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[Report No. 114-____]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 2016

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2017, and for other pur-
6 poses, namely:

7 TITLE I

8 DEPARTMENT OF THE TREASURY

9 DEPARTMENTAL OFFICES

10 SALARIES AND EXPENSES

11 For necessary expenses of the Departmental Offices
12 including operation and maintenance of the Treasury
13 Building and Freedman’s Bank Building; hire of pas-
14 senger motor vehicles; maintenance, repairs, and improve-
15 ments of, and purchase of commercial insurance policies
16 for, real properties leased or owned overseas, when nec-
17 essary for the performance of official business; executive
18 direction program activities; international affairs and eco-
19 nomic policy activities; domestic finance and tax policy ac-
20 tivities, including technical assistance to Puerto Rico; and
21 Treasury-wide management policies and programs activi-
22 ties, \$250,000,000: *Provided*, That of the amount appro-
23 priated under this heading—

24 (1) not to exceed \$350,000 is for official recep-
25 tion and representation expenses;

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

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

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

10 (B) information technology modernization
11 requirements;

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

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

18 and

19 (E) cybersecurity.

20 OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

21 SALARIES AND EXPENSES

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

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

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

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

1 TREASURY INSPECTOR GENERAL FOR TAX

2 ADMINISTRATION

3 SALARIES AND EXPENSES

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

18 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED

19 ASSET RELIEF PROGRAM

20 SALARIES AND EXPENSES

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

1 FINANCIAL CRIMES ENFORCEMENT NETWORK

2 SALARIES AND EXPENSES

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

15 TREASURY FORFEITURE FUND

16 (RESCISSION)

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

19 BUREAU OF THE FISCAL SERVICE

20 SALARIES AND EXPENSES

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

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

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

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

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

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

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

14 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

15 FUND PROGRAM ACCOUNT

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

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

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

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

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

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

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

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

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

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

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

14 INTERNAL REVENUE SERVICE

15 TAXPAYER SERVICES

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

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

9 ENFORCEMENT

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

23 OPERATIONS SUPPORT

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

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

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

9 BUSINESS SYSTEMS MODERNIZATION

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

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

6 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

7 SERVICE

8 (INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 SEC. 127. During fiscal year 2017—

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (1) In subsection (b)—

8 (A) in paragraph (1)—

9 (i) by striking “immediately”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (c) In this section—

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

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

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

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

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

12 This title may be cited as the “Department of the
13 Treasury Appropriations Act, 2017”.

14 TITLE II
15 EXECUTIVE OFFICE OF THE PRESIDENT AND
16 FUNDS APPROPRIATED TO THE PRESIDENT
17 THE WHITE HOUSE
18 SALARIES AND EXPENSES

19 For necessary expenses for the White House as au-
20 thorized by law, including not to exceed \$3,850,000 for
21 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
22 subsistence expenses as authorized by 3 U.S.C. 105, which
23 shall be expended and accounted for as provided in that
24 section; hire of passenger motor vehicles, and travel (not
25 to exceed \$100,000 to be expended and accounted for as

1 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
2 official reception and representation expenses, to be avail-
3 able for allocation within the Executive Office of the Presi-
4 dent; and for necessary expenses of the Office of Policy
5 Development, including services as authorized by 5 U.S.C.
6 3109 and 3 U.S.C. 107, \$55,000,000.

7 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

8 OPERATING EXPENSES

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

13 REIMBURSABLE EXPENSES

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

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

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

18 WHITE HOUSE REPAIR AND RESTORATION

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

1 COUNCIL OF ECONOMIC ADVISERS

2 SALARIES AND EXPENSES

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

6 NATIONAL SECURITY COUNCIL AND HOMELAND

7 SECURITY COUNCIL

8 SALARIES AND EXPENSES

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

12 OFFICE OF ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of Administra-
15 tion, including services as authorized by 5 U.S.C. 3109
16 and 3 U.S.C. 107, and hire of passenger motor vehicles,
17 \$96,116,000, of which not to exceed \$12,760,000 shall re-
18 main available until expended for continued modernization
19 of information resources within the Executive Office of the
20 President.

21 PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses of the Office of Administration to carry
24 out the Presidential Transition Act of 1963 and similar
25 expenses, in addition to amounts otherwise appropriated

1 by law, \$7,582,000: *Provided*, That such funds may be
2 transferred to other accounts that provide funding for of-
3 fices within the Executive Office of the President and the
4 Office of the Vice President in this Act or any other Act,
5 to carry out such purposes.

6 OFFICE OF MANAGEMENT AND BUDGET

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Management
9 and Budget, including hire of passenger motor vehicles
10 and services as authorized by 5 U.S.C. 3109, to carry out
11 the provisions of chapter 35 of title 44, United States
12 Code, and to prepare and submit the budget of the United
13 States Government, in accordance with section 1105(a) of
14 title 31, United States Code, \$91,000,000, of which not
15 to exceed \$3,000 shall be available for official representa-
16 tion expenses: *Provided*, That none of the funds appro-
17 priated in this Act for the Office of Management and
18 Budget may be used for the purpose of reviewing any agri-
19 cultural marketing orders or any activities or regulations
20 under the provisions of the Agricultural Marketing Agree-
21 ment Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,
22 That none of the funds made available for the Office of
23 Management and Budget by this Act may be expended for
24 the altering of the transcript of actual testimony of wit-
25 nesses, except for testimony of officials of the Office of

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

1 on the notification from the Director, Congress shall as-
2 sume Office of Management and Budget concurrence with
3 the report and act accordingly.

4 OFFICE OF NATIONAL DRUG CONTROL POLICY

5 SALARIES AND EXPENSES

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

19 FEDERAL DRUG CONTROL PROGRAMS

20 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the Office of National
23 Drug Control Policy's High Intensity Drug Trafficking
24 Areas Program, \$253,000,000, to remain available until
25 September 30, 2018, for drug control activities consistent

1 with the approved strategy for each of the designated
2 High Intensity Drug Trafficking Areas (“HIDTAs”), of
3 which not less than 51 percent shall be transferred to
4 State and local entities for drug control activities and shall
5 be obligated not later than 120 days after enactment of
6 this Act: *Provided*, That up to 49 percent may be trans-
7 ferred to Federal agencies and departments in amounts
8 determined by the Director of the Office of National Drug
9 Control Policy, of which up to \$2,700,000 may be used
10 for auditing services and associated activities: *Provided*
11 *further*, That, notwithstanding the requirements of Public
12 Law 106–58, any unexpended funds obligated prior to fis-
13 cal year 2015 may be used for any other approved activi-
14 ties of that HIDTA, subject to reprogramming require-
15 ments: *Provided further*, That each HIDTA designated as
16 of September 30, 2016, shall be funded at not less than
17 the fiscal year 2016 base level, unless the Director submits
18 to the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate justification for changes to
20 those levels based on clearly articulated priorities and pub-
21 lished Office of National Drug Control Policy performance
22 measures of effectiveness: *Provided further*, That the Di-
23 rector shall notify the Committees on Appropriations of
24 the initial allocation of fiscal year 2017 funding among
25 HIDTAs not later than 45 days after enactment of this

1 Act, and shall notify the Committees of planned uses of
2 discretionary HIDTA funding, as determined in consulta-
3 tion with the HIDTA Directors, not later than 90 days
4 after enactment of this Act: *Provided further*, That upon
5 a determination that all or part of the funds so transferred
6 from this appropriation are not necessary for the purposes
7 provided herein and upon notification to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate, such amounts may be transferred back to this ap-
10 propriation.

11 OTHER FEDERAL DRUG CONTROL PROGRAMS

12 (INCLUDING TRANSFERS OF FUNDS)

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

1 *vided*, That amounts made available under this heading
2 may be transferred to other Federal departments and
3 agencies to carry out such activities.

4 INFORMATION TECHNOLOGY OVERSIGHT AND REFORM
5 (INCLUDING TRANSFER OF FUNDS)

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

13 SPECIAL ASSISTANCE TO THE PRESIDENT
14 SALARIES AND EXPENSES

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

1 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

2 OPERATING EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For the care, operation, refurnishing, improvement,
5 and to the extent not otherwise provided for, heating and
6 lighting, including electric power and fixtures, of the offi-
7 cial residence of the Vice President; the hire of passenger
8 motor vehicles; and not to exceed \$90,000 pursuant to 3
9 U.S.C. 106(b)(2), \$299,000: *Provided*, That advances, re-
10 payments, or transfers from this appropriation may be
11 made to any department or agency for expenses of car-
12 rying out such activities.

13 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
14 THE PRESIDENT AND FUNDS APPROPRIATED TO
15 THE PRESIDENT

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 201. From funds made available in this Act
18 under the headings “The White House”, “Executive Resi-
19 dence at the White House”, “White House Repair and
20 Restoration”, “Council of Economic Advisers”, “National
21 Security Council and Homeland Security Council”, “Of-
22 fice of Administration”, “Special Assistance to the Presi-
23 dent”, and “Official Residence of the Vice President”, the
24 Director of the Office of Management and Budget (or
25 such other officer as the President may designate in writ-

1 ing), may, with advance approval of the Committees on
2 Appropriations of the House of Representatives and the
3 Senate, transfer not to exceed 10 percent of any such ap-
4 propriation to any other such appropriation, to be merged
5 with and available for the same time and for the same
6 purposes as the appropriation to which transferred: *Pro-*
7 *vided*, That the amount of an appropriation shall not be
8 increased by more than 50 percent by such transfers: *Pro-*
9 *vided further*, That no amount shall be transferred from
10 “Special Assistance to the President” or “Official Resi-
11 dence of the Vice President” without the approval of the
12 Vice President.

13 SEC. 202. Within 90 days after the date of enactment
14 of this section, the Director of the Office of Management
15 and Budget shall submit a report to the Committees on
16 Appropriations of the House of Representatives and the
17 Senate on the costs of implementing the Dodd-Frank Wall
18 Street Reform and Consumer Protection Act (Public Law
19 111–203). Such report shall include—

20 (1) the estimated mandatory and discretionary
21 obligations of funds through fiscal year 2019, by
22 Federal agency and by fiscal year, including—

23 (A) the estimated obligations by cost in-
24 puts such as rent, information technology, con-
25 tracts, and personnel;

1 (B) the methodology and data sources used
2 to calculate such estimated obligations; and

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

5 (2) the estimated receipts through fiscal year
6 2019 from assessments, user fees, and other fees by
7 the Federal agency making the collections, by fiscal
8 year, including—

9 (A) the methodology and data sources used
10 to calculate such estimated collections; and

11 (B) the specific section of such Act that
12 authorizes the collection of funds.

13 SEC. 203. (a) During fiscal year 2017, any Executive
14 order or Presidential memorandum issued or revoked by
15 the President shall be accompanied by a written statement
16 from the Director of the Office of Management and Budg-
17 et on the budgetary impact, including costs, benefits, and
18 revenues, of such order or memorandum.

19 (b) Any such statement shall include—

20 (1) a narrative summary of the budgetary im-
21 pact of such order or memorandum on the Federal
22 Government;

23 (2) the impact on mandatory and discretionary
24 obligations and outlays as the result of such order
25 or memorandum, listed by Federal agency, for each

1 year in the 5-fiscal-year period beginning in fiscal
2 year 2017; and

3 (3) the impact on revenues of the Federal Gov-
4 ernment as the result of such order or memorandum
5 over the 5-fiscal-year period beginning in fiscal year
6 2017.

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

13 SEC. 204. None of the funds made available in this
14 Act may be used to pay the salaries and expenses of any
15 officer or employee of the Executive Office of the Presi-
16 dent to prepare, sign, or approve statements abrogating
17 legislation passed by the House of Representatives and the
18 Senate and signed by the President.

19 SEC. 205. None of the funds made available by this
20 Act may be used to pay the salaries and expenses of any
21 officer or employee of the Executive Office of the Presi-
22 dent to prepare or implement an Executive order or Presi-
23 dential memorandum that contravenes existing law.

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

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, \$76,668,000, 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 \$14,868,000, 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 \$30,108,000.

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, \$18,462,000.

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, \$5,010,000,000 (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 \$6,260,000, 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, \$1,056,326,000, 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)), \$43,723,000,
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 TRANSFERS 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 \$565,388,000, 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, \$87,500,000, 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, \$28,200,000;
15 of which \$1,800,000 shall remain available through Sep-
16 tember 30, 2018, 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, \$18,000,000, 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 3314(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 “25 years and 6 months” and inserting “26 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 “23 years and 6 months” and inserting “24 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 striking “14 years”
13 and inserting “15 years”;

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

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

21 SEC. 307. (a) Section 1871(b) of title 28, United
22 States Code, is amended in paragraph (1) by striking
23 “\$40” and inserting “\$50”.

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

4 SEC. 308. (a) Section 2(a)(2)(A) of the Temporary
5 Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C.
6 152 note; Public Law 112-121) is amended by striking
7 “subparagraphs (B), (C), (D), and (E)” and inserting
8 “subparagraphs (B), (C), (D), (E), (F), (G), and (H)”.

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

13 “(F) EASTERN DISTRICT OF MICHIGAN.—

14 The 1st vacancy in the office of a bankruptcy
15 judge for the eastern district of Michigan—

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

18 “(ii) resulting from the death, retire-
19 ment, resignation, or removal of a bank-
20 ruptcy judge,

21 shall not be filled.

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

1 “(i) occurring 6 years or more after
2 the date of the enactment of this Act, and
3 “(ii) resulting from the death, retire-
4 ment, resignation, or removal of a bank-
5 ruptcy judge,
6 shall not be filled.

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

10 “(i) occurring 6 years or more after
11 the date of the enactment of this Act, and
12 “(ii) resulting from the death, retire-
13 ment, resignation, or removal of a bank-
14 ruptcy judge,
15 shall not be filled.”.

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

19 (1) by redesignating clauses (i) and (ii) as
20 clauses (ii) and (iii), respectively;

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

23 “(i) in the case of the 1st and 2d va-
24 cancies, occurring more than 6 years after

1 the date of the enactment of this Act,”;

2 and

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

6 (d) Section 2(a)(2)(D)(i) of the Temporary Bank-
7 ruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152
8 note; Public Law 112-121) is amended (with regard to the
9 1st and 2d vacancies in the southern district of Florida)
10 by striking “5 years” and inserting “6 years”.

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

13 TITLE IV

14 DISTRICT OF COLUMBIA

15 FEDERAL FUNDS

16 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

17 For a Federal payment to the District of Columbia,
18 to be deposited into a dedicated account, for a nationwide
19 program to be administered by the Mayor, for District of
20 Columbia resident tuition support, \$20,000,000, to remain
21 available until expended: *Provided*, That such funds, in-
22 cluding any interest accrued thereon, may be used on be-
23 half of eligible District of Columbia residents to pay an
24 amount based upon the difference between in-State and
25 out-of-State tuition at public institutions of higher edu-

1 cation, or to pay up to \$2,500 each year at eligible private
2 institutions of higher education: *Provided further*, That the
3 awarding of such funds may be prioritized on the basis
4 of a resident's academic merit, the income and need of
5 eligible students and such other factors as may be author-
6 ized: *Provided further*, That the District of Columbia gov-
7 ernment shall maintain a dedicated account for the Resi-
8 dent Tuition Support Program that shall consist of the
9 Federal funds appropriated to the Program in this Act
10 and any subsequent appropriations, any unobligated bal-
11 ances from prior fiscal years, and any interest earned in
12 this or any fiscal year: *Provided further*, That the account
13 shall be under the control of the District of Columbia
14 Chief Financial Officer, who shall use those funds solely
15 for the purposes of carrying out the Resident Tuition Sup-
16 port Program: *Provided further*, That the Office of the
17 Chief Financial Officer shall provide a quarterly financial
18 report to the Committees on Appropriations of the House
19 of Representatives and the Senate for these funds show-
20 ing, by object class, the expenditures made and the pur-
21 pose therefor.

22 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
23 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

24 For a Federal payment of necessary expenses, as de-
25 termined by the Mayor of the District of Columbia in writ-

1 ten consultation with the elected county or city officials
2 of surrounding jurisdictions, \$40,000,000, to remain
3 available until expended, for the costs of providing public
4 safety at events related to the presence of the National
5 Capital in the District of Columbia, including support re-
6 quested by the Director of the United States Secret Serv-
7 ice in carrying out protective duties under the direction
8 of the Secretary of Homeland Security, and for the costs
9 of providing support to respond to immediate and specific
10 terrorist threats or attacks in the District of Columbia or
11 surrounding jurisdictions.

12 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

13 COURTS

14 For salaries and expenses for the District of Colum-
15 bia Courts, \$274,541,000 to be allocated as follows: for
16 the District of Columbia Court of Appeals, \$14,303,000,
17 of which not to exceed \$2,500 is for official reception and
18 representation expenses; for the Superior Court of the
19 District of Columbia, \$124,800,000, of which not to ex-
20 ceed \$2,500 is for official reception and representation ex-
21 penses; for the District of Columbia Court System,
22 \$74,783,000, of which not to exceed \$2,500 is for official
23 reception and representation expenses; and \$60,655,000,
24 to remain available until September 30, 2018, for capital
25 improvements for District of Columbia courthouse facili-

1 ties: *Provided*, That funds made available for capital im-
2 provements shall be expended consistent with the District
3 of Columbia Courts master plan study and facilities condi-
4 tion assessment: *Provided further*, That notwithstanding
5 any other provision of law, all amounts under this heading
6 shall be apportioned quarterly by the Office of Manage-
7 ment and Budget and obligated and expended in the same
8 manner as funds appropriated for salaries and expenses
9 of other Federal agencies: *Provided further*, That 30 days
10 after providing written notice to the Committees on Ap-
11 propriations of the House of Representatives and the Sen-
12 ate, the District of Columbia Courts may reallocate not
13 more than \$6,000,000 of the funds provided under this
14 heading among the items and entities funded under this
15 heading: *Provided further*, That the Joint Committee on
16 Judicial Administration in the District of Columbia may,
17 by regulation, establish a program substantially similar to
18 the program set forth in subchapter II of chapter 35 of
19 title 5, United States Code, for employees of the District
20 of Columbia Courts.

21 FEDERAL PAYMENT FOR DEFENDER SERVICES IN THE
22 DISTRICT OF COLUMBIA COURTS

23 For payments authorized under section 11–2604 and
24 section 11–2605, D.C. Official Code (relating to represen-
25 tation provided under the District of Columbia Criminal

1 Justice Act), payments for counsel appointed in pro-
2 ceedings in the Family Court of the Superior Court of the
3 District of Columbia under chapter 23 of title 16, D.C.
4 Official Code, or pursuant to contractual agreements to
5 provide guardian ad litem representation, training, tech-
6 nical assistance, and such other services as are necessary
7 to improve the quality of guardian ad litem representation,
8 payments for counsel appointed in adoption proceedings
9 under chapter 3 of title 16, D.C. Official Code, and pay-
10 ments authorized under section 21–2060, D.C. Official
11 Code (relating to services provided under the District of
12 Columbia Guardianship, Protective Proceedings, and Du-
13 rable Power of Attorney Act of 1986), \$49,890,000, to
14 remain available until expended: *Provided*, That funds
15 provided under this heading shall be administered by the
16 Joint Committee on Judicial Administration in the Dis-
17 trict of Columbia: *Provided further*, That, notwithstanding
18 any other provision of law, this appropriation shall be ap-
19 portioned quarterly by the Office of Management and
20 Budget and obligated and expended in the same manner
21 as funds appropriated for expenses of other Federal agen-
22 cies.

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

4 For salaries and expenses, including the transfer and
5 hire of motor vehicles, of the Court Services and Offender
6 Supervision Agency for the District of Columbia, as au-
7 thorized by the National Capital Revitalization and Self-
8 Government Improvement Act of 1997, \$246,386,000, of
9 which not to exceed \$2,000 is for official reception and
10 representation expenses related to Community Supervision
11 and Pretrial Services Agency programs, of which not to
12 exceed \$25,000 is for dues and assessments relating to
13 the implementation of the Court Services and Offender
14 Supervision Agency Interstate Supervision Act of 2002;
15 of which \$182,564,000 shall be for necessary expenses of
16 Community Supervision and Sex Offender Registration, to
17 include expenses relating to the supervision of adults sub-
18 ject to protection orders or the provision of services for
19 or related to such persons; and of which \$63,822,000 shall
20 be available to the Pretrial Services Agency: *Provided,*
21 That notwithstanding any other provision of law, all
22 amounts under this heading shall be apportioned quarterly
23 by the Office of Management and Budget and obligated
24 and expended in the same manner as funds appropriated
25 for salaries and expenses of other Federal agencies: *Pro-*

1 *vided further*, That amounts under this heading may be
2 used for programmatic incentives for defendants to suc-
3 cessfully complete their terms of supervision.

4 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

5 PUBLIC DEFENDER SERVICE

6 For salaries and expenses, including the transfer and
7 hire of motor vehicles, of the District of Columbia Public
8 Defender Service, as authorized by the National Capital
9 Revitalization and Self-Government Improvement Act of
10 1997, \$41,359,000: *Provided*, That notwithstanding any
11 other provision of law, all amounts under this heading
12 shall be apportioned quarterly by the Office of Manage-
13 ment and Budget and obligated and expended in the same
14 manner as funds appropriated for salaries and expenses
15 of Federal agencies.

16 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

17 COORDINATING COUNCIL

18 For a Federal payment to the Criminal Justice Co-
19 ordinating Council, \$2,000,000, to remain available until
20 expended, to support initiatives related to the coordination
21 of Federal and local criminal justice resources in the Dis-
22 trict of Columbia.

23 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

24 For a Federal payment, to remain available until
25 September 30, 2018, to the Commission on Judicial Dis-

1 abilities and Tenure, \$310,000, and for the Judicial Nomi-
2 nation Commission, \$275,000.

3 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

4 For a Federal payment for a school improvement pro-
5 gram in the District of Columbia, \$45,000,000, to remain
6 available until expended, for payments authorized under
7 the Scholarship for Opportunity and Results Act (division
8 C of Public Law 112–10): *Provided*, That, to the extent
9 that funds are available for opportunity scholarships and
10 following the priorities included in section 3006 of such
11 Act, the Secretary of Education shall make scholarships
12 available to students eligible under section 3013(3) of such
13 Act (Public Law 112–10; 125 Stat. 211) including stu-
14 dents who were not offered a scholarship during any pre-
15 vious school year: *Provided further*, That within funds pro-
16 vided for opportunity scholarships \$3,200,000 shall be for
17 the activities specified in sections 3007(b) through
18 3007(d) and 3009 of the Act.

19 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

20 NATIONAL GUARD

21 For a Federal payment to the District of Columbia
22 National Guard, \$450,000, to remain available until ex-
23 pended for the Major General David F. Wherley, Jr. Dis-
24 trict of Columbia National Guard Retention and College
25 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 under
14 such heading, as included in D.C. Bill 21-668, as amended
15 as of the date of the enactment of this Act: *Provided*, That
16 notwithstanding any other provision of law, except as pro-
17 vided in section 450A of the District of Columbia Home
18 Rule Act (section 1–204.50a, D.C. Official Code), sections
19 816 and 817 of the Financial Services and General Gov-
20 ernment Appropriations Act, 2009 (secs. 47–369.01 and
21 47–369.02, D.C. Official Code), and provisions of this Act,
22 the total amount appropriated in this Act for operating
23 expenses for the District of Columbia for fiscal year 2017
24 under this heading shall not exceed the estimates included
25 in D.C. Bill 21-668, as amended as of the date of the

1 enactment of this Act, or the sum of the total revenues
2 of the District of Columbia for such fiscal year: *Provided*
3 *further*, That the amount appropriated may be increased
4 by proceeds of one-time transactions, which are expended
5 for emergency or unanticipated operating or capital needs:
6 *Provided further*, That such increases shall be approved
7 by enactment of local District law and shall comply with
8 all reserve requirements contained in the District of Co-
9 lumbia Home Rule Act: *Provided further*, That the Chief
10 Financial Officer of the District of Columbia shall take
11 such steps as are necessary to assure that the District of
12 Columbia meets these requirements, including the appor-
13 tioning by the Chief Financial Officer of the appropria-
14 tions and funds made available to the District during fis-
15 cal year 2017, except that the Chief Financial Officer may
16 not reprogram for operating expenses any funds derived
17 from bonds, notes, or other obligations issued for capital
18 projects: *Provided further*, That the Fiscal Year 2017
19 Local Budget Act is repealed.

