BILL FLORES, CHAIRMAN

RSC THE REPUBLICAN STUDY COMMITTEE

H.R. 5485: Fiscal Year 2017 Financial Services and General Government Appropriations Act (Rep. Crenshaw, R-FL)

CONTACT: Matt Dickerson, 202-226-9718

FLOOR SCHEDULE:

H.R. 5485 is expected to be considered beginning on July 6, 2016, under a structured rule.

The rule provides one hour of general debate on the underlying bill.

The rule waives all points of order against the underlying bill with the exception of one provision. The provision that would not be protected (and thus exposed to a potential point of order) is the clause under the Payment to the United States Postal Service Fund account stating "That the Postal Service shall maintain and comply with service standards for First Class Mail and periodicals effective on July 1, 2012". The exposure of this provision was requested by the Oversight and Government Reform Committee under the Armey Protocol that provides deference to the authorizing committee of jurisdiction on certain provisions included in appropriations bills.

The rule considers the bill as read through the Spending Reduction Account.

The rule makes in order 70 amendments. Summaries of amendments made in order can be found below. The rule waives all points of order against the amendments made in order. Amendments will be debated for 10 minutes equally divided by the proponent and an opponent.

	Total Offered	Not Made in Order	Made in Order
Republican	82	43	39
Democrat	47	16	31
Total	129	59	70

The rule allows the Chair of the Committee on Appropriations to offer amendments made in order en-block. Amendments offered en-block will be debated for 20 minutes equally divided.

The rule permits up to 10 pro forma amendments to "strike the last word" each for the Chair and Ranking Member of the Committee on Appropriations.

TOPLINE SUMMARY:

H.R. 5485 would provide appropriations for the U.S. Treasury and the Internal Revenue Service (IRS), the White House and the Executive Office of the President, the Federal Judiciary, the District of Columbia, the Small Business Administration, (SBA), the General Services Administration (GSA), the Securities and Exchange Commission (SEC), the Federal Communications Commission (FCC), as well as a number of other independent agencies for Fiscal Year 2017.

A consolidated summary of major non-spending policy provisions (riders) is available at the end of the detailed summary below.

The Committee Report can be found here, and the text of the legislation can be found here.

COST:

The bill provides a net total of $21.735 billion in Fiscal Year 2017 base discretionary budget authority that is subject to the Budget Control Act (BCA) discretionary spending caps (as increased by the Bipartisan Budget Act of 2015 (BBA15)).

The bill is written at a level that would comply with the higher $1.070 trillion in discretionary spending allowed by BBA15.

In thousands of Dollars

	FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level
Net Total Base Discretionary	20,250,000	23,235,000	24,427,335	21,735,000

Net Total Base Discretionary Budget Authority is:

- $2.692 billion below the President's Budget request.
- $1.5 billion below the enacted FY 2016 level.
- $1.485 billion above the level originally proposed by the Appropriations Committee for FY 2016.

The bill would also provide a total of $31.376 billion in mandatory appropriations. In total, the bill would provide a grand total of $43.54 billion in funding for the agencies covered by the bill.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned this appropriations bill is written to the $1.070 trillion level, which is the maximum amount permitted under the Bipartisan Budget Act of 2015. This spending ceiling increase from the $1.040 trillion level was opposed by 167 House Republicans when it was enacted last fall. The $1.070 trillion level for Fiscal Year 2017 base discretionary spending is $30 billion more than the maximum amount that would have been permitted under the Budget Control Act of 2011.

Some conservatives may be concerned that this appropriations bill is being considered by the House despite the fact that House has yet to consider a budget resolution.

Some conservatives may be concerned the bill includes $15.194 billion in appropriations for 34 programs that are not authorized by law. Fifteen of these programs receive a total of $75 million more than their enacted FY 2016 level. Several of these programs have never been authorized by Congress.

Some conservatives may be concerned that the bill relies on $860 million in "changes in mandatory programs" (CHIMPS) to meet its spending allocation. Because of the CBO scoring conventions, an appropriations bill can offset increases in discretionary spending if it reduces mandatory spending in the first year of the budget window. These CHIMPS are often just gimmicks that shift the timing of mandatory spending, and allow increases in discretionary spending year after year using the same "offset" over and over.

Many conservatives may be concerned that the rule failed to make in order several amendments (that would not have otherwise been subject to a point of order) offered by RSC members to accomplish Republican priorities, such as reining in excesses at the IRS and to protect the Second Amendment.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the Committee Report.

DETAILED SUMMARY AND ANALYSIS:

Title I: Department of the Treasury

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level		FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
10,756,473	11,939,653	13,143,558	11,693,724		+ 937,251	- 245,929	- 1,449,834

The Treasury would be appropriated a net total of $11.694 billion, a level that is $1.45 billion below the President's Budget request, $246 million below the FY 2016 enacted level, and $937 million above the level proposed by the House Appropriations Committee for FY 2016.

Treasury (Non-IRS): The non-IRS functions of the Treasury would be appropriated $697 million, a level that is $169 million below the President's Budget request, $10 million below the FY 2016 enacted level, and $45 million above the level proposed by the House Appropriations Committee for FY 2016.

Office of Terrorism and Financial Intelligence: The bill would provide $120 million for the Treasury's Office of Terrorism and Financial Intelligence, a level that is $3 million above the President's Budget request and $3 million above the current FY 2016 level.

Treasury Forfeiture Fund: The bill would rescind $754 million from the Treasury Forfeiture Fund in FY 2017. The Fund is populated by assets seized pursuant to law-enforcement activities by the Treasury and certain Homeland Security agencies and is then available to support a number of law enforcement activities. A smaller rescission of these funds means that more resources are available for law enforcement activities. This provision is a "change in mandatory program" (CHIMPS). According to CBO, while this provision would reduce mandatory spending by $754 million in FY 2017, it would also increase mandatory spending by $754 million in FY 2018.

