIONAL GUARD

19 For a Federal payment to the District of Columbia
20 National Guard, \$435,000, to remain available until ex-
21 pended for the Major General David F. Wherley, Jr. Dis-
22 trict of Columbia National Guard Retention and College
23 Access Program.

1 FEDERAL PAYMENT FOR TESTING AND TREATMENT OF
2 HIV/AIDS

3 For a Federal payment to the District of Columbia
4 for the testing of individuals for, and the treatment of in-
5 dividuals with, human immunodeficiency virus and ac-
6 quired immunodeficiency syndrome in the District of Co-
7 lumbia, \$5,000,000.

8 DISTRICT OF COLUMBIA FUNDS

9 Local funds are appropriated for the District of Co-
10 lumbia for the current fiscal year out of the General Fund
11 of the District of Columbia (“General Fund”) for pro-
12 grams and activities set forth under the heading “Part
13 A—Summary of Expenses” and at the rate set forth
14 under such heading, as included in D.C. Bill 22-242, as
15 amended as of the date of the enactment of this Act: *Pro-*
16 *vided*, That notwithstanding any other provision of law,
17 except as provided in section 450A of the District of Co-
18 lumbia Home Rule Act (section 1–204.50a, D.C. Official
19 Code), sections 816 and 817 of the Financial Services and
20 General Government Appropriations Act, 2009 (secs. 47–
21 369.01 and 47–369.02, D.C. Official Code), and provi-
22 sions of this Act, the total amount appropriated in this
23 Act for operating expenses for the District of Columbia
24 for fiscal year 2018 under this heading shall not exceed
25 the estimates included in D.C. Bill 22–242, as amended

1 as of the date of the enactment of this Act, or the sum
2 of the total revenues of the District of Columbia for such
3 fiscal year: *Provided further*, That the amount appro-
4 priated may be increased by proceeds of one-time trans-
5 actions, which are expended for emergency or unantici-
6 pated operating or capital needs: *Provided further*, That
7 such increases shall be approved by enactment of local
8 District law and shall comply with all reserve requirements
9 contained in the District of Columbia Home Rule Act:
10 *Provided further*, That the Chief Financial Officer of the
11 District of Columbia shall take such steps as are necessary
12 to assure that the District of Columbia meets these re-
13 quirements, including the apportioning by the Chief Fi-
14 nancial Officer of the appropriations and funds made
15 available to the District during fiscal year 2018, except
16 that the Chief Financial Officer may not reprogram for
17 operating expenses any funds derived from bonds, notes,
18 or other obligations issued for capital projects.

19 This title may be cited as the “District of Columbia
20 Appropriations Act, 2018”.

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

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

10 CONSUMER PRODUCT SAFETY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Consumer Product
13 Safety Commission, including hire of passenger motor ve-
14 hicles, services as authorized by 5 U.S.C. 3109, but at
15 rates for individuals not to exceed the per diem rate equiv-
16 alent to the maximum rate payable under 5 U.S.C. 5376,
17 purchase of nominal awards to recognize non-Federal offi-
18 cials' contributions to Commission activities, and not to
19 exceed \$4,000 for official reception and representation ex-
20 penses, \$123,000,000.

21 ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT
22 SAFETY COMMISSION

23 SEC. 501. During fiscal year 2018, none of the
24 amounts made available by this Act may be used to final-
25 ize or implement the Safety Standard for Recreational

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

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

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

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

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

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

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

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

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

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

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

11 SEC. 502. None of the funds appropriated by this Act
12 may be used to finalize any rule by the Consumer Product
13 Safety Commission relating to blade-contact injuries on
14 table saws.

15 ELECTION ASSISTANCE COMMISSION

16 SALARIES AND EXPENSES

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses to carry out the Help Amer-
19 ica Vote Act of 2002 (Public Law 107–252; 52 U.S.C.
20 20901 et seq.), \$7,000,000, of which \$1,500,000 shall be
21 transferred to the National Institute of Standards and
22 Technology for election reform activities authorized under
23 such Act.

1 FEDERAL COMMUNICATIONS COMMISSION
2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Communica-
4 tions Commission, as authorized by law, including uni-
5 forms and allowances therefor, as authorized by 5 U.S.C.
6 5901–5902; not to exceed \$4,000 for official reception and
7 representation expenses; purchase and hire of motor vehi-
8 cles; special counsel fees; and services as authorized by
9 5 U.S.C. 3109, \$322,035,000, to remain available until
10 expended: *Provided*, That \$322,035,000 of offsetting col-
11 lections shall be assessed and collected pursuant to section
12 9 of title I of the Communications Act of 1934, shall be
13 retained and used for necessary expenses and shall remain
14 available until expended: *Provided further*, That the sum
15 herein appropriated shall be reduced as such offsetting
16 collections are received during fiscal year 2018 so as to
17 result in a final fiscal year 2018 appropriation estimated
18 at \$0: *Provided further*, That any offsetting collections re-
19 ceived in excess of \$322,035,000 in fiscal year 2018 shall
20 not be available for obligation: *Provided further*, That re-
21 maining offsetting collections from prior years collected in
22 excess of the amount specified for collection in each such
23 year and otherwise becoming available on October 1, 2017,
24 shall not be available for obligation: *Provided further*,
25 That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds

1 from the use of a competitive bidding system that may
2 be retained and made available for obligation shall not ex-
3 ceed \$111,150,000 for fiscal year 2018: *Provided further*,
4 That, of the amount appropriated under this heading, not
5 less than \$11,020,000 shall be for the salaries and ex-
6 penses of the Office of Inspector General.

7 FEDERAL DEPOSIT INSURANCE CORPORATION

8 OFFICE OF THE INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$39,136,000, to be derived from the
12 Deposit Insurance Fund or, only when appropriate, the
13 FSLIC Resolution Fund.

14 FEDERAL ELECTION COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses to carry out the provisions
17 of the Federal Election Campaign Act of 1971,
18 \$71,250,000, of which not to exceed \$5,000 shall be avail-
19 able for reception and representation expenses.

20 FEDERAL LABOR RELATIONS AUTHORITY

21 SALARIES AND EXPENSES

22 For necessary expenses to carry out functions of the
23 Federal Labor Relations Authority, pursuant to Reorga-
24 nization Plan Numbered 2 of 1978, and the Civil Service
25 Reform Act of 1978, \$26,200,000, including services au-

1 thorized by 5 U.S.C. 3109, and including hire of experts
2 and consultants, hire of passenger motor vehicles, and
3 rental of conference rooms in the District of Columbia and
4 elsewhere; and of which not to exceed \$1,500 shall be
5 available for official reception and representation ex-
6 penses: *Provided*, That public members of the Federal
7 Service Impasses Panel may be paid travel expenses and
8 per diem in lieu of subsistence as authorized by law (5
9 U.S.C. 5703) for persons employed intermittently in the
10 Government service, and compensation as authorized by
11 5 U.S.C. 3109: *Provided further*, That, notwithstanding
12 31 U.S.C. 3302, funds received from fees charged to non-
13 Federal participants at labor-management relations con-
14 ferences shall be credited to and merged with this account,
15 to be available without further appropriation for the costs
16 of carrying out these conferences.

17 FEDERAL TRADE COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Trade Com-
20 mission, including uniforms or allowances therefor, as au-
21 thorized by 5 U.S.C. 5901–5902; services as authorized
22 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
23 not to exceed \$2,000 for official reception and representa-
24 tion expenses, \$306,317,000, to remain available until ex-
25 pended: *Provided*, That not to exceed \$300,000 shall be

1 available for use to contract with a person or persons for
2 collection services in accordance with the terms of 31
3 U.S.C. 3718: *Provided further*, That, notwithstanding any
4 other provision of law, not to exceed \$126,000,000 of off-
5 setting collections derived from fees collected for
6 premerger notification filings under the Hart-Scott-Ro-
7 dino Antitrust Improvements Act of 1976 (15 U.S.C.
8 18a), regardless of the year of collection, shall be retained
9 and used for necessary expenses in this appropriation:
10 *Provided further*, That, notwithstanding any other provi-
11 sion of law, not to exceed \$16,000,000 in offsetting collec-
12 tions derived from fees sufficient to implement and enforce
13 the Telemarketing Sales Rule, promulgated under the
14 Telemarketing and Consumer Fraud and Abuse Preven-
15 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
16 account, and be retained and used for necessary expenses
17 in this appropriation: *Provided further*, That the sum here-
18 in appropriated from the general fund shall be reduced
19 as such offsetting collections are received during fiscal
20 year 2018, so as to result in a final fiscal year 2018 appro-
21 priation from the general fund estimated at not more than
22 \$164,317,000: *Provided further*, That none of the funds
23 made available to the Federal Trade Commission may be
24 used to implement subsection (e)(2)(B) of section 43 of
25 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 (INCLUDING TRANSFER OF FUNDS)

6 Amounts in the Fund, including revenues and collec-
7 tions deposited into the Fund, shall be available for nec-
8 essary expenses of real property management and related
9 activities not otherwise provided for, including operation,
10 maintenance, and protection of federally owned and leased
11 buildings; rental of buildings in the District of Columbia;
12 restoration of leased premises; moving governmental agen-
13 cies (including space adjustments and telecommunications
14 relocation expenses) in connection with the assignment, al-
15 location, and transfer of space; contractual services inci-
16 dent to cleaning or servicing buildings, and moving; repair
17 and alteration of federally owned buildings, including
18 grounds, approaches, and appurtenances; care and safe-
19 guarding of sites; maintenance, preservation, demolition,
20 and equipment; acquisition of buildings and sites by pur-
21 chase, condemnation, or as otherwise authorized by law;
22 acquisition of options to purchase buildings and sites; con-
23 version and extension of federally owned buildings; pre-
24 liminary planning and design of projects by contract or
25 otherwise; construction of new buildings (including equip-

1 ment for such buildings); and payment of principal, inter-
2 est, and any other obligations for public buildings acquired
3 by installment purchase and purchase contract; in the ag-
4 gregate amount of \$7,864,111,000, of which—

5 (1) \$0 shall remain available until expended for
6 construction and acquisition (including funds for
7 sites and expenses, and associated design and con-
8 struction services);

9 (2) \$180,000,000 shall remain available until
10 expended for repairs and alterations, including asso-
11 ciated design and construction services, of which—

12 (A) \$0 is for Major Repairs and Alter-
13 ations;

14 (B) \$110,000,000 is for Basic Repairs and
15 Alterations;

16 (C) \$70,000,000 is for Special Emphasis
17 Programs of which—

18 (i) \$20,000,000 is for Judiciary Cap-
19 ital Security;

20 (ii) \$30,000,000 is for Fire and Life
21 Safety; and

22 (iii) \$20,000,000 is for Consolidation
23 Activities: *Provided*, That consolidation
24 projects result in reduced annual rent paid
25 by the tenant agency: *Provided further*,

1 That no consolidation project exceed
2 \$10,000,000 in costs: *Provided further,*
3 That consolidation projects are approved
4 by each of the committees specified in sec-
5 tion 3307(a) of title 40, United States
6 Code: *Provided further,* That preference is
7 given to consolidation projects that achieve
8 a utilization rate of 130 usable square feet
9 or less per person for office space: *Pro-*
10 *vided further,* That the obligation of funds
11 under this paragraph for consolidation ac-
12 tivities may not be made until 10 days
13 after a proposed spending plan and expla-
14 nation for each project to be undertaken,
15 including estimated savings, has been sub-
16 mitted to the Committees on Appropria-
17 tions of the House of Representatives and
18 the Senate:

19 *Provided,* That funds made available in this or
20 any previous Act in the Federal Buildings Fund
21 for Repairs and Alterations shall, for pro-
22 spectus projects, be limited to the amount iden-
23 tified for each project, except each project in
24 this or any previous Act may be increased by an
25 amount not to exceed 10 percent unless advance

1 approval is obtained from the Committees on
2 Appropriations of a greater amount: *Provided*
3 *further*, That additional projects for which
4 prospectuses have been fully approved may be
5 funded under this category only if advance ap-
6 proval is obtained from the Committees on Ap-
7 propriations: *Provided further*, That the
8 amounts provided in this or any prior Act for
9 “Repairs and Alterations” may be used to fund
10 costs associated with implementing security im-
11 provements to buildings necessary to meet the
12 minimum standards for security in accordance
13 with current law and in compliance with the re-
14 programming guidelines of the appropriate
15 Committees of the House and Senate: *Provided*
16 *further*, That the difference between the funds
17 appropriated and expended on any projects in
18 this or any prior Act, under the heading “Re-
19 pairs and Alterations”, may be transferred to
20 Basic Repairs and Alterations or used to fund
21 authorized increases in prospectus projects:
22 *Provided further*, That the amount provided in
23 this or any prior Act for Basic Repairs and Al-
24 terations may be used to pay claims against the
25 Government arising from any projects under

1 the heading “Repairs and Alterations” or used
2 to fund authorized increases in prospectus
3 projects;

4 (3) \$5,462,345,000 for rental of space to re-
5 main available until expended; and

6 (4) \$2,221,766,000 for building operations to
7 remain available until expended, of which
8 \$1,146,089,000 is for building services, and
9 \$1,075,677,000 is for salaries and expenses: *Pro-*
10 *vided*, That not to exceed 5 percent of any appro-
11 priation made available under this paragraph for
12 building operations may be transferred between and
13 merged with such appropriations upon notification
14 to the Committees on Appropriations of the House
15 of Representatives and the Senate, but no such ap-
16 propriation shall be increased by more than 5 per-
17 cent by any such transfers: *Provided further*, That
18 section 521 of this title shall not apply with respect
19 to funds made available under this heading for
20 building operations: *Provided further*, That the total
21 amount of funds made available from this Fund to
22 the General Services Administration shall not be
23 available for expenses of any construction, repair, al-
24 teration and acquisition project for which a pro-
25 spectus, if required by 40 U.S.C. 3307(a), has not

1 been approved, except that necessary funds may be
2 expended for each project for required expenses for
3 the development of a proposed prospectus: *Provided*
4 *further*, That funds available in the Federal Build-
5 ings Fund may be expended for emergency repairs
6 when advance approval is obtained from the Com-
7 mittees on Appropriations: *Provided further*, That
8 amounts necessary to provide reimbursable special
9 services to other agencies under 40 U.S.C. 592(b)(2)
10 and amounts to provide such reimbursable fencing,
11 lighting, guard booths, and other facilities on private
12 or other property not in Government ownership or
13 control as may be appropriate to enable the United
14 States Secret Service to perform its protective func-
15 tions pursuant to 18 U.S.C. 3056, shall be available
16 from such revenues and collections: *Provided further*,
17 That revenues and collections and any other sums
18 accruing to this Fund during fiscal year 2018, ex-
19 cluding reimbursements under 40 U.S.C. 592(b)(2),
20 in excess of the aggregate new obligational authority
21 authorized for Real Property Activities of the Fed-
22 eral Buildings Fund in this Act shall remain in the
23 Fund and shall not be available for expenditure ex-
24 cept as authorized in appropriations Acts.

1 GENERAL ACTIVITIES

2 GOVERNMENT-WIDE POLICY

3 For expenses authorized by law, not otherwise pro-
4 vided for, for Government-wide policy and evaluation ac-
5 tivities associated with the management of real and per-
6 sonal property assets and certain administrative services;
7 Government-wide policy support responsibilities relating to
8 acquisition, travel, motor vehicles, information technology
9 management, and related technology activities; and serv-
10 ices as authorized by 5 U.S.C. 3109; \$53,499,000.

11 OPERATING EXPENSES

12 For expenses authorized by law, not otherwise pro-
13 vided for, for Government-wide activities associated with
14 utilization and donation of surplus personal property; dis-
15 posal of real property; agency-wide policy direction, man-
16 agement, and communications; and services as authorized
17 by 5 U.S.C. 3109; \$45,645,000, of which \$24,357,000 is
18 for Real and Personal Property Management and Dis-
19 posal; \$21,288,000 is for the Office of the Administrator,
20 of which not to exceed \$7,500 is for official reception and
21 representation expenses.

22 CIVILIAN BOARD OF CONTRACT APPEALS

23 For expenses authorized by law, not otherwise pro-
24 vided for, for the activities associated with the Civilian
25 Board of Contract Appeals, \$8,795,000.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General and service authorized by 5 U.S.C. 3109,
4 \$65,000,000: *Provided*, That not to exceed \$50,000 shall
5 be available for payment for information and detection of
6 fraud against the Government, including payment for re-
7 covery of stolen Government property: *Provided further*,
8 That not to exceed \$2,500 shall be available for awards
9 to employees of other Federal agencies and private citizens
10 in recognition of efforts and initiatives resulting in en-
11 hanced Office of Inspector General effectiveness.

12 ALLOWANCES AND OFFICE STAFF FOR FORMER

13 PRESIDENTS

14 For carrying out the provisions of the Act of August
15 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
16 \$4,754,000.

17 FEDERAL CITIZEN SERVICES FUND

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Office of Products and
20 Programs, including services authorized by 40 U.S.C. 323
21 and 44 U.S.C. 3604; and for necessary expenses in sup-
22 port of interagency projects that enable the Federal Gov-
23 ernment to enhance its ability to conduct activities elec-
24 tronically, through the development and implementation of
25 innovative uses of information technology; \$53,741,000, to

1 be deposited into the Federal Citizen Services Fund: *Pro-*
2 *vided*, That the previous amount may be transferred to
3 Federal agencies to carry out the purpose of the Federal
4 Citizen Services Fund: *Provided further*, That the appro-
5 priations, revenues, reimbursements, and collections de-
6 posited into the Fund shall be available until expended for
7 necessary expenses of Federal Citizen Services and other
8 activities that enable the Federal Government to enhance
9 its ability to conduct activities electronically: in the aggre-
10 gate amount not to exceed \$100,000,000: *Provided fur-*
11 *ther*, That appropriations, revenues, reimbursements, and
12 collections accruing to this Fund during fiscal year 2018
13 in excess of such amount shall remain in the Fund and
14 shall not be available for expenditure except as authorized
15 in appropriations Acts: *Provided further*, That any appro-
16 priations provided to the Electronic Government Fund
17 that remain unobligated may be transferred to the Federal
18 Citizen Services Fund: *Provided further*, That the transfer
19 authorities provided herein shall be in addition to any
20 other transfer authority provided in this Act.

21 ASSET PROCEEDS AND SPACE MANAGEMENT FUND

22 For carrying out the purposes of the Federal Assets
23 Sale and Transfer Act of 2016 (Public Law 114–287),
24 \$10,000,000, to be deposited into the Asset Proceeds and

1 Space Management Fund, to remain available until ex-
2 pended.

3 ENVIRONMENTAL REVIEW IMPROVEMENT FUND

4 For necessary expenses of the Environmental Review
5 Improvement Fund established under section 41009(d) of
6 the Fixing America's Surface Transportation Act (42
7 U.S.C. 4370m-8(d)), \$1,000,000, to remain available
8 until expended.

9 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

10 ADMINISTRATION

11 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

12 SEC. 510. Funds available to the General Services
13 Administration shall be available for the hire of passenger
14 motor vehicles.

15 SEC. 511. Funds in the Federal Buildings Fund
16 made available for fiscal year 2018 for Federal Buildings
17 Fund activities may be transferred between such activities
18 only to the extent necessary to meet program require-
19 ments: *Provided*, That any proposed transfers shall be ap-
20 proved in advance by the Committees on Appropriations
21 of the House of Representatives and the Senate.

22 SEC. 512. Except as otherwise provided in this title,
23 funds made available by this Act shall be used to transmit
24 a fiscal year 2019 request for United States Courthouse
25 construction only if the request: (1) meets the design guide

1 standards for construction as established and approved by
2 the General Services Administration, the Judicial Con-
3 ference of the United States, and the Office of Manage-
4 ment and Budget; (2) reflects the priorities of the Judicial
5 Conference of the United States as set out in its approved
6 Courthouse Project Priorities plan; and (3) includes a
7 standardized courtroom utilization study of each facility
8 to be constructed, replaced, or expanded.

9 SEC. 513. None of the funds provided in this Act may
10 be used to increase the amount of occupiable square feet,
11 provide cleaning services, security enhancements, or any
12 other service usually provided through the Federal Build-
13 ings Fund, to any agency that does not pay the rate per
14 square foot assessment for space and services as deter-
15 mined by the General Services Administration in consider-
16 ation of the Public Buildings Amendments Act of 1972
17 (Public Law 92–313).

18 SEC. 514. From funds made available under the
19 heading “Federal Buildings Fund, Limitations on Avail-
20 ability of Revenue”, claims against the Government of less
21 than \$250,000 arising from direct construction projects
22 and acquisition of buildings may be liquidated from sav-
23 ings effected in other construction projects with prior noti-
24 fication to the Committees on Appropriations of the House
25 of Representatives and the Senate.

1 SEC. 515. In any case in which the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives and the Committee on Environment and Pub-
4 lic Works of the Senate adopt a resolution granting lease
5 authority pursuant to a prospectus transmitted to Con-
6 gress by the Administrator of the General Services Admin-
7 istration under 40 U.S.C. 3307, the Administrator shall
8 ensure that the delineated area of procurement is identical
9 to the delineated area included in the prospectus for all
10 lease agreements, except that, if the Administrator deter-
11 mines that the delineated area of the procurement should
12 not be identical to the delineated area included in the pro-
13 spectus, the Administrator shall provide an explanatory
14 statement to each of such committees and the Committees
15 on Appropriations of the House of Representatives and the
16 Senate prior to exercising any lease authority provided in
17 the resolution.

18 SEC. 516. With respect to each project funded under
19 the heading “Major Repairs and Alterations” or “Judici-
20 ary Capital Security Program”, and with respect to E-
21 Government projects funded under the heading “Federal
22 Citizen Services Fund”, the Administrator of General
23 Services shall submit a spending plan and explanation for
24 each project to be undertaken to the Committees on Ap-
25 propriations of the House of Representatives and the Sen-

1 ate not later than 60 days after the date of enactment
2 of this Act.

3 SEC. 517. Section 16 of the Federal Assets Sale and
4 Transfer Act of 2016 (Public Law 114–287) is amend-
5 ed—

6 (1) by inserting the following at the end of sub-
7 paragraph (a)(1): “The Account shall be under the
8 custody and control of the Chairperson of the Board
9 and deposits in the Account shall remain available
10 until expended.”;

11 (2) by striking subparagraph (b)(1) and insert-
12 ing in lieu thereof the following: (1) “ESTABLISH-
13 MENT. — There is established in the Treasury of
14 the United States an account to be known as the
15 “Public Buildings Reform Board - Asset Proceeds
16 and Space Management Fund” (in this subsection
17 referred to as the “Fund”). The Fund shall be under
18 the custody and control of the Administrator of Gen-
19 eral Services and deposits in the Fund shall remain
20 available until expended.

21 SEC. 518. The unobligated balance of amounts pro-
22 vided for National Capital Region, FBI Headquarters
23 Consolidation, in paragraph (1)(A) under the heading
24 “General Services Administration—Federal Buildings
25 Fund” in division E of Public Law 115–31 is rescinded.

1 SEC. 519. The Administrator of General Services
2 shall make available to the public on the website of the
3 General Services Administration any draft environmental
4 assessment—

5 (1) prepared by the Administrator of General
6 Services under section 102(2)(C) of the National
7 Environmental Policy Act of 1969 (42 U.S.C.
8 4332(2)(C)); and

9 (2) for which the Administrator of General
10 Services has solicited public comment.

11 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

12 SALARIES AND EXPENSES

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

17 MERIT SYSTEMS PROTECTION BOARD

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

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

1 District of Columbia and elsewhere, hire of passenger
2 motor vehicles, direct procurement of survey printing, and
3 not to exceed \$2,000 for official reception and representa-
4 tion expenses, \$44,490,000, to remain available until Sep-
5 tember 30, 2019, and in addition not to exceed
6 \$2,345,000, to remain available until September 30, 2019,
7 for administrative expenses to adjudicate retirement ap-
8 peals to be transferred from the Civil Service Retirement
9 and Disability Fund in amounts determined by the Merit
10 Systems Protection Board.

11 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

12 OPERATING EXPENSES

13 For necessary expenses in connection with the admin-
14 istration of the National Archives and Records Adminis-
15 tration and archived Federal records and related activities,
16 as provided by law, and for expenses necessary for the re-
17 view and declassification of documents, the activities of
18 the Public Interest Declassification Board, the operations
19 and maintenance of the electronic records archives, the
20 hire of passenger motor vehicles, and for uniforms or al-
21 lowances therefor, as authorized by law (5 U.S.C. 5901),
22 including maintenance, repairs, and cleaning,
23 \$364,308,000.