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

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, 2018, of which not to exceed \$1,000 is for official re-
9 ception and representation expenses.

10 BUREAU OF CONSUMER FINANCIAL PROTECTION
11 ADMINISTRATIVE PROVISIONS

12 SEC. 501. Section 1017(a)(2)(C) of Public Law 111-
13 203 is repealed.

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

16 (1) the Board of Governors of the Federal Re-
17 serve System shall not transfer amounts specified
18 under such section to the Bureau of Consumer Fi-
19 nancial Protection; and

20 (2) there are authorized to be appropriated to
21 the Bureau of Consumer Financial Protection such
22 sums as may be necessary to carry out the authori-
23 ties of the Bureau under Federal consumer financial
24 law.

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

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

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

16 SEC. 504. (a) Not later than 2 weeks after the end
17 of each quarter of each fiscal year, the Bureau of Con-
18 sumer Financial Protection shall submit a report on its
19 activities to the Committees on Appropriations of the
20 House of Representatives and the Senate, the Committee
21 on Financial Services of the House of Representatives,
22 and the Committee on Banking, Housing, and Urban Af-
23 fairs of the Senate.

24 (b) The reports required under subsection (a) shall
25 include—

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

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

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

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

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

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

16 SEC. 505. (a) IN GENERAL.—Section 1011 of the
17 Consumer Financial Protection Act of 2010 (12 U.S.C.
18 5491) is amended—

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

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

22 (3) by inserting after subsection (a) the fol-
23 lowing:

24 “(b) MANAGEMENT OF THE BUREAU.—

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

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

7 “(B) have developed strong competency
8 and understanding of, and have experience
9 working with, financial products and services.

10 “(2) TERMS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), each member of the Board,
13 including the Chairperson, shall serve for a
14 term of 5 years.

15 “(B) STAGGERED TERMS.—The members
16 of the Board shall serve staggered terms, which
17 shall initially be for terms of 1, 2, 3, 4, and 5
18 years, respectively, and such members shall be
19 appointed such that, after the appointments of
20 the initial 5 members of the Board, members of
21 different political parties are appointed alter-
22 nately.

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

1 “(D) VACANCIES.—Any member of the
2 Board appointed to fill a vacancy occurring be-
3 fore the expiration of the term to which the
4 predecessor of that member was appointed (in-
5 cluding the Chairperson) shall be appointed
6 only for the remainder of the term.

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

16 “(F) SUCCESSIVE TERMS.—A member of
17 the Board may not be reappointed to a second
18 consecutive term, except that an initial member
19 of the Board appointed for less than a 5-year
20 term may be reappointed to a full 5-year term
21 and a future member appointed to fill an unex-
22 pired term may be reappointed for a full 5-year
23 term.

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

4 “(4) CHAIRPERSON OF THE BOARD.—

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

8 “(B) AUTHORITY.—The Chairperson shall
9 be the principal executive officer of the Bureau,
10 and shall exercise all of the executive and ad-
11 ministrative functions of the Bureau, including
12 with respect to—

13 “(i) the supervision of personnel em-
14 ployed by the Bureau (other than per-
15 sonnel employed regularly and full time in
16 the immediate offices of members of the
17 Board other than the Chairperson);

18 “(ii) the distribution of business
19 among personnel appointed and supervised
20 by the Chairperson and among administra-
21 tive units of the Bureau; and

22 “(iii) the use and expenditure of
23 funds.

24 “(C) LIMITATION.—In carrying out any of
25 the functions of the Chairperson under this

1 paragraph, the Chairperson shall be governed
2 by general policies of the Bureau and by such
3 regulatory decisions, findings, and determina-
4 tions as the Bureau may by law be authorized
5 to make.

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

13 “(E) VACANCY.—The President may des-
14 ignate a member of the Board to serve as Act-
15 ing Chairperson in the event of a vacancy in the
16 office of the Chairperson.

17 “(5) COMPENSATION.—

18 “(A) CHAIRPERSON.—The Chairperson
19 shall receive compensation at the rate pre-
20 scribed for level I of the Executive Schedule
21 under section 5312 of title 5, United States
22 Code.

23 “(B) OTHER MEMBERS OF THE BOARD.—
24 The 4 members of the Board other than the
25 Chairperson shall each receive compensation at

1 the rate prescribed for level II of the Executive
2 Schedule under section 5313 of title 5, United
3 States Code.

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

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) CONSUMER FINANCIAL PROTECTION ACT OF
9 2010.—The Consumer Financial Protection Act of
10 2010 (12 U.S.C. 5481 et seq.) is amended—

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

12 (i) by striking paragraph (10) and in-
13 serring:

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

17 (ii) by inserting after paragraph (29)
18 the following:

19 “(30) CHAIRPERSON.—The term ‘Chairperson’
20 means the Chairperson of the Board of Directors of
21 the Bureau of Consumer Financial Protection.”;

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

23 (i) in subsection (a)(8), by striking
24 “appointed and supervised by the Direc-

- 1 tor” and inserting “appointed by the
2 Board and supervised by the Chairperson”;
- 3 (ii) in subsection (b), by striking “Di-
4 rector” and inserting “Board”; and
- 5 (iii) in subsection (c)—
- 6 (I) in paragraph (2)(A), by strik-
7 ing “Director” and inserting
8 “Board”; and
- 9 (II) in paragraph (4), by striking
10 “the Director” each place that term
11 appears and inserting “any member of
12 the Board”;
- 13 (C) in section 1013 (12 U.S.C. 5493)—
- 14 (i) in subsections (a), (b), (d), and
15 (e), by striking “Director” each place that
16 term appears and inserting “Board”;
- 17 (ii) in subsection (c)—
- 18 (I) in paragraphs (1) and (2), by
19 striking “Director” each place that
20 term appears and inserting “Board”;
21 and
- 22 (II) in paragraph (3)—
- 23 (aa) by striking “Assistant
24 Director” each place that term

1 appears and inserting “Head of
2 Office”; and

3 (bb) by striking “the Direc-
4 tor” each place that term ap-
5 pears and inserting “the Board”;

6 (iii) in subsection (g)—

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

10 (II) in paragraph (2)—

11 (aa) in the paragraph head-
12 ing, by striking “ASSISTANT DI-
13 RECTOR” and inserting “HEAD
14 OF THE OFFICE”; and

15 (bb) by striking “an assist-
16 ant director” and inserting “the
17 Head of the Office of Financial
18 Protection for Older Americans”;

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

22 (E) in section 1016(a) (12 U.S.C.
23 5496(a)), by striking “Director of the Bureau”
24 and inserting “Chairperson”;

25 (F) in section 1017—

- 1 (i) in subsection (a)—
- 2 (I) in paragraph (1), by striking
- 3 “Director” and inserting “Board”;
- 4 (II) in paragraph (4)—
- 5 (aa) in subparagraph (A)—
- 6 (AA) by striking “Di-
- 7 rector shall” and inserting
- 8 “Board shall”;
- 9 (BB) by striking “Di-
- 10 rector,” and inserting
- 11 “Board,”; and
- 12 (CC) by striking “Di-
- 13 rector in” each place that
- 14 term appears and inserting
- 15 “Board in”;
- 16 (bb) in subparagraph (D),
- 17 by striking “Director” and in-
- 18 serting “Board”; and
- 19 (cc) in subparagraph (E), by
- 20 striking “Director to” and insert-
- 21 ing “Board to”; and
- 22 (III) in paragraph (5)(C), by
- 23 striking “Director of the Bureau” and
- 24 inserting “Chairperson”;
- 25 (ii) in subsection (c)(1)—

1 (I) by striking “Director,” and
2 inserting “Board,”; and

3 (II) by striking “Director and”
4 and inserting “the members of the
5 Board and”; and

6 (iii) in subsection (e), by striking “Di-
7 rector” each place that term appears and
8 inserting “Board”;

9 (G) in subtitles B (12 U.S.C. 5511 et
10 seq.), C (12 U.S.C. 5531 et seq.), and G (12
11 U.S.C. 5601 et seq.), by striking “Director”
12 each place that term appears and inserting
13 “Board”;

14 (H) in section 1061(e)(2)(C)(i) (12 U.S.C.
15 5581(e)(2)(C)(i)), by striking “the Board” and
16 inserting “the National Credit Union Adminis-
17 tration Board”; and

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

20 (2) FINANCIAL STABILITY ACT OF 2010.—Sec-
21 tion 111(b)(1)(D) of the Financial Stability Act of
22 2010 (12 U.S.C. 5321(b)(1)(D)) is amended by
23 striking “Director of the Bureau” and inserting
24 “Chairperson of the Board of Directors of the Bu-
25 reau”.

1 (3) MORTGAGE REFORM AND ANTI-PREDATORY
2 LENDING ACT.—Section 1447 of the Mortgage Re-
3 form and Anti-Predatory Lending Act (12 U.S.C.
4 1701p–2) is amended by striking “Director” each
5 place the term appears and inserting “Board of Di-
6 rectors”.

7 (4) ELECTRONIC FUND TRANSFER ACT.—Sec-
8 tion 920(a)(4)(C) of the Electronic Fund Transfer
9 Act (15 U.S.C. 1693o–2(a)(4)(C)) is amended by
10 striking “Director of the Bureau” and inserting
11 “Board of Directors of the Bureau”.

12 (5) EXPEDITED FUNDS AVAILABILITY ACT.—
13 The Expedited Funds Availability Act (12 U.S.C.
14 4001 et seq.) is amended by striking “Director of
15 the Bureau” each place that term appears and in-
16 serting “Board of Directors of the Bureau”.

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

20 (A) by striking “Director of the Consumer
21 Financial Protection Bureau” each place that
22 term appears and inserting “Chairperson of the
23 Board of Directors of the Bureau of Consumer
24 Financial Protection”; and

1 (B) in subsection (d)(2), by striking
2 “Comptroller or Director” and inserting
3 “Comptroller or Chairperson”.

4 (7) FEDERAL FINANCIAL INSTITUTIONS EXAM-
5 INATION COUNCIL ACT OF 1978.—Section 1004(a)(4)
6 of the Federal Financial Institutions Examination
7 Council Act of 1978 (12 U.S.C. 3303(a)(4)) is
8 amended by striking “Director of the Consumer Fi-
9 nancial Protection Bureau” and inserting “Chair-
10 person of the Board of Directors of the Bureau of
11 Consumer Financial Protection”.

12 (8) FINANCIAL LITERACY AND EDUCATION IM-
13 PROVEDMENT ACT.—Section 513 of the Financial Lit-
14 eracy and Education Improvement Act (20 U.S.C.
15 9702) is amended by striking “Director” each place
16 that term appears and inserting “Chairperson of the
17 Board of Directors”.

18 (9) HOME MORTGAGE DISCLOSURE ACT OF
19 1975.—Section 307 of the Home Mortgage Disclo-
20 sure Act of 1975 (12 U.S.C. 2806) is amended by
21 striking “Director of the Bureau of Consumer” each
22 place that term appears and inserting “Board of Di-
23 rectors of the Bureau of Consumer”.

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

4 (A) in section 1402(1) (15 U.S.C.
5 1701(1)), by striking “‘Director’ means the Di-
6 rector” and inserting “‘Board’ means the
7 Board of Directors”;

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

10 (C) in section 1403(c) (15 U.S.C.
11 1702(c))—

12 (i) by striking “by him” and inserting
13 “by the Board”; and

14 (ii) by striking “he” and inserting
15 “the Board”;

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

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

19 (ii) in subsection (e), by striking
20 “him” and inserting “the Board”;

21 (E) in section 1411 (15 U.S.C. 1710)—

22 (i) in subsection (a)—

23 (I) by striking “his findings” and
24 inserting “its finding”; and

1 (II) by striking “his rec-
2 ommendation” and inserting “a rec-
3 ommendation”; and

4 (ii) in subsection (b), by striking
5 “Secretary’s order” and inserting “order of
6 the Board”;

7 (F) in section 1415 (15 U.S.C. 1714)—

8 (i) by striking “him” each place that
9 term appears and inserting “the Board”;

10 (ii) in subsection (a), by striking “he
11 may, in his discretion” and inserting “the
12 Board may, at the discretion of the
13 Board”;

14 (iii) in subsection (b), by striking
15 “he” each time that term appears and in-
16 serting “the Board”; and

17 (iv) by striking “in his discretion”
18 each time that term appears and inserting
19 “at the discretion of the Board”;

20 (G) in section 1416(a) (15 U.S.C.
21 1715(a))—

22 (i) by striking “of the Bureau of Con-
23 sumer Financial Protection” the first time
24 that term appears;

1 (ii) by striking “his functions, duties,
2 and powers” and inserting “the functions,
3 duties, and powers of the Board”;

4 (iii) by striking “his administrative
5 law judges” and inserting “the administra-
6 tive law judges of the Bureau of Consumer
7 Financial Protection”; and

8 (iv) by striking “himself” and insert-
9 ing “the Board”;

10 (H)(i) in section 1418a(b)(4) (15 U.S.C.
11 1717a(b)(4)), by striking “The Secretary’s de-
12 termination or order” and inserting “A deter-
13 mination or order of the Board”; and

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

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

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

21 (ii) by striking “his rules and regula-
22 tions” and inserting “the rules and regula-
23 tions of the Board”; and

1 (iii) by striking “his jurisdiction” and
2 inserting “the jurisdiction of the Bureau of
3 Consumer Financial Protection”; and

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

5 (i) by inserting “or any member of
6 the Board” before “in any proceeding”;
7 and

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

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

14 (A) by striking “Director of” and inserting
15 “Board of Directors of”; and

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

18 (12) S.A.F.E. MORTGAGE LICENSING ACT OF
19 2008.—The S.A.F.E. Mortgage Licensing Act of
20 2008 (12 U.S.C. 5101 et seq.) is amended—

21 (A) in section 1503(10) (12 U.S.C.
22 5102(10))—

23 (i) in the paragraph heading, by strik-
24 ing “DIRECTOR” and inserting “BOARD”;
25 and

1 (ii) by striking “‘Director’ means the
2 Director” and inserting “‘Board’ means
3 the Board of Directors”;

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

6 (C) in section 1514(b)(5) (12 U.S.C.
7 5113(b)(5)) and section 1514(c)(4)(C) (12
8 U.S.C. 5113(e)(4)(C)), by striking “Secretary’s
9 expenses” and inserting “expenses of the
10 Board”;

11 (D) in the headings of section 1514(c)(1),
12 (c)(4)(A), and (c)(5), by striking “DIRECTOR”
13 and inserting “BOARD”; and

14 (E) in the heading of section 1514(d), by
15 striking “DIRECTOR” and inserting “BOARD”.

16 (13) TITLE 44.—Section 3513(c) of title 44,
17 United States Code, is amended by striking “Direc-
18 tor of the Bureau” and inserting “Board of Direc-
19 tors of the Bureau”.

20 (c) REFERENCES.—Any reference in a law, regula-
21 tion, document, paper, or other record of the United
22 States to the Director of the Bureau of Consumer Finan-
23 cial Protection shall be deemed a reference to the Board
24 of Directors of the Bureau of Consumer Financial Protec-
25 tion, unless otherwise specified in this Act.

1 (d) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect on the later
3 of—

4 (1) October 1, 2017; or

5 (2) the date on which not less than 3 persons
6 have been confirmed by the Senate to serve as mem-
7 bers of the Board of Directors of the Bureau of
8 Consumer Financial Protection.

9 SEC. 506. None of the funds made available in this
10 Act or transferred to the Bureau of Consumer Financial
11 Protection pursuant to section 1017 of Public law 111-
12 203 may be used to regulate pre-dispute arbitration agree-
13 ments (as described in section 1028 of Public Law 111-
14 203) and any regulation finalized by the Bureau to regu-
15 late pre-dispute arbitration agreements shall have no legal
16 force or effect until the requirements regarding pre-dis-
17 pute arbitration specified in the report accompanying this
18 Act under the heading “Bureau of Consumer Financial
19 Protection,” are fulfilled.

20 CONSUMER PRODUCT SAFETY COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Consumer Product
23 Safety Commission, including hire of passenger motor ve-
24 hicles, services as authorized by 5 U.S.C. 3109, but at
25 rates for individuals not to exceed the per diem rate equiv-

1 alent to the maximum rate payable under 5 U.S.C. 5376,
2 purchase of nominal awards to recognize non-Federal offi-
3 cials' contributions to Commission activities, and not to
4 exceed \$4,000 for official reception and representation ex-
5 penses, \$120,000,000, of which \$1,000,000 shall be avail-
6 able for the advisory committees in the report accom-
7 panying this Act under the heading "Consumer Product
8 Safety Commission".

9 ADMINISTRATIVE PROVISION—CONSUMER PRODUCT

10 SAFETY COMMISSION

11 SEC. 510. During fiscal year 2017, none of the
12 amounts made available by this Act may be used to final-
13 ize or implement the Safety Standard for Recreational
14 Off-Highway Vehicles published by the Consumer Product
15 Safety Commission in the Federal Register on November
16 19, 2014 (79 Fed. Reg. 68964) until after—

17 (1) the National Academy of Sciences, in con-
18 sultation with the National Highway Traffic Safety
19 Administration and the Department of Defense,
20 completes a study to determine—

21 (A) the technical validity of the lateral sta-
22 bility and vehicle handling requirements pro-
23 posed by such standard for purposes of reduc-
24 ing the risk of Recreational Off-Highway Vehi-
25 cle (referred to in this section as "ROV") roll-

1 overs in the off-road environment, including the
2 repeatability and reproducibility of testing for
3 compliance with such requirements;

4 (B) the number of ROV rollovers that
5 would be prevented if the proposed require-
6 ments were adopted;

7 (C) whether there is a technical basis for
8 the proposal to provide information on a point-
9 of-sale hangtag about a ROV's rollover resist-
10 ance on a progressive scale; and

11 (D) the effect on the utility of ROVs used
12 by the United States military if the proposed
13 requirements were adopted; and

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

16 (A) the Committee on Commerce, Science,
17 and Transportation of the Senate;

18 (B) the Committee on Energy and Com-
19 merce of the House of Representatives;

20 (C) the Committee on Appropriations of
21 the Senate; and

22 (D) the Committee on Appropriations of
23 the House of Representatives.

1 ELECTION ASSISTANCE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses to carry out the Help Amer-
4 ica Vote Act of 2002 (Public Law 107–252), \$4,900,000.

5 FEDERAL COMMUNICATIONS COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Communica-
8 tions Commission, as authorized by law, including uni-
9 forms and allowances therefor, as authorized by 5 U.S.C.
10 5901–5902; not to exceed \$4,000 for official reception and
11 representation expenses; purchase and hire of motor vehi-
12 cles; special counsel fees; and services as authorized by
13 5 U.S.C. 3109, \$314,844,000, to remain available until
14 expended: *Provided*, That \$314,844,000 of offsetting col-
15 lections shall be assessed and collected pursuant to section
16 9 of title I of the Communications Act of 1934, shall be
17 retained and used for necessary expenses and shall remain
18 available until expended: *Provided further*, That the sum
19 herein appropriated shall be reduced as such offsetting
20 collections are received during fiscal year 2017 so as to
21 result in a final fiscal year 2017 appropriation estimated
22 at \$0: *Provided further*, That any offsetting collections re-
23 ceived in excess of \$314,844,000 in fiscal year 2017 shall
24 not be available for obligation: *Provided further*, That re-
25 maining offsetting collections from prior years collected in

1 excess of the amount specified for collection in each such
2 year and otherwise becoming available on October 1, 2016,
3 shall not be available for obligation: *Provided further*,
4 That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds
5 from the use of a competitive bidding system that may
6 be retained and made available for obligation shall not ex-
7 ceed \$106,000,000 for fiscal year 2017: *Provided further*,
8 That, of the amount appropriated under this heading, not
9 less than \$11,751,000 shall be for the salaries and ex-
10 penses of the Office of Inspector General.

11 FEDERAL DEPOSIT INSURANCE CORPORATION

12 OFFICE OF THE INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, \$35,958,000, to be derived from the
16 Deposit Insurance Fund or, only when appropriate, the
17 FSLIC Resolution Fund.

18 FEDERAL ELECTION COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses to carry out the provisions
21 of the Federal Election Campaign Act of 1971,
22 \$80,540,000, of which \$8,000,000 shall remain available
23 until September 30, 2018, for lease expiration and re-
24 placement lease expenses; and of which not to exceed

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

3 FEDERAL LABOR RELATIONS AUTHORITY

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out functions of the
6 Federal Labor Relations Authority, pursuant to Reorga-
7 nization Plan Numbered 2 of 1978, and the Civil Service
8 Reform Act of 1978, \$26,631,000, including services au-
9 thorized by 5 U.S.C. 3109, and including hire of experts
10 and consultants, hire of passenger motor vehicles and
11 rental of conference rooms in the District of Columbia and
12 elsewhere; and of which not to exceed \$1,500 shall be
13 available for official reception and representation ex-
14 penses: *Provided*, That public members of the Federal
15 Service Impasses Panel may be paid travel expenses and
16 per diem in lieu of subsistence as authorized by law (5
17 U.S.C. 5703) for persons employed intermittently in the
18 Government service, and compensation as authorized by
19 5 U.S.C. 3109: *Provided further*, That, notwithstanding
20 31 U.S.C. 3302, funds received from fees charged to non-
21 Federal participants at labor-management relations con-
22 ferences shall be credited to and merged with this account,
23 to be available without further appropriation for the costs
24 of carrying out these conferences.