Some conservatives may also be concerned that seizures under various asset forfeiture programs fail to provide basic protections to citizens, and some may believe such activities to be unconstitutional violation of the 4th Amendment. More information on asset forfeiture and the use of the Fund as a CHIMP is available from the Heritage Foundation.

Internal Revenue Service (IRS): The bill would provide $10.999 billion for the IRS, a level that is $1.281 billion below the president's budget request, $236 million below the current FY 2016 enacted level, and $892 million above the level proposed by the House Appropriations Committee for FY 2016. Within this total, $4.76 billion is for enforcement, $3.502 billion is for operations support, and $2.157 billion is for taxpayer services. The bill includes several riders relating to the IRS, which are summarized below:

501(c)(4) Regulations: The bill would prohibit the use of funds for the IRS to issue regulations that would change the definition and standards for 501(c)(4) organizations. The IRS has attempted to rewrite regulations that would codify its practice of targeting conservative organizations. This important language to protect the free speech rights of civic organizations is included as Section 127 of the bill.

IRS Bonuses: Section 112 of the bill would prohibit bonuses for IRS employees that do not take into account the conduct and tax compliance of each employee.

Hiring Former IRS Employees: Section 112 of the bill would prohibit hiring IRS employees without taking into account the conduct and tax compliance of the employee.

Targeting of Conservatives: Sections 107 and 108 of the bill would prohibit the use of funds to target groups and individual citizens based upon their ideological beliefs or for exercising their First Amendment rights.

Wasteful Conferences: Section 109 of the bill would prohibit funds for IRS conferences that fail to comply with the Inspector General's recommendations.

IRS Videos: Section 105 of the bill would prohibit funds for wasteful videos that have not been reviewed for "cost, topic, tone, and purpose and certified to be appropriate."

White House Interference: The bill would prohibit the White House from ordering the IRS to determine the tax-exempt status of an organization.

Obamacare Funding: Section 110 of the bill would prohibit transfers from the Department of Health and Human Services (HHS) to the IRS to implement Obamacare.

Individual Mandate: Section 111 of the bill would prohibit the IRS from enforcing Obamacare's Individual Mandate.

Tax Exempt Status of Churches: Section 136 of the bill would prohibit the IRS from determining that a church is not tax exempt for participating in political campaign unless the IRS Commissioner consents to the determination and the IRS notifies Congress at least 90 days before the determination would take effect.

Confidential Taxpayer Information: Section 113 of the bill would prohibit the use of funds in violation of law that prohibits the release of taxpayer return information by the federal government.

Government Prepared Tax Returns: Section 114 of the bill would prohibit the use of funds for the IRS to pre-fill or pre-populate tax returns for people.

Cuba Issues: The bill includes several riders relating to Cuba. Specifically, Section 132 of the bill would prohibit the use of funds to approve or authorize "people-to-people travel" to Cuba; Section 133 of the bill would prohibit funds to approve, license, facilitate, authorize, or otherwise allow the importation of property confiscated by the Cuban Government; Section 134 of the bill would prohibit financial transaction with the Cuban military or intelligence service; and Section 135 of the bill would prohibit approving or allowing a the licensing of a mark, trade name, or commercial name that is substantially similar to one that was used in connection with a business or assets that was confiscated by Cuba, unless expressly consented.

Title II: Executive Office of the President

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level		FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
675,976	691,768	645,271	691,939		+ 15,963	+ 171	+ 46,668

The Executive Office of the President would be appropriated a net total of $692 million, a level that is $47 million above the President's Budget request, $171,000 above the FY 2016 enacted level, and $16 million above the level proposed by the House Appropriations Committee for FY 2016.

White House Salaries and Expenses: The bill would provide $55 million for White House staff salaries and expenses, a level that is $214,000 below the President's Budget request and equal to the FY 2016 enacted level.

National Security Council and the Homeland Security Council: The bill would provide $11 million for the National Security Council and the Homeland Security Council, a level that is $2 million below the President's Budget request and $2 million below the FY 2016 enacted level. The bill would also require a report outlining the roles and responsibilities of all of its full time equivalent employees.

Office of Management and Budget (OMB): The bill would provide $91 million for the OMB, a level that is $10 million below the President's Budget request and $4 million below the FY 2016 enacted level.

Office of National Drug Control Policy (ONDCP): The bill would provide a total of $384 million for the ONDCP, a level that is $70 above the President's Budget request and $4 million above the FY 2016 enacted level.

Office of the Vice President: The bill would provide the Office of the Vice President $4.5 million, a level that is equal to the President's Budget request and the FY 2016 enacted level.

Impact of Executive Orders: Section 203 of the bill would require the OMB to include a statement on the budgetary impact of Executive Orders or Presidential Memorandum issued.

Signing Statements: Section 204 of the bill would prohibit the use of funds to prepare, sign, or approve statements abrogating legislation passed by Congress and signed by the president.

Executive Orders Contravening Law: Section 205 of the bill would prohibit the use of funds to prepare or implement an Executive Order or Presidential Memorandum that contravenes existing law.

Title III: The Judiciary

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level		FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
6,910,219	6,778,151	6,991,821	6,955,503		+ 45,284	+ 177,352	- 36,318

The Federal Judiciary would be appropriated a net total of $6.956 billion, a level that is $36 million below the President's Budget request, $177 million above the FY 2016 enacted level, and $45 million above the level proposed by the House Appropriations Committee for FY 2016.

Supreme Court: The bill would provide the Supreme Court a total of $95 million, a level that is equal to the President's Budget request and $6 million above the FY 2016 enacted level.