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 Reform Act of 2008, Public Law 110–409, 122
5 Stat. 4302–16 (2008), and the Inspector General Act of
6 1978 (5 U.S.C. App.), and for the hire of passenger motor
7 vehicles, \$4,241,000.

8 REPAIRS AND RESTORATION

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

12 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

13 COMMISSION

14 GRANTS PROGRAM

15 For necessary expenses for allocations and grants for
16 historical publications and records as authorized by 44
17 U.S.C. 2504, \$4,000,000, to remain available until ex-
18 pended.

19 NATIONAL CREDIT UNION ADMINISTRATION

20 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

21 For the Community Development Revolving Loan
22 Fund program as authorized by 42 U.S.C. 9812, 9822
23 and 9910, \$2,000,000 shall be available until September
24 30, 2019, for technical assistance to low-income des-
25 ignated credit unions.

1 OFFICE OF GOVERNMENT ETHICS
2 SALARIES AND EXPENSES

3 For necessary expenses to carry out functions of the
4 Office of Government Ethics pursuant to the Ethics in
5 Government Act of 1978, the Ethics Reform Act of 1989,
6 and the Stop Trading on Congressional Knowledge Act of
7 2012, including services as authorized by 5 U.S.C. 3109,
8 rental of conference rooms in the District of Columbia and
9 elsewhere, hire of passenger motor vehicles, and not to ex-
10 ceed \$1,500 for official reception and representation ex-
11 penses, \$16,439,000.

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

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

1 under Executive Order No. 10422 of January 9, 1953,
2 as amended; and payment of per diem or subsistence al-
3 lowances to employees where Voting Rights Act activities
4 require an employee to remain overnight at his or her post
5 of duty, \$129,341,000: *Provided*, That of the total amount
6 made available under this heading, \$18,000,000 shall re-
7 main available until expended for information technology
8 infrastructure modernization and Trust Fund Federal Fi-
9 nancial System migration or modernization: *Provided fur-*
10 *ther*, That the amount made available by the previous pro-
11 viso may not be obligated until the Director of the Office
12 of Personnel Management submits to the Committees on
13 Appropriations of the Senate and the House of Represent-
14 atives a plan for expenditure of such amount, prepared
15 in consultation with the Director of the Office of Manage-
16 ment and Budget, the Administrator of the United States
17 Digital Service, and the Secretary of Homeland Security,
18 that—

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

21 (2) meets the capital planning and investment
22 control review requirements established by the Office
23 of Management and Budget, including Circular A-
24 11;

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

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

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

12 (6) is reviewed and commented upon within 90
13 days of plan development by the Inspector General
14 of the Office of Personnel Management, and such
15 comments are submitted to the Director of the Of-
16 fice of Personnel Management before the date of
17 such submission:

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

22

23 (A) evaluates—

24 (i) the steps taken by the Office of
25 Personnel Management to prevent, miti-

1 gate, and respond to data breaches involv-
2 ing sensitive personnel records and infor-
3 mation;

4 (ii) the Office’s cybersecurity policies
5 and procedures in place on the date of en-
6 actment of this Act, including policies and
7 procedures relating to IT best practices
8 such as data encryption, multifactor au-
9 thentication, and continuous monitoring;

10 (iii) the Office’s oversight of contrac-
11 tors providing IT services; and

12 (iv) the Office’s compliance with gov-
13 ernment-wide initiatives to improve cyber-
14 security; and

15 (B) sets forth improvements that could be
16 made to assist the Office of Personnel Manage-
17 ment in addressing cybersecurity challenges:

18 *Provided further*, That of the total amount made available
19 under this heading, \$584,000 may be made available for
20 strengthening the capacity and capabilities of the acquisi-
21 tion workforce (as defined by the Office of Federal Pro-
22 curement Policy Act, as amended (41 U.S.C. 4001 et
23 seq.)), including the recruitment, hiring, training, and re-
24 tention of such workforce and information technology in
25 support of acquisition workforce effectiveness or for man-

1 agement solutions to improve acquisition management;
2 and in addition \$131,414,000 for administrative expenses,
3 to be transferred from the appropriate trust funds of OPM
4 without regard to other statutes, including direct procure-
5 ment of printed materials, for the retirement and insur-
6 ance programs: *Provided further*, That the provisions of
7 this appropriation shall not affect the authority to use ap-
8 plicable trust funds as provided by sections 8348(a)(1)(B),
9 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title
10 5, United States Code: *Provided further*, That no part of
11 this appropriation shall be available for salaries and ex-
12 penses of the Legal Examining Unit of OPM established
13 pursuant to Executive Order No. 9358 of July 1, 1943,
14 or any successor unit of like purpose: *Provided further*,
15 That the President's Commission on White House Fel-
16 lows, established by Executive Order No. 11183 of Octo-
17 ber 3, 1964, may, during fiscal year 2018, accept dona-
18 tions of money, property, and personal services: *Provided*
19 *further*, That such donations, including those from prior
20 years, may be used for the development of publicity mate-
21 rials to provide information about the White House Fel-
22 lows, except that no such donations shall be accepted for
23 travel or reimbursement of travel expenses, or for the sala-
24 ries of employees of such Commission.

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF TRUST 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, including services as authorized by
7 5 U.S.C. 3109, hire of passenger motor vehicles,
8 \$5,000,000, and in addition, not to exceed \$25,000,000
9 for administrative expenses to audit, investigate, and pro-
10 vide other oversight of the Office of Personnel Manage-
11 ment's retirement and insurance programs, to be trans-
12 ferred from the appropriate trust funds of the Office of
13 Personnel Management, as determined by the Inspector
14 General: *Provided*, That the Inspector General is author-
15 ized to rent conference rooms in the District of Columbia
16 and elsewhere.

17 OFFICE OF SPECIAL COUNSEL
18 SALARIES AND EXPENSES

19 For necessary expenses to carry out functions of the
20 Office of Special Counsel pursuant to Reorganization Plan
21 Numbered 2 of 1978, the Civil Service Reform Act of
22 1978 (Public Law 95-454), the Whistleblower Protection
23 Act of 1989 (Public Law 101-12) as amended by Public
24 Law 107-304, the Whistleblower Protection Enhancement
25 Act of 2012 (Public Law 112-199), and the Uniformed

1 Services Employment and Reemployment Rights Act of
2 1994 (Public Law 103–353), including services as author-
3 ized by 5 U.S.C. 3109, payment of fees and expenses for
4 witnesses, rental of conference rooms in the District of Co-
5 lumbia and elsewhere, and hire of passenger motor vehi-
6 cles; \$24,750,000.

7 POSTAL REGULATORY COMMISSION

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses of the Postal Regulatory
11 Commission in carrying out the provisions of the Postal
12 Accountability and Enhancement Act (Public Law 109–
13 435), \$15,200,000, to be derived by transfer from the
14 Postal Service Fund and expended as authorized by sec-
15 tion 603(a) of such Act.

16 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

17 SALARIES AND EXPENSES

18 For necessary expenses of the Privacy and Civil Lib-
19 erties Oversight Board, as authorized by section 1061 of
20 the Intelligence Reform and Terrorism Prevention Act of
21 2004 (42 U.S.C. 2000ee), \$8,000,000, to remain available
22 until September 30, 2019.

1 PUBLIC BUILDINGS REFORM BOARD

2 SALARIES AND EXPENSES

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

7 SECURITIES AND EXCHANGE COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses for the Securities and Ex-
10 change Commission, including services as authorized by
11 5 U.S.C. 3109, the rental of space (to include multiple
12 year leases) in the District of Columbia and elsewhere, and
13 not to exceed \$3,500 for official reception and representa-
14 tion expenses, \$1,652,000,000 to remain available until
15 expended; of which funding for information technology ini-
16 tiatives shall be increased over the fiscal year 2017 level
17 by not less than \$50,000,000; of which not less than
18 \$14,748,358 shall be for the Office of Inspector General;
19 of which not to exceed \$75,000 shall be available for a
20 permanent secretariat for the International Organization
21 of Securities Commissions; of which not to exceed
22 \$100,000 shall be available for expenses for consultations
23 and meetings hosted by the Commission with foreign gov-
24 ernmental and other regulatory officials, members of their
25 delegations and staffs to exchange views concerning secu-

1 rities matters, such expenses to include necessary logistic
2 and administrative expenses and the expenses of Commis-
3 sion staff and foreign invitees in attendance including: (1)
4 incidental expenses such as meals; (2) travel and transpor-
5 tation; and (3) related lodging or subsistence; and of
6 which not less than \$68,950,000 shall be for the Division
7 of Economic and Risk Analysis: In addition, for costs as-
8 sociated with relocation under a replacement lease for the
9 Commission's headquarters facilities, not to exceed
10 \$244,507,000, to remain available until September 30,
11 2019. For purposes of calculating the fee rate under sec-
12 tion 31(j) of the Securities Exchange Act of 1934 (15
13 U.S.C. 78ee(j)) for fiscal year 2018, all amounts appro-
14 priated under this heading shall be deemed to be the reg-
15 ular appropriation to the Commission for fiscal year 2018.
16 *Provided*, That fees and charges authorized by section 31
17 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee)
18 shall be credited to this account as offsetting collections:
19 *Provided further*, That not to exceed \$1,652,000,000 of
20 such offsetting collections shall be available until expended
21 for necessary expenses of this account and not to exceed
22 \$244,507,000 of such offsetting collections shall be avail-
23 able until September 30, 2019, for costs under this head-
24 ing associated with relocation under a replacement lease
25 for the Commission's headquarters facilities: *Provided fur-*

1 *ther*, That the total amount appropriated under this head-
2 ing from the general fund for fiscal year 2018 shall be
3 reduced as such offsetting fees are received so as to result
4 in a final total fiscal year 2018 appropriation from the
5 general fund estimated at not more than \$0: *Provided fur-*
6 *ther*, That if any amount of the appropriation under this
7 heading for costs associated with relocation under a re-
8 placement lease for the Commission's headquarters facili-
9 ties is subsequently de-obligated on or before September
10 30, 2019, any such amount derived from the general fund
11 shall be returned to the general fund, and any such
12 amount derived from fees or assessments collected for
13 such purpose shall be paid to each national securities ex-
14 change and national securities association, respectively, in
15 proportion to any fees or assessments paid by such na-
16 tional securities exchange or national securities association
17 under such section 31 in fiscal year 2018.

18 SELECTIVE SERVICE SYSTEM

19 SALARIES AND EXPENSES

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

1 \$750 for official reception and representation expenses;
2 \$22,900,000: *Provided*, That during the current fiscal
3 year, the President may exempt this appropriation from
4 the provisions of 31 U.S.C. 1341, whenever the President
5 deems such action to be necessary in the interest of na-
6 tional defense: *Provided further*, That none of the funds
7 appropriated by this Act may be expended for or in con-
8 nection with the induction of any person into the Armed
9 Forces of the United States.

10 SMALL BUSINESS ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses, not otherwise provided for,
13 of the Small Business Administration, including hire of
14 passenger motor vehicles as authorized by sections 1343
15 and 1344 of title 31, United States Code, and not to ex-
16 ceed \$3,500 for official reception and representation ex-
17 penses, \$265,000,000 of which not less than \$12,000,000
18 shall be available for examinations, reviews, and other
19 lender oversight activities: *Provided*, That the Adminis-
20 trator is authorized to charge fees to cover the cost of pub-
21 lications developed by the Small Business Administration,
22 and certain loan program activities, including fees author-
23 ized by section 5(b) of the Small Business Act: *Provided*
24 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
25 received from all such activities shall be credited to this

1 account, to remain available until expended, for carrying
2 out these purposes without further appropriations: *Pro-*
3 *vided further*, That the Small Business Administration
4 may accept gifts in an amount not to exceed \$4,000,000
5 and may co-sponsor activities, each in accordance with sec-
6 tion 132(a) of division K of Public Law 108–447, during
7 fiscal year 2018 : *Provided further*, That \$6,100,000 shall
8 be available for the Loan Modernization and Accounting
9 System, to be available until September 30, 2019.

10 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

11 For necessary expenses of programs supporting en-
12 trepreneurial and small business development,
13 \$211,100,000, to remain available until September 30,
14 2019 : *Provided*, That \$120,000,000 shall be available to
15 fund grants for performance in fiscal year 2018 or fiscal
16 year 2019 as authorized by section 21 of the Small Busi-
17 ness Act: *Provided further*, That \$31,000,000 shall be for
18 marketing, management, and technical assistance under
19 section 7(m) of the Small Business Act (15 U.S.C.
20 636(m)(4)) by intermediaries that make microloans under
21 the microloan program: *Provided further*, That
22 \$10,000,000 shall be available for grants to States to
23 carry out export programs that assist small business con-
24 cerns authorized under section 22(l) of the Small Business
25 Act (15 U.S.C. 649(l)).

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.), \$9,120,000, to
10 remain available until expended.

11 BUSINESS LOANS PROGRAM ACCOUNT

12 (INCLUDING TRANSFER OF FUNDS)

13 For the cost of direct loans, \$3,438,172, 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 2018 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 2018 commitments for general business loans au-
23 thorized under section 7(a) of the Small Business Act
24 shall not exceed \$29,000,000,000 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 2018 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 2018 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 2018, 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, \$152,782,000, 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, \$186,458,000, 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 \$176,458,000 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 RESCISSION AND TRANSFER OF FUNDS)

13 SEC. 520. Not to exceed 5 percent of any appropria-
14 tion made available for the current fiscal year for the
15 Small Business Administration in this Act may be trans-
16 ferred between such appropriations, but no such appro-
17 priation shall be increased by more than 10 percent by
18 any such transfers: *Provided*, That any transfer pursuant
19 to this paragraph shall be treated as a reprogramming of
20 funds under section 608 of this Act and shall not be avail-
21 able for obligation or expenditure except in compliance
22 with the procedures set forth in that section.

23 SEC. 521. Of the unobligated balances available for
24 the Immediate Disaster Assistance Program authorized by
25 section 42 of the Small Business Act (15 U.S.C. 657n)

1 and the Expedited Disaster Assistance Loan Program au-
2 thorized by section 12085 of Public Law 110–246,
3 \$2,600,000 are hereby permanently rescinded: *Provided*,
4 That no amounts may be rescinded from amounts that
5 were designated by the Congress as emergency require-
6 ments pursuant to a concurrent resolution on the budget
7 or the Balanced Budget and Emergency Deficit Control
8 Act of 1985: *Provided further*, That no amounts may be
9 rescinded from amounts that were designated by the Con-
10 gress as being for disaster relief pursuant to section
11 251(b)(2)(D) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 SEC. 522. Section 7(m)(4)(E) of the Small Business
14 Act (15 U.S.C. 636(m)(4)(E)) is amended by striking “25
15 percent” each place such term appears and inserting “50
16 percent”.

17 UNITED STATES POSTAL SERVICE

18 PAYMENT TO THE POSTAL SERVICE FUND

19 For payment to the Postal Service Fund for revenue
20 forgone on free and reduced rate mail, pursuant to sub-
21 sections (c) and (d) of section 2401 of title 39, United
22 States Code, \$58,118,000: *Provided*, That mail for over-
23 seas voting and mail for the blind shall continue to be free:
24 *Provided further*, That 6-day delivery and rural delivery
25 of mail shall continue at not less than the 1983 level: *Pro-*

1 *vided further*, That none of the funds made available to
2 the Postal Service by this Act shall be used to implement
3 any rule, regulation, or policy of charging any officer or
4 employee of any State or local child support enforcement
5 agency, or any individual participating in a State or local
6 program of child support enforcement, a fee for informa-
7 tion requested or provided concerning an address of a
8 postal customer: *Provided further*, That none of the funds
9 provided in this Act shall be used to consolidate or close
10 small rural and other small post offices.

11 OFFICE OF INSPECTOR GENERAL

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of the Office of Inspector
15 General in carrying out the provisions of the Inspector
16 General Act of 1978, \$234,650,000, to be derived by
17 transfer from the Postal Service Fund and expended as
18 authorized by section 603(b)(3) of the Postal Account-
19 ability and Enhancement Act (Public Law 109–435).

20 UNITED STATES TAX COURT

21 SALARIES AND EXPENSES

22 For necessary expenses, including contract reporting
23 and other services as authorized by 5 U.S.C. 3109,
24 \$51,100,000, of which \$500,000 shall remain available
25 until expended: *Provided*, That travel expenses of the

1 judges shall be paid upon the written certificate of the
2 judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION)

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

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

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

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

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

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

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

16 SEC. 608. Except as otherwise provided in this Act,
17 none of the funds provided in this Act, provided by pre-
18 vious appropriations Acts to the agencies or entities fund-
19 ed in this Act that remain available for obligation or ex-
20 penditure in fiscal year 2018, or provided from any ac-
21 counts in the Treasury derived by the collection of fees
22 and available to the agencies funded by this Act, shall be
23 available for obligation or expenditure through a re-
24 programming of funds that: (1) creates a new program;
25 (2) eliminates a program, project, or activity; (3) increases

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

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

12 SEC. 609. Except as otherwise specifically provided
13 by law, not to exceed 50 percent of unobligated balances
14 remaining available at the end of fiscal year 2018 from
15 appropriations made available for salaries and expenses
16 for fiscal year 2018 in this Act, shall remain available
17 through September 30, 2019, for each such account for
18 the purposes authorized: *Provided*, That a request shall
19 be submitted to the Committees on Appropriations of the
20 House of Representatives and the Senate for approval
21 prior to the expenditure of such funds: *Provided further*,
22 That these requests shall be made in compliance with re-
23 programming guidelines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) Payments to—

24 (A) the Judicial Officers’ Retirement Fund

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

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

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

6 (3) Payment of Government contributions—

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

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

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

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

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

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

3 SEC. 620. In fiscal year 2018 and any fiscal year
4 thereafter, none of the funds made available in this or any
5 other Act may be used by the Federal Trade Commission
6 to complete or publish the study, recommendations, or re-
7 port prepared by the Interagency Working Group on Food
8 Marketed to Children pursuant to the directive described
9 on pages 983 and 984 of the House Appropriations Com-
10 mittee Print of the explanatory statement accompanying
11 the Omnibus Appropriations Act, 2009 (Public Law 111–
12 8).

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

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

1 (b) Amounts appropriated for any executive branch
2 agency funded by this Act that are available for informa-
3 tion technology shall be allocated within the agency, con-
4 sistent with the provisions of appropriations Acts and
5 budget guidelines and recommendations from the Director
6 of the Office of Management and Budget, in such manner
7 as specified by, or approved by, the Chief Information Of-
8 ficer of the agency in consultation with the Chief Financial
9 Officer of the agency and budget officials.

10 SEC. 623. None of the funds made available in this
11 Act may be used in contravention of chapter 29, 31, or
12 33 of title 44, United States Code.

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

22 SEC. 625. No funds provided in this Act shall be used
23 to deny an Inspector General funded under this Act timely
24 access to any records, documents, or other materials avail-
25 able to the department or agency over which that Inspec-

1 tor General has responsibilities under the Inspector Gen-
2 eral Act of 1978, or to prevent or impede that Inspector
3 General's access to such records, documents, or other ma-
4 terials, under any provision of law, except a provision of
5 law that expressly refers to the Inspector General and ex-
6 pressly limits the Inspector General's right of access. A
7 department or agency covered by this section shall provide
8 its Inspector General with access to all such records, docu-
9 ments, and other materials in a timely manner. Each In-
10 spector General shall ensure compliance with statutory
11 limitations on disclosure relevant to the information pro-
12 vided by the establishment over which that Inspector Gen-
13 eral has responsibilities under the Inspector General Act
14 of 1978. Each Inspector General covered by this section
15 shall report to the Committees on Appropriations of the
16 House of Representatives and the Senate within 5 cal-
17 endar days any failures to comply with this requirement.

18 SEC. 626. (a) None of the funds made available in
19 this Act may be used to maintain or establish a computer
20 network unless such network blocks the viewing,
21 downloading, and exchanging of pornography.

22 (b) Nothing in subsection (a) shall limit the use of
23 funds necessary for any Federal, State, tribal, or local law
24 enforcement agency or any other entity carrying out crimi-
25 nal investigations, prosecution, adjudication activities, or

1 other law enforcement- or victim assistance-related activ-
2 ity.

3 SEC. 627. Section 633(a) of title VI of division E of
4 the Consolidated Appropriations Act, 2017 (Public Law
5 115–31) is amended—

6 (1) by inserting “and” at the end of paragraph

7 (1);

8 (2) by striking paragraph (2); and

9 (3) by redesignating paragraph (3) as para-
10 graph (2).

11 SEC. 628. The unobligated balance in the Securities
12 and Exchange Commission Reserve Fund established by
13 section 991 of the Dodd-Frank Wall Street Reform and
14 Consumer Protection Act (Public Law 111–203) are per-
15 manently rescinded.

16 SEC. 629. None of the funds made available by this
17 Act shall be used by the Securities and Exchange Commis-
18 sion to study, develop, propose, finalize, issue, or imple-
19 ment any rule, regulation, or order regarding the disclo-
20 sure of political contributions to tax exempt organizations,
21 or dues paid to trade associations.

22 SEC. 630. None of the funds made available by this
23 Act may be used to enforce the requirements in section
24 316(b)(4)(D) of the Federal Election Campaign Act of
25 1971 (52 U.S.C. 30118(b)(4)(D)) that the solicitation of

1 contributions from member corporations stockholders and
2 executive or administrative personnel, and the families of
3 such stockholders or personnel, by trade associations must
4 be separately and specifically approved by the member cor-
5 poration involved prior to such solicitation, and that such
6 member corporation does not approve any such solicitation
7 by more than one such trade association in any calendar
8 year.

9 SEC. 631. (1) None of the funds appropriated by this
10 Act shall be available to pay for an abortion or the admin-
11 istrative expenses in connection with a multi-State quali-
12 fied health plan offered under a contract under section
13 1334 of the Patient Protection and Affordable Care Act
14 (42 U.S.C. 18054) which provides any benefits or coverage
15 for abortions.

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

20 SEC. 632. None of the funds made available in this
21 Act may be used by a governmental entity to require the
22 disclosure by a provider of electronic communication serv-
23 ice to the public or remote computing service of the con-
24 tents of a wire or electronic communication that is in elec-
25 tronic storage with or otherwise stored, held, or main-

1 tained by that service unless the governmental entity ob-
2 tains a warrant issued upon probable cause by a court of
3 competent jurisdiction using the procedures described in
4 the Federal Rules of Criminal Procedure.

5 SEC. 633. (a) No funds made available by this Act
6 shall be expended on any enforcement action that—

7 (1) concerns a pyramid promotional scheme
8 other than a scheme described in subsection (b); and

9 (2) begins after the date of enactment of this
10 section.

11 (b) The pyramid promotional scheme described in
12 this subsection is any plan or operation in which individ-
13 uals give consideration for the right to receive compensa-
14 tion that is primarily based upon recruiting other individ-
15 uals into such plan or operation rather than related to
16 the—

17 (1) sale of products or services to ultimate
18 users; or

19 (2) consumption by ultimate users.

20 (c) It is not evidence of a pyramid promotional
21 scheme described in subsection (b) if participants in the
22 plan or operation give consideration for the right to receive
23 compensation based upon purchases of products or serv-
24 ices by participants for personal use, consumption, or re-
25 sale, as long as the plan or operation—

1 (1) does not require inventory loading; and

2 (2) implements a bona fide inventory repur-
3 chase agreement.

4 (d) For purposes of this section—

5 (1) the term “bona fide inventory repurchase
6 agreement” means a program by which a plan or op-
7 eration—

8 (A) promises to repurchase, on commer-
9 cially reasonable terms, current and marketable
10 inventory purchased and maintained by a par-
11 ticipant for use, consumption, or resale, upon
12 request at the termination of the participant’s
13 business relationship with the plan or operation;
14 and

15 (B) clearly communicates such terms in its
16 recruiting literature, sales manual, or contracts
17 with participants, including the manner in
18 which the repurchase is to be exercised and dis-
19 closure of any inventory not eligible for repur-
20 chase under the program;

21 (2) the term “commercially reasonable terms”
22 means, with respect to a repurchase of current and
23 marketable inventory, a repurchase within 12
24 months from the date of purchase at not less than

1 90 percent of the original net cost to the participant,
2 less appropriate set-offs and legal claims, if any;

3 (3) the term “inventory loading” means a prac-
4 tice in which a plan or operation—

5 (A) requires or encourages its participants
6 to purchase inventory in an amount exceeding
7 that which the participant can reasonably ex-
8 pect to use, consume, or resell to ultimate
9 users; and

10 (B) is not subject to a bona fide inventory
11 repurchase agreement; and

12 (4) the term “ultimate users” means individuals
13 who consume or use the products or services, wheth-
14 er or not they are participants in the plan or oper-
15 ation.