1 FEDERAL TRADE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Trade Com-
4 mission, including uniforms or allowances therefor, as au-
5 thorized by 5 U.S.C. 5901–5902; services as authorized
6 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
7 not to exceed \$2,000 for official reception and representa-
8 tion expenses, \$317,000,000, to remain available until ex-
9 pended: *Provided*, That not to exceed \$300,000 shall be
10 available for use to contract with a person or persons for
11 collection services in accordance with the terms of 31
12 U.S.C. 3718: *Provided further*, That, notwithstanding any
13 other provision of law, not to exceed \$125,000,000 of off-
14 setting collections derived from fees collected for
15 premerger notification filings under the Hart-Scott-Ro-
16 dino Antitrust Improvements Act of 1976 (15 U.S.C.
17 18a), regardless of the year of collection, shall be retained
18 and used for necessary expenses in this appropriation:
19 *Provided further*, That, notwithstanding any other provi-
20 sion of law, not to exceed \$15,000,000 in offsetting collec-
21 tions derived from fees sufficient to implement and enforce
22 the Telemarketing Sales Rule, promulgated under the
23 Telemarketing and Consumer Fraud and Abuse Preven-
24 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
25 account, and be retained and used for necessary expenses

1 in this appropriation: *Provided further*, That the sum here-
2 in appropriated from the general fund shall be reduced
3 as such offsetting collections are received during fiscal
4 year 2017, so as to result in a final fiscal year 2017 appro-
5 priation from the general fund estimated at not more than
6 \$177,000,000: *Provided further*, That none of the funds
7 made available to the Federal Trade Commission may be
8 used to implement subsection (e)(2)(B) of section 43 of
9 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

10 GENERAL SERVICES ADMINISTRATION

11 REAL PROPERTY ACTIVITIES

12 FEDERAL BUILDINGS FUND

13 LIMITATIONS ON AVAILABILITY OF REVENUE

14 (INCLUDING TRANSFERS OF FUNDS)

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

1 and alteration of federally owned buildings, including
2 grounds, approaches, and appurtenances; care and safe-
3 guarding of sites; maintenance, preservation, demolition,
4 and equipment; acquisition of buildings and sites by pur-
5 chase, condemnation, or as otherwise authorized by law;
6 acquisition of options to purchase buildings and sites; con-
7 version and extension of federally owned buildings; pre-
8 liminary planning and design of projects by contract or
9 otherwise; construction of new buildings (including equip-
10 ment for such buildings); and payment of principal, inter-
11 est, and any other obligations for public buildings acquired
12 by installment purchase and purchase contract; in the ag-
13 gregate amount of \$9,244,808,000, of which—

14 (1) \$504,918,000 shall remain available until
15 expended for construction and acquisition (including
16 funds for sites and expenses, and associated design
17 and construction services) as follows:

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

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

22 (C) District of Columbia, Washington,
23 Southeast Federal Center Remediation,
24 \$7,000,000;

1 (D) Pembina, North Dakota, United
2 States Department of Agriculture (USDA) Ani-
3 mal and Plant Health Inspection Service
4 (APHIS), \$5,749,000;

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

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

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

17 (2) \$758,790,000 shall remain available until
18 expended for repairs and alterations, including asso-
19 ciated design and construction services, of which—

20 (A) \$300,000,000 is for Major Repairs and
21 Alterations;

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

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

1 (i) \$20,000,000 is for Fire and Life
2 Safety;

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

5 (iii) \$100,000,000 is for Consolidation
6 Activities: *Provided*, That consolidation
7 projects result in reduced annual rent paid
8 by the tenant agency: *Provided further*,
9 That no consolidation project exceed
10 \$10,000,000 in costs: *Provided further*,
11 That consolidation projects are approved
12 by each of the committees specified in sec-
13 tion 3307(a) of title 40, United States
14 Code: *Provided further*, That preference is
15 given to consolidation projects that achieve
16 a utilization rate of 130 usable square feet
17 or less per person for office space: *Pro-*
18 *vided further*, That the obligation of funds
19 under this paragraph for consolidation ac-
20 tivities may not be made until 10 days
21 after a proposed spending plan and expla-
22 nation for each project to be undertaken,
23 including estimated savings, has been sub-
24 mitted to the Committees on Appropria-

1 tions of the House of Representatives and
2 the Senate:

3 *Provided*, That funds made available in this or any
4 previous Act in the Federal Buildings Fund for Re-
5 pairs and Alterations shall, for prospectus projects,
6 be limited to the amount identified for each project,
7 except each project in this or any previous Act may
8 be increased by an amount not to exceed 10 percent
9 unless advance approval is obtained from the Com-
10 mittees on Appropriations of a greater amount: *Pro-*
11 *vided further*, That additional projects for which
12 prospectuses have been fully approved may be fund-
13 ed under this category only if advance approval is
14 obtained from the Committees on Appropriations:
15 *Provided further*, That the amounts provided in this
16 or any prior Act for “Repairs and Alterations” may
17 be used to fund costs associated with implementing
18 security improvements to buildings necessary to
19 meet the minimum standards for security in accord-
20 ance with current law and in compliance with the re-
21 programming guidelines of the appropriate Commit-
22 tees of the House and Senate: *Provided further*,
23 That the difference between the funds appropriated
24 and expended on any projects in this or any prior
25 Act, under the heading “Repairs and Alterations”,

1 may be transferred to Basic Repairs and Alterations
2 or used to fund authorized increases in prospectus
3 projects: *Provided further*, That the amount provided
4 in this or any prior Act for Basic Repairs and Alter-
5 ations may be used to pay claims against the Gov-
6 ernment arising from any projects under the heading
7 “Repairs and Alterations” or used to fund author-
8 ized increases in prospectus projects;

9 (3) \$5,645,000,000 for rental of space to re-
10 main available until expended; and

11 (4) \$2,336,100,000 for building operations to
12 remain available until expended, of which
13 \$1,184,790,000 is for building services, and
14 \$1,151,310,000 is for salaries and expenses: *Pro-*
15 *vided*, That not to exceed 5 percent of any appro-
16 priation made available under this paragraph for
17 building operations may be transferred between and
18 merged with such appropriations upon notification
19 to the Committees on Appropriations of the House
20 of Representatives and the Senate, but no such ap-
21 propriation shall be increased by more than 5 per-
22 cent by any such transfers: *Provided further*, That
23 section 521 of this title shall not apply with respect
24 to funds made available under this heading for
25 building operations: *Provided further*, That the total

1 amount of funds made available from this Fund to
2 the General Services Administration shall not be
3 available for expenses of any construction, repair, al-
4 teration and acquisition project for which a pro-
5 spectus, if required by 40 U.S.C. 3307(a), has not
6 been approved, except that necessary funds may be
7 expended for each project for required expenses for
8 the development of a proposed prospectus: *Provided*
9 *further*, That funds available in the Federal Build-
10 ings Fund may be expended for emergency repairs
11 when advance approval is obtained from the Com-
12 mittees on Appropriations: *Provided further*, That
13 amounts necessary to provide reimbursable special
14 services to other agencies under 40 U.S.C. 592(b)(2)
15 and amounts to provide such reimbursable fencing,
16 lighting, guard booths, and other facilities on private
17 or other property not in Government ownership or
18 control as may be appropriate to enable the United
19 States Secret Service to perform its protective func-
20 tions pursuant to 18 U.S.C. 3056, shall be available
21 from such revenues and collections: *Provided further*,
22 That revenues and collections and any other sums
23 accruing to this Fund during fiscal year 2017, ex-
24 cluding reimbursements under 40 U.S.C. 592(b)(2),
25 in excess of the aggregate new obligational authority

1 authorized for Real Property Activities of the Fed-
2 eral Buildings Fund in this Act shall remain in the
3 Fund and shall not be available for expenditure ex-
4 cept as authorized in appropriations Acts.

5 GENERAL ACTIVITIES

6 GOVERNMENT-WIDE POLICY

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

17 OPERATING EXPENSES

18 For expenses authorized by law, not otherwise pro-
19 vided for, for Government-wide activities associated with
20 utilization and donation of surplus personal property; dis-
21 posal of real property; agency-wide policy direction, man-
22 agement, and communications; and services as authorized
23 by 5 U.S.C. 3109; \$49,266,000, of which \$25,869,000 is
24 for Real and Personal Property Management and Disposal
25 and \$23,397,000 is for the Office of the Administrator,

1 of which not to exceed \$7,500 is for official reception and
2 representation expenses.

3 CIVILIAN BOARD OF CONTRACT APPEALS

4 For expenses authorized by law, not otherwise pro-
5 vided for, for activities associated with the Civilian Board
6 of Contract Appeals and services as authorized by 5
7 U.S.C. 3109, \$9,275,000.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General and services authorized by 5 U.S.C. 3109,
11 \$65,000,000, of which \$2,000,000 is available until Sep-
12 tember 30, 2018: *Provided*, That not to exceed \$50,000
13 shall be available for payment for information and detec-
14 tion of fraud against the Government, including payment
15 for recovery of stolen Government property: *Provided fur-*
16 *ther*, That not to exceed \$2,500 shall be available for
17 awards to employees of other Federal agencies and private
18 citizens in recognition of efforts and initiatives resulting
19 in enhanced Office of Inspector General effectiveness.

20 ALLOWANCES AND OFFICE STAFF FOR FORMER

21 PRESIDENTS

22 For carrying out the provisions of the Act of August
23 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
24 \$1,932,000.

1 EXPENSES, PRESIDENTIAL TRANSITION
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out the Presidential
4 Transition Act of 1963 (3 U.S.C. 102 note), \$9,500,000,
5 of which not to exceed \$1,000,000 is for activities author-
6 ized by paragraphs (8) and (9) of section 3(a) of the Act:
7 *Provided*, That such amounts may be transferred to the
8 “Acquisition Services Fund” or “Federal Buildings Fund”
9 to reimburse obligations incurred prior to the date of en-
10 actment of this Act for the purposes provided herein re-
11 lated to the Presidential election in 2016: *Provided further*,
12 That amounts available under this heading shall be in ad-
13 dition to any other amounts available for such purposes.

14 FEDERAL CITIZEN SERVICES FUND
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Office of Citizen Serv-
17 ices and Innovative Technologies, including services au-
18 thorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for
19 necessary expenses in support of interagency projects that
20 enable the Federal Government to enhance its ability to
21 conduct activities electronically, through the development
22 and implementation of innovative uses of information
23 technology; \$55,894,000, to be deposited into the Federal
24 Citizen Services Fund: *Provided*, That the previous
25 amount may be transferred to Federal agencies to carry

1 out the purpose of the Federal Citizen Services Fund: *Pro-*
2 *vided further*, That the appropriations, revenues, reim-
3 bursements, and collections deposited into the Fund shall
4 be available until expended for necessary expenses of Fed-
5 eral Citizen Services and other activities that enable the
6 Federal Government to enhance its ability to conduct ac-
7 tivities electronically in the aggregate amount not to ex-
8 ceed \$150,000,000: *Provided further*, That appropriations,
9 revenues, reimbursements, and collections accruing to this
10 Fund during fiscal year 2017 in excess of such amount
11 shall remain in the Fund and shall not be available for
12 expenditure except as authorized in appropriations Acts:
13 *Provided further*, That any appropriations provided to the
14 Electronic Government Fund that remain unobligated
15 may be transferred to the Federal Citizen Services Fund:
16 *Provided further*, That the transfer authorities provided
17 herein shall be in addition to any other transfer authority
18 provided in this Act.

19 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

20 ADMINISTRATION

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 520. Funds available to the General Services
23 Administration shall be available for the hire of passenger
24 motor vehicles.

1 SEC. 521. Funds in the Federal Buildings Fund
2 made available for fiscal year 2017 for Federal Buildings
3 Fund activities may be transferred between such activities
4 only to the extent necessary to meet program require-
5 ments: *Provided*, That any proposed transfers shall be ap-
6 proved in advance by the Committees on Appropriations
7 of the House of Representatives and the Senate.

8 SEC. 522. Except as otherwise provided in this title,
9 funds made available by this Act shall be used to transmit
10 a fiscal year 2018 request for United States Courthouse
11 construction only if the request: (1) meets the design guide
12 standards for construction as established and approved by
13 the General Services Administration, the Judicial Con-
14 ference of the United States, and the Office of Manage-
15 ment and Budget; (2) reflects the priorities of the Judicial
16 Conference of the United States as set out in its approved
17 5-year construction plan; and (3) includes a standardized
18 courtroom utilization study of each facility to be con-
19 structed, replaced, or expanded.

20 SEC. 523. None of the funds provided in this Act may
21 be used to increase the amount of occupiable square feet,
22 provide cleaning services, security enhancements, or any
23 other service usually provided through the Federal Build-
24 ings Fund, to any agency that does not pay the rate per
25 square foot assessment for space and services as deter-

1 mined by the General Services Administration in consider-
2 ation of the Public Buildings Amendments Act of 1972
3 (Public Law 92–313).

4 SEC. 524. From funds made available under the
5 heading Federal Buildings Fund, Limitations on Avail-
6 ability of Revenue, claims against the Government of less
7 than \$250,000 arising from direct construction projects
8 and acquisition of buildings may be liquidated from sav-
9 ings effected in other construction projects with prior noti-
10 fication to the Committees on Appropriations of the House
11 of Representatives and the Senate.

12 SEC. 525. In any case in which the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives and the Committee on Environment and Pub-
15 lic Works of the Senate adopt a resolution granting lease
16 authority pursuant to a prospectus transmitted to Con-
17 gress by the Administrator of the General Services Admin-
18 istration under 40 U.S.C. 3307, the Administrator shall
19 ensure that the delineated area of procurement is identical
20 to the delineated area included in the prospectus for all
21 lease agreements, except that, if the Administrator deter-
22 mines that the delineated area of the procurement should
23 not be identical to the delineated area included in the pro-
24 spectus, the Administrator shall provide an explanatory
25 statement to each of such committees and the Committees

1 on Appropriations of the House of Representatives and the
2 Senate prior to exercising any lease authority provided in
3 the resolution.

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

14 SEC. 527. Strike subsection (d) of section 3173 of
15 title 40, United States Code.

16 MERIT SYSTEMS PROTECTION BOARD

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

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

1 motor vehicles, direct procurement of survey printing, and
2 not to exceed \$2,000 for official reception and representa-
3 tion expenses, \$44,786,000, to remain available until Sep-
4 tember 30, 2018, and in addition not to exceed
5 \$2,345,000, to remain available until September 30, 2018,
6 for administrative expenses to adjudicate retirement ap-
7 peals to be transferred from the Civil Service Retirement
8 and Disability Fund in amounts determined by the Merit
9 Systems Protection Board.

10 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

11 OPERATING EXPENSES

12 For necessary expenses in connection with the admin-
13 istration of the National Archives and Records Adminis-
14 tration and archived Federal records and related activities,
15 as provided by law, and for expenses necessary for the re-
16 view and declassification of documents, the activities of
17 the Public Interest Declassification Board, the operations
18 and maintenance of the electronic records archives, the
19 hire of passenger motor vehicles, and for uniforms or al-
20 lowances therefor, as authorized by law (5 U.S.C. 5901),
21 including maintenance, repairs, and cleaning,
22 \$380,634,000.

23 OFFICE OF INSPECTOR GENERAL

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

1 General Reform Act of 2008, Public Law 110–409, 122
2 Stat. 4302–16 (2008), and the Inspector General Act of
3 1978 (5 U.S.C. App.), and for the hire of passenger motor
4 vehicles, \$4,801,000.

5 REPAIRS AND RESTORATION

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

9 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

10 COMMISSION

11 GRANTS PROGRAM

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

16 NATIONAL CREDIT UNION ADMINISTRATION

17 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

18 For the Community Development Revolving Loan
19 Fund program as authorized by 42 U.S.C. 9812, 9822
20 and 9910, \$2,000,000 shall be available until September
21 30, 2018, for technical assistance to low-income des-
22 igned 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, \$16,090,000.

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, \$144,867,000: *Provided*, That of the total amount
6 made available under this heading, not to exceed
7 \$37,000,000 shall remain available until September 30,
8 2018, for the operation and strengthening of the security
9 of OPM legacy and Shell environment IT systems and the
10 modernization, migration, and testing of such systems:
11 *Provided further*, That the amount made available by the
12 previous proviso may not be obligated until the Director
13 of the Office of Personnel Management submits to the
14 Committees on Appropriations of the Senate and the
15 House of Representatives a plan for expenditure of such
16 amount, prepared in consultation with the Director of the
17 Office of Management and Budget, the Administrator of
18 the United States Digital Service, and the Secretary of
19 Homeland Security, that—

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

22 (2) meets the capital planning and investment
23 control review requirements established by the Office
24 of Management and Budget, including Circular A-
25 11, part 7;

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; and

7 (5) is reviewed and approved before the date of
8 such submission by the Secretary of Homeland Se-
9 curity, the Administrator of the United States Dig-
10 ital Service, and the Director of the Office of Man-
11 agement and Budget, the Inspector General of the
12 Office of Personnel Management Office:

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

17 (A) evaluates—

18 (i) the steps taken by the Office of Per-
19 sonnel Management to prevent, mitigate, and
20 respond to data breaches involving sensitive
21 personnel records and information;

22 (ii) the Office's cybersecurity policies and
23 procedures in place on the date of enactment of
24 this Act, including policies and procedures re-
25 lating to IT best practices such as data

1 encryption, multifactor authentication, and con-
2 tinuous monitoring;

3 (iii) the Office's oversight of contractors
4 providing IT services; and

5 (iv) the Office's compliance with govern-
6 ment-wide initiatives to improve cybersecurity;
7 and

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

11 *Provided further*, That of the total amount made available
12 under this heading, \$391,000 may be made available for
13 strengthening the capacity and capabilities of the acquisi-
14 tion workforce (as defined by the Office of Federal Pro-
15 curement Policy Act, as amended (41 U.S.C. 4001 et
16 seq.)), including the recruitment, hiring, training, and re-
17 tention of such workforce and information technology in
18 support of acquisition workforce effectiveness or for man-
19 agement solutions to improve acquisition management;
20 and in addition \$141,611,000 for administrative expenses,
21 to be transferred from the appropriate trust funds of OPM
22 without regard to other statutes, including direct procure-
23 ment of printed materials, for the retirement and insur-
24 ance programs: *Provided further*, That the provisions of
25 this appropriation shall not affect the authority to use ap-

1 plicable trust funds as provided by sections 8348(a)(1)(B),
2 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title
3 5, United States Code: *Provided further*, That no part of
4 this appropriation shall be available for salaries and ex-
5 penses of the Legal Examining Unit of OPM established
6 pursuant to Executive Order No. 9358 of July 1, 1943,
7 or any successor unit of like purpose: *Provided further*,
8 That the President's Commission on White House Fel-
9 lows, established by Executive Order No. 11183 of Octo-
10 ber 3, 1964, may, during fiscal year 2017, accept dona-
11 tions of money, property, and personal services: *Provided*
12 *further*, That such donations, including those from prior
13 years, may be used for the development of publicity mate-
14 rials to provide information about the White House Fel-
15 lows, except that no such donations shall be accepted for
16 travel or reimbursement of travel expenses, or for the sala-
17 ries of employees of such Commission.

18 OFFICE OF INSPECTOR GENERAL
19 SALARIES AND EXPENSES
20 (INCLUDING TRANSFER OF TRUST FUNDS)

21 For necessary expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, including services as authorized by
24 5 U.S.C. 3109, hire of passenger motor vehicles,
25 \$5,072,000, and in addition, not to exceed \$26,662,000

1 for administrative expenses to audit, investigate, and pro-
2 vide other oversight of the Office of Personnel Manage-
3 ment's retirement and insurance programs, to be trans-
4 ferred from the appropriate trust funds of the Office of
5 Personnel Management, as determined by the Inspector
6 General: *Provided*, That the Inspector General is author-
7 ized to rent conference rooms in the District of Columbia
8 and elsewhere.

9 OFFICE OF SPECIAL COUNSEL

10 SALARIES AND EXPENSES

11 For necessary expenses to carry out functions of the
12 Office of Special Counsel pursuant to Reorganization Plan
13 Numbered 2 of 1978, the Civil Service Reform Act of
14 1978 (Public Law 95-454), the Whistleblower Protection
15 Act of 1989 (Public Law 101-12) as amended by Public
16 Law 107-304, the Whistleblower Protection Enhancement
17 Act of 2012 (Public Law 112-199), and the Uniformed
18 Services Employment and Reemployment Rights Act of
19 1994 (Public Law 103-353), including services as author-
20 ized by 5 U.S.C. 3109, payment of fees and expenses for
21 witnesses, rental of conference rooms in the District of Co-
22 lumbia and elsewhere, and hire of passenger motor vehi-
23 cles; \$25,735,000.

1 POSTAL REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Postal Regulatory
5 Commission in carrying out the provisions of the Postal
6 Accountability and Enhancement Act (Public Law 109–
7 435), \$16,200,000, to be derived by transfer from the
8 Postal Service Fund and expended as authorized by sec-
9 tion 603(a) of such Act.

10 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses of the Privacy and Civil Lib-
13 erties Oversight Board, as authorized by section 1061 of
14 the Intelligence Reform and Terrorism Prevention Act of
15 2004 (42 U.S.C. 2000ee), \$8,297,000.

16 SECURITIES AND EXCHANGE COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Securities and Ex-
19 change Commission, including services as authorized by
20 5 U.S.C. 3109, the rental of space (to include multiple
21 year leases) in the District of Columbia and elsewhere, and
22 not to exceed \$3,500 for official reception and representa-
23 tion expenses, \$1,555,000,000, to remain available until
24 expended; of which not less than \$14,700,000 shall be for
25 the Office of Inspector General; of which not to exceed

1 \$75,000 shall be available for a permanent secretariat for
2 the International Organization of Securities Commissions;
3 of which not to exceed \$100,000 shall be available for ex-
4 penses for consultations and meetings hosted by the Com-
5 mission with foreign governmental and other regulatory
6 officials, members of their delegations and staffs to ex-
7 change views concerning securities matters, such expenses
8 to include necessary logistic and administrative expenses
9 and the expenses of Commission staff and foreign invitees
10 in attendance including: (1) incidental expenses such as
11 meals; (2) travel and transportation; and (3) related lodg-
12 ing or subsistence; of which funding for information tech-
13 nology initiatives shall be increased over the fiscal year
14 2016 level by not less than \$50,000,000; and of which not
15 less than \$72,049,000 shall be for the Division of Eco-
16 nomic and Risk Analysis: *Provided*, That fees and charges
17 authorized by section 31 of the Securities Exchange Act
18 of 1934 (15 U.S.C. 78ee) shall be credited to this account
19 as offsetting collections: *Provided further*, That not to ex-
20 ceed \$1,555,000,000 of such offsetting collections shall be
21 available until expended for necessary expenses of this ac-
22 count: *Provided further*, That the total amount appro-
23 priated under this heading from the general fund for fiscal
24 year 2017 shall be reduced as such offsetting fees are re-
25 ceived so as to result in a final total fiscal year 2017 ap-

1 appropriation from the general fund estimated at not more
2 than \$0.

3 SELECTIVE SERVICE SYSTEM

4 SALARIES AND EXPENSES

5 For necessary expenses of the Selective Service Sys-
6 tem, including expenses of attendance at meetings and of
7 training for uniformed personnel assigned to the Selective
8 Service System, as authorized by 5 U.S.C. 4101–4118 for
9 civilian employees; hire of passenger motor vehicles; serv-
10 ices as authorized by 5 U.S.C. 3109; and not to exceed
11 \$750 for official reception and representation expenses;
12 \$22,703,000: *Provided*, That during the current fiscal
13 year, the President may exempt this appropriation from
14 the provisions of 31 U.S.C. 1341, whenever the President
15 deems such action to be necessary in the interest of na-
16 tional defense: *Provided further*, That none of the funds
17 appropriated by this Act may be expended for or in con-
18 nection with the induction of any person into the Armed
19 Forces of the United States.

20 SMALL BUSINESS ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses, not otherwise provided for,
23 of the Small Business Administration, including hire of
24 passenger motor vehicles as authorized by sections 1343
25 and 1344 of title 31, United States Code, and not to ex-

1 ceed \$3,500 for official reception and representation ex-
2 penses, \$268,000,000, of which not less than \$12,000,000
3 shall be available for examinations, reviews, and other
4 lender oversight activities: *Provided*, That the Adminis-
5 trator is authorized to charge fees to cover the cost of pub-
6 lications developed by the Small Business Administration,
7 and certain loan program activities, including fees author-
8 ized by section 5(b) of the Small Business Act: *Provided*
9 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
10 received from all such activities shall be credited to this
11 account, to remain available until expended, for carrying
12 out these purposes without further appropriations: *Pro-*
13 *vided further*, That the Small Business Administration
14 may accept gifts in an amount not to exceed \$4,000,000
15 and may co-sponsor activities, each in accordance with sec-
16 tion 132(a) of division K of Public Law 108–447, during
17 fiscal year 2017: *Provided further*, That \$6,100,000 shall
18 be available for the Loan Modernization and Accounting
19 System, to be available until September 30, 2018.

20 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

21 For necessary expenses of programs supporting en-
22 trepreneurial and small business development,
23 \$243,100,000, to remain available until September 30,
24 2018: *Provided*, That \$125,000,000 shall be available to
25 fund grants for performance in fiscal year 2017 or fiscal

1 year 2018 as authorized by section 21 of the Small Busi-
2 ness Act: *Provided further*, That \$31,000,000 shall be for
3 marketing, management, and technical assistance under
4 section 7(m) of the Small Business Act (15 U.S.C.
5 636(m)(4)) by intermediaries that make microloans under
6 the microloan program: *Provided further*, That
7 \$20,000,000 shall be available for grants to States to
8 carry out export programs that assist small business con-
9 cerns authorized under section 1207 of Public Law 111-
10 240.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, \$19,900,000.

15 OFFICE OF ADVOCACY

16 For necessary expenses of the Office of Advocacy in
17 carrying out the provisions of title II of Public Law 94-
18 305 (15 U.S.C. 634a et seq.) and the Regulatory Flexi-
19 bility Act of 1980 (5 U.S.C. 601 et seq.), \$9,320,000, to
20 remain available until expended.