Title IV: District of Columbia

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level		FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
678,029	729,843	763,538	725,211		+ 47,182	- 4,632	- 38,327

The District of Columbia (D.C.) would be appropriated a net total of $725 million, a level that is $38 million below the President's Budget request, $5 million below the FY 2016 enacted level, and $47 million above the level proposed by the House Appropriations Committee for FY 2016.

College Tuition Subsidies: The bill would provide $20 million for the DC Tuition Assistance Grant (DCTAG) program, a level that is $20 million below the President's Budget request and $20 million below the FY 2016 enacted level. The DCTAG program provides up to $10,000 annually for undergraduate DC students to attend eligible four-year public universities and colleges nationwide at instate tuition rates as well as grants of up to $2,500 per year for students to attend private universities and colleges in the D.C. metropolitan area, private Historically Black Colleges and Universities nationwide, and public two-year community colleges nationwide.

Scholarships for Opportunity and Results (SOAR) Act: The bill would provide $45 million to implement the SOAR Act, a level that is $2 million above the President's Budget request and equal to the FY 2016 enacted level.

Title IX of the bill would reauthorize the SOAR Act through FY 2021.

D.C. Local Funds: The bill provides authority for D.C. to spend its local funds. The Committee Report includes language stating that "The Committee continues to consider the referendum providing local funds budget autonomy as an expression of the opinion of the District of Columbia residents without any authority to change or alter the existing relationship between Federal appropriations and the District." Section 816 of the bill would provide authority for D.C. to spend its local funds in the event of a federal government shutdown.

Section 817 of the bill would repeal D.C.'s Local Budget Autonomy Amendment Act of 2012.

Needle Exchanges: Section 807 of the bill would prohibit the use of federal funds for a drug needle exchange program.

Conscience Clause: Section 808 of the bill would maintain the conscience clause for contraceptive coverage by health insurance plans in D.C.

Drug Legalization: Section 809 of the bill would prohibit the use of federal or local funds to legalize or reduce the penalties against controlled substances including marijuana.

D.C. Hyde Amendment: Section 810 of the bill would prohibit the use of federal or local funds to provide for an elective abortion. Since 1979, Congress has prohibited the use of funds for abortion in D.C., except for FY 1994-95, and in FY 2010 through part of FY 2011.

Title V: Independent Agencies

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level		FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
1,186,303	3,053,585	2,858,147	1,663,623		+ 477,320	- 1,389,962	- 1,194,524

The independent agencies funded by the bill would be appropriated a net total of $1.664 billion, a level that is $1.195 billion below the President's Budget request, $1.39 billion below the FY 2016 enacted level, and $477 million above the level proposed by the House Appropriations Committee for FY 2016.

Consumer Financial Protection Bureau (CFPB): Section 502 of the bill would make the CFPB subject to the appropriations process in FY 2018. Under the Dodd-Frank financial reform law, the CFPB is allowed to set its own budget using funds from the Federal Reserve. This allows the CFPB to operate with no Congressional oversight. Section 505 of the bill would change the management structure from a single Director to a five-member Board of Directors.

Federal Communications Commission (FCC): The bill would provide $315 million for the FCC, a level that is $43 million below the president's budget request and $69 million below the FY 2016 enacted level. The appropriation would be fully offset with offsetting collections.

Federal Election Commission (FEC): The bill would provide $81 million for the FEC, a level that is equal to the President's Budget request and $4 million above the FY 2016 enacted level.

Office of Personnel Management (OPM): The bill would provide a total of $318 million for the OPM, a level that is $3 million below the President's Budget request and $46 million above the FY 2016 enacted level.

Securities and Exchange Commission (SEC): The bill would provide the SEC with $1.555 billion, a level that is $226 million below the President's Budget request and $50 million below the FY 2016 enacted level. This funding would be fully offset by fee collections.

The bill would also rescind the unobligated balance ($75 million) from the SEC's Reserve Fund that was established by the Dodd-Frank financial reform law.

Small Business Administration (SBA): The bill would provide $883 million for the SBA, a level that is $5 million above the President's Budget request and $12 million above the FY 2016 enacted level.

Unauthorized Appropriations: The bill includes $15.194 billion in appropriations for 34 programs that are not authorized by law. Fifteen of these programs receive a total of $75 million more than their enacted FY 2016 level. Several of these programs have never been authorized by Congress.

The inclusion of appropriations for these programs in the reported bill is in violation of clause 2(a)(1) of rule XXI of the Rules of the House.

Title of the Bill	Unauthorized Programs funded by the bill	Total Unauthorized Appropriations		Programs that Receive more than FY16 Enacted	Total Increases in Programs that Receive more than Enacted
Treasury	10	11,967,691		5	52,357
Executive Office of the President	5	500,145		2	5,061
District of Columbia	5	71,035		2	35
Independent Agencies	14	2,655,500		6	17,781
Total	**34**	**15,194,371**		**15**	**75,234**

Net Total Discretionary in Thousands of Dollars

CHIMPS: The bill includes $860 million in "changes in mandatory programs" (CHIMPS) to meet its spending allocation. Because of the CBO scoring conventions, an appropriations bill can offset increases in discretionary spending if it reduces mandatory spending in the first year of the budget window. These CHIMPS are often just gimmicks that shift the timing of mandatory spending, and allow increases in discretionary spending year after year using the same "offset" over and over. The largest CHIMP in the bill is a $754 million rescission from the Treasury Forfeiture Fund in FY 2017 that would increase mandatory spending by $754 million in FY 2018. For more information regarding CHIMPS, see this CRS memo.

MAJOR POLICY PROVISIONS:

Pro-Life: Sections 613 and 614 of the bill would prohibit funding abortion coverage through the Federal Employee Health Benefits Program (FEHBP), except in cases where the health of the mother is at risk or in the event of rape and incest. These provisions, sometimes called the Smith Amendment, were first enacted in 1983 and have consistently been included in appropriations bills.