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

5 SEC. 701. No department, agency, or instrumentality
6 of the United States receiving appropriated funds under
7 this or any other Act for fiscal year 2018 shall obligate
8 or expend any such funds, unless such department, agen-
9 cy, or instrumentality has in place, and will continue to
10 administer in good faith, a written policy designed to en-
11 sure that all of its workplaces are free from the illegal
12 use, possession, or distribution of controlled substances
13 (as defined in the Controlled Substances Act (21 U.S.C.
14 802)) by the officers and employees of such department,
15 agency, or instrumentality.

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

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

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

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

1 of the United States) whose post of duty is in the conti-
2 nental United States unless such person: (1) is a citizen
3 of the United States; (2) is a person who is lawfully admit-
4 ted for permanent residence and is seeking citizenship as
5 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
6 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
7 ed asylum under 8 U.S.C. 1158 and has filed a declaration
8 of intention to become a lawful permanent resident and
9 then a citizen when eligible; or (4) is a person who owes
10 allegiance to the United States: *Provided*, That for pur-
11 poses of this section, affidavits signed by any such person
12 shall be considered prima facie evidence that the require-
13 ments of this section with respect to his or her status are
14 being complied with: *Provided further*, That for purposes
15 of subsections (2) and (3) such affidavits shall be sub-
16 mitted prior to employment and updated thereafter as nec-
17 essary: *Provided further*, That any payment made to any
18 officer or employee contrary to the provisions of this sec-
19 tion shall be recoverable in action by the Federal Govern-
20 ment: *Provided further*, That this section shall not apply
21 to any person who is an officer or employee of the Govern-
22 ment of the United States on the date of enactment of
23 this Act, or to international broadcasters employed by the
24 Broadcasting Board of Governors, or to temporary em-
25 ployment of translators, or to temporary employment in

1 the field service (not to exceed 60 days) as a result of
2 emergencies: *Provided further*, That this section does not
3 apply to the employment as Wildland firefighters for not
4 more than 120 days of nonresident aliens employed by the
5 Department of the Interior or the USDA Forest Service
6 pursuant to an agreement with another country.

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

17 SEC. 706. In addition to funds provided in this or
18 any other Act, all Federal agencies are authorized to re-
19 ceive and use funds resulting from the sale of materials,
20 including Federal records disposed of pursuant to a
21 records schedule recovered through recycling or waste pre-
22 vention programs. Such funds shall be available until ex-
23 pended for the following purposes:

24 (1) Acquisition, waste reduction and prevention,
25 and recycling programs as described in Executive

1 Order No. 13693 (March 19, 2015), including any
2 such programs adopted prior to the effective date of
3 the Executive order.

4 (2) Other Federal agency environmental man-
5 agement programs, including, but not limited to, the
6 development and implementation of hazardous waste
7 management and pollution prevention programs.

8 (3) Other employee programs as authorized by
9 law or as deemed appropriate by the head of the
10 Federal agency.

11 SEC. 707. Funds made available by this or any other
12 Act for administrative expenses in the current fiscal year
13 of the corporations and agencies subject to chapter 91 of
14 title 31, United States Code, shall be available, in addition
15 to objects for which such funds are otherwise available,
16 for rent in the District of Columbia; services in accordance
17 with 5 U.S.C. 3109; and the objects specified under this
18 head, all the provisions of which shall be applicable to the
19 expenditure of such funds unless otherwise specified in the
20 Act by which they are made available: *Provided*, That in
21 the event any functions budgeted as administrative ex-
22 penses are subsequently transferred to or paid from other
23 funds, the limitations on administrative expenses shall be
24 correspondingly reduced.

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

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

15 SEC. 710. During the period in which the head of
16 any department or agency, or any other officer or civilian
17 employee of the Federal Government appointed by the
18 President of the United States, holds office, no funds may
19 be obligated or expended in excess of \$5,000 to furnish
20 or redecorate the office of such department head, agency
21 head, officer, or employee, or to purchase furniture or
22 make improvements for any such office, unless advance
23 notice of such furnishing or redecoration is transmitted
24 to the Committees on Appropriations of the House of Rep-
25 resentatives and the Senate. For the purposes of this sec-

1 tion, the term “office” shall include the entire suite of of-
2 fices assigned to the individual, as well as any other space
3 used primarily by the individual or the use of which is
4 directly controlled by the individual.

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

13 SEC. 712. (a) None of the funds made available by
14 this or any other Act may be obligated or expended by
15 any department, agency, or other instrumentality of the
16 Federal Government to pay the salaries or expenses of any
17 individual appointed to a position of a confidential or pol-
18 icy-determining character that is excepted from the com-
19 petitive service under section 3302 of title 5, United
20 States Code, (pursuant to schedule C of subpart C of part
21 213 of title 5 of the Code of Federal Regulations) unless
22 the head of the applicable department, agency, or other
23 instrumentality employing such schedule C individual cer-
24 tifies to the Director of the Office of Personnel Manage-
25 ment that the schedule C position occupied by the indi-

1 vidual was not created solely or primarily in order to detail
2 the individual to the White House.

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

8 SEC. 713. No part of any appropriation contained in
9 this or any other Act shall be available for the payment
10 of the salary of any officer or employee of the Federal
11 Government, who—

12 (1) prohibits or prevents, or attempts or threat-
13 ens to prohibit or prevent, any other officer or em-
14 ployee of the Federal Government from having any
15 direct oral or written communication or contact with
16 any Member, committee, or subcommittee of the
17 Congress in connection with any matter pertaining
18 to the employment of such other officer or employee
19 or pertaining to the department or agency of such
20 other officer or employee in any way, irrespective of
21 whether such communication or contact is at the ini-
22 tiative of such other officer or employee or in re-
23 sponse to the request or inquiry of such Member,
24 committee, or subcommittee; or

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

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

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

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

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

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

9 (5) is offensive to, or designed to change, par-
10 ticipants’ personal values or lifestyle outside the
11 workplace.

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

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

24 SEC. 716. None of the funds appropriated by this or
25 any other Act may be used by an agency to provide a Fed-

1 eral employee's home address to any labor organization
2 except when the employee has authorized such disclosure
3 or when such disclosure has been ordered by a court of
4 competent jurisdiction.

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

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

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

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

20 (2) includes a military department, as defined
21 under section 102 of such title, the United States
22 Postal Service, and the Postal Regulatory Commis-
23 sion.

24 (b) Unless authorized in accordance with law or regu-
25 lations to use such time for other purposes, an employee

1 of an agency shall use official time in an honest effort
2 to perform official duties. An employee not under a leave
3 system, including a Presidential appointee exempted under
4 5 U.S.C. 6301(2), has an obligation to expend an honest
5 effort and a reasonable proportion of such employee's time
6 in the performance of official duties.

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

14 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
15 tion 708 of this Act, the head of each Executive depart-
16 ment and agency is hereby authorized to transfer to or
17 reimburse "General Services Administration, Government-
18 wide Policy" with the approval of the Director of the Of-
19 fice of Management and Budget, funds made available for
20 the current fiscal year by this or any other Act, including
21 rebates from charge card and other contracts: *Provided*,
22 That these funds shall be administered by the Adminis-
23 trator of General Services to support Government-wide
24 and other multi-agency financial, information technology,
25 procurement, and other management innovations, initia-

1 tives, and activities, including improving coordination and
2 reducing duplication, as approved by the Director of the
3 Office of Management and Budget, in consultation with
4 the appropriate interagency and multi-agency groups des-
5 ignated by the Director (including the President’s Man-
6 agement Council for overall management improvement ini-
7 tiatives, the Chief Financial Officers Council for financial
8 management initiatives, the Chief Information Officers
9 Council for information technology initiatives, the Chief
10 Human Capital Officers Council for human capital initia-
11 tives, the Chief Acquisition Officers Council for procure-
12 ment initiatives, and the Performance Improvement Coun-
13 cil for performance improvement initiatives): *Provided fur-*
14 *ther*, That the total funds transferred or reimbursed shall
15 not exceed \$15,000,000 to improve coordination, reduce
16 duplication, and for other activities related to Federal
17 Government Priority Goals established by 31 U.S.C. 1120,
18 and not to exceed \$17,000,000 for Government-Wide inno-
19 vations, initiatives, and activities: *Provided further*, That
20 the funds transferred to or for reimbursement of “General
21 Services Administration, Government-wide Policy” during
22 fiscal year 2018 shall remain available for obligation
23 through September 30, 2019: *Provided further*, That such
24 transfers or reimbursements may only be made after 15
25 days following notification of the Committees on Appro-

1 priations of the House of Representatives and the Senate
2 by the Director of the Office of Management and Budget.

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

8 SEC. 723. Notwithstanding 31 U.S.C. 1346, or sec-
9 tion 708 of this Act, funds made available for the current
10 fiscal year by this or any other Act shall be available for
11 the interagency funding of specific projects, workshops,
12 studies, and similar efforts to carry out the purposes of
13 the National Science and Technology Council (authorized
14 by Executive Order No. 12881), which benefit multiple
15 Federal departments, agencies, or entities: *Provided*, That
16 the Office of Management and Budget shall provide a re-
17 port describing the budget of and resources connected with
18 the National Science and Technology Council to the Com-
19 mittees on Appropriations, the House Committee on
20 Science and Technology, and the Senate Committee on
21 Commerce, Science, and Transportation 90 days after en-
22 actment of this Act.

23 SEC. 724. Any request for proposals, solicitation,
24 grant application, form, notification, press release, or
25 other publications involving the distribution of Federal

1 funds shall comply with any relevant requirements in part
2 200 of title 2, Code of Federal Regulations: *Provided*,
3 That this section shall apply to direct payments, formula
4 funds, and grants received by a State receiving Federal
5 funds.

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

10 (1) to collect, review, or create any aggregation
11 of data, derived from any means, that includes any
12 personally identifiable information relating to an in-
13 dividual's access to or use of any Federal Govern-
14 ment Internet site of the agency; or

15 (2) to enter into any agreement with a third
16 party (including another government agency) to col-
17 lect, review, or obtain any aggregation of data, de-
18 rived from any means, that includes any personally
19 identifiable information relating to an individual's
20 access to or use of any nongovernmental Internet
21 site.

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

24 (1) any record of aggregate data that does not
25 identify particular persons;

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

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

6 (4) any action described in subsection (a)(1)
7 that is a system security action taken by the oper-
8 ator of an Internet site and is necessarily incident
9 to providing the Internet site services or to pro-
10 tecting the rights or property of the provider of the
11 Internet site.

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

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

16 (2) The term “supervisory” means examina-
17 tions of the agency’s supervised institutions, includ-
18 ing assessing safety and soundness, overall financial
19 condition, management practices and policies and
20 compliance with applicable standards as provided in
21 law.

22 SEC. 726. (a) None of the funds appropriated by this
23 Act may be used to enter into or renew a contract which
24 includes a provision providing prescription drug coverage,

1 except where the contract also includes a provision for con-
2 traceptive coverage.

3 (b) Nothing in this section shall apply to a contract
4 with—

5 (1) any of the following religious plans:

6 (A) Personal Care’s HMO; and

7 (B) OSF HealthPlans, Inc.; and

8 (2) any existing or future plan, if the carrier
9 for the plan objects to such coverage on the basis of
10 religious beliefs.

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

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

19 SEC. 727. The United States is committed to ensur-
20 ing the health of its Olympic, Pan American, and
21 Paralympic athletes, and supports the strict adherence to
22 anti-doping in sport through testing, adjudication, edu-
23 cation, and research as performed by nationally recognized
24 oversight authorities.

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

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

19 SEC. 730. Unless otherwise authorized by existing
20 law, none of the funds provided in this or any other Act
21 may be used by an executive branch agency to produce
22 any prepackaged news story intended for broadcast or dis-
23 tribution in the United States, unless the story includes
24 a clear notification within the text or audio of the pre-

1 packaged news story that the prepackaged news story was
2 prepared or funded by that executive branch agency.

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

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

14 (b) WAIVERS.—

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

20 (2) REPORT TO CONGRESS.—Any Secretary
21 issuing a waiver under paragraph (1) shall report
22 such issuance to Congress.

23 (c) EXCEPTION.—This section shall not apply to any
24 Federal Government contract entered into before the date

1 of the enactment of this Act, or to any task order issued
2 pursuant to such contract.

3 SEC. 733. During fiscal year 2018, for each employee
4 who—

5 (1) retires under section 8336(d)(2) or
6 8414(b)(1)(B) of title 5, United States Code; or

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

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

24 (1) Any payment consisting of a contribution,
25 expenditure, independent expenditure, or disburse-

1 ment for an electioneering communication that is
2 made by the entity, its officers or directors, or any
3 of its affiliates or subsidiaries to a candidate for
4 election for Federal office or to a political com-
5 mittee, or that is otherwise made with respect to any
6 election for Federal office.

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

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

20 SEC. 735. None of the funds made available in this
21 or any other Act may be used to pay for the painting of
22 a portrait of an officer or employee of the Federal govern-
23 ment, including the President, the Vice President, a mem-
24 ber of Congress (including a Delegate or a Resident Com-
25 missioner to Congress), the head of an executive branch

1 agency (as defined in section 133 of title 41, United States
2 Code), or the head of an office of the legislative branch.

3 SEC. 736. (a)(1) Notwithstanding any other provision
4 of law, and except as otherwise provided in this section,
5 no part of any of the funds appropriated for fiscal year
6 2018, by this or any other Act, may be used to pay any
7 prevailing rate employee described in section
8 5342(a)(2)(A) of title 5, United States Code—

9 (A) during the period from the date of expira-
10 tion of the limitation imposed by the comparable sec-
11 tion for the previous fiscal years until the normal ef-
12 fective date of the applicable wage survey adjust-
13 ment that is to take effect in fiscal year 2018, in an
14 amount that exceeds the rate payable for the appli-
15 cable grade and step of the applicable wage schedule
16 in accordance with such section; and

17 (B) during the period consisting of the remain-
18 der of fiscal year 2018 , in an amount that exceeds,
19 as a result of a wage survey adjustment, the rate
20 payable under subparagraph (A) by more than the
21 sum of—

22 (i) the percentage adjustment taking effect
23 in fiscal year 2018 under section 5303 of title
24 5, United States Code, in the rates of pay
25 under the General Schedule; and

1 (ii) the difference between the overall aver-
2 age percentage of the locality-based com-
3 parability payments taking effect in fiscal year
4 2018 under section 5304 of such title (whether
5 by adjustment or otherwise), and the overall av-
6 erage percentage of such payments which was
7 effective in the previous fiscal year under such
8 section.

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

17 (3) For the purposes of this subsection, the rates pay-
18 able to an employee who is covered by this subsection and
19 who is paid from a schedule not in existence on September
20 30, 2017, shall be determined under regulations pre-
21 scribed by the Office of Personnel Management.

22 (4) Notwithstanding any other provision of law, rates
23 of premium pay for employees subject to this subsection
24 may not be changed from the rates in effect on September
25 30, 2017, except to the extent determined by the Office

1 of Personnel Management to be consistent with the pur-
2 pose of this subsection.

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

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

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

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

22 (b) Notwithstanding subsection (a), the adjustment
23 in rates of basic pay for the statutory pay systems that
24 take place in fiscal year 2018 under sections 5344 and
25 5348 of title 5, United States Code, shall be—

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

14 (2) effective as of the first day of the first ap-
15 plicable pay period beginning after September 30,
16 2017.

17 SEC. 737. (a) The head of any Executive branch de-
18 partment, agency, board, commission, or office funded by
19 this or any other appropriations Act shall submit annual
20 reports to the Inspector General or senior ethics official
21 for any entity without an Inspector General, regarding the
22 costs and contracting procedures related to each con-
23 ference held by any such department, agency, board, com-
24 mission, or office during fiscal year 2018 for which the

1 cost to the United States Government was more than
2 \$100,000.

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

6 (1) a description of its purpose;

7 (2) the number of participants attending;

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

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

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

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

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

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

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

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

1 (c) Within 15 days after the end of a quarter, the
2 head of any such department, agency, board, commission,
3 or office shall notify the Inspector General or senior ethics
4 official for any entity without an Inspector General, of the
5 date, location, and number of employees attending a con-
6 ference held by any Executive branch department, agency,
7 board, commission, or office funded by this or any other
8 appropriations Act during fiscal year 2018 for which the
9 cost to the United States Government was more than
10 \$20,000.

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

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

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

9 SEC. 739. None of the funds made available by this
10 or any other Act may be used to implement, administer,
11 enforce, or apply the rule entitled “Competitive Area”
12 published by the Office of Personnel Management in the
13 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
14 et seq.).

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

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

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

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

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

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

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

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

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

23 SEC. 744. (a) During fiscal year 2018, on the date
24 on which a request is made for a transfer of funds in ac-
25 cordance with section 1017 of Public Law 111–203, the

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

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

9 SEC. 745. None of the funds made available under
10 this or any other Act may be used to implement or enforce
11 Executive Order No. 13690, “Establishing a Federal
12 Flood Risk Management Standard and a Process for Fur-
13 ther Soliciting and Considering Stakeholder Input”, in-
14 cluding any related rules, interim final rules, or guidance.

15 SEC. 746. Notwithstanding any other provision of law
16 or regulation, an alien who is authorized to be employed
17 in the United States pursuant to the Deferred Action for
18 Childhood Arrivals program established under the memo-
19 randum of the Secretary of Homeland Security dated
20 June 15, 2012, shall be eligible for employment by the
21 Government (including any entity the majority of the
22 stock of which is owned by the Government).

23 SEC. 747. Except as expressly provided otherwise,
24 any reference to “this Act” contained in any title other

1 than title IV or VIII shall not apply to such title IV or
2 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 2018,
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, 2018.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 SEC. 807. None of the Federal funds contained in
4 this Act may be used to distribute any needle or syringe
5 for the purpose of preventing the spread of blood borne
6 pathogens in any location that has been determined by the
7 local public health or local law enforcement authorities to
8 be inappropriate for such distribution.

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

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

23 (b) No funds available for obligation or expenditure
24 by the District of Columbia government under any author-
25 ity may be used to enact any law, rule, or regulation to

1 legalize or otherwise reduce penalties associated with the
2 possession, use, or distribution of any schedule I substance
3 under the Controlled Substances Act (21 U.S.C. 801 et
4 seq.) or any tetrahydrocannabinols derivative for rec-
5 reational purposes.

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

12 SEC. 811. (a) No later than 30 calendar days after
13 the date of the enactment of this Act, the Chief Financial
14 Officer for the District of Columbia shall submit to the
15 appropriate committees of Congress, the Mayor, and the
16 Council of the District of Columbia, a revised appropriated
17 funds operating budget in the format of the budget that
18 the District of Columbia government submitted pursuant
19 to section 442 of the District of Columbia Home Rule Act
20 (D.C. Official Code, sec. 1–204.42), for all agencies of the
21 District of Columbia government for fiscal year 2018 that
22 is in the total amount of the approved appropriation and
23 that realigns all budgeted data for personal services and
24 other-than-personal services, respectively, with anticipated
25 actual expenditures.

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

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

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

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

1 funds, and such amounts, once transferred or repro-
2 grammed, shall retain appropriation authority consistent
3 with the provisions of this Act.

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

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

12 SEC. 815. Except as otherwise specifically provided
13 by law or under this Act, not to exceed 50 percent of unob-
14 ligated balances remaining available at the end of fiscal
15 year 2018 from appropriations of Federal funds made
16 available for salaries and expenses for fiscal year 2018 in
17 this Act, shall remain available through September 30,
18 2019, for each such account for the purposes authorized:
19 *Provided*, That a request shall be submitted to the Com-
20 mittees on Appropriations of the House of Representatives
21 and the Senate for approval prior to the expenditure of
22 such funds: *Provided further*, That these requests shall be
23 made in compliance with reprogramming guidelines out-
24 lined in section 803 of this Act.

1 SEC. 816. (a)(1) During fiscal year 2019, during a
2 period in which neither a District of Columbia continuing
3 resolution or a regular District of Columbia appropriation
4 bill is in effect, local funds are appropriated in the amount
5 provided for any project or activity for which local funds
6 are provided in the Act referred to in paragraph (2) (sub-
7 ject to any modifications enacted by the District of Colum-
8 bia as of the beginning of the period during which this
9 subsection is in effect) at the rate set forth by such Act.

10 (2) The Act referred to in this paragraph is the Act
11 of the Council of the District of Columbia pursuant to
12 which a proposed budget is approved for fiscal year 2019
13 which (subject to the requirements of the District of Co-
14 lumbia Home Rule Act) will constitute the local portion
15 of the annual budget for the District of Columbia govern-
16 ment for fiscal year 2019 for purposes of section 446 of
17 the District of Columbia Home Rule Act (sec. 1–204.46,
18 D.C. Official Code).

19 (b) Appropriations made by subsection (a) shall cease
20 to be available—

21 (1) during any period in which a District of Co-
22 lumbia continuing resolution for fiscal year 2019 is
23 in effect; or

1 (2) upon the enactment into law of the regular
2 District of Columbia appropriation bill for fiscal year
3 2019.

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

8 (d) An appropriation made by subsection (a) shall
9 cover all obligations or expenditures incurred for such
10 project or activity during the portion of fiscal year 2019
11 for which this section applies to such project or activity.

12 (e) This section shall not apply to a project or activity
13 during any period of fiscal year 2019 if any other provi-
14 sion of law (other than an authorization of appropria-
15 tions)—

16 (1) makes an appropriation, makes funds avail-
17 able, or grants authority for such project or activity
18 to continue for such period; or

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

23 (f) Nothing in this section shall be construed to affect
24 obligations of the government of the District of Columbia
25 mandated by other law.

1 SEC. 817. (a) Effective with respect to fiscal year
2 2013 and each succeeding fiscal year, the Local Budget
3 Autonomy Amendment Act of 2012 (D.C. Law 19–321)
4 is hereby repealed, and any provision of law amended or
5 repealed by such Act shall be restored or revived as if such
6 Act had not been enacted into law.

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

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

13 (B) by adding at the end the following new
14 subsection:

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

1 ments and restrictions applicable to appropriations for
2 such fiscal year.”.

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

5 (A) by striking “existing”; and

6 (B) by striking the period at the end and in-
7 serting the following: “, or as authorizing the Dis-
8 trict of Columbia to make any such change.”.

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

12 SEC. 818. (a) No funds available for obligation or ex-
13 penditure by the District of Columbia government under
14 any authority may be used to enact any act, resolution,
15 rule, regulation, guidance, or other law to permit any per-
16 son to carry out any activity, or to reduce the penalties
17 imposed with respect to any activity, to which subsection
18 (a) of section 3 of the Assisted Suicide Funding Restric-
19 tion Act of 1997 (42 U.S.C. 14402) applies (taking into
20 consideration subsection (b) of such section).

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

24 SEC. 819. Except as expressly provided otherwise,
25 any reference to “this Act” contained in this title or in

- 1 title IV shall be treated as referring only to the provisions
- 2 of this title or of title IV.