21 BUSINESS LOANS PROGRAM ACCOUNT

22 (INCLUDING TRANSFER OF FUNDS)

23 For the cost of direct loans, \$4,338,000, to remain
24 available until expended: *Provided*, That such costs, in-
25 cluding the cost of modifying such loans, shall be as de-

1 fined in section 502 of the Congressional Budget Act of
2 1974: *Provided further*, That subject to section 502 of the
3 Congressional Budget Act of 1974, during fiscal year
4 2017 commitments to guarantee loans under section 503
5 of the Small Business Investment Act of 1958 shall not
6 exceed \$7,500,000,000: *Provided further*, That during fis-
7 cal year 2017 commitments for general business loans au-
8 thorized under section 7(a) of the Small Business Act
9 shall not exceed \$28,500,000,000 for a combination of
10 amortizing term loans and the aggregated maximum line
11 of credit provided by revolving loans: *Provided further*,
12 That during fiscal year 2017 commitments for loans au-
13 thorized under subparagraph (C) of section 502(7) of the
14 Small Business Investment Act of 1958 (15 U.S.C.
15 696(7)) shall not exceed \$7,500,000,000: *Provided further*,
16 That during fiscal year 2017 commitments to guarantee
17 loans for debentures under section 303(b) of the Small
18 Business Investment Act of 1958 shall not exceed
19 \$4,000,000,000: *Provided further*, That during fiscal year
20 2017, guarantees of trust certificates authorized by sec-
21 tion 5(g) of the Small Business Act shall not exceed a
22 principal amount of \$12,000,000,000. In addition, for ad-
23 ministrative expenses to carry out the direct and guaran-
24 teed loan programs, \$152,726,000, which may be trans-

1 ferred to and merged with the appropriations for Salaries
2 and Expenses.

3 DISASTER LOANS PROGRAM ACCOUNT

4 (INCLUDING TRANSFERS OF FUNDS)

5 For administrative expenses to carry out the direct
6 loan program authorized by section 7(b) of the Small
7 Business Act, \$185,977,000, to be available until ex-
8 pended, of which \$1,000,000 is for the Office of Inspector
9 General of the Small Business Administration for audits
10 and reviews of disaster loans and the disaster loan pro-
11 grams and shall be transferred to and merged with the
12 appropriations for the Office of Inspector General; of
13 which \$175,977,000 is for direct administrative expenses
14 of loan making and servicing to carry out the direct loan
15 program, which may be transferred to and merged with
16 the appropriations for Salaries and Expenses; and of
17 which \$9,000,000 is for indirect administrative expenses
18 for the direct loan program, which may be transferred to
19 and merged with the appropriations for Salaries and Ex-
20 penses.

1 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

2 ADMINISTRATION

3 (INCLUDING TRANSFER OF FUNDS)

4 (INCLUDING RESCISSION)

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

15 SEC. 531. (a) None of the funds made available under
16 this Act may be used to collect a guarantee fee under sec-
17 tion 7(a)(18) of the Small Business Act (15 U.S.C.
18 636(a)(18)) with respect to a loan guaranteed under sec-
19 tion 7(a)(31) of such Act that is made to a small business
20 concern (as defined under section 3 of such Act (15 U.S.C.
21 632)) that is 51 percent or more owned and controlled
22 by 1 or more individuals who is a veteran (as defined in
23 section 101 of title 38, United States Code) or the spouse
24 of a veteran.

1 (b) Nothing in this section shall be construed to limit
2 the authority of the Administrator of the Small Business
3 Administration to waive such a guarantee fee or any other
4 loan fee with respect to a loan to a small business concern
5 described in subsection (a) or any other borrower.

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

15 UNITED STATES POSTAL SERVICE

16 PAYMENT TO THE POSTAL SERVICE FUND

17 For payment to the Postal Service Fund for revenue
18 forgone on free and reduced rate mail, pursuant to sub-
19 sections (c) and (d) of section 2401 of title 39, United
20 States Code, \$41,151,000: *Provided*, That mail for over-
21 seas voting and mail for the blind shall continue to be free:
22 *Provided further*, That 6-day delivery and rural delivery
23 of mail shall continue at not less than the 1983 level: *Pro-*
24 *vided further*, That none of the funds made available to
25 the Postal Service by this Act shall be used to implement

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

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF FUNDS)

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

18 UNITED STATES TAX COURT

19 SALARIES AND EXPENSES

20 For necessary expenses, including contract reporting
21 and other services as authorized by 5 U.S.C. 3109,
22 \$51,300,000: *Provided*, That travel expenses of the judges
23 shall be paid upon the written certificate of the judge.

1 TITLE VI
2 GENERAL PROVISIONS—THIS ACT
3 (INCLUDING RESCISSION)

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 2017, 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 2017 from
15 appropriations made available for salaries and expenses
16 for fiscal year 2017 in this Act, shall remain available
17 through September 30, 2018, for each such account for
18 the purposes authorized: *Provided*, That a request shall
19 be submitted to the Committees on Appropriations of the
20 House of Representatives and the Senate for approval
21 prior to the expenditure of such funds: *Provided further*,
22 That these requests shall be made in compliance with re-
23 programming guidelines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) Payments to—

24 (A) the Judicial Officers’ Retirement Fund
25 (28 U.S.C. 377(o));

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

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

6 (3) Payment of Government contributions—

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

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

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

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

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

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

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

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

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

16 (2) Assistant to the President for Energy and
17 Climate Change, or any substantially similar posi-
18 tion.

19 (3) Senior Advisor to the Secretary of the
20 Treasury assigned to the Presidential Task Force on
21 the Auto Industry and Senior Counselor for Manu-
22 facturing Policy, or any substantially similar posi-
23 tion.

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

1 SEC. 622. None of the funds made available in this
2 Act may be used in contravention of chapter 29, 31, or
3 33 of title 44, United States Code.

4 SEC. 623. (a) Not later than 180 days after the date
5 of enactment of this section, the agencies specified in sub-
6 section (b) shall each submit a report to the Committees
7 on Appropriations of the House of Representatives and the
8 Senate on—

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

11 (2) improving coordination with other Federal
12 agencies to eliminate redundant, inconsistent, and
13 overlapping regulations; and

14 (3) identifying existing regulations that have
15 been reviewed and determined to be outmoded, inef-
16 fective, or excessively burdensome.

17 (b) The agencies required to submit a report specified
18 in subsection (a) are—

19 (1) the Consumer Product Safety Commission;

20 (2) the Federal Communications Commission;

21 (3) the Federal Trade Commission; and

22 (4) the Securities and Exchange Commission.

23 SEC. 624. The unobligated balance in the Securities
24 and Exchange Commission Reserve Fund established by
25 section 991 of the Dodd-Frank Wall Street Reform and

1 Consumer Protection Act (Public Law 111–203) is perma-
2 nently rescinded.

3 SEC. 625. None of the funds made available by this
4 Act shall be used by the Securities and Exchange Commis-
5 sion to study, develop, propose, finalize, issue, or imple-
6 ment any rule, regulation, or order regarding the dislo-
7 sure of political contributions to tax exempt organizations,
8 or dues paid to trade associations.

9 SEC. 626. None of the funds made available by this
10 or any other Act may be used by the Financial Stability
11 Oversight Council to make a determination, pursuant to
12 subsection (a) or (b) of section 113 of the Financial Sta-
13 bility Act of 2010 (12 U.S.C. 5323), with respect to a
14 nonbank financial company until—

15 (1) the Financial Stability Oversight Council, in
16 the notice described in subsection (e)(1) of such sec-
17 tion, identifies with specificity the risks to the finan-
18 cial stability of the United States presented by the
19 nonbank financial company and explains in sufficient
20 detail why regulatory action by the relevant primary
21 financial regulatory agency would be insufficient to
22 mitigate or prevent such risks; and

23 (2) if the nonbank financial company presents
24 a plan in a hearing conducted pursuant to sub-
25 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.

15 SEC. 627. None of the funds made available in this
16 Act may be used by a governmental entity to require the
17 disclosure by a provider of electronic communication serv-
18 ice to the public or remote computing service of the con-
19 tents of a wire or electronic communication that is in elec-
20 tronic storage with the provider (as such terms are defined
21 in sections 2510 and 2711 of title 18, United States Code)
22 in a manner that violates the Fourth Amendment to the
23 Constitution of the United States.

24 SEC. 628. (a) In each of fiscal years 2017 through
25 2025, section 628 of division E of the Consolidated Appro-

1 priations Act, 2016 (Public Law 114-113; 129 Stat. 2469)
2 applies to a joint sales agreement regardless of any change
3 in the ownership of the stations involved in such agree-
4 ment.

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

8 (1) may not require the termination or modi-
9 fication of such agreement as a condition of the
10 transfer or assignment of a station license or the
11 transfer of station ownership or control; and

12 (2) upon request of the transferee or assignee
13 of the station license, shall eliminate any such condi-
14 tion that was imposed after March 31, 2014, and
15 permit the licensees of the stations whose adver-
16 tising was jointly sold pursuant to such agreement
17 to enter into a new joint sales agreement on sub-
18 stantially similar terms and conditions as the prior
19 agreement.

20 (c) In this section, the term “joint sales agreement”
21 has the meaning given such term in Note 2(k) to section
22 73.3555 of title 47, Code of Federal Regulations, and
23 where a joint sales agreement is part of a broader con-
24 tract, this section shall be limited to the joint sales agree-
25 ment portion of such contract.

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

12 SEC. 630. None of the funds made available by this
13 Act may be used to implement, administer, or enforce any
14 rule (as defined in section 551 of title 5, United States
15 Code), or any amendment or repeal of an existing rule,
16 that is adopted by vote of the Federal Communications
17 Commission after the date of the enactment of this Act,
18 unless the Commission publishes the text of such rule,
19 amendment, or repeal on the Internet Web site of the
20 Commission not later than 21 days before the date on
21 which the vote occurs.

22 SEC. 631. None of the funds made available by this
23 Act may be used to regulate, directly or indirectly, the
24 prices, other fees, or data caps and allowances (as such
25 terms are described in paragraph 164 of the Report and

1 Order on Remand, Declaratory Ruling, and Order in the
2 matter of protecting and promoting the open Internet,
3 adopted by the Federal Communications Commission on
4 February 26, 2015 (FCC 15–24)) charged or imposed by
5 providers of broadband Internet access service (as defined
6 in the final rules in Appendix A of such Report and Order
7 on Remand, Declaratory Ruling, and Order) for such serv-
8 ice, regardless of whether such regulation takes the form
9 of requirements for future conduct or enforcement regard-
10 ing past conduct.

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

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

24 (2) United States Telecom Assoc. v. Federal
25 Communications Commission, et al., No. 15-1063,

1 pending in the United States Court of Appeals for
2 the District of Columbia Circuit as of the date of the
3 enactment of this Act.

4 (3) CenturyLink v. Federal Communications
5 Commission, No. 15-1099, pending in the United
6 States Court of Appeals for the District of Columbia
7 Circuit as of the date of the enactment of this Act.

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

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

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

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

16 “(B) Prior to implementing this paragraph, including
17 determining what Federal activities or accounts constitute
18 cybersecurity for purposes of budgetary classification, the
19 Office of Management and Budget shall consult with the
20 Committees on Appropriations and the Committees on the
21 Budget of the House of Representatives and the Senate, the
22 Committee on Homeland Security of the House of Repre-
23 sentatives, and the Committee on Homeland Security
24 and Government Affairs of the Senate.”.

1 (b) The amendments made by subsection (a) shall
2 apply to budget submissions under section 1105(a) of title
3 31, United States Code, for fiscal year 2018 and each sub-
4 sequent fiscal year.

5 SEC. 634. (a) Effective one year after the date of the
6 enactment of this Act, subtitle B of title IV of Public Law
7 102—281 is repealed.

8 (b) On the day before the date of the repeal under
9 subsection (a), the Secretary of the Treasury shall trans-
10 fer the amounts in the fund described in section 408(a)
11 of subtitle A of title IV of such Public Law into the gen-
12 eral fund of the Treasury.

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

17 (b) Nothing in subsection (a) shall limit the use of
18 funds necessary for any Federal, State, tribal, or local law
19 enforcement agency or any other entity carrying out crimi-
20 nal investigations, prosecution, adjudication activities, or
21 other law enforcement- or victim assistance-related activ-
22 ity.

23 SEC. 636. (a) None of the funds made available by
24 this Act may be used to finalize, adopt, implement, admin-
25 ister, or enforce any proposed rule under section 629 of

1 the Communications Act of 1934 (47 U.S.C. 549) before
2 the date that is 180 days after the completion of the fol-
3 lowing process:

4 (1) There has been completed a study that—

5 (A) evaluates the potential costs and bene-
6 fits of the proposed rule and the potential costs
7 and benefits of other market-based solutions;
8 and

9 (B) meets the requirements of subsection
10 (b).

11 (2) The Federal Communications Commission
12 has—

13 (A) sought public comment on the study
14 described in paragraph (1);

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

17 (C) addressed the concerns raised in the
18 comment cycle under subparagraph (B) in a re-
19 port adopted by vote of the Commission and
20 made publicly available.

21 (b) A study meets the requirements of this subsection
22 if the study—

23 (1) is a peer-reviewed study conducted by an in-
24 stitution of higher education (as defined in section
25 101(a) of the Higher Education Act of 1965 (20

1 U.S.C. 1001(a)) or an individual in the individual's
2 capacity as a faculty member at such an institution;
3 and

4 (2) at minimum, analyzes the potential impact
5 of the proposed rule on—

6 (A) all parties in the video programming
7 marketplace, including video programming cre-
8 ators, programming networks, multichannel
9 video programming distributors, and sub-
10 sscribers of multichannel video programming
11 services;

12 (B) video programming content diversity;

13 (C) intellectual property and content li-
14 censing; and

15 (D) consumer privacy and the legal rem-
16 edies available to consumers for violations of
17 video privacy obligations.

18 TITLE VII

19 GENERAL PROVISIONS—GOVERNMENT-WIDE

20 DEPARTMENTS, AGENCIES, AND CORPORATIONS

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 701. No department, agency, or instrumentality
23 of the United States receiving appropriated funds under
24 this or any other Act for fiscal year 2017 shall obligate
25 or expend any such funds, unless such department, agen-

1 cy, or instrumentality has in place, and will continue to
2 administer in good faith, a written policy designed to en-
3 sure that all of its workplaces are free from the illegal
4 use, possession, or distribution of controlled substances
5 (as defined in the Controlled Substances Act (21 U.S.C.
6 802)) by the officers and employees of such department,
7 agency, or instrumentality.

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

1 ventionally fueled vehicles: *Provided further*, That the lim-
2 its set forth in this section shall not apply to any vehicle
3 that is a commercial item and which operates on alter-
4 native fuel, including but not limited to electric, plug-in
5 hybrid electric, and hydrogen fuel cell vehicles.

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

12 SEC. 704. Unless otherwise specified in law during
13 the current fiscal year, no part of any appropriation con-
14 tained in this or any other Act shall be used to pay the
15 compensation of any officer or employee of the Govern-
16 ment of the United States (including any agency the ma-
17 jority of the stock of which is owned by the Government
18 of the United States) whose post of duty is in the conti-
19 nental United States unless such person: (1) is a citizen
20 of the United States; (2) is a person who is lawfully admit-
21 ted for permanent residence and is seeking citizenship as
22 outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who
23 is admitted as a refugee under 8 U.S.C. 1157 or is grant-
24 ed asylum under 8 U.S.C. 1158 and has filed a declaration
25 of intention to become a lawful permanent resident and

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

24 SEC. 705. Appropriations available to any depart-
25 ment or agency during the current fiscal year for nec-

1 essary expenses, including maintenance or operating ex-
2 penses, shall also be available for payment to the General
3 Services Administration for charges for space and services
4 and those expenses of renovation and alteration of build-
5 ings and facilities which constitute public improvements
6 performed in accordance with the Public Buildings Act of
7 1959 (73 Stat. 479), the Public Buildings Amendments
8 of 1972 (86 Stat. 216), or other applicable law.

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

16 (1) Acquisition, waste reduction and prevention,
17 and recycling programs as described in Executive
18 Order No. 13693 (March 19, 2015), including any
19 such programs adopted prior to the effective date of
20 the Executive order.

21 (2) Other Federal agency environmental man-
22 agement programs, including, but not limited to, the
23 development and implementation of hazardous waste
24 management and pollution prevention programs.

1 (3) Other employee programs as authorized by
2 law or as deemed appropriate by the head of the
3 Federal agency.

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

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

1 SEC. 709. None of the funds made available pursuant
2 to the provisions of this or any other Act shall be used
3 to implement, administer, or enforce any regulation which
4 has been disapproved pursuant to a joint resolution duly
5 adopted in accordance with the applicable law of the
6 United States.

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

22 SEC. 711. Notwithstanding 31 U.S.C. 1346, or sec-
23 tion 708 of this Act, funds made available for the current
24 fiscal year by this or any other Act shall be available for
25 the interagency funding of national security and emer-

1 agency preparedness telecommunications initiatives which
2 benefit multiple Federal departments, agencies, or enti-
3 ties, as provided by Executive Order No. 13618 (July 6,
4 2012).

5 SEC. 712. (a) None of the funds made available by
6 this or any other Act may be obligated or expended by
7 any department, agency, or other instrumentality of the
8 Federal Government to pay the salaries or expenses of any
9 individual appointed to a position of a confidential or pol-
10 icy-determining character that is excepted from the com-
11 petitive service under section 3302 of title 5, United
12 States Code, (pursuant to schedule C of subpart C of part
13 213 of title 5 of the Code of Federal Regulations) unless
14 the head of the applicable department, agency, or other
15 instrumentality employing such schedule C individual cer-
16 tifies to the Director of the Office of Personnel Manage-
17 ment that the schedule C position occupied by the indi-
18 vidual was not created solely or primarily in order to detail
19 the individual to the White House.

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

1 SEC. 713. No part of any appropriation contained in
2 this or any other Act shall be available for the payment
3 of the salary of any officer or employee of the Federal
4 Government, who—

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

18 (2) removes, suspends from duty without pay,
19 demotes, reduces in rank, seniority, status, pay, or
20 performance or efficiency rating, denies promotion
21 to, relocates, reassigns, transfers, disciplines, or dis-
22 criminate in regard to any employment right, enti-
23 tlement, or benefit, or any term or condition of em-
24 ployment of, any other officer or employee of the
25 Federal Government, or attempts or threatens to

1 commit any of the foregoing actions with respect to
2 such other officer or employee, by reason of any
3 communication or contact of such other officer or
4 employee with any Member, committee, or sub-
5 committee of the Congress as described in paragraph
6 (1).

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

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

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

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

19 (4) contains any methods or content associated
20 with religious or quasi-religious belief systems or
21 “new age” belief systems as defined in Equal Em-
22 ployment Opportunity Commission Notice N-
23 915.022, dated September 2, 1988; or

1 (5) is offensive to, or designed to change, par-
2 ticipants' personal values or lifestyle outside the
3 workplace.

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

7 SEC. 715. No part of any funds appropriated in this
8 or any other Act shall be used by an agency of the execu-
9 tive branch, other than for normal and recognized execu-
10 tive-legislative relationships, for publicity or propaganda
11 purposes, and for the preparation, distribution or use of
12 any kit, pamphlet, booklet, publication, radio, television,
13 infographic, social media, or film presentation designed to
14 support or defeat legislation pending before the Congress,
15 except in presentation to the Congress itself.

16 SEC. 716. None of the funds appropriated by this or
17 any other Act may be used by an agency to provide a Fed-
18 eral employee's home address to any labor organization
19 except when the employee has authorized such disclosure
20 or when such disclosure has been ordered by a court of
21 competent jurisdiction.

22 SEC. 717. None of the funds made available in this
23 or any other Act may be used to provide any non-public
24 information such as mailing, telephone or electronic mail-
25 ing lists to any person or any organization outside of the

1 Federal Government without the approval of the Commit-
2 tees on Appropriations of the House of Representatives
3 and the Senate.

4 SEC. 718. No part of any appropriation contained in
5 this or any other Act shall be used directly or indirectly,
6 including by private contractor, for publicity or propa-
7 ganda purposes within the United States not heretofore
8 authorized by Congress.

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

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

12 (2) includes a military department, as defined
13 under section 102 of such title, the United States
14 Postal Service, and the Postal Regulatory Commis-
15 sion.

16 (b) Unless authorized in accordance with law or regu-
17 lations to use such time for other purposes, an employee
18 of an agency shall use official time in an honest effort
19 to perform official duties. An employee not under a leave
20 system, including a Presidential appointee exempted under
21 5 U.S.C. 6301(2), has an obligation to expend an honest
22 effort and a reasonable proportion of such employee’s time
23 in the performance of official duties.

24 SEC. 720. Notwithstanding 31 U.S.C. 1346 and sec-
25 tion 708 of this Act, funds made available for the current

1 fiscal year by this or any other Act to any department
2 or agency, which is a member of the Federal Accounting
3 Standards Advisory Board (FASAB), shall be available to
4 finance an appropriate share of FASAB administrative
5 costs.

6 SEC. 721. Notwithstanding 31 U.S.C. 1346 and sec-
7 tion 708 of this Act, the head of each Executive depart-
8 ment and agency is hereby authorized to transfer to or
9 reimburse “General Services Administration, Government-
10 wide Policy” with the approval of the Director of the Of-
11 fice of Management and Budget, funds made available for
12 the current fiscal year by this or any other Act, including
13 rebates from charge card and other contracts: *Provided*,
14 That these funds shall be administered by the Adminis-
15 trator of General Services to support Government-wide
16 and other multi-agency financial, information technology,
17 procurement, and other management innovations, initia-
18 tives, and activities, including improving coordination and
19 reducing duplication, as approved by the Director of the
20 Office of Management and Budget, in consultation with
21 the appropriate interagency and multi-agency groups des-
22 ignated by the Director (including the President’s Man-
23 agement Council for overall management improvement ini-
24 tiatives, the Chief Financial Officers Council for financial
25 management initiatives, the Chief Information Officers

1 Council for information technology initiatives, the Chief
2 Human Capital Officers Council for human capital initia-
3 tives, the Chief Acquisition Officers Council for procure-
4 ment initiatives, and the Performance Improvement Coun-
5 cil for performance improvement initiatives): *Provided fur-*
6 *ther*, That the total funds transferred or reimbursed shall
7 not exceed \$15,000,000 to improve coordination, reduce
8 duplication, and for other activities related to Federal
9 Government Priority Goals established by 31 U.S.C. 1120,
10 and not to exceed \$17,000,000 for Government-Wide inno-
11 vations, initiatives, and activities: *Provided further*, That
12 the funds transferred to or for reimbursement of “General
13 Services Administration, Government-wide Policy” during
14 fiscal year 2017 shall remain available for obligation
15 through September 30, 2018: *Provided further*, That such
16 transfers or reimbursements may only be made after 15
17 days following notification of the Committees on Appro-
18 priations of the House of Representatives and the Senate
19 by the Director of the Office of Management and Budget.

20 SEC. 722. Notwithstanding any other provision of
21 law, a woman may breastfeed her child at any location
22 in a Federal building or on Federal property, if the woman
23 and her child are otherwise authorized to be present at
24 the location.

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

16 SEC. 724. Any request for proposals, solicitation,
17 grant application, form, notification, press release, or
18 other publications involving the distribution of Federal
19 funds shall comply with any relevant requirements in part
20 200 of title 2, Code of Federal Regulations: *Provided*,
21 That this section shall apply to direct payments, formula
22 funds, and grants received by a State receiving Federal
23 funds.

24 SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY
25 MONITORING OF INDIVIDUALS' INTERNET USE.—None of

1 the funds made available in this or any other Act may
2 be used by any Federal agency—

3 (1) to collect, review, or create any aggregation
4 of data, derived from any means, that includes any
5 personally identifiable information relating to an in-
6 dividual's access to or use of any Federal Govern-
7 ment Internet site of the agency; or

8 (2) to enter into any agreement with a third
9 party (including another government agency) to col-
10 lect, review, or obtain any aggregation of data, de-
11 rived from any means, that includes any personally
12 identifiable information relating to an individual's
13 access to or use of any nongovernmental Internet
14 site.

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

17 (1) any record of aggregate data that does not
18 identify particular persons;

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

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

24 (4) any action described in subsection (a)(1)
25 that is a system security action taken by the oper-

1 ator of an Internet site and is necessarily incident
2 to providing the Internet site services or to pro-
3 tecting the rights or property of the provider of the
4 Internet site.