Section 641 would prohibit abortion coverage through the Multi-State Plan Program created under Obamacare. This language mirrors the Smith amendment related to the FEHBP, and applies that principle to multi-state plans, which are also run by the OPM.

Presidential Czars: Section 621 would prohibit funding for President Obama's "czars," including the Director of the White House Office of Health Reform, the Assistant to the President for Energy and Climate Change, the Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy, and the White House Director of Urban Affairs.

Federal Records Act: Section 622 would prohibit the use of funds to be used in contravention of the Federal Records Act.

Political Disclosures: Section 625 would prohibit the SEC from requiring the disclosure of political contributions, contributions to tax-exempt organizations, or dues paid to trade associations. Section 735 would prohibit the federal government from requiring federal contractors to disclose political contributions.

Significantly Important Financial Institution Designations: Section 626 of the bill would prohibit the Financial Stability Oversight Council (FSOC) from designating a non-bank institution as a Significantly Important Financial Institution (SIFI) unless it identifies the risks to financial stability presented by the non-bank and allows the non-bank to present a plan to modify its business, structure, or operation to mitigate the identified risk prior to final designation.

FCC Regulating Rates: Section 631 would prohibit the FCC from regulating rates for broadband and wireless Internet providers.

FCC Net Neutrality: Section 632 would prohibit the use of funds to implement, administer, or enforce the FCC's Net Neutrality regulation until there has been a disposition of several court cases surrounding the regulation.

CFPB Regulations: Section 639 would prohibit the CFPB from regulating payday or vehicle title loans unless the CFBP first reports to Congress analyzing the impact of the regulations on consumer access to credit.

Six-Day Delivery: The bill includes a rider that would require six-day mail delivery by the Postal Service and prohibiting a change to move to a five-day delivery schedule. Since 1984, appropriations bills have included this provision.

Whistleblower Protection: Section 713 would prohibit payment of salary to any federal employee who threatens or prohibits another federal employee from communicating with Congress.

Unions: Section 716 would prohibit the federal government from disclosing the home addresses of federal employees to labor unions without employee authorization.

Conscience Clause: Section 726 of the bill would maintain conscience protections for contraceptive coverage by health insurance plans in the FEHB.

Automatic Pay Increases: Section 738 would prohibit otherwise automatic pay increases for the Vice President, political appointees under the executive schedule, ambassadors, and politically appointed Senior Executive Service employees in FY 2017.

SEC Small Business Advocate Act: Title X of the bill includes H.R. 3784, the SEC Small Business Advocate Act, which would establish an Office of the Advocate for Small Business Capital Formation within the Securities and Exchange Commission to assist small businesses and investors, provide guidance on proposed and final regulations and orders and would update small business policies. H.R. 3784 passed the House on February 1, 2016, by a voice vote.

Financial Institution Bankruptcy Act: Title XI of the bill includes H.R. 2947, the Financial Institution Bankruptcy Act, which would establish a new subchapter in the bankruptcy code to cover large financial institutions, imposing losses on shareholders and creditors rather than on taxpayers as under a Dodd-Frank proceeding. H.R. 2947 passed the House on April 12, 2016, by a voice vote.

SUMMARY AND ANALYSIS OF AMENDMENTS MADE IN ORDER:

1. **Ellison (D-MN)**: Would establish Congressional intent that $1 million of the Treasury's funding would be to create an "Office of Good Jobs".

Such an office has been advocated for by the leadership PAC associated with the Congressional Progressive Caucus on a federal government-wide basis.

2. **Duffy (R-WI)**: Would reduce funding for the Community Development Financial Institutions (CDFI) Fund Program Account by $20.749 million. According to the amendment sponsor, this reduction is meant to offset settlement agreements where the Department of Justice required banks to donate $20.7 million to certified CDFI entities.

3. **Becerra (D-CA)**: Would strike the provision in the underlying bill that would prohibit the IRS from issuing regulations that would change the definition and standards for 501(c)(4) organizations. The IRS has attempted to rewrite regulations that would codify its practice of targeting conservative organizations. This important language to protect the free speech rights of civic organizations is included as Section 127 of the bill.

4. **Ellison (D-MN)**: Would strike the restrictions of the CFPB's ability to promulgate rules that would restrict pre-dispute mandatory arbitration agreements found in consumer products with firms that offer financial products. In May, the CFPB proposed a rule that would limit the ability of financial services providers and consumers to enter into pre-dispute arbitration agreements.

5. **Moore (D-WI)**: Would strike section 501 of the bill, which would repeal the Section 1017(a)(2)(C) from Dodd- Frank, that prevents the transfer of funds from the Federal Reserve to the CFPB from being subject to Congressional review.

6. **Moore (D-WI)**: Would strike section 503 of the bill, which would require that on the date a transfer from the Federal Reserve to the CFPB is requested pursuant to Section 1017(a)(2)(C) of Dodd-Frank, the CFPB to notify Congress of the request with details included on the nature of the funds, and to post the notification on their website.

7. **Moore (D-WI)**: Would strike section 505 of the bill, which would eliminate the positions of Director and Deputy Director of the Consumer Financial Protection Bureau (CFPB) as outlined in Section 1011 of the Consumer Financial Protection Act, and would vest the management of the CFPB, instead, in a board of directors. Most other regulatory agencies have a bipartisan board of directors.

8. **Brat (R-VA)**: Would express Congressional intent that $3 million of funding for the National Archives and Records Administration Operating Expenses would be to coordinate the digital publication of the Statutes at Large. For additional information, see the Dear Colleague from the amendment sponsor.