1 TITLE IX—OTHER MATTERS

2 TABLE OF CONTENTS

3 SEC. 901.

4 The table of contents for this title is as follows:

- Sec. 901. Table of contents.
- Sec. 902. Directed rulemaking repeals.
- Sec. 903. Repeal and modification of provisions of the Financial Stability Act of 2010.
- Sec. 904. Bringing the Federal Deposit Insurance Corporation into the appropriations process.
- Sec. 905. Bringing the Federal Housing Finance Agency into the appropriations process.
- Sec. 906. Bringing the examination and supervision functions of the National Credit Union Administration into the appropriations process.
- Sec. 907. Bringing the Office of the Comptroller of the Currency into the appropriations process.
- Sec. 908. Bringing the non-monetary policy related functions of the Board of Governors of the Federal Reserve System into the appropriations process.
- Sec. 909. Increased threshold for disclosures relating to compensatory benefit plans.
- Sec. 910. Refunding or crediting overpayment of section 31 fees.
- Sec. 911. Safe harbor for investment fund research.
- Sec. 912. Annual review of government-business forum on capital formation.
- Sec. 913. Helping Angles Lead Our Startups.
- Sec. 914. Investor limitation for qualifying venture capital funds.
- Sec. 915. Manufactured Housing.
- Sec. 916. Requirements for deposit account termination requests and orders.
- Sec. 917. Amendments to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.
- Sec. 918. Safe harbor for certain loans held on portfolio.
- Sec. 919. Changes required to small bank holding company policy statement on assessment of financial and managerial factors.
- Sec. 920. Community financial institution mortgage relief.
- Sec. 921. Regulations appropriate to business models.
- Sec. 922. Eliminating barriers to jobs for loan originators.
- Sec. 923. Small business loan data collection requirement.
- Sec. 924. Depository institutions subject to maintenance of records and disclosure requirements.
- Sec. 925. Rate of interest after transfer of loan.
- Sec. 926. Bringing the Bureau into the regular appropriations process.
- Sec. 927. Elimination of supervision authority.
- Sec. 928. Removal of authority to regulate small-dollar credit.
- Sec. 929. Removal of Bureau UDAAP authority.
- Sec. 930. Repeal of authority to restrict arbitration.
- Sec. 931. Exemption from risk retention requirements for nonresidential mortgage.
- Sec. 932. Prohibition on requiring a single ballot.
- Sec. 933. Repeal of the Volcker Rule and other provisions.

1 DIRECTED RULEMAKING REPEALS

2 SEC. 902.

3 With respect to any directed rulemaking required by
4 a provision of law repealed by this title, to the extent any
5 rule was issued or revised pursuant to such directed rule-
6 making, such rule or revision shall have no force or effect.

7 REPEAL AND MODIFICATION OF PROVISIONS OF THE

8 FINANCIAL STABILITY ACT OF 2010

9 SEC. 903.

10 (a) REPEALS.—The following provisions of the Fi-
11 nancial Stability Act of 2010 are repealed, and the provi-
12 sions of law amended or repealed by such provisions are
13 restored or revived as if such provisions had not been en-
14 acted:

- 15 (1) Subtitle B.
- 16 (2) Section 113.
- 17 (3) Section 114.
- 18 (4) Section 115.
- 19 (5) Section 116.
- 20 (6) Section 117.
- 21 (7) Section 119.
- 22 (8) Section 120.
- 23 (9) Section 121.
- 24 (10) Section 161.
- 25 (11) Section 162.
- 26 (12) Section 164.

1 (13) Section 166.

2 (14) Section 167.

3 (15) Section 168.

4 (16) Section 170.

5 (17) Section 172.

6 (18) Section 174.

7 (19) Section 175.

8 (b) ADDITIONAL MODIFICATIONS.—The Financial
9 Stability Act of 2010 (12 U.S.C. 5311 et seq.) is amend-
10 ed—

11 (1) in section 102(a), by striking paragraph
12 (5);

13 (2) in section 111—

14 (A) in subsection (b)—

15 (i) in paragraph (1)—

16 (I) by striking “who shall each”
17 and inserting “who shall, except as
18 provided below, each”; and

19 (II) by striking subparagraphs

20 (B) through (I) and inserting the fol-
21 lowing:

22 “(B) each member of the Board of Gov-
23 ernors, who shall collectively have 1 vote on the
24 Council;

25 “(C) the Comptroller of the Currency;

1 “(D) the Director of the Bureau;

2 “(E) each member of the Commission, who
3 shall collectively have 1 vote on the Council;

4 “(F) each member of the Corporation, who
5 shall collectively have 1 vote on the Council;

6 “(G) each member of the Commodity Fu-
7 tures Trading Commission, who shall collec-
8 tively have 1 vote on the Council;

9 “(H) the Director of the Federal Housing
10 Finance Agency;

11 “(I) each member of the National Credit
12 Union Administration Board, who shall collec-
13 tively have 1 vote on the Council; and”;

14 (ii) in paragraph (2)—

15 (I) by striking subparagraph (A);

16 and

17 (II) by redesignating subpara-
18 graphs (B), (C), (D), and (E) as sub-
19 paragraphs (A), (B), (C), and (D), re-
20 spectively; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(4) VOTING BY MULTI-PERSON ENTITY.—

24 “(A) VOTING WITHIN THE ENTITY.—An
25 entity described under subparagraph (B), (E),

1 (F), (G), or (I) of paragraph (1) shall deter-
2 mine the entity's Council vote by using the vot-
3 ing process normally applicable to votes by the
4 entity's members.

5 “(B) CASTING OF ENTITY VOTE.—The 1
6 collective Council vote of an entity described
7 under subparagraph (A) shall be cast by the
8 head of such agency or, in the event such head
9 is unable to cast such vote, the next most senior
10 member of the entity available.”;

11 (B) in subsection (c)(1), by striking “The
12 independent member of the Council shall serve
13 for a term of 6 years, and each nonvoting mem-
14 ber described in subparagraphs (C), (D), and
15 (E) of” and inserting “Each nonvoting mem-
16 bers described under”;

17 (C) in subsection (e), by adding at the end
18 the following:

19 “(3) STAFF ACCESS.—Any member of the
20 Council may select to have one or more individuals
21 on the member's staff attend a meeting of the Coun-
22 cil, including any meeting of representatives of the
23 member agencies other than the members them-
24 selves.

1 “(4) CONGRESSIONAL OVERSIGHT.—All public
2 meetings of the Council shall be open to the attend-
3 ance by members of the authorization and oversight
4 committees of the House of Representatives and the
5 Senate.

6 “(5) TRANSCRIPTION REQUIREMENT FOR NON-
7 PUBLIC MEETINGS.—The Council shall create and
8 preserve transcripts for all non-public meetings of
9 the Council.

10 “(6) MEMBER AGENCY MEETINGS.—Any meet-
11 ing of representatives of the member agencies other
12 than the members themselves shall be open to at-
13 tendance by staff of the authorization and oversight
14 committees of the House of Representatives and the
15 Senate.”;

16 (D) by striking subsection (g) (relating to
17 the nonapplicability of FACA);

18 (E) by inserting after subsection (f) the
19 following:

20 “(g) OPEN MEETING REQUIREMENT.—The Council
21 shall be an agency for purposes of section 552b of title
22 5, United States Code (commonly referred to as the ‘Gov-
23 ernment in the Sunshine Act’).

24 “(h) CONFIDENTIAL CONGRESSIONAL BRIEFINGS.—
25 The Chairperson shall at regular times but not less than

1 annually provide confidential briefings to the Committee
2 on Financial Services of the House of Representatives and
3 the Committee on Banking, Housing, and Urban Affairs
4 of the Senate, which may in the discretion of the Chair-
5 man of the respective committee be attended by any com-
6 bination of the committee’s members or staff.”; and

7 (F) by redesignating subsections (h)
8 through (j) as subsections (i) through (k), re-
9 spectively;

10 (3) in section 112—

11 (A) in subsection (a)(2)—

12 (i) in subparagraph (A), by striking
13 “direct the Office of Financial Research
14 to”;

15 (ii) by striking subparagraphs (B),
16 (H), and (I);

17 (iii) by redesignating subparagraphs
18 (C), (D), (E), (F), (G), (J), (K), (L), (M),
19 and (N) as subparagraphs (B), (C), (D),
20 (E), (F), (G), (H), (I), (J), and (K), re-
21 spectively;

22 (iv) in subparagraph (K), as so redesi-
23 gnated—

24 (I) in clause (iii), by adding
25 “and” at the end;

1 (II) by striking clauses (iv) and
2 (v); and

3 (III) by redesignating clause (vi)
4 as clause (iv); and

5 (B) in subsection (d)—

6 (i) in paragraph (1), by striking “the
7 Office of Financial Research, member
8 agencies,” and inserting “member agen-
9 cies”;

10 (ii) in paragraph (2), by striking “the
11 Office of Financial Research, any member
12 agency,” and inserting “member agencies”;

13 (iii) in paragraph (3)—

14 (I) by striking “, acting through
15 the Office of Financial Research,”
16 each place it appears; and

17 (II) in subparagraph (B), by
18 striking “the Office of Financial Re-
19 search or”; and

20 (iv) in paragraph (5)(A), by striking
21 “, the Office of Financial Research,”;

22 (4) by amending section 118 to read as follows:

1 **“SEC. 118. COUNCIL FUNDING.**

2 “There is authorized to be appropriated to the Coun-
3 cil \$4,000,000 for fiscal year 2018 and each fiscal year
4 thereafter to carry out the duties of the Council.”;

5 (5) in section 163—

6 (A) by striking subsection (a);

7 (B) by redesignating subsection (b) as sub-
8 section (a); and

9 (C) in subsection (a), as so redesignated,
10 by striking “or a nonbank financial company
11 supervised by the Board of Governors” each
12 place such term appears;

13 (6) in section 165—

14 (A) by striking “nonbank financial compa-
15 nies supervised by the Board of Governors and”
16 each place such term appears;

17 (B) by striking “nonbank financial com-
18 pany supervised by the Board of Governors
19 and” each place such term appears;

20 (C) in subsection (a), by amending para-
21 graph (2) to read as follows:

22 “(2) **TAILORED APPLICATION.**—In prescribing
23 more stringent prudential standards under this sec-
24 tion, the Board of Governors may differentiate
25 among companies on an individual basis or by cat-
26 egory, taking into consideration their capital struc-

1 ture, riskiness, complexity, financial activities (in-
2 cluding the financial activities of their subsidiaries),
3 size, and any other risk-related factors that the
4 Board of Governors deems appropriate.”;

5 (D) in subsection (b)—

6 (i) in paragraph (1)(B)(iv), by strik-
7 ing “, on its own or pursuant to a rec-
8 ommendation made by the Council in ac-
9 cordance with section 115,”;

10 (ii) in paragraph (2)—

11 (I) by striking “foreign nonbank
12 financial company supervised by the
13 Board of Governors or”;

14 (II) by striking “shall—” and all
15 that follows through “give due” and
16 inserting “shall give due”;

17 (III) in subparagraph (A), by
18 striking “; and” and inserting a pe-
19 riod; and

20 (IV) by striking subparagraph
21 (B);

22 (iii) in paragraph (3)—

23 (I) in subparagraph (A)—

24 (aa) by striking clause (i);

1 (bb) by redesignating
2 clauses (ii), (iii), and (iv) as
3 clauses (i), (ii), and (iii), respec-
4 tively; and

5 (cc) in clause (iii), as so re-
6 designated, by adding “and” at
7 the end;

8 (II) by striking subparagraphs
9 (B) and (C); and

10 (III) by redesignating subpara-
11 graph (D) as subparagraph (B); and

12 (iv) in paragraph (4), by striking “a
13 nonbank financial company supervised by
14 the Board of Governors or”;

15 (E) in subsection (c)—

16 (i) in paragraph (1), by striking
17 “under section 115(c)”; and

18 (ii) in paragraph (2)—

19 (I) by amending subparagraph
20 (A) to read as follows:

21 “(A) any recommendations of the Coun-
22 cil;”; and

23 (II) in subparagraph (D), by
24 striking “nonbank financial company

1 supervised by the Board of Governors
2 or”;

3 (F) in subsection (d)—

4 (i) by striking “a nonbank financial
5 company supervised by the Board of Gov-
6 ernors or” each place such term appears;

7 (ii) in paragraph (1), by striking “pe-
8 riodically” and inserting “not more often
9 than every 2 years”;

10 (iii) in paragraph (3)—

11 (I) by striking “The Board” and
12 inserting the following:

13 “(A) IN GENERAL.—The Board”;

14 (II) by striking “shall review”
15 and inserting the following: “shall—
16 “(i) review”;

17 (III) by striking the period and
18 inserting “; and”; and

19 (IV) by adding at the end the fol-
20 lowing:

21 “(ii) not later than the end of the 6-
22 month period beginning on the date the
23 bank holding company submits the resolu-
24 tion plan, provide feedback to the bank
25 holding company on such plan.

1 “(B) DISCLOSURE OF ASSESSMENT
2 FRAMEWORK.—The Board of Governors shall
3 publicly disclose, including on the website of the
4 Board of Governors, the assessment framework
5 that is used to review information under this
6 paragraph and shall provide the public with a
7 notice and comment period before finalizing
8 such assessment framework.”.

9 (iv) in paragraph (6), by striking
10 “nonbank financial company supervised by
11 the Board, any bank holding company,”
12 and inserting “bank holding company”;

13 (G) in subsection (e)—

14 (i) in paragraph (1), by striking “a
15 nonbank financial company supervised by
16 the Board of Governors or”;

17 (ii) in paragraph (3), by striking “the
18 nonbank financial company supervised by
19 the Board of Governors or” each place
20 such term appears; and

21 (iii) in paragraph (4), by striking “a
22 nonbank financial company supervised by
23 the Board of Governors or”;

1 (H) in subsection (g)(1), by striking “and
2 any nonbank financial company supervised by
3 the Board of Governors”;

4 (I) in subsection (h)—

5 (i) by striking paragraph (1);

6 (ii) by redesignating paragraphs (2),
7 (3), and (4) as paragraphs (1), (2), and
8 (3), respectively;

9 (iii) in paragraph (1), as so redesign-
10 nated, by striking “paragraph (3)” each
11 place such term appears and inserting
12 “paragraph (2)”; and

13 (iv) in paragraph (2), as so redesign-
14 nated—

15 (I) in subparagraph (A), by strik-
16 ing “the nonbank financial company
17 supervised by the Board of Governors
18 or bank holding company described in
19 subsection (a), as applicable” and in-
20 serting “a bank holding company de-
21 scribed in subsection (a)”; and

22 (II) in subparagraph (B), by
23 striking “the nonbank financial com-
24 pany supervised by the Board of Gov-
25 ernors or a bank holding company de-

1 scribed in subsection (a), as applica-
2 ble” and inserting “a bank holding
3 company described in subsection (a)”;

4 (J) in subsection (i)—

5 (i) in paragraph (1)—

6 (I) in subparagraph (A), by strik-
7 ing “, in coordination with the appro-
8 priate primary financial regulatory
9 agencies and the Federal Insurance
10 Office,”;

11 (II) in subparagraph (B)—

12 (aa) by amending clause (i)

13 to read as follows:

14 “(i) shall—

15 “(I) issue regulations, after pro-
16 viding for public notice and comment,
17 that provide for at least 3 different
18 sets of conditions under which the
19 evaluation required by this subsection
20 shall be conducted, including baseline,
21 adverse, and severely adverse, and
22 methodologies, including models used
23 to estimate losses on certain assets,
24 and the Board of Governors shall not
25 carry out any such evaluation until 60

1 days after such regulations are issued;
2 and

3 “(II) provide copies of such regu-
4 lations to the Comptroller General of
5 the United States and the Panel of
6 Economic Advisors of the Congres-
7 sional Budget Office before publishing
8 such regulations;”;

9 (bb) in clause (ii), by strik-
10 ing “and nonbank financial com-
11 panies”;

12 (cc) in clause (iv), by strik-
13 ing “and” at the end;

14 (dd) in clause (v), by strik-
15 ing the period and inserting the
16 following: “, including any results
17 of a resubmitted test;”;

18 (ee) by adding at the end
19 the following:

20 “(vi) shall, in establishing the severely
21 adverse condition under clause (i), provide
22 detailed consideration of the model’s ef-
23 fects on financial stability and the cost and
24 availability of credit;

1 “(vii) shall, in developing the models
2 and methodologies and providing them for
3 notice and comment under this subpara-
4 graph, publish a process to test the models
5 and methodologies for their potential to
6 magnify systemic and institutional risks in-
7 stead of facilitating increased resiliency;

8 “(viii) shall design and publish a proe-
9 ss to test and document the sensitivity
10 and uncertainty associated with the model
11 system’s data quality, specifications, and
12 assumptions; and

13 “(ix) shall communicate the range and
14 sources of uncertainty surrounding the
15 models and methodologies.”; and

16 (III) by adding at the end the
17 following:

18 “(C) CCAR REQUIREMENTS.—

19 “(i) PARAMETERS AND CON-
20 SEQUENCES APPLICABLE TO CCAR.—The
21 requirements of subparagraph (B) shall
22 apply to CCAR.

23 “(ii) TWO-YEAR LIMITATION.—The
24 Board of Governors may not subject a

1 company to CCAR more than once every
2 two years.

3 “(iii) MID-CYCLE RESUBMISSION.—If
4 a company receives a quantitative objection
5 to, or otherwise desires to amend the com-
6 pany’s capital plan, the company may file
7 a new streamlined plan at any time after
8 a capital planning exercise has been com-
9 pleted and before a subsequent capital
10 planning exercise.

11 “(iv) LIMITATION ON QUALITATIVE
12 CAPITAL PLANNING OBJECTIONS.—In car-
13 rying out CCAR, the Board of Governors
14 may not object to a company’s capital plan
15 on the basis of qualitative deficiencies in
16 the company’s capital planning process.

17 “(v) COMPANY INQUIRIES.—The
18 Board of Governors shall establish and
19 publish procedures for responding to in-
20 quiries from companies subject to CCAR,
21 including establishing the time frame in
22 which such responses will be made, and
23 make such procedures publicly available.

24 “(vi) CCAR DEFINED.—For purposes
25 of this subparagraph and subparagraph

1 (E), the term ‘CCAR’ means the Com-
2 prehensive Capital Analysis and Review es-
3 tablished by the Board of Governors.”;

4 (ii) in paragraph (2)—

5 (I) in subparagraph (A)—

6 (aa) by striking “a bank
7 holding company” and inserting
8 “bank holding company”;

9 (bb) by striking “semi-
10 annual” and inserting “annual”;

11 (cc) by striking “All other
12 financial companies” and insert-
13 ing “All other bank holding com-
14 panies”; and

15 (dd) by striking “and are
16 regulated by a primary Federal
17 financial regulatory agency”;

18 (II) in subparagraph (B)—

19 (aa) by striking “and to its
20 primary financial regulatory
21 agency”; and

22 (bb) by striking “primary fi-
23 nancial regulatory agency” the
24 second time it appears and in-

1 serting “Board of Governors”;

2 and

3 (III) in subparagraph (C)—

4 (aa) by striking “Each Fed-
5 eral primary financial regulatory
6 agency, in coordination with the
7 Board of Governors and the Fed-
8 eral Insurance Office,” and in-
9 serting “The Board of Gov-
10 ernors”; and

11 (bb) by striking “consistent
12 and comparable”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(3) ACCOUNTABILITY AND APPROPRIATENESS
16 IN BANK HOLDING COMPANY STRESS TESTS.—

17 “(A) QUALITY AND ACCOUNTABILITY AS-
18 SURANCE.—No annual test or exercise con-
19 ducted by the Board of Governors under this
20 subsection or any other provision of law shall
21 serve as a basis for restricting a capital dis-
22 tribution by a bank holding company unless the
23 Board of Governor’s Vice Chair for Supervision
24 certifies in writing to the Congress that any
25 model or combination of models used therein

1 are demonstrably more accurate than any simi-
2 lar model or combination of models utilized by
3 the bank holding company in a stress test con-
4 ducted under paragraph (2).

5 “(B) PROCESS.—Any action taken by the
6 Board of Governors to restrict a capital dis-
7 tribution by a bank holding company on the
8 basis of a stress test or exercise conducted by
9 the Board of Governors under this subsection
10 or any other provision of law shall be conducted
11 pursuant to a capital directive subject to, and
12 issued in accordance with, section 908(b)(2) of
13 the International Lending Supervision Act of
14 1983 (12 U.S.C. 3907(b)(2).”;

15 (K) in subsection (j)—

16 (i) in paragraph (1), by striking “or a
17 nonbank financial company supervised by
18 the Board of Governors”; and

19 (ii) in paragraph (2), by striking “the
20 factors described in subsections (a) and (b)
21 of section 113 and any other” and insert-
22 ing “any”; and

23 (L) in subsection (k)(1), by striking “or
24 nonbank financial company supervised by the
25 Board of Governors”.

1 (c) TREATMENT OF OTHER RESOLUTION PLAN RE-
2 QUIREMENTS.—

3 (1) IN GENERAL.—With respect to an appro-
4 priate Federal banking agency that requires a bank-
5 ing organization to submit to the agency a resolution
6 plan not described under section 165(d) of the
7 Dodd-Frank Wall Street Reform and Consumer Pro-
8 tection Act—

9 (A) the agency shall comply with the re-
10 quirements of paragraphs (3) and (4) of such
11 section 165(d);

12 (B) the agency may not require the sub-
13 mission of such a resolution plan more often
14 than every 2 years; and

15 (C) paragraphs (6) and (7) of such section
16 165(d) shall apply to such a resolution plan.

17 (2) DEFINITIONS.—For purposes of this sub-
18 section, the terms “appropriate Federal banking
19 agency” and “banking organization” have the mean-
20 ing given those terms, respectively, under section
21 105.

22 (d) ACTIONS TO CREATE A BANK HOLDING COM-
23 PANY.—Section 3(b)(1) of the Bank Holding Company
24 Act of 1956 (12 U.S.C. 1842(b)(1)) is amended—

1 (1) by striking “Upon receiving” and inserting
2 the following:

3 “(A) IN GENERAL.—Upon receiving”;

4 (2) by striking “Notwithstanding any other pro-
5 vision” and inserting the following:

6 “(B) IMMEDIATE ACTION.—

7 “(i) IN GENERAL.—Notwithstanding
8 any other provision”; and

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

10 “(ii) EXCEPTION.—The Board may
11 not take any action pursuant to clause (i)
12 on an application that would cause any
13 company to become a bank holding com-
14 pany unless such application involves the
15 company acquiring a bank that is critically
16 undercapitalized (as such term is defined
17 under section 38(b) of the Federal Deposit
18 Insurance Act).”.

19 (e) CONCENTRATION LIMITS APPLIED ONLY TO
20 BANKING ORGANIZATIONS.—Section 14 of the Bank
21 Holding Company Act of 1956 (12 U.S.C. 1852) is
22 amended—

23 (1) by striking “financial company” each place
24 such term appears and inserting “banking organiza-
25 tion”;

1 (2) in subsection (a)—

2 (A) by amending paragraph (2) to read as
3 follows:

4 “(2) the term ‘banking organization’ means—

5 “(A) an insured depository institution;

6 “(B) a bank holding company;

7 “(C) a savings and loan holding company;

8 “(D) a company that controls an insured
9 depository institution; and

10 “(E) a foreign bank or company that is
11 treated as a bank holding company for purposes
12 of this Act; and”;

13 (B) in paragraph (3)—

14 (i) in subparagraph (A)(ii), by adding
15 “and” at the end;

16 (ii) in subparagraph (B)(ii), by strik-
17 ing “; and” and inserting a period; and

18 (iii) by striking subparagraph (C);

19 and

20 (3) in subsection (b), by striking “financial
21 companies” and inserting “banking organizations”.

22 (f) CONFORMING AMENDMENT.—Section 3502(5) of
23 title 44, United States Code, is amended by striking “the
24 Office of Financial Research,”.

1 (g) CLERICAL AMENDMENT.—The table of contents
2 under section 1(b) of the Dodd-Frank Wall Street Reform
3 and Consumer Protection Act is amended by striking the
4 items relating to subtitle B of title I and 113, 114, 115,
5 116, 117, 119, 120, 121, 161, 162, 164, 166, 167, 168,
6 170, 172, 174, and 175.

7 BRINGING THE FEDERAL DEPOSIT INSURANCE
8 CORPORATION INTO THE APPROPRIATIONS PROCESS
9 SEC. 904.

10 (a) IN GENERAL.—Section 10(a) of the Federal De-
11 posit Insurance Act (12 U.S.C. 1820(a)) is amended—

12 (1) by striking “(a) The” and inserting the fol-
13 lowing:

14 “(a) POWERS.—

15 “(1) IN GENERAL.—The”;

16 (2) by inserting “, subject to paragraph (2),”
17 after “The Board of Directors of the Corporation”;
18 and

19 (3) by adding at the end the following new
20 paragraph:

21 “(2) APPROPRIATIONS REQUIREMENT.—Except
22 as provided under paragraph (3), the Corporation
23 may, only to the extent as provided in advance by
24 appropriations Acts, cover the costs incurred in car-
25 rying out the provisions of this Act, including with
26 respect to the administrative costs of the Corpora-

1 tion and the costs of the examination and super-
2 vision of insured depository institutions.

3 “(3) EXCEPTION FOR CERTAIN PROGRAMS.—
4 Paragraph (2) shall not apply to the Corporation’s
5 Insurance Business Line Programs and Receivership
6 Management Business Line Programs, as in exist-
7 ence on the date of enactment of this paragraph,
8 and the proportion of the administrative costs of the
9 Corporation related to such programs.”.