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

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

9 (2) The term “supervisory” means examina-
10 tions of the agency’s supervised institutions, includ-
11 ing assessing safety and soundness, overall financial
12 condition, management practices and policies and
13 compliance with applicable standards as provided in
14 law.

15 SEC. 726. (a) None of the funds appropriated by this
16 Act may be used to enter into or renew a contract which
17 includes a provision providing prescription drug coverage,
18 except where the contract also includes a provision for con-
19 traceptive coverage.

20 (b) Nothing in this section shall apply to a contract
21 with—

22 (1) any of the following religious plans:

23 (A) Personal Care’s HMO; and

24 (B) OSF HealthPlans, Inc.; and

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

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

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

12 SEC. 727. The United States is committed to ensur-
13 ing the health of its Olympic, Pan American, and
14 Paralympic athletes, and supports the strict adherence to
15 anti-doping in sport through testing, adjudication, edu-
16 cation, and research as performed by nationally recognized
17 oversight authorities.

18 SEC. 728. Notwithstanding any other provision of
19 law, funds appropriated for official travel to Federal de-
20 partments and agencies may be used by such departments
21 and agencies, if consistent with Office of Management and
22 Budget Circular A-126 regarding official travel for Gov-
23 ernment personnel, to participate in the fractional aircraft
24 ownership pilot program.

1 SEC. 729. Notwithstanding any other provision of
2 law, none of the funds appropriated or made available
3 under this or any other appropriations Act may be used
4 to implement or enforce restrictions or limitations on the
5 Coast Guard Congressional Fellowship Program, or to im-
6 plement the proposed regulations of the Office of Per-
7 sonnel Management to add sections 300.311 through
8 300.316 to part 300 of title 5 of the Code of Federal Reg-
9 ulations, published in the Federal Register, volume 68,
10 number 174, on September 9, 2003 (relating to the detail
11 of executive branch employees to the legislative branch).

12 SEC. 730. Notwithstanding any other provision of
13 law, no executive branch agency shall purchase, construct,
14 or lease any additional facilities, except within or contig-
15 uous to existing locations, to be used for the purpose of
16 conducting Federal law enforcement training without the
17 advance approval of the Committees on Appropriations of
18 the House of Representatives and the Senate, except that
19 the Federal Law Enforcement Training Center is author-
20 ized to obtain the temporary use of additional facilities
21 by lease, contract, or other agreement for training which
22 cannot be accommodated in existing Center facilities.

23 SEC. 731. Unless otherwise authorized by existing
24 law, none of the funds provided in this or any other Act
25 may be used by an executive branch agency to produce

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

6 SEC. 732. None of the funds made available in this
7 Act may be used in contravention of section 552a of title
8 5, United States Code (popularly known as the Privacy
9 Act), and regulations implementing that section.

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

17 (b) WAIVERS.—

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

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

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

5 SEC. 734. During fiscal year 2017, for each employee
6 who—

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

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

21 SEC. 735. (a) None of the funds made available in
22 this or any other Act may be used to recommend or re-
23 quire any entity submitting an offer for a Federal contract
24 or otherwise performing or participating in acquisition at
25 any stage of the acquisition process (as defined in section

1 131 of title 41, United States Code) of property or services
2 by the Federal Government to disclose any of the following
3 information as a condition of submitting the offer or oth-
4 erwise performing in or participating in such acquisition:

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

13 (2) Any disbursement of funds (other than a
14 payment described in paragraph (1)) made by the
15 entity, its officers or directors, or any of its affiliates
16 or subsidiaries to any person with the intent or the
17 reasonable expectation that the person will use the
18 funds to make a payment described in paragraph
19 (1).

20 (b) In this section, each of the terms “contribution”,
21 “expenditure”, “independent expenditure”, “election-
22 eering communication”, “candidate”, “election”, and
23 “Federal office” has the meaning given such term in the
24 Federal Election Campaign Act of 1971 (2 U.S.C. 431
25 et seq.).

1 SEC. 736. None of the funds made available in this
2 or any other Act may be used to pay for the painting of
3 a portrait of an officer or employee of the Federal govern-
4 ment, including the President, the Vice President, a mem-
5 ber of Congress (including a Delegate or a Resident Com-
6 missioner to Congress), the head of an executive branch
7 agency (as defined in section 133 of title 41, United States
8 Code), or the head of an office of the legislative branch.

9 SEC. 737. (a)(1) Notwithstanding any other provision
10 of law, and except as otherwise provided in this section,
11 no part of any of the funds appropriated for fiscal year
12 2017, by this or any other Act, may be used to pay any
13 prevailing rate employee described in section
14 5342(a)(2)(A) of title 5, United States Code—

15 (A) during the period from the date of expira-
16 tion of the limitation imposed by the comparable sec-
17 tion for the previous fiscal years until the normal ef-
18 fective date of the applicable wage survey adjust-
19 ment that is to take effect in fiscal year 2017, in an
20 amount that exceeds the rate payable for the appli-
21 cable grade and step of the applicable wage schedule
22 in accordance with such section; and

23 (B) during the period consisting of the remain-
24 der of fiscal year 2017, in an amount that exceeds,
25 as a result of a wage survey adjustment, the rate

1 payable under subparagraph (A) by more than the
2 sum of—

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

7 (ii) the difference between the overall aver-
8 age percentage of the locality-based com-
9 parability payments taking effect in fiscal year
10 2017 under section 5304 of such title (whether
11 by adjustment or otherwise), and the overall av-
12 erage percentage of such payments which was
13 effective in the previous fiscal year under such
14 section.

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

23 (3) For the purposes of this subsection, the rates pay-
24 able to an employee who is covered by this subsection and
25 who is paid from a schedule not in existence on September

1 30, 2016, shall be determined under regulations pre-
2 scribed by the Office of Personnel Management.

3 (4) Notwithstanding any other provision of law, rates
4 of premium pay for employees subject to this subsection
5 may not be changed from the rates in effect on September
6 30, 2016, except to the extent determined by the Office
7 of Personnel Management to be consistent with the pur-
8 pose of this subsection.

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

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

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

23 (8) The Office of Personnel Management may provide
24 for exceptions to the limitations imposed by this sub-
25 section if the Office determines that such exceptions are

1 necessary to ensure the recruitment or retention of quali-
2 fied employees.

3 (b) Notwithstanding subsection (a), the adjustment
4 in rates of basic pay for the statutory pay systems that
5 take place in fiscal year 2017 under sections 5344 and
6 5348 of title 5, United States Code, shall be—

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

20 (2) effective as of the first day of the first ap-
21 plicable pay period beginning after September 30,
22 2016.

23 SEC. 738. (a) The Vice President may not receive a
24 pay raise in calendar year 2017, notwithstanding the rate

1 adjustment made under section 104 of title 3, United
2 States Code, or any other provision of law.

3 (b) An employee serving in an Executive Schedule po-
4 sition, or in a position for which the rate of pay is fixed
5 by statute at an Executive Schedule rate, may not receive
6 a pay rate increase in calendar year 2017, notwith-
7 standing schedule adjustments made under section 5318
8 of title 5, United States Code, or any other provision of
9 law, except as provided in subsection (g), (h), or (i). This
10 subsection applies only to employees who are holding a po-
11 sition under a political appointment.

12 (c) A chief of mission or ambassador at large may
13 not receive a pay rate increase in calendar year 2017, not-
14 withstanding section 401 of the Foreign Service Act of
15 1980 (Public Law 96–465) or any other provision of law,
16 except as provided in subsection (g), (h), or (i).

17 (d) Notwithstanding sections 5382 and 5383 of title
18 5, United States Code, a pay rate increase may not be
19 received in calendar year 2017 (except as provided in sub-
20 section (g), (h), or (i)) by—

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

24 (2) a limited term appointee or limited emer-
25 gency appointee in the Senior Executive Service

1 serving under a political appointment and paid a
2 rate of basic pay at or above level IV of the Execu-
3 tive Schedule.

4 (e) Any employee paid a rate of basic pay (including
5 any locality-based payments under section 5304 of title
6 5, United States Code, or similar authority) at or above
7 level IV of the Executive Schedule who serves under a po-
8 litical appointment may not receive a pay rate increase
9 in calendar year 2017, notwithstanding any other provi-
10 sion of law, except as provided in subsection (g), (h), or
11 (i). This subsection does not apply to employees in the
12 General Schedule pay system or the Foreign Service pay
13 system, or to employees appointed under section 3161 of
14 title 5, United States Code, or to employees in another
15 pay system whose position would be classified at GS-15
16 or below if chapter 51 of title 5, United States Code, ap-
17 plied to them.

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

22 (g) A career appointee in the Senior Executive Serv-
23 ice who receives a Presidential appointment and who
24 makes an election to retain Senior Executive Service basic

1 pay entitlements under section 3392 of title 5, United
2 States Code, is not subject to this section.

3 (h) A member of the Senior Foreign Service who re-
4 ceives a Presidential appointment to any position in the
5 executive branch and who makes an election to retain Sen-
6 ior Foreign Service pay entitlements under section 302(b)
7 of the Foreign Service Act of 1980 (Public Law 96–465)
8 is not subject to this section.

9 (i) Notwithstanding subsections (b) through (e), an
10 employee in a covered position may receive a pay rate in-
11 crease upon an authorized movement to a different cov-
12 ered position with higher-level duties and a pre-established
13 higher level or range of pay, except that any such increase
14 must be based on the rates of pay and applicable pay limi-
15 tations in effect on December 31, 2013.

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

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

1 SEC. 739. (a) The head of any Executive branch de-
2 partment, agency, board, commission, or office funded by
3 this or any other appropriations Act shall submit annual
4 reports to the Inspector General or senior ethics official
5 for any entity without an Inspector General, regarding the
6 costs and contracting procedures related to each con-
7 ference held by any such department, agency, board, com-
8 mission, or office during fiscal year 2017 for which the
9 cost to the United States Government was more than
10 \$100,000.

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

14 (1) a description of its purpose;

15 (2) the number of participants attending;

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

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

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

20 (C) the cost of employee or contractor
21 travel to and from the conference; and

22 (D) a discussion of the methodology used
23 to determine which costs relate to the con-
24 ference; and

1 (4) a description of the contracting procedures
2 used including—

3 (A) whether contracts were awarded on a
4 competitive basis; and

5 (B) a discussion of any cost comparison
6 conducted by the departmental component or
7 office in evaluating potential contractors for the
8 conference.

9 (c) Within 15 days after the end of a quarter, the
10 head of any such department, agency, board, commission,
11 or office shall notify the Inspector General or senior ethics
12 official for any entity without an Inspector General, of the
13 date, location, and number of employees attending a con-
14 ference held by any Executive branch department, agency,
15 board, commission, or office funded by this or any other
16 appropriations Act during fiscal year 2017 for which the
17 cost to the United States Government was more than
18 \$20,000.

19 (d) A grant or contract funded by amounts appro-
20 priated by this or any other appropriations Act may not
21 be used for the purpose of defraying the costs of a con-
22 ference described in subsection (c) that is not directly and
23 programmatically related to the purpose for which the
24 grant or contract was awarded, such as a conference held
25 in connection with planning, training, assessment, review,

1 or other routine purposes related to a project funded by
2 the grant or contract.

3 (e) None of the funds made available in this or any
4 other appropriations Act may be used for travel and con-
5 ference activities that are not in compliance with Office
6 of Management and Budget Memorandum M-12-12
7 dated May 11, 2012 or any subsequent revisions to that
8 memorandum.

9 SEC. 740. None of the funds made available in this
10 or any other appropriations Act may be used to increase,
11 eliminate, or reduce funding for a program, project, or ac-
12 tivity as proposed in the President's budget request for
13 a fiscal year until such proposed change is subsequently
14 enacted in an appropriation Act, or unless such change
15 is made pursuant to the reprogramming or transfer provi-
16 sions of this or any other appropriations Act.

17 SEC. 741. (a) None of the funds appropriated or oth-
18 erwise made available by this or any other Act may be
19 available for a contract, grant, or cooperative agreement
20 with an entity that requires employees or contractors of
21 such entity seeking to report fraud, waste, or abuse to sign
22 internal confidentiality agreements or statements prohib-
23 iting or otherwise restricting such employees or contrac-
24 tors from lawfully reporting such waste, fraud, or abuse
25 to a designated investigative or law enforcement represent-

1 ative of a Federal department or agency authorized to re-
2 ceive such information.

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

8 SEC. 742. (a) No funds appropriated in this or any
9 other Act may be used to implement or enforce the agree-
10 ments in Standard Forms 312 and 4414 of the Govern-
11 ment or any other nondisclosure policy, form, or agree-
12 ment if such policy, form, or agreement does not contain
13 the following provisions: “These provisions are consistent
14 with and do not supersede, conflict with, or otherwise alter
15 the employee obligations, rights, or liabilities created by
16 existing statute or Executive order relating to (1) classi-
17 fied information, (2) communications to Congress, (3) the
18 reporting to an Inspector General of a violation of any
19 law, rule, or regulation, or mismanagement, a gross waste
20 of funds, an abuse of authority, or a substantial and spe-
21 cific danger to public health or safety, or (4) any other
22 whistleblower protection. The definitions, requirements,
23 obligations, rights, sanctions, and liabilities created by
24 controlling Executive orders and statutory provisions are
25 incorporated into this agreement and are controlling.”:

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

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

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

1 SEC. 743. None of the funds made available by this
2 or any other Act may be used to enter into a contract,
3 memorandum of understanding, or cooperative agreement
4 with, make a grant to, or provide a loan or loan guarantee
5 to, any corporation that has any unpaid Federal tax liabil-
6 ity that has been assessed, for which all judicial and ad-
7 ministrative remedies have been exhausted or have lapsed,
8 and that is not being paid in a timely manner pursuant
9 to an agreement with the authority responsible for col-
10 lecting the tax liability, where the awarding agency is
11 aware of the unpaid tax liability, unless a Federal agency
12 has considered suspension or debarment of the corporation
13 and has made a determination that this further action is
14 not necessary to protect the interests of the Government.

15 SEC. 744. None of the funds made available by this
16 or any other Act may be used to enter into a contract,
17 memorandum of understanding, or cooperative agreement
18 with, make a grant to, or provide a loan or loan guarantee
19 to, any corporation that was convicted of a felony criminal
20 violation under any Federal law within the preceding 24
21 months, where the awarding agency is aware of the convic-
22 tion, unless a Federal agency has considered suspension
23 or debarment of the corporation and has made a deter-
24 mination that this further action is not necessary to pro-
25 tect the interests of the Government.

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

3 (a) implement, administer, carry out, modify, revise,
4 or enforce Executive Order 13690, entitled “Establishing
5 a Federal Flood Risk Management Standard and a Proc-
6 ess for Further Soliciting and Considering Stakeholder
7 Input” (issued January 30, 2015), until such time as each
8 affected agency—

9 (1) publically releases and submits to the ap-
10 appropriate Congressional committees an implementa-
11 tion plan that identifies all specific agency respon-
12 sibilities and program changes, including an assess-
13 ment of the near term and long term costs and ben-
14 efits of the responsibilities and changes identified in
15 such plan and

16 (2) seeks public comment on any regulation,
17 policy, or guidance to implement Executive Order
18 13690 for not less than 180 days and holds at least
19 one public hearing; or

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

24 (c) apply Executive Order 13690 or the Federal
25 Flood Risk Management Standard by any component of

1 the Department of Defense, including the Army Corps of
2 Engineers in a way that changes the “floodplain” consid-
3 ered when determining whether or not to issue a permit
4 under section 404 of the Federal Water Pollution Control
5 Act (33 U.S.C. 1344) or section 10 of the Act of March
6 3, 1899 (chapter 425, 30 Stat. 1151; 33 U.S.C. 403).

7 SEC. 746. Except as expressly provided otherwise,
8 any reference to “this Act” contained in any title other
9 than title IV or VIII shall not apply to such title IV or
10 VIII.

11 TITLE VIII

12 GENERAL PROVISIONS—DISTRICT OF

13 COLUMBIA

14 (INCLUDING TRANSFERS OF FUNDS)

15 SEC. 801. There are appropriated from the applicable
16 funds of the District of Columbia such sums as may be
17 necessary for making refunds and for the payment of legal
18 settlements or judgments that have been entered against
19 the District of Columbia government.

20 SEC. 802. None of the Federal funds provided in this
21 Act shall be used for publicity or propaganda purposes or
22 implementation of any policy including boycott designed
23 to support or defeat legislation pending before Congress
24 or any State legislature.

1 SEC. 803. (a) None of the Federal funds provided
2 under this Act to the agencies funded by this Act, both
3 Federal and District government agencies, that remain
4 available for obligation or expenditure in fiscal year 2017,
5 or provided from any accounts in the Treasury of the
6 United States derived by the collection of fees available
7 to the agencies funded by this Act, shall be available for
8 obligation or expenditures for an agency through a re-
9 programming of funds which—

10 (1) creates new programs;

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

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

15 (4) increases funds or personnel by any means
16 for any program, project, or responsibility center for
17 which funds have been denied or restricted;

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

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

1 (7) increases by 20 percent or more personnel
2 assigned to a specific program, project or responsi-
3 bility center,
4 unless prior approval is received from the Committees on
5 Appropriations of the House of Representatives and the
6 Senate.

7 (b) The District of Columbia government is author-
8 ized to approve and execute reprogramming and transfer
9 requests of local funds under this title through November
10 7, 2017.

11 SEC. 804. None of the Federal funds provided in this
12 Act may be used by the District of Columbia to provide
13 for salaries, expenses, or other costs associated with the
14 offices of United States Senator or United States Rep-
15 resentative under section 4(d) of the District of Columbia
16 Statehood Constitutional Convention Initiatives of 1979
17 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

18 SEC. 805. Except as otherwise provided in this sec-
19 tion, none of the funds made available by this Act or by
20 any other Act may be used to provide any officer or em-
21 ployee of the District of Columbia with an official vehicle
22 unless the officer or employee uses the vehicle only in the
23 performance of the officer’s or employee’s official duties.
24 For purposes of this section, the term “official duties”

1 does not include travel between the officer's or employee's
2 residence and workplace, except in the case of—

3 (1) an officer or employee of the Metropolitan
4 Police Department who resides in the District of Co-
5 lumbia or is otherwise designated by the Chief of the
6 Department;

7 (2) at the discretion of the Fire Chief, an offi-
8 cer or employee of the District of Columbia Fire and
9 Emergency Medical Services Department who re-
10 sides in the District of Columbia and is on call 24
11 hours a day;

12 (3) at the discretion of the Director of the De-
13 partment of Corrections, an officer or employee of
14 the District of Columbia Department of Corrections
15 who resides in the District of Columbia and is on
16 call 24 hours a day;

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

21 (5) at the discretion of the Director of the
22 Homeland Security and Emergency Management
23 Agency, an officer or employee of the Homeland Se-
24 curity and Emergency Management Agency who re-

1 sides in the District of Columbia and is on call 24
2 hours a day;

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

4 (7) the Chairman of the Council of the District
5 of Columbia.

6 SEC. 806. (a) None of the Federal funds contained
7 in this Act may be used by the District of Columbia Attor-
8 ney General or any other officer or entity of the District
9 government to provide assistance for any petition drive or
10 civil action which seeks to require Congress to provide for
11 voting representation in Congress for the District of Co-
12 lumbia.

13 (b) Nothing in this section bars the District of Co-
14 lumbia Attorney General from reviewing or commenting
15 on briefs in private lawsuits, or from consulting with offi-
16 cials of the District government regarding such lawsuits.

17 SEC. 807. None of the Federal funds contained in
18 this Act may be used for any program of distributing ster-
19 ile needles or syringes for the hypodermic injection of any
20 illegal drug.

21 SEC. 808. Nothing in this Act may be construed to
22 prevent the Council or Mayor of the District of Columbia
23 from addressing the issue of the provision of contraceptive
24 coverage by health insurance plans, but it is the intent
25 of Congress that any legislation enacted on such issue

1 should include a “conscience clause” which provides excep-
2 tions for religious beliefs and moral convictions.

3 SEC. 809. (a) None of the Federal funds contained
4 in this Act may be used to enact or carry out any law,
5 rule, or regulation to legalize or otherwise reduce penalties
6 associated with the possession, use, or distribution of any
7 schedule I substance under the Controlled Substances Act
8 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
9 rivative.

10 (b) No funds available for obligation or expenditure
11 by any officer or employee of the District of Columbia gov-
12 ernment may be used to enact any law, rule, or regulation
13 to legalize or otherwise reduce penalties associated with
14 the possession, use, or distribution of any schedule I sub-
15 stance under the Controlled Substances Act (21 U.S.C.
16 801 et seq.) or any tetrahydrocannabinols derivative for
17 recreational purposes.

18 SEC. 810. No funds available for obligation or ex-
19 penditure by any officer or employee of the District of Co-
20 lumbia government shall be expended for any abortion ex-
21 cept where the life of the mother would be endangered if
22 the fetus were carried to term or where the pregnancy is
23 the result of an act of rape or incest.

24 SEC. 811. (a) No later than 30 calendar days after
25 the date of the enactment of this Act, the Chief Financial

1 Officer for the District of Columbia shall submit to the
2 appropriate committees of Congress, the Mayor, and the
3 Council of the District of Columbia, a revised appropriated
4 funds operating budget in the format of the budget that
5 the District of Columbia government submitted pursuant
6 to section 442 of the District of Columbia Home Rule Act
7 (D.C. Official Code, sec. 1–204.42), for all agencies of the
8 District of Columbia government for fiscal year 2017 that
9 is in the total amount of the approved appropriation and
10 that realigns all budgeted data for personal services and
11 other-than-personal services, respectively, with anticipated
12 actual expenditures.

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

17 SEC. 812. No later than 30 calendar days after the
18 date of the enactment of this Act, the Chief Financial Offi-
19 cer for the District of Columbia shall submit to the appro-
20 priate committees of Congress, the Mayor, and the Council
21 for the District of Columbia, a revised appropriated funds
22 operating budget for the District of Columbia Public
23 Schools that aligns schools budgets to actual enrollment.
24 The revised appropriated funds budget shall be in the for-
25 mat of the budget that the District of Columbia govern-

1 ment submitted pursuant to section 442 of the District
2 of Columbia Home Rule Act (D.C. Official Code, sec. 1–
3 204.42).

4 SEC. 813. (a) Amounts appropriated in this Act as
5 operating funds may be transferred to the District of Co-
6 lumbia’s enterprise and capital funds and such amounts,
7 once transferred, shall retain appropriation authority con-
8 sistent with the provisions of this Act.

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

16 (c) The District of Columbia government may not
17 transfer or reprogram for operating expenses any funds
18 derived from bonds, notes, or other obligations issued for
19 capital projects.

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

24 SEC. 815. Except as otherwise specifically provided
25 by law or under this Act, not to exceed 50 percent of unob-

1 ligated balances remaining available at the end of fiscal
2 year 2017 from appropriations of Federal funds made
3 available for salaries and expenses for fiscal year 2017 in
4 this Act, shall remain available through September 30,
5 2018, for each such account for the purposes authorized:
6 *Provided*, That a request shall be submitted to the Com-
7 mittees on Appropriations of the House of Representatives
8 and the Senate for approval prior to the expenditure of
9 such funds: *Provided further*, That these requests shall be
10 made in compliance with reprogramming guidelines out-
11 lined in section 803 of this Act.

12 SEC. 816. (a)(1) During fiscal year 2018, during a
13 period in which neither a District of Columbia continuing
14 resolution or a regular District of Columbia appropriation
15 bill is in effect, local funds are appropriated in the amount
16 provided for any project or activity for which local funds
17 are provided in the Act referred to in paragraph (2) (sub-
18 ject to any modifications enacted by the District of Colum-
19 bia as of the beginning of the period during which this
20 subsection is in effect) at the rate set forth by such Act.

21 (2) The Act referred to in this paragraph is the Act
22 of the Council of the District of Columbia pursuant to
23 which a proposed budget is approved for fiscal year 2018
24 which (subject to the requirements of the District of Co-
25 lumbia Home Rule Act) will constitute the local portion

1 of the annual budget for the District of Columbia govern-
2 ment for fiscal year 2018 for purposes of section 446 of
3 the District of Columbia Home Rule Act (sec. 1-204.46,
4 D.C. Official Code).