9. **Duffy (R-WI)**: Would express Congressional intent that $1 million of funding for the SEC's Division of Enforcement would be intended for the investigation of market abuse in instances where pharmaceutical innovators' patents are disputed, and their stock is shorted. Recently, hedge funds have made news for filing numerous patent challenges, while betting against pharmaceutical company shares.

10. **Himes (D-CT)**: Would increase funding for the Securities and Exchange Commission (SEC) by $50 million and would increase the amount of offsetting collections to be raised by the SEC through fees by $50 million. This would increase funding for the SEC to the FY 2016 enacted level. The bill would provide the SEC with $1.555 billion.

11. **DeFazio (D-OR)**: Would reduce funding for the Selective Service System by $22.703 million, essentially defunding it. The equivalent amount would be directed to deficit reduction.

Key Vote Support: National Taxpayers Union

12. **Grayson (D-FL)**: Would strike the provision of the bill (Section 613) that would prohibit funding abortion coverage through the Federal Employee Health Benefits Program (FEHBP). This provision, sometimes called the Smith Amendment, was first enacted in 1983 and has consistently been included in appropriations bills. The underlying bill also includes Section 614 which provides that the prohibition on abortion coverage "shall not apply where the life of the mother would be endangered if the fetus was carried to term, or the pregnancy is the result of an act of rape or incest".

Outside Group Opposition
Key Vote No: Family Research Council
Susan B. Anthony List

13. **Kildee (D-MN):** Would strike Section 625 of the bill, which would prevent the SEC from promulgating or finalizing a rule that would require the disclosure of political contributions to tax-exempt organizations. This amendment would directly circumvent efforts by House Republicans to maintain the privacy of donors to tax-exempt organizations. The House recently passed H.R. 5053, the Preventing IRS Abuse and Protecting Free Speech Act (Roskam, R-IL), as another step in protecting the identity of individuals that donate to tax exempt groups.

14. **Eshoo (D-CA)**: Would strike the provision of the bill (Section 632) that would prohibit the use of funds to implement, administer, or enforce the FCC's Net Neutrality regulation until there has been a disposition of several court cases surrounding the regulation.

15. **Ellison (D-MN)**: Would strike the provision of the bill (Section 637) that would amend the Truth in Lending Act (TILA) to clarify the definitions of "mortgage originator" as the definition relates to manufactured housing. Section 637 mirrors provisions of H.R.650, the Preserving Access to Manufactured Housing Act of 2015, which passed the House on April 14, 2015, by a 263 – 162 vote. For additional information, see a Dear Colleague opposing the amendment from Rep. Fleischmann.

16. **Ellison (D-MN)**: Would strike the provision of the bill (Section 638) that would amend the Truth in Lending Act (TILA) to clarify the definitions of "high-cost mortgage" as the definition relates to manufactured housing. Section 638 mirrors provisions of H.R.650, the Preserving Access to Manufactured Housing Act of 2015, which passed the House on April 14, 2015, by a 263 – 162 vote. For additional information, see a Dear Colleague opposing the amendment from Rep. Fleischmann.

17. **Sewell (D-AL)**: Would strike section 639 of the bill, which would prohibit the CFPB from using appropriated funds to enforce rules pertaining to payday loans, vehicle title loans, and other similar loans in fiscal year 2017. This amendment would restrict the ability of those in need to obtain small, short-term loans in times of emergency. The CFPB recently released a proposed rule that would limit access to short-term loans.

Key Vote No: Heritage Action

18. **DeSaulnier (D-CA)**: Would strike the provision of the bill (Section 735) that prohibits the federal government from requiring federal contractors to disclose political contributions.

19. **Norton (D-DC)**: This amendment would strike section 817 of the underlying bill, which repeals the Local Budget Autonomy Act of 2012 and clarifies that the District of Columbia has no authority to make any changes to the role of the federal government in the District of Columbia's budgeting process. Language

contained in section 817 of the bill has previously been voted on by the House and passed by a vote of 240-179.

Congress is given exclusive legislative authority under the Enclave Clause of the Constitution over the District and must delegate power to the District for it to exercise any legislative power. In 2012, the District's local government passed the Local Budget Autonomy Act, which provided the District with the authority to pass a budget for its local funds, without completing the Congressional appropriation review process. The District has abused its power to unilaterally change the budget process and purposefully circumvent Congress. The language in this amendment continues of the abuse of power and circumvention of Congressional intent by the District.

Outside Group Opposition
Key Vote No: Family Research Council
Susan B. Anthony List

20. **Amodei (R-NV):** Would prohibit funds from being used to enforce section 316(b)(4)(D) of the Federal Election Campaign Act. This section of the Federal Election Campaign Act requires the contribution solicitations from member corporations stockholders or trade association personnel to be specially and separately approved by the member corporation in advance of the solicitation. It also prohibits the member corporation from approving the solicitation by more than one trade association per calendar year.

21. **Blackburn (R-TN)**: Would prohibit funds for the Federal Communications Commission (FCC) to implement regulations issued on March 31, 2016, regarding "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services". Some conservatives have criticized the regulation as imposing "an onerous and unnecessary burden on broadband providers." According to the amendment sponsor, the federal Trade Commission (FTC) "has made over two dozen recommendations to the FCC on how to improve its rule."

22. **Blackburn (R-TN)**: Would reduce discretionary funding in the bill by one percent across all accounts.

Key Vote Support: National Taxpayers Union

23. **Buck (R-CO)**: Would eliminate the salary for the IRS Commissioner for the period between October 1, 2016, and January 20, 2017.

Key Vote Support: FreedomWorks

24. **Crawford (R-AR)**: Would prohibit funding to be used to enforce section 908(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)), which requires agriculture commodities sales to Cuba be carried out on a cash basis or through financing by third-country financial institutions. Some conservatives might be concerned that the amendment would extend financing to Cuba's state run agriculture monopoly run by the Cuban military. For additional information, see the Dear Colleague from the amendment sponsor.