10 (b) EXAMINATION FEES.—Section 10(e)(1) of the
11 Federal Deposit Insurance Act (12 U.S.C. 1820(e)(1)) is
12 amended by striking “to meet the expenses of the Cor-
13 poration in carrying out such examinations” and inserting
14 “and may be expended by the Board only to the extent
15 as provided in advance by appropriations Acts to cover the
16 costs incurred in carrying out such examinations”.

17 (c) OFFSET OF ADDITIONAL FEES.—The Federal
18 Deposit Insurance Corporation shall reduce the amount
19 of insurance premiums charged by the Corporation under
20 the Federal Deposit Insurance Act in an amount equal
21 to any additional fees charged by the Corporation by rea-
22 son of the amendments made by this section.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to expenses paid and
25 fees collected on or after October 1, 2018.

1 BRINGING THE FEDERAL HOUSING FINANCE AGENCY
2 INTO THE APPROPRIATIONS PROCESS
3 SEC. 905.

4 (a) IN GENERAL.—Section 1316 of the Housing and
5 Community Development Act of 1992 (12 U.S.C. 4516)
6 is amended—

7 (1) by amending subsection (a) to read as fol-
8 lows:

9 “(a) APPROPRIATIONS REQUIREMENT.—

10 “(1) RECOVERY OF COSTS OF ANNUAL APPRO-
11 PRIATION.—The Agency shall collect assessments
12 and other fees that are designed to recover the costs
13 to the Government of the annual appropriation to
14 the Agency by Congress.

15 “(2) OFFSETTING COLLECTIONS.—Assessments
16 and other fees described under paragraph (1) for
17 any fiscal year—

18 “(A) shall be deposited and credited as off-
19 setting collections to the account providing ap-
20 propriations to the Agency; and

21 “(B) shall not be collected for any fiscal
22 year except to the extent provided in advance in
23 appropriation Acts.”; and

24 (2) by striking subsection (f).

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to expenses paid and
3 assessments and other fees collected on or after October
4 1, 2018.

5 BRINGING THE EXAMINATION AND SUPERVISION FUNC-
6 TIONS OF THE NATIONAL CREDIT UNION ADMINIS-
7 TRATION INTO THE APPROPRIATIONS PROCESS
8 SEC. 906.

9 (a) OPERATING FEES.—Section 105(d) of the Fed-
10 eral Credit Union Act (12 U.S.C. 1755(d)) is amended—

11 (1) by striking “All” and inserting “(1) All”;

12 (2) by striking “for the account of the Adminis-
13 tration and may be expended by the Board to defray
14 the expenses incurred in carrying out the provisions
15 of this Act including the examination and super-
16 vision of Federal credit unions” and inserting “and
17 may be expended by the Board only to the extent as
18 provided in advance by appropriations Acts, to cover
19 the costs incurred in carrying out the provisions of
20 this Act with respect to the costs of the examination
21 and supervision of Federal credit unions and the
22 proportion of the administrative costs of the Board
23 related to the examination and supervision of Fed-
24 eral credit unions”; and

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

1 “(2)(A) The Board may only use amounts in the
2 NCUA Operating Fund to the extent as provided in ad-
3 vance by appropriations Acts, including to pay for the
4 costs incurred by the Board in carrying out the examina-
5 tion and supervision of Federal credit unions and the pro-
6 portion of the administrative costs of the Board related
7 to the examination and supervision of Federal credit
8 unions.

9 “(B) Subparagraph (A) shall not apply to the
10 Board’s activities carried out pursuant to title II.”.

11 (b) STAFF FUNDING.—Section 120(j)(3) of the Fed-
12 eral Credit Union Act (12 U.S.C. 1766(j)(3)) is amend-
13 ed—

14 (1) by inserting “related to the examination
15 and supervision of Federal credit unions under this
16 Act and the proportion of the administrative costs of
17 the Board related to the examination and super-
18 vision of Federal credit unions under this Act” be-
19 fore “shall be paid”; and

20 (2) by striking “insured credit unions under
21 this Act” and inserting “Federal credit unions under
22 this title, only to the extent as provided in advance
23 by appropriations Acts”.

1 (c) USE OF DEPOSIT FUNDS.—Section
2 202(c)(1)(B)(iv) of the Federal Credit Union Act (12
3 U.S.C. 1782(c)(1)(B)(iv)) is amended—

4 (1) by striking “The” and inserting “To the ex-
5 tent provided for in advance by appropriations Acts,
6 the”; and

7 (2) by adding at the end the following new sen-
8 tence: “This clause shall not apply to the Board’s
9 activities carried out pursuant to this title.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to expenses paid and
12 fees collected on or after October 1, 2018.

13 BRINGING THE OFFICE OF THE COMPTROLLER OF THE
14 CURRENCY INTO THE APPROPRIATIONS PROCESS
15 SEC. 907.

16 (a) IN GENERAL.—Section 5240A of the Revised
17 Statutes of the United States (12 U.S.C. 16) is amend-
18 ed—

19 (1) by striking “Sec. 5240A. The Comptroller
20 of the Currency may collect an assessment, fee, or
21 other charge from any entity described in section
22 3(q)(1) of the Federal Deposit Insurance Act (12
23 U.S.C. 1813(q)(1)), as the Comptroller determines
24 is necessary or appropriate to carry out the respon-
25 sibilities of the Office of the Comptroller of the Cur-
26 rency. In establishing the amount of an assessment,

1 fee, or charge collected from an entity under this
2 section,” and inserting the following:

3 **“SEC. 5240A. COLLECTION OF FEES; APPROPRIATIONS RE-**
4 **QUIREMENT.**

5 “(a) IN GENERAL.—In establishing the amount of an
6 assessment, fee, or charge collected from an entity under
7 subsection (b),”;

8 (2) by striking “Funds derived” and all that
9 follows through the end of the section; and

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

11 “(b) APPROPRIATIONS REQUIREMENT.—

12 “(1) RECOVERY OF COSTS OF ANNUAL APPRO-
13 PRIATION.—The Comptroller of the Currency shall
14 impose and collect assessments, fees, or other
15 charges that are designed to recover the costs to the
16 Government of the annual appropriation to the Of-
17 fice of the Comptroller of the Currency by Congress.

18 “(2) OFFSETTING COLLECTIONS.—Assessments
19 and other fees described under paragraph (1) for
20 any fiscal year—

21 “(A) shall be deposited and credited as off-
22 setting collections to the account providing ap-
23 propriations to the Office of the Comptroller of
24 the Currency; and

1 “(B) shall not be collected for any fiscal
2 year except to the extent provided in advance in
3 appropriation Acts.”.

4 (b) CONFORMING AMENDMENT.—Section 5240 (12
5 U.S.C. 481 et seq.) of the Revised Statutes of the United
6 States is amended by striking the fourth undesignated
7 paragraph.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to expenses paid and
10 fees collected on or after October 1, 2018.

11 BRINGING THE NON-MONETARY POLICY RELATED FUNC-
12 TIONS OF THE BOARD OF GOVERNORS OF THE FED-
13 ERAL RESERVE SYSTEM INTO THE APPROPRIATIONS
14 PROCESS
15 SEC. 908.

16 (a) IN GENERAL.—The Federal Reserve Act is
17 amended by inserting after section 11B the following:

18 **“SEC. 11C. APPROPRIATIONS REQUIREMENT FOR NON-**
19 **MONETARY POLICY RELATED ADMINISTRA-**
20 **TIVE COSTS.**

21 “(a) APPROPRIATIONS REQUIREMENT.—

22 “(1) RECOVERY OF COSTS OF ANNUAL APPRO-
23 PRIATION.—The Board of Governors of the Federal
24 Reserve System and the Federal reserve banks shall
25 collect assessments and other fees, as provided under
26 this Act, that are designed to recover the costs to

1 the Government of the annual appropriation to the
2 Board of Governors of the Federal Reserve System
3 by Congress. The Board of Governors of the Federal
4 Reserve System and the Federal reserve banks may
5 only incur obligations or allow and pay expenses
6 with respect to non-monetary policy related adminis-
7 trative costs pursuant to an appropriations Act.

8 “(2) OFFSETTING COLLECTIONS.—Assessments
9 and other fees described under paragraph (1) for
10 any fiscal year—

11 “(A) shall be deposited and credited as off-
12 setting collections to the account providing ap-
13 propriations to the Board of Governors of the
14 Federal Reserve System; and

15 “(B) shall not be collected for any fiscal
16 year except to the extent provided in advance in
17 appropriation Acts.

18 “(3) LIMITATION.—This subsection shall only
19 apply to the non-monetary policy related administra-
20 tive costs of the Board of Governors of the Federal
21 Reserve System.

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

23 “(1) MONETARY POLICY.—The term ‘monetary
24 policy’ means a strategy for producing a generally
25 acceptable exchange medium that supports the pro-

1 ductive employment of economic resources by reli-
2 ably serving as both a unit of account and store of
3 value.

4 “(2) NON-MONETARY POLICY RELATED ADMIN-
5 ISTRATIVE COSTS.—The term ‘non-monetary policy
6 related administrative costs’ means administrative
7 costs not related to the conduct of monetary policy,
8 and includes—

9 “(A) direct operating expenses for super-
10 vising and regulating entities supervised and
11 regulated by the Board of Governors of the
12 Federal Reserve System, including conducting
13 examinations, conducting stress tests, commu-
14 nicating with the entities regarding supervisory
15 matters and laws, and regulations;

16 “(B) operating expenses for activities inte-
17 gral to carrying out supervisory and regulatory
18 responsibilities, such as training staff in the su-
19 pervisory function, research and analysis func-
20 tions including library subscription services, and
21 collecting and processing regulatory reports
22 filed by supervised institutions; and

23 “(C) support, overhead, and pension ex-
24 penses related to the items described under sub-
25 paragraphs (A) and (B).”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to expenses paid and
3 fees collected on or after October 1, 2018.

4 INCREASED THRESHOLD FOR DISCLOSURES RELATING TO
5 COMPENSATORY BENEFIT PLANS

6 SEC. 909.

7 Not later than 60 days after the date of the enact-
8 ment of this Act, the Securities and Exchange Commission
9 shall revise section 230.701(e) of title 17, Code of Federal
10 Regulations, so as to increase from \$5,000,000 to
11 \$20,000,000 the aggregate sales price or amount of secu-
12 rities sold during any consecutive 12-month period in ex-
13 cess of which the issuer is required under such section to
14 deliver an additional disclosure to investors. The Commis-
15 sion shall index for inflation such aggregate sales price
16 or amount every 5 years to reflect the change in the Con-
17 sumer Price Index for All Urban Consumers published by
18 the Bureau of Labor Statistics, rounding to the nearest
19 \$1,000,000.

20 REFUNDING OR CREDITING OVERPAYMENT OF SECTION

21 31 FEES

22 SEC. 910.

23 (a) IN GENERAL.—Section 31 of the Securities Ex-
24 change Act of 1934 (15 U.S.C. 78ee) is amended by add-
25 ing at the end the following:

1 “(n) OVERPAYMENT.—If a national securities ex-
2 change or national securities association pays to the Com-
3 mission an amount in excess of fees and assessments due
4 under this section and informs the Commission of such
5 amount paid in excess within 10 years of the date of the
6 payment, the Commission shall offset future fees and as-
7 sessments due by such exchange or association in an
8 amount equal to such excess amount.”.

9 (b) APPLICABILITY.—The amendment made by this
10 section shall apply to any fees and assessments paid be-
11 fore, on, or after the date of enactment of this section.

12 SAFE HARBOR FOR INVESTMENT FUND RESEARCH

13 SEC. 911.

14 (a) EXPANSION OF THE SAFE HARBOR.—Not later
15 than the end of the 45-day period beginning on the date
16 of enactment of this Act, the Securities and Exchange
17 Commission shall propose, and not later than the end of
18 the 120-day period beginning on such date, the Commis-
19 sion shall adopt, upon such terms, conditions, or require-
20 ments as the Commission may determine necessary or ap-
21 propriate in the public interest, for the protection of inves-
22 tors, and for the promotion of capital formation, revisions
23 to section 230.139 of title 17, Code of Federal Regula-
24 tions, to provide that a covered investment fund research
25 report that is published or distributed by a broker or deal-
26 er—

1 (1) shall be deemed, for purposes of sections
2 2(a)(10) and 5(c) of the Securities Act of 1933 (15
3 U.S.C. 77b(a)(10), 77e(c)), not to constitute an
4 offer for sale or an offer to sell a security that is the
5 subject of an offering pursuant to a registration
6 statement that is effective, even if the broker or
7 dealer is participating or will participate in the reg-
8 istered offering of the covered investment fund’s se-
9 curities; and

10 (2) shall be deemed to satisfy the conditions of
11 subsection (a)(1) or (a)(2) of section 230.139 of title
12 17, Code of Federal Regulations, or any successor
13 provisions, for purposes of the Commission’s rules
14 and regulations under the Federal securities laws
15 and the rules of any self-regulatory organization.

16 (b) IMPLEMENTATION OF SAFE HARBOR.—In imple-
17 menting the safe harbor pursuant to subsection (a), the
18 Commission shall—

19 (1) not, in the case of a covered investment
20 fund with a class of securities in substantially con-
21 tinuous distribution, condition the safe harbor on
22 whether the broker’s or dealer’s publication or dis-
23 tribution of a covered investment fund research re-
24 port constitutes such broker’s or dealer’s initiation

1 or reinitiation of research coverage on such covered
2 investment fund or its securities;

3 (2) not—

4 (A) require the covered investment fund to
5 have been registered as an investment company
6 under the Investment Company Act of 1940
7 (15 U.S.C. 80a–1 et seq.) or subject to the re-
8 porting requirements of section 13 or 15(d) of
9 the Securities Exchange Act of 1934 (15
10 U.S.C. 78m, 78o(d)) for any period exceeding
11 the period of time referenced under paragraph
12 (a)(1)(i)(A)(1) of section 230.139 of title 17,
13 Code of Federal Regulations; or

14 (B) impose a minimum float provision ex-
15 ceeding that referenced in paragraph
16 (a)(1)(i)(A)(1)(i) of section 230.139 of title 17,
17 Code of Federal Regulations;

18 (3) provide that a self-regulatory organization
19 may not maintain or enforce any rule that would—

20 (A) prohibit the ability of a member to
21 publish or distribute a covered investment fund
22 research report solely because the member is
23 also participating in a registered offering or
24 other distribution of any securities of such cov-
25 ered investment fund; or

1 (B) prohibit the ability of a member to
2 participate in a registered offering or other dis-
3 tribution of securities of a covered investment
4 fund solely because the member has published
5 or distributed a covered investment fund re-
6 search report about such covered investment
7 fund or its securities; and

8 (4) provide that a covered investment fund re-
9 search report shall not be subject to section 24(b) of
10 the Investment Company Act of 1940 (15 U.S.C.
11 80a–24(b)) or the rules and regulations thereunder,
12 except that such report may still be subject to such
13 section and the rules and regulations thereunder to
14 the extent that it is otherwise not subject to the con-
15 tent standards in the rules of any self-regulatory or-
16 ganization related to research reports, including
17 those contained in the rules governing communica-
18 tions with the public regarding investment compa-
19 nies or substantially similar standards.

20 (c) RULES OF CONSTRUCTION.—Nothing in this Act
21 shall be construed as in any way limiting—

22 (1) the applicability of the antifraud or
23 antimanipulation provisions of the Federal securities
24 laws and rules adopted thereunder to a covered in-
25 vestment fund research report, including section 17

1 of the Securities Act of 1933 (15 U.S.C. 77q), sec-
2 tion 34(b) of the Investment Company Act of 1940
3 (15 U.S.C. 80a-33), and sections 9 and 10 of the
4 Securities Exchange Act of 1934 (15 U.S.C. 78i,
5 78j); or

6 (2) the authority of any self-regulatory organi-
7 zation to examine or supervise a member's practices
8 in connection with such member's publication or dis-
9 tribution of a covered investment fund research re-
10 port for compliance with applicable provisions of the
11 Federal securities laws or self-regulatory organiza-
12 tion rules related to research reports, including those
13 contained in rules governing communications with
14 the public.

15 (d) INTERIM EFFECTIVENESS OF SAFE HARBOR.—

16 (1) IN GENERAL.—From and after the 120-day
17 period beginning on the date of enactment of this
18 Act, if the Commission has not adopted revisions to
19 section 230.139 of title 17, Code of Federal Regula-
20 tions, as required by subsection (a), and until such
21 time as the Commission has done so, a broker or
22 dealer distributing or publishing a covered invest-
23 ment fund research report after such date shall be
24 able to rely on the provisions of section 230.139 of
25 title 17, Code of Federal Regulations, and the

1 broker or dealer's publication of such report shall be
2 deemed to satisfy the conditions of subsection (a)(1)
3 or (a)(2) of section 230.139 of title 17, Code of Fed-
4 eral Regulations, if the covered investment fund that
5 is the subject of such report satisfies the reporting
6 history requirements (without regard to Form S-3
7 or Form F-3 eligibility) and minimum float provi-
8 sions of such subsections for purposes of the Com-
9 mission's rules and regulations under the Federal
10 securities laws and the rules of any self-regulatory
11 organization, as if revised and implemented in ac-
12 cordance with subsections (a) and (b).

13 (2) STATUS OF COVERED INVESTMENT FUND.—
14 After such period and until the Commission has
15 adopted revisions to section 230.139 and FINRA
16 has revised rule 2210, for purposes of subsection
17 (c)(7)(O) of such rule, a covered investment fund
18 shall be deemed to be a security that is listed on a
19 national securities exchange and that is not subject
20 to section 24(b) of the Investment Company Act of
21 1940 (15 U.S.C. 80a-24(b)). Communications con-
22 cerning only covered investment funds that fall with-
23 in the scope of such section shall not be required to
24 be filed with FINRA.

25 (e) DEFINITIONS.—For purposes of this section:

1 (1) The term “covered investment fund re-
2 search report” means a research report published or
3 distributed by a broker or dealer about a covered in-
4 vestment fund or any securities issued by the cov-
5 ered investment fund, but not including a research
6 report to the extent that it is published or distrib-
7 uted by the covered investment fund or any affiliate
8 of the covered investment fund.

9 (2) The term “covered investment fund”
10 means—

11 (A) an investment company registered
12 under, or that has filed an election to be treated
13 as a business development company under, the
14 Investment Company Act of 1940 and that has
15 filed a registration statement under the Securi-
16 ties Act of 1933 for the public offering of a
17 class of its securities, which registration state-
18 ment has been declared effective by the Com-
19 mission; and

20 (B) a trust or other person—

21 (i) issuing securities in an offering
22 registered under the Securities Act of 1933
23 and which class of securities is listed for
24 trading on a national securities exchange;

1 (ii) the assets of which consist pri-
2 marily of commodities, currencies, or deriv-
3 ative instruments that reference commod-
4 ities or currencies, or interests in the fore-
5 going; and

6 (iii) that provides in its registration
7 statement under the Securities Act of 1933
8 that a class of its securities are purchased
9 or redeemed, subject to conditions or limi-
10 tations, for a ratable share of its assets.

11 (3) The term “FINRA” means the Financial
12 Industry Regulatory Authority.

13 (4) The term “research report” has the mean-
14 ing given that term under section 2(a)(3) of the Se-
15 curities Act of 1933 (15 U.S.C. 77b(a)(3)), except
16 that such term shall not include an oral communica-
17 tion.

18 (5) The term “self-regulatory organization” has
19 the meaning given to that term under section
20 3(a)(26) of the Securities Exchange Act of 1934 (15
21 U.S.C. 78c(a)(26)).

22 ANNUAL REVIEW OF GOVERNMENT-BUSINESS FORUM ON
23 CAPITAL FORMATION
24 SEC. 912.

1 Section 503 of the Small Business Investment Incen-
2 tive Act of 1980 (15 U.S.C. 80e–1) is amended by adding
3 at the end the following:

4 “(e) The Commission shall—

5 “(1) review the findings and recommendations
6 of the forum; and

7 “(2) each time the forum submits a finding or
8 recommendation to the Commission, promptly issue
9 a public statement—

10 “(A) assessing the finding or recommenda-
11 tion of the forum; and

12 “(B) disclosing the action, if any, the Com-
13 mission intends to take with respect to the find-
14 ing or recommendation.”.

15 HELPING ANGLES LEAD OUR STARTUPS

16 SEC. 913.

17 (a) DEFINITION OF ANGEL INVESTOR GROUP.—As
18 used in this subtitle, the term “angel investor group”
19 means any group that—

20 (1) is composed of accredited investors inter-
21 ested in investing personal capital in early-stage
22 companies;

23 (2) holds regular meetings and has defined
24 processes and procedures for making investment de-
25 cisions, either individually or among the membership
26 of the group as a whole; and

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

3 (b) CLARIFICATION OF GENERAL SOLICITATION.—

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

14 (A) sponsored by—

15 (i) the United States or any territory
16 thereof, by the District of Columbia, by
17 any State, by a political subdivision of any
18 State or territory, or by any agency or
19 public instrumentality of any of the fore-
20 going;

21 (ii) a college, university, or other in-
22 stitution of higher education;

23 (iii) a nonprofit organization;

24 (iv) an angel investor group;

1 (v) a venture forum, venture capital
2 association, or trade association; or

3 (vi) any other group, person or entity
4 as the Securities and Exchange Commis-
5 sion may determine by rule;

6 (B) where any advertising for the event
7 does not reference any specific offering of secu-
8 rities by the issuer;

9 (C) the sponsor of which—

10 (i) does not make investment rec-
11 ommendations or provide investment ad-
12 vice to event attendees;

13 (ii) does not engage in an active role
14 in any investment negotiations between the
15 issuer and investors attending the event;

16 (iii) does not charge event attendees
17 any fees other than administrative fees;
18 and

19 (iv) does not receive any compensation
20 with respect to such event that would re-
21 quire registration of the sponsor as a
22 broker or a dealer under the Securities Ex-
23 change Act of 1934, or as an investment
24 advisor under the Investment Advisers Act
25 of 1940; and

1 (D) where no specific information regard-
2 ing an offering of securities by the issuer is
3 communicated or distributed by or on behalf of
4 the issuer, other than—

5 (i) that the issuer is in the process of
6 offering securities or planning to offer se-
7 curities;

8 (ii) the type and amount of securities
9 being offered;

10 (iii) the amount of securities being of-
11 fered that have already been subscribed
12 for; and

13 (iv) the intended use of proceeds of
14 the offering.

15 (2) RULE OF CONSTRUCTION.—Paragraph (1)
16 may only be construed as requiring the Securities
17 and Exchange Commission to amend the require-
18 ments of Regulation D with respect to presentations
19 and communications, and not with respect to pur-
20 chases or sales.

21 INVESTOR LIMITATION FOR QUALIFYING VENTURE

22 CAPITAL FUNDS

23 SEC. 914.

24 Section 3(c)(1) of the Investment Company Act of
25 1940 (15 U.S.C. 80a-3(c)(1)) is amended—

1 (1) by inserting after “one hundred persons”
2 the following: “(or, with respect to a qualifying ven-
3 ture capital fund, 500 persons)”; and

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

5 “(C) The term ‘qualifying venture capital
6 fund’ means any venture capital fund (as de-
7 fined pursuant to section 203(l)(1) of the In-
8 vestment Advisers Act of 1940 (15 U.S.C. 80b-
9 3(l)(1)) with no more than \$50,000,000 in ag-
10 gregate capital contributions and uncalled com-
11 mitted capital, as such dollar amount is annu-
12 ally adjusted by the Commission to reflect the
13 change in the Consumer Price Index for All
14 Urban Consumers published by the Bureau of
15 Labor Statistics of the Department of Labor.”.

16 MANUFACTURED HOUSING

17 SEC. 915.

18 (a) MORTGAGE ORIGINATOR DEFINITION.—Section
19 103 of the Truth in Lending Act (15 U.S.C. 1602) is
20 amended—

21 (1) by redesignating the second subsection (cc)
22 and subsection (dd) as subsections (dd) and (ee), re-
23 spectively; and

24 (2) in paragraph (2)(C) of subsection (dd), as
25 so redesignated, by striking “an employee of a re-
26 tailer of manufactured homes who is not described

1 in clause (i) or (iii) of subparagraph (A) and who
2 does not advise a consumer on loan terms (including
3 rates, fees, and other costs)” and inserting “a re-
4 tailer of manufactured or modular homes or its em-
5 ployees unless such retailer or its employees receive
6 compensation or gain for engaging in activities de-
7 scribed in subparagraph (A) that is in excess of any
8 compensation or gain received in a comparable cash
9 transaction”.