5 (b) Appropriations made by subsection (a) shall cease
6 to be available—

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

10 (2) upon the enactment into law of the regular
11 District of Columbia appropriation bill for fiscal year
12 2018.

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

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

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

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

4 (2) specifically provides that no appropriation
5 shall be made, no funds shall be made available, or
6 no authority shall be granted for such project or ac-
7 tivity to continue for such period.

8 (f) Nothing in this section shall be construed to affect
9 obligations of the government of the District of Columbia
10 mandated by other law.

11 SEC. 817. (a) Effective with respect to fiscal year
12 2013 and each succeeding fiscal year, the Local Budget
13 Autonomy Amendment Act of 2012 (D.C. Law 19–321)
14 is hereby repealed, and any provision of law amended or
15 repealed by such Act shall be restored or revived as if such
16 Act had not been enacted into law.

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

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

23 (B) by adding at the end the following new
24 subsection:

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

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

16 (A) by striking “existing”; and

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

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

23 SEC. 818. Except as expressly provided otherwise,
24 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.

3 **TITLE IX**

4 **SOAR REAUTHORIZATION ACT**

5 **SEC. 901. SHORT TITLE; REFERENCES IN TITLE.**

6 (a) **SHORT TITLE.**—This title may be cited as the
7 “Scholarships for Opportunity and Results Reauthoriza-
8 tion Act” or the “SOAR Reauthorization Act”.

9 (b) **REFERENCES IN TITLE.**—Except as otherwise ex-
10 pressly provided, whenever in this title an amendment is
11 expressed in terms of an amendment to or repeal of a sec-
12 tion or other provision, the reference shall be considered
13 to be made to that section or other provision of the Schol-
14 arships for Opportunity and Results Act (division C of
15 Public Law 112–10; sec. 38–1853.01 et seq., D.C. Official
16 Code).

17 **SEC. 902. REPEAL.**

18 Section 817 of the Consolidated Appropriations Act,
19 2016 (Public Law 114–113) is repealed, and any provision
20 of law amended or repealed by such section is restored
21 or revived as if such section had not been enacted into
22 law.

23 **SEC. 903. PURPOSES.**

24 Section 3003 (sec. 38–1853.03, D.C. Official Code)
25 is amended by striking “particularly parents” and all that

1 follows through “, with” and inserting “particularly par-
2 ents of students who attend an elementary school or sec-
3 ondary school identified as one of the lowest-performing
4 schools under the District of Columbia’s accountability
5 system, with”.

6 **SEC. 904. PROHIBITING IMPOSITION OF LIMITS ON TYPES**
7 **OF ELIGIBLE STUDENTS PARTICIPATING IN**
8 **THE PROGRAM.**

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

11 “(3) PROHIBITING IMPOSITION OF LIMITS ON
12 ELIGIBLE STUDENTS PARTICIPATING IN THE PRO-
13 GRAM.—

14 “(A) IN GENERAL.—In carrying out the
15 program under this division, the Secretary may
16 not limit the number of eligible students receiv-
17 ing scholarships under section 3007(a), and
18 may not prevent otherwise eligible students
19 from participating in the program under this
20 division, based on any of the following:

21 “(i) The type of school the student
22 previously attended.

23 “(ii) Whether or not the student pre-
24 viously received a scholarship or partici-
25 pated in the program, including whether

1 an eligible student was awarded a scholar-
2 ship in any previous year but has not used
3 the scholarship, regardless of the number
4 of years of nonuse.

5 “(iii) Whether or not the student was
6 a member of the control group used by the
7 Institute of Education Sciences to carry
8 out previous evaluations of the program
9 under section 3009.

10 “(B) RULE OF CONSTRUCTION.—Nothing
11 in subparagraph (A) may be construed to waive
12 the requirement under section 3005(b)(1)(B)
13 that the eligible entity carrying out the program
14 under this Act must carry out a random selec-
15 tion process, which gives weight to the priorities
16 described in section 3006, if more eligible stu-
17 dents seek admission in the program than the
18 program can accommodate.”.

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

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

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

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

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

5 “(K) how the entity will ensure the finan-
6 cial viability of participating schools in which
7 85 percent or more of the total number of stu-
8 dents enrolled at the school are participating el-
9 igible students that receive and use an oppor-
10 tunity scholarship;”;

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

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

14 “(N) how the eligible entity will ensure
15 that it—

16 “(i) utilizes internal fiscal and quality
17 controls; and

18 “(ii) complies with applicable financial
19 reporting requirements and the require-
20 ments of this division; and”.

21 **SEC. 906. CLARIFICATION OF PRIORITIES FOR AWARDING**
22 **SCHOLARSHIPS TO ELIGIBLE STUDENTS.**

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

1 (1) in subparagraph (A), by striking “attended”
2 and all that follows through the semicolon and in-
3 serting “attended an elementary school or secondary
4 school identified as one of the lowest-performing
5 schools under the District of Columbia’s account-
6 ability system; and”;

7 (2) by striking subparagraph (B);

8 (3) by redesignating subparagraph (C) as sub-
9 paragraph (B); and

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

14 **SEC. 907. MODIFICATION OF REQUIREMENTS FOR PARTICI-**
15 **PATING SCHOOLS AND ELIGIBLE ENTITIES.**

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

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

21 (2) by striking subparagraph (F) and inserting
22 the following:

23 “(F) ensures that, with respect to core
24 subject matter, participating students are
25 taught by a teacher who has a baccalaureate

1 degree or equivalent degree, whether such de-
2 gree was awarded in or outside of the United
3 States;”; and

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

5 “(G) conducts criminal background checks
6 on school employees who have direct and unsu-
7 pervised interaction with students; and

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

11 (b) ACCREDITATION.—Section 3007(a) (sec. 38–
12 1853.07(a), D.C. Official Code), as amended by subsection
13 (a), is further amended—

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

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

18 “(5) ACCREDITATION REQUIREMENTS.—

19 “(A) IN GENERAL.—None of the funds
20 provided under this division for opportunity
21 scholarships may be used by a participating eli-
22 gible student to enroll in a participating private
23 school unless the school—

24 “(i) in the case of a school that is a
25 participating school as of the date of en-

1 actment of the SOAR Reauthorization
2 Act—

3 “(I) is fully accredited by an ac-
4 crediting body described in any of
5 subparagraphs (A) through (G) of
6 section 2202(16) of the District of
7 Columbia School Reform Act of 1995
8 (Public Law 104–134; sec. 38–
9 1802.02(16)(A)–(G), D.C. Official
10 Code); or

11 “(II) if such participating school
12 does not meet the requirements of
13 subclause (I)—

14 “(aa) not later than 1 year
15 after the date of enactment of
16 the Consolidated Appropriations
17 Act, 2016 (Public Law 114–
18 113), the school is pursuing full
19 accreditation by an accrediting
20 body described in subclause (I);
21 and

22 “(bb) is fully accredited by
23 such an accrediting body not
24 later than 5 years after the date
25 on which that school began the

1 process of pursuing full accredi-
2 tation in accordance with item
3 (aa); and

4 “(ii) in the case of a school that is not
5 a participating school as of the date of en-
6 actment of the SOAR Reauthorization Act,
7 is fully accredited by an accrediting body
8 described in clause (i)(I) before becoming a
9 participating school under this division.

10 “(B) REPORTS TO ELIGIBLE ENTITY.—Not
11 later than 5 years after the date of enactment
12 of the SOAR Reauthorization Act, each partici-
13 pating school shall submit to the eligible entity
14 a certification that the school has been fully ac-
15 credited in accordance with subparagraph (A).

16 “(C) ASSISTING STUDENTS IN ENROLLING
17 IN OTHER SCHOOLS.—If a participating school
18 fails to meet the requirements of this para-
19 graph, the eligible entity shall assist the parents
20 of the participating eligible students who attend
21 the school in identifying, applying to, and en-
22 rolling in another participating school under
23 this division.

24 “(6) TREATMENT OF STUDENTS AWARDED A
25 SCHOLARSHIP IN A PREVIOUS YEAR.—An eligible en-

1 tity shall treat a participating eligible student who
2 was awarded an opportunity scholarship in any pre-
3 vious year and who has not used the scholarship as
4 a renewal student and not as a new applicant, with-
5 out regard as to—

6 “(A) whether the eligible student has used
7 the scholarship; and

8 “(B) the year in which the scholarship was
9 previously awarded.”.

10 (c) REQUIRING USE OF FUNDS REMAINING UNOBLI-
11 GATED FROM PREVIOUS FISCAL YEARS.—

12 (1) IN GENERAL.—Section 3007 (sec. 38-
13 1853.07, D.C. Official Code) is amended by adding
14 at the end the following:

15 “(e) REQUIRING USE OF FUNDS REMAINING UNOBLI-
16 GATED FROM PREVIOUS FISCAL YEARS.—

17 “(1) IN GENERAL.—To the extent that any
18 funds appropriated for the opportunity scholarship
19 program under this division for any fiscal year re-
20 main available for subsequent fiscal years under sec-
21 tion 3014(c), the Secretary shall make such funds
22 available to eligible entities receiving grants under
23 section 3004(a) for the uses described in paragraph
24 (2)—

1 “(A) in the case of any remaining funds
2 that were appropriated before the date of enact-
3 ment of the SOAR Reauthorization Act, begin-
4 ning on the date of enactment of such Act; and

5 “(B) in the case of any remaining funds
6 appropriated on or after the date of enactment
7 of such Act, by the first day of the first subse-
8 quent fiscal year.

9 “(2) USE OF FUNDS.—If an eligible entity to
10 which the Secretary provided additional funds under
11 paragraph (1) elects to use such funds during a fis-
12 cal year, the eligible entity shall use—

13 “(A) not less than 95 percent of such addi-
14 tional funds to provide additional scholarships
15 for eligible students under section 3007(a), or
16 to increase the amount of the scholarships, dur-
17 ing such year; and

18 “(B) not more than a total of 5 percent of
19 such additional funds for administrative ex-
20 penses, parental assistance, or tutoring, as de-
21 scribed in subsections (b) and (c), during such
22 year.

23 “(3) SPECIAL RULE.—Any amounts made avail-
24 able for administrative expenses, parental assistance,
25 or tutoring under paragraph (2)(B) shall be in addi-

1 tion to any other amounts made available for such
2 purposes in accordance with subsections (b) and
3 (c).”.

4 (2) EFFECTIVE DATE.—The amendment made
5 by paragraph (1) shall take effect on the date of en-
6 actment of this title.

7 (d) USE OF FUNDS FOR ADMINISTRATIVE EXPENSES
8 AND PARENTAL ASSISTANCE.—Section 3007 (sec. 38–
9 1853.07, D.C. Official Code), as amended by this section,
10 is further amended—

11 (1) by striking subsections (b) and (c) and in-
12 serting the following:

13 “(b) ADMINISTRATIVE EXPENSES AND PARENTAL
14 ASSISTANCE.—The Secretary shall make \$2,000,000 of
15 the amount made available under section 3014(a)(1) for
16 each fiscal year available to eligible entities receiving a
17 grant under section 3004(a) to cover the following ex-
18 penses:

19 “(1) The administrative expenses of carrying
20 out its program under this division during the year,
21 including—

22 “(A) determining the eligibility of students
23 to participate;

24 “(B) selecting the eligible students to re-
25 ceive scholarships;

1 “(C) determining the amount of the schol-
2 arships and issuing the scholarships to eligible
3 students;

4 “(D) compiling and maintaining financial
5 and programmatic records;

6 “(E) conducting site visits as described in
7 section 3005(b)(1)(I); and

8 “(F)(i) conducting a study, including a
9 survey of participating parents, on any barriers
10 for participating eligible students in gaining ad-
11 mission to, or attending, the participating
12 school that is their first choice; and

13 “(ii) not later than the end of the first full
14 fiscal year after the date of enactment of the
15 SOAR Reauthorization Act, submitting a report
16 to Congress that contains the results of such
17 study.

18 “(2) The expenses of educating parents about
19 the eligible entity’s program under this division, and
20 assisting parents through the application process
21 under this division, including—

22 “(A) providing information about the pro-
23 gram and the participating schools to parents
24 of eligible students, including information on

1 supplemental financial aid that may be available
2 at participating schools;

3 “(B) providing funds to assist parents of
4 students in meeting expenses that might other-
5 wise preclude the participation of eligible stu-
6 dents in the program; and

7 “(C) streamlining the application process
8 for parents.”; and

9 (2) by redesignating subsection (d), and sub-
10 section (e) (as added by subsection (c)(1)), as sub-
11 sections (c) and (d), respectively.

12 (e) CLARIFICATION OF USE OF FUNDS FOR STU-
13 DENT ACADEMIC ASSISTANCE.—Section 3007(c) (sec. 38-
14 1853.07(c), D.C. Official Code), as redesignated by sub-
15 section (d)(2), is amended by striking “previously at-
16 tended” and all that follows through the period at the end
17 and inserting “previously attended an elementary school
18 or secondary school identified as one of the lowest-per-
19 forming schools under the District of Columbia’s account-
20 ability system.”.

21 **SEC. 908. PROGRAM EVALUATION.**

22 (a) REVISION OF EVALUATION PROCEDURES AND
23 REQUIREMENTS.—

1 (1) IN GENERAL.—Section 3009(a) (sec. 38–
2 1853.09(a), D.C. Official Code) is amended to read
3 as follows:

4 “(a) IN GENERAL.—

5 “(1) DUTIES OF THE SECRETARY AND THE
6 MAYOR.—The Secretary and the Mayor of the Dis-
7 trict of Columbia shall—

8 “(A) jointly enter into an agreement with
9 the Institute of Education Sciences of the De-
10 partment of Education to evaluate annually the
11 opportunity scholarship program under this di-
12 vision;

13 “(B) jointly enter into an agreement to
14 monitor and evaluate the use of funds author-
15 ized and appropriated for the District of Co-
16 lumbia public schools and the District of Co-
17 lumbia public charter schools under this divi-
18 sion; and

19 “(C) make the evaluations described in
20 subparagraphs (A) and (B) public in accord-
21 ance with subsection (c).

22 “(2) DUTIES OF THE SECRETARY.—The Sec-
23 retary, through a grant, contract, or cooperative
24 agreement, shall—

1 “(A) ensure that the evaluation under
2 paragraph (1)(A)—

3 “(i) is conducted using an acceptable
4 quasi-experimental research design for de-
5 termining the effectiveness of the oppor-
6 tunity scholarship program under this divi-
7 sion that does not use a control study
8 group consisting of students who applied
9 for but did not receive opportunity scholar-
10 ships; and

11 “(ii) addresses the issues described in
12 paragraph (4); and

13 “(B) disseminate information on the im-
14 pact of the program—

15 “(i) in increasing academic achieve-
16 ment and educational attainment of par-
17 ticipating eligible students who use an op-
18 portunity scholarship; and

19 “(ii) on students and schools in the
20 District of Columbia.

21 “(3) DUTIES OF THE INSTITUTE OF EDU-
22 CATION SCIENCES.—The Institute of Education
23 Sciences of the Department of Education shall—

24 “(A) assess participating eligible students
25 who use an opportunity scholarship in each of

1 grades 3 through 8, as well as one of the grades
2 at the high school level, by supervising the ad-
3 ministration of the same reading and mathe-
4 matics assessment used by the District of Co-
5 lumbia public schools to comply with section
6 1111(b) of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6311(b));

8 “(B) measure the academic achievement of
9 all participating eligible students who use an
10 opportunity scholarship in the grades described
11 in subparagraph (A); and

12 “(C) work with eligible entities receiving a
13 grant under this division to ensure that the par-
14 ents of each student who is a participating eli-
15 gible student that uses an opportunity scholar-
16 ship agrees to permit their child to participate
17 in the evaluations and assessments carried out
18 by the Institute of Education Sciences under
19 this subsection.

20 “(4) ISSUES TO BE EVALUATED.—The issues to
21 be evaluated under paragraph (1)(A) shall include
22 the following:

23 “(A) A comparison of the academic
24 achievement of participating eligible students
25 who use an opportunity scholarship on the

1 measurements described in paragraph (3)(B) to
2 the academic achievement of a comparison
3 group of students with similar backgrounds in
4 the District of Columbia public schools.

5 “(B) The success of the program under
6 this division in expanding choice options for
7 parents of participating eligible students and
8 increasing the satisfaction of such parents and
9 students with their choice.

10 “(C) The reasons parents of participating
11 eligible students choose for their children to
12 participate in the program, including important
13 characteristics for selecting schools.

14 “(D) A comparison of the retention rates,
15 high school graduation rates, college enrollment
16 rates, college persistence rates, and college
17 graduation rates of participating eligible stu-
18 dents who use an opportunity scholarship with
19 the rates of students in the comparison group
20 described in subparagraph (A).

21 “(E) A comparison of the college enroll-
22 ment rates, college persistence rates, and col-
23 lege graduation rates of students who partici-
24 pated in the program in 2004, 2005, 2011,
25 2012, 2013, 2014, and 2015 as the result of

1 winning the Opportunity Scholarship Program
2 lottery with such enrollment, persistence, and
3 graduation rates for students who entered but
4 did not win such lottery in those years and who,
5 as a result, served as the control group for pre-
6 vious evaluations of the program under this di-
7 vision. Nothing in this subparagraph may be
8 construed to waive section 3004(a)(3)(A)(iii)
9 with respect to any such student.

10 “(F) A comparison of the safety of the
11 schools attended by participating eligible stu-
12 dents who use an opportunity scholarship and
13 the schools in the District of Columbia attended
14 by students in the comparison group described
15 in subparagraph (A), based on the perceptions
16 of the students and parents.

17 “(G) An assessment of student academic
18 achievement at participating schools in which
19 85 percent of the total number of students en-
20 rolled at the school are participating eligible
21 students who receive and use an opportunity
22 scholarship.

23 “(H) Such other issues with respect to
24 participating eligible students who use an op-
25 portunity scholarship as the Secretary considers

1 appropriate for inclusion in the evaluation, such
2 as the impact of the program on public elemen-
3 tary schools and secondary schools in the Dis-
4 trict of Columbia.

5 “(5) PROHIBITING DISCLOSURE OF PERSONAL
6 INFORMATION.—

7 “(A) IN GENERAL.—Any disclosure of per-
8 sonally identifiable information obtained under
9 this division shall be in compliance with section
10 444 of the General Education Provisions Act
11 (commonly known as the ‘Family Educational
12 Rights and Privacy Act of 1974’) (20 U.S.C.
13 1232g).

14 “(B) STUDENTS NOT ATTENDING PUBLIC
15 SCHOOLS.—With respect to any student who is
16 not attending a public elementary school or sec-
17 ondary school, personally identifiable informa-
18 tion obtained under this division shall only be
19 disclosed to—

20 “(i) individuals carrying out the eval-
21 uation described in paragraph (1)(A) for
22 such student;

23 “(ii) the group of individuals pro-
24 viding information for carrying out the
25 evaluation of such student; and

1 “(iii) the parents of such student.”.

2 (2) TRANSITION OF EVALUATION.—

3 (A) TERMINATION OF PREVIOUS EVALUA-
4 TIONS.—The Secretary of Education shall—

5 (i) terminate the evaluations con-
6 ducted under section 3009(a) of the Schol-
7 arships for Opportunity and Results Act
8 (sec. 38–1853.09(a), D.C. Official Code),
9 as in effect on the day before the date of
10 enactment of this title, after obtaining
11 data for the 2016–2017 school year; and

12 (ii) submit any reports required for
13 the 2016–2017 school year or preceding
14 years with respect to the evaluations in ac-
15 cordance with section 3009(b) of such Act.

16 (B) NEW EVALUATIONS.—

17 (i) IN GENERAL.—Effective beginning
18 with respect to the 2017–2018 school year,
19 the Secretary shall conduct new evalua-
20 tions in accordance with the provisions of
21 section 3009(a) of the Scholarships for Op-
22 portunity and Results Act (sec. 38–
23 1853.09(a), D.C. Official Code), as amend-
24 ed by this title.

1 (ii) MOST RECENT EVALUATION.—As
2 a component of the new evaluations de-
3 scribed in clause (i), the Secretary shall
4 continue to monitor and evaluate the stu-
5 dents who were evaluated in the most re-
6 cent evaluation under such section prior to
7 the date of enactment of this title, includ-
8 ing by monitoring and evaluating the test
9 scores and other information of such stu-
10 dents.

11 (b) DUTY OF MAYOR TO ENSURE INSTITUTE HAS
12 ALL INFORMATION NECESSARY TO CARRY OUT EVALUA-
13 TIONS.—Section 3011(a)(1) (sec. 38–1853.11(a)(1), D.C.
14 Official Code) is amended to read as follows:

15 “(1) INFORMATION NECESSARY TO CARRY OUT
16 EVALUATIONS.—Ensure that all District of Colum-
17 bia public schools and District of Columbia public
18 charter schools make available to the Institute of
19 Education Sciences of the Department of Education
20 all of the information the Institute requires to carry
21 out the assessments and perform the evaluations re-
22 quired under section 3009(a).”

1 **SEC. 909. FUNDING FOR DISTRICT OF COLUMBIA PUBLIC**
2 **SCHOOLS AND PUBLIC CHARTER SCHOOLS.**

3 (a) MANDATORY WITHHOLDING OF FUNDS FOR
4 FAILURE TO COMPLY WITH CONDITIONS.—Section
5 3011(b) (sec. 38–1853.11(b), D.C. Official Code) is
6 amended to read as follows:

7 “(b) ENFORCEMENT.—If, after reasonable notice and
8 an opportunity for a hearing, the Secretary determines
9 that the Mayor has failed to comply with any of the re-
10 quirements of subsection (a), the Secretary may withhold
11 from the Mayor, in whole or in part—

12 “(1) the funds otherwise authorized to be ap-
13 propriated under section 3014(a)(2), if the failure to
14 comply relates to the District of Columbia public
15 schools;

16 “(2) the funds otherwise authorized to be ap-
17 propriated under section 3014(a)(3), if the failure to
18 comply relates to the District of Columbia public
19 charter schools; or

20 “(3) the funds otherwise authorized to be ap-
21 propriated under both paragraphs (2) and (3) of
22 section 3014(a), if the failure relates to both the
23 District of Columbia public schools and the District
24 of Columbia public charter schools.”.

25 (b) RULES FOR USE OF FUNDS PROVIDED FOR SUP-
26 PORT OF PUBLIC CHARTER SCHOOLS.—Section 3011

1 (sec. 38–1853.11, D.C. Official Code), as amended by sec-
2 tion 7(b) and section 8(a), is further amended—

3 (1) by redesignating subsection (c) as sub-
4 section (d); and

5 (2) by inserting after subsection (b) the fol-
6 lowing new subsection:

7 “(c) SPECIFIC RULES REGARDING FUNDS PROVIDED
8 FOR SUPPORT OF PUBLIC CHARTER SCHOOLS.—The fol-
9 lowing rules shall apply with respect to the funds provided
10 under this division for the support of District of Columbia
11 public charter schools:

12 “(1) The Secretary may direct the funds pro-
13 vided for any fiscal year, or any portion thereof, to
14 the Office of the State Superintendent of Education
15 of the District of Columbia.

16 “(2) The Office of the State Superintendent of
17 Education of the District of Columbia may transfer
18 the funds to subgrantees that are—

19 “(A) specific District of Columbia public
20 charter schools or networks of such schools; or

21 “(B) District of Columbia-based nonprofit
22 organizations with experience in successfully
23 providing support or assistance to District of
24 Columbia public charter schools or networks of
25 such schools.

1 “(3) The funds provided under this division for
2 the support of District of Columbia public charter
3 schools shall be available to any District of Columbia
4 public charter school in good standing with the Dis-
5 trict of Columbia Charter School Board, and the Of-
6 fice of the State Superintendent of Education of the
7 District of Columbia and the District of Columbia
8 Charter School Board may not restrict the avail-
9 ability of such funds to certain types of schools on
10 the basis of the school’s location, governing body, or
11 the school’s facilities.”.