Key Vote No: Heritage Action

25. **Davidson (R-OH)**: Would prohibit funding to be used to change Selective Service System registration requirements in contravention of section 3 of the Military Selective Service Act (50 U.S.C. 3802). According to current law, "it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration" to the Selective Service System. The Senate-passed NDAA (section 591 of S. 2943) included a provision requiring women to register for the Selective Service.

Key Vote Support: [Heritage Action]
Key Vote Support: Family Research Council

26. **Duffy (R-WI)**: Would prohibit the use of funds by the agencies funded by the bill to implement, administer, or enforce a new regulation that would have a cost of $100 million or more to the economy.

Key Vote Support: FreedomWorks

27. **Duffy (R-WI)**: Would prohibit the use of funds made available by the bill with respect to the *Rainey v. Merit Systems Protection Board*, decided by the United States Court of Appeals for the Federal Circuit on June 7, 2016. In this case, the court held that the term "a law" in the Whistleblower Protection Act refers only to a statute, and not to a rule or regulation. The Whistleblower Protection Act protects covered employees from retaliation "for refusing to obey an order that would require the individual to violate a law". According to media reports, "the court set a precedent that when a supervisor asks an employee to violate a federal rule or regulation, the employee must comply."

28. **Garrett (R-NJ)**: Would prohibit the SEC from promulgating or implementing a rule that would mandate the use of universal proxy ballots during proxy contests. Universal proxy ballots are single voting forms for contested elections. Many believe universal ballots would be more complicated than the current system, as shareholders could vote for more candidates than board seats available. Some shareholders also sign ballots without indicating votes, which then counts as a ballot in favor of management recommendations, but is problematic in cases of ballots with candidates having competing interests. Currently, universal ballots are only allowed if both parties consent.

Outside Group Support
U.S. Chamber of Commerce

29. **Garrett (R-NJ)**: Would prohibit the use of funds to designate a nonbank financial company as either "too big to fail" or a "systemically important financial institution," or to make a determination that material financial distress of such an institution could pose a threat to the financial stability of the United States. This April, the House Financial Services Committee passed H.R. 4894, to repeal title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Key Vote Support: Heritage Action
Key Vote Support: National Taxpayers Union

30. **Gosar (R-AZ)**: Would prohibit the use of funds to pay bonuses to Senior Executive Service IRS employees. Between 2010 and 2015, the IRS paid out $5.97 million in employee bonuses. Section 112 of the bill would prohibit bonuses for IRS employees that do not take into account the conduct and tax compliance of each employee.

Key Vote Support: FreedomWorks

31. **Gosar (R-AZ)**: Would prohibit the use of funds in contravention of federal law that prohibits sanctuary cities. According to the Center for Immigration Studies, there are over 300 sanctuary jurisdictions in the U.S.

32. **Guinta (R-NH)**: Would prohibit funds to the CFPB for the enforcement of, or to issue guidance pertaining to, indirect auto lending. The CFPB recently released a proposed rule that would limit access to certain short term loans, which some believe would restrict the ability of those in need to obtain auto loans in times of emergency.

33. **Hudson (R-NC)**: Would prohibit the use of funds made available by the bill to propose or finalize a regulatory action until January 21, 2017 (the first full day of the next administration). This amendment would block midnight regulations. Since the Office of Management and Budget (OMB) is funded by this bill, the amendment would prohibit rules from not just the agencies directly funded by the bill but would extend to all rules that must be reviewed by the OMB.

Outside Group Support:
Key Vote Support: FreedomWorks
Key Vote Support: National Taxpayers Union
Americans for Tax Reform
Citizens Against Government Waste

34. **Huizenga (R-MI)**: Would prohibit funds from being used to enforce any SEC rule pertaining to Section 1502 of Dodd-Frank relating to "conflict minerals." Section 1502 requires companies to disclose if manufactured products contain conflict minerals from the Democratic Republic of Congo (DRC) or other nations that share a border with the DRC. In 2012, the SEC issued a final rule on the subject, which required companies to perform Reasonable Country of Origin Inquiries, in an effort to discover the source of the minerals used. Companies then meeting certain requirements can disclose its products are "DRC conflict free," so long as they provide supporting conclusions and make the disclosure available to the public. If companies cannot reach this conclusion, they are required to file a Conflict Minerals Report on a product-by-product basis. For additional information, see the Dear Colleague from the amendment sponsor.

35. **Huizenga (R-MI)**: Would prohibit funds from being used to promulgate, implement, or enforce the SEC's Pay Ratio Disclosure rules. The most recent rule issued in 2015 would require public companies to disclose the ratio of the compensation of its CEO to the median employee compensation.

36. **King (R-IA)**: Would prohibit the Treasury from issuing bonds or borrowing on the credit of the United States during Fiscal Year 2017.

The statutory debt limit is suspended until March 15, 2017, pursuant to the Bipartisan Budget Act of 2015 (BBA15). The current total federal debt outstanding is $19.257 trillion. CBO projects the deficit to be $550 billion in FY 2017, with revenues of $3.508 trillion and outlays of $4.058 trillion.

The way the amendment is written, the Treasury would be unable to refinance debt that matures in FY 2017 (in contrast, refinancing would be permitted in a situation where the debt limit is reached). This means that the debt would need to be retired in full or face default, forcing Treasury to prioritize payments for other obligations.

Approximately $2 trillion of currently issued Treasury securities will mature in FY 2017. About $1 trillion in short term Treasury Bills will mature between now and the beginning of FY 2017, meaning that Treasury would likely refinance them with longer term notes or bonds at higher interest rates to reduce the risk of default in FY 2017 rather than with short term Bills as it normally would.