10 (b) HIGH-COST MORTGAGE DEFINITION.—Section
11 103 of the Truth in Lending Act (15 U.S.C. 1602), as
12 amended by subsection (a), is further amended—

13 (1) by redesignating subsection (aa) (relating to
14 disclosure of greater amount or percentage), as so
15 designated by section 1100A of the Consumer Fi-
16 nancial Protection Act of 2010, as subsection (bb);

17 (2) by redesignating subsection (bb) (relating to
18 high cost mortgages), as so designated by section
19 1100A of the Consumer Financial Protection Act of
20 2010, as subsection (aa), and moving such sub-
21 section to immediately follow subsection (z); and

22 (3) in subsection (aa)(1)(A), as so redesign-
23 ated—

24 (A) in clause (i)(I), by striking “(8.5 per-
25 centage points, if the dwelling is personal prop-

1 erty and the transaction is for less than
2 \$50,000)” and inserting “(10 percentage points
3 if the dwelling is personal property or is a
4 transaction that does not include the purchase
5 of real property on which a dwelling is to be
6 placed, and the transaction is for less than
7 \$75,000 (as such amount is adjusted by the
8 Bureau to reflect the change in the Consumer
9 Price Index))”;

10 (B) in clause (ii)—

11 (i) in subclause (I), by striking “or”
12 at the end; and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(III) in the case of a trans-
16 action for less than \$75,000 (as such
17 amount is adjusted by the Bureau to
18 reflect the change in the Consumer
19 Price Index) in which the dwelling is
20 personal property (or is a consumer
21 credit transaction that does not in-
22 clude the purchase of real property on
23 which a dwelling is to be placed) the
24 greater of 5 percent of the total trans-
25 action amount or \$3,000 (as such

1 amount is adjusted by the Bureau to
2 reflect the change in the Consumer
3 Price Index); or”.

4 REQUIREMENTS FOR DEPOSIT ACCOUNT TERMINATION
5 REQUESTS AND ORDERS

6 SEC. 916.

7 (a) TERMINATION REQUESTS OR ORDERS MUST BE
8 MATERIAL.—

9 (1) IN GENERAL.—An appropriate Federal
10 banking agency may not formally or informally re-
11 quest or order a depository institution to terminate
12 a specific customer account or group of customer ac-
13 counts or to otherwise restrict or discourage a de-
14 pository institution from entering into or maintain-
15 ing a banking relationship with a specific customer
16 or group of customers unless—

17 (A) the agency has a material reason for
18 such request or order; and

19 (B) such reason is not based solely on rep-
20 utation risk.

21 (2) TREATMENT OF NATIONAL SECURITY
22 THREATS.—If an appropriate Federal banking agen-
23 cy believes a specific customer or group of customers
24 is, or is acting as a conduit for, an entity which—

25 (A) poses a threat to national security;

26 (B) is involved in terrorist financing;

1 (C) is an agency of the government of
2 Iran, North Korea, Syria, or any country listed
3 from time to time on the State Sponsors of
4 Terrorism list;

5 (D) is located in, or is subject to the juris-
6 diction of, any country specified in subpara-
7 graph (C); or

8 (E) does business with any entity described
9 in subparagraph (C) or (D), unless the appro-
10 priate Federal banking agency determines that
11 the customer or group of customers has used
12 due diligence to avoid doing business with any
13 entity described in subparagraph (C) or (D),
14 such belief shall satisfy the requirement under para-
15 graph (1).

16 (b) NOTICE REQUIREMENT.—

17 (1) IN GENERAL.—If an appropriate Federal
18 banking agency formally or informally requests or
19 orders a depository institution to terminate a spe-
20 cific customer account or a group of customer ac-
21 counts, the agency shall—

22 (A) provide such request or order to the
23 institution in writing; and

24 (B) accompany such request or order with
25 a written justification for why such termination

1 is needed, including any specific laws or regula-
2 tions the agency believes are being violated by
3 the customer or group of customers, if any.

4 (2) JUSTIFICATION REQUIREMENT.—A jus-
5 tification described under paragraph (1)(B) may not
6 be based solely on the reputation risk to the deposi-
7 tory institution.

8 (c) CUSTOMER NOTICE.—

9 (1) NOTICE REQUIRED.—Except as provided
10 under paragraph (2), if an appropriate Federal
11 banking agency orders a depository institution to
12 terminate a specific customer account or a group of
13 customer accounts, the depository institution shall
14 inform the customer or customers of the justification
15 for the customer's account termination described
16 under subsection (b).

17 (2) NOTICE PROHIBITED IN CASES OF NA-
18 TIONAL SECURITY.—If an appropriate Federal bank-
19 ing agency requests or orders a depository institu-
20 tion to terminate a specific customer account or a
21 group of customer accounts based on a belief that
22 the customer or customers pose a threat to national
23 security, or are otherwise described under subsection
24 (a)(2), neither the depository institution nor the ap-
25 propriate Federal banking agency may inform the

1 customer or customers of the justification for the
2 customer's account termination.

3 (d) REPORTING REQUIREMENT.—Each appropriate
4 Federal banking agency shall issue an annual report to
5 the Congress stating—

6 (1) the aggregate number of specific customer
7 accounts that the agency requested or ordered a de-
8 pository institution to terminate during the previous
9 year; and

10 (2) the legal authority on which the agency re-
11 lied in making such requests and orders and the fre-
12 quency on which the agency relied on each such au-
13 thority.

14 (e) DEFINITIONS.—For purposes of this section:

15 (1) APPROPRIATE FEDERAL BANKING AGEN-
16 CY.—The term “appropriate Federal banking agen-
17 cy” means—

18 (A) the appropriate Federal banking agen-
19 cy, as defined under section 3 of the Federal
20 Deposit Insurance Act (12 U.S.C. 1813); and

21 (B) the National Credit Union Administra-
22 tion, in the case of an insured credit union.

23 (2) DEPOSITORY INSTITUTION.—The term “de-
24 pository institution” means—

1 (A) a depository institution, as defined
2 under section 3 of the Federal Deposit Insur-
3 ance Act (12 U.S.C. 1813); and

4 (B) an insured credit union.

5 AMENDMENTS TO THE FINANCIAL INSTITUTIONS

6 REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989

7 SEC. 917.

8 Section 951 of the Financial Institutions Reform, Re-
9 covery, and Enforcement Act of 1989 (12 U.S.C. 1833a)
10 is amended—

11 (1) in subsection (c)(2), by striking “affecting
12 a federally insured financial institution” and insert-
13 ing “against a federally insured financial institution
14 or by a federally insured financial institution against
15 an unaffiliated third person”; and

16 (2) in subsection (g)—

17 (A) in the heading, by striking “SUB-
18 POENAS” and inserting “INVESTIGATIONS”; and

19 (B) by amending paragraph (1)(C) to read
20 as follows:

21 “(C) summon witnesses and require the
22 production of any books, papers, correspond-
23 ence, memoranda, or other records which the
24 Attorney General deems relevant or material to
25 the inquiry, if the Attorney General—

1 “(i) requests a court order from a
2 court of competent jurisdiction for such ac-
3 tions and offers specific and articulable
4 facts showing that there are reasonable
5 grounds to believe that the information or
6 testimony sought is relevant and material
7 for conducting an investigation under this
8 section; or

9 “(ii) either personally or through dele-
10 gation no lower than the Deputy Attorney
11 General, issues and signs a subpoena for
12 such actions and such subpoena is sup-
13 ported by specific and articulable facts
14 showing that there are reasonable grounds
15 to believe that the information or testi-
16 mony sought is relevant for conducting an
17 investigation under this section.”.

18 SAFE HARBOR FOR CERTAIN LOANS HELD ON PORTFOLIO
19 SEC. 918.

20 (a) IN GENERAL.—Section 129C of the Truth in
21 Lending Act (15 U.S.C. 1639c) is amended by adding at
22 the end the following:

23 “(j) SAFE HARBOR FOR CERTAIN LOANS HELD ON
24 PORTFOLIO.—

25 “(1) SAFE HARBOR FOR CREDITORS THAT ARE
26 DEPOSITORY INSTITUTIONS.—

1 “(A) IN GENERAL.—A creditor that is a
2 depository institution shall not be subject to
3 suit for failure to comply with subsection (a),
4 (c)(1), or (f)(2) of this section or section 129H
5 with respect to a residential mortgage loan, and
6 the banking regulators shall treat such loan as
7 a qualified mortgage, if—

8 “(i) the creditor has, since the origi-
9 nation of the loan, held the loan on the
10 balance sheet of the creditor; and

11 “(ii) all prepayment penalties with re-
12 spect to the loan comply with the limita-
13 tions described under subsection (c)(3).

14 “(B) EXCEPTION FOR CERTAIN TRANS-
15 FERS.—In the case of a depository institution
16 that transfers a loan originated by that institu-
17 tion to another depository institution by reason
18 of the bankruptcy or failure of the originating
19 depository institution or the purchase of the
20 originating depository institution, the depository
21 institution transferring such loan shall be
22 deemed to have complied with the requirement
23 under subparagraph (A)(i).

24 “(2) SAFE HARBOR FOR MORTGAGE ORIGINA-
25 TORS.—A mortgage originator shall not be subject

1 to suit for a violation of section 129B(c)(3)(B) for
2 steering a consumer to a residential mortgage loan
3 if—

4 “(A) the creditor of such loan is a deposi-
5 tory institution and has informed the mortgage
6 originator that the creditor intends to hold the
7 loan on the balance sheet of the creditor for the
8 life of the loan; and

9 “(B) the mortgage originator informs the
10 consumer that the creditor intends to hold the
11 loan on the balance sheet of the creditor for the
12 life of the loan.

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

15 “(A) BANKING REGULATORS.—The term
16 ‘banking regulators’ means the Federal banking
17 agencies, the Bureau, and the National Credit
18 Union Administration.

19 “(B) DEPOSITORY INSTITUTION.—The
20 term ‘depository institution’ has the meaning
21 given that term under section 19(b)(1) of the
22 Federal Reserve Act (12 U.S.C. 505(b)(1)).

23 “(C) FEDERAL BANKING AGENCIES.—The
24 term ‘Federal banking agencies’ has the mean-

1 ing given that term under section 3 of the Fed-
2 eral Deposit Insurance Act.”.

3 (b) RULE OF CONSTRUCTION.—Nothing in the
4 amendment made by this section may be construed as pre-
5 venting a balloon loan from qualifying for the safe harbor
6 provided under section 129C(j) of the Truth in Lending
7 Act if the balloon loan otherwise meets all of the require-
8 ments under such subsection (j), regardless of whether the
9 balloon loan meets the requirements described under
10 clauses (i) through (iv) of section 129C(b)(2)(E) of such
11 Act.

12 CHANGES REQUIRED TO SMALL BANK HOLDING COMPANY
13 POLICY STATEMENT ON ASSESSMENT OF FINANCIAL
14 AND MANAGERIAL FACTORS
15 SEC. 919.

16 (a) IN GENERAL.—Before the end of the 6-month pe-
17 riod beginning on the date of the enactment of this Act,
18 the Board of Governors of the Federal Reserve System
19 shall revise the Small Bank Holding Company Policy
20 Statement on Assessment of Financial and Managerial
21 Factors (12 CFR part 225—appendix C) to raise the con-
22 solidated asset threshold under such policy statement from
23 \$1,000,000,000 (as adjusted by Public Law 113–250) to
24 \$10,000,000,000.

25 (b) CONFORMING AMENDMENT.—Subparagraph (C)
26 of section 171(b)(5) of the Dodd-Frank Wall Street Re-

1 form and Consumer Protection Act (12 U.S.C.
2 5371(b)(5)) is amended to read as follows:

3 “(C) any bank holding company or savings
4 and loan holding company that is subject to the
5 application of the Small Bank Holding Com-
6 pany Policy Statement on Assessment of Finan-
7 cial and Managerial Factors of the Board of
8 Governors (12 CFR part 225—appendix C).”.

9 COMMUNITY FINANCIAL INSTITUTION MORTGAGE RELIEF
10 SEC. 920.

11 (a) EXEMPTION FROM ESCROW REQUIREMENTS FOR
12 LOANS HELD BY SMALLER CREDITORS.—Section 129D
13 of the Truth in Lending Act (15 U.S.C. 1639d) is amend-
14 ed—

15 (1) by adding at the end the following:

16 “(k) SAFE HARBOR FOR LOANS HELD BY SMALLER
17 CREDITORS.—

18 “(1) IN GENERAL.—A creditor shall not be in
19 violation of subsection (a) with respect to a loan if—

20 “(A) the creditor has consolidated assets of
21 \$10,000,000,000 or less; and

22 “(B) the creditor holds the loan on the bal-
23 ance sheet of the creditor for the 3-year period
24 beginning on the date of the origination of the
25 loan.

1 “(2) EXCEPTION FOR CERTAIN TRANSFERS.—

2 In the case of a creditor that transfers a loan to an-
3 other person by reason of the bankruptcy or failure
4 of the creditor, the purchase of the creditor, or a su-
5 pervisory act or recommendation from a State or
6 Federal regulator, the creditor shall be deemed to
7 have complied with the requirement under para-
8 graph (1)(B).”;

9 (2) by striking the term “Board” each place
10 such term appears and inserting “Bureau”.

11 (b) MODIFICATION TO EXEMPTION FOR SMALL
12 SERVICERS OF MORTGAGE LOANS.—Section 6 of the Real
13 Estate Settlement Procedures Act of 1974 (12 U.S.C.
14 2605) is amended by adding at the end the following:

15 “(n) SMALL SERVICER EXEMPTION.—The Bureau
16 shall, by regulation, provide exemptions to, or adjustments
17 for, the provisions of this section for a servicer that annu-
18 ally services 20,000 or fewer mortgage loans, in order to
19 reduce regulatory burdens while appropriately balancing
20 consumer protections.”.

21 REGULATIONS APPROPRIATE TO BUSINESS MODELS

22 SEC. 921.

23 (a) IN GENERAL.—For any regulatory action occur-
24 ring after the date of the enactment of this Act, each Fed-
25 eral financial institutions regulatory agency shall—

1 (1) take into consideration the risk profile and
2 business models of each type of institution or class
3 of institutions subject to the regulatory action;

4 (2) determine the necessity, appropriateness,
5 and impact of applying such regulatory action to
6 such institutions or classes of institutions; and

7 (3) tailor such regulatory action in a manner
8 that limits the regulatory compliance impact, cost, li-
9 ability risk, and other burdens, as appropriate, for
10 the risk profile and business model of the institution
11 or class of institutions involved.

12 (b) OTHER CONSIDERATIONS.—In carrying out the
13 requirements of subsection (a), each Federal financial in-
14 stitutions regulatory agency shall consider—

15 (1) the impact that such regulatory action, both
16 by itself and in conjunction with the aggregate effect
17 of other regulations, has on the ability of the appli-
18 cable institution or class of institutions to serve
19 evolving and diverse customer needs;

20 (2) the potential impact of examination manu-
21 als, regulatory actions taken with respect to third-
22 party service providers, or other regulatory directives
23 that may be in conflict or inconsistent with the tai-
24 loring of such regulatory action described in sub-
25 section (a)(3); and

1 (3) the underlying policy objectives of the regu-
2 latory action and statutory scheme involved.

3 (c) NOTICE OF PROPOSED AND FINAL RULE-
4 MAKING.—Each Federal financial institutions regulatory
5 agency shall disclose in every notice of proposed rule-
6 making and in any final rulemaking for a regulatory ac-
7 tion how the agency has applied subsections (a) and (b).

8 (d) REPORTS TO CONGRESS.—

9 (1) INDIVIDUAL AGENCY REPORTS.—

10 (A) IN GENERAL.—Not later than 1 year
11 after the date of the enactment of this Act and
12 annually thereafter, each Federal financial in-
13 stitutions regulatory agency shall report to the
14 Committee on Financial Services of the House
15 of Representatives and the Committee on Bank-
16 ing, Housing, and Urban Affairs of the Senate
17 on the specific actions taken to tailor the regu-
18 latory actions of the agency pursuant to the re-
19 quirements of this Act.

20 (B) APPEARANCE BEFORE THE COMMIT-
21 TEES.—The head of each Federal financial in-
22 stitution regulatory agency shall appear before
23 the Committee on Financial Services of the
24 House of Representatives and the Committee
25 on Banking, Housing, and Urban Affairs of the

1 Senate after each report is made pursuant to
2 subparagraph (A) to testify on the contents of
3 such report.

4 (2) FIEC REPORTS.—

5 (A) IN GENERAL.—Not later than 3
6 months after each report is submitted under
7 paragraph (1), the Financial Institutions Ex-
8 amination Council shall report to the Com-
9 mittee on Financial Services of the House of
10 Representatives and the Committee on Bank-
11 ing, Housing, and Urban Affairs of the Senate
12 on—

13 (i) the extent to which regulatory ac-
14 tions tailored pursuant to this Act result in
15 different treatment of similarly situated in-
16 stitutions of diverse charter types; and

17 (ii) the reasons for such differential
18 treatment.

19 (B) APPEARANCE BEFORE THE COMMIT-
20 TEES.—The Chairman of the Financial Institu-
21 tions Examination Council shall appear before
22 the Committee on Financial Services of the
23 House of Representatives and the Committee
24 on Banking, Housing, and Urban Affairs of the
25 Senate after each report is made pursuant to

1 subparagraph (A) to testify on the contents of
2 such report.

3 (e) LIMITED LOOK-BACK APPLICATION.—

4 (1) IN GENERAL.—Each Federal financial insti-
5 tutions regulatory agency shall conduct a review of
6 all regulations adopted during the period beginning
7 on the date that is seven years before the date of the
8 introduction of this Act in the House of Representa-
9 tives and ending on the date of the enactment of
10 this Act, and apply the requirements of this Act to
11 such regulations.

12 (2) REVISION.—If the application of the re-
13 quirements of this Act to any such regulation re-
14 quires such regulation to be revised, the applicable
15 Federal financial institutions regulatory agency shall
16 revise such regulation within 3 years of the enact-
17 ment of this Act.

18 (f) DEFINITIONS.—In this Act, the following defini-
19 tions shall apply:

20 (1) FEDERAL FINANCIAL INSTITUTIONS REGU-
21 LATORY AGENCIES.—The term “Federal financial in-
22 stitutions regulatory agencies” means the Office of
23 the Comptroller of the Currency, the Board of Gov-
24 ernors of the Federal Reserve System, the Federal
25 Deposit Insurance Corporation, the National Credit

1 Union Administration, and the Bureau of Consumer
2 Financial Protection.

3 (2) REGULATORY ACTION.—The term “regu-
4 latory action” means any proposed, interim, or final
5 rule or regulation, guidance, or published interpreta-
6 tion.

7 ELIMINATING BARRIERS TO JOBS FOR LOAN ORIGINATORS
8 SEC. 922.

9 (a) IN GENERAL.—The S.A.F.E. Mortgage Licensing
10 Act of 2008 (12 U.S.C. 5101 et seq.) is amended by add-
11 ing at the end the following:

12 **“SEC. 1518. EMPLOYMENT TRANSITION OF LOAN ORIGINA-**
13 **TORS.**

14 “(a) TEMPORARY AUTHORITY TO ORIGINATE LOANS
15 FOR LOAN ORIGINATORS MOVING FROM A DEPOSITORY
16 INSTITUTION TO A NON-DEPOSITORY INSTITUTION.—

17 “(1) IN GENERAL.—Upon employment by a
18 State-licensed mortgage company, an individual who
19 is a registered loan originator shall be deemed to
20 have temporary authority to act as a loan originator
21 in an application State for the period described in
22 paragraph (2) if the individual—

23 “(A) has not had an application for a loan
24 originator license denied, or had such a license
25 revoked or suspended in any governmental ju-
26 risdiction;

1 “(B) has not been subject to or served
2 with a cease and desist order in any govern-
3 mental jurisdiction or as described in section
4 1514(c);

5 “(C) has not been convicted of a felony
6 that would preclude licensure under the law of
7 the application State;

8 “(D) has submitted an application to be a
9 State-licensed loan originator in the application
10 State; and

11 “(E) was registered in the Nationwide
12 Mortgage Licensing System and Registry as a
13 loan originator during the 12-month period pre-
14 ceeding the date of submission of the informa-
15 tion required under section 1505(a).

16 “(2) PERIOD.—The period described in para-
17 graph (1) shall begin on the date that the individual
18 submits the information required under section
19 1505(a) and shall end on the earliest of—

20 “(A) the date that the individual with-
21 draws the application to be a State-licensed
22 loan originator in the application State;

23 “(B) the date that the application State
24 denies, or issues a notice of intent to deny, the
25 application;

1 “(C) the date that the application State
2 grants a State license; or

3 “(D) the date that is 120 days after the
4 date on which the individual submits the appli-
5 cation, if the application is listed on the Nation-
6 wide Mortgage Licensing System and Registry
7 as incomplete.

8 “(b) TEMPORARY AUTHORITY TO ORIGINATE LOANS
9 FOR STATE-LICENSED LOAN ORIGINATORS MOVING
10 INTERSTATE.—

11 “(1) IN GENERAL.—A State-licensed loan origi-
12 nator shall be deemed to have temporary authority
13 to act as a loan originator in an application State
14 for the period described in paragraph (2) if the
15 State-licensed loan originator—

16 “(A) meets the requirements of subpara-
17 graphs (A), (B), (C), and (D) of subsection
18 (a)(1);

19 “(B) is employed by a State-licensed mort-
20 gage company in the application State; and

21 “(C) was licensed in a State that is not the
22 application State during the 30-day period pre-
23 ceding the date of submission of the informa-
24 tion required under section 1505(a) in connec-

1 tion with the application submitted to the appli-
2 cation State.

3 “(2) PERIOD.—The period described in para-
4 graph (1) shall begin on the date that the State-li-
5 censed loan originator submits the information re-
6 quired under section 1505(a) in connection with the
7 application submitted to the application State and
8 end on the earliest of—

9 “(A) the date that the State-licensed loan
10 originator withdraws the application to be a
11 State-licensed loan originator in the application
12 State;

13 “(B) the date that the application State
14 denies, or issues a notice of intent to deny, the
15 application;

16 “(C) the date that the application State
17 grants a State license; or

18 “(D) the date that is 120 days after the
19 date on which the State-licensed loan originator
20 submits the application, if the application is
21 listed on the Nationwide Mortgage Licensing
22 System and Registry as incomplete.

23 “(c) APPLICABILITY.—

24 “(1) Any person employing an individual who is
25 deemed to have temporary authority to act as a loan

1 originator in an application State pursuant to this
2 section shall be subject to the requirements of this
3 title and to applicable State law to the same extent
4 as if such individual was a State-licensed loan origi-
5 nator licensed by the application State.

6 “(2) Any individual who is deemed to have tem-
7 porary authority to act as a loan originator in an ap-
8 plication State pursuant to this section and who en-
9 gages in residential mortgage loan origination activi-
10 ties shall be subject to the requirements of this title
11 and to applicable State law to the same extent as if
12 such individual was a State-licensed loan originator
13 licensed by the application State.

14 “(d) DEFINITIONS.—In this section, the following
15 definitions shall apply:

16 “(1) STATE-LICENSED MORTGAGE COMPANY.—
17 The term ‘State-licensed mortgage company’ means
18 an entity licensed or registered under the law of any
19 State to engage in residential mortgage loan origina-
20 tion and processing activities.

21 “(2) APPLICATION STATE.—The term ‘applica-
22 tion State’ means a State in which a registered loan
23 originator or a State-licensed loan originator seeks
24 to be licensed.”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
2 of contents in section 1(b) of the Housing and Economic
3 Recovery Act of 2008 (42 U.S.C. 4501 note) is amended
4 by inserting after the item relating to section 1517 the
5 following:

“Sec. 1518. Employment transition of loan originators.”.

6 (c) AMENDMENT TO CIVIL LIABILITY OF THE BU-
7 REAU AND OTHER OFFICIALS.—Section 1513 of the
8 S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C.
9 5112) is amended by striking “are loan originators or are
10 applying for licensing or registration as loan originators”
11 and inserting “are applying for licensing or registration
12 using the Nationwide Mortgage Licensing System and
13 Registry”.

14 (d) EFFECTIVE DATE.—This section and the amend-
15 ments made by this section shall take effect on the date
16 that is 18 months after the date of the enactment of this
17 Act.