12 **SEC. 910. REVISION OF CURRENT MEMORANDUM OF UN-**
13 **DERSTANDING.**

14 Not later than the beginning of the 2017–2018 school
15 year, the Secretary of Education and the Mayor of the
16 District of Columbia shall revise the memorandum of un-
17 derstanding which is in effect under section 3012(d) of
18 the Scholarships for Opportunity and Results Act as of
19 the day before the date of the enactment of this title to
20 address the following:

21 (1) The amendments made by this title.

22 (2) The need to ensure that participating
23 schools under the Scholarships for Opportunity and
24 Results Act meet fire code standards and maintain
25 certificates of occupancy.

1 (3) The need to ensure that District of Colum-
2 bia public schools and District of Columbia public
3 charter schools meet the requirements under such
4 Act to comply with all reasonable requests for infor-
5 mation necessary to carry out the evaluations re-
6 quired under section 3009(a) of such Act.

7 **SEC. 911. DEFINITIONS.**

8 Section 3013 (sec. 38–1853.13, D.C. Official Code)
9 is amended—

10 (1) by redesignating paragraphs (1) through
11 (10) as paragraphs (2) through (11), respectively;

12 (2) by inserting before paragraph (2), as reded-
13 ignated by paragraph (1), the following:

14 “(1) CORE SUBJECT MATTER.—The term ‘core
15 subject matter’ means—

16 “(A) mathematics;

17 “(B) science; and

18 “(C) English, reading, or language arts.”;

19 and

20 (3) in paragraph (4)(B)(ii), as redesignated by
21 paragraph (1), by inserting “household with a” be-
22 fore “student”.

1 **SEC. 912. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
2 **TIONS.**

3 (a) IN GENERAL.—Section 3014 (sec. 38–1853.14,
4 D.C. Official Code) is amended—

5 (1) in subsection (a), by striking “and for each
6 of the 4 succeeding fiscal years” and inserting “and
7 for each fiscal year through fiscal year 2021”; and

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

9 “(c) AVAILABILITY.—Amounts appropriated under
10 subsection (a)(1), including amounts appropriated and
11 available under such subsection before the date of enact-
12 ment of the SOAR Reauthorization Act, shall remain
13 available until expended.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a)(2) shall take effect on the date of enact-
16 ment of this title.

17 **SEC. 913. EFFECTIVE DATE.**

18 Except as otherwise provided, the amendments made
19 by this title shall apply with respect to school year 2017–
20 2018 and each succeeding school year.

21 **TITLE X**

22 **SEC SMALL BUSINESS ADVOCATE ACT**

23 **SEC. 1001. SHORT TITLE.**

24 This title may be cited as the “SEC Small Business
25 Advocate Act of 2016”.

1 **SEC. 1002. ESTABLISHMENT OF OFFICE OF THE ADVOCATE**
2 **FOR SMALL BUSINESS CAPITAL FORMATION**
3 **AND SMALL BUSINESS CAPITAL FORMATION**
4 **ADVISORY COMMITTEE.**

5 (a) OFFICE OF THE ADVOCATE FOR SMALL BUSI-
6 NESS CAPITAL FORMATION.—Section 4 of the Securities
7 Exchange Act of 1934 (15 U.S.C. 78d) is amended by
8 adding at the end the following:

9 “(j) OFFICE OF THE ADVOCATE FOR SMALL BUSI-
10 NESS CAPITAL FORMATION.—

11 “(1) OFFICE ESTABLISHED.—There is estab-
12 lished within the Commission the Office of the Advo-
13 cate for Small Business Capital Formation (here-
14 after in this subsection referred to as the ‘Office’).

15 “(2) ADVOCATE FOR SMALL BUSINESS CAPITAL
16 FORMATION.—

17 “(A) IN GENERAL.—The head of the Of-
18 fice shall be the Advocate for Small Business
19 Capital Formation, who shall—

20 “(i) report directly to the Commission;

21 and

22 “(ii) be appointed by the Commission,
23 from among individuals having experience
24 in advocating for the interests of small
25 businesses and encouraging small business
26 capital formation.

1 “(B) COMPENSATION.—The annual rate of
2 pay for the Advocate for Small Business Cap-
3 ital Formation shall be equal to the highest rate
4 of annual pay for other senior executives who
5 report directly to the Commission.

6 “(C) NO CURRENT EMPLOYEE OF THE
7 COMMISSION.—An individual may not be ap-
8 pointed as the Advocate for Small Business
9 Capital Formation if the individual is currently
10 employed by the Commission.

11 “(3) STAFF OF OFFICE.—The Advocate for
12 Small Business Capital Formation, after consulta-
13 tion with the Commission, may retain or employ
14 independent counsel, research staff, and service
15 staff, as the Advocate for Small Business Capital
16 Formation determines to be necessary to carry out
17 the functions of the Office.

18 “(4) FUNCTIONS OF THE ADVOCATE FOR
19 SMALL BUSINESS CAPITAL FORMATION.—The Advo-
20 cate for Small Business Capital Formation shall—

21 “(A) assist small businesses and small
22 business investors in resolving significant prob-
23 lems such businesses and investors may have
24 with the Commission or with self-regulatory or-
25 ganizations;

1 “(B) identify areas in which small busi-
2 nesses and small business investors would ben-
3 efit from changes in the regulations of the
4 Commission or the rules of self-regulatory orga-
5 nizations;

6 “(C) identify problems that small busi-
7 nesses have with securing access to capital, in-
8 cluding any unique challenges to minority-
9 owned and women-owned small businesses;

10 “(D) analyze the potential impact on small
11 businesses and small business investors of—

12 “(i) proposed regulations of the Com-
13 mission that are likely to have a significant
14 economic impact on small businesses and
15 small business capital formation; and

16 “(ii) proposed rules that are likely to
17 have a significant economic impact on
18 small businesses and small business capital
19 formation of self-regulatory organizations
20 registered under this title;

21 “(E) conduct outreach to small businesses
22 and small business investors, including through
23 regional roundtables, in order to solicit views on
24 relevant capital formation issues;

1 “(F) to the extent practicable, propose to
2 the Commission changes in the regulations or
3 orders of the Commission and to Congress any
4 legislative, administrative, or personnel changes
5 that may be appropriate to mitigate problems
6 identified under this paragraph and to promote
7 the interests of small businesses and small busi-
8 ness investors;

9 “(G) consult with the Investor Advocate on
10 proposed recommendations made under sub-
11 paragraph (F); and

12 “(H) advise the Investor Advocate on
13 issues related to small businesses and small
14 business investors.

15 “(5) ACCESS TO DOCUMENTS.—The Commis-
16 sion shall ensure that the Advocate for Small Busi-
17 ness Capital Formation has full access to the docu-
18 ments and information of the Commission and any
19 self-regulatory organization, as necessary to carry
20 out the functions of the Office.

21 “(6) ANNUAL REPORT ON ACTIVITIES.—

22 “(A) IN GENERAL.—Not later than De-
23 cember 31 of each year after 2015, the Advo-
24 cate for Small Business Capital Formation shall
25 submit to the Committee on Banking, Housing,

1 and Urban Affairs of the Senate and the Com-
2 mittee on Financial Services of the House of
3 Representatives a report on the activities of the
4 Advocate for Small Business Capital Formation
5 during the immediately preceding fiscal year.

6 “(B) CONTENTS.—Each report required
7 under subparagraph (A) shall include—

8 “(i) appropriate statistical information
9 and full and substantive analysis;

10 “(ii) information on steps that the
11 Advocate for Small Business Capital For-
12 mation has taken during the reporting pe-
13 riod to improve small business services and
14 the responsiveness of the Commission and
15 self-regulatory organizations to small busi-
16 ness and small business investor concerns;

17 “(iii) a summary of the most serious
18 issues encountered by small businesses and
19 small business investors, including any
20 unique issues encountered by minority-
21 owned and women-owned small businesses
22 and their investors, during the reporting
23 period;

24 “(iv) an inventory of the items sum-
25 marized under clause (iii) (including items

1 summarized under such clause for any
2 prior reporting period on which no action
3 has been taken or that have not been re-
4 solved to the satisfaction of the Advocate
5 for Small Business Capital Formation as
6 of the beginning of the reporting period
7 covered by the report) that includes—

8 “(I) identification of any action
9 taken by the Commission or the self-
10 regulatory organization and the result
11 of such action;

12 “(II) the length of time that each
13 item has remained on such inventory;
14 and

15 “(III) for items on which no ac-
16 tion has been taken, the reasons for
17 inaction, and an identification of any
18 official who is responsible for such ac-
19 tion;

20 “(v) recommendations for such
21 changes to the regulations, guidance and
22 orders of the Commission and such legisla-
23 tive actions as may be appropriate to re-
24 solve problems with the Commission and
25 self-regulatory organizations encountered

1 by small businesses and small business in-
2 vestors and to encourage small business
3 capital formation; and

4 “(vi) any other information, as deter-
5 mined appropriate by the Advocate for
6 Small Business Capital Formation.

7 “(C) CONFIDENTIALITY.—No report re-
8 quired by subparagraph (A) may contain con-
9 fidential information.

10 “(D) INDEPENDENCE.—Each report re-
11 quired under subparagraph (A) shall be pro-
12 vided directly to the committees of Congress
13 listed in such subparagraph without any prior
14 review or comment from the Commission, any
15 commissioner, any other officer or employee of
16 the Commission, or the Office of Management
17 and Budget.

18 “(7) REGULATIONS.—The Commission shall es-
19 tablish procedures requiring a formal response to all
20 recommendations submitted to the Commission by
21 the Advocate for Small Business Capital Formation,
22 not later than 3 months after the date of such sub-
23 mission.

24 “(8) GOVERNMENT-BUSINESS FORUM ON SMALL
25 BUSINESS CAPITAL FORMATION.—The Advocate for

1 Small Business Capital Formation shall be respon-
2 sible for planning, organizing, and executing the an-
3 nual Government-Business Forum on Small Busi-
4 ness Capital Formation described in section 503 of
5 the Small Business Investment Incentive Act of
6 1980 (15 U.S.C. 80c-1).

7 “(9) RULE OF CONSTRUCTION.—Nothing in
8 this subsection may be construed as replacing or re-
9 ducing the responsibilities of the Investor Advocate
10 with respect to small business investors.”

11 (b) SMALL BUSINESS CAPITAL FORMATION ADVI-
12 SORY COMMITTEE.—Title I of the Securities Exchange
13 Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding
14 at the end the following:

15 **“SEC. 40. SMALL BUSINESS CAPITAL FORMATION ADVISORY**
16 **COMMITTEE.**

17 “(a) ESTABLISHMENT AND PURPOSE.—

18 “(1) ESTABLISHMENT.—There is established
19 within the Commission the Small Business Capital
20 Formation Advisory Committee (hereafter in this
21 section referred to as the ‘Committee’).

22 “(2) FUNCTIONS.—

23 “(A) IN GENERAL.—The Committee shall
24 provide the Commission with advice on the
25 Commission’s rules, regulations, and policies

1 with regard to the Commission’s mission of pro-
2 tecting investors, maintaining fair, orderly, and
3 efficient markets, and facilitating capital forma-
4 tion, as such rules, regulations, and policies re-
5 late to—

6 “(i) capital raising by emerging, pri-
7 vately held small businesses (‘emerging
8 companies’) and publicly traded companies
9 with less than \$250,000,000 in public mar-
10 ket capitalization (‘smaller public compa-
11 nies’) through securities offerings, includ-
12 ing private and limited offerings and initial
13 and other public offerings;

14 “(ii) trading in the securities of
15 emerging companies and smaller public
16 companies; and

17 “(iii) public reporting and corporate
18 governance requirements of emerging com-
19 panies and smaller public companies.

20 “(B) LIMITATION.—The Committee shall
21 not provide any advice with respect to any poli-
22 cies, practices, actions, or decisions concerning
23 the Commission’s enforcement program.

24 “(b) MEMBERSHIP.—

1 “(1) IN GENERAL.—The members of the Com-
2 mittee shall be—

3 “(A) the Advocate for Small Business Cap-
4 ital Formation;

5 “(B) not fewer than 10, and not more than
6 20, members appointed by the Commission,
7 from among individuals—

8 “(i) who represent—

9 “(I) emerging companies engag-
10 ing in private and limited securities
11 offerings or considering initial public
12 offerings (‘IPO’) (including the com-
13 panies’ officers and directors);

14 “(II) the professional advisors of
15 such companies (including attorneys,
16 accountants, investment bankers, and
17 financial advisors); and

18 “(III) the investors in such com-
19 panies (including angel investors, ven-
20 ture capital funds, and family offices);

21 “(ii) who are officers or directors of
22 minority-owned small businesses or
23 women-owned small businesses;

24 “(iii) who represent—

1 “(I) smaller public companies
2 (including the companies’ officers and
3 directors);

4 “(II) the professional advisors of
5 such companies (including attorneys,
6 auditors, underwriters, and financial
7 advisors); and

8 “(III) the pre-IPO and post-IPO
9 investors in such companies (both in-
10 stitutional, such as venture capital
11 funds, and individual, such as angel
12 investors); and

13 “(iv) who represent participants in the
14 marketplace for the securities of emerging
15 companies and smaller public companies,
16 such as securities exchanges, alternative
17 trading systems, analysts, information
18 processors, and transfer agents; and

19 “(C) three non-voting members—

20 “(i) one of whom shall be appointed
21 by the Investor Advocate;

22 “(ii) one of whom shall be appointed
23 by the North American Securities Adminis-
24 trators Association; and

1 “(iii) one of whom shall be appointed
2 by the Administrator of the Small Busi-
3 ness Administration.

4 “(2) TERM.—Each member of the Committee
5 appointed under subparagraph (B), (C)(ii), or
6 (C)(iii) of paragraph (1) shall serve for a term of 4
7 years.

8 “(3) MEMBERS NOT COMMISSION EMPLOY-
9 EES.—Members appointed under subparagraph (B),
10 (C)(ii), or (C)(iii) of paragraph (1) shall not be
11 treated as employees or agents of the Commission
12 solely because of membership on the Committee.

13 “(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; AS-
14 SISTANT SECRETARY.—

15 “(1) IN GENERAL.—The members of the Com-
16 mittee shall elect, from among the members of the
17 Committee—

18 “(A) a chairman;

19 “(B) a vice chairman;

20 “(C) a secretary; and

21 “(D) an assistant secretary.

22 “(2) TERM.—Each member elected under para-
23 graph (1) shall serve for a term of 3 years in the
24 capacity for which the member was elected under
25 paragraph (1).

1 “(d) MEETINGS.—

2 “(1) FREQUENCY OF MEETINGS.—The Com-
3 mittee shall meet—

4 “(A) not less frequently than four times
5 annually, at the call of the chairman of the
6 Committee; and

7 “(B) from time to time, at the call of the
8 Commission.

9 “(2) NOTICE.—The chairman of the Committee
10 shall give the members of the Committee written no-
11 tice of each meeting, not later than 2 weeks before
12 the date of the meeting.

13 “(e) COMPENSATION AND TRAVEL EXPENSES.—
14 Each member of the Committee who is not a full-time em-
15 ployee of the United States shall—

16 “(1) be entitled to receive compensation at a
17 rate not to exceed the daily equivalent of the annual
18 rate of basic pay in effect for a position at level V
19 of the Executive Schedule under section 5316 of title
20 5, United States Code, for each day during which
21 the member is engaged in the actual performance of
22 the duties of the Committee; and

23 “(2) while away from the home or regular place
24 of business of the member in the performance of
25 services for the Committee, be allowed travel ex-

1 penses, including per diem in lieu of subsistence, in
2 the same manner as persons employed intermittently
3 in the Government service are allowed expenses
4 under section 5703 of title 5, United States Code.

5 “(f) STAFF.—The Commission shall make available
6 to the Committee such staff as the chairman of the Com-
7 mittee determines are necessary to carry out this section.

8 “(g) REVIEW BY COMMISSION.—The Commission
9 shall—

10 “(1) review the findings and recommendations
11 of the Committee; and

12 “(2) each time the Committee submits a finding
13 or recommendation to the Commission, promptly
14 issue a public statement—

15 “(A) assessing the finding or recommenda-
16 tion of the Committee; and

17 “(B) disclosing the action, if any, the Com-
18 mission intends to take with respect to the find-
19 ing or recommendation.

20 “(h) FEDERAL ADVISORY COMMITTEE ACT.—The
21 Federal Advisory Committee Act (5 U.S.C. App.) shall not
22 apply with respect to the Committee and its activities.”.

23 “(c) ANNUAL GOVERNMENT-BUSINESS FORUM ON
24 SMALL BUSINESS CAPITAL FORMATION.—Section 503(a)
25 of the Small Business Investment Incentive Act of 1980

1 (15 U.S.C. 80c–1(a)) is amended by inserting “(acting
2 through the Office of the Advocate for Small Business
3 Capital Formation and in consultation with the Small
4 Business Capital Formation Advisory Committee)” after
5 “Securities and Exchange Commission”.

6 **TITLE XI**

7 **FINANCIAL INSTITUTION BANKRUPTCY ACT**

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Financial Institution
10 Bankruptcy Act of 2016”.

11 **SEC. 1102. GENERAL PROVISIONS RELATING TO COVERED**
12 **FINANCIAL CORPORATIONS.**

13 (a) DEFINITION.—Section 101 of title 11, United
14 States Code, is amended by inserting the following after
15 paragraph (9):

16 “(9A) The term ‘covered financial corporation’
17 means any corporation incorporated or organized
18 under any Federal or State law, other than a stock-
19 broker, a commodity broker, or an entity of the kind
20 specified in paragraph (2) or (3) of section 109(b),
21 that is—

22 “(A) a bank holding company, as defined
23 in section 2(a) of the Bank Holding Company
24 Act of 1956; or

1 “(B) a corporation that exists for the pri-
2 mary purpose of owning, controlling and financ-
3 ing its subsidiaries, that has total consolidated
4 assets of \$50,000,000,000 or greater, and for
5 which, in its most recently completed fiscal
6 year—

7 “(i) annual gross revenues derived by
8 the corporation and all of its subsidiaries
9 from activities that are financial in nature
10 (as defined in section 4(k) of the Bank
11 Holding Company Act of 1956) and, if ap-
12 plicable, from the ownership or control of
13 one or more insured depository institu-
14 tions, represents 85 percent or more of the
15 consolidated annual gross revenues of the
16 corporation; or

17 “(ii) the consolidated assets of the
18 corporation and all of its subsidiaries re-
19 lated to activities that are financial in na-
20 ture (as defined in section 4(k) of the
21 Bank Holding Company Act of 1956) and,
22 if applicable, related to the ownership or
23 control of one or more insured depository
24 institutions, represents 85 percent or more

1 of the consolidated assets of the corpora-
2 tion.”.

3 (b) APPLICABILITY OF CHAPTERS.—Section 103 of
4 title 11, United States Code, is amended by adding at the
5 end the following:

6 “(l) Subchapter V of chapter 11 of this title applies
7 only in a case under chapter 11 concerning a covered fi-
8 nancial corporation.”.

9 (c) WHO MAY BE A DEBTOR.—Section 109 of title
10 11, United States Code, is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (2), by striking “or” at
13 the end;

14 (B) in paragraph (3)(B), by striking the
15 period at the end and inserting “; or”; and

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

17 “(4) a covered financial corporation.”; and

18 (2) in subsection (d)—

19 (A) by striking “and” before “an unin-
20 sured State member bank”;

21 (B) by striking “or” before “a corpora-
22 tion”; and

23 (C) by inserting “, or a covered financial
24 corporation” after “Federal Deposit Insurance
25 Corporation Improvement Act of 1991”.

1 (d) CONVERSION TO CHAPTER 7.—Section 1112 of
2 title 11, United States Code, is amended by adding at the
3 end the following:

4 “(g) Notwithstanding section 109(b), the court may
5 convert a case under subchapter V to a case under chapter
6 7 if—

7 “(1) a transfer approved under section 1185
8 has been consummated;

9 “(2) the court has ordered the appointment of
10 a special trustee under section 1186; and

11 “(3) the court finds, after notice and a hearing,
12 that conversion is in the best interest of the credi-
13 tors and the estate.”.

14 (e)(1) Section 726(a)(1) of title 11, United States
15 Code, is amended by inserting after “first,” the following:
16 “in payment of any unpaid fees, costs, and expenses of
17 a special trustee appointed under section 1186, and then”.

18 (2) Section 1129(a) of title 11, United States Code,
19 is amended by inserting after paragraph (16) the fol-
20 lowing:

21 “(17) In a case under subchapter V, all payable
22 fees, costs, and expenses of the special trustee have
23 been paid or the plan provides for the payment of
24 all such fees, costs, and expenses on the effective
25 date of the plan.

1 “(18) In a case under subchapter V, confirma-
2 tion of the plan is not likely to cause serious adverse
3 effects on financial stability in the United States.”.

4 (f) Section 322(b)(2) of title 11, United States Code,
5 is amended by striking “The” and inserting “In cases
6 under subchapter V, the United States trustee shall rec-
7 ommend to the court, and in all other cases, the”.

8 **SEC. 1103. LIQUIDATION, REORGANIZATION, OR RECAPI-**
9 **TALIZATION OF A COVERED FINANCIAL COR-**
10 **PORATION.**

11 Chapter 11 of title 11, United States Code, is amend-
12 ed by adding at the end the following:

13 “SUBCHAPTER V—LIQUIDATION, REORGANIZA-
14 TION, OR RECAPITALIZATION OF A COV-
15 ERED FINANCIAL CORPORATION

16 **“§ 1181. Inapplicability of other sections**

17 “Sections 303 and 321(e) do not apply in a case
18 under this subchapter concerning a covered financial cor-
19 poration. Section 365 does not apply to a transfer under
20 section 1185, 1187, or 1188.

21 **“§ 1182. Definitions for this subchapter**

22 “In this subchapter, the following definitions shall
23 apply:

24 “(1) The term ‘Board’ means the Board of
25 Governors of the Federal Reserve System.

1 “(2) The term ‘bridge company’ means a newly
2 formed corporation to which property of the estate
3 may be transferred under section 1185(a) and the
4 equity securities of which may be transferred to a
5 special trustee under section 1186(a).

6 “(3) The term ‘capital structure debt’ means all
7 unsecured debt of the debtor for borrowed money for
8 which the debtor is the primary obligor, other than
9 a qualified financial contract and other than debt se-
10 cured by a lien on property of the estate that is to
11 be transferred to a bridge company pursuant to an
12 order of the court under section 1185(a).

13 “(4) The term ‘contractual right’ means a con-
14 tractual right of a kind defined in section 555, 556,
15 559, 560, or 561.

16 “(5) The term ‘qualified financial contract’
17 means any contract of a kind defined in paragraph
18 (25), (38A), (47), or (53B) of section 101, section
19 741(7), or paragraph (4), (5), (11), or (13) of sec-
20 tion 761.

21 “(6) The term ‘special trustee’ means the trust-
22 ee of a trust formed under section 1186(a)(1).

1 **“§ 1183. Commencement of a case concerning a cov-**
2 **ered financial corporation**

3 “(a) A case under this subchapter concerning a cov-
4 ered financial corporation may be commenced by the filing
5 of a petition with the court by the debtor under section
6 301 only if the debtor states to the best of its knowledge
7 under penalty of perjury in the petition that it is a covered
8 financial corporation.

9 “(b) The commencement of a case under subsection
10 (a) constitutes an order for relief under this subchapter.

11 “(c) The members of the board of directors (or body
12 performing similar functions) of a covered financial com-
13 pany shall have no liability to shareholders, creditors, or
14 other parties in interest for a good faith filing of a petition
15 to commence a case under this subchapter, or for any rea-
16 sonable action taken in good faith in contemplation of or
17 in connection with such a petition or a transfer under sec-
18 tion 1185 or section 1186, whether prior to or after com-
19 mencement of the case.

20 “(d) Counsel to the debtor shall provide, to the great-
21 est extent practicable without disclosing the identity of the
22 potential debtor, sufficient confidential notice to the chief
23 judge of the court of appeals for the circuit embracing the
24 district in which such counsel intends to file a petition to
25 commence a case under this subchapter regarding the po-
26 tential commencement of such case. The chief judge of

1 such court shall randomly assign to preside over such case
2 a bankruptcy judge selected from among the bankruptcy
3 judges designated by the Chief Justice of the United
4 States under section 298 of title 28.