Treasury securities are a major source of liquidity in finance markets around the world.

37. **Lance (R-NJ)**: Would prohibit the use of funds in contravention of regulations that impose strict conditions for United States depository institutions in processing transfers of funds to or from Iran. The amendment would also prohibit the use of funds to implement changes to the current regulations.

38. **King (R-IA)**: Would prohibit the use of funds to implement a Clinton Executive Order that requires agencies and the recipients of federal funding to provide services in other languages for those with limited English proficiency. This requirement means that foreign language services must be provided "even if

recipients operate in jurisdictions in which English has been declared the official language under state or local law". A similar amendment passed the House in 2012 by a 224 – 189 vote.

39. **Luetkemeyer (R-MO)**: Would prohibit the use of funds to carry out Operation Choke Point. The goal of the program is to choke off access to financial products for certain types of lawful businesses. The Financial Services Committee has held an oversight hearing on this program and a report from the Oversight and Government Reform Committee can be found here.

Key Vote Support: National Taxpayers Union

40. **Messer (R-IN):** Would prohibit funds from being used by the CFPB to begin a civil action or administrative adjudication following the three-year statute of limitations established under Dodd-Frank. In 2014, the CFPB pursued claims against a company before an administrative law judge rather than a federal court, where it claimed that no statute of limitations would apply. The Dodd-Frank Act allows the CFPB to enforce laws administratively or in court to obtain remedies. For additional information, see the Dear Colleague from the amendment sponsor.

41. **Palmer (R-AL)**: Would prohibit funds from being used to implement the D.C. Reproductive Health Non-Discrimination Act (RHNDA), which could be used to require insurance coverage for abortion and could force pro-life advocacy groups to make personnel choices that are not consistent with their beliefs on life. In May, 2015 the House passed H.J.Res. 43, a resolution expressing disapproval of RHNDA, by a 228 – 192 vote. A similar amendment offered by Rep. Palazzo to the FY 2016 Financial Services Appropriations bill in the Appropriations Committee markup was adopted.

Outside Group Support
Key Vote Support: Family Research Council
Susan B. Anthony List
Eagle Forum
Heritage Action
Concerned Women for America

42. **Poliquin (R-ME)**: Would ensure paper statement delivery of financial reporting information. The amendment would prohibit funds from being used to implement the SEC's Proposed Rule 30e-3, which would allow mutual funds to move over to digital delivery of financial reporting information while allowing investors to opt in to receiving paper reports.

Outside Group Opposition
Investment Company Institute

43. **Pompeo (R-KS)**: Would prohibit the use of funds to finalize, implement, administer, or enforce the Consumer Product Safety Commission (CPSC) proposed rule entitled "Voluntary Remedial Actions and Guidelines for Voluntary Recall Notices". The Retail Industry Leaders Association has expressed concerns regarding this proposed rule.

A similar amendment to the FY 2015 Financial Services Appropriations bill was adopted by a 229 – 194 vote.

44. **Posey (R-FL)**: Would prohibit funds from being used to implement, enforce, or codify SEC guidance pertaining to "Commission Guidance Regarding Disclosure Related to Climate Change."

45. **Roskam (R-IL)**: Would prohibit funding to the Department of Treasury to issue a license pursuant to any Office of Foreign Assets Control (OFAC) memo regarding Section 5.1.1 of Annex II to the Joint Comprehensive Plan of Action (JCPOA), (the Iran nuclear agreement), including the January 16, 2016, OFAC

memo titled, ''Statement of Licensing Policy For Activities Related to the Export Or Re-Export to Iran of Commercial Passenger Aircraft and Related Parts and Services''.

This amendment would prohibit the Treasury from issuing licenses to companies in order to sell Iran commercial aircraft and parts. Recent reports have indicated that Boeing has agreed to sell Iran commercial aircraft valued at upwards of $25 billion. More information from the RSC's legislative bulletins on legislation related to the Iran nuclear agreement can be found here and here respectively. An op-ed from the amendment's sponsor on the perils of selling Iran commercial aircraft which could and have been used for illicit military purposes can be found here. For additional information, see the Dear Colleague from the amendment sponsor.

Key Vote Support: Heritage Action

46. **Roskam (R-IL)**: Would prohibit funding to be used to authorize a transaction by a U.S. financial institution that is ordinarily incident to the export or re-export of a commercial passenger aircraft to Iran. For additional information, see the Dear Colleague from the amendment sponsor.

47. **Sanford (R-SC)**: Would prohibit funding for the enforcement of the Cuban Assets Control Regulations or section 910(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000 for any travel or travel-related transaction to Cuba. The amendment would not apply in the case of the administration of a tax or tariff. The amendment would thus allow American citizens to travel to Cuba without certain restrictions.

48. **Zeldin (R-NY)**: Would prohibit the use of funds to enforce two provisions of law in the FY 2012 Omnibus and the FY 2009 supplemental appropriations bill that would require the sale of the Plum Island, New York asset by the General Services Administration (GSA) if the Secretary of Homeland Security determines that the National Bio and Agro-defense Facility be located at a different site. According to the Department of Homeland Security, "the aging facility [Plum Island] is nearing the end of its lifecycle. It is also too small to meet research needs in relation to emergent and foreign animal disease threats". A new facility in Manhattan, Kansas, is set to become operational in 2022.

49. **DeFazio (D-OR)**: Would prohibit funding from being used to administer the Selective Service System.

Key Vote Support: National Taxpayers Union

50. **Delaney (MD-D)**: Would prohibit the Small business Administration (SBA) from removing any area from the list of areas eligible for the HUBZone program unless it has been eligible for the program for at least 7 years. The HUBZone program provides contracting preferences in designated "historically underutilized business zones".

This amendment is based on legislation introduced by the amendment sponsor to benefit 11 businesses in one county in his district.

Under the standing rules of the House, an earmark is defined as "a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula driven or competitive award process."

51. **DeSantis (R-FL)**: Would prohibit funding to be used to pay final judgments, awards, compromise settlements, or interest and costs specified in the judgments to Iran using amounts appropriated and related interest from the judgment fund, under section 1304 of title 31, United States Code.

52. **DeSantis (R-FL)**: Would prohibit funds from being used by the Secretary of the Treasury to modify regulations that prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the Secretary finds knowingly engages in any activity described in subparagraphs (A), (B), (C), (D), or (E) of section 104(c)(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010. Prohibitions on the foreign financial institution would include the facilitation of Iran's efforts (including efforts of Iran's Revolutionary Guard Corps or any of its agents or affiliates) to acquire or develop weapons of mass destruction or delivery systems for weapons of mass destruction; or to provide support for organizations designated as foreign terrorist organizations.

53. **Jeffries (D-NY)**: Would prohibit the use of funds to relocate Office of Disability Adjudication and Review of the Social Security Administration in Brooklyn, New York. The office is set to move to Manhattan in September.

54. **Yarmouth (D-KY)**: Would prohibit the use of funds in contravention of the law that "requires broadcasters to disclose to their listeners or viewers if matter has been aired in exchange for money, services or other valuable consideration." According to the amendment sponsor, this would allow the FCC to "to require disclosure of the true sponsors of political advertisements over the public airwaves." For additional information, see the Dear Colleague from the amendment sponsor.

55. **Duffy (R-WI)**: Would reduce funding for the Treasury's Salaries and Expenses account by $1 million.

Key Vote Support: National Taxpayers Union

56. **Grayson (D-FL)**: Would increase the minimum amount of funding for IRS Tax Counseling for the Elderly program by $3.25 million. The underlying bill would provide not less than $6.5 million for this program within the Taxpayer Services Account.

57. **Meng (D-NY)**: Would increase the minimum amount of funding for IRS Tax Counseling for the Elderly program by $1.5 million. The underlying bill would provide not less than $6.5 million for this program within the Taxpayer Services Account.

58. **Jenkins (R-WV)**: Would increase funding for the High Intensity Drug Trafficking Areas program by $2 million and would reduce the National Security Council and the Homeland Security Council by $2 million.

59. **Comstock (R-VA)**: Would increase funding for the High Intensity Drug Trafficking Areas program by $7 million and would reduce the General Services Administration (GSA) funding for rental of space by $7 million.

60. **Speier (D-CA)**: Would increase funding for the Federal Trade Commission (FTC) by $1 million and would reduce U.S. Courts of Appeals, District Courts, and Other Judicial Services by $1 million. The additional FTC funds are intended for enforcement of the Do Not Call Registry.

61. **Himes (D-CT)**: Would increase the Privacy and Civil Liberties Oversight Board (PLCOB) by $1.784 million and would reduce the General Services Administration (GSA) funding for rental of space by $1.784 million. The PCLOB reviews the implementation of national security laws to ensure that privacy and civil liberties are protected.

62. **Lynch (D-MA)**: Would increase the Financial Crimes Enforcement Network by $3.3 million and would reduce the General Services Administration (GSA) funding for rental of space by $3.3 million.

63. **Rice (D-NY)**: Would increase the Office of Special Counsel by $800,000 and would reduce the General Services Administration (GSA) funding for rental of space by $800,000. The Office of Special Counsel enforces the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act.

64. **Walberg (R-MI)**: Would increase High Intensity Drug Trafficking Areas program by $2 million and would reduce the General Services Administration (GSA) funding for rental of space by $2 million.

65. **Connolly (D-VA)**: Would increase the Information Technology Oversight and Reform office by $5 million and would reduce the General Services Administration (GSA) funding for rental of space by $5 million.

66. **Meng (D-NY)**: Would increase SBA Small Business Development Centers by $5 million.

67. **Engel (D-NY)**: Would prohibit the use of funds for the lease or purchase of new light duty vehicles except in accordance with the Presidential Memorandum on Federal Fleet Performance, that requires "all new light duty vehicles leased or purchased by agencies must be alternative fueled vehicles, such as hybrid or electric, compressed natural gas, or biofuel."

68. **Gallego (D-AZ)**: Would prohibit the use of funds to revise any policies regarding hiring preferences for veterans.

69. **Grayson (D-FL)**: Would prohibit the use of funds to hire a contractor that: 1) has been in the last three years convicted or had a civil judgement for antitrust statutes, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating federal tax law, or receiving stolen property; 2) are under indictment for the offenses listed above; or, 3) is delinquent on more than $3,000 in federal taxes in the last three years.

70. **Hartzler (R-MO)**: Would prohibit the CFPB from implementing a contract with a vendor to provide consumer awareness and engagement tools and resources communication. According to the amendment sponsor, the CFPB has entered into expensive and politically motivated contracts. The Wall Street Journal has reported that in fiscal year 2016, the CFPB has so far spent $15.3 million on internet ads and that "Nearly all the agency's advertising dollars are going to the advertising firm used by the presidential campaigns of Barack Obama and Hillary Clinton. That includes a $12.5 million contract signed in February with the firm, GMMB Inc."

Key Vote Support: FreedomWorks

COMMITTEE ACTION:

The Appropriations Committee marked up H.R. 5485 on June 9, 2016, and reported the bill by a 31 – 17 vote. The Committee also held a number of oversight hearings on the agencies funded by the bill.

ADMINISTRATION POSITION:

According to the Statement of Administration Policy, "If the President were presented with H.R. 5485, his senior advisors would recommend that he veto the bill."

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to the following: Pursuant to clause 7(c) of rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution. The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ``No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ``The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use."

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