18 SMALL BUSINESS LOAN DATA COLLECTION REQUIREMENT
19 SEC. 923.

20 (a) REPEAL.—Section 704B of the Equal Credit Op-
21 portunity Act (15 U.S.C. 1691c–2) is repealed.

22 (b) CONFORMING AMENDMENTS.—Section 701(b) of
23 the Equal Credit Opportunity Act (15 U.S.C. 1691(b)) is
24 amended—

1 (1) in paragraph (3), by inserting “or” at the
2 end;

3 (2) in paragraph (4), by striking “; or” and in-
4 serting a period; and

5 (3) by striking paragraph (5).

6 (c) CLERICAL AMENDMENT.—The table of sections
7 for title VII of the Consumer Credit Protection Act is
8 amended by striking the item relating to section 704B.
9 DEPOSITORY INSTITUTIONS SUBJECT TO MAINTENANCE
10 OF RECORDS AND DISCLOSURE REQUIREMENTS
11 SEC. 924.

12 (a) IN GENERAL.—Section 304 of the Home Mort-
13 gage Disclosure Act of 1975 (12 U.S.C. 2803) is amend-
14 ed—

15 (1) by redesignating subsection (i) as paragraph
16 (2) and adjusting the margin appropriately; and

17 (2) by inserting before such paragraph (2) the
18 following:

19 “(i) EXEMPTIONS.—

20 “(1) IN GENERAL.—With respect to a deposi-
21 tory institution, the requirements of subsections (a)
22 and (b) shall not apply—

23 “(A) with respect to closed-end mortgage
24 loans, if such depository institution originated
25 less than 100 closed-end mortgage loans in each
26 of the two preceding calendar years; and

1 “(B) with respect to open-end lines of
2 credit, if such depository institution originated
3 less than 200 open-end lines of credit in each
4 of the two preceding calendar years.”.

5 (b) TECHNICAL CORRECTION.—Section 304(i)(2) of
6 such Act, as redesignated by subsection (a), is amended
7 by striking “section 303(2)(A)” and inserting “section
8 303(3)(A)”.

9 RATE OF INTEREST AFTER TRANSFER OF LOAN
10 SEC. 925.

11 (a) AMENDMENT TO THE REVISED STATUTES.—Sec-
12 tion 5197 of the Revised Statutes of the United States
13 (12 U.S.C. 85) is amended by adding at the end the fol-
14 lowing new sentence: “A loan that is valid when made as
15 to its maximum rate of interest in accordance with this
16 section shall remain valid with respect to such rate regard-
17 less of whether the loan is subsequently sold, assigned, or
18 otherwise transferred to a third party, and may be en-
19 forced by such third party notwithstanding any State law
20 to the contrary.”.

21 (b) AMENDMENT TO THE HOME OWNERS’ LOAN
22 ACT.—Section 4(g)(1) of the Home Owners’ Loan Act (12
23 U.S.C. 1463(g)(1)) is amended by adding at the end the
24 following new sentence: “A loan that is valid when made
25 as to its maximum rate of interest in accordance with this
26 subsection shall remain valid with respect to such rate re-

1 regardless of whether the loan is subsequently sold, as-
2 signed, or otherwise transferred to a third party, and may
3 be enforced by such third party notwithstanding any State
4 law to the contrary.”.

5 (c) AMENDMENT TO THE FEDERAL CREDIT UNION
6 ACT.—Section 205(g)(1) of the Federal Credit Union Act
7 (12 U.S.C. 1785(g)(1)) is amended by adding at the end
8 the following new sentence: “A loan that is valid when
9 made as to its maximum rate of interest in accordance
10 with this subsection shall remain valid with respect to such
11 rate regardless of whether the loan is subsequently sold,
12 assigned, or otherwise transferred to a third party, and
13 may be enforced by such third party notwithstanding any
14 State law to the contrary.”.

15 (d) AMENDMENT TO THE FEDERAL DEPOSIT INSUR-
16 ANCE ACT.—Section 27(a) of the Federal Deposit Insur-
17 ance Act (12 U.S.C. 1831d(a)) is amended by adding at
18 the end the following new sentence: “A loan that is valid
19 when made as to its maximum rate of interest in accord-
20 ance with this section shall remain valid with respect to
21 such rate regardless of whether the loan is subsequently
22 sold, assigned, or otherwise transferred to a third party,
23 and may be enforced by such third party notwithstanding
24 any State law to the contrary.”.

1 BRINGING THE BUREAU INTO THE REGULAR
2 APPROPRIATIONS PROCESS

3 SEC. 926.

4 (a) IN GENERAL.—Section 1017 of the Consumer Fi-
5 nancial Protection Act of 2010 (12 U.S.C. 5497) is
6 amended—

7 (1) in subsection (a)—

8 (A) by amending the heading of such sub-
9 section to read as follows: “BUDGET, FINAN-
10 CIAL MANAGEMENT, AND AUDIT.—”;

11 (B) by striking paragraphs (1), (2), and
12 (3);

13 (C) by redesignating paragraphs (4) and
14 (5) as paragraphs (1) and (2), respectively; and

15 (D) by striking subparagraphs (E) and (F)
16 of paragraph (1), as so redesignated;

17 (2) by striking subsections (b) and (c);

18 (3) by redesignating subsections (d) and (e) as
19 subsections (b) and (c), respectively; and

20 (4) in subsection (c), as so redesignated—

21 (A) by striking paragraphs (1), (2), and
22 (3) and inserting the following:

23 “(1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Bu-
25 reau for each of fiscal years 2018 and 2019 an

1 amount equal to the aggregate amount of funds
2 transferred by the Board of Governors to the Bu-
3 reau during fiscal year 2015.”; and

4 (B) by redesignating paragraph (4) as
5 paragraph (2).

6 (b) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendments made by
8 subsection (a) shall take effect on October 1, 2018.

9 (2) IMMEDIATE REPEAL OF REVIEWABILITY
10 PROVISION.—Notwithstanding paragraph (1), sub-
11 paragraph (C) of section 1017(a)(2) of the Con-
12 sumer Financial Protection Act of 2010 (12 U.S.C.
13 5497(a)(2)) is repealed effective on the date of the
14 enactment of this Act.

15 ELIMINATION OF SUPERVISION AUTHORITY

16 SEC. 927.

17 (a) IN GENERAL.—The Consumer Financial Protec-
18 tion Act of 2010 (12 U.S.C. 5481 et seq.) is amended—

19 (1) in section 1002(15)(B)(ii)(I), by striking
20 “examination or”;

21 (2) in section 1013(a)(1)(B), by striking “com-
22 pliance examiners, compliance supervision analysts,”;

23 (3) in section 1016(c)—

24 (A) in paragraph (5), by striking “super-
25 visory and”; and

1 (B) in paragraph (6), by striking “orders,
2 and supervisory actions” and inserting “and or-
3 ders”;

4 (4) in section 1024—

5 (A) in the heading, by striking “**SUPER-**
6 **VISION OF**” and inserting “**AUTHORITY**
7 **WITH RESPECT TO CERTAIN**”;

8 (B) in subsection (a)—

9 (i) in paragraph (1)(B), by striking
10 “as defined by rule in accordance with
11 paragraph (2)” and inserting “as of the
12 date of the enactment of the Financial
13 CHOICE Act of 2017”;

14 (ii) by striking paragraph (2);

15 (iii) by redesignating paragraph (3) as
16 paragraph (2); and

17 (iv) in subparagraph (A) of paragraph
18 (2), as so redesignated, by striking
19 “1025(a) or”;

20 (C) by striking subsection (b);

21 (D) by redesignating subsections (c), (d),
22 (e), and (f) as subsections (b), (c), (d), and (e),
23 respectively;

24 (E) in subsection (c), as so redesignated—

1 (i) in the heading, by striking “AND
2 EXAMINATION AUTHORITY”; and

3 (ii) by striking “, conduct examina-
4 tions,” each place such term appears;

5 (F) in subsection (d), as so redesignated—

6 (i) by inserting “rulemaking and en-
7 forcement, but not supervisory,” before
8 “authority of the Bureau”; and

9 (ii) by striking “conducting any exam-
10 ination or requiring any report from a
11 service provider subject to this subsection”
12 and inserting “carrying out any authority
13 pursuant to this subsection with respect to
14 a service provider”;

15 (5) by striking section 1025;

16 (6) in section 1026—

17 (A) by amending subsection (a) to read as
18 follows:

19 “(a) SCOPE OF COVERAGE.—This section shall apply
20 to any covered person that is an insured depository insti-
21 tution or an insured credit union.”;

22 (B) in subsection (b)(3), by striking “re-
23 port of examination or related”;

24 (C) by striking subsection (c);

1 (D) by redesignating subsections (d) and
2 (e) as subsections (c) and (d), respectively;

3 (E) in subsection (c), as so redesignated,
4 by adding at the end the following:

5 “(3) VERY LARGE INSTITUTIONS.—

6 “(A) PRIMARY ENFORCEMENT AUTHOR-
7 ITY.—Notwithstanding paragraph (1), to the
8 extent that the Bureau and another Federal
9 agency are authorized to enforce a Federal con-
10 sumer financial law, the Bureau shall have pri-
11 mary authority to enforce that Federal con-
12 sumer financial law with respect to an insured
13 depository institution or insured credit union, if
14 such depository institution or credit union has
15 total assets of more than \$10,000,000,000, and
16 any affiliate thereof.

17 “(B) REFERRAL.—Any Federal agency,
18 other than the Federal Trade Commission, that
19 is authorized to enforce a Federal consumer fi-
20 nancial law may recommend, in writing, to the
21 Bureau that the Bureau initiate an enforcement
22 proceeding with respect to a person described in
23 subparagraph (A), as the Bureau is authorized
24 to do by that Federal consumer financial law.

1 “(C) BACKUP ENFORCEMENT AUTHOR-
2 ITY.—If the Bureau does not, before the end of
3 the 120-day period beginning on the date on
4 which the Bureau receives a recommendation
5 under subparagraph (B), initiate an enforce-
6 ment proceeding, the other agency referred to
7 in subparagraph (B) may initiate an enforce-
8 ment proceeding.”; and

9 (F) in subsection (d), as so redesignated—

10 (i) by inserting after “subsection (a)”
11 the following: “, or to any person described
12 under subsection (c)(3)(A),”;

13 (ii) by striking “section 1025” and in-
14 serting “this section”; and

15 (iii) by striking “When conducting
16 any examination or requiring any report
17 from a service provider subject to this sub-
18 section” and inserting “In carrying out
19 any authority pursuant to this subsection
20 with respect to a service provider”;

21 (7) in section 1027—

22 (A) by striking “supervisory,” each place
23 such term appears;

24 (B) in subsection (e)(1), by striking “su-
25 pervisory or”; and

1 (C) in subsection (p), by striking “section
2 1024(c)(1)” and inserting “section
3 1024(b)(1)”;

4 (8) in section 1034—

5 (A) by striking subsections (b) and (c);
6 and

7 (B) by redesignating subsection (d) as sub-
8 section (b);

9 (9) in section 1053—

10 (A) in subsection (b)(1)(A), by striking
11 “sections 1024, 1025, and 1026” and inserting
12 “sections 1024 and 1026”; and

13 (B) in subsection (c)(3)(B)(ii)(II), by
14 striking “, by examination or otherwise,”;

15 (10) in section 1054(a), by striking “sections
16 1024, 1025, and 1026” and inserting “sections
17 1024 and 1026”;

18 (11) in section 1061—

19 (A) in subsection (a)(1)—

20 (i) in subparagraph (A), by striking “;
21 and” at the end and inserting a period;

22 (ii) by striking “means—” and all
23 that follows through “(A) all” and insert-
24 ing “means all”; and

1 (iii) by striking subparagraph (B);

2 and

3 (B) in subsection (c)—

4 (i) by amending paragraph (1) to read

5 as follows:

6 “(1) EXAMINATION.—A transferor agency that
7 is a prudential regulator shall have exclusive author-
8 ity (relative to the Bureau) to require reports from
9 and conduct examinations for compliance with Fed-
10 eral consumer financial laws with respect to a person
11 described in section 1026(a).”; and

12 (ii) in paragraph (2)—

13 (I) by striking subparagraph (A);

14 and

15 (II) by redesignating subpara-
16 graphs (B) and (C) as subparagraphs
17 (A) and (B), respectively;

18 (12) in section 1063, by striking “sections
19 1024, 1025, and 1026” each place such term ap-
20 pears and inserting “sections 1024 and 1026”; and

21 (13) in section 1067, by striking subsection (e).

22 (b) HOME MORTGAGE DISCLOSURE ACT OF 1975.—
23 Section 305(d) of the Home Mortgage Disclosure Act of
24 1975 (12 U.S.C. 2804(d)) is amended by striking “exam-
25 ine and”.

1 (c) OMNIBUS APPROPRIATIONS ACT, 2009.—Section
2 626 of the Omnibus Appropriations Act, 2009 (15 U.S.C.
3 1638 note) is repealed.

4 (d) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Dodd-Frank Wall Street Reform and
6 Consumer Protection Act is amended—

7 (1) in the item relating to section 1024, by
8 striking “SUPERVISION OF” and inserting “AU-
9 THORITY WITH RESPECT TO CERTAIN”; and

10 (2) by striking the item relating to section
11 1025.

12 REMOVAL OF AUTHORITY TO REGULATE SMALL-DOLLAR
13 CREDIT

14 SEC. 928.

15 The Consumer Financial Protection Act of 2010 (12
16 U.S.C. 5481 et seq.) is amended—

17 (1) in section 1024(a)(1)—

18 (A) in subparagraph (C), by adding “or”
19 at the end;

20 (B) in subparagraph (D), by striking “;
21 or” and inserting a period; and

22 (C) by striking subparagraph (E); and

23 (2) in section 1027, by adding at the end the
24 following:

25 “(t) NO AUTHORITY TO REGULATE SMALL-DOLLAR
26 CREDIT.—The Bureau may not exercise any rulemaking,

1 enforcement, or other authority with respect to payday
2 loans, vehicle title loans, or other similar loans.”.

3 REMOVAL OF BUREAU UDAAP AUTHORITY

4 SEC. 929.

5 (a) IN GENERAL.—The Consumer Financial Protec-
6 tion Act of 2010 (12 U.S.C. 5481 et seq.) is amended—

7 (1) in section 1021(b)(2), by striking “from un-
8 fair, deceptive, or abusive acts and practices and”;

9 (2) by striking section 1031;

10 (3) in section 1036(a)—

11 (A) in paragraph (1)—

12 (i) by striking “provider” and all that
13 follows through “to offer” and inserting
14 “provider to offer”;

15 (ii) by striking subparagraph (B); and

16 (B) in paragraph (2)(C), by striking “; or”

17 at the end and inserting a period; and

18 (C) by striking paragraph (3); and

19 (4) in section 1061(b)(5)—

20 (A) in subparagraph (B)—

21 (i) by striking “(i) In general.—”;

22 and

23 (ii) by striking clause (ii);

24 (B) by striking subparagraph (D); and

25 (C) by redesignating subparagraph (E) as

26 subparagraph (D); and

1 (5) in section 1076(b)(2), by striking “deter-
2 mine—” and all that follows through “(B) provide
3 for” and inserting “determine, provide for”.

4 (b) TELEMARKETING AND CONSUMER FRAUD AND
5 ABUSE PREVENTION ACT.—Section 3(c) of the Tele-
6 marketing and Consumer Fraud and Abuse Prevention
7 Act (15 U.S.C. 6102) is amended—

8 (1) in paragraph (1), by striking “; and” at the
9 end and inserting a period;

10 (2) by striking paragraph (2); and

11 (3) by striking “subsection (a)—” and all that
12 follows through “(1) shall” and inserting “sub-
13 section (a) shall”.

14 (c) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Dodd-Frank Wall Street Reform and
16 Consumer Protection Act is amended by striking the item
17 relating to section 1031.

18 REPEAL OF AUTHORITY TO RESTRICT ARBITRATION

19 SEC. 930.

20 (a) IN GENERAL.—Section 1028 of the Consumer Fi-
21 nancial Protection Act of 2010 (12 U.S.C. 5518) is hereby
22 repealed.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 under section 1(b) of the Dodd-Frank Wall Street Reform
25 and Consumer Protection Act is amended by striking the
26 item relating to section 1028.

1 EXEMPTION FROM RISK RETENTION REQUIREMENTS FOR
2 NONRESIDENTIAL MORTGAGE
3 SEC. 931.

4 (a) IN GENERAL.—Section 15G of the Securities Ex-
5 change Act of 1934 (15 U.S.C. 78o–11) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (3)(B), by striking “and”
8 at the end;

9 (B) in paragraph (4)(B), by striking the
10 period and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(5) the term ‘asset-backed security’ refers only
13 to an asset-backed security that is comprised wholly
14 of residential mortgages.”;

15 (2) in subsection (b)—

16 (A) by striking paragraph (1); and

17 (B) by striking “(2) RESIDENTIAL MORT-
18 GAGES.—”;

19 (3) by striking subsection (h) and redesignating
20 subsection (i) as subsection (h); and

21 (4) in subsection (h) (as so redesignated)—

22 (A) by striking “effective—” and all that
23 follows through “(1) with respect to” and in-
24 serting “effective with respect to”;

1 (B) in paragraph (1), by striking “; and”
2 and inserting a period; and

3 (C) by striking paragraph (2).

4 (b) CONFORMING AMENDMENT.—Section 941 of the
5 Dodd-Frank Wall Street Reform and Consumer Protec-
6 tion Act is amended by striking subsection (c).

7 PROHIBITION ON REQUIRING A SINGLE BALLOT

8 SEC. 932.

9 Section 14 of the Securities Exchange Act of 1934
10 (15 U.S.C. 78n) is amended by adding at the end the fol-
11 lowing:

12 “(k) PROHIBITION ON REQUIRING A SINGLE BAL-
13 LOT.—The Commission may not require that a solicitation
14 of a proxy, consent, or authorization to vote a security
15 of an issuer in an election of members of the board of
16 directors of the issuer be made using a single ballot or
17 card that lists both individuals nominated by (or on behalf
18 of) the issuer and individuals nominated by (or on behalf
19 of) other proponents and permits the person granting the
20 proxy, consent, or authorization to select from among indi-
21 viduals in both groups.”.

22 REPEAL OF THE VOLCKER RULE AND OTHER PROVISIONS

23 SEC. 933.

24 (a) IN GENERAL.—The following sections of title VI
25 of the Dodd-Frank Wall Street Reform and Consumer
26 Protection Act are repealed, and the provisions of law

1 amended or repealed by such sections are restored or re-
2 vived as if such sections had not been enacted:

3 (1) Section 618.

4 (2) Section 619.

5 (3) Section 620.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 under section 1(b) of the Dodd-Frank Wall Street Reform
8 and Consumer Protection Act is amended by striking the
9 items relating to sections 618, 619, and 620.

1 **TITLE X—FINANCIAL**
2 **INSTITUTION BANKRUPTCY**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Financial Institution
5 Bankruptcy Act of 2017”.

6 **SEC. 2. GENERAL PROVISIONS RELATING TO COVERED FI-**
7 **NANCIAL CORPORATIONS.**

8 (a) DEFINITION.—Section 101 of title 11, United
9 States Code, is amended by inserting the following after
10 paragraph (9):

11 “(9A) The term ‘covered financial corporation’
12 means any corporation incorporated or organized
13 under any Federal or State law, other than a stock-
14 broker, a commodity broker, or an entity of the kind
15 specified in paragraph (2) or (3) of section 109(b),
16 that is—

17 “(A) a bank holding company, as defined
18 in section 2(a) of the Bank Holding Company
19 Act of 1956; or

20 “(B) a corporation that exists for the pri-
21 mary purpose of owning, controlling and financ-
22 ing its subsidiaries, that has total consolidated
23 assets of \$50,000,000,000 or greater, and for
24 which, in its most recently completed fiscal
25 year—

1 “(i) annual gross revenues derived by
2 the corporation and all of its subsidiaries
3 from activities that are financial in nature
4 (as defined in section 4(k) of the Bank
5 Holding Company Act of 1956) and, if ap-
6 plicable, from the ownership or control of
7 one or more insured depository institu-
8 tions, represents 85 percent or more of the
9 consolidated annual gross revenues of the
10 corporation; or

11 “(ii) the consolidated assets of the
12 corporation and all of its subsidiaries re-
13 lated to activities that are financial in na-
14 ture (as defined in section 4(k) of the
15 Bank Holding Company Act of 1956) and,
16 if applicable, related to the ownership or
17 control of one or more insured depository
18 institutions, represents 85 percent or more
19 of the consolidated assets of the corpora-
20 tion.”.

21 (b) APPLICABILITY OF CHAPTERS.—Section 103 of
22 title 11, United States Code, is amended by adding at the
23 end the following:

1 “(l) Subchapter V of chapter 11 of this title applies
2 only in a case under chapter 11 concerning a covered fi-
3 nancial corporation.”.

4 (c) WHO MAY BE A DEBTOR.—Section 109 of title
5 11, United States Code, is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (2), by striking “or” at
8 the end;

9 (B) in paragraph (3)(B), by striking the
10 period at the end and inserting “; or”; and

11 (C) by adding at the end the following:

12 “(4) a covered financial corporation.”; and

13 (2) in subsection (d)—

14 (A) by striking “and” before “an unin-
15 sured State member bank”;

16 (B) by striking “or” before “a corpora-
17 tion”; and

18 (C) by inserting “, or a covered financial
19 corporation” after “Federal Deposit Insurance
20 Corporation Improvement Act of 1991”.

21 (d) CONVERSION TO CHAPTER 7.—Section 1112 of
22 title 11, United States Code, is amended by adding at the
23 end the following:

1 “(g) Notwithstanding section 109(b), the court may
2 convert a case under subchapter V to a case under chapter
3 7 if—

4 “(1) a transfer approved under section 1185
5 has been consummated;

6 “(2) the court has ordered the appointment of
7 a special trustee under section 1186; and

8 “(3) the court finds, after notice and a hearing,
9 that conversion is in the best interest of the credi-
10 tors and the estate.”.

11 (e)(1) Section 726(a)(1) of title 11, United States
12 Code, is amended by inserting after “first,” the following:
13 “in payment of any unpaid fees, costs, and expenses of
14 a special trustee appointed under section 1186, and then”.

15 (2) Section 1129(a) of title 11, United States Code,
16 is amended by inserting after paragraph (16) the fol-
17 lowing:

18 “(17) In a case under subchapter V, all payable
19 fees, costs, and expenses of the special trustee have
20 been paid or the plan provides for the payment of
21 all such fees, costs, and expenses on the effective
22 date of the plan.

23 “(18) In a case under subchapter V, confirma-
24 tion of the plan is not likely to cause serious adverse
25 effects on financial stability in the United States.”.

1 (f) Section 322(b)(2) of title 11, United States Code,
2 is amended by striking “The” and inserting “In cases
3 under subchapter V, the United States trustee shall rec-
4 ommend to the court, and in all other cases, the”.

5 **SEC. 3. LIQUIDATION, REORGANIZATION, OR RECAPITAL-**
6 **IZATION OF A COVERED FINANCIAL COR-**
7 **PORATION.**

8 Chapter 11 of title 11, United States Code, is amend-
9 ed by adding at the end the following:

10 “SUBCHAPTER V—LIQUIDATION, REORGANIZA-
11 TION, OR RECAPITALIZATION OF A COV-
12 ERED FINANCIAL CORPORATION

13 **“§ 1181. Inapplicability of other sections**

14 “Sections 303 and 321(c) do not apply in a case
15 under this subchapter concerning a covered financial cor-
16 poration. Section 365 does not apply to a transfer under
17 section 1185, 1187, or 1188.

18 **“§ 1182. Definitions for this subchapter**

19 “In this subchapter, the following definitions shall
20 apply:

21 “(1) The term ‘Board’ means the Board of
22 Governors of the Federal Reserve System.

23 “(2) The term ‘bridge company’ means a newly
24 formed corporation to which property of the estate
25 may be transferred under section 1185(a) and the

1 equity securities of which may be transferred to a
2 special trustee under section 1186(a).

3 “(3) The term ‘capital structure debt’ means all
4 unsecured debt of the debtor for borrowed money for
5 which the debtor is the primary obligor, other than
6 a qualified financial contract and other than debt se-
7 cured by a lien on property of the estate that is to
8 be transferred to a bridge company pursuant to an
9 order of the court under section 1185(a).

10 “(4) The term ‘contractual right’ means a con-
11 tractual right of a kind defined in section 555, 556,
12 559, 560, or 561.