5 **“§ 1184. Regulators**

6 “The Board, the Securities Exchange Commission,
7 the Office of the Comptroller of the Currency of the De-
8 partment of the Treasury, the Commodity Futures Trad-
9 ing Commission, and the Federal Deposit Insurance Cor-
10 poration may raise and may appear and be heard on any
11 issue in any case or proceeding under this subchapter.

12 **“§ 1185. Special transfer of property of the estate**

13 “(a) On request of the trustee, and after notice and
14 a hearing that shall occur not less than 24 hours after
15 the order for relief, the court may order a transfer under
16 this section of property of the estate, and the assignment
17 of executory contracts, unexpired leases, and qualified fi-
18 nancial contracts of the debtor, to a bridge company.
19 Upon the entry of an order approving such transfer, any
20 property transferred, and any executory contracts, unex-
21 pired leases, and qualified financial contracts assigned
22 under such order shall no longer be property of the estate.
23 Except as provided under this section, the provisions of
24 section 363 shall apply to a transfer and assignment under
25 this section.

1 “(b) Unless the court orders otherwise, notice of a
2 request for an order under subsection (a) shall consist of
3 electronic or telephonic notice of not less than 24 hours
4 to—

5 “(1) the debtor;

6 “(2) the holders of the 20 largest secured
7 claims against the debtor;

8 “(3) the holders of the 20 largest unsecured
9 claims against the debtor;

10 “(4) counterparties to any debt, executory con-
11 tract, unexpired lease, and qualified financial con-
12 tract requested to be transferred under this section;

13 “(5) the Board;

14 “(6) the Federal Deposit Insurance Corpora-
15 tion;

16 “(7) the Secretary of the Treasury and the Of-
17 fice of the Comptroller of the Currency of the Treas-
18 ury;

19 “(8) the Commodity Futures Trading Commis-
20 sion;

21 “(9) the Securities and Exchange Commission;

22 “(10) the United States trustee or bankruptcy
23 administrator; and

24 “(11) each primary financial regulatory agency,
25 as defined in section 2(12) of the Dodd-Frank Wall

1 Street Reform and Consumer Protection Act, with
2 respect to any affiliate the equity securities of which
3 are proposed to be transferred under this section.

4 “(c) The court may not order a transfer under this
5 section unless the court determines, based upon a prepon-
6 derance of the evidence, that—

7 “(1) the transfer under this section is necessary
8 to prevent serious adverse effects on financial sta-
9 bility in the United States;

10 “(2) the transfer does not provide for the as-
11 sumption of any capital structure debt by the bridge
12 company;

13 “(3) the transfer does not provide for the trans-
14 fer to the bridge company of any property of the es-
15 tate that is subject to a lien securing a debt, execu-
16 tory contract, unexpired lease or agreement (includ-
17 ing a qualified financial contract) of the debtor un-
18 less—

19 “(A)(i) the bridge company assumes such
20 debt, executory contract, unexpired lease or
21 agreement (including a qualified financial con-
22 tract), including any claims arising in respect
23 thereof that would not be allowed secured
24 claims under section 506(a)(1) and after giving
25 effect to such transfer, such property remains

1 subject to the lien securing such debt, executory
2 contract, unexpired lease or agreement (includ-
3 ing a qualified financial contract); and

4 “(ii) the court has determined that as-
5 sumption of such debt, executory contract, un-
6 expired lease or agreement (including a quali-
7 fied financial contract) by the bridge company
8 is in the best interests of the estate; or

9 “(B) such property is being transferred to
10 the bridge company in accordance with the pro-
11 visions of section 363;

12 “(4) the transfer does not provide for the as-
13 sumption by the bridge company of any debt, execu-
14 tory contract, unexpired lease or agreement (includ-
15 ing a qualified financial contract) of the debtor se-
16 cured by a lien on property of the estate unless the
17 transfer provides for such property to be transferred
18 to the bridge company in accordance with paragraph
19 (3)(A) of this subsection;

20 “(5) the transfer does not provide for the trans-
21 fer of the equity of the debtor;

22 “(6) the trustee has demonstrated that the
23 bridge company is not likely to fail to meet the obli-
24 gations of any debt, executory contract, qualified fi-

1 nancial contract, or unexpired lease assumed and as-
2 signed to the bridge company;

3 “(7) the transfer provides for the transfer to a
4 special trustee all of the equity securities in the
5 bridge company and appointment of a special trustee
6 in accordance with section 1186;

7 “(8) after giving effect to the transfer, ade-
8 quate provision has been made for the fees, costs,
9 and expenses of the estate and special trustee; and

10 “(9) the bridge company will have governing
11 documents, and initial directors and senior officers,
12 that are in the best interest of creditors and the es-
13 tate.

14 “(d) Immediately before a transfer under this section,
15 the bridge company that is the recipient of the transfer
16 shall—

17 “(1) not have any property, executory con-
18 tracts, unexpired leases, qualified financial contracts,
19 or debts, other than any property acquired or execu-
20 tory contracts, unexpired leases, or debts assumed
21 when acting as a transferee of a transfer under this
22 section; and

23 “(2) have equity securities that are property of
24 the estate, which may be sold or distributed in ac-
25 cordance with this title.

1 **“§ 1186. Special trustee**

2 “(a)(1) An order approving a transfer under section
3 1185 shall require the trustee to transfer to a qualified
4 and independent special trustee, who is appointed by the
5 court, all of the equity securities in the bridge company
6 that is the recipient of a transfer under section 1185 to
7 hold in trust for the sole benefit of the estate, subject to
8 satisfaction of the special trustee’s fees, costs, and ex-
9 penses. The trust of which the special trustee is the trust-
10 ee shall be a newly formed trust governed by a trust agree-
11 ment approved by the court as in the best interests of the
12 estate, and shall exist for the sole purpose of holding and
13 administering, and shall be permitted to dispose of, the
14 equity securities of the bridge company in accordance with
15 the trust agreement.

16 “(2) In connection with the hearing to approve a
17 transfer under section 1185, the trustee shall confirm to
18 the court that the Board has been consulted regarding the
19 identity of the proposed special trustee and advise the
20 court of the results of such consultation.

21 “(b) The trust agreement governing the trust shall
22 provide—

23 “(1) for the payment of the fees, costs, ex-
24 penses, and indemnities of the special trustee from
25 the assets of the debtor’s estate;

26 “(2) that the special trustee provide—

1 “(A) quarterly reporting to the estate,
2 which shall be filed with the court; and

3 “(B) information about the bridge com-
4 pany reasonably requested by a party in inter-
5 est to prepare a disclosure statement for a plan
6 providing for distribution of any securities of
7 the bridge company if such information is nec-
8 essary to prepare such disclosure statement;

9 “(3) that for as long as the equity securities of
10 the bridge company are held by the trust, the special
11 trustee shall file a notice with the court in connec-
12 tion with—

13 “(A) any change in a director or senior of-
14 ficer of the bridge company;

15 “(B) any modification to the governing
16 documents of the bridge company; and

17 “(C) any material corporate action of the
18 bridge company, including—

19 “(i) recapitalization;

20 “(ii) a material borrowing;

21 “(iii) termination of an intercompany
22 debt or guarantee;

23 “(iv) a transfer of a substantial por-
24 tion of the assets of the bridge company;

25 or

1 “(v) the issuance or sale of any secu-
2 rities of the bridge company;

3 “(4) that any sale of any equity securities of
4 the bridge company shall not be consummated until
5 the special trustee consults with the Federal Deposit
6 Insurance Corporation and the Board regarding
7 such sale and discloses the results of such consulta-
8 tion with the court;

9 “(5) that, subject to reserves for payments per-
10 mitted under paragraph (1) provided for in the trust
11 agreement, the proceeds of the sale of any equity se-
12 curities of the bridge company by the special trustee
13 be held in trust for the benefit of or transferred to
14 the estate;

15 “(6) the process and guidelines for the replace-
16 ment of the special trustee; and

17 “(7) that the property held in trust by the spe-
18 cial trustee is subject to distribution in accordance
19 with subsection (c).

20 “(c)(1) The special trustee shall distribute the assets
21 held in trust—

22 “(A) if the court confirms a plan in the case,
23 in accordance with the plan on the effective date of
24 the plan; or

1 “(B) if the case is converted to a case under
2 chapter 7, as ordered by the court.

3 “(2) As soon as practicable after a final distribution
4 under paragraph (1), the office of the special trustee shall
5 terminate, except as may be necessary to wind up and con-
6 clude the business and financial affairs of the trust.

7 “(d) After a transfer to the special trustee under this
8 section, the special trustee shall be subject only to applica-
9 ble nonbankruptcy law, and the actions and conduct of
10 the special trustee shall no longer be subject to approval
11 by the court in the case under this subchapter.

12 **“§ 1187. Temporary and supplemental automatic stay;
13 assumed debt**

14 “(a)(1) A petition filed under section 1183 operates
15 as a stay, applicable to all entities, of the termination, ac-
16 celeration, or modification of any debt, contract, lease, or
17 agreement of the kind described in paragraph (2), or of
18 any right or obligation under any such debt, contract,
19 lease, or agreement, solely because of—

20 “(A) a default by the debtor under any such
21 debt, contract, lease, or agreement; or

22 “(B) a provision in such debt, contract, lease,
23 or agreement, or in applicable nonbankruptcy law,
24 that is conditioned on—

1 “(i) the insolvency or financial condition of
2 the debtor at any time before the closing of the
3 case;

4 “(ii) the commencement of a case under
5 this title concerning the debtor;

6 “(iii) the appointment of or taking posses-
7 sion by a trustee in a case under this title con-
8 cerning the debtor or by a custodian before the
9 commencement of the case; or

10 “(iv) a credit rating agency rating, or ab-
11 sence or withdrawal of a credit rating agency
12 rating—

13 “(I) of the debtor at any time after
14 the commencement of the case;

15 “(II) of an affiliate during the period
16 from the commencement of the case until
17 48 hours after such order is entered;

18 “(III) of the bridge company while the
19 trustee or the special trustee is a direct or
20 indirect beneficial holder of more than 50
21 percent of the equity securities of—

22 “(aa) the bridge company; or

23 “(bb) the affiliate, if all of the di-
24 rect or indirect interests in the affil-

1 iate that are property of the estate
2 are transferred under section 1185; or
3 “(IV) of an affiliate while the trustee
4 or the special trustee is a direct or indirect
5 beneficial holder of more than 50 percent
6 of the equity securities of—

7 “(aa) the bridge company; or

8 “(bb) the affiliate, if all of the di-
9 rect or indirect interests in the affil-
10 iate that are property of the estate
11 are transferred under section 1185.

12 “(2) A debt, contract, lease, or agreement described
13 in this paragraph is—

14 “(A) any debt (other than capital structure
15 debt), executory contract, or unexpired lease of the
16 debtor (other than a qualified financial contract);

17 “(B) any agreement under which the debtor
18 issued or is obligated for debt (other than capital
19 structure debt);

20 “(C) any debt, executory contract, or unexpired
21 lease of an affiliate (other than a qualified financial
22 contract); or

23 “(D) any agreement under which an affiliate
24 issued or is obligated for debt.

25 “(3) The stay under this subsection terminates—

1 “(A) for the benefit of the debtor, upon the ear-
2 liest of—

3 “(i) 48 hours after the commencement of
4 the case;

5 “(ii) assumption of the debt, contract,
6 lease, or agreement by the bridge company
7 under an order authorizing a transfer under
8 section 1185;

9 “(iii) a final order of the court denying the
10 request for a transfer under section 1185; or

11 “(iv) the time the case is dismissed; and

12 “(B) for the benefit of an affiliate, upon the
13 earliest of—

14 “(i) the entry of an order authorizing a
15 transfer under section 1185 in which the direct
16 or indirect interests in the affiliate that are
17 property of the estate are not transferred under
18 section 1185;

19 “(ii) a final order by the court denying the
20 request for a transfer under section 1185;

21 “(iii) 48 hours after the commencement of
22 the case if the court has not ordered a transfer
23 under section 1185; or

24 “(iv) the time the case is dismissed.

1 “(4) Subsections (d), (e), (f), and (g) of section 362
2 apply to a stay under this subsection.

3 “(b) A debt, executory contract (other than a quali-
4 fied financial contract), or unexpired lease of the debtor,
5 or an agreement under which the debtor has issued or is
6 obligated for any debt, may be assumed by a bridge com-
7 pany in a transfer under section 1185 notwithstanding
8 any provision in an agreement or in applicable nonbank-
9 ruptcy law that—

10 “(1) prohibits, restricts, or conditions the as-
11 signment of the debt, contract, lease, or agreement;
12 or

13 “(2) accelerates, terminates, or modifies, or
14 permits a party other than the debtor to terminate
15 or modify, the debt, contract, lease, or agreement on
16 account of—

17 “(A) the assignment of the debt, contract,
18 lease, or agreement; or

19 “(B) a change in control of any party to
20 the debt, contract, lease, or agreement.

21 “(c)(1) A debt, contract, lease, or agreement of the
22 kind described in subparagraph (A) or (B) of subsection
23 (a)(2) may not be accelerated, terminated, or modified,
24 and any right or obligation under such debt, contract,
25 lease, or agreement may not be accelerated, terminated,

1 or modified, as to the bridge company solely because of
2 a provision in the debt, contract, lease, or agreement or
3 in applicable nonbankruptcy law—

4 “(A) of the kind described in subsection
5 (a)(1)(B) as applied to the debtor;

6 “(B) that prohibits, restricts, or conditions the
7 assignment of the debt, contract, lease, or agree-
8 ment; or

9 “(C) that accelerates, terminates, or modifies,
10 or permits a party other than the debtor to termi-
11 nate or modify, the debt, contract, lease or agree-
12 ment on account of—

13 “(i) the assignment of the debt, contract,
14 lease, or agreement; or

15 “(ii) a change in control of any party to
16 the debt, contract, lease, or agreement.

17 “(2) If there is a default by the debtor under a provi-
18 sion other than the kind described in paragraph (1) in
19 a debt, contract, lease or agreement of the kind described
20 in subparagraph (A) or (B) of subsection (a)(2), the
21 bridge company may assume such debt, contract, lease,
22 or agreement only if the bridge company—

23 “(A) shall cure the default;

24 “(B) compensates, or provides adequate assur-
25 ance in connection with a transfer under section

1 1185 that the bridge company will promptly com-
2 pensate, a party other than the debtor to the debt,
3 contract, lease, or agreement, for any actual pecu-
4 niary loss to the party resulting from the default;
5 and

6 “(C) provides adequate assurance in connection
7 with a transfer under section 1185 of future per-
8 formance under the debt, contract, lease, or agree-
9 ment, as determined by the court under section
10 1185(e)(4).

11 **“§ 1188. Treatment of qualified financial contracts**
12 **and affiliate contracts**

13 “(a) Notwithstanding sections 362(b)(6), 362(b)(7),
14 362(b)(17), 362(b)(27), 362(o), 555, 556, 559, 560, and
15 561, a petition filed under section 1183 operates as a stay,
16 during the period specified in section 1187(a)(3)(A), ap-
17 plicable to all entities, of the exercise of a contractual
18 right—

19 “(1) to cause the modification, liquidation, ter-
20 mination, or acceleration of a qualified financial con-
21 tract of the debtor or an affiliate;

22 “(2) to offset or net out any termination value,
23 payment amount, or other transfer obligation arising
24 under or in connection with a qualified financial con-
25 tract of the debtor or an affiliate; or

1 “(3) under any security agreement or arrange-
2 ment or other credit enhancement forming a part of
3 or related to a qualified financial contract of the
4 debtor or an affiliate.

5 “(b)(1) During the period specified in section
6 1187(a)(3)(A), the trustee or the affiliate shall perform
7 all payment and delivery obligations under such qualified
8 financial contract of the debtor or the affiliate, as the case
9 may be, that become due after the commencement of the
10 case. The stay provided under subsection (a) terminates
11 as to a qualified financial contract of the debtor or an
12 affiliate immediately upon the failure of the trustee or the
13 affiliate, as the case may be, to perform any such obliga-
14 tion during such period.

15 “(2) Any failure by a counterparty to any qualified
16 financial contract of the debtor or any affiliate to perform
17 any payment or delivery obligation under such qualified
18 financial contract, including during the pendency of the
19 stay provided under subsection (a), shall constitute a
20 breach of such qualified financial contract by the
21 counterparty.

22 “(c) Subject to the court’s approval, a qualified finan-
23 cial contract between an entity and the debtor may be as-
24 signed to or assumed by the bridge company in a transfer

1 under, and in accordance with, section 1185 if and only
2 if—

3 “(1) all qualified financial contracts between
4 the entity and the debtor are assigned to and as-
5 sumed by the bridge company in the transfer under
6 section 1185;

7 “(2) all claims of the entity against the debtor
8 in respect of any qualified financial contract between
9 the entity and the debtor (other than any claim that,
10 under the terms of the qualified financial contract,
11 is subordinated to the claims of general unsecured
12 creditors) are assigned to and assumed by the bridge
13 company;

14 “(3) all claims of the debtor against the entity
15 under any qualified financial contract between the
16 entity and the debtor are assigned to and assumed
17 by the bridge company; and

18 “(4) all property securing or any other credit
19 enhancement furnished by the debtor for any quali-
20 fied financial contract described in paragraph (1) or
21 any claim described in paragraph (2) or (3) under
22 any qualified financial contract between the entity
23 and the debtor is assigned to and assumed by the
24 bridge company.

1 “(d) Notwithstanding any provision of a qualified fi-
2 nancial contract or of applicable nonbankruptcy law, a
3 qualified financial contract of the debtor that is assumed
4 or assigned in a transfer under section 1185 may not be
5 accelerated, terminated, or modified, after the entry of the
6 order approving a transfer under section 1185, and any
7 right or obligation under the qualified financial contract
8 may not be accelerated, terminated, or modified, after the
9 entry of the order approving a transfer under section 1185
10 solely because of a condition described in section
11 1187(c)(1), other than a condition of the kind specified
12 in section 1187(b) that occurs after property of the estate
13 no longer includes a direct beneficial interest or an indi-
14 rect beneficial interest through the special trustee, in more
15 than 50 percent of the equity securities of the bridge com-
16 pany.

17 “(e) Notwithstanding any provision of any agreement
18 or in applicable nonbankruptcy law, an agreement of an
19 affiliate (including an executory contract, an unexpired
20 lease, qualified financial contract, or an agreement under
21 which the affiliate issued or is obligated for debt) and any
22 right or obligation under such agreement may not be ac-
23 celerated, terminated, or modified, solely because of a con-
24 dition described in section 1187(c)(1), other than a condi-
25 tion of the kind specified in section 1187(b) that occurs

1 after the bridge company is no longer a direct or indirect
2 beneficial holder of more than 50 percent of the equity
3 securities of the affiliate, at any time after the commence-
4 ment of the case if—

5 “(1) all direct or indirect interests in the affil-
6 iate that are property of the estate are transferred
7 under section 1185 to the bridge company within the
8 period specified in subsection (a);

9 “(2) the bridge company assumes—

10 “(A) any guarantee or other credit en-
11 hancement issued by the debtor relating to the
12 agreement of the affiliate; and

13 “(B) any obligations in respect of rights of
14 setoff, netting arrangement, or debt of the debt-
15 or that directly arises out of or directly relates
16 to the guarantee or credit enhancement; and

17 “(3) any property of the estate that directly
18 serves as collateral for the guarantee or credit en-
19 hancement is transferred to the bridge company.

20 **“§ 1189. Licenses, permits, and registrations**

21 “(a) Notwithstanding any otherwise applicable non-
22 bankruptcy law, if a request is made under section 1185
23 for a transfer of property of the estate, any Federal, State,
24 or local license, permit, or registration that the debtor or
25 an affiliate had immediately before the commencement of

1 the case and that is proposed to be transferred under sec-
2 tion 1185 may not be accelerated, terminated, or modified
3 at any time after the request solely on account of—

4 “(1) the insolvency or financial condition of the
5 debtor at any time before the closing of the case;

6 “(2) the commencement of a case under this
7 title concerning the debtor;

8 “(3) the appointment of or taking possession by
9 a trustee in a case under this title concerning the
10 debtor or by a custodian before the commencement
11 of the case; or

12 “(4) a transfer under section 1185.

13 “(b) Notwithstanding any otherwise applicable non-
14 bankruptcy law, any Federal, State, or local license, per-
15 mit, or registration that the debtor had immediately before
16 the commencement of the case that is included in a trans-
17 fer under section 1185 shall be valid and all rights and
18 obligations thereunder shall vest in the bridge company.

19 **“§ 1190. Exemption from securities laws**

20 “For purposes of section 1145, a security of the
21 bridge company shall be deemed to be a security of a suc-
22 cessor to the debtor under a plan if the court approves
23 the disclosure statement for the plan as providing ade-
24 quate information (as defined in section 1125(a)) about
25 the bridge company and the security.

1 **“§ 1191. Inapplicability of certain avoiding powers**

2 “A transfer made or an obligation incurred by the
3 debtor to an affiliate prior to or after the commencement
4 of the case, including any obligation released by the debtor
5 or the estate to or for the benefit of an affiliate, in con-
6 templation of or in connection with a transfer under sec-
7 tion 1185 is not avoidable under section 544, 547,
8 548(a)(1)(B), or 549, or under any similar nonbankruptcy
9 law.

10 **“§ 1192. Consideration of financial stability**

11 “The court may consider the effect that any decision
12 in connection with this subchapter may have on financial
13 stability in the United States.”.

14 **SEC. 1104. AMENDMENTS TO TITLE 28, UNITED STATES**
15 **CODE.**

16 (a) AMENDMENT TO CHAPTER 13.—Chapter 13 of
17 title 28, United States Code, is amended by adding at the
18 end the following:

19 **“§ 298. Judge for a case under subchapter V of chap-**
20 **ter 11 of title 11**

21 “(a)(1) Notwithstanding section 295, the Chief Jus-
22 tice of the United States shall designate not fewer than
23 10 bankruptcy judges to be available to hear a case under
24 subchapter V of chapter 11 of title 11. Bankruptcy judges
25 may request to be considered by the Chief Justice of the
26 United States for such designation.

1 “(2) Notwithstanding section 155, a case under sub-
2 chapter V of chapter 11 of title 11 shall be heard under
3 section 157 by a bankruptcy judge designated under para-
4 graph (1), who shall be randomly assigned to hear such
5 case by the chief judge of the court of appeals for the cir-
6 cuit embracing the district in which the case is pending.
7 To the greatest extent practicable, the approvals required
8 under section 155 should be obtained.

9 “(3) If the bankruptcy judge assigned to hear a case
10 under paragraph (2) is not assigned to the district in
11 which the case is pending, the bankruptcy judge shall be
12 temporarily assigned to the district.

13 “(b) A case under subchapter V of chapter 11 of title
14 11, and all proceedings in the case, shall take place in
15 the district in which the case is pending.

16 “(c) In this section, the term ‘covered financial cor-
17 poration’ has the meaning given that term in section
18 101(9A) of title 11.”.

19 (b) AMENDMENT TO SECTION 1334 OF TITLE 28.—
20 Section 1334 of title 28, United States Code, is amended
21 by adding at the end the following:

22 “(f) This section does not grant jurisdiction to the
23 district court after a transfer pursuant to an order under
24 section 1185 of title 11 of any proceeding related to a spe-
25 cial trustee appointed, or to a bridge company formed, in

1 connection with a case under subchapter V of chapter 11
2 of title 11.”.

3 (c) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 13 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

“298. Judge for a case under subchapter V of chapter 11 of title 11.”.

7 TITLE XII
8 ADDITIONAL GENERAL PROVISIONS
9 SPENDING REDUCTION ACCOUNT

10 SEC. 1201. The amount by which the applicable allo-
11 cation of new budget authority made by the Committee
12 on Appropriations of the House of Representatives under
13 section 302(b) of the Congressional Budget Act of 1974
14 exceeds the amount of proposed new budget authority is
15 \$0.

16 This Act may be cited as the “Financial Services and
17 General Government Appropriations Act, 2017”.