

AMENDMENTS ADOPTED TO THE
FINANCIAL SERVICES APPROPRIATIONS BILL
FOR FY 2016

Full Committee Markup
House Appropriations Committee
Wednesday, June 17, 2015

11

Crenshaw #1
AG NEED TO
VV

House Appropriations Committee

Fiscal Year 2016 Financial Services and General Government Appropriations Bill

Full Committee Mark Up

Managers' Amendment offered by Mr. Crenshaw

In the Bill:

Page 44, line 2, strike "\$5,000,000,000" and insert "\$4,998,000,000" (*adjust the report accordingly*).

Page 83, line 12, strike "\$3,000,000" and insert "\$5,000,000" (*adjust the report accordingly*).

In the Report:

On page 10, at the end insert:

Financial Transactions.--The Committee encourages the Department of the Treasury to work with Federal bank regulators, financial institutions, and money service businesses to ensure that legitimate financial transactions move freely and globally. The Committee directs the Department to submit a report to the Committees on Appropriations of the House and Senate on the how to ensure the appropriate flow of legitimate financial transactions not later than 90 days after enactment of this Act.

On page 22, at the end insert:

Identity Protection Personal Identification Numbers .—The Committee appreciates the IRS' Identity Protection Personal Identification Numbers (IP PIN) pilot program that is being conducted in Florida, Georgia, and the District of Columbia to prevent tax refund fraud by identity theft. The Committee directs the IRS to submit a detailed report to the Committees of Appropriations in the House and Senate not later than 120 days after enactment of this Act on the effectiveness of the pilot program, the cost of expanding the program nationally and the estimated reduction in fraudulent tax refunds from a national program, and the current cost of assisting victims of tax refund fraud by identity theft.)

Addressing Fraud and Filing Errors in Refundable Credit Programs.--In an effort to reduce intentional fraud and unintentional filing errors in refundable credit programs intended to help taxpayers, minimize taxpayer burden and ensure the availability of high quality tax preparation, the Department of the Treasury is directed to develop revisions to tax forms and instructions to ensure that taxpayers who prepare their own returns provide key information regarding tax credit eligibility. The Department is also directed to review paid preparer due diligence

requirements and administration of the requirements to ensure that filing burden among taxpayers using paid preparers is minimized while maintaining the accuracy of tax preparation.

On page 49, after the fourth paragraph insert:

Within the amount provided under this heading, \$700,000 is for CPSC to contract with the National Academy of Sciences and in consultation with the Secretary of Defense and the Administrator of the National Highway Traffic Safety Administration to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles. The Committee directs CPSC to submit the report to the Committees on Appropriations of the House and Senate within 120 days of enactment of this Act.

On page 60, after the fourth paragraph insert:

New Federal Bureau of Investigation (FBI) Headquarters. – The Committee is concerned that the financing strategy and project timeline being pursued by GSA may not adequately satisfy FBI security and operational requirements for the new FBI Headquarters building. Because it will house one of the principal members of the U.S. Intelligence Community, the new FBI Headquarters must comply with specific security and infrastructure requirements that are not typical for most other government office buildings. Additionally, the new FBI Headquarters facility must provide an operational work environment that allows the FBI to be successful in performing its national security, intelligence, and criminal investigative missions. Further, given the nature of the FBI’s mission and the cost of this project, the integrity of the facility cannot be short-changed by a project management approach aimed more at maintaining a timeline and schedule than ensuring the right design for protecting national security information and operations. As such, the Committee directs GSA to incorporate all FBI security, transportation, and consolidation requirements into all programming for the new building. In addition, the Committee strongly encourages the FBI, GSA and the Administration to explore the feasibility of employing all available funding mechanisms to ensure the goals of full consolidation and a work environment consistent with FBI operational requirements are achieved.

On page 62, after the second full paragraph insert:

The Committee recognizes sustainable roofing systems as a viable option for government buildings.

On page 63, before “Operating Expenses” insert:

Relocation Policy. – The Committee expects that policies related to the relocation of Federal employees are both efficient and cost-effective for taxpayers. The Committee directs GSA to review its policies with respect to relocating Federal employees and report its findings

to the Committees on Appropriations of the House and Senate within 90 days of enactment of this Act.

On page 68, at the end of the page insert:

Risk-Based Capital Rule. – The Committee is aware that the agency has released a revised risk-based capital proposal and that there were a large number of comments received. Consistent with safety and soundness and before finalizing the rule, the Committee encourages NCUA to give careful consideration to the comments, including those related to risk weights, to ensure credit is readily available to consumers, family farms, and small businesses to support job creation.

On page 70, after the second paragraph insert:

In the wake of two massive data breaches affecting millions of individuals, OPM must take all steps to secure the personally identifiable information and material relating to security clearances of all current, former, and prospective federal government employees. The Committee has provided full funding for the Administration's requests for cyber and information technology upgrades of OPM's networks in prior fiscal years. The Committee expects OPM to provide transparency regarding the recent data breaches and keep the Committee updated on its efforts and resource needs to secure OPM networks against future attacks.

On page 91, in Section 816 strike "2016" and "2015" and replace with "2017" and "2016", respectively.

H3

FINAL REVISION

Crenshaw #2

AGREED TO 31-19

AMENDMENT TO FINANCIAL SERVICES

APPROPRIATIONS BILL

OFFERED BY MR. CRENSHAW OF FLORIDA

At the appropriate place in the bill, insert the following:

1 SEC. _____. None of the funds made available by this
2 or any other Act may be used by the Financial Stability
3 Oversight Council to make a determination, pursuant to
4 subsection (a) or (b) of section 113 of the Financial Sta-
5 bility Act of 2010 (12 U.S.C. 5323), with respect to a
6 nonbank financial company until—

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

15 (2) if the nonbank financial company presents
16 a plan in a hearing conducted pursuant to sub-
17 section (e)(2) of such section to modify its business,

1 structure, or operations in order to mitigate the
2 risks identified in such a notice—

3 (A) the Financial Stability Oversight
4 Council makes a determination as to whether
5 such plan, if implemented, adequately mitigates
6 the identified risks; and

7 (B) if the Financial Stability Oversight
8 Council determines that such plan would ade-
9 quately mitigate the identified risk, the Coun-
10 cil—

11 (i) approves such plan; and

12 (ii) allows the nonbank financial com-
13 pany a reasonable period of time to imple-
14 ment such plan.



Page 6, line 18, increase the dollar amount by
\$1,000,000.

*ADD TO
Crew shaw
#2*



AMENDMENT TO FINANCIAL SERVICES

APPROPRIATIONS BILL

OFFERED BY MR. FATTAH OF PENNSYLVANIA

In the "United States Postal Service—Payment to the Postal Service Fund" account, insert before the period at the end the following: "*Provided further*, That the Postal Service shall maintain and comply with service standards for First Class Mail and periodicals effective on July 1, 2012".



AB 1166
+
30-19

#7

**AMENDMENT TO FINANCIAL SERVICES
APPROPRIATIONS BILL
OFFERED BY MR. CULBERSON OF TEXAS**

Insert at the appropriate place in title I the following:

1 SEC. _____. None of the funds made available by this
2 Act may be used by the Internal Revenue Service to make
3 a determination that a church, an integrated auxiliary of
4 a church, or a convention or association of churches is not
5 exempt from taxation for participating in, or intervening
6 in, any political campaign on behalf of (or in opposition
7 to) any candidate for public office unless—

8 (1) the Commissioner of Internal Revenue con-
9 sents to such determination;

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

15 (3) such determination is effective with respect
16 to the church, integrated auxiliary of a church, or
17 convention or association of churches not earlier

- 1 than 90 days after the date of the notification under
- 2 paragraph (2).
- 3 Consent under paragraph (1) may not be delegated.



WOMACK

AGREED
TO
VV

**AMENDMENT TO THE FINANCIAL SERVICES
APPROPRIATIONS BILL
OFFERED BY MR. WOMACK OF ARKANSAS AND
MR. GRAVES OF GEORGIA**

At the appropriate place in the bill insert the following:

1 SEC. ____ None of the funds made available in this
2 Act or transferred to the Bureau of Consumer Financial
3 Protection pursuant to section 1017 of Public Law 111-
4 203 may be used to restrict pre-dispute arbitration (as de-
5 scribed under section 1028 of Public Law 111-203) until
6 the requirements regarding pre-dispute arbitration in the
7 report accompanying this Act under the heading "Bureau
8 of Consumer Financial Protection" are fulfilled.

On page 48 of the Committee Report at the end of the paragraph titled "Arbitration" insert the following:

The Committee has included bill language that prohibits any funding to be used by the CFPB to restrict pre-dispute arbitration, including any rules or guidelines pursuant to section 1028(b) of Public Law 111-203 (12 U.S.C. 5518(b)), until the CFPB fully complies with requirements regarding pre-dispute arbitration as outlined

as follows. Prior to completion of the study and before preparation of the report to Congress, the Bureau shall issue a public notice identifying with specificity the topics that may be addressed in the report and soliciting public comment with respect to the appropriateness of addressing those topics, and any additional topics that should be addressed in the report. After considering the comments, the CFPB shall publish a notice identifying with specificity the topics that may be addressed in the report and soliciting public comment, including empirical data, regarding those topics. The deadline for filing comments shall be no earlier than ninety days after publication of the notice in the Federal Register. The topics addressed in the report shall also include the following: (A) how, for the kinds of disputes that most consumers are likely to have, the accessibility, cost, fairness, and efficiency of the process afforded by litigation compares to the accessibility, cost, fairness, and efficiency of the process afforded by pre-dispute arbitration; (B) the extent to which arbitration and litigation encourage companies to resolve disputes before their customers file formal claims; (C) whether consumers' use of arbitration is adversely affected by a lack of information and the steps that could be taken to better inform consumers about arbitration and to make arbitration more accessible to consumers;

(D) the extent to which private class action proceedings on behalf of consumers regarding consumer financial products and services will provide net benefits to consumers in light of the CFPB's enforcement and examination authority; (E) the extent to which particular limitations or conditions on the use of pre-dispute arbitration will have the practical effect of eliminating pre-dispute arbitration; and (F) the impact on cost and availability of credit to consumers and small businesses of prohibiting or limiting pre-dispute arbitration.

After it has adopted tentative conclusions, but before those conclusions have been finalized, the CFPB shall publish those conclusions together with sufficient supporting and explanatory information, and solicit public comment regarding the tentative conclusions. The deadline for filing comments shall be no earlier than forty-five days after publication of the tentative conclusions. The CFPB shall consider the public comments in formulating its final conclusions and shall explain in the report to Congress its reason for disagreeing with significant comments.

In carrying out the study, the CFPB shall use a research process that includes peer review of the CFPB's methodology and findings by a diverse group of individuals with relevant expertise in quantitative and quali-

tative research methods from the private and public sectors. The Director of the CFPB shall select individuals whose expertise in research methods is unrelated to dispute resolution. The composition of the peer review panel shall be subject to the procedures for a rulemaking under section 553 of title 5, United States Code, including its procedures for notice and comment. No political appointee may participate on a peer review panel. The Director of the CFPB shall promulgate a conflict of interest policy that ensures public transparency and accountability, and requires full disclosure of any real or potential conflicts of interest on the parts of individuals that participate in the peer review process. The term “political appointee” means any individual who is employed in a position described in sections 5312 through 5316 of title 5, United States Code (relating to the executive schedule); is a limited term appointee, limited emergency appointee, or non-career appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; or is employed in a

position described in section 1011(b) of Public Law 111–203 (12 U.S.C. 5491(b)).

When the CFPB submits the report to Congress, the CFPB shall at the same time make publicly available a description of the peer review process, including an explanation of the peer review panel's conclusions about the CFPB's methodology and findings, sufficient to provide a basis for judicial review under section 706 of title 5, United States Code, of the report's conclusions to the extent the CFPB seeks to use them as the basis for a subsequent rulemaking under section 1028(b) of Public Law 111–203 (12 U.S.C. 5518(b)). Any notice of proposed rulemaking by the CFPB shall identify with specificity the empirical data supporting the proposal and invite submission of empirical data relevant to the proposal, in addition to other comments. The deadline for filing comments shall be no earlier than ninety days after publication of the notice in the Federal Register. In addition, in determining whether a prohibition or imposition of conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties is in the public interest and for the protection of consumers, the CFPB shall consider the costs and benefits to consumers including: (1)

the practical effect on consumers' access to low cost, fair, and efficient means of resolving claims for the types of injuries that consumers most often incur and that are less likely to be the subject of government enforcement actions; (2) the extent to which private class action proceedings on behalf of consumers regarding consumer financial products and services provide net benefits to consumers in light of the CFPB's enforcement and examination authority; (3) the practical effect of the proposed regulation on the availability of pre-dispute arbitration; and (4) the impact of the proposed regulation on the cost and availability of credit to consumers and small business. The CFPB shall not promulgate any rule unless it determines that the demonstrable benefits of the rule to consumers outweigh the costs to consumers, taking into account the factors enumerated just above and other relevant factors; and, the rule subjects pre-dispute arbitration to no more regulation than is necessary to serve the public interest and protect consumers.



Quigley #2

ACQUISITION TO
VV**AMENDMENT TO H.R. 2016****OFFERED BY MR. QUIGLEY OF ILLINOIS**

On page 59 of the Committee Report under the first heading “Committee Recommendation”, after “aquisition.” add the following: “The Committee recognizes the importance of mitigating bird deaths due to collisions, and encourages the incorporation of bird safe materials and design features for each public building constructed, acquired, or altered by GSA.”



#12

Harris #1
Agreed to
38 -11

**AMENDMENT TO FINANCIAL SERVICES
APPROPRIATIONS BILL
OFFERED BY MR. HARRIS OF MARYLAND**

At the end of title VI, insert the following:

1 SEC. ____ . The Further Notice of Proposed Rule-
2 making and Report and Order adopted by the Federal
3 Communications Commission on March 31, 2014 (FCC
4 14-28), and the amendments to the rules of the Commis-
5 sion adopted in such Further Notice of Proposed Rule-
6 making and Report and Order, shall not apply in fiscal
7 year 2016 to a joint sales agreement (as defined in Note
8 2(k) to section 73.3555 of title 47, Code of Federal Regu-
9 lations) that was in effect on March 31, 2014, and a rule
10 of the Commission amended by such an amendment shall
11 apply to such agreement in such fiscal year as such rule
12 was in effect on the day before the effective date of such
13 amendment.

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#13

Harris #2
AG AGGOTO
29-18

**AMENDMENT TO FINANCIAL SERVICES
APPROPRIATIONS BILL
OFFERED BY MR. HARRIS OF MARYLAND**

At the appropriate place in the bill, insert the following:

1 SEC. _____. (1) No funds appropriated by this Act
2 shall be available to pay for an abortion or the administra-
3 tive expenses in connection with a multi-State qualified
4 health plan offered under a contract under section 1334
5 of the Patient Protection and Affordable Care Act (42
6 U.S.C. 18054) which provides any benefits or coverage for
7 abortions.

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



#14

PALAZZO

Agreed to
28-22

**AMENDMENT TO FINANCIAL SERVICES
APPROPRIATIONS BILL
OFFERED BY MR. PALAZZO OF MISSISSIPPI**

Insert at the appropriate place in title VIII the following new section:

1 SEC. ____ . None of the funds contained in this Act
2 may be used to carry out the Reproductive Health Non-
3 Discrimination Amendment Act of 2014 (D.C. Law 20-
4 261) or to implement any rule or regulation promulgated
5 to carry out such Act.