13 “(5) The term ‘qualified financial contract’
14 means any contract of a kind defined in paragraph
15 (25), (38A), (47), or (53B) of section 101, section
16 741(7), or paragraph (4), (5), (11), or (13) of sec-
17 tion 761.

18 “(6) The term ‘special trustee’ means the trust-
19 ee of a trust formed under section 1186(a)(1).

20 **“§ 1183. Commencement of a case concerning a cov-**
21 **ered financial corporation**

22 “(a) A case under this subchapter concerning a cov-
23 ered financial corporation may be commenced by the filing
24 of a petition with the court by the debtor under section
25 301 only if the debtor states to the best of its knowledge

1 under penalty of perjury in the petition that it is a covered
2 financial corporation.

3 “(b) The commencement of a case under subsection
4 (a) constitutes an order for relief under this subchapter.

5 “(c) The members of the board of directors (or body
6 performing similar functions) of a covered financial cor-
7 poration shall have no liability to shareholders, creditors,
8 or other parties in interest for a good faith filing of a peti-
9 tion to commence a case under this subchapter, or for any
10 reasonable action taken in good faith in contemplation of
11 such a petition or a transfer under section 1185 or section
12 1186, whether prior to or after commencement of the case.

13 “(d) Counsel to the debtor shall provide, to the great-
14 est extent practicable without disclosing the identity of the
15 potential debtor, sufficient confidential notice to the chief
16 judge of the court of appeals for the circuit embracing the
17 district in which such counsel intends to file a petition to
18 commence a case under this subchapter regarding the po-
19 tential commencement of such case. The chief judge of
20 such court shall randomly assign to preside over such case
21 a bankruptcy judge selected from among the bankruptcy
22 judges designated by the Chief Justice of the United
23 States under section 298 of title 28.

1 **“§ 1184. Regulators**

2 “The Board, the Securities Exchange Commission,
3 the Office of the Comptroller of the Currency of the De-
4 partment of the Treasury, the Commodity Futures Trad-
5 ing Commission, and the Federal Deposit Insurance Cor-
6 poration may raise and may appear and be heard on any
7 issue in any case or proceeding under this subchapter.

8 **“§ 1185. Special transfer of property of the estate**

9 “(a) On request of the trustee, and after notice and
10 a hearing that shall occur not less than 24 hours after
11 the order for relief, the court may order a transfer under
12 this section of property of the estate, and the assignment
13 of executory contracts, unexpired leases, and qualified fi-
14 nancial contracts of the debtor, to a bridge company.
15 Upon the entry of an order approving such transfer, any
16 property transferred, and any executory contracts, unex-
17 pired leases, and qualified financial contracts assigned
18 under such order shall no longer be property of the estate.
19 Except as provided under this section, the provisions of
20 section 363 shall apply to a transfer and assignment under
21 this section.

22 “(b) Unless the court orders otherwise, notice of a
23 request for an order under subsection (a) shall consist of
24 electronic or telephonic notice of not less than 24 hours
25 to—

26 “(1) the debtor;

1 “(2) the holders of the 20 largest secured
2 claims against the debtor;

3 “(3) the holders of the 20 largest unsecured
4 claims against the debtor;

5 “(4) counterparties to any debt, executory con-
6 tract, unexpired lease, and qualified financial con-
7 tract requested to be transferred under this section;

8 “(5) the Board;

9 “(6) the Federal Deposit Insurance Corpora-
10 tion;

11 “(7) the Secretary of the Treasury and the Of-
12 fice of the Comptroller of the Currency of the Treas-
13 ury;

14 “(8) the Commodity Futures Trading Commis-
15 sion;

16 “(9) the Securities and Exchange Commission;

17 “(10) the United States trustee or bankruptcy
18 administrator; and

19 “(11) each primary financial regulatory agency,
20 as defined in section 2(12) of the Dodd-Frank Wall
21 Street Reform and Consumer Protection Act, with
22 respect to any affiliate the equity securities of which
23 are proposed to be transferred under this section.

1 “(c) The court may not order a transfer under this
2 section unless the court determines, based upon a prepon-
3 derance of the evidence, that—

4 “(1) the transfer under this section is necessary
5 to prevent serious adverse effects on financial sta-
6 bility in the United States;

7 “(2) the transfer does not provide for the as-
8 sumption of any capital structure debt by the bridge
9 company;

10 “(3) the transfer does not provide for the trans-
11 fer to the bridge company of any property of the es-
12 tate that is subject to a lien securing a debt, execu-
13 tory contract, unexpired lease or agreement (includ-
14 ing a qualified financial contract) of the debtor un-
15 less—

16 “(A)(i) the bridge company assumes such
17 debt, executory contract, unexpired lease or
18 agreement (including a qualified financial con-
19 tract), including any claims arising in respect
20 thereof that would not be allowed secured
21 claims under section 506(a)(1) and after giving
22 effect to such transfer, such property remains
23 subject to the lien securing such debt, executory
24 contract, unexpired lease or agreement (includ-
25 ing a qualified financial contract); and

1 “(ii) the court has determined that as-
2 sumption of such debt, executory contract, un-
3 expired lease or agreement (including a quali-
4 fied financial contract) by the bridge company
5 is in the best interests of the estate; or

6 “(B) such property is being transferred to
7 the bridge company in accordance with the pro-
8 visions of section 363;

9 “(4) the transfer does not provide for the as-
10 sumption by the bridge company of any debt, execu-
11 tory contract, unexpired lease or agreement (includ-
12 ing a qualified financial contract) of the debtor se-
13 cured by a lien on property of the estate unless the
14 transfer provides for such property to be transferred
15 to the bridge company in accordance with paragraph
16 (3)(A) of this subsection;

17 “(5) the transfer does not provide for the trans-
18 fer of the equity of the debtor;

19 “(6) the trustee has demonstrated that the
20 bridge company is not likely to fail to meet the obli-
21 gations of any debt, executory contract, qualified fi-
22 nancial contract, or unexpired lease assumed and as-
23 signed to the bridge company;

24 “(7) the transfer provides for the transfer to a
25 special trustee all of the equity securities in the

1 bridge company and appointment of a special trustee
2 in accordance with section 1186;

3 “(8) after giving effect to the transfer, ade-
4 quate provision has been made for the fees, costs,
5 and expenses of the estate and special trustee; and

6 “(9) the bridge company will have governing
7 documents, and initial directors and senior officers,
8 that are in the best interest of creditors and the es-
9 tate.

10 “(d) Immediately before a transfer under this section,
11 the bridge company that is the recipient of the transfer
12 shall—

13 “(1) not have any property, executory con-
14 tracts, unexpired leases, qualified financial contracts,
15 or debts, other than any property acquired or execu-
16 tory contracts, unexpired leases, or debts assumed
17 when acting as a transferee of a transfer under this
18 section; and

19 “(2) have equity securities that are property of
20 the estate, which may be sold or distributed in ac-
21 cordance with this title.

22 **“§ 1186. Special trustee**

23 “(a)(1) An order approving a transfer under section
24 1185 shall require the trustee to transfer to a qualified
25 and independent special trustee, who is appointed by the

1 court, all of the equity securities in the bridge company
2 that is the recipient of a transfer under section 1185 to
3 hold in trust for the sole benefit of the estate, subject to
4 satisfaction of the special trustee's fees, costs, and ex-
5 penses. The trust of which the special trustee is the trust-
6 ee shall be a newly formed trust governed by a trust agree-
7 ment approved by the court as in the best interests of the
8 estate, and shall exist for the sole purpose of holding and
9 administering, and shall be permitted to dispose of, the
10 equity securities of the bridge company in accordance with
11 the trust agreement.

12 “(2) In connection with the hearing to approve a
13 transfer under section 1185, the trustee shall confirm to
14 the court that the Board has been consulted regarding the
15 identity of the proposed special trustee and advise the
16 court of the results of such consultation.

17 “(b) The trust agreement governing the trust shall
18 provide—

19 “(1) for the payment of the fees, costs, ex-
20 penses, and indemnities of the special trustee from
21 the assets of the debtor's estate;

22 “(2) that the special trustee provide—

23 “(A) quarterly reporting to the estate,
24 which shall be filed with the court; and

1 “(B) information about the bridge com-
2 pany reasonably requested by a party in inter-
3 est to prepare a disclosure statement for a plan
4 providing for distribution of any securities of
5 the bridge company if such information is nec-
6 essary to prepare such disclosure statement;

7 “(3) that for as long as the equity securities of
8 the bridge company are held by the trust, the special
9 trustee shall file a notice with the court in connec-
10 tion with—

11 “(A) any change in a director or senior of-
12 ficer of the bridge company;

13 “(B) any modification to the governing
14 documents of the bridge company; and

15 “(C) any material corporate action of the
16 bridge company, including—

17 “(i) recapitalization;

18 “(ii) a material borrowing;

19 “(iii) termination of an intercompany
20 debt or guarantee;

21 “(iv) a transfer of a substantial por-
22 tion of the assets of the bridge company;

23 or

24 “(v) the issuance or sale of any secu-
25 rities of the bridge company;

1 “(4) that any sale of any equity securities of
2 the bridge company shall not be consummated until
3 the special trustee consults with the Federal Deposit
4 Insurance Corporation and the Board regarding
5 such sale and discloses the results of such consulta-
6 tion with the court;

7 “(5) that, subject to reserves for payments per-
8 mitted under paragraph (1) provided for in the trust
9 agreement, the proceeds of the sale of any equity se-
10 curities of the bridge company by the special trustee
11 be held in trust for the benefit of or transferred to
12 the estate;

13 “(6) the process and guidelines for the replace-
14 ment of the special trustee; and

15 “(7) that the property held in trust by the spe-
16 cial trustee is subject to distribution in accordance
17 with subsection (c).

18 “(c)(1) The special trustee shall distribute the assets
19 held in trust—

20 “(A) if the court confirms a plan in the case,
21 in accordance with the plan on the effective date of
22 the plan; or

23 “(B) if the case is converted to a case under
24 chapter 7, as ordered by the court.

1 “(ii) the commencement of a case under
2 this title concerning the debtor;

3 “(iii) the appointment of or taking posses-
4 sion by a trustee in a case under this title con-
5 cerning the debtor or by a custodian before the
6 commencement of the case; or

7 “(iv) a credit rating agency rating, or ab-
8 sence or withdrawal of a credit rating agency
9 rating—

10 “(I) of the debtor at any time after
11 the commencement of the case;

12 “(II) of an affiliate during the period
13 from the commencement of the case until
14 48 hours after such order is entered;

15 “(III) of the bridge company while the
16 trustee or the special trustee is a direct or
17 indirect beneficial holder of more than 50
18 percent of the equity securities of—

19 “(aa) the bridge company; or

20 “(bb) the affiliate, if all of the di-
21 rect or indirect interests in the affil-
22 iate that are property of the estate
23 are transferred under section 1185; or

24 “(IV) of an affiliate while the trustee
25 or the special trustee is a direct or indirect

1 beneficial holder of more than 50 percent
2 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.

8 “(2) A debt, contract, lease, or agreement described
9 in this paragraph is—

10 “(A) any debt (other than capital structure
11 debt), executory contract, or unexpired lease of the
12 debtor (other than a qualified financial contract);

13 “(B) any agreement under which the debtor
14 issued or is obligated for debt (other than capital
15 structure debt);

16 “(C) any debt, executory contract, or unexpired
17 lease of an affiliate (other than a qualified financial
18 contract); or

19 “(D) any agreement under which an affiliate
20 issued or is obligated for debt.

21 “(3) The stay under this subsection terminates—

22 “(A) for the benefit of the debtor, upon the ear-
23 liest of—

24 “(i) 48 hours after the commencement of
25 the case;

1 “(ii) assumption of the debt, contract,
2 lease, or agreement by the bridge company
3 under an order authorizing a transfer under
4 section 1185;

5 “(iii) a final order of the court denying the
6 request for a transfer under section 1185; or

7 “(iv) the time the case is dismissed; and

8 “(B) for the benefit of an affiliate, upon the
9 earliest of—

10 “(i) the entry of an order authorizing a
11 transfer under section 1185 in which the direct
12 or indirect interests in the affiliate that are
13 property of the estate are not transferred under
14 section 1185;

15 “(ii) a final order by the court denying the
16 request for a transfer under section 1185;

17 “(iii) 48 hours after the commencement of
18 the case if the court has not ordered a transfer
19 under section 1185; or

20 “(iv) the time the case is dismissed.

21 “(4) Subsections (d), (e), (f), and (g) of section 362
22 apply to a stay under this subsection.

23 “(b) A debt, executory contract (other than a quali-
24 fied financial contract), or unexpired lease of the debtor,
25 or an agreement under which the debtor has issued or is

1 obligated for any debt, may be assumed by a bridge com-
2 pany in a transfer under section 1185 notwithstanding
3 any provision in an agreement or in applicable nonbank-
4 ruptcy law that—

5 “(1) prohibits, restricts, or conditions the as-
6 signment of the debt, contract, lease, or agreement;
7 or

8 “(2) accelerates, terminates, or modifies, or
9 permits a party other than the debtor to terminate
10 or modify, the debt, contract, lease, or agreement on
11 account of—

12 “(A) the assignment of the debt, contract,
13 lease, or agreement; or

14 “(B) a change in control of any party to
15 the debt, contract, lease, or agreement.

16 “(c)(1) A debt, contract, lease, or agreement of the
17 kind described in subparagraph (A) or (B) of subsection
18 (a)(2) may not be accelerated, terminated, or modified,
19 and any right or obligation under such debt, contract,
20 lease, or agreement may not be accelerated, terminated,
21 or modified, as to the bridge company solely because of
22 a provision in the debt, contract, lease, or agreement or
23 in applicable nonbankruptcy law—

24 “(A) of the kind described in subsection
25 (a)(1)(B) as applied to the debtor;

1 “(B) that prohibits, restricts, or conditions the
2 assignment of the debt, contract, lease, or agree-
3 ment; or

4 “(C) that accelerates, terminates, or modifies,
5 or permits a party other than the debtor to termi-
6 nate or modify, the debt, contract, lease or agree-
7 ment on account of—

8 “(i) the assignment of the debt, contract,
9 lease, or agreement; or

10 “(ii) a change in control of any party to
11 the debt, contract, lease, or agreement.

12 “(2) If there is a default by the debtor under a provi-
13 sion other than the kind described in paragraph (1) in
14 a debt, contract, lease or agreement of the kind described
15 in subparagraph (A) or (B) of subsection (a)(2), the
16 bridge company may assume such debt, contract, lease,
17 or agreement only if the bridge company—

18 “(A) shall cure the default;

19 “(B) compensates, or provides adequate assur-
20 ance in connection with a transfer under section
21 1185 that the bridge company will promptly com-
22 pensate, a party other than the debtor to the debt,
23 contract, lease, or agreement, for any actual pecu-
24 niary loss to the party resulting from the default;
25 and

1 “(C) provides adequate assurance in connection
2 with a transfer under section 1185 of future per-
3 formance under the debt, contract, lease, or agree-
4 ment, as determined by the court under section
5 1185(e)(4).

6 **“§ 1188. Treatment of qualified financial contracts**
7 **and affiliate contracts**

8 “(a) Notwithstanding sections 362(b)(6), 362(b)(7),
9 362(b)(17), 362(b)(27), 362(o), 555, 556, 559, 560, and
10 561, a petition filed under section 1183 operates as a stay,
11 during the period specified in section 1187(a)(3)(A), ap-
12 plicable to all entities, of the exercise of a contractual
13 right—

14 “(1) to cause the modification, liquidation, ter-
15 mination, or acceleration of a qualified financial con-
16 tract of the debtor or an affiliate;

17 “(2) to offset or net out any termination value,
18 payment amount, or other transfer obligation arising
19 under or in connection with a qualified financial con-
20 tract of the debtor or an affiliate; or

21 “(3) under any security agreement or arrange-
22 ment or other credit enhancement forming a part of
23 or related to a qualified financial contract of the
24 debtor or an affiliate.

1 “(b)(1) During the period specified in section
2 1187(a)(3)(A), the trustee or the affiliate shall perform
3 all payment and delivery obligations under such qualified
4 financial contract of the debtor or the affiliate, as the case
5 may be, that become due after the commencement of the
6 case. The stay provided under subsection (a) terminates
7 as to a qualified financial contract of the debtor or an
8 affiliate immediately upon the failure of the trustee or the
9 affiliate, as the case may be, to perform any such obliga-
10 tion during such period.

11 “(2) Any failure by a counterparty to any qualified
12 financial contract of the debtor or any affiliate to perform
13 any payment or delivery obligation under such qualified
14 financial contract, including during the pendency of the
15 stay provided under subsection (a), shall constitute a
16 breach of such qualified financial contract by the
17 counterparty.

18 “(c) Subject to the court’s approval, a qualified finan-
19 cial contract between an entity and the debtor may be as-
20 signed to or assumed by the bridge company in a transfer
21 under, and in accordance with, section 1185 if and only
22 if—

23 “(1) all qualified financial contracts between
24 the entity and the debtor are assigned to and as-

1 sumed by the bridge company in the transfer under
2 section 1185;

3 “(2) all claims of the entity against the debtor
4 in respect of any qualified financial contract between
5 the entity and the debtor (other than any claim that,
6 under the terms of the qualified financial contract,
7 is subordinated to the claims of general unsecured
8 creditors) are assigned to and assumed by the bridge
9 company;

10 “(3) all claims of the debtor against the entity
11 under any qualified financial contract between the
12 entity and the debtor are assigned to and assumed
13 by the bridge company; and

14 “(4) all property securing or any other credit
15 enhancement furnished by the debtor for any quali-
16 fied financial contract described in paragraph (1) or
17 any claim described in paragraph (2) or (3) under
18 any qualified financial contract between the entity
19 and the debtor is assigned to and assumed by the
20 bridge company.

21 “(d) Notwithstanding any provision of a qualified fi-
22 nancial contract or of applicable nonbankruptcy law, a
23 qualified financial contract of the debtor that is assumed
24 or assigned in a transfer under section 1185 may not be
25 accelerated, terminated, or modified, after the entry of the

1 order approving a transfer under section 1185, and any
2 right or obligation under the qualified financial contract
3 may not be accelerated, terminated, or modified, after the
4 entry of the order approving a transfer under section 1185
5 solely because of a condition described in section
6 1187(c)(1), other than a condition of the kind specified
7 in section 1187(b) that occurs after property of the estate
8 no longer includes a direct beneficial interest or an indi-
9 rect beneficial interest through the special trustee, in more
10 than 50 percent of the equity securities of the bridge com-
11 pany.

12 “(e) Notwithstanding any provision of any agreement
13 or in applicable nonbankruptcy law, an agreement of an
14 affiliate (including an executory contract, an unexpired
15 lease, qualified financial contract, or an agreement under
16 which the affiliate issued or is obligated for debt) and any
17 right or obligation under such agreement may not be ac-
18 celerated, terminated, or modified, solely because of a con-
19 dition described in section 1187(c)(1), other than a condi-
20 tion of the kind specified in section 1187(b) that occurs
21 after the bridge company is no longer a direct or indirect
22 beneficial holder of more than 50 percent of the equity
23 securities of the affiliate, at any time after the commence-
24 ment of the case if—

1 “(1) all direct or indirect interests in the affil-
2 iate that are property of the estate are transferred
3 under section 1185 to the bridge company within the
4 period specified in subsection (a);

5 “(2) the bridge company assumes—

6 “(A) any guarantee or other credit en-
7 hancement issued by the debtor relating to the
8 agreement of the affiliate; and

9 “(B) any obligations in respect of rights of
10 setoff, netting arrangement, or debt of the debt-
11 or that directly arises out of or directly relates
12 to the guarantee or credit enhancement; and

13 “(3) any property of the estate that directly
14 serves as collateral for the guarantee or credit en-
15 hancement is transferred to the bridge company.

16 **“§ 1189. Licenses, permits, and registrations**

17 “(a) Notwithstanding any otherwise applicable non-
18 bankruptcy law, if a request is made under section 1185
19 for a transfer of property of the estate, any Federal, State,
20 or local license, permit, or registration that the debtor or
21 an affiliate had immediately before the commencement of
22 the case and that is proposed to be transferred under sec-
23 tion 1185 may not be accelerated, terminated, or modified
24 at any time after the request solely on account of—

1 “(1) the insolvency or financial condition of the
2 debtor at any time before the closing of the case;

3 “(2) the commencement of a case under this
4 title concerning the debtor;

5 “(3) the appointment of or taking possession by
6 a trustee in a case under this title concerning the
7 debtor or by a custodian before the commencement
8 of the case; or

9 “(4) a transfer under section 1185.

10 “(b) Notwithstanding any otherwise applicable non-
11 bankruptcy law, any Federal, State, or local license, per-
12 mit, or registration that the debtor had immediately before
13 the commencement of the case that is included in a trans-
14 fer under section 1185 shall be valid and all rights and
15 obligations thereunder shall vest in the bridge company.

16 **“§ 1190. Exemption from securities laws**

17 “For purposes of section 1145, a security of the
18 bridge company shall be deemed to be a security of a suc-
19 cessor to the debtor under a plan if the court approves
20 the disclosure statement for the plan as providing ade-
21 quate information (as defined in section 1125(a)) about
22 the bridge company and the security.

23 **“§ 1191. Inapplicability of certain avoiding powers**

24 “A transfer made or an obligation incurred by the
25 debtor to an affiliate prior to or after the commencement

1 of the case, including any obligation released by the debtor
2 or the estate to or for the benefit of an affiliate, in con-
3 templation of or in connection with a transfer under sec-
4 tion 1185 is not avoidable under section 544, 547,
5 548(a)(1)(B), or 549, or under any similar nonbankruptcy
6 law.

7 **“§ 1192. Consideration of financial stability**

8 “The court may consider the effect that any decision
9 in connection with this subchapter may have on financial
10 stability in the United States.”.

11 **SEC. 4. AMENDMENTS TO TITLE 28, UNITED STATES CODE.**

12 (a) AMENDMENT TO CHAPTER 13.—Chapter 13 of
13 title 28, United States Code, is amended by adding at the
14 end the following:

15 **“§ 298. Judge for a case under subchapter V of chap-**
16 **ter 11 of title 11**

17 “(a)(1) Notwithstanding section 295, the Chief Jus-
18 tice of the United States shall designate not fewer than
19 10 bankruptcy judges to be available to hear a case under
20 subchapter V of chapter 11 of title 11. Bankruptcy judges
21 may request to be considered by the Chief Justice of the
22 United States for such designation.

23 “(2) Notwithstanding section 155, a case under sub-
24 chapter V of chapter 11 of title 11 shall be heard under
25 section 157 by a bankruptcy judge designated under para-

1 graph (1), who shall be randomly assigned to hear such
2 case by the chief judge of the court of appeals for the cir-
3 cuit embracing the district in which the case is pending.
4 To the greatest extent practicable, the approvals required
5 under section 155 should be obtained.

6 “(3) If the bankruptcy judge assigned to hear a case
7 under paragraph (2) is not assigned to the district in
8 which the case is pending, the bankruptcy judge shall be
9 temporarily assigned to the district.

10 “(b) A case under subchapter V of chapter 11 of title
11 11, and all proceedings in the case, shall take place in
12 the district in which the case is pending.

13 “(c) In this section, the term ‘covered financial cor-
14 poration’ has the meaning given that term in section
15 101(9A) of title 11.”.

16 (b) AMENDMENT TO SECTION 1334 OF TITLE 28.—
17 Section 1334 of title 28, United States Code, is amended
18 by adding at the end the following:

19 “(f) This section does not grant jurisdiction to the
20 district court after a transfer pursuant to an order under
21 section 1185 of title 11 of any proceeding related to a spe-
22 cial trustee appointed, or to a bridge company formed, in
23 connection with a case under subchapter V of chapter 11
24 of title 11.”.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) The table of sections of chapter 13 of title
2 28, United States Code, is amended by adding at
3 the end the following:

“298. Judge for a case under subchapter V of chapter 11 of title 11.”.

4 (2) The table of subchapters of chapter 11 of
5 title 11, United States Code, is amended by adding
6 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 TITLE XI
2 ADDITIONAL GENERAL PROVISIONS
3 SPENDING REDUCTION ACCOUNT

4 SEC. 1101. \$0.

5 This bill may be cited as the “Financial Services and
6 General Government Appropriations Act, 2018”.

Union Calendar No. 167

115TH CONGRESS
1ST Session

H. R. 3280

[Report No. 115-234]

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2018, and for other purposes.

JULY 18, 2017

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed